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:

## SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consolidated Appropriations Act, 2022''.

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**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall

be treated as referring only to the provisions of that division.

**SEC. 4. EXPLANATORY STATEMENT.**

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

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

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

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

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2022.

# DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

## TITLE I

## AGRICULTURAL PROGRAMS

### PROCESSING, RESEARCH, AND MARKETING

### OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $54,710,000, of which not to exceed $7,203,000 shall be available for the immediate Office of the Secretary; not to exceed $1,353,000 shall be available for the Office of Homeland Security; not to exceed $2,215,000 shall be available for the Office of Tribal Relations; not to exceed $7,044,000 shall be available for the Office of Partnerships and Public Engagement, of which $1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to exceed $24,931,000 shall be available for the Office of the Assistant Secretary for Administration, of which $23,282,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and nec-

essary for the practical and efficient work of the Department: *Provided*, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed $4,480,000 shall be available for the Office of Assistant Secretary for Congressional Relations and Intergovernmental Affairs to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $7,484,000 shall be available for the Office of Communications: *Provided further*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed $22,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required

by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations and Intergovernmental Affairs shall be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That during any 30 day notification period referenced in section 716 of this Act, the Secretary of Agriculture shall take no action to begin implementation of the action that is subject to section 716 of this Act or make any public announcement of such action in any form.

## EXECUTIVE OPERATIONS

### OFFICE OF THE CHIEF ECONOMIST

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

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

OFFICE OF HEARINGS AND APPEALS

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

OFFICE OF BUDGET AND PROGRAM ANALYSIS

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

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $84,746,000, of which not less than $69,672,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $7,118,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

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

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $35,328,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $108,397,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), $7,540,000, to remain available until ex-

pended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF SAFETY, SECURITY, AND PROTECTION

For necessary expenses of the Office of Safety, Security, and Protection, $23,306,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), $106,309,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

OFFICE OF THE GENERAL COUNSEL

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

OFFICE OF ETHICS

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

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

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $3,327,000: *Provided*, That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office: *Provided further*, That of the amounts made available under this heading, $1,000,000 shall be made available for the Office of the Chief Scientist.

ECONOMIC RESEARCH SERVICE

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

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $190,162,000, of which up to $46,850,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available

for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,633,496,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $500,000, except for headhouses or greenhouses which shall each be limited to $1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed $1,100,000 each, and except for four buildings to be constructed at a cost not to exceed $5,000,000 each,

and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be

that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $127,805,000 to remain available until expended, of which $20,000,000 shall be allocated for ARS facilities co-located with university partners, and of which $62,400,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in accordance with applicable statutory and regulatory requirements.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $1,046,244,000, which shall be for the purposes, and in the amounts, specified in the table titled ''National Institute of Food and Agriculture, Research and Education Activities'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, Hispanic serving institutions education grants, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, grants management systems, tribal colleges education equity grants, and scholarships at 1890 institutions shall remain available until expended: *Provided further*, That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: *Provided further*, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the

States of Alaska and Hawaii: *Provided further*, That funds for providing grants for food and agricultural sciences for Alaska Native and Native Hawaiian-Serving institutions and for Insular Areas shall remain available until September 30, 2023: *Provided further*, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 3157 may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $550,605,000, which shall be for the purposes, and in the amounts, specified in the table titled ''National Institute of Food and Agriculture, Extension Activities'' in the explanatory statement described in section 4 (in the matter preceding

division A of this consolidated Act): *Provided*, That funds for extension services at 1994 institutions and for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $40,000,000, which shall be for the purposes, and in the amounts, specified in the table titled ''National Institute of Food and Agriculture, Integrated Activities'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2023: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded

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

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $1,577,000: *Provided*, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

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

$491,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (''contingency fund'') to the extent necessary to meet emergency conditions; of which $14,725,000, to remain available until expended, shall be used for the cotton pests program, including for cost share purposes or for debt retirement for active eradication zones; of which $38,486,000, to remain available until expended, shall be for Animal Health Technical Services; of which $3,040,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $63,833,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $209,553,000, to remain available until expended, shall be for specialty crop pests, of which $8,500,000, to remain available until September 30, 2023, shall be for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening; of which, $11,137,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $20,282,000, to remain available until expended, shall be for zoonotic disease management; of which

$42,021,000, to remain available until expended, shall be for emergency preparedness and response; of which $61,217,000, to remain available until expended, shall be for tree and wood pests; of which $5,751,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That any of the funds described in the ''Community Project Funding/Congressionally Directed Spending'' table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) that the Secretary determines will not be obligated during the fiscal year shall not be subject to the direction provided in such table: *Provided further*, That of amounts available under this heading for wildlife services methods development, $1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended; of which $24,307,000, to remain available until expended, shall be used to carry out the science program and transition activities for the National Bio and Agro-defense Facility located in Manhattan, Kan-

sas: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the purchase, replacement, operation, and maintenance of aircraft: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year

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

In fiscal year 2022, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

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

## AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $226,657,000, of which $7,000,000 shall be available for the purposes of section 12306 of Public Law 113–

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

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

LIMITATION ON ADMINISTRATIVE EXPENSES

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

to the Committees on Appropriations of both Houses of Congress.

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

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than $20,817,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87–128).

PAYMENTS TO STATES AND POSSESSIONS

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

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

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

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

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

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,108,664,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of lab-

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

# TITLE II

# FARM PRODUCTION AND CONSERVATION PROGRAMS

## Office of the Under Secretary for Farm Production and Conservation

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, $1,687,000: *Provided*, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

## Farm Production and Conservation Business Center

### salaries and expenses

### (including transfers of funds)

For necessary expenses of the Farm Production and Conservation Business Center, $238,177,000: *Provided*, That $60,228,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,173,070,000, of which not less than $15,000,000 shall be for the hiring of new employees to fill vacancies and anticipated vacancies at Farm Service Agency county offices and farm loan officers and shall be available until September 30, 2023: *Provided*, That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over $25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c)

subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2022 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended:

*Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

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

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

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

scribed in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS

For necessary expenses to carry out direct reimbursement payments to geographically disadvantaged farmers and ranchers under section 1621 of the Food Conservation, and Energy Act of 2008 (7 U.S.C. 8792), $3,000,000, to remain available until expended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), relending program (7 U.S.C. 1936c), and Indian highly fractionated land loans (25 U.S.C. 5136) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $3,500,000,000 for guaranteed farm ownership loans and $2,800,000,000 for farm owner-

ship direct loans; $2,118,482,000 for unsubsidized guaranteed operating loans and $1,633,333,000 for direct operating loans; emergency loans, $37,668,000; Indian tribe land acquisition loans, $20,000,000; guaranteed conservation loans, $150,000,000; relending program, $61,425,000; Indian highly fractionated land loans, $5,000,000; and for boll weevil eradication program loans, $60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: $40,017,000 for direct farm operating loans, $16,524,000 for unsubsidized guaranteed farm operating loans, $267,000 for emergency loans, $5,000,000 for the relending program, and $407,000 for Indian highly fractionated land loans, to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $314,772,000: *Provided*, That of this amount, $294,114,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

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

## Risk Management Agency

### salaries and expenses

For necessary expenses of the Risk Management Agency, $62,707,000: *Provided*, That $1,000,000 of the amount appropriated under this heading in this Act shall be available for compliance and integrity activities required under section 516(b)(2)(C) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and shall be in addition to amounts otherwise provided for such purpose: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

## Natural Resources Conservation Service

### conservation operations

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including

farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 2268a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $904,396,000, to remain available until September 30, 2023, of which up to $19,611,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in accordance with applicable statutory and regulatory requirements: *Provided*, That any of the funds described in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) that the Secretary determines will not be obligated during the

fiscal year shall not be subject to the direction provided in such table: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the total amount available under this heading, $8,500,000 shall be for necessary expenses to carry out the Urban Agriculture and Innovative Production Program under section 222 of subtitle A of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923), as amended by section 12302 of Public Law 115–334: *Provided further*, That of the total amount available, $7,000,000 shall remain available until expended for necessary expenses to carry out the Healthy Forests Reserve Program under the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6571–6578).

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and

changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, $100,000,000, to remain available until expended, of which up to $23,275,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in accordance with applicable statutory and regulatory requirements: *Provided*, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): *Provided further*, That of the amounts made available under this heading, $10,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects

under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport: *Provided further*, That of the amounts made available under this heading, $10,000,000 shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $1,000,000 is provided.

CORPORATIONS

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

fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

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

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

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

# TITLE III

## RURAL DEVELOPMENT PROGRAMS

### Office of the Under Secretary for Rural Development

For necessary expenses of the Office of the Under Secretary for Rural Development, $1,580,000: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

### Rural Development

#### salaries and expenses

#### (including transfers of funds)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $300,285,000: *Provided*, That of the amount made available under this heading, up to $5,000,000 shall be for the StrikeForce activities of the Department of Agriculture, and may be transferred to agencies of the Department for such purpose, consistent with the missions and authorities of such agencies: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used

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

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as ''Asset Management Fee'' of up to $7,500 per property.

In addition, for the cost of direct loans and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $34,000,000, to remain available until expended, for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the pur-

pose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or re-amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided*, That the Secretary shall, as part of the preservation and revitalization agreement, obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That any balances, including obligated balances, available for all demonstration programs for the preservation and revitalization of sections 514, 515, and 516 multi-family rental housing properties in the ''Multi-Family Housing Revitalization Program Account'' shall be transferred to and merged with this account, and shall also be available for the preservation and revitalization of sections 514, 515, and 516 multi-family rental housing properties, including the restructuring of existing USDA multi-family housing loans: *Provided further*, That following the transfer of balances described in the preceding proviso, any adjustments to obligations for demonstration programs for the preservation and revitalization of sections 514, 515, and 516 multi-family rental housing properties that would otherwise be incurred in the

''Multi-Family Housing Revitalization Program Account'' shall be made in this account from amounts transferred to this account under the preceding proviso.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), $12,831,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

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

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $1,450,000,000, of which $40,000,000 shall be available until September 30, 2023; and in addition such sums as may be necessary, as authorized by sec-

tion 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That upon request by an owner of a project financed by an existing loan under section 514 or 515 of the Act, the Secretary may renew the rental assistance agreement for a period of 20 years or until the term of such loan has expired, subject to annual appropriations: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction, maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2022 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assist-

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

RURAL HOUSING VOUCHER ACCOUNT

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

propriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading: *Provided further*, That any obligated or unobligated balances for the rural housing voucher program in the ''Multi-Family Housing Revitalization Program Account'' shall be transferred to and merged with this account and available for the rural housing voucher program.

MUTUAL AND SELF-HELP HOUSING GRANTS

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

RURAL HOUSING ASSISTANCE GRANTS

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

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

For the cost of direct loans, loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $239,449,000, to remain available until expended, of which up to $183,448,714 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) in accordance with applicable statutory and regulatory requirements except for 7 CFR §3570.61(c): *Provided*, That $6,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the

capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That any unobligated balances from prior year appropriations under this heading for the cost of direct loans, loan guarantees and grants, including amounts deobligated or cancelled, may be made available to cover the subsidy costs for direct loans and or loan guarantees under this heading in this fiscal year: *Provided further*, That no amounts may be made available pursuant to the preceding proviso from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That $10,000,000 of the amount appropriated under this head-

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

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

For the cost of direct loans, $1,524,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which $167,000 shall be available through June 30, 2022, for Federally Recognized Native American Tribes; and of which $305,000 shall be available through June 30, 2022, for Mississippi Delta Re-

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

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

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $50,000,000.

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed $10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

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

for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $16,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which $3,000,000, to remain available until expended, shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107–171.

RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

For gross obligations for the principal amount of direct loans as authorized by section 379E of the Consolidated Farm and Rural Development Act (U.S.C. 2008s), $150,000,000.

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

RURAL ENERGY FOR AMERICA PROGRAM

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

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

HEALTHY FOOD FINANCING INITIATIVE

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

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

For the cost of loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $653,307,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $5,000,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: *Provided further*, That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Fed-

erally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further*, That not to exceed $37,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $8,500,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the plan-

ning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $20,762,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $4,000,000 of the amounts made available under this heading shall be for solid waste management grants: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

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

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

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $33,270,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $62,510,000, to remain available until expended, of which up to $2,510,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in accordance with applicable statutory and regulatory requirements: *Provided*, That $3,000,000 shall be made available for grants authorized by section 379G of the Consolidated Farm and Rural Development

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

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

For the broadband loan and grant pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141) under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.), $436,605,000, to remain available until expended, of which up to $36,604,792 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in accordance with applicable statutory and regulatory requirements: *Provided*, That the Secretary may award grants described in section 601(a) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 950bb(a)) for the purposes of car-

rying out such pilot program: *Provided further*, That the cost of direct loans shall be defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That at least 90 percent of the households to be served by a project receiving a loan or grant under the pilot program shall be in a rural area without sufficient access to broadband: *Provided further*, That for purposes of such pilot program, a rural area without sufficient access to broadband shall be defined as twenty-five megabytes per second downstream and three megabytes per second upstream: *Provided further*, That to the extent possible, projects receiving funds provided under the pilot program must build out service to at least one hundred megabytes per second downstream, and twenty megabytes per second upstream: *Provided further*, That an entity to which a loan or grant is made under the pilot program shall not use the loan or grant to overbuild or duplicate broadband service in a service area by any entity that has received a broadband loan from the Rural Utilities Service unless such service is not provided sufficient access to broadband at the minimum service threshold: *Provided further*, That not more than four percent of the funds made available in this paragraph can be used for administrative costs to carry out the pilot program and up to three percent of funds made available in this paragraph may be available

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

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

# TITLE IV

## DOMESTIC FOOD PROGRAMS

### Office of the Under Secretary for Food, Nutrition, and Consumer Services

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

### Food and Nutrition Service

#### child nutrition programs

#### (including transfers of funds)

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

shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, $15,607,000 shall be available to carry out studies and evaluations and shall remain available until expended: *Provided further*, That of the total amount available, $12,000,000 shall remain available until expended to carry out section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)): *Provided further*, That notwithstanding section 18(g)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)(c)), the total grant amount provided to a farm to school grant recipient in fiscal year 2022 shall not exceed $500,000: *Provided further*, That of the total amount available, $30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than $1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, $45,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That of the total amount available, $2,000,000 shall remain avail-

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

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,000,000,000, to remain available through September 30, 2023: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $90,000,000 shall be used for breastfeeding peer counselors and other related activities, and $14,000,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $140,440,868,000, of which $3,000,000,000, to remain available through September 30, 2024, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That of the funds made available under this heading, $3,000,000, to remain available until September 30, 2023, shall be used to carry out section 4003(b) of Public Law 115–334 relating to demonstration projects for tribal organizations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2023: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b),

and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2023: *Provided further*, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $440,070,000, to remain available through September 30, 2023: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities

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

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $170,133,000: *Provided*, That of the funds provided herein, $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

# TITLE V

# FOREIGN ASSISTANCE AND RELATED PROGRAMS

## Office of the Under Secretary for Trade and Foreign Agricultural Affairs

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

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

OFFICE OF CODEX ALIMENTARIUS

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

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $228,644,000, of which no more than 6 percent shall remain available until September 30, 2023, for overseas operations to include the payment of locally employed staff: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance pro-

grams of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,740,000,000, to remain available until expended.

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

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $237,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of im-

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

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

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

# TITLE VI

## RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

### FOOD AND DRUG ADMINISTRATION

### SALARIES AND EXPENSES

### (INCLUDING TRANSFERS OF FUNDS)

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

count and remain available until expended; $243,473,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $539,656,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $40,040,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $31,641,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $24,798,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal

year 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

field activities in the Office of Regulatory Affairs, of which no less than $8,500,000 shall be for pilots to increase unannounced foreign inspections and shall remain available until expended; (3) $456,882,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $254,255,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $628,639,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $70,348,000 shall be for the National Center for Toxicological Research; (7) $679,944,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) $192,691,000 shall be for Rent and Related activities, of which $53,832,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) $235,691,000 shall be for payments to the General Services Administration for rent; and (10) $329,239,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Food Policy and Response, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed $25,000 of this amount shall

be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to, and for the administration of, section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities and shall not exceed $2,000,000: *Provided further*, That of the amounts that are made available under this heading for ''other activities'', and that are not derived from user fees, $1,500,000 shall be transferred to and merged with the appropriation for ''Department of Health and Human Services—Office of Inspector General'' for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

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

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

BUILDINGS AND FACILITIES

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

FDA INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

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

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

## INDEPENDENT AGENCIES

### Commodity Futures Trading Commission

(INCLUDING TRANSFER OF FUNDS)

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

remain available until September 30, 2023, and of which not less than $4,017,000 shall be for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

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

## FARM CREDIT ADMINISTRATION

### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $84,200,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses

as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the purposes of section 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)(2)(A)(i)), the Farm Credit Administration may exempt, an amount in its sole discretion, from the application of the limitation provided in that clause of export loans described in the clause guaranteed or insured in a manner other than described in subclause (II) of the clause.

# TITLE VII

## GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

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

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

tion of property, plant and equipment and for the improvement, delivery, and implementation of Department financial, and administrative information technology services, and other support systems necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 716 of this Act: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital

Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, personnel, or functions of the offices of the Chief Financial Officer and the Chief Information Officer, co-located with or from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 716 of this Act: *Provided further*, That the National Finance Center Information Technology Services Division personnel and data center management responsibilities, and control of any functions, missions, and systems for current and future human resources management and integrated personnel and payroll systems (PPS) and functions provided by the Chief Financial Officer and the Chief Information Officer shall remain in the National Finance Center and under the management responsibility and administrative control of the National Finance Center: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform

technology upgrades: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

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

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

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

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

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

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

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

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

(b) Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2023, for information technology expenses.

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

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

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

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

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

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

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

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

Commodities—$485,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000; Administration of section 32 Commodity Purchases—$36,810,000: *Provided*, That, of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2022, such unobligated balances shall carryover into fiscal year 2023 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed $350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to

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

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

(1) creates new programs;

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

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

(4) relocates an office or employees;

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

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

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

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

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

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

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

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

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

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the pre-

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

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

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

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

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

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

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

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

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

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

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

SEC. 721. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined

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

SEC. 722. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $621,672,000 are hereby rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

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

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

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

SEC. 726. None of the funds made available by this Act may be used to implement, administer, or enforce the ''variety'' requirements of the final rule entitled ''Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)'' published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term ''variety'' as de-

fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and ''variety'' as applied in the definition of the term ''staple food'' as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided*, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

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

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be available for the

United States Department of Agriculture to propose, finalize or implement any regulation that would promulgate new user fees pursuant to 31 U.S.C. 9701 after the date of the enactment of this Act.

SEC. 729. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

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

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

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

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

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

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

SEC. 732. None of the funds made available by this Act may be used to implement section 3.7(f) of the Farm Credit Act of 1971 in a manner inconsistent with section 343(a)(13) of the Consolidated Farm and Rural Development Act.

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

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

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

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

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

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

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

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

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

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

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for ''Rural Utilities Service—Rural Water and Waste Disposal Program Account'' for carrying out the provisions described in sub-

section (a)(1) for management and oversight of the requirements of this section.

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

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

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

SEC. 736. Of the total amounts made available by this Act for direct loans and grants under the following headings: ''Rural Housing Service—Rural Housing Insurance Fund Program Account''; ''Rural Housing Service—Mutual and Self-Help Housing Grants''; ''Rural Housing Service—Rural Housing Assistance Grants''; ''Rural Housing Service—Rural Community Facilities Program

Account''; ''Rural Business-Cooperative Service—Rural Business Program Account''; ''Rural Business-Cooperative Service—Rural Economic Development Loans Program Account''; ''Rural Business-Cooperative Service—Rural Cooperative Development Grants''; ''Rural Business-Cooperative Service—Rural Microentrepreneur Assistance Program''; ''Rural Utilities Service—Rural Water and Waste Disposal Program Account''; ''Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account''; and ''Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program'', to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided*, That for purposes of this section, the term ''persistent poverty counties'' means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States: *Provided further*, That with respect to specific ac-

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

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

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

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

program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

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

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

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

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

side the State in which the hemp is grown or cultivated.

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

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

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

SEC. 745. There is hereby appropriated $2,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

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

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

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

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

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

Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the U.S. Department of Agriculture Agricultural Research Service (ARS) Concerning Laboratory Animal Welfare'' (16–6100–0103–MU Revision 16–1) shall be inspected by APHIS for compliance with the Animal Welfare Act and its regulations and standards.

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

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

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

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

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

cal year 2020 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, shall use $104,000,000 of funds available in this subaccount in fiscal year 2021 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, and shall use $50,000,000 of funds available in this subaccount in fiscal year 2022 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141.'': *Provided*, That any use of such funds shall be treated as a reprogramming of funds under section 716 of this Act: *Provided further*, That section 775(b) of division A of Public Law 116–260 shall no longer apply.

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

SEC. 757. For an additional amount for ''National Institute of Food and Agriculture—Research and Education Activities'', $1,000,000, to develop a public-private cooperative framework based on open data standards for neutral data repository solutions to preserve and share the

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

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

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

SEC. 760. In administering the pilot program established by section 779 of division A of the Consolidated Ap-

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

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

SEC. 762. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

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

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

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

SEC. 763. For an additional amount for ''National Institute of Food and Agriculture—Research and Education Activities'', $300,000, for the Under Secretary for Research, Education, and Economics to convene a blue-ribbon panel for the purpose of evaluating the overall structure of research and education through the public and land-grant universities, including 1890 Institutions, to define a new architecture that can better integrate, coordinate, and assess economic impact of the collective work of these institutions.

SEC. 764. For an additional amount for ''National Institute of Food and Agriculture—Research and Education Activities'', $5,000,000, to remain available until September 30, 2023, for a competitive grant to an institution in the land-grant university system to establish a Farm of the Future testbed and demonstration site.

SEC. 765. Section 788(b) of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended to read as follows:

''(b) hereafter, make publicly available via searchable database, in their entirety without redactions except signatures, the following records:

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

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

''(3) all reports or other materials documenting any violations and non-compliances observed by USDA officials for the current year and the preceding three years; and

''(4) within six months of receipt by the agency, all final Animal Welfare Act research facility annual reports, including their attachments with appropriate redactions made for confidential business information that USDA could withhold under FOIA Exemption 4.''.

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

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

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

SEC. 768. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than September 30, 2022, and following the review required under Executive Order No. 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled ''Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability'' (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.

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

of 16 U.S.C. 1310, there is appropriated $4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

SEC. 770. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2022, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 771. There is hereby appropriated $5,000,000, to remain available until expended, to carry out section 2103 of Public Law 115–334: *Provided*, That the Secretary shall prioritize the wetland compliance needs of areas with significant numbers of individual wetlands, wetland acres, and conservation compliance requests.

SEC. 772. Notwithstanding any other provision of law, the acceptable market name of any engineered animal approved prior to the effective date of the National Bioengineered Food Disclosure Standard (February 19, 2019) shall include the words ''genetically engineered'' prior to the existing acceptable market name.

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

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

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

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

SEC. 776. Section 764(d)(3)(B) of division N of Public Law 116–260 is amended by inserting ''and fiscal year 2022'' after ''fiscal year 2021'' and before the final period.

SEC. 777. Section 6402(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b(f)) is amended in the matter preceding paragraph (1) by striking ''section 210A(d)(2)'' and inserting ''section 210A(d)(5)(D)''.

SEC. 778. For an additional amount for the Office of the Secretary, $30,000,000, to remain available until expended, to establish an Institute for Rural Partnerships: *Provided*, That the Secretary shall establish a grant program and distribute the funds to three geographically diverse established land-grant universities: *Provided further*, That the Institute for Rural Partnerships shall dedicate resources to researching the causes and conditions of challenges facing rural areas, and develop community partnerships to address such challenges: *Provided further*, That administrative or other fees shall not exceed one percent: *Provided further*, That such partnership shall coordinate and publish an annual report.

SEC. 779. There is hereby appropriated $1,000,000, to remain available until September 30, 2023, for a Cattle Contracts Library pilot program that the Agricultural Marketing Service shall develop and maintain within the Livestock, Poultry, and Grain Market News Division. This program shall be similar, as determined by the Secretary, to the swine contract library the U.S. Department of Agriculture currently maintains pursuant to section 222 of the Packers and Stockyards Act (7 U.S.C. 198a). The promulgation of the regulations and administration of this section shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5; and (2) chapter 35 of title 44 (commonly known as the ''Paperwork Reduction Act'').

SEC. 780. There is hereby appropriated $10,000,000, to remain available until expended, for costs associated with the establishment of an Institute of Rural Partnership, located at the University of Vermont, Burlington, VT.

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

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

SEC. 782. Of the unobligated balances from prior year appropriations made available under the heading ''Farm Service Agency—Agricultural Credit Insurance Fund Program Account'', $90,000,000 are hereby rescinded.

SEC. 783. Of the unobligated balances from prior year appropriations made available under the heading ''Agriculture Buildings and Facilities'', $73,400,000 are hereby rescinded.

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

States Crop Improvement and Protection Research Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Sam Farr United States Crop Improvement and Protection Research Center''.

SEC. 785. For necessary expenses for salary and related costs associated with Agriculture Quarantine and Inspection Services activities pursuant to 21 U.S.C. 136a(6), and in addition to any other funds made available for this purpose, there is appropriated, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2023, to offset the loss resulting from the coronavirus pandemic of quarantine and inspection fees collected pursuant to sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided*, That amounts made available in this section shall be treated as funds collected by fees authorized under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) for purposes of section 421(f) of the Homeland Security Act of 2002 (6 U.S.C. 231(f)).

SEC. 786. The matter under the heading ''Department of Agriculture—Rural Development Programs—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband'' in title I of division J of Public Law 117–58 is amended—

(1) in the eighth proviso, by striking ''electric cooperatives'' and inserting ''pole owners'' and;

(2) in the ninth proviso, by inserting a comma after ''Corporations''.

*Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 787. The Secretary shall use funds made available under the heading ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' to increase the amount of a cash-value voucher for women and

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

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2022''.

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

## TITLE I

## DEPARTMENT OF COMMERCE

### INTERNATIONAL TRADE ADMINISTRATION

#### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, to carry out activities associated with facilitating, attracting, and retaining business investment in the United States, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of tem-

porary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; not to exceed $325,000 for purchase of armored vehicles without regard to the general purchase price limitations; obtaining insurance on official motor vehicles; and rental of tie lines, $570,000,000, of which $80,000,000 shall remain available until September 30, 2023: *Provided*, That $11,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall in-

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

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

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

tation otherwise established by law, $141,000,000, of which $52,410,000 shall remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

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

SALARIES AND EXPENSES

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

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprises, including expenses of grants, contracts, and other agreements with public or private organizations, $55,000,000, of which not more than $18,000,000 shall be available for overhead expenses, in-

cluding salaries and expenses, rent, utilities, and information technology services.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $116,000,000, to remain available until September 30, 2023.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $300,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics for periodic censuses and programs provided for by law, $1,054,000,000, to remain available until September 30, 2023: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $3,556,000 shall be transferred to

the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

## National Telecommunications and Information Administration

### salaries and expenses

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $50,000,000, to remain available until September 30, 2023: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

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

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $4,058,410,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2022, so as to result in a fiscal year 2022 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2022, should the total amount of such offsetting collections be less than $4,058,410,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $4,058,410,000 in fiscal year 2022 and deposited in the

Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office ''Salaries and Expenses'' account: *Provided further*, That the budget of the President submitted for fiscal year 2023 under section 1105 of title 31, United States Code, shall include within amounts provided under this heading for necessary expenses of the USPTO any increases that are expected to result from an increase promulgated through rule or regulation in offsetting collections of fees and surcharges assessed and collected by the USPTO under any law in either fiscal year 2022 or fiscal year 2023: *Provided further*, That from amounts provided herein, not to exceed $13,500 shall be made available in fiscal year 2022 for official reception and representation expenses: *Provided further*, That in fiscal year 2022 from the amounts made

available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the Employees FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and col-

lected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $2,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $850,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That of the amounts appropriated under this heading, $37,598,000 shall be used for the projects, and in the amounts, specified in the table immediately following the paragraph ''NIST External Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose: *Provided further*, That not to exceed $5,000 shall be for official reception and representa-

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

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $174,500,000, to remain available until expended, of which $158,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $16,500,000 shall be for the Manufacturing USA Program.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $205,563,000, to remain available until expended: *Provided*, That of the amounts appropriated under this heading, $125,563,000 shall be used for the projects, and in the amounts, specified in the table immediately following the paragraph ''NIST Extramural Construction'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That up to one percent

of amounts made available for the projects referenced in the preceding proviso may be used for the administrative costs of such projects: *Provided further*, That the Director of the National Institute of Standards and Technology shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall include in the budget justification materials for fiscal year 2023 that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for State-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $4,157,311,000, to remain available until September 30, 2023: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $243,532,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program; Fisheries Data Collections, Surveys, and Assessments; Observers and Training; Fisheries Management Programs

and Services; and Interjurisdictional Fisheries Grants: *Provided further*, That not to exceed $67,867,000 shall be for payment to the ''Department of Commerce Working Capital Fund'': *Provided further*, That of the $4,423,843,000 provided for in direct obligations under this heading, $4,157,311,000 is appropriated from the general fund, $243,532,000 is provided by transfer, and $23,000,000 is derived from recoveries of prior year obligations: *Provided further*, That of the amounts appropriated under this heading, $84,354,000 shall be used for the projects, and in the amounts, specified in the table immediately following the paragraph ''NOAA Community Project Funding/NOAA Special Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That, of the amounts appropriated under this head-

ing, $750,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to National Weather Service operations: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,672,689,000, to remain available until September 30, 2024, except that funds provided for acquisition and construction of vessels and aircraft, and construction of facilities shall remain available until expended: *Provided*, That of the $1,685,689,000 provided for in direct obligations under this heading, $1,672,689,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4

(in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials for fiscal year 2023 that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, $3,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to satellite and vessel procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2023: *Provided*, That, of the funds provided herein, the Secretary of Commerce

may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the federally recognized Tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of Tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

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

FISHERIES FINANCE PROGRAM ACCOUNT

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

loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

## DEPARTMENTAL MANAGEMENT

### SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $80,000,000: *Provided*, That no employee of the Department of Commerce may be detailed or assigned from a bureau or office funded by this Act or any other Act to offices within the Office of the Secretary of the Department of Commerce for more than 180 days in a fiscal year unless the individual's employing bureau or office is fully reimbursed for the salary and expenses of the employee for the entire period of assignment using funds provided under this heading: *Provided further*, That amounts made available to the Department of Commerce in this or any prior Act may not be transferred pursuant to section 508 of this or any prior Act to the account funded under this heading, except in the case of extraordinary circumstances that threaten life or property.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, $1,100,000.

NONRECURRING EXPENSES FUND

For necessary expenses for technology modernization projects and cybersecurity risk mitigation of the Department of Commerce, $30,000,000, to remain available until September 30, 2024, of which up to $20,000,000 shall be available for a business application system modernization: *Provided*, That amounts made available under this heading are in addition to such other funds as may be available for such purposes: *Provided further*, That any unobligated balances of expired discretionary funds transferred to the Department of Commerce Nonrecurring Expenses Fund, as authorized by section 111 of title I of division B of Public Law 116–93, may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

OFFICE OF INSPECTOR GENERAL

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

Law 112–96), an additional $2,000,000, to remain available until expended, shall be derived from the Public Safety Trust Fund for activities associated with carrying out investigations and audits related to the First Responder Network Authority (FirstNet).

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

Geostationary Operational Environmental Satellite R-Series Program is $11,700,100,000, and the life cycle cost for the Space Weather Follow On Program is $692,800,000.

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

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

raphy, copyright infringement, or any other unlawful activity over its networks.

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

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

SEC. 109. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, Tribal government, Territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' and shall remain available until September 30, 2023, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 110. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Fed-

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

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

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

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

search, and Facilities'' under the heading ''National Oceanic and Atmospheric Administration''; and

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

This title may be cited as the ''Department of Commerce Appropriations Act, 2022''.

# TITLE II

# DEPARTMENT OF JUSTICE

## General Administration

### SALARIES AND EXPENSES

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

### JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $38,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to $40,000,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available

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

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, $760,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account, and of which not less than $24,000,000 shall be available for services and activities provided by the Legal Orientation Program: *Provided*, That not to exceed $50,000,000 of the total amount made available under this heading shall remain available until September 30, 2026.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $118,000,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character: *Provided*, That not to exceed $4,000,000 shall remain available until September 30, 2023.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

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

notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

## LEGAL ACTIVITIES

### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, $1,000,000,000, of which not to exceed $50,000,000 for litigation support contracts and information technology projects, including cybersecurity and hardening of critical networks, shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That of the total amount appropriated, not

to exceed $9,000 shall be available to the Criminal Division for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, $19,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund and to remain available until expended.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $192,776,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $138,000,000 in fiscal year 2022), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2022, so as to result in a final fiscal year 2022 appropriation from the general fund estimated at $54,776,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $2,419,868,000: *Provided*, That of the

total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $239,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits of discretionary offsetting collections to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees deposited into the Fund as discretionary offsetting collections pursuant to section 589a of title 28, United States Code (as limited by section 589a(f)(2) of title 28, United States Code), shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees deposited into the Fund as discretionary offsetting collections in fiscal year 2022, net of amounts necessary to pay refunds due depositors, exceed $239,000,000, those excess amounts shall be

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

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the pur-

chase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $25,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, $21,000,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or ex-

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

ASSETS FORFEITURE FUND

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

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,580,000,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $25,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space that is controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, $15,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

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

ered ''funds appropriated for State and local law enforcement assistance'' pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $120,681,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

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

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $10,136,295,000, of which not to exceed $216,900,000 shall remain available until expended: *Provided*, That not to exceed $284,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities, and sites by purchase, or as otherwise authorized by law; conversion, modification, and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $632,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,421,522,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses: *Provided*, That, notwithstanding section 3672 of Public Law 106–310, up to $10,000,000 may be used to

reimburse States, units of local government, Indian Tribal Governments, other public entities, and multi-jurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories, conversion and extraction operations, tableting operations, or laboratories and processing operations for fentanyl and fentanyl-related substances which may present a danger to public health or the environment.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

### SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,531,071,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $25,000,000 shall remain available until ex-

pended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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

essary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available until expended for necessary operations: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites, and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $235,000,000, to remain available until expended, of which $176,000,000 shall be available only for costs related to construction of new facilities: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

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

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

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

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

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

et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22) (''the 2015 Act''); and the Abolish Human Trafficking Act (Public Law 115–392); and for related victims services, $575,000,000, to remain available until expended, of which $575,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not

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

(1) $217,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $43,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

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

(4) $15,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and as-

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

(5) $55,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative and up to $4,000,000 is for a domestic violence lethality reduction initiative;

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

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

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

(9) $50,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

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

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

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

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

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

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

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

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

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

(18) $11,000,000 is for a grant program to support restorative justice responses to domestic violence, dating violence, sexual assault, and stalking, including evaluations of those responses: *Provided*, That the definitions and grant conditions in section 40002 of the 1994 Act, and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), shall apply to this program;

(19) $10,000,000 is for culturally specific services for victims, as authorized by section 121 of the 2005 Act; and

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

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

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

(''the 1974 Act''); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21) (''the PROTECT Act''); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Prison Rape Elimination Act of 2003 (Public Law 108–79) (''PREA''); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198); the First Step Act of 2018 (Public Law 115–391); and other programs, $70,000,000, to remain available until expended, of which—

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

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

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection

and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Prison Rape Elimination Act of 2003 (Public Law 108–79); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) (''CARA''); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); Kevin and Avonte's Law (division Q of Public Law 115–141) (''Kevin and Avonte's Law''); the Keep Young Athletes Safe Act of 2018 (title III of division S of Public Law 115–141) (''the Keep Young Athletes Safe Act''); the STOP School Violence Act of 2018 (title V of division S of Public Law 115–141) (''the STOP School Violence Act''); the Fix NICS Act of 2018 (title VI of division S

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

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

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

(B) $2,400,000 is for the operation, maintenance, and expansion of the National Missing and Unidentified Persons System;

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

(D) $4,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(E) $15,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

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

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

(H) $12,000,000 is for the Capital Litigation Improvement Grant Program, as author-

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

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

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

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

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

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

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

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

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

(Q) $184,707,000 is for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), which shall be used for the projects, and in the amounts, specified under the heading, ''Byrne Discretionary Community Project Grants/Byrne Discretionary Grants'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such amounts may not be transferred for any other purpose;

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

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

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

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

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

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

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

(8) $95,000,000 for grants to States to upgrade criminal and mental health records for the

National Instant Criminal Background Check System, of which no less than $25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180) and Fix NICS Act of 2018;

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

(10) $151,000,000 for DNA-related and forensic programs and activities, of which—

(A) $120,000,000 is for the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

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

(C) $12,000,000 is for the purposes described in the Kirk Bloodsworth Post-Convic-

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

(D) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(11) $50,000,000 for community-based grant programs to improve the response to sexual assault, including assistance for investigation and prosecution of related cold cases;

(12) $14,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

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

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

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

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

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

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

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

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

CARA, and for the following programs, which shall address opioid, stimulant, and substance use disorders consistent with underlying program authorities, of which—

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

(B) $40,000,000 is for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) $40,000,000 is for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) $29,000,000 is for a veterans treatment courts program;

(E) $33,000,000 is for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) $185,000,000 is for a comprehensive opioid, stimulant, and substance abuse program;

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

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

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

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

(20) $5,000,000 for grants to support community-based approaches to advancing justice and reconciliation, facilitating dialogue between all parties,

building local capacity, de-escalating community tensions, and preventing hate crimes through conflict resolution and community empowerment and education;

(21) $120,000,000 for initiatives to improve police-community relations, of which $35,000,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local, and Tribal law enforcement; $35,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction; and $50,000,000 is for a community violence intervention and prevention initiative; and

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

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

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

JUVENILE JUSTICE PROGRAMS

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

covery Act of 2016 (Public Law 114–198); and other juvenile justice programs, $360,000,000, to remain available until expended as follows—

(1) $70,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local, and Tribal juvenile justice residential facilities;

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

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

(A) $4,000,000 shall be for grants to prevent trafficking of girls;

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

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

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

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

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

(G) $5,000,000 shall be for grants to protect vulnerable and at-risk youth;

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

(5) $99,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

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

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

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

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

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $30,000,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided*

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

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the American Law Enforcement Heroes Act of 2017 (Public Law 115–37); the Law Enforcement Mental Health and Wellness Act (Public Law 115–113) (''the LEMHW Act''); the SUPPORT for Patients and Communities Act (Public Law 115–271); and the Supporting and Treating Officers In Crisis Act of 2019 (Public Law 116–32) (''the STOIC Act''), $511,744,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) $246,000,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (I) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That of the amounts appropriated under this paragraph, $31,500,000 is for improving Tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph $42,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with ''Research, Evaluation, and Statistics'' for administration by the Office of Justice Programs: *Provided further*, That of the amounts appropriated under this paragraph, no less than $3,000,000 is to support the Tribal Access Program: *Provided further*, That of the amounts ap-

propriated under this paragraph, $8,000,000 is for training, peer mentoring, mental health program activities, and other support services as authorized under the LEMHW Act and the STOIC Act: *Provided further*, That of the amounts appropriated under this paragraph, $5,000,000 is for the collaborative reform model of technical assistance in furtherance of section 1701 of title I of the 1968 Act (34 U.S.C. 10381);

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

(3) $15,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers;

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

or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration;

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

(6) $40,000,000 is for community policing development activities in furtherance of section 1701 of title I of the 1968 Act (34 U.S.C. 10381); and

(7) $111,744,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment, which shall be used for the projects, and in the amounts, specified under the heading, ''Community Oriented Policing Services, Technology and Equipment Community Projects/ COPS Law Enforcement Technology and Equipment'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such amounts may not be transferred for any other purpose: *Provided further*,

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

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

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

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

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

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility:

*Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

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

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

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

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

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

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

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

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

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

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

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

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

ings ''Research, Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

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

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

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

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations

for fiscal years 2019 through 2022 for the following programs, waive the following requirements:

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

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

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

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

pects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

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

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

(c) Not to exceed $10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2022, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

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

SEC. 218. The Attorney General shall submit to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports on the Crime Victims Fund, the Working Capital Fund, the Three Percent Fund, and the Asset Forfeiture Fund. Such quarterly reports shall contain at least the same level of information and detail for each Fund as was provided to the Committees on Appropriations of the House of Representatives and the Senate in fiscal year 2021.

This title may be cited as the ''Department of Justice Appropriations Act, 2022''.

# TITLE III

# SCIENCE

## Office of Science and Technology Policy

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

## National Space Council

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $7,614,400,000, to remain available until September 30, 2023.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; pur-

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

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $1,100,000,000, to remain available until September 30, 2023: *Provided*, That $227,000,000 shall be for RESTORE–L/SPace Infrastructure DExterous Robot: *Provided further*, That $110,000,000 shall be for the development, production, and demonstration of a nuclear thermal propulsion system, of which $80,000,000 shall be for the design of a flight demonstration system: *Provided further*, That, not later than 180 days after the enactment of this Act, the

National Aeronautics and Space Administration shall provide a plan for the design of a flight demonstration.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $6,791,700,000, to remain available until September 30, 2023: *Provided*, That not less than $1,406,700,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $2,600,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously to be used to the maximum extent practicable, including for Earth to Moon missions and Moon landings: *Provided further*, That of the amounts provided for SLS,

not less than $600,000,000 shall be for SLS Block 1B development including the Exploration Upper Stage and associated systems including related facilitization, to support an SLS Block 1B mission available to launch in 2025 in addition to the planned Block 1 missions for Artemis I through Artemis III: *Provided further*, That $590,000,000 shall be for Exploration Ground Systems and associated Block 1B activities, including up to $165,300,000 for a second mobile launch platform: *Provided further*, That the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the SLS, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure a crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence that contemplates the use of an SLS Block 1B cargo variant with an 8.4 meter fairing and associated ground systems: *Provided further*, That $2,195,000,000 shall be for exploration research and development: *Provided further*, That acquisition of human-rated deep space exploration lunar and cislunar transportation and habitation capabilities, human-rated lunar terrain mobility capabilities, exploration mission rated suits,

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

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control, and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,041,300,000, to remain available until September 30, 2023.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ENGAGEMENT

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

ing uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $137,000,000, to remain available until September 30, 2023, of which $26,000,000 shall be for the Established Program to Stimulate Competitive Research and $54,500,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative air-

craft, $3,020,600,000, to remain available until September 30, 2023: *Provided*, That if available balances in the ''Science, Space, and Technology Education Trust Fund'' are not sufficient to provide for the grant disbursements required under the third and fourth provisos under such heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100–404) as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327) up to $1,000,000 shall be available from amounts made available under this heading to make such grant disbursements: *Provided further*, That of the amounts appropriated under this heading, $22,655,000 shall be used for the projects, and in the amounts, specified in the table under the heading ''NASA Community Projects/NASA Special Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $410,300,000, to remain available until September 30, 2027, of which $55,000,000 shall be available only for costs related to the replacement of National Aeronautics and Space Administration facilities that were subject to an emergency closure for life and safety issues in fiscal year 2020: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2022 in an amount not to exceed $20,000,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any funds transferred to ''Construction and Environmental Compliance and Restoration'' for construction activities shall not increase that account by more than 20 percent and any funds transferred to or within ''Exploration'' for Exploration Ground Systems shall not increase Exploration Ground Systems by more than $100,000,000. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursu-

ant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Not to exceed 5 percent of any appropriation provided for the National Aeronautics and Space Administration under previous appropriations Acts that remains available for obligation or expenditure in fiscal year 2022 may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall retain its original availability and shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by the National Aeronautics and Space Administration at the theme, program, project, and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure

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

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

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

## NATIONAL SCIENCE FOUNDATION

### RESEARCH AND RELATED ACTIVITIES

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

### MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42

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

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics, and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $1,006,000,000, to remain available until September 30, 2023.

AGENCY OPERATIONS AND AWARD MANAGEMENT

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

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

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,600,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $19,000,000, of which $400,000 shall remain available until September 30, 2023.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

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

Of the amounts provided for ''Research and Related Activities'', up to $148,000,000 may be transferred to ''Education and Human Resources'' consistent with direction provided in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act). The authority provided by this paragraph is in addition to the authority provided by the first paragraph under this heading.

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

This title may be cited as the ''Science Appropriations Act, 2022''.

# 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.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $31,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $420,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the

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

## INTERNATIONAL TRADE COMMISSION

### SALARIES AND EXPENSES

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

## LEGAL SERVICES CORPORATION

### PAYMENT TO THE LEGAL SERVICES CORPORATION

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

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

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

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

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $4,200,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

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

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

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

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

## STATE JUSTICE INSTITUTE

### SALARIES AND EXPENSES

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

## COMMISSION ON THE STATE OF U.S. OLYMPICS AND PARALYMPICS

### SALARIES AND EXPENSES

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

# 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.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project, or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects, or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

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

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

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

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For

unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

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

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

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use

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

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

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101) in any fiscal year in excess of $2,600,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) $10,000,000 shall be transferred to the Department of Justice Office of Inspector General and remain available until expended for oversight and auditing purposes associated with this

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

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

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

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

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

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

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

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

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

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

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

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

moderate-impact information systems within the Federal Government;

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

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

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

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

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

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

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

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

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

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

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

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

letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

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

mates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 519. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2022 until the enactment of the Intelligence Authorization Act for fiscal year 2022.

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

offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 521. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, the following funds are hereby permanently rescinded, not later than September 30, 2022, from the following accounts in the specified amounts—

(1) ''Economic Development Administration, Economic Development Assistance Programs'', $15,000,000; and

(2) ''National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'', $10,000,000.

(b) Of the unobligated balances from prior year appropriations available to the Department of Justice, the following funds are hereby permanently rescinded, not later than September 30, 2022, from the following accounts in the specified amounts—

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

(2) ''State and Local Law Enforcement Activities, Office of Justice Programs'', $100,000,000; and

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

(c) Of the unobligated balances available to the Department of Justice, the following funds are hereby permanently rescinded, not later than September 30, 2022, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $234,839,000; and

(2) ''Legal Activities, Assets Forfeiture Fund'', $127,000,000.

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

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

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

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

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

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

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

priated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

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

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

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

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

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

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

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

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

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

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

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

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

House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

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

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

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

resentatives and the Senate not later than 45 days after the date of enactment of this Act.

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

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

SEC. 531. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wash-

ington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

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

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

Income and Poverty Estimates, the 2000 decennial census, and the most recent Small Area Income and Poverty Estimates, or any Territory or possession of the United States.

SEC. 534. (a) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall work with the Administrator of the General Services Administration to transmit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate, a report on the construction of a new headquarters for the Federal Bureau of Investigation in the National Capital Region.

(b) The report transmitted under subsection (a) shall be consistent with the requirements of section 3307(b) of title 40, United States Code, and include a summary of the material provisions of the construction and full consolidation of the Federal Bureau of Investigation in a new headquarters facility, including all the costs associated with site acquisition, design, management, and inspection, and a description of all buildings and infrastructure needed to complete the project.

SEC. 535. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

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

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

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

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

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

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

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

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such

articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 536. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

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

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

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

particularly suitable for or readily adaptable to sporting purposes.

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

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

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

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

SEC. 540. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

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

SEC. 541. The matter preceding the first proviso under the heading ''Department of Commerce—National Telecommunications and Information Administration—Broadband Connectivity Fund'' in title II of division J of Public Law 117–58 is amended by striking ''for grants for the Tribal Broadband Connectivity Program, as authorized under section 905(c) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60201 of division F this Act'' and inserting ''for purposes of the Tribal Broadband Connectivity Program, as authorized under section 905(c)

of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60201 of division F of this Act, of which up to two percent shall be for administrative costs'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 542. The matter preceding the first proviso under the heading ''Department of Commerce—National Telecommunications and Information Administration—Middle Mile Deployment'' in title II of division J of Public Law 117–58 is amended by striking ''to remain available September'' and inserting ''to remain available until September'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and

to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 543. Paragraph (14) under the heading ''Department of Commerce—National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' in title II of division J of Public Law 117–58 is amended by striking ''an institution of higher education, non-profit, commercial (for profit) organizations, U.S. territories, and state or local governments'' and inserting ''institutions of higher education, non-profit or commercial (for profit) organizations, U.S. territories, or state or local governments'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14

(117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 544. Funds made available to the Department of Commerce and under the heading ''Department of Justice—Federal Bureau of Investigation—Salaries and Expenses'' in this Act and any remaining unobligated balances of funds made available to the Department of Commerce and under the heading ''Department of Justice—Federal Bureau of Investigation—Salaries and Expenses'' in prior year Acts, other than amounts designated by the Congress as being for an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, shall be available to provide payments pursuant to section 901(i)(2) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)(2)): *Provided*, That payments made pursuant to the matter preceding this proviso may not exceed $2,000,000 for the Department of Commerce and $5,000,000 for the Federal Bureau of Investigation.

This division may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2022''.

# DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2022

## TITLE I

## MILITARY PERSONNEL

### Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $47,814,079,000.

### Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for

members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $35,504,251,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $14,572,400,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–

377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $35,078,206,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 7038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,156,976,000.

RESERVE PERSONNEL, NAVY

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

duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,297,029,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $802,619,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified

in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,371,001,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $9,017,728,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States

Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,764,443,000.

# TITLE II

## OPERATION AND MAINTENANCE

### Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $55,016,103,000: *Provided*, That not to exceed $12,478,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Army, and payments may be made upon his certificate of necessity for confidential military purposes.

### Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $62,480,035,000: *Provided*, That not to exceed $15,055,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Navy, and payments may be made upon his certificate of necessity for confidential military purposes.

### Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $9,185,430,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $55,103,948,000: *Provided*, That not to exceed $7,699,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Air Force, and payments may be made upon his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, SPACE FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Space Force, as authorized by law, $3,435,212,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $45,864,202,000: *Provided*, That not more than $3,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary

of Defense, and payments may be made upon his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $50,000,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $4,500,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $72,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided fur-*

*ther*, That of the funds provided under this heading, $2,261,570,000, of which $1,299,386,000, to remain available until September 30, 2023, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this paragraph: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

COUNTER-ISIS TRAIN AND EQUIP FUND

For the ''Counter-Islamic State of Iraq and Syria Train and Equip Fund'', $500,000,000, to remain available until September 30, 2023: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; construction for facility fortification and humane treatment; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or pre-

paring to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Pro-*

*vided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall prioritize such contributions when providing any assistance for construction for facility fortification: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, ''Iraq Train and Equip Fund'' in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, and such

equipment may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, ''Iraq Train and Equip Fund'' in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor

vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,032,255,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,173,598,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $294,860,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor

vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,417,706,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,714,473,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to struc-

tures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,786,420,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $15,589,000, of which not to exceed $15,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $299,008,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe

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

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $390,113,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same

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

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $522,010,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to

this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $292,580,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sec-

tions 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $160,051,000, to remain available until September 30, 2023: *Provided*, That such amounts shall not be subject to the limitation in section 407(c)(3) of title 10, United States Code.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $344,849,000, to remain available until September 30, 2024.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT

For the Department of Defense Acquisition Workforce Development Account, $56,679,000, to remain available for obligation until September 30, 2022: *Provided*, That no other amounts may be otherwise credited or transferred to the Account, or deposited into the Account, in fiscal year 2022 pursuant to section 1705(d) of title 10, United States Code.

# TITLE III

# PROCUREMENT

## Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,295,431,000, to remain available for obligation until September 30, 2024.

## Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,460,064,000, to remain available for obligation until September 30, 2024.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,319,082,000, to remain available for obligation until September 30, 2024.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,276,667,000, to remain available for obligation until September 30, 2024.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests

therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $9,453,524,000, to remain available for obligation until September 30, 2024.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,799,321,000, to remain available for obligation until September 30, 2024.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts,

and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,982,657,000, to remain available for obligation until September 30, 2024.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $845,289,000, to remain available for obligation until September 30, 2024.

SHIPBUILDING AND CONVERSION, NAVY

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

Columbia Class Submarine, $3,003,000,000;

Columbia Class Submarine (AP), $1,773,980,000;

Carrier Replacement Program (CVN–80), $1,062,205,000;

Carrier Replacement Program (CVN–81), $1,287,719,000;

Virginia Class Submarine, $4,234,240,000;

Virginia Class Submarine (AP), $2,105,407,000;

CVN Refueling Overhauls, $2,424,218,000;

CVN Refueling Overhauls (AP), $66,262,000;

DDG–1000 Program, $56,597,000;

DDG–51 Destroyer, $3,675,987,000;

DDG–51 Destroyer (AP), $120,000,000;

FFG–Frigate, $1,090,900,000;

LPD Flight II, $60,636,000;

LPD Flight II (AP), $250,000,000;

Expeditionary Sea Base, $577,000,000;

LHA Replacement, $68,637,000;

Expeditionary Fast Transport, $590,000,000;

TAO Fleet Oiler, $1,463,784,000;

TAGOS SURTASS Ships, $434,384,000;

Towing, Salvage, and Rescue Ship, $183,800,000;

LCU 1700, $67,928,000;

Ship to Shore Connector, $391,838,000;

Service Craft, $67,866,000;

LCAC SLEP, $32,712,000;

Auxiliary Vessels, $299,900,000;

For outfitting, post delivery, conversions, and first destination transportation, $614,731,000; and

Completion of Prior Year Shipbuilding Programs, $660,795,000.

In all: $26,664,526,000, to remain available for obligation until September 30, 2026: *Provided*, That additional obligations may be incurred after September 30,

2026, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for Columbia Class Submarine (AP) may be available for the purposes authorized by subsections (f), (g), (h) or (i) of section 2218a of title 10, United States Code, only in accordance with the provisions of the applicable subsection: *Provided further*, That prior to entering into a contract for more than one amphibious ship, the Secretary of Defense shall provide to the congressional defense committees the future years defense program which displays the funding programmed for all shipbuilding programs currently or anticipated to be under a multiyear contract, block buy contract, or other contract involving economic order quantity.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $11,072,651,000, to remain available for obligation until September 30, 2024: *Provided*, That such funds are also available for the maintenance, repair, and modernization of ships under a pilot program established for such purposes.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of pas-

senger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $3,093,770,000, to remain available for obligation until September 30, 2024.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $18,383,946,000, to remain available for obligation until September 30, 2024.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare

parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,475,206,000, to remain available for obligation until September 30, 2024.

PROCUREMENT OF AMMUNITION, AIR FORCE

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

for the foregoing purposes, $665,977,000, to remain available for obligation until September 30, 2024.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $26,615,079,000, to remain available for obligation until September 30, 2024.

PROCUREMENT, SPACE FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and ac-

quisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,023,408,000, to remain available for obligation until September 30, 2024.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $6,177,561,000, to remain available for obligation until September 30, 2024.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $388,327,000, to remain available until expended, which shall be obligated and expended by the Secretary of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $950,000,000, to remain available for obligation until September 30, 2024: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.

# TITLE IV

# RESEARCH, DEVELOPMENT, TEST AND EVALUATION

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,539,417,000, to remain available for obligation until September 30, 2023.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $22,139,080,000, to remain available for obligation until September 30, 2023: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of fa-

cilities and equipment, $41,592,913,000, to remain available for obligation until September 30, 2023.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, SPACE FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,597,405,000, to remain available until September 30, 2023.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $29,065,786,000, to remain available for obligation until September 30, 2023.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial oper-

ational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $276,591,000, to remain available for obligation until September 30, 2023.

## TITLE V

## REVOLVING AND MANAGEMENT FUNDS

### Defense Working Capital Funds

For the Defense Working Capital Funds, $2,017,000,000.

# TITLE VI

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

### DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $37,350,182,000; of which $33,957,986,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2023, and of which up to $17,977,979,000 may be available for contracts entered into under the TRICARE program; of which $758,708,000, to remain available for obligation until September 30, 2024, shall be for procurement; and of which $2,633,488,000, to remain available for obligation until September 30, 2023, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $1,536,000,000 shall be made

available to the United States Army Medical Research and Development Command to carry out the congressionally directed medical research programs: *Provided further*, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports on the current status of the deployment of the electronic health record: *Provided further*, That the Secretary of Defense shall provide notice to the congressional defense committees not later than 10 business days after delaying the proposed timeline of such deployment if such delay is longer than 1 week: *Provided further*, That the Comptroller General of the United States shall perform quarterly performance reviews of such deployment.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,094,352,000, of which $93,121,000 shall be for operation and maintenance, of which no less than $48,668,000 shall be for the Chemical Stockpile Emergency Preparedness Program,

consisting of $22,134,000 for activities on military installations and $26,534,000, to remain available until September 30, 2023, to assist State and local governments; and $1,001,231,000, to remain available until September 30, 2023, shall be for research, development, test and evaluation, of which $995,011,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $925,649,000, of which $579,750,000 shall be for counter-narcotics support; $126,024,000 shall be for the drug demand reduction program; $194,211,000 shall be for the National Guard counter-drug program; and $25,664,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which trans-

ferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $438,363,000, of which $435,918,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended upon the approval or authority of the Inspector General, and payments may be made upon the Inspector General's certificate of necessity for confidential military purposes; of which $80,000, to remain available for obligation until September 30, 2024, shall be for procurement; and of which $2,365,000, to remain available until September 30, 2023, shall be for research, development, test and evaluation.

# TITLE VII

## RELATED AGENCIES

### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

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

### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $587,100,000.

# TITLE VIII

## GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer not to exceed $6,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally

appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and the Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2022: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in

the explanatory statement regarding this Act and the tables contained in the classified annex accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

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

SEC. 8007. (a) Not later than 60 days after the date of the enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2022: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments

due to enacted rescissions, if appropriate, and the fiscal year enacted level;

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

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

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

(1) ''Environmental Restoration, Army'';

(2) ''Environmental Restoration, Navy'';

(3) ''Environmental Restoration, Air Force'';

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

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

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

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

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

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be termi-

nated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

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

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

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

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

Funds appropriated in title III of this Act may be used for multiyear procurement contracts for the UH/HH-60M Black Hawk helicopter and the AH–64E Apache helicopter.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact

of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

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

(1) the total force management policies and procedures established under section 129a of title 10, United States Code;

(2) the workload required to carry out the functions and activities of the Department; and

(3) the funds made available to the Department for such fiscal year.

(b) None of the funds appropriated by this Act may be used to reduce the civilian workforce programmed full time equivalent levels absent the appropriate analysis of the impacts of these reductions on workload, military force structure, lethality, readiness, operational effectiveness, stress on the military force, and fully burdened costs.

(c) A projection of the number of full-time equivalent positions shall not be considered a constraint or limitation for purposes of subsection (a) and reducing funding for under-execution of such a projection shall not be considered managing based on a constraint or limitation for purposes of such subsection.

(d) The fiscal year 2023 budget request for the Department of Defense, and any justification material and other documentation supporting such request, shall be prepared and submitted to Congress as if subsections (a) and (b) were effective with respect to such fiscal year.

(e) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of

any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. (a) Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

(b) The Secretary of Defense shall include with the budget justification documents in support of the budget for fiscal year 2023 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a description of each transfer under this section that occurred dur-

ing the last fiscal year before the fiscal year in which such budget is submitted.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the Service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that such an acquisition must

be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles,

.22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $25,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9)

of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force

Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

SEC. 8022. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall

be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8023. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8024. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8025. Of the amounts appropriated for ''Working Capital Fund, Army'', $115,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8026. (a) Of the funds made available in this Act, not less than $60,500,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $47,300,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $11,400,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $1,800,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8027. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except

when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2022, not more than 6,119 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That within such funds for 6,119 staff years, funds shall be available only for 1,148 staff years for the defense studies and analysis FFRDCs: *Provided further*, That this

subsection shall not apply to staff years funded in the National Intelligence Program and the Military Intelligence Program: *Provided further*, That the limit on staff years in the matter preceding the first proviso in this subsection may be increased to 6,184, from within funds available to the Department during fiscal year 2022, no sooner than 60 days after the Secretary of Defense submits in writing to the congressional defense committees—

(1) a complete breakdown of actual staff years by program and primary sponsor for fiscal years 2020 and 2021;

(2) a complete breakdown of the estimated 6,184 staff years by program and primary sponsor for fiscal year 2022;

(3) a list of corrective actions planned and implemented following the 2019 Under Secretary of Defense (Research and Engineering)-led FFRDC management review regarding the implementation of a strategic management process and continued independence of defense FFRDCs; and

(4) a plan to commission a near-term independent review and assessment of current FFRDC and potentially competitive non-FFRDC entities' core competencies as compared to new or emerging requirements:

*Provided further*, That the Secretary of Defense shall provide a plan to commission a near-term independent review of current Department of Defense and military service workforce core competencies as compared to new or emerging requirements, to include a review of current and proposed workforce development, talent management, and professional military education initiatives and career options by June 15, 2022.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2023 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC by program during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $63,840,000: *Provided*, That this subsection shall not apply to appropriations for the National Intelligence Program and Military Intelligence Program.

SEC. 8028. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations

of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8029. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8030. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8031. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned fa-

cility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall

rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2022. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8034. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of

the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial products'', as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8035. In addition to any other funds made available for such purposes, including pursuant to section 98h of title 50, United States Code, or elsewhere in this Act, there is appropriated $125,000,000, for an additional amount for ''National Defense Stockpile Transaction Fund'', to remain available until September 30, 2024, which shall only be used for the acquisition and retention of certain materials, as specified in the classified annex accompanying this Act: *Provided*, That none of the funds provided under this section may be obligated or expended until 90 days after the Secretary of Defense provides the congressional defense committees a detailed execution plan for these funds.

SEC. 8036. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8037. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that

are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8038. None of the funds made available in this Act, or any subsequent Act making appropriations for the Department of Defense, may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8039. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account shall be available until expended for the payments specified by section 2687a(b)(2) of title 10, United States Code.

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense

for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in a named contingency operation overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 8041. Amounts appropriated or otherwise made available to the Department of Defense in this Act, may not be obligated or expended for the retirement or divesture of the RQ–4 Global Hawk Block 40 aircraft: *Provided*, That the Secretary of the Air Force is prohibited from deactivating the corresponding squadrons responsible for the operations of the aforementioned aircraft.

SEC. 8042. Up to $11,120,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the United States Indo-Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may

be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8043. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund

during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2023 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2023 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2023 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2023: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That

any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2023: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for the construction, improvement, or alteration of facilities, including leased facilities, to be used primarily by personnel of the intelligence community shall remain available until September 30, 2024.

SEC. 8046. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the grant-

ing of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8047. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the

employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education As-

sistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8048. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985:

''Missile Procurement, Army'', 2020/2022, $6,953,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', 2020/2022, $4,500,000;

''Other Procurement, Army'', 2020/2022, $13,000,000;

''Other Procurement, Navy'', 2020/2022, $3,500,000;

''Aircraft Procurement, Air Force'', 2020/2022, $153,485,000;

''Missile Procurement, Air Force'', 2020/2022, $40,000,000;

''Other Procurement, Air Force'', 2020/2022, $38,000,000;

''Operation and Maintenance, Defense-Wide'', 2021/2022, $101,000,000;

''Afghanistan Security Forces Fund'', 2021/2022, $700,000,000;

''Counter-ISIS Train and Equip Fund'', 2021/2022, $250,000,000;

''Aircraft Procurement, Army'', 2021/2023, $5,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', 2021/2023, $4,533,000;

''Procurement of Ammunition, Army'', 2021/2023, $64,754,000;

''Other Procurement, Army'', 2021/2023, $3,177,000;

''Aircraft Procurement, Navy'', 2021/2023, $51,782,000;

''Weapons Procurement, Navy'', 2021/2023, $37,035,000;

''Procurement of Ammunition, Navy and Marine Corps'', 2021/2023, $5,194,000;

''Shipbuilding and Conversion, Navy: DDG–51 Destroyer (AP)'', 2021/2025, $130,000,000;

''Other Procurement, Navy'', 2021/2023, $49,325,000;

''Procurement, Marine Corps'', 2021/2023, $80,109,000;

''Aircraft Procurement, Air Force'', 2021/2023, $690,775,000;

''Procurement, Space Force'', 2021/2023, $35,700,000;

''Procurement of Ammunition, Air Force'', 2021/2023, $351,689,000;

''Other Procurement, Air Force'', 2021/2023, $79,390,000;

''Research, Development, Test and Evaluation, Army'', 2021/2022, $79,585,000;

''Research, Development, Test and Evaluation, Navy'', 2021/2022, $68,022,000;

''Research, Development, Test and Evaluation, Space Force'', 2021/2022, $120,500,000;

''Research, Development, Test and Evaluation, Defense-Wide'', 2021/2022, $108,717,000; and

''Defense Counterintelligence and Security Agency Working Capital Fund'', 2021/XXXX, $30,000,000.

SEC. 8049. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8050. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose: *Provided*, That this restriction shall not apply to any ac-

tivities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of United States Armed Forces personnel from the Democratic People's Republic of Korea.

SEC. 8051. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8052. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or

counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8053. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $49,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $24,000,000 to the United Service Organizations and $25,000,000 to the Red Cross.

SEC. 8054. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget. The Secretary of each military department, the Director of each Defense Agency, and the head of each other relevant component of the Department of Defense shall submit to the congressional defense committees, concurrent with submission of the budget justification documents to Congress pursuant to section 1105 of title 31, United States Code, a report with a detailed accounting of the Small Business Innovation Research program and the Small Business Technology Transfer pro-

gram set-asides taken from programs, projects, or activities within such department, agency, or component during the most recently completed fiscal year.

SEC. 8055. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8057. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unex-

pended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account:

*Provided*, That the Under Secretary of Defense (Comptroller) shall include with the budget of the President for fiscal year 2023 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a statement describing each instance if any, during each of the fiscal years 2016 through 2022 in which the authority in this section was exercised.

SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under

that subsection. Such funds shall be available for such purposes without fiscal year limitation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. Of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $47,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the

Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2023 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided further*, That the report shall set forth, for each end-item covered by the preceding proviso, a detailed list of the statutory authorities under which amounts in the accounts described in that proviso were used for such item: *Provided further*, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2023 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a certification that funds requested for fiscal year 2023 in research, development, test and evaluation are in compliance with this section: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall continue to provide a classified quarterly report to the Committees on Appropriations of the House of Representatives and the

Senate, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $152,925,875 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be nec-

essary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in subsection (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Ex-

penditure Center level, provided such change is otherwise in accordance with paragraphs (1)–(3) of subsection (a).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

SEC. 8069. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to

the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. In addition to amounts made available elsewhere in this Act, $200,000,000 is hereby appropriated to the Department of Defense and made available for transfer to the operation and maintenance accounts and research, development, test and evaluation accounts of the Army, Navy, Marine Corps, Air Force, and Space Force for purposes of improving tactical artificial intelligence at the Combatant Commands: *Provided*, That none of the funds provided under this section may be obligated or expended until 90 days after the Secretary of Defense provides to the congressional defense committees an execution plan: *Provided further*, That not less than 30 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the

details of any such transfer: *Provided further*, That upon transfer, the funds shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this section is in addition to any other transfer authority provided elsewhere in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated for ''Operation and Maintenance, Navy'', up to $1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8073. None of the funds available to the Department of Defense may be obligated to modify command

and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Indo-Pacific Command to meet operational requirements.

SEC. 8074. Any notice that is required to be submitted to the Committees on Appropriations of the House of Representatives and the Senate under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the House of Representatives and the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $500,000,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $108,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $157,000,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $30,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; $62,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $62,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-pro-

duction agreement for Arrow 3 Upper Tier, as amended; and $173,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8076. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $660,795,000 shall be available until September 30, 2022, to fund prior year shipbuilding cost increases for the following programs:

(1) Under the heading ''Shipbuilding and Conversion, Navy'', 2013/2022: Carrier Replacement Program $291,000,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy'', 2015/2022: DDG–51 Destroyer $44,577,000;

(3) Under the heading ''Shipbuilding and Conversion, Navy'', 2016/2022: DDG–51 Destroyer $1,176,000;

(4) Under the heading ''Shipbuilding and Conversion, Navy'', 2016/2022: TAO Fleet Oiler $23,358,000;

(5) Under the heading ''Shipbuilding and Conversion, Navy'', 2016/2022: Littoral Combat Ship $24,860,000;

(6) Under the heading ''Shipbuilding and Conversion, Navy'', 2016/2022: CVN Refueling Overhauls $158,800,000;

(7) Under the heading ''Shipbuilding and Conversion, Navy'', 2017/2022: LPD–17 $53,682,000;

(8) Under the heading ''Shipbuilding and Conversion, Navy'', 2017/2022: Littoral Combat Ship $20,000,000; and

(9) Under the heading ''Shipbuilding and Conversion, Navy'', 2018/2022: TAO Fleet Oiler $43,342,000.

SEC. 8077. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2022 until the enactment of the Intelligence Authorization Act for Fiscal Year 2022.

SEC. 8078. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project,

or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8079. The budget of the President for fiscal year 2023 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency op-

erations for the budget year and the two preceding fiscal years.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. In addition to amounts made available elsewhere in this Act, $50,000,000 is hereby appropriated to the Department of Defense and made available for transfer to the Department of Defense Acquisition Workforce Development Account and the operation and maintenance accounts of the Army, Navy, Marine Corps, Air Force, and Space Force for purposes of recruiting and training the Department of Defense artificial intelligence-literate acquisition workforce: *Provided*, That none of the funds provided under this section may be obligated or expended until 90 days after the Secretary of Defense provides to the congressional defense committees an execution plan: *Provided further*, That not less than 30 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: *Provided further*, That upon transfer, the funds shall be merged with and be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this section is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8081. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8082. The Secretary of Defense may use up to $650,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note), but only for the purposes specified in clauses (i), (ii), (iii), and (iv) of subsection (c)(3)(B) of such section and subject to the applicable limits specified in clauses (i), (ii), and (iii) of such subsection and, in the case of clause (iv) of such subsection, subject to a limit of $50,000,000: *Provided*, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of this authority.

SEC. 8083. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force

shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8084. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8086. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond

the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2023, and except for funds appropriated for the purchase of real property, which shall remain available until September 30, 2024.

SEC. 8087. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8088. (a) Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2022: *Provided*, That the report shall include—

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

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

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

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8089. Any transfer of amounts appropriated to the Department of Defense Acquisition Workforce Development Account in or for fiscal year 2022 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to section 8005 of this Act.

SEC. 8090. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8091. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any

other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8092. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $137,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704

of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8094. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8095. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of

$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2022.

SEC. 8097. Of the amounts appropriated in this Act for ''Shipbuilding and Conversion, Navy'', $299,900,000, to remain available for obligation until September 30, 2026, may be used for the purchase of five used sealift vessels for the National Defense Reserve Fleet, established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): *Provided*, That such amounts are

available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet: *Provided further*, That notwithstanding section 2218 of title 10, United States Code, none of these funds shall be transferred to the National Defense Sealift Fund for execution.

SEC. 8098. The Secretary of Defense shall post grant awards on a public website in a searchable format.

SEC. 8099. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8100. None of the funds made available in this or any other Act may be used to pay the salary of any

officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8101. Of the amounts appropriated in this Act for ''Operation and Maintenance, Navy'', $435,032,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

SEC. 8102. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–

81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8103. (a) None of the funds provided in this Act for the TAO Fleet Oiler program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; spreaders for shipboard cranes;

and anchor chains specifically for the seventh and subsequent ships of the fleet.

(b) None of the funds provided in this Act for the FFG(X) Frigate program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Air circuit breakers; gyrocompasses; electronic navigation chart systems; steering controls; pumps; propulsion and machinery control systems; totally enclosed lifeboats; auxiliary equipment pumps; shipboard cranes; auxiliary chill water systems; and propulsion propellers: *Provided*, That the Secretary of the Navy shall incorporate United States manufactured propulsion engines and propulsion reduction gears into the FFG(X) Frigate program beginning not later than with the eleventh ship of the program.

SEC. 8104. None of the funds provided in this Act for requirements development, performance specification development, concept design and development, ship configuration development, systems engineering, naval architecture, marine engineering, operations research analysis, industry studies, preliminary design, development of the Detailed Design and Construction Request for Proposals solicitation package, or related activities for the T–ARC(X) Cable Laying and Repair Ship or the T–

AGOS(X) Oceanographic Surveillance Ship may be used to award a new contract for such activities unless these contracts include specifications that all auxiliary equipment, including pumps and propulsion shafts, are manufactured in the United States.

SEC. 8105. None of the funds made available by this Act may be obligated or expended for the purpose of decommissioning the USS *Fort Worth*, the USS *Detroit*, or the USS *Little Rock*.

SEC. 8106. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Account may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

SEC. 8107. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department

of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8108. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

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

SEC. 8109. In addition to amounts provided elsewhere in this Act, there is appropriated $516,233,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Local Defense Community Cooperation of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other

Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Local Defense Community Cooperation or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled ''Department of Defense Program for Construction, Renovation, Repair or Expansion of Public Schools Located on Military Installations'' published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided further*, That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools to the extent such funds remain unobligated on the date of enactment of this section.

SEC. 8110. In carrying out the program described in the memorandum on the subject of ''Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members'' issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that—

(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(2) the term ''assisted reproductive technology'' shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

SEC. 8111. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would un-

dermine the readiness of such units, platforms, or equipment.

SEC. 8112. The Secretary of Defense may obligate and expend funds made available under this Act for procurement or for research, development, test and evaluation for the F–35 Joint Strike Fighter to modify up to six F–35 aircraft, including up to two F–35 aircraft of each variant, to a test configuration: *Provided*, That the Secretary of Defense shall, with the concurrence of the Secretary of the Air Force and the Secretary of the Navy, notify the congressional defense committees not fewer than 30 days prior to obligating and expending funds under this section: *Provided further*, That any transfer of funds pursuant to the authority provided in this section shall be made in accordance with section 8005 of this Act: *Provided further*, That aircraft referred to previously in this section are not additional to aircraft referred to in section 8135 of the Department of Defense Appropriations Act, 2019, section 8126 of the Department of Defense Appropriations Act, 2020, and section 8122 of the Department of Defense Appropriations Act, 2021.

SEC. 8113. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee

to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability.

(b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.

SEC. 8114. None of the funds appropriated or otherwise made available by this Act may be used to transfer the National Reconnaissance Office to the Space Force: *Provided*, That nothing in this Act shall be construed to limit or prohibit cooperation, collaboration, and coordination between the National Reconnaissance Office and the Space Force or any other elements of the Department of Defense.

SEC. 8115. None of the funds appropriated or otherwise made available by this Act may be used to transfer any element of the Department of the Army, the Department of the Navy, or a Department of Defense agency

to the Space Force unless, concurrent with the fiscal year 2023 budget submission (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary of Defense, not to be delegated, provides a report to the Committees on Appropriations of the House of Representatives and the Senate, detailing any plans to transfer appropriate space elements of the Department of the Army, the Department of the Navy, or a Department of Defense agency to the Space Force and certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that such transfer is consistent with the mission of the Space Force and will not have an adverse impact on the Department or agency from which such element is being transferred: *Provided*, That such report shall include fiscal year 2023 budget and future years defense program adjustments associated with such planned transfers.

SEC. 8116. None of the funds appropriated or otherwise made available by this Act may be used to establish a field operating agency of the Space Force.

SEC. 8117. During fiscal year 2022, the monetary limitation imposed by section 2208(l)(3) of title 10, United States Code may be exceeded by up to $1,000,000,000.

SEC. 8118. Funds appropriated in title I of this Act under headings for ''Military Personnel'' may be used for expenses described therein for members of the Space Force on active duty: *Provided*, That amounts appropriated under such headings may be used for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund.

SEC. 8119. (a) Amounts appropriated under title IV of this Act, as detailed in budget activity eight of the tables in the explanatory statement regarding this Act, may be used for expenses for the agile research, development, test and evaluation, procurement, production, modification, and operation and maintenance, only for the following Software and Digital Technology Pilot programs—

(1) Defensive Cyber—Software Prototype Development (PE 0608041A);

(2) Risk Management Information (PE 0608013N);

(3) Maritime Tactical Command Control (PE 0608231N);

(4) JSpOC Mission System (PE 1203614SF);

(5) National Background Investigation Services (PE 0608197V);

(6) Global Command and Control System-Joint (PE 0308150K);

(7) Algorithmic Warfare Cross Functional Team (PE 0308588D8Z); and

(8) Acquisition Visibility (PE 0608648D8Z).

(b) None of the funds appropriated by this or prior Department of Defense Appropriations Acts may be obligated or expended to initiate additional Software and Digital Technology Pilot Programs in fiscal year 2022.

SEC. 8120. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $75,000,000, to remain available until September 30, 2025: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Local Defense Community Cooperation of the Department of Defense, to make grants to communities impacted by military aviation noise for the purpose of installing noise mitigating insulation at covered facilities: *Provided further*, That $56,250,000 shall be allocated to address programs at or near active military installations: *Provided further*, That $18,750,000 shall be allocated for programs at or near reserve component installations, of which $5,000,000 shall be for grants to communities for which a nearby military installation has transitioned to a new type or model of aircraft after January 1, 2019: *Provided*

*further*, That, to be eligible to receive a grant under the program, a community must enter into an agreement with the Secretary under which the community prioritizes the use of funds for the installation of noise mitigation at covered facilities in the community: *Provided further*, That as a condition of receiving funds under this section a State or local entity shall provide a matching share of ten percent: *Provided further*, That grants under the program may be used to meet the Federal match requirement under the airport improvement program established under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code: *Provided further*, That, in carrying out the program, the Secretary of Defense shall coordinate with the Secretary of Transportation to minimize duplication of efforts with any other noise mitigation program compliant with part 150 of title 14, Code of Federal Regulations: *Provided further*, That, in this section, the term ''covered facilities'' means hospitals, daycare facilities, schools, facilities serving senior citizens, and private residences that are located within one mile or a day-night average sound level of 65 or greater of a military installation or another location at which military aircraft are stationed or are located in an area impacted by military aviation noise within one mile or a day-night average sound level of 65 or greater, as determined by the

Department of Defense or Federal Aviation Administration noise modeling programs.

SEC. 8121. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 8122. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in sec-

tion 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8123. The Secretary of Defense shall notify the congressional defense committees in writing not more than 30 days after the receipt of any contribution of funds received from the government of a foreign country for any purpose relating to the stationing or operations of the United States Armed Forces: *Provided*, That such notification shall include the amount of the contribution; the purpose for which such contribution was made; and the authority under which such contribution was accepted by the Secretary of Defense: *Provided further*, That not fewer than 15 days prior to obligating such funds, the Secretary of Defense shall submit to the congressional defense committees in writing a notification of the planned use of such contributions, including whether such contributions would support existing or new stationing or operations of the United States Armed Forces.

SEC. 8124. From funds made available in title II of this Act, the Secretary of Defense may purchase for use by military and civilian employees of the Department of

Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8125. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8126. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States Armed Forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8127. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or

military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 8128. Nothing in this Act may be construed as authorizing the use of force against Iran or the Democratic People's Republic of Korea.

SEC. 8129. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq or Syria.

SEC. 8130. None of the funds made available by this Act under the heading ''Counter-ISIS Train and Equip Fund'', and under the heading ''Operation and Maintenance, Defense-Wide'' for Department of Defense security cooperation grant programs, may be used to procure or transfer man-portable air defense systems.

SEC. 8131. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8132. None of the funds made available by this Act may be made available for any member of the Taliban.

SEC. 8133. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) of title 10, United States Code, shall be made in accordance with section 8005 of this Act.

SEC. 8134. Funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', for the Defense Security Cooperation Agency, may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sea-

lift, and other logistical support to coalition forces to counter the Islamic State of Iraq and Syria: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 8135. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', for the Defense Security Cooperation Agency, $1,299,386,000, to remain available until September 30, 2023, shall be available for International Security Cooperation Programs and other programs to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or building partner capacity programs: *Provided*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

SEC. 8136. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', for the Defense Security Cooperation Agency,

$50,000,000, to remain available until September 30, 2023, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following written notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria, and 15 days following written notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees

on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

SEC. 8137. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', for the Defense Security Cooperation Agency, $370,000,000, to remain available until September 30, 2023, shall be available to reimburse Jordan, Lebanon, Egypt, Tunisia, and Oman under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note), for enhanced border security, of which not less than $150,000,000 shall be for Jordan: *Provided*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation and the nature of the expenses incurred: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

SEC. 8138. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in ''Operation and Maintenance, Defense-Wide'' may be used to provide assistance to the Government of

Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 8139. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', for the Defense Security Cooperation Agency, $300,000,000, to remain available until September 30, 2023, shall be for the Ukraine Security Assistance Initiative: *Provided*, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; salaries and stipends; sustainment; and intelligence support to the military and national security forces of Ukraine, and to other forces or groups recognized by and under the authority of the Government of Ukraine, including governmental entities within Ukraine, engaged in resisting Russian aggression against Ukraine, for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States, and to recover or dispose of equipment procured using funds made available in this section in this or prior Acts: *Provided further*, That such funds may be obligated and expended notwithstanding section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92): *Provided further*, That the Secretary

of Defense shall, not less than 15 days prior to obligating funds made available in this section (or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable) notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall, not more than 60 days after such notification is made, inform such committees if such funds have not been obligated and the reasons therefor: *Provided further*, That the Secretary of Defense shall consult with such committees in advance of the provision of support provided to other forces or groups recognized by and under the authority of the Government of Ukraine: *Provided further*, That the United States may accept equipment procured using funds made available in this section in this or prior Acts transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds made available in this section in this or prior Acts, and not yet transferred to the military or national security forces of Ukraine or to other assisted entities, or returned by such forces or other assisted entities to the United States, may be treated as stocks of the Department of Defense upon written notification to the congres-

sional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use and status of funds made available in this section.

SEC. 8140. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that—

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) the armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agree-

ments in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8141. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

SEC. 8142. In addition to amounts provided elsewhere in this Act, there is appropriated $1,000,000,000, for an additional amount for ''Procurement, Defense-Wide'', to remain available until September 30, 2024, which shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron

Dome defense system to counter short-range rocket threats: *Provided*, That such funds shall be transferred pursuant to an exchange of letters and are in addition to funds provided pursuant to the U.S.-Israel Iron Dome Procurement Agreement, as amended: *Provided further*, That nothing in the preceding proviso shall be construed to apply to appropriations in this or prior Acts for the procurement of the Iron Dome defense system.

SEC. 8143. None of the funds appropriated or otherwise made available by this Act may be used in contravention of the First Amendment of the Constitution.

SEC. 8144. None of the funds appropriated or made available in this Act shall be used to support any activity conducted by, or associated with, the Wuhan Institute of Virology.

SEC. 8145. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 8146. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

SEC. 8147. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

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

SEC. 8148. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8149. Section 165 of the Continuing Appropriations Act, 2022 (division A of Public Law 117–43) shall be amended by striking ''$53,000,000'' and inserting ''$85,250,000''.

SEC. 8150. In addition to amounts otherwise made available, there is appropriated $100,000,000 to the Department of Defense, to remain available until expended, for the same purposes and under the same authorities and conditions as amounts made available in section 165(c) of the Continuing Appropriations Act, 2022 (division A of Public Law 117–43).

SEC. 8151. (a) COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.—

Section 1004 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1884) is amended—

(1) in subsection (a)(2), by striking ''not later''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''30'' and inserting ''45''; and

(B) in paragraph (4), by striking ''subsection (a)(2)'' and inserting ''paragraph (3)''.

(b) AFGHANISTAN WAR COMMISSION.—Section 1094 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1942) is amended—

(1) in subsection (c)(2)(D)(i), by striking ''60'' and inserting ''90''; and

(2) in subsection (f)(5)(B)(ii), by striking ''subsection (g)(1)'' and inserting ''clause (i)''.

(c) CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.—Section 1687 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2126) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(ii), by inserting ''(other than experts or consultants the services of which are procured under section 3109 of

title 5, United States Code)'' after ''Federal Government''; and

(B) in paragraph (3)(A), by striking ''45 days after the date of the enactment of this Act'' and inserting ''April 11, 2022''; and

(2) in subsection (d)(1), by striking ''December 31, 2022'' and inserting ''February 28, 2023''.

This division may be cited as the ''Department of Defense Appropriations Act, 2022''.

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

## TITLE I

## CORPS OF ENGINEERS—CIVIL

## DEPARTMENT OF THE ARMY

### Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

#### INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications

of projects prior to construction, $143,000,000, to remain available until expended: *Provided*, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,492,800,000, to remain available until expended; of which $97,539,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program; and of which such sums as are necessary to cover 35 percent of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*,

That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $370,000,000, to remain available until expended, of which $10,312,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operation and maintenance costs for inland harbors: *Provided*, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying

and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $4,570,000,000, to remain available until expended, of which $1,941,442,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operations and maintenance costs for coastal harbors and channels, and for inland harbors; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected; and of which $50,000,000, to be derived from the general fund of the Treasury, shall be to carry out subsection (c) of section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) and shall be designated as being for such purpose pursuant to paragraph (2)(B) of section 14003 of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–

136): *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities: *Provided further*, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds provided under this heading in this Act may be used for the projects specified in the table referenced in the succeeding proviso: *Provided further*, That in addition to any amounts otherwise available for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, available amounts provided under the heading ''Operation and Maintenance'' in title IV of the Disaster Relief Supplemental Appropriations Act, 2022 shall be used for such

purposes in the amounts specified and for the projects specified in the table titled ''Corps of Engineers—Damage Repairs'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That expenditures made or obligations incurred under the heading ''Corps of Engineers—Civil—Operation and Maintenance'' pursuant to the Continuing Appropriations Act, 2022 for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters shall be charged to available amounts provided under the heading ''Operation and Maintenance'' in title IV of the Disaster Relief Supplemental Appropriations Act, 2022, consistent with the preceding proviso: *Provided further*, That each amount repurposed under this heading in this Act that was previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $212,000,000, to remain available until September 30, 2023.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $300,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Cen-

ter allocable to the civil works program, $208,000,000, to remain available until September 30, 2023, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2023: *Provided*, That not more than 75 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress the report required under section 101(d) of this Act and a work plan that allocates at least 95 percent of the additional funding provided under each

heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to specific programs, projects, or activities.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $5,000,000, to remain available until expended, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of state, local government, public utility, or private: *Provided*, That no project may be funded with amounts provided under this heading for a dam that is identified as jointly owned in the National Inventory of Dams and where one of those joint owners is the Federal Government: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $500,000,000: *Provided further*, That within 30 days of enactment of this Act, the Secretary, in consultation with

the Office of Management and Budget, shall transmit a report to the Committees on Appropriations of the House of Representatives and the Senate that provides: (1) an analysis of how subsidy rates will be determined for loans financed by appropriations provided under this heading in this Act; (2) a comparison of the factors that will be considered in estimating subsidy rates for loans financed under this heading in this Act with factors that will be considered in estimates of subsidy rates for other projects authorized by the Water Infrastructure Finance and Innovation Act of 2014, including an analysis of how both sets of rates will be determined; and (3) an analysis of the process for developing draft regulations for the Water Infrastructure Finance and Innovation program, including a crosswalk from the statutory requirements for such program, and a timetable for publishing such regulations: *Provided further*, That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading ''Water Infrastructure Finance and Innovation Program Account'' in division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further*, That none of the

direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Secretary and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria referenced in the previous proviso: *Provided further*, That any references to the Environmental Protection Agency (EPA) or the Administrator in the criteria referenced in the previous two provisos shall be deemed to be references to the Army Corps of Engineers or the Secretary of the Army, respectively, for purposes of the direct loans or loan guarantee authority made available under this heading: *Provided further*, That for the purposes of carrying out the Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Secretary shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Secretary pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure

Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $2,200,000, to remain available until September 30, 2023.

## GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2022, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval

is received from the Committees on Appropriations of both Houses of Congress;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to

$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the Committees on Appropriations of both Houses of Congress of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the Committees on Appropriations of both Houses of Congress.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations of both Houses of Congress to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

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

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

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

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading ''Operation and Maintenance'' to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries

thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 107. None of the funds made available by this Act or any other Act may be used to reorganize or to transfer the Civil Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

SEC. 108. Additional funding provided in this Act shall be allocated only to projects determined to be eligible by the Chief of Engineers.

# TITLE II

## DEPARTMENT OF THE INTERIOR

### Central Utah Project

#### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $23,000,000, to remain available until expended, of which $5,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,550,000 shall be available until September 30, 2023, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2022, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,850,000 for administrative expenses.

### Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian Tribes, and others, $1,747,101,000, to remain available until expended, of which $71,217,000 shall be available for transfer to the Upper Colorado River Basin Fund and $19,606,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That $40,000,000 shall be available for transfer into the Blackfeet Water Settlement Implementation Fund established by section 3717 of Public Law 114–322: *Provided further*, That $100,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided further*, That such transfers, except for the transfer authorized by the preceding proviso, may be increased or de-

creased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund, the Water Storage Enhancement Receipts account established by section 4011(e) of Public Law 114–322, or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts made available under this heading, $10,000,000 shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of appendix D of Public Law 106–554: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further*, That within available funds, $250,000 shall be for grants and financial assistance for educational activities.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $56,499,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry

out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 30, 2023, $64,400,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase and replacement of not to exceed 30 motor vehicles, which are for replacement only.

## GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided

by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2022, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) Except as provided in subsections (a) and (b), the amounts made available in this title under the heading ''Bureau of Reclamation—Water and Related Resources'' shall be expended for the programs, projects, and activities specified in the ''Final Bill'' columns in the ''Water and Related Resources'' table included under the heading ''Title II—Department of the Interior'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking ''$610,000,000'' and inserting ''$750,000,000''.

SEC. 204. Title I of Public Law 108–361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of Public Law 116–260, is amended by striking ''2021'' each place it appears and inserting ''2022''.

SEC. 205. Section 9106(g)(2) of Public Law 111–11 (Omnibus Public Land Management Act of 2009) is amended by striking ''2021'' and inserting ''2022''.

SEC. 206. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''2021'' and inserting ''2022''.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''2021'' and inserting ''2022''.

SEC. 207. Section 1101(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended by striking ''$10,000,000'' and inserting ''$13,000,000''.

SEC. 208. None of the funds made available by this Act may be used for pre-construction or construction activities for any project recommended after enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2020 and prior to enactment of this Act by the Secretary of the Interior and transmitted to the appropriate committees of Congress pursuant to section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) if such project is not named in this Act, Public Law 116–260, or Public Law 117–43.

# TITLE III

## DEPARTMENT OF ENERGY

## ENERGY PROGRAMS

### ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $3,200,000,000, 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-

icy and Conservation Act (42 U.S.C. 6321 et seq.) from amounts made available under this heading in this Act.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy sector cybersecurity, energy security, and emergency response activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $185,804,000, to remain available until expended: *Provided*, That of such amount, $16,000,000 shall be available until September 30, 2023, for program direction: *Provided further*, That of the amount appropriated in this paragraph, $3,000,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Spending Cybersecurity, Energy Security, and Emergency Response Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ELECTRICITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $277,000,000, to remain available until expended: *Provided*, That of such amount, $20,000,000 shall be available until September 30, 2023, for program direction: *Provided further*, That of the amount appropriated in this paragraph, $2,850,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Spending Electricity Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any

real property or any facility or for plant or facility acquisition, construction, or expansion, $1,654,800,000, to remain available until expended: *Provided*, That of such amount, $80,000,000 shall be available until September 30, 2023, for program direction: *Provided further*, That for the purpose of section 954(a)(6) of the Energy Policy Act of 2005, as amended, the only amount available shall be from the amount specified as including that purpose in the ''Final Bill'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

FOSSIL ENERGY AND CARBON MANAGEMENT

For Department of Energy expenses necessary in carrying out fossil energy and carbon management research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and

1603), $825,000,000, to remain available until expended: *Provided*, That of such amount $66,800,000 shall be available until September 30, 2023, for program direction: *Provided further*, That of the amount appropriated in this paragraph, $20,199,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Spending Fossil Energy and Carbon Management Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $13,650,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $219,000,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), and section 5010 of the 21st Century Cures Act (Public Law 114–255), $7,350,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $129,087,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the

purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $333,863,000, to remain available until expended: *Provided*, That, in addition, fees collected pursuant to subsection (b)(1) of section 6939f of title 42, United States Code, and deposited under this heading in fiscal year 2022 pursuant to section 309 of title III of division C of Public Law 116–94 are appropriated, to remain available until expended, for mercury storage costs.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $860,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $16,155,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 35 passenger motor vehicles, including one ambulance, for replacement only, $7,475,000,000, to remain available until expended: *Provided*, That of such amount, $202,000,000 shall be available until September 30, 2023, for program direction.

NUCLEAR WASTE DISPOSAL

For Department of Energy expenses necessary for nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including interim storage activities, $27,500,000, to remain available until expended, of which $7,500,000 shall be derived from the Nuclear Waste Fund.

TECHNOLOGY TRANSITIONS

For Department of Energy expenses necessary for carrying out the activities of technology transitions,

$19,470,000, to remain available until expended: *Provided*, That of such amount, $8,375,000 shall be available until September 30, 2023, for program direction.

CLEAN ENERGY DEMONSTRATIONS

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for clean energy demonstrations in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $20,000,000, to remain available until expended: *Provided*, That of such amount, $8,000,000 shall be available until September 30, 2023, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $450,000,000, to remain available until expended: *Provided*, That of such amount, $36,000,000 shall be available until September 30, 2023, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses of the Title 17 Innovative Technology Loan Guarantee Program, as authorized, $32,000,000 is appropriated, to remain available until September 30, 2023: *Provided further*, That up to $32,000,000 of fees collected in fiscal year 2022 pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections under this heading and used for necessary administrative expenses in this appropriation and shall remain available until September 30, 2023: *Provided further*, That to the extent that fees collected in fiscal year 2022 exceed $32,000,000, those excess amounts shall be credited as offsetting collections under this heading and available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2022 (estimated at $3,000,000) and (2) to the extent that any remaining general fund ap-

propriations can be derived from fees collected in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2022 appropriation from the general fund estimated at $0: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2023.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, $2,000,000, to remain available until September 30, 2023: *Provided*, That under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), the Secretary of Energy may also provide direct loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That such di-

rect loans shall be made through the Federal Financing Bank, with the full faith and credit of the United States Government on the principal and interest: *Provided further*, That any funds previously appropriated for the cost of loan guarantees under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) may also be used for the cost of direct loans provided under such section of such Act.

INDIAN ENERGY POLICY AND PROGRAMS

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $58,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, $5,523,000 shall be available until September 30, 2023, for program direction.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $340,578,000, to remain available until September 30, 2023, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the

estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $100,578,000 in fiscal year 2022 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2022 appropriation from the general fund estimated at not more than $240,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $78,000,000, to remain available until September 30, 2023.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and cap-

ital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance, for replacement only, $15,920,000,000, to remain available until expended: *Provided*, That of such amount, $117,060,000 shall be available until September 30, 2023, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,354,000,000, to remain available until expended.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of

Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,918,000,000, to remain available until expended, of which, $92,747,000 shall be transferred to ''Department of Energy—Energy Programs—Nuclear Energy'', for the Advanced Test Reactor: *Provided*, That of such amount, $55,579,000 shall be available until September 30, 2023, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $464,000,000, to remain available until September 30, 2023, including official reception and representation expenses not to exceed $17,000.

## ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

### DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acqui-

sition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger minivan for replacement only, $6,710,000,000, to remain available until expended: *Provided*, That of such amount, $305,207,000 shall be available until September 30, 2023, for program direction.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $573,333,000, to be deposited into the Defense Environmental Cleanup account, which shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real prop-

erty or any facility or for plant or facility acquisition, construction, or expansion, $985,000,000, to remain available until expended: *Provided*, That of such amount, $337,636,000 shall be available until September 30, 2023, for program direction.

## POWER MARKETING ADMINISTRATIONS

### Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Umatilla Hatchery Facility project and, in addition, for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2022, no new direct loan obligations may be made.

### Operation and Maintenance, Southeastern Power Administration

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,184,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section

5 of the Flood Control Act of 1944, up to $7,184,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2022 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $53,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing

electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $48,324,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $37,924,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2022 appropriation estimated at not more than $10,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $39,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for

the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $285,237,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $285,237,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $194,465,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western

Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2022 appropriation estimated at not more than $90,772,000, of which $90,772,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $170,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $5,808,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Ad-

ministration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $5,580,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2022 appropriation estimated at not more than $228,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2022, the Administrator of the Western Area Power Administration may accept up to $1,737,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such

purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

## FEDERAL ENERGY REGULATORY COMMISSION

### SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $466,426,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $466,426,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2022 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues

are received during fiscal year 2022 so as to result in a final fiscal year 2022 appropriation from the general fund estimated at not more than $0.

## GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a

multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the ''Final Bill'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval of, the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or

activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied.

Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2022 until the enactment of the Intelligence Authorization Act for fiscal year 2022.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or

any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 305. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

SEC. 306. No funds shall be transferred directly from ''Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund,

Western Area Power Administration'' to the general fund of the Treasury in the current fiscal year.

SEC. 307. (a) Of the unobligated balances available to the Department of Energy from amounts appropriated in prior Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts—

(1) ''Defense Nuclear Nonproliferation'' for the construction project ''99–D–143'', $282,133,000; and

(2) ''Naval Reactors'', $6,000,000.

(b) No amounts may be rescinded under subsection (a) from amounts that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 308. Of the unavailable collections currently in the United States Enrichment Corporation Fund, $841,000,000 shall be transferred to and merged with the Uranium Enrichment Decontamination and Decommissioning Fund and shall be available only to the extent provided in advance in appropriations Acts.

# TITLE IV

# INDEPENDENT AGENCIES

## Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $195,000,000, to remain available until expended.

## Defense Nuclear Facilities Safety Board

### salaries and expenses

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $36,000,000, to remain available until September 30, 2023.

## Delta Regional Authority

### salaries and expenses

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwith-

standing sections 382F(d), 382M, and 382N of said Act, $30,100,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,100,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects for which the Denali Commission is the sole or primary funding source in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for any project for which the Denali Commission is not the sole or primary funding source, provided that such project is consistent with the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $35,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $5,000,000, to remain available until expended.

SOUTHWEST BORDER REGIONAL COMMISSION

For expenses necessary for the Southwest Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $2,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $873,901,000, including official representation expenses not to exceed $25,000, to remain available until expended:

*Provided*, That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2023: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $745,258,000 in fiscal year 2022 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2022 so as to result in a final fiscal year 2022 appropriation estimated at not more than $128,643,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,799,000, to remain available until September 30, 2023: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $11,442,000 in fiscal year 2022 shall be retained and be available until September 30, 2023, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated

shall be reduced by the amount of revenues received during fiscal year 2022 so as to result in a final fiscal year 2022 appropriation estimated at not more than $2,357,000: *Provided further*, That of the amounts appropriated under this heading, $1,146,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,800,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2023.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information, consistent with Department of Justice guidance for all Federal agencies.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropria-

tions of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be expended as directed in the explanatory statement de-

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

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

# TITLE V

## GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or

transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address

Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 505. The nineteenth proviso under the heading ''Fossil Energy and Carbon Management'' in title III of division J of Public Law 117–58 is amended by striking ''(b)'' each place it appears and inserting ''(h)'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2022''.

# DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2022

## TITLE I

## DEPARTMENT OF THE TREASURY

### DEPARTMENTAL OFFICES

#### SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman's Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to State, local, and territorial entities; and Treasury-wide management policies and programs activities, $243,109,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed $350,000 is for official reception and representation expenses;

(2) not to exceed $258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of

the Treasury and to be accounted for solely on the Secretary's certificate; and

(3) not to exceed $34,000,000 shall remain available until September 30, 2023, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Cybersecurity and Critical Infrastructure Protection, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Committee on Foreign Investment in the United States, $20,000,000, to remain available until expended: *Provided*, That the chairperson of the Committee may transfer such amounts to any department or agency represented on the Committee (includ-

ing the Department of the Treasury) subject to advance notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts so transferred shall remain available until expended for expenses of implementing section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. 4565), and shall be available in addition to any other funds available to any department or agency: *Provided further*, That fees authorized by section 721(p) of such Act shall be credited to this appropriation as offsetting collections: *Provided further*, That the total amount appropriated under this heading from the general fund shall be reduced as such offsetting collections are received during fiscal year 2022, so as to result in a total appropriation from the general fund estimated at not more than $0.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, human rights abusers, money launderers, drug kingpins, and other national security threats, $195,192,000, of which not less than $3,000,000 shall be

available for addressing human rights violations and corruption, including activities authorized by the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note): *Provided*, That of the amounts appropriated under this heading, up to $20,000,000 shall remain available until September 30, 2023.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, $80,000,000, to remain available until September 30, 2024: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That of the total amount made available under this heading $4,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for re-

pairs and renovations to buildings owned by the Department of the Treasury, $6,118,000, to remain available until September 30, 2024: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement ''Internal Revenue Service, Operations Support'' or ''Internal Revenue Service, Business Systems Modernization''.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $42,275,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to $2,800,000 to remain available until September 30, 2023, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Re-

vived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed $1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $174,250,000, of which $5,000,000 shall remain available until September 30, 2023; of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $16,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed $25,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $161,000,000, of which not to exceed $55,000,000 shall remain available until September 30, 2024.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, $355,936,000; of which not to ex-

ceed $8,000,000, to remain available until September 30, 2024, is for information systems modernization initiatives; and of which $5,000 shall be available for official reception and representation expenses.

In addition, $165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $128,067,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $50,000 shall be available for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, $5,000,000, to remain available until September 30, 2023, shall be for the costs

associated with enforcement of and education regarding the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

## UNITED STATES MINT

### UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2022 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $50,000,000.

## COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

### PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvement Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–III, $295,000,000. Of the amount appropriated under this heading—

(1) not less than $173,383,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2023, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to $1,600,000 may be available for training and outreach under section 109 of Public Law 103–325 (12 U.S.C. 4708), of which up to $3,153,750 may be used for the cost of direct loans, of which up to $10,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707 (d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities, and of which not less than $2,000,000 shall be for the Economic Mobility Corps to be operated in conjunction with the Corporation for National and Community Service, pursuant to 42 U.S.C. 12571: *Provided*, That the cost of direct and guaranteed loans, including the cost of modifying such loans,

shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further*, That of the funds provided under this paragraph, excluding those made to community development financial institutions to expand investments that benefit individuals with disabilities and those made to community development financial institutions that serve populations living in persistent poverty counties, the CDFI Fund shall prioritize Financial Assistance awards to organizations that invest and lend in high-poverty areas: *Provided further*, That for purposes of this section, the term ''high-poverty area'' means any census tract with a poverty rate of at least 20 percent as measured by the 2011–2015 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico or with a poverty rate of at least 20 percent as measured by the 2010 Island areas Decennial Census data for any territory or possession of the United States;

(2) not less than $21,500,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C.

4707(e)), is available until September 30, 2023, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, Tribes and Tribal organizations, and other suitable providers;

(3) not less than $35,000,000 is available until September 30, 2023, for the Bank Enterprise Award program;

(4) not less than $23,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2023, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) not less than $8,500,000 is available until September 30, 2023, to provide grants for loan loss

reserve funds and to provide technical assistance for small dollar loan programs under section 122 of Public Law 103–325 (12 U.S.C. 4719): *Provided*, That sections 108(d) and 122(b)(2) of such Public Law shall not apply to the provision of such grants and technical assistance;

(6) up to $33,617,000 is available for administrative expenses, including administration of CDFI Fund programs and the New Markets Tax Credit Program, of which not less than $1,000,000 is for the development of tools to better assess and inform CDFI investment performance and CDFI program impacts, and up to $300,000 is for administrative expenses to carry out the direct loan program; and

(7) during fiscal year 2022, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed $500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31,

2022: *Provided further*, That of the funds awarded under this heading, except those provided for the Economic Mobility Corps, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the purposes of this paragraph and paragraph (1), the term ''persistent poverty counties'' means any county, including county equivalent areas in Puerto Rico, that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2011–2015 5-year data series available from the American Community Survey of the Bureau of the Census or any other territory or possession of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000 and 2010 Island Areas Decennial Censuses, or equivalent data, of the Bureau of the Census.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer

advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,780,606,000, of which not to exceed $100,000,000 shall remain available until September 30, 2023, of which not less than $11,000,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $13,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $30,000,000, to remain available until September 30, 2023, shall be available for the Community Volunteer Income Tax Assistance Matching Grants Program for tax return preparation assistance, and of which not less than $221,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than $5,500,000 shall be for identity theft and refund fraud casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services

as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,437,622,000, of which not to exceed $250,000,000 shall remain available until September 30, 2023; of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program; of which not to exceed $21,000,000 shall be for investigative technology for the Criminal Investigation Division; and of which not more than $75,000,000 shall be available to address the Internal Revenue Service's paper inventory of amended returns, correspondence and adjustments to return filings: *Provided*, That the amount made available for addressing paper inventory shall be in addition to amounts made available for such purpose under the ''Taxpayer Services'' heading: *Provided further*, That the amount made available for investigative technology for the Criminal Investigation Division shall be in addition to amounts made available for the Criminal Investigation Division under the ''Operations Support'' heading.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics

of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $4,100,826,000, of which not to exceed $275,000,000 shall remain available until September 30, 2023; of which not to exceed $10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2024, for research; of which not less than $10,000,000, to remain available until expended, shall be available for establishment of an application through which entities registering and renewing registrations in the System for Award Management may request an authenticated electronic certification stating that the entity does or does not have a seriously delinquent tax debt; of which not to exceed $20,000 shall be for official reception and representation expenses; and of which not more than $5,000,000 shall be available to address the Internal Revenue Service's paper inventory of amended returns, correspondence and adjustments to return filings: *Provided*, That the amount made available for addressing paper in-

ventory shall be in addition to amounts made available for such purpose under the ''Taxpayer Services'' heading: *Provided further*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing major information technology investments in the Internal Revenue Service Integrated Modernization Business Plan portfolio, including detailed, plain language summaries on the status of plans, costs, and results; prior results and actual expenditures of the prior quarter; upcoming deliverables and costs for the fiscal year; risks and mitigation strategies associated with ongoing work; reasons for any cost or schedule variances; and total expenditures by fiscal year: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2023, a summary of cost and schedule performance information for its major information technology systems.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $275,000,000, to remain available until September 30, 2024, and shall be for the capital asset acquisition of information technology systems, including management and

related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing major information technology investments in the Internal Revenue Service Integrated Modernization Business Plan portfolio, including detailed, plain language summaries on the status of plans, costs, and results; prior results and actual expenditures of the prior quarter; upcoming deliverables and costs for the fiscal year; risks and mitigation strategies associated with ongoing work; reasons for any cost or schedule variances; and total expenditures by fiscal year.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 4 percent of the appropriation made available in this Act to the Internal Revenue Service under the ''Enforcement'' heading, and not to exceed 5 percent of any other appropriation made available in this Act to the Internal Revenue Service, may be trans-

ferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and

such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 106. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 107. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 108. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled ''Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California'' (Reference Number 2013–10–037).

SEC. 109. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee;

unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 110. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 111. The Secretary of the Treasury (or the Secretary's delegate) may use the funds made available in this Act, subject to such policies as the Secretary (or the Secretary's delegate) may establish, to utilize direct hire authority to recruit and appoint qualified applicants, without regard to any notice or preference requirements, directly to positions in the competitive service to process backlogged tax returns and return information.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 112. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 113. Not to exceed 2 percent of any appropriations in this title made available under the headings ''Departmental Offices—Salaries and Expenses'', ''Office of Inspector General'', ''Special Inspector General for the Troubled Asset Relief Program'', ''Financial Crimes Enforcement Network'', ''Bureau of the Fiscal Service'', and ''Alcohol and Tobacco Tax and Trade Bureau'' may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That

no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 116. The Secretary of the Treasury may transfer funds from the ''Bureau of the Fiscal Service—Salaries and Expenses'' to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 117. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on

Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 118. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 119. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2022 until the enactment of the Intelligence Authorization Act for Fiscal Year 2022.

SEC. 120. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Indus-

trial Revolving Fund for necessary official reception and representation expenses.

SEC. 121. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

SEC. 122. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a descrip-

tion of the role customers have in governing in the Franchise Fund.

SEC. 123. During fiscal year 2022—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

SEC. 124. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the

House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 125. In addition to amounts otherwise available, there is appropriated to the Special Inspector General for Pandemic Recovery, $8,000,000, to remain available until

expended, for necessary expenses in carrying out section 4018 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (Public Law 116–136).

This title may be cited as the ''Department of the Treasury Appropriations Act, 2022''.

# TITLE II

## EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### THE WHITE HOUSE

#### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $65,000,000.

### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

#### OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, $14,050,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is in-

curred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or

nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), $2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,120,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $12,500,000, of which not to exceed $6,000 shall be available for official reception and representation expenses.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $106,500,000, of which not to exceed $12,800,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President: *Provided*, That of the amounts provided under this heading, up to $4,500,000 shall be available for a program to provide payments (such as stipends, subsistence allowances, cost reimbursements, or awards) to students, recent graduates, and veterans recently discharged from active duty who are performing voluntary services in the Executive Office of the President under section 3111(b) of title 5, United States Code, or comparable authority and shall be in addition to amounts otherwise available to pay or compensate such individuals: *Provided further*, That such payments shall not be considered compensation for purposes of such section 3111(b) and may be paid in advance.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles

and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, $116,000,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the annual work plan developed by the Corps of Engineers for submission to the Committees on Appropriations: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for

evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly: *Provided further*, That no later than 14 days after the submission of the budget of the United States Government for fiscal year 2023, the Director of the Office of Management and Budget shall make publicly available on a website a tabular list for each agency that submits budget justification materials (as defined in section 3 of the Federal Funding Accountability

and Transparency Act of 2006) that shall include, at minimum, the name of the agency, the date on which the budget justification materials of the agency were submitted to Congress, and a uniform resource locator where the budget justification materials are published on the website of the agency.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

For necessary expenses of the Office of the Intellectual Property Enforcement Coordinator, as authorized by title III of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403), including services authorized by 5 U.S.C. 3109, $1,838,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998, as amended; not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $18,952,000: *Provided*, That the Office is au-

thorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $296,600,000, to remain available until September 30, 2023, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $5,800,000 may be used for auditing services and associated activities and $3,500,000 shall be for a new Grants Management System for use by the Office of National Drug Control Policy: *Provided further*, That any unexpended funds obligated prior to fiscal year 2020 may be used for any other approved

activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2021, shall be funded at not less than the fiscal year 2021 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2022 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Anti-Drug Abuse Act of 1988 and the Office of National Drug Control Policy Reauthorization Act of 1998, as amended, $133,617,000, to remain available until expended, which shall be available as follows: $106,000,000 for the Drug-Free Communities Program, of which not more than $11,250,000 is for administrative expenses, and of which $2,500,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by section 8204 of Public Law 115–271; $3,000,000 for drug court training and technical assistance; $15,000,000 for anti-doping activities; up to $3,167,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the Model Acts Program; and $5,200,000 for activities authorized by section 103 of Public Law 114–198: *Provided*, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That the Director of the Office of National Drug Control Policy shall, not fewer than 30 days prior to obligating funds under this heading for United States membership dues to the World Anti-Doping Agency, submit to the Committees on Appropriations of the

House of Representatives and the Senate a spending plan and explanation of the proposed uses of these funds.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2023.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, $8,000,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be ex-

pended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,839,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 pursuant to 3 U.S.C. 106(b)(2), $311,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council and Homeland Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the

Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. (a) During fiscal year 2022, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal-year period beginning in fiscal year 2022; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2022.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2022 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of $100,000,000.

SEC. 203. Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue a memorandum to all Federal departments, agencies, and corporations directing compliance with the provisions in title VII of this Act.

SEC. 204. (a) Beginning not later than 10 days after the date of enactment of this Act and until the requirements of subsection (b) are completed, the Office of Management and Budget shall provide to the Committees on Appropriations and the Budget of the House of Representatives and the Senate each document apportioning an appropriation, pursuant to section 1513(b) of title 31, United States Code, approved by the Office of Management and Budget, including any associated footnotes, not later than 2 business days after the date of approval of such apportionment by the Office of Management and Budget.

(b) Not later than 120 days after the date of enactment of this Act, the Office of Management and Budget shall complete implementation of an automated system to post each document apportioning an appropriation, pursuant to section 1513(b) of title 31, United States Code, including any associated footnotes, in a format that qualifies each such document as an Open Government Data Asset (as defined in section 3502 of title 44, United States Code), not later than 2 business days after the date of approval of such apportionment, and shall place on such website each document apportioning an appropriation, pursuant to such section 1513(b), including any associated footnotes, already approved the current fiscal year, and

shall report the date of completion of such requirements to the Committees on Appropriations and the Budget of the House of Representatives and Senate.

(c) Each document apportioning an appropriation pursuant to section 1513(b) of title 31, United States Code, that is posted on a publicly accessible website pursuant to such section shall also include a written explanation by the official approving each such apportionment stating the rationale for any footnotes for apportioned amounts: *Provided*, That the Office of Management and Budget or the applicable department or agency shall make available classified documentation referenced in any apportionment at the request of the chair or ranking member of any appropriate congressional committee or subcommittee.

(d)(1) Not later than 15 days after the date of enactment of this Act, any delegation of apportionment authority pursuant to section 1513(b) of title 31, United States Code, that is in effect as of such date shall be submitted for publication in the Federal Register: *Provided*, That any delegation of such apportionment authority after the date of enactment of this section shall, on the date of such delegation, be submitted for publication in the Federal Register: *Provided further*, That the Office of Management and Budget shall publish such delegations in a format that qualifies such publications as an Open Government Data

Asset (as defined in section 3502 of title 44, United States Code) on a public Internet website, which shall be continuously updated with the position of each Federal officer or employee to whom apportionment authority has been delegated.

(2) Not later than 5 days after any change in the position of the approving official with respect to such delegated apportionment authority for any account is made, the Office shall submit a report to the appropriate congressional committees explaining why such change was made.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2022''.

# TITLE III

# THE JUDICIARY

## SUPREME COURT OF THE UNITED STATES

### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $98,338,000, of which $1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $14,434,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, $34,280,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $20,600,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms

for Probation and Pretrial Services Office staff, as authorized by law, $5,580,052,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $9,850,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as au-

thorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,343,175,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $32,603,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the

daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court or Administrative Office of the United States Courts operations, the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court or Administrative Office of the United States Courts operations, building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $704,800,000, of which not to exceed $20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney Gen-

eral: *Provided*, That funds made available under this heading may be used for managing a Judiciary-wide program to facilitate security and emergency management services among the Judiciary, United States Marshals Service, Federal Protective Service, General Services Administration, other Federal agencies, state and local governments and the public; and, notwithstanding sections 331, 566(e)(1), and 566(i) of title 28, United States Code, for identifying and pursuing the voluntary redaction and reduction of personally identifiable information on the internet of judges and other familial relatives who live at the judge's domicile.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $98,545,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $29,885,000; of which $1,800,000 shall remain available through September 30, 2023, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $20,564,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, De-

fender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the

United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking ''30 years and 6 months'' and inserting ''31 years and 6 months''; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking ''27 years and 6 months'' and inserting ''28 years and 6 months''.

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking

"28 years and 6 months" and inserting "29 years and 6 months".

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking "19 years" and inserting "20 years";

(2) in the second sentence (relating to the central District of California), by striking "18 years and 6 months" and inserting "19 years and 6 months"; and

(3) in the third sentence (relating to the western district of North Carolina), by striking "17 years" and inserting "18 years".

This title may be cited as the "Judiciary Appropriations Act, 2022".

# 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

shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $25,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $257,591,000 to be allocated as follows: for the District of Columbia Court of Appeals, $14,366,000, of which not to exceed $2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, $133,829,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $83,443,000, of which not to exceed $2,500 is for official reception and representation expenses; and $25,953,000, to remain available until September 30, 2023, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (D.C. Official

Code, sec. 1–204.50): *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $9,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C.

Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $46,005,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as au-

thorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $286,426,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, and of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002: *Provided*, That, of the funds appropriated under this heading, $206,006,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons, of which $14,747,000 shall remain available until September 30, 2024, for costs associated with the relocation under replacement leases for headquarters offices, field offices and related facilities: *Provided further*, That, of the funds appropriated under this heading, $80,420,000 shall be available to the Pretrial Services Agency, of which $7,304,000 shall remain available until September 30, 2024, for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly

by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $52,598,000, of which $5,175,000 shall remain available until September 30, 2024, for salaries and expenses associated with providing representation pursuant to title III of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21–238; D.C. Official Code, sec. 24–403.03), as amended by title VI of the Omnibus Public Safety and Justice Amendment Act of 2020 (D.C. Law 23–274): *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: *Provided further*, That the District of Columbia

Public Defender Service may establish for employees of the District of Columbia Public Defender Service a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, except that the maximum amount of the payment made under the program to any individual may not exceed the amount referred to in section 3523(b)(3)(B) of title 5, United States Code: *Provided further*, That for the purposes of engaging with, and receiving services from, Federal Franchise Fund Programs established in accordance with section 403 of the Government Management Reform Act of 1994, as amended, the District of Columbia Public Defender Service shall be considered an agency of the United States Government: *Provided further*, That the District of Columbia Public Defender Service may enter into contracts for the procurement of severable services and multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as an executive agency under sections 3902 and 3903 of title 41, United States Code.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,150,000, to remain available until expended, to support initiatives related to the coordination

of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2023, to the Commission on Judicial Disabilities and Tenure, $330,000, and for the Judicial Nomination Commission, $288,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $52,500,000, to remain available until expended, for payments authorized under the Scholarships for Opportunity and Results Act (division C of Public Law 112–10): *Provided*, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further*, That within funds provided for opportunity scholarships up to $1,750,000 shall be for the activities specified in sections 3007(b) through 3007(d) of the Act and up to $500,000 shall be for the activities specified in section 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $600,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $4,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $8,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund

of the District of Columbia (''General Fund'') for programs and activities set forth in the Fiscal Year 2022 Local Budget Act of 2021 (D.C. Act 24–173) and at rates set forth under such Act, as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2022 under this heading shall not exceed the estimates included in the Fiscal Year 2022 Local Budget Act of 2021, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia

shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2022, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2022''.

# TITLE V

# INDEPENDENT AGENCIES

## Administrative Conference of the United States

### salaries and expenses

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $3,400,000, to remain available until September 30, 2023, of which not to exceed $1,000 is for official reception and representation expenses.

## Consumer Product Safety Commission

### salaries and expenses

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $139,050,000, of which $2,000,000 shall remain available until expended, to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110-140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. During fiscal year 2022, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as ''ROV'') rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-

of-sale hangtag about a ROV's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $20,000,000, of which $1,500,000 shall be made available to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

ELECTION SECURITY GRANTS

Notwithstanding section 104(c)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)), $75,000,000 is provided to the Election Assistance Commission for necessary expenses to make payments to States for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized by sections 101, 103, and 104 of such Act: *Provided*, That for purposes of applying such sections, the Commonwealth of the Northern Mariana Islands shall be deemed to be a State and, for purposes of sections 101(d)(2) and 103(a) shall be treated in the same manner as the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands: *Provided further,* That each reference to the ''Administrator of General Services'' or the ''Administrator'' in sections 101 and 103 shall be deemed to refer to the ''Election Assistance Commission'': *Provided further*, That each reference to ''$5,000,000'' in section 103 shall be deemed to refer to ''$1,000,000'' and each reference to ''$1,000,000'' in section 103 shall be deemed to refer to ''$200,000'': *Provided further*, That not later than 45 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading:

*Provided further*, That not later than two years after receiving a payment under this heading, a State shall make available funds for such activities in an amount equal to 20 percent of the total amount of the payment made to the State under this heading: *Provided further*, That States shall submit quarterly financial reports and annual progress reports.

## FEDERAL COMMUNICATIONS COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $381,950,000, to remain available until expended: *Provided*, That $381,950,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2022 so as to result in a final fiscal year 2022 appropriation estimated at $0: *Provided further*, That, notwithstanding 47 U.S.C.

309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $128,621,000 for fiscal year 2022: *Provided further*, That, of the amount appropriated under this heading, not less than $11,854,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2021'' each place it appears and inserting ''December 31, 2022''.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector

General Act of 1978, $46,500,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

## FEDERAL ELECTION COMMISSION

### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $74,500,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

## FEDERAL LABOR RELATIONS AUTHORITY

### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $27,398,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided*

*further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

## FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

### ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m–8(d), $10,000,000, to remain available until expended.

## FEDERAL TRADE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $376,530,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any

other provision of law, not to exceed $138,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $20,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2022, so as to result in a final fiscal year 2022 appropriation from the general fund estimated at not more than $218,530,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equip-

ment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $9,342,205,000, of which—

(1) $299,476,000 shall remain available until expended for new construction and acquisition (including funds for sites and expenses, and associated design and construction services and feasibility studies), and demolition and related site and security expenses, of which—

(A) $245,976,000 is for new construction and acquisition, as follows:

Connecticut:

Hartford, U.S. Courthouse, $138,000,000;

Puerto Rico:

San Juan, U.S. Courthouse, $22,476,000;

Tennessee:

Chattanooga, U.S. Courthouse, $85,500,000;

(B) $52,000,000 is for demolition of the buildings located at 202-220 South State Street in Chicago, Illinois, and protection of the adjacent buildings during the demolition process, securing the vacant site of the demolished buildings, and landscaping the vacant site following demolition; and

(C) $1,500,000 is for feasibility studies to assess goals, scope, customer need, and alternatives for the following projects:

Arizona:

Nogales, Dennis DeConcini U.S. Land Port of Entry, $500,000;

Georgia:

Atlanta, Chamblee Campus, $500,000;

New Mexico:

Santa Teresa, U.S. Land Port of Entry, $500,000:

*Provided*, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate of a greater amount;

(2) $581,581,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) $139,893,000 is for Major Repairs and Alterations as follows:

Alabama:

Selma, U.S. Federal Building and Courthouse, $4,200,000;

District of Columbia:

Regional Office Building, Phase 2, $4,941,000;

Maryland:

Suitland, Suitland Federal Campus, $20,000,000;

Michigan:

Detroit, Patrick V. McNamara Federal Building Garage, $1,208,000;

Mississippi:

Hattiesburg, William M. Colmer Federal Building and U.S. Courthouse, $27,000,000;

Vicksburg, Mississippi River Commission Building, $23,749,000;

Washington:

Tacoma, Tacoma Union Station, $3,395,000;

West Virginia:

Clarksburg, Clarksburg Post Office and U.S. Courthouse, $55,400,000;

(B) $388,710,000 is for Basic Repairs and Alterations; and

(C) $52,978,000 is for Special Emphasis Programs as follows:

Childcare Facilities Security and Systems Improvements, $15,000,000;

Consolidation Activities, $8,178,000;

Fire Protection and Life Safety, $10,000,000; and

Judiciary Capital Security Program, $19,800,000:

*Provided*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet

the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to ''Basic Repairs and Alterations'' or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for ''Basic Repairs and Alterations'' may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects;

(3) $5,665,148,000 for rental of space to remain available until expended; and

(4) $2,796,000,000 for building operations to remain available until expended: *Provided*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may

be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2022, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $68,720,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, and management; and services as authorized by 5 U.S.C. 3109; $52,540,000, of which not to exceed $7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, $9,580,000, of which $2,000,000 shall remain available until September 30, 2023.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $69,000,000: *Provided*, That not to exceed $50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $5,000,000.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Products and Programs, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; $55,000,000, to

be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed $150,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2022 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act: *Provided further*, That of the total amount appropriated, up to $5,000,000 shall be available for support functions and full-time hires to support activities related to the Administration's requirements under Title II of the Foundations for Evidence-Based Policy-making Act of 2018 (Public Law 115-435).

ASSET PROCEEDS AND SPACE MANAGEMENT FUND

For carrying out section 16(b) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), $4,000,000, to remain available until expended.

WORKING CAPITAL FUND

For the Working Capital Fund of the General Services Administration, $4,000,000, to remain available until expended, for necessary costs incurred by the Administrator to modernize rulemaking systems and to provide support services for Federal rulemaking agencies.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2022 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit

a fiscal year 2023 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior noti-

fication to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. With respect to E–Government projects funded under the heading ''Federal Citizen Services Fund'', the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the

House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

SEC. 527. Section 323 of title 40, United States Code, is amended by adding at the end a new subsection:

''(f) The Administrator may enter into agreements with federal agencies to provide services through the Fund on a fully reimbursable basis.''.

SEC. 528. Section 3173(d)(1) of title 40, United States Code, is amended by inserting before the period the following: ''or for agency-wide acquisition of equipment or systems or the acquisition of services in lieu thereof, as necessary to implement the Act''.

SEC. 529. Section 3173(b)(1) of title 40, United States Code, is amended by inserting '', including advance payments,'' after ''Amounts received''.

SEC. 530. (a) The Administrator of the General Services Administration shall select a site from one of the three listed in the General Services Administration Fiscal Year 2017 PNCR–FBI–NCR17 prospectus for a new fully consolidated Federal Bureau of Investigations (FBI) headquarters. Such decision shall be made in as expeditious manner as possible.

(b) Within 180 days of selecting a site, the General Services Administrator shall transmit to the Committees on Appropriations of the House of Representatives and the

Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate, a report on the construction of a new headquarters for the FBI in the National Capital Region.

(c) The report transmitted under subsection (b) shall be consistent with the requirements of section 3307(b) of title 40, United States Code, and include a summary of the material provisions of the construction and consolidation of the FBI in a new headquarters facility, including all the costs associated design, management, and inspection, and a description of all buildings and infrastructure needed to complete the project.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $2,500,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform

Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $45,825,000, to remain available until September 30, 2023, and in addition not to exceed $2,345,000, to remain available until September 30, 2023, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

## MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

### MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Foundation, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $1,800,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act, up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C.

5604(7)): *Provided*, That all current and previous amounts transferred to the Office of Inspector General of the Department of the Interior will remain available until expended for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.), as amended, and for annual independent financial audits of the Morris K. Udall and Stewart L. Udall Foundation pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289): *Provided further*, That previous amounts transferred to the Office of Inspector General of the Department of the Interior may be transferred to the Morris K. Udall and Stewart L. Udall Foundation for annual independent financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,296,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Adminis-

tration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, $388,310,000, of which $29,000,000 shall remain available until expended for expenses necessary to enhance the Federal Government's ability to electronically preserve, manage, and store Government records, and of which up to $2,000,000 shall remain available until expended to implement the Civil Rights Cold Case Records Collection Act of 2018 (Public Law 115–426).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,968,000.

REPAIRS AND RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For the repair, alteration, and improvement of archives facilities and museum exhibits, related equipment for public spaces, and to provide adequate storage for holdings, $71,000,000, to remain available until expended, of which $11,500,000 is for the Harry S. Truman Library Institute for National and International Affairs in Kansas City, Missouri, and of which $20,000,000 is for the Ulysses S. Grant Presidential Library in Starkville, Mississippi: *Provided*, That such funds may be transferred directly to the Truman Library Institute and to Mississippi State University and maybe used for improvements to library grounds and construction and related activities.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $7,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SEC. 531. For an additional amount for ''National Historical Publications and Records Commission Grants

Program'', $5,265,000, which shall be for initiatives in the amounts and for the projects specified in the table that appears under the heading ''Administrative Provisions—National Archives and Records Administration'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That none of the funds made available by this section may be transferred for any other purpose.

## NATIONAL CREDIT UNION ADMINISTRATION

### COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,545,000 shall be available until September 30, 2023, for technical assistance to low-income designated credit unions.

## OFFICE OF GOVERNMENT ETHICS

### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for

official reception and representation expenses, $19,158,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $164,934,000: *Provided*, That of the total amount made available under this heading, $8,842,000 shall remain available until expended, for information technology infrastructure modernization and Trust Fund Federal Financial System migration or modernization, and shall be in addition to funds otherwise made available for such purposes: *Provided further*, That of the total amount made available under this heading, $1,073,201 may be made

available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition $174,714,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2022, accept donations of money, property, and personal services: *Provided further*, That such donations, including

those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That not to exceed 5 percent of amounts made available under this heading may be transferred to an information technology working capital fund established for purposes authorized by subtitle G of title X of division A of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 40 U.S.C. 11301 note): *Provided further*, That the Director of the OPM shall notify, and receive approval from, the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer under the preceding proviso: *Provided further*, That amounts transferred to such a fund under such transfer authority from any organizational category of the OPM shall not exceed 5 percent of each such organizational category's budget as identified in the report required by section 608 of this Act: *Provided further*, That amounts transferred to such a fund shall remain available for obligation through September 30, 2025.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $5,150,000, and in addition, not to exceed $28,083,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel, including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $30,385,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $17,510,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), $9,800,000, to remain available until September 30, 2023.

PUBLIC BUILDINGS REFORM BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Public Buildings Reform Board in carrying out the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), $3,605,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,988,550,000, to remain available until expended; of which not less than $17,649,400 shall be for the Office of Inspector General; of which not to exceed $75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence.

In addition to the foregoing appropriation, for move, replication, and related costs associated with a replacement lease for the Commission's Fort Worth Regional Of-

fice facilities, not to exceed $6,746,000, to remain available until expended; and for move, replication, and related costs associated with a replacement lease for the Commission's San Francisco Regional Office facilities, not to exceed $4,367,000, to remain available until expended.

For purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2022, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2022: *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,988,550,000 of such offsetting collections shall be available until expended for necessary expenses of this account; not to exceed $6,746,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's Fort Worth Regional Office facilities; and not to exceed $4,367,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's San Francisco Regional Office facilities: *Provided further*, That the total amount

appropriated under this heading from the general fund for fiscal year 2022 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2022 appropriation from the general fund estimated at not more than $0: *Provided further*, That if any amount of the appropriation for move, replication, and related costs associated with a replacement lease for the Commission's Fort Worth Regional Office facilities or if any amount of the appropriation for move, replication, and related costs associated with a replacement lease for the Commission's San Francisco Regional Office facilities is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2022.

## SELECTIVE SERVICE SYSTEM

### SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of

training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $29,200,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

## SMALL BUSINESS ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed $3,500 for official reception and representation expenses, $278,378,000, of which not less than $12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration,

and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2022: *Provided further*, That $6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2023.

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, $290,150,000, to remain available until September 30, 2023: *Provided*, That $138,000,000 shall be available to fund grants for performance in fiscal year 2022 or fiscal year 2023 as authorized by section 21 of the Small Business Act: *Provided further*, That $37,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That

$20,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $22,671,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,466,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $6,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2022 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $11,000,000,000: *Provided further*, That during

fiscal year 2022 commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act shall not exceed $30,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2022 commitments for loans authorized under subparagraph (C) of section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed $4,000,000,000: *Provided further*, That during fiscal year 2022 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $5,000,000,000: *Provided further*, That during fiscal year 2022, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $13,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $163,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $178,000,000, to be available until ex-

pended, of which $1,600,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $168,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $8,400,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That, of the funds provided under this heading, $143,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided further*, That the amount for major disasters under this heading is designated by Congress as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 540. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 541. Not to exceed 3 percent of any appropriation made available in this Act for the Small Business Administration under the headings ''Salaries and Expenses'' and ''Business Loans Program Account'' may be transferred to the Administration's information technology system modernization and working capital fund (IT WCF), as authorized by section 1077(b)(1) of title X of division A of the National Defense Authorization Act for Fiscal Year 2018, for the purposes specified in section 1077(b)(3) of such Act, upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That amounts transferred

to the IT WCF under this section shall remain available for obligation through September 30, 2025.

SEC. 542. For an additional amount for ''Small Business Administration—Salaries and Expenses'', $83,022,000, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the projects specified in the table that appears under the heading ''Administrative Provisions—Small Business Administration'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That, notwithstanding sections 2701.92 and 2701.93 of title 2, Code of Federal Regulations, the Administrator of the Small Business Administration may permit awards to subrecipients for initiatives funded under this section: *Provided further*, That none of the funds made available by this section may be transferred for any other purpose.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $52,570,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free:

*Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices: *Provided further*, That the Postal Service may not destroy, and shall continue to offer for sale, any copies of the Multinational Species Conservation Funds Semipostal Stamp, as authorized under the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241).

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $262,000,000, to be derived by transfer from the Postal Service Fund and expended as

authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

## UNITED STATES TAX COURT

### SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, and not to exceed $3,000 for official reception and representation expenses; $57,783,000, of which $1,000,000 shall remain available until expended: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

# TITLE VI

## GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION OF FUNDS)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases

funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization, restructuring, relocation, or closing of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation, detailing both full-time employee

equivalents and budget authority, with separate columns to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, in the accompanying report, or in the budget appendix for the respective appropriation, whichever is more detailed, and which shall apply to all items for which a dollar amount is specified and to all programs for which new budget authority is provided, as well as to discretionary grants and discretionary grant allocations; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2022 from appropriations made available for salaries and expenses for fiscal year 2022 in this Act, shall remain available through September 30, 2023, for each such account for

the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term ''Executive agency covered by this Act'' means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 618. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any

otherwise applicable limitation on the use of funds contained in this Act.

SEC. 619. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled ''Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts'' unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 620. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 621. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 622. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 623. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II: *Provided further*, That any such alternative mechanism shall maintain existing high-cost support to competitive eligible telecommuni-

cations carriers until support under such mechanism commences.

SEC. 624. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 625. (a) None of the funds made available in this Act may be used to maintain or establish a computer

network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 626. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program and unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulation.

SEC. 627. (a) None of the funds made available under this Act may be used to pay for travel and conference activities that result in a total cost to an Executive branch department, agency, board or commission funded by this Act of more than $500,000 at any single conference unless the agency or entity determines that such attendance is

in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

(b) None of the funds made available under this Act may be used to pay for the travel to or attendance of more than 50 employees, who are stationed in the United States, at any single conference occurring outside the United States unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

SEC. 628. None of the funds made available by this Act may be used for first-class or business-class travel by the employees of executive branch agencies funded by this Act in contravention of sections 301–10.122 through 301–10.125 of title 41, Code of Federal Regulations.

SEC. 629. In addition to any amounts appropriated or otherwise made available for expenses related to enhancements to www.oversight.gov, $850,000, to remain available until expended, shall be provided for an additional amount for such purpose to the Inspectors General Council Fund established pursuant to section 11(c)(3)(B) of the Inspector General Act of 1978 (5 U.S.C. App.):

*Provided*, That these amounts shall be in addition to any amounts or any authority available to the Council of the Inspectors General on Integrity and Efficiency under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 630. None of the funds made available by this Act may be obligated on contracts in excess of $5,000 for public relations, as that term is defined in Office and Management and Budget Circular A–87 (revised May 10, 2004), unless advance notice of such an obligation is transmitted to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 631. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 632. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or

in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 633. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

SEC. 634. Not later than 45 days after the last day of each quarter, each agency funded in this Act shall submit to the Committees on Appropriations of the Senate and the House of Representatives a quarterly budget report that includes total obligations of the Agency for that quarter for each appropriation, by the source year of the appropriation.

SEC. 635. Of the unobligated balances available in the Department of the Treasury, Treasury Forfeiture

Fund, established by section 9703 of title 31, United States Code, $175,000,000 shall be permanently rescinded not later than September 30, 2022.

SEC. 636. (a) DESIGNATION.—The Federal building and courthouse located at 2005 University Boulevard in Tuscaloosa, Alabama, shall be known and designated as the ''Richard Shelby Federal Building and Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Richard Shelby Federal Building and Courthouse''.

# TITLE VII

## GENERAL PROVISIONS—GOVERNMENT-WIDE

### DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2022 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at $19,947 except station wagons for which the maximum shall be $19,997: *Provided*, That these limits may be exceeded by not to exceed $7,250 for police-type vehicles: *Provided further*, That the limits set

forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government

of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided*

*further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials,

including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13834 (May 17, 2018), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the

Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency

head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part

213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of

whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legisla-

tion pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such as mailing, telephone, or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

SEC. 719. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the United States

Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*,

That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed $17,000,000 for Government-wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of ''General Services Administration, Government-wide Policy'' during

fiscal year 2022 shall remain available for obligation through September 30, 2023: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346 , or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, Space, and Technology, and the Senate Com-

mittee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's

access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and

compliance with applicable standards as provided in law.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and

Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contig-

uous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Centers facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b)

of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2022, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's aver-

age unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the

funds to make a payment described in paragraph (1).

(b) In this section, each of the terms ''contribution'', ''expenditure'', ''independent expenditure'', ''electioneering communication'', ''candidate'', ''election'', and ''Federal office'' has the meaning given such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2022, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal ef-

fective date of the applicable wage survey adjustment that is to take effect in fiscal year 2022, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2022, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2022 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2022 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code,

and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2021, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2021, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2021.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary

or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2022 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located

in the pay locality designated as ''Rest of United States'' pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2021.

SEC. 738. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2022 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2022 for which the cost to the United States Government was more than $20,000.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not

be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 739. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the

Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 742. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which

such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 744. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed,

and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 746. (a) During fiscal year 2022, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee

on Banking, Housing, and Urban Affairs of the Senate of such request.

(b) Any notification required by this section shall be made available on the Bureau's public website.

SEC. 747. (a) Notwithstanding any official rate adjusted under section 104 of title 3, United States Code, the rate payable to the Vice President during calendar year 2022 shall be the rate payable to the Vice President on December 31, 2021, by operation of section 748 of division E of Public Law 116–260.

(b) Notwithstanding any official rate adjusted under section 5318 of title 5, United States Code, or any other provision of law, the payable rate during calendar year 2022 for an employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, shall be the rate payable for the applicable Executive Schedule level on December 31, 2021, by operation of section 748 of division E of Public Law 116–260. Such an employee may not receive a rate increase during calendar year 2022, except as provided in subsection (i).

(c) Notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, a chief of mission or ambassador at large is

subject to subsection (b) in the same manner as other employees who are paid at an Executive Schedule rate.

(d)(1) This subsection applies to—

(A) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule; or

(B) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule.

(2) Notwithstanding sections 5382 and 5383 of title 5, United States Code, an employee described in paragraph (1) may not receive a pay rate increase during calendar year 2022, except as provided in subsection (i).

(e) Notwithstanding any other provision of law, any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above the official rate for level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase during calendar year 2022, except as provided in subsection (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service

pay system, to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) This section does not apply to an individual who makes an election to retain Senior Executive Service basic pay under section 3392(c) of title 5, United States Code, for such time as that election is in effect.

(h) This section does not apply to an individual who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) for such time as that election is in effect.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position only if that new position has higher-level duties and a pre-established level or range of pay higher than the level or range for the position held immediately before the movement. Any such increase must be based on the

rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2021, by operation of section 748 of division E of Public Law 116–260.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2021, by operation of section 748 of division E of Public Law 116–260.

(k) If an employee affected by this section is subject to a biweekly pay period that begins in calendar year 2022 but ends in calendar year 2023, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

(l) For the purpose of this section, the term ''covered position'' means a position occupied by an employee whose pay is restricted under this section.

(m) This section takes effect on the first day of the first applicable pay period beginning on or after January 1, 2022.

SEC. 748. (a) Each department or agency of the executive branch of the United States Government shall notify the Committees on Appropriations and the Budget of the

House of Representatives and the Senate and any other appropriate congressional committees if—

(1) an apportionment is not made in the required time period provided in section 1513(b) of title 31, United States Code;

(2) an approved apportionment received by the department or agency conditions the availability of an appropriation on further action; or

(3) an approved apportionment received by the department or agency may hinder the prudent obligation of such appropriation or the execution of a program, project, or activity by such department or agency.

(b) Any notification submitted to a congressional committee pursuant to this section shall contain information identifying the bureau, account name, appropriation name, and Treasury Appropriation Fund Symbol or fund account.

SEC. 749. (a) Any non-Federal entity receiving funds provided in this or any other appropriations Act for fiscal year 2022 that are specified in the disclosure table submitted in compliance with clause 9 of rule XXI of the Rules of the House of Representatives or Rule XLIV of the Standing Rules of the Senate that is included in the report or explanatory statement accompanying any such

Act shall be deemed to be a recipient of a Federal award with respect to such funds for purposes of the requirements of 2 C.F.R. 200.334, regarding records retention, and 2 C.F.R. 200.337, regarding access by the Comptroller General of the United States.

(b) Nothing in this section shall be construed to limit, amend, supersede, or restrict in any manner any requirements otherwise applicable to non-Federal entities described in paragraph (1) or any existing authority of the Comptroller General.

SEC. 750. Section 15010(a)(6) of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) in subparagraph (D), by striking ''or'';

(2) in subparagraph (E), by striking ''; and'' and inserting ''; or''; and

(3) by inserting after subparagraph (E), the following:

''(F) the American Rescue Plan Act of 2021 (Public Law 117–2); and''.

SEC. 751. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available by this or any other Act to any Federal agency may be used by that Federal agency for interagency funding for coordination with, participation in, or

recommendations involving, activities of the U.S. Army Medical Research and Development Command, the Congressionally Directed Medical Research Programs and the National Institutes of Health research programs.

SEC. 752. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

# TITLE VIII

## GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a re-programming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2022.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the

offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections

who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting

on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to

legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2022 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital

funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2022 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2022 in this Act, shall remain available through September 30, 2023, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a)(1) During fiscal year 2023, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2023 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2023 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2023 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2023.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2023 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2023 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. (a) Section 244 of the Revised Statutes of the United States relating to the District of Columbia (sec. 9–1201.03, D.C. Official Code) does not apply with respect to any railroads installed pursuant to the Long Bridge Project.

(b) In this section, the term ''Long Bridge Project'' means the project carried out by the District of Columbia and the Commonwealth of Virginia to construct a new Long Bridge adjacent to the existing Long Bridge over the Potomac River, including related infrastructure and other related projects, to expand commuter and regional passenger rail service and to provide bike and pedestrian access crossings over the Potomac River.

SEC. 818. Not later than 45 days after the last day of each quarter, each Federal and District government agency appropriated Federal funds in this Act shall submit to the Committees on Appropriations of the House of Representatives and the Senate a quarterly budget report that includes total obligations of the Agency for that quarter for each Federal funds appropriation provided in this Act, by the source year of the appropriation.

SEC. 819. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2022''.

# DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2022

## TITLE I

## DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

### Office of the Secretary and Executive Management

#### operations and support

For necessary expenses of the Office of the Secretary and for executive management for operations and support, $236,053,000; of which $23,204,000 shall be for the Office of the Ombudsman for Immigration Detention, of which $5,000,000 shall remain available until September 30, 2023: *Provided*, That not to exceed $30,000 shall be for official reception and representation expenses: *Provided further*, That $5,000,000 shall be withheld from obligation until the Secretary submits, to the Committees on Appropriations of the Senate and the House of Representatives, responses to all questions for the record for each hearing on the fiscal year 2023 budget submission for the Department of Homeland Security held by such Committees prior to July 1.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary and for executive management for Federal assistance through grants, contracts, cooperative agreements, and other activities, $35,000,000, which shall be transferred to ''Federal Emergency Management Agency—Federal Assistance'', of which $20,000,000 shall be for targeted violence and terrorism prevention grants and of which $15,000,000 shall be for an Alternatives to Detention Case Management pilot program, to remain available until September 30, 2023: *Provided*, That the amounts made available for the pilot program shall be awarded as described in the first proviso under this heading in title I of division F of Public Law 116–260 and services shall be provided as described in the second and third such provisos.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, including vehicle fleet modernization, $1,637,009,000, of which $33,500,000 shall remain available until September 30, 2023: *Provided*, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $491,816,000, of which $132,116,000 shall remain available until September 30, 2024, and of which $359,700,000 shall remain available until September 30, 2026.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, $298,171,000, of which $89,672,000 shall remain available until September 30, 2023: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF THE INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Inspector General for operations and support, $205,359,000: *Provided*, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2022, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2021 or 2022.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2023.

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of

Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 104. (a) The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

(b) None of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfer.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary

and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 106. (a) The Under Secretary for Management shall brief the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the end of each fiscal quarter on all Level 1 and Level 2 acquisition programs on the Master Acquisition Oversight list between Acquisition Decision Event 1 and Full Operational Capability, including programs that have been removed from such list during the preceding quarter.

(b) For each such program without a department-approved acquisition program baseline, the briefing described in subsection (a) shall include—

(1) a description of the purpose of the program, including the capabilities being acquired and the component(s) sponsoring the acquisition; and

(2) the Acquisition Review Board status, including—

(A) the current acquisition phase;

(B) the date and purpose of the most recent review; and

(C) whether the program has been paused or is in breach status.

(c) For each such program with a department-approved acquisition program baseline, the briefing described in subsection (a) shall include—

(1) a description of the purpose of the program, including the capabilities being acquired and the component(s) sponsoring the acquisition;

(2) the total number of units, as appropriate, to be acquired annually until procurement is complete under the current acquisition program baseline;

(3) the Acquisition Review Board status, including—

(A) the current acquisition phase by increment, as applicable;

(B) the date of the most recent review; and

(C) whether the program has been paused or is in breach status;

(4) a comparison between the initial Department-approved acquisition program baseline cost, schedule, and performance thresholds and objectives and the program's current such thresholds and objectives, if applicable;

(5) the lifecycle cost estimate, including—

(A) the confidence level for the estimate;

(B) the fiscal years included in the estimate; and

(C) a description of and rationale for any changes to the estimate during the prior fiscal year;

(6) a summary of the findings of any independent verification and validation of the items to be acquired or an explanation for why no such verification and validation has been performed;

(7) a table displaying the obligation of all program funds by prior fiscal year, the estimated obligation of funds for the current fiscal year, and an estimate for the planned carryover of funds into the subsequent fiscal year;

(8) a listing of prime contractors and major subcontractors; and

(9) narrative descriptions of risks to cost, schedule, or performance that could result in a program breach if not successfully mitigated.

(d) The Under Secretary for Management shall submit each approved Acquisition Decision Memoranda for programs described in this section to the Committees on Appropriations of the Senate and the House of Representatives not later than five business days after the date of approval of such memorandum by the Under Secretary for Management or the designee of the Under Secretary.

SEC. 107. (a) No Federal funds made available to the Department of Homeland Security may be obligated for any pilot or demonstration program that uses more than 5 full-time equivalents or costs in excess of $1,000,000 until 30 days after the date on which the Under Secretary for Management of the Department of Homeland Security provides the following to the Committees on Appropriations of the Senate and the House of Representatives for such program:

(1) Objectives that are well-defined and measurable;

(2) An assessment methodology that details—

(A) the type and source of assessment data;

(B) the methods for and frequency of collecting such data; and

(C) how such data will be analyzed;

(3) An implementation plan, including milestones, a cost estimate, and schedule, including an end date; and

(4) A signed interagency agreement or memorandum of agreement for any pilot or demonstration program involving the participation of more than one Department of Homeland Security component or that of an entity not part of such Department.

(b) Not later than 30 days after the date of completion of a pilot or demonstration program described in subsection (a), the Under Secretary for Management of the Department of Homeland Security shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives detailing lessons learned, actual costs, and any planned expansion or continuation of the pilot or demonstration program.

(c) For the purposes of this section, a pilot or demonstration program is a policy implementation, study, demonstration, experimental program, or trial that is a small-scale, short-term experiment conducted in order to evaluate feasibility, duration, costs, or adverse events, and improve upon the design of an effort prior to implementation of a larger scale effort.

SEC. 108. (a) Amounts provided in title II of division B of Public Law 117–70 for ''Office of the Secretary and Executive Management—Operations and Support'' are available for providing reimbursement to airports and airport operators for costs incurred between August 1, 2021, and September 30, 2022, for activities directly and demonstrably related to Operation Allies Welcome.

(b) Each amount repurposed by this section that was previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emer-

gency Deficit Control Act of 1985 or a concurrent resolution on the budget is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

# TITLE II

# SECURITY, ENFORCEMENT, AND INVESTIGATIONS

## U.S. Customs and Border Protection

### operations and support

### (including transfer of funds)

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied alien minors; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $13,756,194,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-

tion 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $700,000,000 shall be available until September 30, 2023; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed $34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed $5,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations used by the U.S. Border Patrol.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems, $572,083,000, of which $93,425,000 shall remain available until September 30,

2024; and of which $478,658,000 shall remain available until September 30, 2026.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $8,206,526,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $46,696,000 shall remain available until September 30, 2023; of which not less than $1,500,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than $4,175,786,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors: *Provided*, That not to exceed $11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed

$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the amounts made available under this heading in this Act for Executive Leadership and Oversight, $5,000,000 shall not be available for obligation until the reports directed under this heading by the explanatory statements accompanying Public Laws 116–6, 116–93, and 116–260 have been submitted to the Committees on Appropriations of the Senate and the House of Representatives.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $51,700,000, of which $34,321,000 shall remain available until September 30, 2024, and of which $17,379,000 shall remain available until September 30, 2026.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $8,091,193,000, to remain available until September 30, 2023: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2022 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $5,981,193,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $160,736,000, to remain available until September 30, 2024.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development,

$35,532,000, to remain available until September 30, 2023.

## Coast Guard

### operations and support

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $9,162,120,000, of which $530,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $5,000,000 shall remain available until September 30, 2024; of which $27,456,000 shall remain available until September 30, 2026, for environmental compliance and restoration; and of which $70,000,000 shall remain available until September 30, 2023, which shall only be available for vessel

depot level maintenance: *Provided*, That not to exceed $23,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $2,030,100,000, to remain available until September 30, 2026; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which such sums as were deposited into the Coast Guard Housing Fund prior to fiscal year 2021 that remain unavailable for obligation shall be available to carry out the purposes of section 2946 of title 14, United States Code, in addition to amounts otherwise available for such purposes, and shall be derived from such deposits.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,476,000, to remain available until September 30, 2024,

of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,963,519,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use; hire of pas-

senger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,554,729,000; of which $53,321,000 shall remain available until September 30, 2023, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to $17,000,000 may be for calendar year 2021 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as last amended by Public Law 116–269: *Provided*, That not to exceed $19,125 shall be for official reception and representation

expenses: *Provided further*, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $54,849,000, to remain available until September 30, 2024.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $2,310,000, to remain available until September 30, 2023.

ADMINISTRATIVE PROVISIONS

SEC. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that ''fiscal year 2022'' shall be substituted for ''fiscal year 2018''.

SEC. 202. Funding made available under the headings ''U.S. Customs and Border Protection—Operations and Support'' and ''U.S. Customs and Border Protec-

tion—Procurement, Construction, and Improvements'' shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico and the U.S. Virgin Islands, in addition to funding provided by sections 740 and 1406i of title 48, United States Code.

SEC. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 204. (a) For an additional amount for ''U.S. Customs and Border Protection—Operations and Support'', $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2022 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–25), or other such authorizing language.

(b) To the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 206. (a) Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of

title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels.

(b) The Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

SEC. 207. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) In this section, the term ''border crossing fee'' means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 208. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit an expenditure plan for any amounts made available for ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' in this Act and prior Acts to the Committees on Appropriations of the Senate and the House of Representatives.

(b) No such amounts may be obligated prior to the submission of such plan.

SEC. 209. Of the total amount made available under ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'', $572,083,000 shall be available only as follows:

(1) $276,000,000 for the acquisition and deployment of border security technologies;

(2) $99,653,000 for trade and travel assets and infrastructure;

(3) $93,425,000 for facility construction and improvements;

(4) $72,395,000 for integrated operations assets and infrastructure; and

(5) $30,610,000 for mission support and infrastructure.

SEC. 210. Section 211 of the Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116–260), prohibiting the use of funds for the construction of fencing in certain areas, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 211. (a) Funds made available in this Act may be used to alter operations within the National Targeting Center of U.S. Customs and Border Protection.

(b) None of the funds provided by this Act, provided by previous appropriations Acts that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 212. Section 411(o)(3) of the Homeland Security Act of 2002 (6 U.S.C. 211(o)(3)), is amended by striking ''170'' and inserting ''250''.

SEC. 213. For an additional amount for ''U.S. Customs and Border Protection—Operations and Support'', $100,000,000, to remain available until September 30, 2023, in addition to amounts otherwise available for such purposes, for Border Patrol hiring and contractors, retention and relocation incentives and contract support.

SEC. 214. None of the funds provided under the heading ''U.S. Immigration and Customs Enforcement—Operations and Support'' may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

SEC. 215. (a) None of the funds provided under the heading ''U.S. Immigration and Customs Enforcement—Operations and Support'' may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the

equivalent median score in any subsequent performance evaluation system.

(b) The performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.

SEC. 216. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to ''U.S. Immigration and Customs Enforcement—Operations and Support'' as necessary to ensure the detention of aliens prioritized for removal.

SEC. 217. The reports required to be submitted under section 216 of the Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116–260) shall continue to be submitted semimonthly and each matter required to be included in such report by such section 216 shall apply in the same manner and to the same extent during the period described in this section.

SEC. 218. The terms and conditions of sections 216 and 217 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

SEC. 219. Members of the United States House of Representatives and the United States Senate, including

the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SEC. 220. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

SEC. 221. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2022, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 222. Not later than 30 days after the submission of the President's budget proposal, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Homeland Security in the House of Representatives a single report that fulfills the following requirements:

(1) a Capital Investment Plan that includes a plan for continuous and sustained capital investment in new, and the replacement of aged, transportation security equipment;

(2) the 5-year technology investment plan as required by section 1611 of title XVI of the Homeland Security Act of 2002, as amended by section 3 of the Transportation Security Acquisition Reform Act (Public Law 113–245); and

(3) the Advanced Integrated Passenger Screening Technologies report as required by the Senate Report accompanying the Department of Homeland Security Appropriations Act, 2019 (Senate Report 115–283).

SEC. 223. (a) None of the funds made available by this Act under the heading ''Coast Guard—Operations and Support'' shall be for expenses incurred for rec-

reational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading ''Coast Guard—Operations and Support''.

(b) To the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 224. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, in accordance with the notification requirement described in subsection (b) of such section, up to the following amounts may be reprogrammed within ''Coast Guard—Operations and Support''—

(1) $10,000,000 to or from the ''Military Personnel'' funding category; and

(2) $10,000,000 between the ''Field Operations'' funding subcategories.

SEC. 225. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and

the House of Representatives a future-years capital investment plan as described in the second proviso under the heading ''Coast Guard—Acquisition, Construction, and Improvements'' in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

SEC. 226. Of the funds made available for defense-related activities under the heading ''Coast Guard—Operations and Support'', up to $190,000,000 that are used for enduring overseas missions in support of the global fight against terrorism may be reallocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 227. None of the funds in this Act shall be used to reduce the Coast Guard's legacy Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 228. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 229. Funds made available in this Act may be used to alter operations within the Civil Engineering Pro-

gram of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 230. Amounts deposited into the Coast Guard Housing Fund in fiscal year 2022 shall be available until expended to carry out the purposes of section 2946 of title 14, United States Code, and shall be in addition to funds otherwise available for such purposes.

SEC. 231. (a) Notwithstanding section 2110 of title 46, United States Code, none of the funds made available in this Act shall be used to charge a fee for an inspection of a towing vessel, as defined in 46 CFR Section 136.110, that utilizes the Towing Safety Management System option for a Certificate of Inspection issued under subchapter M of title 46, Code of Federal Regulations.

(b) Subsection (a) shall not apply after the date the Commandant of the Coast Guard makes a determination under section 815(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and, as necessary based on such determination, carries out the requirements of subsection 815(b) of such Act.

SEC. 232. (a) For an additional amount for ''Coast Guard—Procurement, Construction, and Improvements'', $50,000,000, to remain available until expended, which shall be distributed as a grant for the National Coast Guard Museum to carry out activities under section 316(d) of title 14, United States Code.

(b) The Coast Guard shall not be responsible for the execution of any contracts, planning, or execution of work to accomplish any activities outlined in section 316(d) of title 14, United States Code.

SEC. 233. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading ''United States Secret Service—Operations and Support'' at the end of the fiscal year.

SEC. 234. (a) None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security.

(b) The Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

SEC. 235. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within ''United States Secret Service—Operations and Support''.

SEC. 236. Funding made available in this Act for ''United States Secret Service—Operations and Support'' is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

# TITLE III

# PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

## CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

### OPERATIONS AND SUPPORT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, $1,992,527,000, of which $36,293,000, shall remain avail-

able until September 30, 2023: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $590,698,000, to remain available until September 30, 2024.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $10,431,000, to remain available until September 30, 2023.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,245,859,000: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $209,985,000, of which $98,775,000 shall remain available until September 30, 2024, and of which $111,210,000 shall remain available until September 30,

2026: *Provided*, That the Administrator of the Federal Emergency Management Agency may use up to $10,400,000 of the amounts made available under this heading to acquire and develop real property adjacent to any existing training facility currently funded within the Education, Training, and Exercises program, project, or activity: *Provided further*, That such acquisition and development of real property is only for the purposes of establishing a multi-use training facility: *Provided further*, That none of the funds made available in the first proviso may be used for the management costs associated with such real property: *Provided further*, That such management costs shall be made available from funds provided under the heading ''Federal Emergency Management Agency—Operations and Support''.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,633,199,000, which shall be allocated as follows:

(1) $645,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $90,000,000 shall be for Operation

Stonegarden, $15,000,000 shall be for Tribal Homeland Security Grants under section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606), and $125,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2022, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $740,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $125,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $105,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(5) $720,000,000, to remain available until September 30, 2023, of which $360,000,000 shall be for Assistance to Firefighter Grants and $360,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) $355,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-

ert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) $275,500,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(8) $12,000,000 for Regional Catastrophic Preparedness Grants.

(9) $12,000,000 for Rehabilitation of High Hazard Potential Dams under section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2).

(10) $130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(11) $40,000,000 for the Next Generation Warning System.

(12) $205,098,811 for Community Project Funding and Congressionally Directed Spending grants, which shall be for the purposes, and the amounts, specified in the table entitled ''Community Project Funding and Congressionally Directed Spending'' under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which—

(A) $150,000, in addition to amounts otherwise made available for such purpose, is for a nonprofit security grant under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605);

(B) $49,026,403, in addition to amounts otherwise made available for such purpose, is for emergency operations center grants under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c);

(C) $153,922,408, in addition to amounts otherwise made available for such purpose, is for pre-disaster mitigation grants under section

203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(e), notwithstanding subsections (f), (g), and (l) of that section (42 U.S.C. 5133(f), (g), (l)); and

(D) $2,000,000 shall be transferred to ''Federal Emergency Management Agency—Operations and Support'', to manage and administer Community Project Funding and Congressionally Directed Spending grants.

(13) $293,600,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $18,799,000,000, to remain available until expended, shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022: *Provided*, That of the amount provided under this heading, up to

$3,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for administrative expenses related to direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184).

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $214,706,000, to remain available until September 30, 2023, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $15,706,000 shall be available for mission support associated with flood management; and of which $199,000,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2022,

no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $197,393,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $876,743,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017): *Provided further*, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through

(3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. (a) Funds made available under the heading ''Cybersecurity and Infrastructure Security Agency—Operations and Support'' may be made available for the necessary expenses of carrying out the competition specified in section 2(e) of Executive Order No. 13870 (May 2, 2019), including the provision of monetary and nonmonetary awards for Federal civilian employees and members of the uniformed services, the necessary expenses for the honorary recognition of any award recipients, and activities to encourage participation in the competition, including promotional items.

(b) Any awards made pursuant to this section shall be of the same type and amount as those authorized under sections 4501 through 4505 of title 5, United States Code.

SEC. 302. Funds made available under the heading ''Cybersecurity and Infrastructure Security Agency—Operations and Support'' may be made available for the necessary expenses of procuring or providing access to cyber-

security threat feeds for branches, agencies, independent agencies, corporations, establishments, and instrumentalities of the Federal government of the United States, state, local, tribal, and territorial government entities, fusion centers as described in section 210A of the Homeland Security Act (6 U.S.C. 124h), and Information Sharing and Analysis Organizations.

SEC. 303. (a) Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under ''Federal Emergency Management Agency—Federal Assistance'', may be used by the recipient for expenses directly related to administration of the grant.

(b) The authority provided in subsection (a) shall also apply to a recipient for the administration of a grant under such paragraphs (1) and (2) for organizations described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code that are determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

SEC. 304. Applications for grants under the heading ''Federal Emergency Management Agency—Federal Assistance'', for paragraphs (1) through (4), shall be made

available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 305. Under the heading ''Federal Emergency Management Agency—Federal Assistance'', for grants under paragraphs (1) through (4), (8), and (9), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

SEC. 306. Under the heading ''Federal Emergency Management Agency—Federal Assistance'', for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 307. The reporting requirements in paragraphs (1) and (2) under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2022

with respect to budget year 2023 and current fiscal year 2022, respectively—

(1) in paragraph (1) by substituting ''fiscal year 2023'' for ''fiscal year 2016''; and

(2) in paragraph (2) by inserting ''business'' after ''fifth''.

SEC. 308. In making grants under the heading ''Federal Emergency Management Agency—Federal Assistance'', for Staffing for Adequate Fire and Emergency Response grants, the Administrator of the Federal Emergency Management Agency may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 309. (a) The aggregate charges assessed during fiscal year 2022 , as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year.

(b) The methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of

providing such services, including administrative costs of collecting such fees.

(c) Such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2022, and remain available until expended.

SEC. 310. In making grants under the heading ''Federal Emergency Management Agency—Federal Assistance'', for Assistance to Firefighter Grants, the Administrator of the Federal Emergency Management Agency may waive subsection (k) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

SEC. 311. (a) Notwithstanding sections 403(b), 403(c)(4), 404(a), 406(b), 407(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for any emergency or major disaster declared by the President under such Act with a declaration occurring or an incident period beginning between January 1, 2020, and December 31, 2021, the Federal share of assistance, including direct Federal assistance, provided under such sections shall be not less than 90 percent of the eligible cost of such assistance.

(b) Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, or as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

(c) Subsection (a) shall apply with respect to fiscal year 2022 and each fiscal year thereafter.

# TITLE IV

# RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

## U.S. Citizenship and Immigration Services

### operations and support

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support, including for the E-Verify Program, application processing, the reduction of backlogs within asylum, field, and service center offices, and support of the refugee program; $389,504,000, of which $87,619,000 shall remain available until September 30, 2023: *Provided*, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That not to exceed $2,500 shall be for official reception and representation expenses.

### federal assistance

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, $20,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $322,436,000, of which $61,618,000 shall remain available until September 30, 2023: *Provided*, That not to exceed $7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $33,200,000, to remain available until September 30, 2026, for acquisition of necessary additional real property and facilities, construction and ongoing maintenance, facility improvements and related expenses of the Federal Law Enforcement Training Centers.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $330,590,000, of which $196,624,000 shall remain avail-

able until September 30, 2023: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Science and Technology Directorate for procurement, construction, and improvements, $12,859,000, to remain available until September 30, 2026.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $542,954,000, to remain available until September 30, 2024.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, $176,750,000, of which $50,156,000 shall remain available until September 30, 2023: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction,

and improvements, $76,604,000, to remain available until September 30, 2024.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, $65,709,000, to remain available until September 30, 2024.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $132,948,000, to remain available until September 30, 2024.

ADMINISTRATIVE PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease.

(b) The Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 403. The terms and conditions of section 403 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

SEC. 404. Notwithstanding the seventh proviso under the heading ''Immigration and Naturalization Service—Salaries and Expenses'' in Public Law 105–119 (relating to FD–258 fingerprint cards), or any other provision of law, any Federal funds made available to U.S. Citizenship and Immigration Services may be used for the collection and use of biometrics taken at a U.S. Citizenship and Immigration Services Application Support Center that is overseen virtually by U.S. Citizenship and Immigration Services personnel using appropriate technology.

SEC. 405. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds

to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 406. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 407. (a) The Director of the Federal Law Enforcement Training Centers may accept transfers to its ''Procurement, Construction, and Improvements'' account from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)).

(b) The Federal Law Enforcement Training Centers shall maintain administrative control and ownership upon completion of such facilities.

SEC. 408. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

# TITLE V

## GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project,

or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2022 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous

appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts that remain available for obligation in the current year.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House

of Representatives at least 5 days in advance of such transfer.

SEC. 504. (a) Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

(b) Funds from such working capital fund may be obligated and expended in anticipation of reimbursements from components of the Department of Homeland Security.

SEC. 505. (a) Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2022, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2023, from appropriations for ''Operations and Support'' for fiscal year 2022 in this Act shall remain available through September 30, 2023, in the account and for the purposes for which the appropriations were provided.

(b) Prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

SEC. 506. (a) Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2022 until the enactment of an Act authorizing intelligence activities for fiscal year 2022.

(b) Amounts described in subsection (a) made available for ''Intelligence, Analysis, and Operations Coordination—Operations and Support'' that exceed the amounts in such authorization for such account shall be transferred to and merged with amounts made available under the heading ''Management Directorate—Operations and Support''.

(c) Prior to the obligation of any funds transferred under subsection (b), the Management Directorate shall brief the Committees on Appropriations of the Senate and the House of Representatives on a plan for the use of such funds.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation or grant in excess of $1,000,000;

(2) making or awarding a contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $4,000,000;

(3) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

(4) making a sole-source grant award; or

(5) announcing publicly the intention to make or award items under paragraph (1), (2), (3), or (4), including a contract covered by the Federal Acquisition Regulation.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers' facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (di-

vision E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. (a) None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act.

(b) For purposes of subsection (a), the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. (a) None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

(b) Subsection (a) shall not apply to—

(1) the use of such section 872 to establish an office within the Office of the Secretary that shall, for departmental workforce health, safety, and medical functions and activities—

(A) develop departmental policies;

(B) establish standards;

(C) provide technical assistance;

(D) conduct oversight; and

(E) serve as the primary liaison and coordinator; and

(2) the reallocation to an office established under paragraph (1) of—

(A) the position and responsibilities of the Chief Medical Officer and related personnel from the Countering Weapons of Mass Destruction Office;

(B) the personnel, functions, and responsibilities related to departmental workforce health and medical activities from the Under Secretary for Management as authorized in section 710 of the Homeland Security Act, and related safety activities; and

(C) the responsibility of carrying out the program authorized by section 528 of the Homeland Security Act and related personnel.

(c) The Secretary of Homeland Security may transfer funds made available in this Act under the headings ''Management Directorate'' and ''Countering Weapons of Mass Destruction Office'' consistent with the establish-

ment of the office and the reallocations of functions, positions, and responsibilities described in subsection (b).

(d) The Secretary shall submit a notification to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate at least 15 days prior to the establishment of the office described in subsection (b).

(e) The functions of the office described in subsection (b) shall not include chemical, biological, radiological, and nuclear programs of the Countering Weapons of Mass Destruction Office and the transfer of funds described in subsection (c) shall not include funding appropriated for such programs.

SEC. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 516. None of the funds made available in this Act may be used for first-class travel by the employees

of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 517. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 518. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer

network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 521. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 522. (a) None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination.

(b) For purposes of this section the term ''international conference'' shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

(c) The total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.

(d) Employees who attend a conference virtually without travel away from their permanent duty station within the United States shall not be counted for purposes of this section, and the prohibition contained in this section shall not apply to payments for the costs of attendance for such employees.

SEC. 523. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 524. (a) None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for the implementation of any structural pay reform or the introduction of any new position classification that will affect more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date

on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current fiscal year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) for a structural pay reform, an analysis of compensation alternatives to such change that were considered by the Department.

(b) Subsection (a) shall not apply to such change if—

(1) it was proposed in the President's budget proposal for the fiscal year funded by this Act; and

(2) funds for such change have not been explicitly denied or restricted in this Act.

SEC. 525. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 526. (a) Funding provided in this Act for ''Operations and Support'' may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), ''minor'' refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

SEC. 527. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2022.

SEC. 528. (a) For an additional amount for ''Federal Emergency Management Agency—Federal Assistance'', $3,000,000, to remain available until September 30, 2023, exclusively for providing reimbursement of extraordinary law enforcement or other emergency personnel costs for protection activities directly and demonstrably associated

with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect to amounts made available by subsection (a) of this section by substituting ''October 1, 2022'' for ''October 1, 2018'' and ''October 1, 2021'' for ''October 1, 2017''.

SEC. 529. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied—

(1) In subsection (a), by substituting ''September 30, 2022,'' for ''September 30, 2017,''; and

(2) In subsection (c)(1), by substituting ''September 30, 2022,'' for ''September 30, 2017''.

(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.

(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional govern-

ment contractor as defined in section 2371b(e) of title 10, United States Code.

SEC. 530. (a) None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of Congress or such designated employee, compared to what would be observed in the absence of such modification:

(1) A Member of Congress.

(2) An employee of the United States House of Representatives or the United States Senate designated by such a Member for the purposes of this section.

(b) Nothing in this section may be construed to require a Member of Congress to provide prior notice of the intent to enter a facility described in subsection (a) for the purpose of conducting oversight.

(c) With respect to individuals described in subsection (a)(2), the Department of Homeland Security may require

that a request be made at least 24 hours in advance of an intent to enter a facility described in subsection (a).

SEC. 531. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

(b) Subsection (a) shall not apply with respect to a pregnant woman if—

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

(A) is a serious flight risk, and such risk cannot be prevented by other means; or

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical profes-

sional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

SEC. 532. (a) None of the funds made available by this Act may be used to destroy any document, recording, or other record pertaining to any—

(1) death of,

(2) potential sexual assault or abuse perpetrated against, or

(3) allegation of abuse, criminal activity, or disruption committed by

an individual held in the custody of the Department of Homeland Security.

(b) The records referred to in subsection (a) shall be made available, in accordance with applicable laws and regulations, and Federal rules governing disclosure in litigation, to an individual who has been charged with a crime, been placed into segregation, or otherwise punished as a result of an allegation described in paragraph (3), upon the request of such individual.

SEC. 533. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to any Federal funds in the same manner as such section applied to funds made available in that Act.

SEC. 534. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2023 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2022.

SEC. 535. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 536. (a) Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Under Secretary for Manage-

ment of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the unfunded priorities, for the Department of Homeland Security and separately for each departmental component, for which discretionary funding would be classified as budget function 050.

(b) Each report under this section shall specify, for each such unfunded priority—

(1) a summary description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(2) the description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(3) account information, including the following (as applicable):

(A) appropriation account; and

(B) program, project, or activity name; and

(4) the additional number of full-time or part-time positions to be funded as part of such priority.

(c) In this section, the term ''unfunded priority'', in the case of a fiscal year, means a requirement that—

(1) is not funded in the budget referred to in subsection (a);

(2) is necessary to fulfill a requirement associated with an operational or contingency plan for the Department; and

(3) would have been recommended for funding through the budget referred to in subsection (a) if—

(A) additional resources had been available for the budget to fund the requirement;

(B) the requirement has emerged since the budget was formulated; or

(C) the requirement is necessary to sustain prior-year investments.

SEC. 537. (a) Not later than 10 days after a determination is made by the President to evaluate and initiate protection under any authority for a former or retired Government official or employee, or for an individual who, during the duration of the directed protection, will become a former or retired Government official or employee (referred to in this section as a ''covered individual''), the Secretary of Homeland Security shall submit a notification to congressional leadership and the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Rep-

resentatives, and the Committee on Oversight and Reform of the House of Representatives (referred to in this section as the ''appropriate congressional committees'').

(b) Such notification may be submitted in classified form, if necessary, and in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, as appropriate, and shall include the threat assessment, scope of the protection, and the anticipated cost and duration of such protection.

(c) Not later than 15 days before extending, or 30 days before terminating, protection for a covered individual, the Secretary of Homeland Security shall submit a notification regarding the extension or termination and any change to the threat assessment to the congressional leadership and the appropriate congressional committees.

(d) Not later than 45 days after the date of enactment of this Act, and quarterly thereafter, the Secretary shall submit a report to the congressional leadership and the appropriate congressional committees, which may be submitted in classified form, if necessary, detailing each covered individual, and the scope and associated cost of protection.

SEC. 538. (a) There is hereby established in the Treasury of the United States a fund to be known as the

''Department of Homeland Security Nonrecurring Expenses Fund'' (the Fund).

(b) Unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Homeland Security by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund.

(c) Amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget.

(d) Amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

SEC. 539. (a) None of the funds provided to the Department of Homeland Security in this or any prior Act may be used by an agency to submit an initial project proposal to the Technology Modernization Fund (as authorized by section 1078 of subtitle G of Title X of the Na-

tional Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91)) unless, concurrent with the submission of an initial project proposal to the Technology Modernization Board, the head of the agency—

(1) notifies the Committees on Appropriations of the Senate and the House of Representatives of the proposed submission of the project proposal;

(2) submits to the Committees on Appropriations a copy of the project proposal; and

(3) provides a detailed analysis of how the proposed project funding would supplement or supplant funding requested as part of the Department's most recent budget submission.

(b) None of the funds provided to the Department of Homeland Security by the Technology Modernization Fund shall be available for obligation until 15 days after a report on such funds has been transmitted to the Committees on Appropriations of the Senate and the House of Representatives.

(c) The report described in subsection (b) shall include—

(1) the full project proposal submitted to and approved by the Fund's Technology Modernization Board;

(2) the finalized interagency agreement between the Department and the Fund including the project's deliverables and repayment terms, as applicable;

(3) a detailed analysis of how the project will supplement or supplant existing funding available to the Department for similar activities;

(4) a plan for how the Department will repay the Fund, including specific planned funding sources, as applicable; and

(5) other information as determined by the Secretary.

SEC. 540. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 541. Subsection (c) of section 16005 of title VI of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall be applied as

if the language read as follows: ''Subsection (a) shall apply until September 30, 2022.''.

SEC. 542. For necessary expenses related to providing customs and immigration inspection and pre-inspection services at, or in support of ports of entry, pursuant to section 1356 of title 8, United States Code, and section 58c(f) of title 19, United States Code, and in addition to any other funds made available for this purpose, there is appropriated, out of any money in the Treasury not otherwise appropriated, $650,000,000, to offset the loss resulting from the coronavirus pandemic of Immigration User Fee receipts collected pursuant to section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)), and fees for certain customs services collected pursuant to paragraphs 1 through 8 and paragraph 10 of subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1)–(8) and (a)(10)).

SEC. 543. (a) For an additional amount for the accounts, in the amounts, and for the purposes specified, in addition to amounts otherwise made available for such purposes—

(1) ''U.S. Customs and Border Protection—Operations and Support'', $993,792,000 for border

management requirements of the U.S. Border Patrol;

(2) ''U.S. Immigration and Customs Enforcement—Operations and Support'', $239,658,000 for non-detention border management requirements; and

(3) ''Federal Emergency Management Agency—Federal Assistance'', $150,000,000, to be available for the emergency food and shelter program for the purposes of providing shelter and other services to families and individuals encountered by the Department of Homeland Security.

(b) Not later than 30 days after the date of enactment of this Act, the Under Secretary for Management shall provide an expenditure plan for the use of the funds made available in subsection (a).

(RESCISSIONS OF FUNDS)

SEC. 544. (a) Of the unobligated balances from amounts made available under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' by section 230(a)(3) of division A of the Consolidated Appropriations Act, 2019 (Public Law 116–6) for construction and facility improvements, $90,500,000 are hereby rescinded.

(b) Of the unobligated balances from amounts made available under the heading ''U.S. Customs and Border

Protection—Procurement, Construction, and Improvements'' by section 209(2) of division F of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for facility construction and improvements, $40,000,000 are hereby rescinded.

(c) For an additional amount for ''Management Directorate—Procurement, Construction, and Improvements'', $130,500,000, to remain available until September 30, 2025, in addition to any amounts otherwise available for such purposes, for the development of joint processing centers.

SEC. 545. (a) Of the unobligated balances from amounts made available under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' by the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (Public Law 116–26) for the development of a joint processing center, $49,500,000 are hereby rescinded: *Provided*, That the amounts rescinded by this subsection that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14

(117th Congress), the concurrent resolution on the budget for fiscal year 2022.

(b) For an additional amount for ''Management Directorate—Procurement, Construction, and Improvements'', $49,500,000, to remain available until September 30, 2025, in addition to any amounts otherwise available for such purposes, for the development of joint processing centers: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 546. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $21,650 from the unobligated balances available in the ''Office of the Executive Secretary—Operations and Support'' account (70 X 0100).

(2) $1,810 from the unobligated balances available in the ''Office of the Undersecretary for Management'' account (70 X 0112).

(3) $12,628,523 from the unobligated balances available in the ''Management Directorate—Office of the Chief Information Officer and Operations'' account (70 X 0113).

(4) $8,456 from the unobligated balances available in Treasury Account Fund Symbol 70 X 0504, ''Immigration and Customs Enforcement, Border and Transportation Security, INS''.

(5) $503 from the unobligated balances available in Treasury Account Fund Symbol 70 X 8598, ''U.S. Immigration and Customs Enforcement, Violent Crime Reduction Program''.

(6) $7,006 from the unobligated balances available in Treasury Account Fund Symbol 70 X 0508, ''Transportation Security Administration, Expenses''.

(7) $11,412 from the unobligated balances available in the ''Transportation Security Administration—Federal Air Marshals'' account (70 X 0541).

(8) $311 from the unobligated balances available in the ''Transportation Security Administra-

tion—Surface Transportation Security'' account (70 X 0551).

(9) $5,308,328 from the unobligated balances available in the ''Transportation Security Administration—Intelligence and Vetting'' account (70 X 0557).

(10) $1.41 from the unobligated balances available in the ''Transportation Security Administration—Research and Development'' account (70 X 0553).

(11) $322,105 from the unobligated balances available in the ''Transportation Security Administration—Transportation Security Support'' account (70 X 0554).

(12) $457,920 from the unobligated balances available in Treasury Account Fund Symbol 70 X 0900, ''Cybersecurity and Infrastructure Security Agency, Operating Expenses''.

(13) $199,690 from the unobligated balances available in the ''Federal Emergency Management Agency—State and Local Programs'' account (70 X 0560).

(14) $1,670 from the unobligated balances available in the ''Federal Emergency Management Agency—Administrative and Regional Operations,

Emergency Preparedness and Response'' account (70 X 0712).

(15) $115,138 from the unobligated balances available in the ''Federal Emergency Management Agency—Operations and Support'' account (70 X 0700).

(16) $1,243,822 from the unobligated balances available in Treasury Account Fund Symbol 70 X 0300, ''U.S. Citizenship and Immigration Services, Operations and Support''.

(17) $350,656 from the unobligated balances available in the ''Countering Weapons of Mass Destruction Office—Research and Development'' account (70 X 0860).

(18) $3,000,000 from the unobligated balances available in the ''Federal Emergency Management Agency—National Predisaster Mitigation Fund'' account (70 X 0716).

(19) $24,339,000 from the unobligated balances available in the ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'' account (70 X 0533).

(20) $10,000,000 from Public Law 116–260 under the heading ''U.S. Customs and Border Pro-

tection—Procurement, Construction, and Improvements''.

(21) $6,161,000 from the unobligated balances available in the ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' account (70 X 0532).

(22) $4,500,000 from Public Law 115–141 under the heading ''U.S. Customs and Border Protection—Construction and Facility Improvements''.

(23) $6,999 from the unobligated balances available in the ''U.S. Customs and Border Protection—Operations and Support'' account (70 X 0530).

(24) $21,000,000 from Public Law 115–141 under the heading ''Coast Guard—Acquisition, Construction, and Improvements''.

SEC. 547. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2021 (Public Law 116–260) are rescinded:

(1) $791,720 from ''Office of the Secretary and Executive Management—Operations and Support''.

(2) $359,920 from ''Management Directorate—Operations and Support''.

(3) $1,041,300 from ''Intelligence, Analysis, and Operations Coordination—Operations and Support''.

(4) $132,133 from ''Office of the Inspector General—Operations and Support''.

(5) $19,337,430 from ''U.S. Customs and Border Protection—Operations and Support''.

(6) $7,169,547 from ''U.S. Immigration and Customs Enforcement—Operations and Support''.

(7) $1,000,000 from ''Coast Guard—Operations and Support''.

(8) $6,394,290 from ''United States Secret Service--Operations and Support''.

(9) $2,793,900 from ''Cybersecurity and Infrastructure Security Agency—Operations and Support''.

(10) $668,640 from ''Federal Emergency Management Agency—Operations and Support''.

(11) $1,368,190 from ''U.S. Citizenship and Immigration Services—Operations and Support''.

(12) $903,710 from ''Federal Law Enforcement Training Centers—Operations and Support''.

(13) $110,710 from ''Science and Technology Directorate—Operations and Support''.

(14) $385,640 from ''Countering Weapons of Mass Destruction Office—Operations and Support''.

SEC. 548. Of the unobligated balances made available to ''Federal Emergency Management Agency—Disaster Relief Fund'', $147,592,596 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, or section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That no amounts may be rescinded from amounts that were made available by section 4005 of the American Rescue Plan Act of 2021 (Public Law 117–2).

This division may be cited as the ''Department of Homeland Security Appropriations Act, 2022''.

# DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

## TITLE I

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### management of lands and resources

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), $1,281,940,000, to remain available until September 30, 2023; of which $79,035,000 for annual and deferred maintenance and $137,093,000 for the wild horse and burro program, as authorized by Public Law 92–195 (16 U.S.C. 1331 et seq.), shall remain available until expended: *Provided*, That amounts in the fee account of the BLM Permit Processing Improvement Fund may be used for any bureau-related expenses associated with the processing of oil and

gas applications for permits to drill and related use of authorizations.

In addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2022, so as to result in a final appropriation estimated at not more than $1,281,940,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $117,283,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year

from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources,

for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary of the Interior to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements, and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding Public

Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,451,545,000, to remain available until September 30, 2023: *Provided*, That not to exceed $21,279,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions

described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount appropriated under this heading, $6,813,000, to remain available until September 30, 2024, shall be for projects specified for Stewardship Priorities in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That amounts in the preceding proviso may be transferred to the appropriate program, project, or activity under this heading and shall continue to only be available for the purposes and in such amounts as such funds were originally appropriated.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $12,847,000, to remain available until expended.

Of the unobligated balances from amounts made available under this heading for construction, $1,240,000

is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), $24,064,000, to remain available until expended, to be derived from the Cooperative Endangered Species Conservation Fund.

Of the unobligated balances from amounts made available under this heading from the Cooperative Endangered Species Conservation Fund, $945,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), $48,500,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $20,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and imple-

mentation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $72,612,000, to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $7,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $13,362,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary of the Interior shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is

based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2022 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2023, shall be reapportioned, together with funds appropriated in 2024, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of

damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed one dollar for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading ''United States Fish and Wildlife Service—Resource Management'' and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of

such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,767,028,000, of which $11,452,000 for planning and interagency coordination in support of Everglades restoration and $135,980,000 for maintenance, repair, or rehabilitation projects for constructed assets and $188,184,000 for cyclic maintenance projects for constructed assets and cultural resources and $5,000,000 for uses authorized by section 101122 of title 54, United States Code shall remain available until September 30, 2023: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348: *Provided further*, That notwithstanding section 9 of the 400 Years of African-American History Commission Act (36 U.S.C. note prec. 101; Public Law 115–102), $3,300,000 of the funds provided under this heading shall be made available for the purposes specified by that Act: *Provided further*, That sections (7)(b)

and (8) of that Act shall be amended by striking ''July 1, 2022'' and inserting ''July 1, 2023''.

In addition, for purposes described in section 2404 of Public Law 116–9, an amount equal to the amount deposited in this fiscal year into the National Park Medical Services Fund established pursuant to such section of such Act, to remain available until expended, shall be derived from such Fund.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $83,910,000, to remain available until September 30, 2023, of which $3,500,000 shall be for projects specified for Statutory and Contractual Aid in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), $173,072,000, to be derived

from the Historic Preservation Fund and to remain available until September 30, 2023, of which $26,500,000 shall be for Save America's Treasures grants for preservation of nationally significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, $1,250,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary; $26,375,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement; $10,000,000 is for grants to Historically Black Colleges and Universities; $10,000,000 is for competitive grants for the restoration of historic properties of national, State, and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing

the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act; $10,000,000 is for a competitive grant program to honor the semiquincentennial anniversary of the United States by restoring and preserving state-owned sites and structures listed on the National Register of Historic Places that commemorate the founding of the nation; and $15,272,000 is for projects specified for the Historic Preservation Fund in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, $225,984,000, to remain available until ex-

pended: *Provided*, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2022 with a future phase indicated in the National Park Service 5–Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, $15,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of do-

nated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are au-

thorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 203. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(a)(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,394,360,000, to remain available

until September 30, 2023; of which $84,788,000 shall remain available until expended for satellite operations; and of which $74,664,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities: *Provided further*, That of the amount appropriated under this heading, $1,000,000 shall be for projects specified for Special Initiatives in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That amounts in the preceding proviso may be transferred to the appropriate program, project, or activity under this heading and shall continue to only be available for the purposes and in such amounts as such funds were originally appropriated.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81

of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

## BUREAU OF OCEAN ENERGY MANAGEMENT

### OCEAN ENERGY MANAGEMENT

For expenses necessary for granting and administering leases, easements, rights-of-way, and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $206,748,000, of which $163,748,000 is to remain available until September 30, 2023, and of which $43,000,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary of the Interior and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf

Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2022 appropriation estimated at not more than $163,748,000: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way, and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $171,848,000, of which $147,848,000 is to remain available until September 30, 2023, and of which $24,000,000 is to remain available until expended, including $3,000,000 for offshore decommissioning activities:

*Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary of the Interior and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2022 appropriation estimated at not more than $150,848,000: *Provided further*, That of the unobligated balances from amounts made available under this heading, $10,000,000 is permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount, $34,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2022, as provided in this Act: *Pro-*

*vided*, That to the extent that amounts realized from such inspection fees exceed $34,000,000, the amounts realized in excess of $34,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2022, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016; title IV, sections 4202 and 4303; title VII; and title VIII, section 8201 of the Oil Pollution Act of 1990, $15,099,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $118,117,000, to remain avail-

able until September 30, 2023, of which $65,000,000 shall be available for state and tribal regulatory grants: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), $40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2022 appropriation estimated at not more than $118,117,000.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $27,480,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant

to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, $122,500,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a)

of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, $79,890,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, $31,956,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and $10,654,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further*, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13) and the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), $1,820,334,000, to remain available until September 30, 2023, except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $78,494,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary of the Interior may exceed such cap for welfare payments from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed $59,182,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program:

*Provided further*, That of the amount appropriated under this heading, $1,250,000 shall be for projects specified for Special Initiatives (CDS) in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2023, may be transferred during fiscal year 2024 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2024: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further*, That the Bureau of Indian Affairs may accept transfers of funds from United States Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

INDIAN LAND CONSOLIDATION

For the acquisition of fractional interests to further land consolidation as authorized under the Indian Land Consolidation Act Amendments of 2000 (Public Law 106–462), and the American Indian Probate Reform Act of 2004 (Public Law 108–374), $7,000,000, to remain available until expended: *Provided*, That any provision of the Indian Land Consolidation Act Amendments of 2000 (Public Law 106–462) that requires or otherwise relates to application of a lien shall not apply to the acquisitions funded herein.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2022, such sums as may be necessary, which shall be available for obligation through September 30, 2023: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

PAYMENTS FOR TRIBAL LEASES

For payments to tribes and tribal organizations for leases pursuant to section 105(l) of the Indian Self-Deter-

mination and Education Assistance Act (25 U.S.C. 5324(l)) for fiscal year 2022, such sums as may be necessary, which shall be available for obligation through September 30, 2023: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483; $146,769,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for

the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation: *Provided further*, That of the funds made available under this heading, $10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114–322; 130 Stat. 1749).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 101–618, 114–322, 111–291 and 116–260, and for implementation of other land and water rights settlements, $1,000,000, to remain available until expended, which may be deposited, as necessary, into the Séliš-Qlispé Ksanka Settlement and the Navajo Utah Settlement Trust Funds established by Public Law 116–260.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $11,833,000, to remain available until September 30, 2023, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Con-

gressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $103,456,940.

## BUREAU OF INDIAN EDUCATION

### OPERATION OF INDIAN EDUCATION PROGRAMS

For expenses necessary for the operation of Indian education programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $1,017,601,000 to remain available until September 30, 2023, except as otherwise provided herein: *Provided*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed $752,148,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2022, and shall remain available until September 30, 2023: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self–Determination Act of 1975 (25 U.S.C. 5301 et seq.)

and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed $89,450,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2022: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

EDUCATION CONSTRUCTION

For construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian education programs, including architectural and engineering services by contract; acquisition of lands, and interests in lands; $264,330,000 to remain available until expended: *Provided*, That in order to ensure timely completion of construction projects, the Secretary of the Interior may assume control of a project and all funds related to the project, if, not later than 18 months after the date of the enactment of this Act, any Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs and the Bureau of Indian Education may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding Public Law 87–279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs or the Bureau of Indian Education for central office oversight and Executive Direction and Administrative Services (except Executive Direction and Administrative Services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs or the Bureau of Indian Education under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs or the Bureau of Indian Education, this action shall not di-

minish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K–2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula,

only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–

113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations,

maintenance, rehabilitation, construction, or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term ''satellite school'' means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Funds made available for Tribal Priority Allocations within Operation of Indian Programs and Operation of Indian Education Programs may be used to execute requested adjustments in tribal priority allocations initiated by an Indian Tribe.

## OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

### FEDERAL TRUST PROGRAMS

### (INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $109,572,000, to remain available until expended, of which not to exceed $17,536,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' and Bureau of Indian Education, ''Operation of Indian Education Pro-

grams'' accounts; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Departmental Operations'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2022, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of $15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $100,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than

$500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least 5 years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

## DEPARTMENTAL OFFICES

### OFFICE OF THE SECRETARY

#### DEPARTMENTAL OPERATIONS

#### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, $123,367,000, to remain available until September 30, 2023; of which not to exceed $15,000 may be for official reception and representation expenses; of which up to $1,000,000 shall be avail-

able for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $12,341,000 for Indian land, mineral, and resource valuation activities shall remain available until expended: *Provided*, That funds for Indian land, mineral, and resource valuation activities may, as needed, be transferred to and merged with the Bureau of Indian Affairs ''Operation of Indian Programs'' and Bureau of Indian Education ''Operation of Indian Education Programs'' accounts and the Office of the Special Trustee ''Federal Trust Programs'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2022, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee.

ADMINISTRATIVE PROVISIONS

For fiscal year 2022, up to $400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of

title 31, United States Code: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further*, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: *Provided further*, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than $100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $113,477,000, of which: (1) $103,640,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative and natural resources activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Govern-

ment of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,837,000 shall be available until September 30, 2023, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on

the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non–Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $8,463,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: *Provided*, That of the funds appropriated under this heading, $5,000,000 is for deposit into the Compact Trust Fund of the Republic of the Marshall Islands as compensation authorized by Public Law 108–188 for adverse financial and economic impacts.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory

funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $94,998,000, to remain available until September 30, 2023.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $62,132,000, to remain available until September 30, 2023.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, $1,026,097,000, to remain available until expended, of which not to exceed $18,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided $227,000,000 is for fuels management activities: *Provided further*, That of the funds

provided $22,470,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local

private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for

any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000 between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations: *Provided further*, That of the funds provided under this heading $383,657,000 shall be available for wildfire suppression operations, and is provided to meet the terms of section 4004(b)(5)(B) and section 4005(e)(2)(A) of S. Con.

Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' for wildfire suppression operations, $330,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 4004(b)(5) and section 4005(e) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022: *Provided*, That such amounts may be transferred to and merged with amounts made available under the headings ''Department of Agriculture—Forest Service—Wildland Fire Management'' and ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further*, That amounts may be transferred to the ''Wildland Fire Management'' accounts in the Department of Agriculture or the Department of the Interior only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropria-

tions Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law: *Provided further*, That, in determining whether all wildfire suppression operations funds appropriated under the heading ''Wildland Fire Management'' in this and prior appropriations Acts to either the Department of Agriculture or the Department of the Interior will be obligated within 30 days pursuant to the previous proviso, any funds transferred or permitted to be transferred pursuant to any other transfer authority provided by law shall be excluded.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), $10,036,000, to remain available until expended.

ENERGY COMMUNITY REVITALIZATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of the Interior to inventory, assess, decommission, reclaim, respond to hazardous substance releases, remediate lands pursuant

to section 40704 of Public Law 117–58 (135 Stat. 1093), and carry out the purposes of section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended, $5,000,000, to remain available until expended: *Provided*, That such amount shall be in addition to amounts otherwise available for such purposes: *Provided further*, That amounts appropriated under this heading are available for program management and oversight of these activities: *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department to carry out such purposes, and may expend such funds directly, or through grants: *Provided further*, That these amounts are not available to fulfill Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) obligations agreed to in settlement or imposed by a court, whether for payment of funds or for work to be performed.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.),

the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., $7,933,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, $91,436,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary of the Interior may assess reasonable charges to State, local, and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment, or professional services of the National Indian Program Training Center to State, local and tribal government employees or

persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase, or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral

revenue proceeds, and for grants and cooperative agreements, as authorized by law, $169,640,000, to remain available until September 30, 2023; of which $68,151,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, $15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary of the Interior concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary of the Interior, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be re-

plenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary of the Interior may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regu-

latory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire suppression'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary of the Interior,

in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose. The Secretary shall notify the House and Senate Committees on Appropriations within 60 days of the expenditure or transfer of

any funds under this section, including the amount expended or transferred and how the funds will be used.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2022. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein, including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and

administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts, or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2022, the Secretary of the Interior shall collect a nonrefundable inspection fee, which shall be deposited in the ''Offshore Safety and Environmental Enforcement'' account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2022 shall be—

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2022. Fees for fiscal year 2022 shall be—

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) Fees for inspection of well operations conducted via non-rig units as outlined in title 30 CFR 250 subparts D, E, F, and Q shall be assessed for all inspections completed in fiscal year 2022. Fees for fiscal year 2022 shall be—

(1) $13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more;

(2) $11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet; and

(3) $4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

(e) The Secretary shall bill designated operators under subsection (b) quarterly, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing. The Sec-

retary shall bill designated operators under subsection (d) with payment required by the end of the following quarter.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 108. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

MASS MARKING OF SALMONIDS

SEC. 109. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species.

Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 110. Notwithstanding any other provision of law, during fiscal year 2022, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

SEC. 111. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

OBLIGATION OF FUNDS

SEC. 112. Amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act.

SEPARATION OF ACCOUNTS

SEC. 113. The Secretary of the Interior, in order to implement an orderly transition to separate accounts of the Bureau of Indian Affairs and the Bureau of Indian Education, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in this Act.

PAYMENTS IN LIEU OF TAXES (PILT)

SEC. 114. Section 6906 of title 31, United States Code, shall be applied by substituting ''fiscal year 2022'' for ''fiscal year 2019''.

DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE APPROVAL

SEC. 115. (a) Subject to subsection (b), in any case in which the Bureau of Safety and Environmental Enforcement or the Bureau of Ocean Energy Management prescribes or approves any departure or use of alternate procedure or equipment, in regards to a plan or permit, under 30 CFR 585.103; 30 CFR 550.141; 30 CFR 550.142; 30 CFR 250.141; or 30 CFR 250.142, the head of such bureau shall post a description of such departure or alternate procedure or equipment use approval on such bureau's publicly available website not more than 15 business days after such issuance.

(b) The head of each bureau may exclude confidential business information.

LONG BRIDGE PROJECT

SEC. 116. (a) AUTHORIZATION OF CONVEYANCE.—On request by the State of Virginia or the District of Columbia for the purpose of the construction of rail and other infrastructure relating to the Long Bridge Project, the Secretary of the Interior may convey to the State or

the District of Columbia, as applicable, all right, title, and interest of the United States in and to any portion of the approximately 4.4 acres of National Park Service land depicted as ''Permanent Impact to NPS Land'' on the Map dated May 15, 2020, that is identified by the State or the District of Columbia.

(b) TERMS AND CONDITIONS.—Such conveyance of the National Park Service land under subsection (a) shall be subject to any terms and conditions that the Secretary may require. If such conveyed land is no longer being used for the purposes specified in this section, the lands or interests therein shall revert to the National Park Service after they have been restored or remediated to the satisfaction of the Secretary.

(c) CORRECTIONS.—The Secretary and the State or the District of Columbia, as applicable, by mutual agreement, may—

(1) make minor boundary adjustments to the National Park Service land to be conveyed to the State or the District of Columbia under subsection (a); and

(2) correct any minor errors in the Map referred to in subsection (a).

(d) DEFINITIONS.—For purposes of this section:

(1) LONG BRIDGE PROJECT.—The term ''Long Bridge Project'' means the rail project, as identified by the Federal Railroad Administration, from Rosslyn (RO) Interlocking in Arlington, Virginia, to L'Enfant (LE) Interlocking in Washington, DC, which includes a bicycle and pedestrian bridge.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(3) STATE.—The term ''State'' means the State of Virginia.

INTERAGENCY MOTOR POOL

SEC. 117. Notwithstanding any other provision of law or Federal regulation, federally recognized Indian tribes or authorized tribal organizations that receive Tribally-Controlled School Grants pursuant to Public Law 100–297 may obtain interagency motor vehicles and related services for performance of any activities carried out under such grants to the same extent as if they were contracting under the Indian Self-Determination and Education Assistance Act.

DELAWARE WATER GAP AUTHORITY

SEC. 118. Section 4(b) of The Delaware Water Gap National Recreation Area Improvement Act, as amended

by section 1 of Public Law 115–101, shall be applied by substituting ''2022'' for ''2021''.

NATIONAL HERITAGE AREAS AND CORRIDORS

SEC. 119. (a) Section 126 of Public Law 98–398, as amended (98 Stat. 1456; 120 Stat. 1853), is further amended by striking ''the date that is 15 years after the date of enactment of this section'' and inserting ''2023''.

(b) Section 10 of Public Law 99–647, as amended (100 Stat. 3630; 104 Stat. 1018; 120 Stat. 1858; 128 Stat. 3804), is further amended by striking ''2021'' and inserting ''2023''.

(c) Section 12 of Public Law 100–692, as amended (102 Stat. 4558; 112 Stat. 3258; 123 Stat. 1292; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), is further amended—

(1) in subsection (c)(1), by striking ''2021'' and inserting ''2023''; and

(2) in subsection (d), by striking ''2021'' and inserting ''2023''.

(d) Section 106(b) of Public Law 103–449, as amended (108 Stat. 4755; 113 Stat. 1726; 123 Stat. 1291; 128 Stat. 3802), is further amended by striking ''2021'' and inserting ''2023''.

(e) Division II of Public Law 104–333 (54 U.S.C. 320101 note), as amended, is further amended by striking

"2021" each place it appears in the following sections and inserting "2023"—

(1) in section 107 (110 Stat. 4244; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

(2) in section 408 (110 Stat. 4256; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

(3) in section 507 (110 Stat. 4260; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

(4) in section 707 (110 Stat. 4267; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

(5) in section 809 (110 Stat. 4275; 122 Stat. 826; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

(6) in section 910 (110 Stat. 4281; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801);

(7) in section 310 (110 Stat. 4252; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778);

(8) in section 607 (110 Stat. 4264; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778-779); and

(9) in section 208 (110 Stat. 4248; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778).

(f) Section 109 of Public Law 105–355, as amended (112 Stat. 3252; 128 Stat. 3802), is further amended by striking ''2021'' and inserting ''2023''.

(g) Public Law 106–278 (54 U.S.C. 320101 note), as amended, is further amended—

(1) in section 108 (114 Stat. 818; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3802) by striking ''2021'' and inserting ''2023''.

(2) in section 209 (114 Stat. 824; 128 Stat. 3802) by striking ''2021'' and inserting ''2023''.

(h) Section 157(i) of Public Law 106–291, as amended (114 Stat. 967; 128 Stat. 3802), is further amended by striking ''2021'' and inserting ''2023''.

(i) Section 7 of Public Law 106–319, as amended (114 Stat. 1284; 128 Stat. 3802), is further amended by striking ''2021'' and inserting ''2023''.

(j) Section 811 of title VIII of appendix D of Public Law 106–554, as amended (114 Stat. 2763, 2763A–295; 128 Stat. 3802), is further amended by striking ''2021'' and inserting ''2023''.

(k) Section 140(j) of Public Law 108–108, as amended (117 Stat. 1274; 131 Stat. 461; 132 Stat. 661; 133 Stat. 778), is further amended by striking ''2021'' and inserting ''2023''.

(l) Title II of Public Law 109–338 (54 U.S.C. 320101 note; 120 Stat. 1787–1845), as amended, is further amended—

(1) in each of sections 208, 221, 240, 260, 269, 289, 291J, 295L and 297H by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2023''; and

(2) in section 280B by striking ''the day occurring 15 years after the date of the enactment of this subtitle'' and inserting ''September 30, 2023''.

(m) Section 810(a)(1) of title VIII of division B of appendix D of Public Law 106–554, as amended (114 Stat. 2763; 123 Stat. 1295; 131 Stat. 461; 133 Stat. 2714), is further amended by striking ''$14,000,000'' and inserting ''$16,000,000''.

(n) Section 125(a) of title IV of Public Law 109–338 (120 Stat. 1853) is amended by striking ''$10,000,000'' and inserting ''$12,000,000''.

(o) Section 210(a) of title II of Public Law 106–278 (114 Stat. 824) is amended by striking ''$10,000,000'' and inserting ''$12,000,000''.

(p) Section 804(j) of division B of H.R. 5666 (Appendix D) as enacted into law by section 1(a)(4) of Public Law 106–554, as amended (54 U.S.C. 320101 note; 114 Stat. 2763, 2763A–295; 123 Stat. 1294; 128 Stat. 3802;

131 Stat. 461; 133 Stat. 2714), is further amended by striking ''September 30, 2021'' and inserting ''September 30, 2037''.

(q) Section 295D(d) of Public Law 109–338, as amended (54 U.S.C. 320101 note; 120 Stat. 1833; 130 Stat. 962), is further amended by striking ''15 years after the date of enactment of this Act'' and inserting ''on September 30, 2037''.

STUDY FOR SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL

SEC. 120. (a) STUDY.—The Secretary of the Interior (Secretary) shall conduct a study to evaluate—

(1) resources associated with the 1965 Voting Rights March from Selma to Montgomery not currently part of the Selma to Montgomery National Historic Trail (Trail) (16 U.S.C. 1244(a)(20)) that would be appropriate for addition to the Trail; and

(2) the potential designation of the Trail as a unit of the National Park System instead of, or in addition to, remaining a designated part of the National Trails System.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the House and Senate Committees on Appropriations, the Committee on Natural Resources of the House of Rep-

resentatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study and the conclusions and recommendations of the study.

(c) LAND ACQUISITION.—The Secretary is authorized, subject to the availability of appropriations and at her discretion, to acquire property or interests therein located in the city of Selma, Alabama and generally depicted on the map entitled, ''Selma to Montgomery NHT Proposed Addition,'' numbered 628/177376 and dated September 14, 2021, with the consent of the owner, for the benefit of the Selma to Montgomery National Historic Trail and to further the purpose for which the trail has been established.

EXHAUSTION OF ADMINISTRATIVE REVIEW

SEC. 121. Paragraph (1) of section 122(a) of division E of Public Law 112–74 (125 Stat. 1013) is amended by striking ''through 2022,'' in the first sentence and inserting ''through 2024.''.

APPRAISER PAY AUTHORITY

SEC. 122. For fiscal year 2022, funds made available in this or any other Act or otherwise made available to the Department of the Interior for the Appraisal and Valuation Services Office may be used by the Secretary of the Interior to establish higher minimum rates of basic

pay for employees of the Department of the Interior in the Appraiser (GS–1171) job series at grades 11 through 15 carrying out appraisals of real property and appraisal reviews conducted in support of the Department's realty programs at rates no greater than 15 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with subsections (e) through (h) of section 5305 of title 5, United States Code.

SAGE-GROUSE

SEC. 123. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (Centrocercus urophasianus);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

# TITLE II

## ENVIRONMENTAL PROTECTION AGENCY

### SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; hire, maintenance, and operation of aircraft; and other operating expenses in support of research and development, $750,174,000, to remain available until September 30, 2023: *Provided*, That of the funds included under this heading, $11,430,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which $2,930,000 shall be for projects specified for Science and Technology in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed $9,000 for official reception and representation expenses, $2,964,025,000, to remain available until September 30, 2023: *Provided*, That of the funds included under this heading, $25,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, $587,192,000 shall be for Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That funds included

under this heading may be used for environmental justice implementation and training grants, and associated program support costs.

In addition, $9,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the ''TSCA Service Fee Fund'' as discretionary offsetting receipts in fiscal year 2022 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2022 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2022, so as to result in a final fiscal year 2022 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent that amounts realized from such receipts exceed $9,000,000, those amount in excess of $9,000,000 shall be deposited in the ''TSCA Service Fee Fund'' as discretionary offsetting receipts in fiscal year 2022, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this head-

ing, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $44,030,000, to remain available until September 30, 2023.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,752,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance, and operation of aircraft, $1,232,850,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2021, and not otherwise appropriated from the Trust

Fund, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,232,850,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $11,800,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2023, and $30,985,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2023.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $92,293,000, to remain available until expended, of which $66,924,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue

Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, including hire, maintenance, and operation of aircraft, $20,262,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,351,573,000, to remain available until expended, of which—

(1) $1,638,826,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which $1,126,088,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of

the Safe Drinking Water Act: *Provided*, That $443,639,051 of the funds made available for capitalization grants for the Clean Water State Revolving Funds and $397,766,044 of the funds made available for capitalization grants for the Drinking Water State Revolving Funds shall be for the construction of drinking water, wastewater, and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for projects specified for ''STAG—Drinking Water SRF'', ''STAG—Clean Water SRF'', and ''STAG—Drinking Water SRF; Clean Water SRF'' in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and, for purposes of these grants, each grantee shall contribute not less than 20 percent of the cost of the project unless the grantee is approved for a waiver by the Agency: *Provided further*, That for fiscal year 2022, to the extent there are sufficient eligible

project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2022, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That the Administrator is authorized to use up to $1,500,000 of funds made available for the Clean Water State Revolving Funds under this heading under Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381) to conduct the Clean Watersheds Needs Survey: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included

as principal in loans made by such fund in fiscal year 2022 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2022, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2022, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control

Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2022, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of $2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further*, That for fiscal year 2022, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92–203: *Pro-*

*vided further*, That for fiscal year 2022, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or $30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or $20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2022, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2022, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act,

up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 14 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency

declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 14 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients: *Provided further*, That notwithstanding section 1452(o) of the Safe Drinking Water Act (42 U.S.C. 300j–12(o)), the Administrator shall reserve $12,000,000 of the amounts made available for fiscal year 2022 for making capitalization grants for the Drinking Water State Revolving Funds to pay the costs of monitoring for unregulated contaminants under section 1445(a)(2)(C) of such Act;

(2) $32,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other crit-

ical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) $39,186,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or

the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) $91,987,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That for purposes of this section, the term ''persistent poverty counties'' means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1993 Small Area Income and Poverty Estimates, the 2000 decennial census, and the most recent Small Area Income and Poverty Estimates, or any territory or possession of the United States;

(5) $92,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) $61,927,000 shall be for targeted airshed grants in accordance with the terms and conditions in the explanatory statement described in section 4

(in the matter preceding division A of this consolidated Act);

(7) $27,158,000 shall be for grants under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a);

(8) $27,500,000 shall be for grants under section 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d));

(9) $22,011,000 shall be for grants under section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b);

(10) $5,000,000 shall be for grants under section 1459A(l) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(l));

(11) $20,000,000 shall be for grants under section 104(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)(8));

(12) $43,000,000 shall be for grants under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301);

(13) $4,000,000 shall be for grants under section 4304(b) of the America's Water Infrastructure Act of 2018 (Public Law 115–270);

(14) $2,500,000 shall be for carrying out section 302(a) of the Save Our Seas 2.0 Act (33 U.S.C.

4283(a)), of which not more than 2 percent shall be for administrative costs to carry out such section: *Provided*, That notwithstanding section 302(a) of such Act, the Administrator may also provide grants pursuant to such authority to intertribal consortia consistent with the requirements in 40 CFR 35.504(a), to former Indian reservations in Oklahoma (as determined by the Secretary of the Interior), and Alaska Native Villages as defined in Public Law 92–203;

(15) $4,000,000 shall be for grants under section 103(b)(3) of the Clean Air Act for wildfire smoke preparedness grants in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, not more than 3 percent shall be for administrative costs to carry out such section;

(16) $1,099,384,000 shall be for grants, including associated program support costs, to States, federally recognized Tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement, and related activities, including activities pursuant to the provisions set forth

under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, and under section 2301 of the Water and Waste Act of 2016 to assist States in developing and implementing programs for control of coal combustion residuals, of which: $46,195,000 shall be for carrying out section 128 of CERCLA; $9,336,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; $1,475,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; $18,000,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs; and

(17) $15,006,000 shall be for State and Tribal Assistance Grants to be allocated in the amounts specified for those projects and for the purposes delineated in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for remediation, construction, and related environmental management activities in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $63,500,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan

principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $12,500,000,000: *Provided further*, That of the funds made available under this heading, $5,000,000 shall be used solely for the cost of direct loans and for the cost of guaranteed loans for projects described in section 5026(9) of the Water Infrastructure Finance and Innovation Act of 2014 to State infrastructure financing authorities, as authorized by section 5033(e) of such Act: *Provided further*, That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading ''Water Infrastructure Finance and Innovation Program Account'' in division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further*, That none of the direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Administrator and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria referenced in the previous proviso: *Provided further*, That, for the purposes of carrying out the

Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Administrator shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Administrator pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, $6,026,000, to remain available until September 30, 2023.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

For fiscal year 2022, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's

function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8), to remain available until expended.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2022.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate fees in accordance with section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g) for fiscal year 2022, to remain available until expended.

The Administrator is authorized to transfer up to $348,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed $150,000 per project.

For fiscal year 2022, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use

the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

The Administrator is authorized to use the amounts appropriated under the heading ''Environmental Programs and Management'' for fiscal year 2022 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than $2,000,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

Section 122(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(b)(3)), shall be applied by inserting before the period: '', including for the hire, maintenance, and operation of aircraft.''.

The Environmental Protection Agency Working Capital Fund, established by Public Law 104–204 (42 U.S.C. 4370e), is available for expenses and equipment necessary for modernization and development of information technology of, or for use by, the Environmental Protection Agency.

For fiscal year 2022, the Office of Chemical Safety and Pollution Prevention and the Office of Water may, using funds appropriated under the headings ''Environmental Programs and Management'' and ''Science and Technology'', contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent personal services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purpose: *Provided*, That amounts used for this purpose by the Office of Chemical Safety and Pollution Prevention and the Office of Water collectively may not exceed $2,000,000.

During each of fiscal years 2022 through 2025, the Administrator may, after consultation with the Office of Personnel Management, employ up to seventy-five persons at any one time in the Office of Research and Development and twenty-five persons at any one time in the Office of Chemical Safety and Pollution Prevention under the authority provided in 42 U.S.C. 209.

# TITLE III

## RELATED AGENCIES

## DEPARTMENT OF AGRICULTURE

### OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

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

### FOREST SERVICE

### FOREST SERVICE OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $1,069,086,000, to remain available through September 30, 2025: *Provided*, That a portion of the funds made available under this heading shall be for the base salary and expenses of employees in the Chief's Office, the Work Environment and Performance Office, the Business Operations Deputy Area, and the Chief Financial Officer's Office to carry out administrative and general management support functions: *Provided further*, That funds provided under this heading shall be

available for the costs of facility maintenance, repairs, and leases for buildings and sites where these administrative, general management and other Forest Service support functions take place; the costs of all utility and telecommunication expenses of the Forest Service, as well as business services; and, for information technology, including cyber security requirements: *Provided further*, That funds provided under this heading may be used for necessary expenses to carry out administrative and general management support functions of the Forest Service not otherwise provided for and necessary for its operation.

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $296,616,000, to remain available through September 30, 2025: *Provided*, That of the funds provided, $22,197,000 is for the forest inventory and analysis program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, terri-

tories, possessions, and others, and for forest health management, and conducting an international program and trade compliance activities as authorized, $315,198,000, to remain available through September 30, 2025, as authorized by law, of which $29,955,500 shall be for projects specified for Forest Resource Information and Analysis in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, $1,866,545,000, to remain available through September 30, 2025: *Provided*, That of the funds provided, $28,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That for the funds provided in the preceding proviso, section 4003(d)(3)(A) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(d)(3)(A)) shall be applied by substituting ''20'' for

''10'' and section 4003(d)(3)(B) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(d)(3)(B)) shall be applied by substituting ''4'' for ''2'': *Provided further*, That of the funds provided, $38,000,000 shall be for forest products: *Provided further*, That of the funds provided, $187,388,000 shall be for hazardous fuels management activities, of which not to exceed $20,000,000 may be used to make grants, using any authorities available to the Forest Service under the ''State and Private Forestry'' appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That $20,000,000 may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the ''State and Private Forestry'' appropriation: *Provided further*, That notwithstanding section

33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred, and that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary: *Provided further*, That funds appropriated to this account shall be available for the base salary and expenses of employees that carry out the functions funded by the ''Capital Improvement and Maintenance'' account, the ''Range Betterment Fund'' account, and the ''Management of National Forest Lands for Subsistence Uses'' account.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $159,049,000, to remain available through September 30, 2025, for construction, capital improvement, maintenance, and acquisition of buildings and other facilities and infrastructure; and for construction,

reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $5,000,000 shall be for activities authorized by 16 U.S.C. 538(a): *Provided further*, That $10,867,000 shall be for projects specified for Construction Projects in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That funds becoming available in fiscal year 2022 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and

Ouachita National Forests, Arkansas; as authorized by law, $664,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2025, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, Public Law 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2025, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available through September 30, 2025, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), $1,099,000, to remain available through September 30, 2025.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,005,106,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*,

That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the ''National Forest System'' account: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That funds provided shall be available for support to Federal emergency response: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That of the funds provided under this heading, $1,011,000,000 shall be available for wildfire suppression operations, and is provided to meet the terms of section 4004(b)(5)(B) and section 4005(e)(2)(A) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading ''Department of Agriculture—Forest Service—Wildland Fire Management'' for wildfire suppression oper-

ations, $2,120,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 4004(b)(5) and section 4005(e) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022: *Provided*, That such amounts may be transferred to and merged with amounts made available under the headings ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' and ''Department of Agriculture—Forest Service—Wildland Fire Management'' for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further*, That amounts may be transferred to the ''Wildland Fire Management'' accounts in the Department of the Interior or the Department of Agriculture only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law: *Provided further*, That, in determining whether all wildfire suppression operations funds appropriated under the heading ''Wildland Fire Management'' in this and prior appropriations Acts

to either the Department of Agriculture or the Department of the Interior will be obligated within 30 days pursuant to the previous proviso, any funds transferred or permitted to be transferred pursuant to any other transfer authority provided by law shall be excluded.

COMMUNICATIONS SITE ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Amounts collected in this fiscal year pursuant to section 8705(f)(2) of the Agriculture Improvement Act of 2018 (Public Law 115–334), shall be deposited in the special account established by section 8705(f)(1) of such Act, shall be available to cover the costs described in subsection (c)(3) of such section of such Act, and shall remain available until expended: *Provided*, That such amounts shall be transferred to the ''National Forest System'' account.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft

being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Funds made available to the Forest Service in this Act may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided*, That any transfer of funds pursuant to this paragraph shall not increase or decrease the funds appropriated to any account in this fiscal year by more than ten percent: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency re-

habilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary of Agriculture's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading ''Wildland Fire Management'' will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Not more than $50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water: *Provided*, That such transferred funds shall remain available through September 30, 2025: *Provided further*, That none

of the funds transferred pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States government, private sector, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), United States private sector firms, institutions and organizations to provide technical assistance and training programs on forestry and rangeland management: *Provided*, That to maximize effectiveness of domestic and international research and cooperation, the International Program may utilize all au-

thorities related to forestry, research, and cooperative assistance regardless of program designations.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain informa-

tion technology services, including telecommunications and system modifications or enhancements, from the Working Capital Fund of the Department of Agriculture.

Of the funds available to the Forest Service, up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made

available by the Forest Service on at least a one-for-one basis: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section

14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

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

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations, and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest

Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Funds appropriated to the Forest Service shall be available to pay, from a single account, the base salary and expenses of employees who carry out functions funded by other accounts for Enterprise Program, Geospatial Technology and Applications Center, remnant Natural Resource Manager, and National Technology and Development Program.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $4,660,658,000, to remain available until September 30, 2023, except as otherwise provided herein, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b)and 238b), for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts,

grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $2,500,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further*, That $984,887,000 for Purchased/Referred Care, including $53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funds provided, up to $46,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, $58,000,000 shall be for costs related to or resulting from accreditation emergencies, including supplementing activities funded under the heading ''Indian Health Facilities,'' of which up to $4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian

Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited in the Fund authorized by section 108A of that Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for Opioid Prevention, Treatment and Recovery Services, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for Aftercare Pilot Programs at Youth Regional Treatment Centers, for transformation and modernization costs of the Indian Health Service Electronic Health Record system, for national quality and oversight activities, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, for an initiative to treat or reduce the transmission of HIV and HCV, for a maternal health initiative, for the Telebehaviorial Health Center of Excellence, for Alzheimer's grants, for Village Built Clinics, for a produce prescription pilot, and for accreditation

emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individ-

ually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further*, That of the funds provided, $74,138,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That none of the funds appropriated by this Act, or any other Act, to the Indian Health Service for the Electronic Health Record system shall be available for obligation or expenditure for the selection or implementation of a new Information Technology infrastructure system, unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 90 days in advance of such obligation.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2022, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account: *Provided further*, That amounts obligated

but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs due for such agreements for subsequent fiscal years.

PAYMENTS FOR TRIBAL LEASES

For payments to tribes and tribal organizations for leases pursuant to section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) for fiscal year 2022, such sums as may be necessary, which shall be available for obligation through September 30, 2023: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, demolition, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses nec-

essary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $940,328,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation, or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed $500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That of the amount appropriated under this heading for fiscal year 2022 for Sanitation Facilities Construction, $40,171,000 shall be for projects specified for Sanitation Facilities Construction (CDS) in the table titled ''Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the hous-

ing programs of the United States Department of Housing and Urban Development.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation, and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms, or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation:

*Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organiza-

tion without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods,

services, or technical assistance: *Provided further*, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $82,540,000.

## AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, $80,500,000: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2022, and existing profiles may be updated as necessary.

## OTHER RELATED AGENCIES

### EXECUTIVE OFFICE OF THE PRESIDENT

#### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $4,200,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

#### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C.

5376, $13,400,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $3,150,000, to remain available until expended, which shall be derived from unobligated balances from prior year appropriations available under this heading: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not in-

cluded in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

### PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), $11,741,000, which shall become available on July 1, 2022, and shall remain available until September 30, 2023.

## SMITHSONIAN INSTITUTION

### SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $852,215,000, to remain available until September 30, 2023, except as otherwise provided herein; of which not to exceed $12,798,000 for the instrumentation program, collections acquisition, exhibition reinstallation, Smithsonian American Women's History Museum, National Museum of the American Latino, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing

research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to be available as trust funds for expenses associated with the purchase of a portion of the building at 600 Maryland Avenue, SW, Washington, DC, to the extent that federally supported activities will be housed there: *Provided further*, That the use of such amounts in the general trust funds of the Institution for such purpose shall not be construed as Federal debt service for, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: *Provided further*, That no appropriated funds may be used directly to service debt which is incurred to finance the costs of acquiring a portion of the building at 600 Maryland Avenue, SW, Washington, DC, or of planning, designing, and constructing improvements to such building: *Provided further*, That any agreement entered into by the Smithsonian Institution for the sale of its ownership interest, or any portion thereof, in such building so acquired may not take effect until the expiration of a 30 day period which begins on the date on which the Secretary of the Smithsonian submits to the Committees on

Appropriations of the House of Representatives and Senate, the Committees on House Administration and Transportation and Infrastructure of the House of Representatives, and the Committee on Rules and Administration of the Senate a report, as outlined in the explanatory statement described in section 4 of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2536) on the intended sale.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $210,000,000, to remain available until expended, of which not to exceed $10,000 shall be for services as authorized by 5 U.S.C. 3109.

## NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, 76th Congress), including services

as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $156,419,000, to remain available until September 30, 2023, of which not to exceed $3,775,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of repair, restoration, and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than

10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $24,081,000, to remain available until expended: *Provided*, That of this amount, $11,458,000 shall be available for design and construction of an off-site art storage facility in partnership with the Smithsonian Institution and may be transferred to the Smithsonian Institution for such purposes: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance, and security of the John F. Kennedy Center for the Performing Arts, $27,000,000, to remain available until September, 30, 2023.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of

the John F. Kennedy Center for the Performing Arts, $13,440,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $15,000,000, to remain available until September 30, 2023.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $180,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $180,000,000 to remain available until expended, of which $164,400,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $15,600,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $13,600,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none

of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

## COMMISSION OF FINE ARTS

### SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, $3,328,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and ac-

tivities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $5,000,000: *Provided*, That the item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 (20 U.S.C. 956a), shall be applied in fiscal year 2022 in the second paragraph by inserting '', calendar year 2020 excluded'' before the first period: *Provided further*, That in determining an eligible organization's annual income for calendar years 2021 and 2022, funds or grants received by the eligible organization from any supplemental appropriations Act related to coronavirus or any other law providing appropriations for the purpose of preventing, preparing for, or responding to coronavirus shall be counted as part of the eligible organization's annual income.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $8,255,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,750,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $62,616,000, of which $715,000 shall remain available until September 30, 2024, for the Museum's equipment replacement program; and of which $3,000,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

The Presidio Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), in an amount not to exceed $40,000,000.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112–272) and the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), for necessary expenses of the World War I Centennial Commission, $1,000,000, to remain available until September 30, 2023: *Provided*, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

UNITED STATES SEMIQUINCENTENNIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Semiquincentennial Commission to plan and coordinate

observances and activities associated with the 250th anniversary of the founding of the United States, as authorized by Public Law 116–282, the technical amendments to Public Law 114–196, $8,000,000, to remain available until expended.

ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN

For necessary expenses of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children (referred to in this paragraph as the ''Commission''), $200,000 to remain available until September 30, 2023: *Provided*, That in addition to the authority provided by section 3(g)(5) and 3(h) of Public Law 114–244, the Commission may hereafter accept in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

# TITLE IV

## GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves, or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate.

Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2023, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to

section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2022.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2022 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2022 under the headings ''Department of Health and

Human Services, Indian Health Service, Contract Support Costs'' and ''Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs'' are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2022 with the Bureau of Indian Affairs, Bureau of Indian Education, and the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding avail-

able, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of

Florida to acquire lands for Everglades restoration purposes.

PROHIBITION ON NO-BID CONTRACTS

SEC. 410. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes;

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 411. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c),

post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 412. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to

any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 413. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds

to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 414. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity within 60 days of enactment of this Act.

EXTENSION OF GRAZING PERMITS

SEC. 415. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2022.

FUNDING PROHIBITION

SEC. 416. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

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

HUMANE TRANSFER AND TREATMENT OF ANIMALS

SEC. 417. (a) Notwithstanding any other provision of law, the Secretary of the Interior, with respect to land administered by the Bureau of Land Management, or the Secretary of Agriculture, with respect to land administered by the Forest Service (referred to in this section as the ''Secretary concerned''), may transfer excess wild horses and burros that have been removed from land administered by the Secretary concerned to other Federal, State, and local government agencies for use as work animals.

(b) The Secretary concerned may make a transfer under subsection (a) immediately on the request of a Federal, State, or local government agency.

(c) An excess wild horse or burro transferred under subsection (a) shall lose status as a wild free-roaming

horse or burro (as defined in section 2 of Public Law 92–195 (commonly known as the ''Wild Free-Roaming Horses and Burros Act'') (16 U.S.C. 1332)).

(d) A Federal, State, or local government agency receiving an excess wild horse or burro pursuant to subsection (a) shall not—

(1) destroy the horse or burro in a manner that results in the destruction of the horse or burro into a commercial product;

(2) sell or otherwise transfer the horse or burro in a manner that results in the destruction of the horse or burro for processing into a commercial product; or

(3) euthanize the horse or burro, except on the recommendation of a licensed veterinarian in a case of severe injury, illness, or advanced age.

(e) Amounts appropriated by this Act shall not be available for—

(1) the destruction of any healthy, unadopted, and wild horse or burro under the jurisdiction of the Secretary concerned (including a contractor); or

(2) the sale of a wild horse or burro that results in the destruction of the wild horse or burro for processing into a commercial product.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT AUTHORIZATION EXTENSION

SEC. 418. Section 503(f) of Public Law 109–54 (16 U.S.C. 580d note) shall be applied by substituting ''September 30, 2022'' for ''September 30, 2019''.

USE OF AMERICAN IRON AND STEEL

SEC. 419. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

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

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') finds that—

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

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

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

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

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

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out

the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

SEC. 420. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding section 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department's wildland fire management program to such organizations.

RECREATION FEES

SEC. 421. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting ''October 1, 2023'' for ''September 30, 2019''.

REPROGRAMMING GUIDELINES

SEC. 422. None of the funds made available in this Act, in this and prior fiscal years, may be reprogrammed

without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

LOCAL CONTRACTORS

SEC. 423. Section 412 of division E of Public Law 112–74 shall be applied by substituting ''fiscal year 2022'' for ''fiscal year 2019''.

SHASTA-TRINITY MARINA FEE AUTHORITY AUTHORIZATION EXTENSION

SEC. 424. Section 422 of division F of Public Law 110–161 (121 Stat 1844), as amended, shall be applied by substituting ''fiscal year 2022'' for ''fiscal year 2019''.

INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

SEC. 425. Section 426 of division G of Public Law 113–76 (16 U.S.C. 565a–1 note) shall be applied by substituting ''September 30, 2022'' for ''September 30, 2019''.

PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

SEC. 426. The authority provided by the 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of Public Law 109–54, as amended, shall be applied by substituting ''fiscal year 2022'' for ''fiscal year 2019''.

FOREST BOTANICAL PRODUCTS FEE COLLECTION AUTHORIZATION EXTENSION

SEC. 427. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113; 16 U.S.C. 528 note), as amended by section 335(6) of Public Law 108–108 and section 432 of Public Law 113–76, shall be applied by substituting ''fiscal year 2022'' for ''fiscal year 2019''.

CHACO CANYON

SEC. 428. None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq., or to offer for oil and gas leasing, any Federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 in the matter preceding division A of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

TRIBAL LEASES

SEC. 429. (a) Notwithstanding any other provision of law, in the case of any lease under section 105(l) of the Indian Self-Determination and Education Assistance

Act (25 U.S.C. 5324(l)), the initial lease term shall commence no earlier than the date of receipt of the lease proposal.

(b) The Secretaries of the Interior and Health and Human Services shall, jointly or separately, during fiscal year 2022 consult with tribes and tribal organizations through public solicitation and other means regarding the requirements for leases under section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) on how to implement a consistent and transparent process for the payment of such leases.

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

SEC. 430. The authority provided under the heading ''Forest Ecosystem Health and Recovery Fund'' in title I of Public Law 111–88, as amended by section 117 of division F of Public Law 113–235, shall be applied by substituting ''fiscal year 2022'' for ''fiscal year 2020'' each place it appears.

ALLOCATION OF PROJECTS, NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND AND LAND AND WATER CONSERVATION FUND

SEC. 431. (a)(1) Within 45 days of enactment of this Act, the Secretary of the Interior shall allocate amounts made available from the National Parks and Public Land Legacy Restoration Fund for fiscal year 2022 pursuant

to subsection (c) of section 200402 of title 54, United States Code, and as provided in subsection (e) of such section of such title, to the agencies of the Department of the Interior and the Department of Agriculture specified, in the amounts specified, for the stations and unit names specified, and for the projects and activities specified in the table titled ''Allocation of Funds: National Parks and Public Land Legacy Restoration Fund Fiscal Year 2022'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) Within 45 days of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall allocate amounts made available for expenditure from the Land and Water Conservation Fund for fiscal year 2022 pursuant to subsection (a) of section 200303 of title 54, United States Code, to the agencies and accounts specified, in the amounts specified, and for the projects and activities specified in the table titled ''Allocation of Funds: Land and Water Conservation Fund Fiscal Year 2022'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Except as otherwise provided by subsection (c) of this section, neither the President nor his designee may

allocate any amounts that are made available for any fiscal year under subsection (c) of section 200402 of title 54, United States Code, or subsection (a) of section 200303 of title 54, United States Code, other than in amounts and for projects and activities that are allocated by subsections (a)(1) and (a)(2) of this section: *Provided*, That in any fiscal year, the matter preceding this proviso shall not apply to the allocation of amounts for continuing administration of programs allocated funds from the National Parks and Public Land Legacy Restoration Fund or the Land and Water Conservation Fund, which may be allocated only in amounts that are no more than the allocation for such purposes in subsections (a)(1) and (a)(2) of this section.

(c) The Secretary of the Interior and the Secretary of Agriculture may reallocate amounts from each agency's ''Contingency Fund'' line in the table titled ''Allocation of Funds: National Parks and Public Land Legacy Restoration Fund Fiscal Year 2022'' to any project funded by the National Parks and Public Land Legacy Restoration Fund within the same agency, from any fiscal year, that experienced a funding deficiency due to unforeseen cost overruns, in accordance with the following requirements:

(1) ''Contingency Fund'' amounts may only be reallocated if there is a risk to project completion resulting from unforeseen cost overruns;

(2) ''Contingency Fund'' amounts may only be reallocated for cost of adjustments and changes within the original scope of effort for projects funded by the National Parks and Public Land Legacy Restoration Fund; and

(3) The Secretary of the Interior or the Secretary of Agriculture must provide written notification to the Committees on Appropriations 30 days before taking any actions authorized by this subsection if the amount reallocated from the ''Contingency Fund'' line for a project is projected to be 10 percent or greater than the following, as applicable:

(A) The amount allocated to that project in the table titled ''Allocation of Funds: National Parks and Public Land Legacy Restoration Fund Fiscal Year 2022'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); or

(B) The initial estimate in the most recent report submitted, prior to enactment of this Act, to the Committees on Appropriations pur-

suant to section 434(e) of Division G of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

(d)(1) Concurrent with the annual budget submission of the President for fiscal year 2023, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets for the projects in the ''Submission of Annual List of Projects to Congress'' required by section 200402(h) of title 54, United States Code: *Provided*, That the ''Submission of Annual List of Projects to Congress'' must include a ''Contingency Fund'' line for each agency within the allocations defined in subsection (e) of section 200402 of title 54, United States Code: *Provided further*, That in the event amounts allocated by this Act or any prior Act for the National Parks and Public Land Legacy Restoration Fund are no longer needed to complete a specified project, such amounts may be reallocated in such submission to that agency's ''Contingency Fund'' line: *Provided further*, That any proposals to change the scope of or terminate a previously approved project must be clearly identified in such submission.

(2)(A) Concurrent with the annual budget submission of the President for fiscal year 2023, the

Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate a list of supplementary allocations for Federal land acquisition and Forest Legacy Projects at the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service that are in addition to the ''Submission of Cost Estimates'' required by section 200303(c)(1) of title 54, United States Code, that are prioritized and detailed by account, program, and project, and that total no less than half the full amount allocated to each account for that land management Agency under the allocations submitted under section 200303(c)(1) of title 54, United States Code: *Provided*, That in the event amounts allocated by this Act or any prior Act pursuant to subsection (a) of section 200303 of title 54, United States Code are no longer needed because a project has been completed or can no longer be executed, such amounts must be clearly identified if proposed for reallocation in the annual budget submission.

(B) The Federal land acquisition and Forest Legacy projects in the ''Submission of Cost Estimates'' required by section 200303(c)(1) of

title 54, United States Code, and on the list of supplementary allocations required by subparagraph (A) shall be comprised only of projects for which a willing seller has been identified and for which an appraisal or market research has been initiated.

(C) Concurrent with the annual budget submission of the President for fiscal year 2023, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets in the same format and containing the same level of detailed information that is found on such sheets in the Budget Justifications annually submitted by the Department of the Interior with the President's Budget for the projects in the ''Submission of Cost Estimates'' required by section 200303(c)(1) of title 54, United States Code, and in the same format and containing the same level of detailed information that is found on such sheets submitted to the Committees pursuant to section 427 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) for

the list of supplementary allocations required by subparagraph (A).

(e) The Department of the Interior and the Department of Agriculture shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of projects and activities funded by the National Parks and Public Land Legacy Restoration Fund for amounts allocated pursuant to subsection (a)(1) of this section and the status of balances of projects and activities funded by the Land and Water Conservation Fund for amounts allocated pursuant to subsection (a)(2) of this section, including all uncommitted, committed, and unobligated funds, and, for amounts allocated pursuant to subsection (a)(1) of this section, National Parks and Public Land Legacy Restoration Fund amounts reallocated pursuant to subsection (c) of this section.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 432. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use;

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

SMALL REMOTE INCINERATORS

SEC. 433. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as ''small, remote incinerator'' units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date.

TIMBER SALE REQUIREMENTS

SEC. 434. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or con-

tiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

TRANSFER AUTHORITY TO FEDERAL HIGHWAY ADMINISTRATION FOR THE NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

SEC. 435. Funds made available or allocated in this Act or the Consolidated Appropriations Act, 2021 (Public Law 116–260) to the Department of the Interior or the Department of Agriculture that are subject to the allocations and limitations in 54 U.S.C. 200402(e) and prohibitions in 54 U.S.C. 200402(f) may be further allocated or reallocated to the Federal Highway Administration for transportation projects of the covered agencies defined in 54 U.S.C. 200401(2).

PROHIBITION ON USE OF FUNDS

SEC. 436. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 437. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 438. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

DESIGNATION OF LEWIS PEAK

SEC. 439. The unnamed sub-peak of Mount Whitney, adjacent to ''Crooks Peak'', and located at 36° 34' 24'' N, 118° 17' 23'' W in the Inyo National Forest in the State of California shall be known and designated as ''Lewis Peak''. Any reference in any law, regulation, document, record, map, or other paper of the United States to the peak shall be considered to be a reference to ''Lewis Peak''.

WILDLAND FIRE ADMINISTRATIVE FUNDING

SEC. 440. The sixth proviso under the heading ''Department of the Interior—Department-Wide Programs—Wildland Fire Management'' in title VI of division J of

Public Law 117–58 is amended by striking ''salaries, expenses, and'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022''.

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

## TITLE I

## DEPARTMENT OF LABOR

## EMPLOYMENT AND TRAINING ADMINISTRATION

### TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as ''WIOA'') and the National Apprenticeship Act, $3,912,338,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,879,332,000 as follows:

(A) $870,649,000 for adult employment and training activities, of which $158,649,000 shall be available for the period July 1, 2022 through June 30, 2023, and of which $712,000,000 shall be available for the period October 1, 2022 through June 30, 2023;

(B) $933,130,000 for youth activities, which shall be available for the period April 1, 2022 through June 30, 2023; and

(C) $1,075,553,000 for dislocated worker employment and training activities, of which $215,553,000 shall be available for the period July 1, 2022 through June 30, 2023, and of which $860,000,000 shall be available for the period October 1, 2022 through June 30, 2023: *Provided*, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, $1,033,006,000 as follows:

(A) $300,859,000 for the dislocated workers assistance national reserve, of which $100,859,000 shall be available for the period July 1, 2022 through September 30, 2023, and of which $200,000,000 shall be available for the period October 1, 2022 through September 30, 2023: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases

where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as ''Secretary'') may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, $95,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA as follows:

(i) $45,000,000 shall be for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1), workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; 7 U.S.C. 2009aa(2)), and workers in the region served by the Northern Border Regional Commission, as defined by 40 U.S.C. 15733; and

(ii) $50,000,000 shall be for the purpose of developing, offering, or improving educational or career training programs at community colleges, defined as public institutions of higher education, as described in section 101(a) of the Higher Education Act of 1965 and at which the associate's degree is primarily the highest degree awarded, with other eligible institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, eligible to participate through consortia, with community colleges as the lead grantee: *Provided*, That the Secretary shall follow the requirements for the program in

House Report 116–62: *Provided further*, That any grant funds used for apprenticeships shall be used to support only apprenticeship programs registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA;

(B) $57,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2022 through June 30, 2023;

(C) $95,396,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $88,283,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $6,456,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $657,000 for other discretionary purposes, which shall be available for the period April 1, 2022 through June 30, 2023: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or

discouraging grantees from providing such services: *Provided further*, That notwithstanding the definition of ''eligible seasonal farmworker'' in section 167(i)(3)(A) of the WIOA relating to an individual being ''low-income'', an individual is eligible for migrant and seasonal farmworker programs under section 167 of the WIOA under that definition if, in addition to meeting the requirements of clauses (i) and (ii) of section 167(i)(3)(A), such individual is a member of a family with a total family income equal to or less than 150 percent of the poverty line;

(D) $99,034,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2022 through June 30, 2023;

(E) $102,079,000 for ex-offender activities, under the authority of section 169 of the WIOA, which shall be available for the period April 1, 2022 through June 30, 2023: *Provided*, That of this amount, $25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare for employment young adults with criminal legal histories, young adults who have been justice

system-involved, or young adults who have dropped out of school or other educational programs, with a priority for projects serving high-crime, high-poverty areas;

(F) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2022 through June 30, 2023;

(G) $235,000,000 to expand opportunities through apprenticeships only registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, which shall be available for the period July 1, 2022 through June 30, 2023; and

(H) $137,638,000 for carrying out Demonstration and Pilot projects under section 169(c) of the WIOA, which shall be available for the period April 1, 2022 through June 30,

2023, in addition to funds available for such activities under subparagraph (A) for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such funds may be used for projects that are related to the employment and training needs of dislocated workers, other adults, or youth: *Provided further*, That the 10 percent funding limitation under such section shall not apply to such funds: *Provided further*, That section 169(b)(6)(C) of the WIOA shall not apply to such funds: *Provided further*, That sections 102 and 107 of this Act shall not apply to such funds.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as author-

ized by the WIOA, $1,748,655,000, plus reimbursements, as follows:

(1) $1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2022 through June 30, 2023;

(2) $113,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2022 through June 30, 2025, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2022: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) $32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2021 through September 30, 2022:

*Provided*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as ''OAA''), $405,000,000, which shall be available for the period April 1, 2022 through June 30, 2023, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2022 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, sections 405(a) and 406 of the Trade Preferences Extension Act of 2015, and section 285(a)(2) of the Trade Act of 1974 (as

amended by section 406(a)(7) of the Trade Preferences Extension Act of 2015), $540,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2022: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For authorized administrative expenses, $84,066,000, together with not to exceed $3,627,265,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which—

(1) $2,850,816,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $250,000,000 to carry out reemployment services and eligibility assessments under section 306 of such Act, any claimants of regular compensation, as

defined in such section, including those who are profiled as most likely to exhaust their benefits, may be eligible for such services and assessments: *Provided*, That of such amount, $117,000,000 is specified for grants under section 306 of the Social Security Act and is provided to meet the terms of section 4004(b)(4)(B) and section 4005(d)(2) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and $133,000,000 is additional new budget authority specified for purposes of section 4004(b)(4) and section 4005(d) of such resolution; and $9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, sections 405(a) and 406 of the Trade Preferences Extension Act of 2015, and section 285(a)(2) of the Trade Act of 1974 (as amended by section 406(a)(7) of the Trade

Preferences Extension Act of 2015), and shall be available for obligation by the States through December 31, 2022, except that funds used for automation shall be available for Federal obligation through December 31, 2022, and for State obligation through September 30, 2024, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2028, and for expenditure through September 30, 2029, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2022 (except that funds for outcome payments pursuant to section 306(f)(2) of the Social Security Act shall be available for Federal obligation through March 31, 2023), and for obligation by the States through September 30, 2024, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2023, and funds used for unemployment insurance workloads experienced through September

30, 2022 shall be available for Federal obligation through December 31, 2022;

(2) $18,000,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $653,639,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2022 through June 30, 2023;

(4) $25,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986 (including assisting States in adopting or modernizing information technology for use in the processing of certification requests), and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) $79,810,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $58,528,000

shall be available for the Federal administration of such activities, and $21,282,000 shall be available for grants to States for the administration of such activities; and

(6) $62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2022 through June 30, 2023, of which up to $9,800,000 may be used to carry out research and demonstration projects related to testing effective ways to promote greater labor force participation of people with disabilities: *Provided*, That the Secretary may transfer amounts made available for research and demonstration projects under this paragraph to the ''Office of Disability Employment Policy'' account for such purposes:

*Provided*, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2022 is projected by the Department of Labor to exceed 2,208,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title

III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Secu-

rity Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium or to the entity operating the Unemployment Insurance Information Technology Support Center in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by

State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2023, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal Unemployment Benefits and Allowances'' account, such sums as may be necessary, which shall be available for obligation through September 30, 2023.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $112,934,000, together with not to exceed

$51,481,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $185,500,000, of which up to $3,000,000 shall be made available through September 30, 2023, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2022, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2022 shall be available for obligations for administra-

tive expenses in excess of $472,955,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2022, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2026, for obligations for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided for administrative expenses in this paragraph may be incurred and shall be available through September 30, 2026 for obligation for unforeseen and extraordinary pre-termination or termination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That an additional amount shall be available for obligation through September 30, 2026 to the extent the Corporation's costs exceed $250,000 for the provision of credit or identity monitoring to affected individuals upon suffering a security incident or privacy breach, not to exceed an additional $100 per affected individual.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $251,000,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $45,937,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $108,476,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $117,924,000, together with $2,205,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses not otherwise authorized) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $244,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*,

That balances of reimbursements unobligated on September 30, 2021, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2022: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $80,920,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $27,445,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $25,859,000;

(3) For periodic roll disability management and medical review, $25,860,000;

(4) For program integrity, $1,756,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $32,970,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2023, $11,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $63,428,000, to remain available until expended: *Provided*, That the Secretary may require that any person fil-

ing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the ''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2022 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $41,464,000 for transfer to the Office of Workers' Compensation Programs, ''Salaries and Expenses''; not to exceed $37,598,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $342,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $612,015,000, including not to exceed $113,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2022, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds

appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (''DART'') occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not cor-

rected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $11,787,000 shall be available for Susan Harwood training grants, of which not more than $6,500,000 is for Susan Harwood Training Capacity Building Developmental grants, for program activities starting not later than September 30, 2022 and lasting for a period of 12

months: *Provided further*, That not less than $3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $383,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation

with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

## BUREAU OF LABOR STATISTICS

### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $619,952,000, together with not to exceed $68,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Within this amount, $28,470,000 for costs associated with the physical move of the Bureau of Labor Statistics' headquarters, including replication of space, furniture, fixtures, equipment, and related costs shall remain available until September 30, 2026.

## OFFICE OF DISABILITY EMPLOYMENT POLICY

### SALARIES AND EXPENSES

### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $40,500,000, of which not less than $9,000,000 shall be for research and demonstration projects related to testing effective ways to promote greater labor force participation of people with disabilities: *Provided*, That the Secretary may transfer amounts made available under this heading for research and demonstration projects to the ''State Unemployment Insurance and Employment Service Operations'' account for such purposes.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $367,389,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $74,525,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2022: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not less than $30,175,000 shall be for programs to combat exploitative child labor internationally and not less than $30,175,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That $8,281,000 shall be used for program evaluation and shall be available for obligation through September 30, 2023: *Provided further*, That

funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, not less than $2,500,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

VETERANS' EMPLOYMENT AND TRAINING

Not to exceed $264,841,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which—

(1) $183,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support dis-

abled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for expenditure by the States through September 30, 2024, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $32,379,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) $46,048,000 is for Federal administration of chapters 41, 42, and 43 of title 38, and sections

2021, 2021A and 2023 of title 38, United States Code: *Provided*, That, up to $500,000 may be used to carry out the Hire VETS Act (division O of Public Law 115–31); and

(4) $3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

*Provided*, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, $60,500,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2022, to provide services under such section: *Provided further*, That services provided under sections 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next

60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness: *Provided further*, That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and contract support to allow for the tracking of participant and performance information: *Provided further*, That notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to 31 U.S.C. 1553.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided*, That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: *Provided further*, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note ) shall not apply.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $28,269,000, which shall be available through September 30, 2023.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $85,187,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activ-

ity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B

visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to ''Program Administration'' when it is

determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to ''Program Administration'' in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the ''Office of Job Corps'' account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under this subsection shall be available to the Secretary to carry out program integrity activities directly or through grants, cooperative agreements, contracts and other arrangements with States and other appropriate entities: *Provided further*, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2023.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to ''Departmental Management'' for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2023: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: ''Training and Employment Services'', ''Job Corps'', ''Community Service Employment for Older Americans'', ''State Unemployment Insurance and Employment Service Operations'', ''Employee Benefits Security Administration'', ''Office of Workers' Compensation Programs'', ''Wage and Hour Division'', ''Office of Federal Contract Compliance Programs'', ''Office of Labor Management Standards'', ''Occupational Safety and Health Administration'', ''Mine Safety and Health Administration'', ''Of-

fice of Disability Employment Policy'', funding made available to the ''Bureau of International Labor Affairs'' and ''Women's Bureau'' within the ''Departmental Management, Salaries and Expenses'' account, and ''Veterans' Employment and Training''.

SEC. 108. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

''(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

''(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

''(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

"(C) whose duties include any of the following:

"(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

"(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

"(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

"(iv) negotiating settlements; or

"(v) making recommendations regarding litigation.

"(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

"(3) For purposes of this subsection—

"(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;

"(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual

who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

''(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.''.

(b) This section shall be effective on the date of enactment of this Act.

SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an em-

ployer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term ''H–2B nonimmigrants'' means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

SEC. 110. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment

Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 111. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

SEC. 112. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to $2,000,000 of excess personal property, at a value determined by the Secretary, to apprenticeship programs for the purpose of training apprentices in those programs.

SEC. 113. (a) The Act entitled ''An Act to create a Department of Labor'', approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

**''SEC. 12. SECURITY DETAIL.**

''(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

''(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

''(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

''(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

''(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

''(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent em-

ployed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

''(1) carry firearms;

''(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

''(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

''(4) coordinate with local law enforcement agencies; and

''(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

''(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

''(1) guidelines issued by the Attorney General; and

''(2) guidelines prescribed by the Secretary of Labor.''.

(b) This section shall be effective on the date of enactment of this Act.

SEC. 114. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to subchapter III of chapter 5 of title 40 of the United States Code and subchapter V of chapter 119 of title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program on Treasure Island.

SEC. 115. None of the funds made available by this Act may be used to—

(1) alter or terminate the Interagency Agreement between the United States Department of Labor and the United States Department of Agriculture; or

(2) close any of the Civilian Conservation Centers, except if such closure is necessary to prevent the endangerment of the health and safety of the

students, the capacity of the program is retained, and the requirements of section 159(j) of the WIOA are met.

SEC. 116. The paragraph under the heading ''Working Capital Fund'' in the Department of Labor Appropriations Act, 1958, Public Law 85–67, 71 Stat. 210, as amended, is further amended by striking the third proviso and inserting in lieu thereof ''That the Secretary of Labor may transfer to the Working Capital Fund, to remain available for obligation for five fiscal years after the fiscal year of such transfer, annually an amount not to exceed $9,000,000 from unobligated balances in the Department's salaries and expenses accounts made available in Public Laws 115–245, 116–94, or 116–260, and annually an amount not to exceed $9,000,000 from unobligated balances in the Department's discretionary grants accounts made available in Public Laws 115–245, 116–94, 116–260, for the acquisition of capital equipment and the improvement of financial management, information technology, infrastructure technology investment activities related to support systems and modernization, and other support systems: *Provided further*, That the Secretary of Labor may transfer to the Working Capital Fund, to remain available for obligation for five fiscal years after the fiscal year of such transfer, annually an amount not to

exceed $18,000,000 from unobligated balances in the Department's salaries and expenses accounts made available in this Act and hereafter, and $18,000,000 from unobligated balances in the Department's discretionary grants accounts made available in this Act and hereafter for the acquisition of capital equipment and the improvement of financial management, information technology, infrastructure technology investment activities related to support systems and modernization, and other support systems:''.

SEC. 117. Of the unobligated funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $72,000,000 are hereby permanently rescinded.

This title may be cited as the ''Department of Labor Appropriations Act, 2022''.

# TITLE II

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Health Resources and Services Administration

### PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the ''PHS Act'') with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,748,772,000: *Provided*, That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than $120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as ''HHS'') pertaining to administrative claims made under such law.

### HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,295,742,000: Provided, That section 751(j)(2) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4)

of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the ''Secretary'') may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: *Provided further*, That $121,600,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps (''NHSC'') members to expand the delivery of substance use disorder treatment

services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: *Provided further*, That, within the amount made available in the previous proviso, $15,600,000 shall remain available until expended for the purposes of making payments under the NHSC Loan Repayment Program under section 338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: *Provided further*, That for purposes of the previous two provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term ''primary health services'' includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors: *Provided further*, That of the funds made available under this heading, $6,000,000 shall be available to make grants to establish, expand, or maintain optional community-based nurse practitioner fellowship programs that are accredited or in the accreditation proc-

ess, with a preference for those in Federally Qualified Health Centers, for practicing postgraduate nurse practitioners in primary care or behavioral health: *Provided further*, That of the funds made available under this heading, $5,000,000 shall remain available until expended for activities under section 775 of the PHS Act: *Provided further*, That the United States may recover liquidated damages in an amount determined by the formula under section 338E(c)(1) of the PHS Act if an individual either fails to begin or complete the service obligated by a contract under section 775(b) of the PHS Act: *Provided further*, That for purposes of section 775(c)(1) of the PHS Act, the Secretary may include other mental and behavioral health disciplines as the Secretary deems appropriate: *Provided further*, That the Secretary may terminate a contract entered into under section 775 of the PHS Act in the same manner articulated in Section 206 of this title for fiscal year 2022 contracts entered into under section 338B of the PHS Act.

Of the funds made available under this heading, $55,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support graduate education for physicians provided by such institutions, including funding for infrastructure development, maintenance, equipment, and minor renova-

tions or alterations: *Provided*, That, in awarding such grants, the Secretary shall give priority to public institutions of higher education located in States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That grants so awarded are limited to such public institutions of higher education in States in the top quintile of States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That the minimum amount of a grant so awarded to such an institution shall be not less than $1,000,000 per year: *Provided further*, That such a grant may be awarded for a period not to exceed 5 years: *Provided further*, That such a grant awarded with respect to a year to such an institution shall be subject to a matching requirement of non-Federal funds in an amount that is not less than 10 percent of the total amount of Federal funds provided in the grant to such institution with respect to such year.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health and title V of the Social Security Act, $1,018,624,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $169,116,000 shall be available for carrying out special

projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,494,776,000, of which $2,014,698,000 shall remain available to the Secretary through September 30, 2024, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act; and of which $125,000,000, to remain available until expended, shall be available to the Secretary for carrying out a program of grants and contracts under title XXVI or section 311(c) of such Act focused on ending the nationwide HIV/AIDS epidemic, with any grants issued under such section 311(c) administered in conjunction with title XXVI of the PHS Act, including the limitation on administrative expenses.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $133,093,000, of

which $122,000 shall be available until expended for facilities-related expenses of the National Hansen's Disease Program.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $366,112,000, of which $62,277,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $20,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology, up to $5,000,000 shall be available to establish by grant to public or non-profit private entities the Rural Emergency Hospital Technical Assistance Program, and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural

providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $12,500,000 shall be available for State Offices of Rural Health: *Provided further*, That $10,500,000 shall remain available through September 30, 2024, to support the Rural Residency Development Program: *Provided further*, That $135,000,000 shall be for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $1,213,196,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the

headings ''Primary Health Care'', ''Health Workforce'', ''Maternal and Child Health'', ''Ryan White HIV/AIDS Program'', ''Health Care Systems'', and ''Rural Health'': *Provided further*, That of the amount made available under this heading, $1,057,896,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities, and for the projects financing one-time grants that support health-related activities, including training and information technology, and in the amounts specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds made available in the preceding proviso, up to $4,000,000 may be used for related agency administrative expenses: *Provided further*, That none of the funds made available for projects described in the two preceding provisos shall be subject to section 241 of the PHS Act or section 205 of this Act.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the ''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered

after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $13,200,000 shall be available from the Trust Fund to the Secretary.

COVERED COUNTERMEASURES PROCESS FUND

For carrying out section 319F–4 of the PHS Act, $5,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $448,805,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,345,056,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Edu-

cation Assistance Act, with respect to emerging and zoonotic infectious diseases, $641,272,000: *Provided*, That of the amounts made available under this heading, up to $1,000,000 shall remain available until expended to pay for the transportation, medical care, treatment, and other related costs of persons quarantined or isolated under Federal or State quarantine law.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $1,083,714,000: *Provided*, That funds made available under this heading may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $177,060,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $651,997,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $209,850,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $714,879,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $351,800,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $646,843,000, of which: (1) $128,921,000 shall remain available through September 30, 2023 for international HIV/AIDS; and (2) $253,200,000 shall remain available through September 30, 2024 for global public health protection: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $862,200,000: *Provided*, That the Director of the Centers for Disease Control and Prevention (referred to in this

title as ''CDC'') or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority, a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed, and an update of such report every 180 days until staff are no longer on detail without reimbursement to the CDC Emergency Operations Center.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, installation, demolition, and renovation of facilities, $30,000,000, which shall remain available until September 30, 2026: *Provided*, That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed $2,500,000, and that the primary ben-

efit of such improvements accrues to CDC: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities in conjunction with the new replacement mine safety research facility shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed $5,000,000: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for

Disease Control and Prevention, $333,570,000, of which $200,000,000 shall remain available through September 30, 2024, for public health infrastructure and capacity: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That of the amounts made available under this heading, $20,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC

may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2023.

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $6,718,522,000, of which up to $30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,808,494,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $501,231,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $2,203,926,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $2,535,370,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $6,322,728,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $3,092,373,000, of which $1,309,313,000 shall be from funds available under section 241 of the PHS Act: *Pro-*

*vided*, That not less than $409,957,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,683,009,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $863,918,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $842,169,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $4,219,936,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $655,699,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $514,885,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $180,862,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $573,651,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,595,474,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $2,140,976,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $639,062,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $424,590,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $159,365,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $459,056,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $86,880,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $479,439,000: *Provided*, That of the amounts available for improvement of information systems, $4,000,000 shall be available until September 30, 2023: *Provided further*, That

in fiscal year 2022, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as ''NIH'').

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $882,265,000: *Provided*, That up to $60,000,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least $606,646,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, $2,616,520,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That $180,000,000 shall be for the Environmental Influences on Child Health Outcomes study: *Provided fur-*

*ther*, That $657,401,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That $70,000,000 shall be used to carry out section 404I of the PHS Act (42 U.S.C. 283K), relating to biomedical and behavioral research facilities: *Provided further*, That $5,000,000 shall be transferred to and merged with the appropriation for the ''Office of Inspector General'' for oversight of grant programs and operations of the NIH, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the NIH: *Provided further*, That the funds provided in the previous proviso may be transferred from one specified activity to another with 15 days prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Inspector General shall consult with the Committees on Ap-

propriations of the House of Representatives and the Senate before submitting to the Committees an audit plan for fiscal years 2022 and 2023 no later than 30 days after the date of enactment of this Act: *Provided further*, That amounts made available under this heading are also available to establish, operate, and support the Research Policy Board authorized by section 2034(f) of the 21st Century Cures Act: *Provided further*, That the funds made available under this heading for the Office of Research on Women's Health shall also be available for making grants to serve and promote the interests of women in research, and the Director of such Office may, in making such grants, use the authorities available to NIH Institutes and Centers.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act, of which $3,000,000 shall be derived from the 10-year Pediatric Research Initiative Fund described in section 9008 of the Internal Revenue Code of 1986 (26 U.S.C. 9008).

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $250,000,000, to remain available through September 30, 2026.

NIH INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, $496,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority pro-

vided under this heading is in addition to any other transfer authority provided by law.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, the Protection and Advocacy for Individuals with Mental Illness Act, and the SUPPORT for Patients and Communities Act, $2,048,090,000: *Provided*, That of the funds made available under this heading, $81,887,000 shall be for the National Child Traumatic Stress Initiative: *Provided further*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That of the funds made available under this heading for subpart I of part B of

title XIX of the PHS Act, at least 5 percent shall be available to support evidence-based crisis systems: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2022: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That $315,000,000 shall be available until September 30, 2024 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113–93: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, $21,420,000 shall be to carry out

section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, and the SUPPORT for Patients and Communities Act, $3,873,396,000: *Provided*, That $1,525,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids and stimulants undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided further*, That of such amount $55,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further*, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Co-

lumbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further*, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 21 days prior to publishing a Funding Opportunity Announcement: *Provided further*, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further*, That each State, as well as the District of Columbia, shall receive not less than $4,000,000: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment pro-

grams: *Provided further*, That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $218,219,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings ''Mental Health'', ''Substance Abuse Treatment'', and ''Substance Abuse Prevention'' in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $260,230,000: *Provided*, That of the amount made available under this heading, $127,535,000 shall be used for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act: *Provided further*, That in addition to amounts provided here-

in, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(o) of the PHS Act shall remain available through September 30, 2023: *Provided further*, That funds made available under this heading (other than amounts specified in the first proviso under this heading) may be used to supplement program support funding provided under the headings ''Mental Health'', ''Substance Abuse Treatment'', and ''Substance Abuse Prevention''.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $350,400,000: *Provided*,

That section 947(c) of the PHS Act shall not apply in fiscal year 2022: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2023.

CENTERS FOR MEDICARE & MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $368,666,106,000, to remain available until expended.

In addition, for carrying out such titles after May 31, 2022, for the last quarter of fiscal year 2022 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, to remain available until expended.

In addition, for carrying out such titles for the first quarter of fiscal year 2023, $165,722,018,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $487,862,000,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare & Medicaid Services, not to exceed $3,669,744,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security

Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2022 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That of the amount made available under this heading, $397,334,000 shall remain available until September 30, 2023, and shall be available for the Survey and Certification Program: *Provided further*, That amounts available under this heading to support quality improvement organizations (as defined in section 1152 of the Social Security Act) shall not exceed the amount specifically provided for such purpose under this heading in division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $873,000,000, to remain available through September 30, 2023, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $658,648,000 shall be for the Centers for Medicare & Medicaid Services program integrity activities, of which $102,145,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which $112,207,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2022 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, $317,000,000 is provided to meet the terms of section 4004(b)(3)(B) and section 4005(e)(2) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget

for fiscal year 2022, and $556,000,000 is additional new budget authority specified for purposes of section 4004(b)(3) and section 4005(c) of such resolution: *Provided further*, That the Secretary shall provide not less than $30,000,000 from amounts made available under this heading and amounts made available for fiscal year 2022 under section 1817(k)(3)(A) of the Social Security Act for the Senior Medicare Patrol program to combat health care fraud and abuse.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,795,000,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2023, $1,300,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), $3,800,304,000: *Provided*, That notwithstanding section 2609A(a) of such Act, not more than $4,600,000 may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures, and to supplement funding otherwise available for necessary administrative expenses to carry out such Act, and the Secretary may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations: *Provided further*, That all but $785,000,000 of the amount appropriated under this heading shall be allocated as though the total appropriation for such payments for fiscal year 2022 was less than $1,975,000,000: *Provided further*, That, after applying all applicable provisions of section 2604 of such Act and the previous proviso, each State or territory that would otherwise receive an allocation that is less than 97 percent of the amount that it received under this heading for fiscal year 2021 from amounts appropriated in Public Law 116–260 shall have its allocation increased to that 97 percent level, with the

portions of other States' and territories' allocations that would exceed 100 percent of the amounts they respectively received in such fashion for fiscal year 2021 being ratably reduced.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 (''TVPA''), and the Torture Victims Relief Act of 1998, $4,825,214,000, of which $4,777,459,000 shall remain available through September 30, 2024 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting ''15 percent'' for ''3 percent'': *Provided further*, That the contribution of funds require-

ment under section 235(c)(6)(C)(iii) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 shall not apply to funds made available under this heading.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 (''CCDBG Act''), $6,165,330,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided,* That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further*, That in addition to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, $184,960,000 shall be for Indian tribes and tribal organizations.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act (''CSBG Act''); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, and the Child Care and Development Block Grant Act of 1990, $13,438,343,000, of which

$75,000,000, to remain available through September 30, 2023, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2022: *Provided*, That $11,036,820,000 shall be for making payments under the Head Start Act, including for Early Head Start–Child Care Partnerships, and, of which, notwithstanding section 640 of such Act:

(1) $234,000,000 shall be available for a cost of living adjustment, and with respect to any continuing appropriations act, funding available for a cost of living adjustment shall not be construed as an authority or condition under this Act;

(2) $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of the Head Start Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12), and 645A(d) of such Act, and such funds shall not be included in the calculation of ''base grant'' in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act;

(3) $52,000,000 shall be available for quality improvement consistent with section 640(a)(5) of such Act except that any amount of the funds may be used on any of the activities in such section, of which not less than $2,600,000 shall be available to migrant and seasonal Head Start programs for such activities, in addition to funds made available for migrant and seasonal Head Start programs under any other provision of section 640(a) of such Act;

(4) $6,000,000 shall be available for the Tribal Colleges and Universities Head Start Partnership Program consistent with section 648(g) of such Act; and

(5) $21,000,000 shall be available to supplement funding otherwise available for research, evaluation, and Federal administrative costs:

*Provided further*, That the Secretary may reduce the reservation of funds under section 640(a)(2)(C) of such Act in lieu of reducing the reservation of funds under sections 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided further*, That $290,000,000 shall be available until December 31, 2022 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assist-

ance and evaluation related to grants awarded under such section 9212: *Provided further*, That $787,383,000 shall be for making payments under the CSBG Act: *Provided further*, That for services furnished under the CSBG Act with funds made available for such purpose in this fiscal year and in fiscal year 2021, States may apply the last sentence of section 673(2) of the CSBG Act by substituting ''200 percent'' for ''125 percent'': *Provided further*, That $32,383,000 shall be for section 680 of the CSBG Act, of which not less than $21,383,000 shall be for section 680(a)(2) and not less than $11,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That, notwithstanding section 675C(a)(3) of the CSBG Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years

after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further,* That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $200,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which $7,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further*, That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to

$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That $26,992,000 shall be used for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, $82,515,000: *Provided*, That of the funds available to carry out section 437, $59,765,000 shall be allocated consistent with subsections (b) through (d) of such section: *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C), $20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in

section 427(a)(1) of such Act and $2,750,000, in addition to funds otherwise appropriated in section 476 for such purposes, shall be for the Family First Clearinghouse and to support evaluation and technical assistance relating to the evaluation of child and family services: *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting ''5 percent'' for ''3.3 percent'', and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be $200,000, and, in the case of tribes, shall be $25,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $6,963,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2023, $3,200,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–

E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (''OAA''), the RAISE Family Caregivers Act, the Supporting Grandparents Raising Grandchildren Act, titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $2,264,927,000, together with $53,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That

amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition, including medically-tailored meals: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are di-

rected by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the imme-

diately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship: *Provided further*, That of the amount made available under this heading, $13,871,000 shall be used for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $506,294,000, together with $64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and

evaluation activities: *Provided*, That of this amount, $56,900,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this

heading, $35,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided con-

sistent with 42 CFR 59.5(a)(4): *Provided further*, That of the funds made available under this heading, $5,000,000 shall be for carrying out prize competitions sponsored by the Office of the Secretary to accelerate innovation in the prevention, diagnosis, and treatment of kidney diseases (as authorized by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719)).

MEDICARE HEARINGS AND APPEALS

For expenses necessary for Medicare hearings and appeals in the Office of the Secretary, $196,000,000 shall remain available until September 30, 2023, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $64,238,000 shall be from amounts made available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $82,400,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That of the amount appropriated under this heading, necessary sums shall be available for carrying out activities authorized under section 3022 of the PHS Act (42 U.S.C. 300jj–52).

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $39,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $1,274,678,000, of which $745,005,000 shall remain available through September 30, 2023, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2024.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $780,000,000, to remain available until expended.

For expenses necessary to carry out section 319F–2(a) of the PHS Act, $845,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $300,000,000; of which $265,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the PHS Act with respect to advanced research projects for health, $1,000,000,000, to remain available through September 30, 2024: *Provided*, That the President shall appoint in the Department of Health and Human Services a director of advanced research projects for health (Director): *Provided further*, That funds may be used to make or rescind appointments of scientific, medical, and professional per-

sonnel without regard to any provision in title 5 governing appointments under the civil service laws: *Provided further*, That funds may be used to fix the compensation of such personnel at a rate to be determined by the Director, up to the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code: *Provided further*, That the Director may use funds made available under this heading to make awards in the form of grants, contracts, cooperative agreements, and cash prizes, and enter into other transactions (as defined in section 319L(a)(3) of the PHS Act): *Provided further*, That activities supported with funds provided under this heading shall not be subject to the requirements of sections 406(a)(3)(A)(ii) or 492 of the PHS Act: *Provided further*, That the Secretary may transfer the Advanced Research Projects Agency for Health, including the functions, personnel, missions, activities, authorities, and funds, within 30 days of enactment of this Act to any agency or office of the Department of Health and Human Services, including the National Institutes of Health: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any transfer pursuant to the preceding proviso.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II: *Provided*, That none of the funds appropriated in this title shall be used to prevent the NIH from paying up to 100 percent of the salary of an individual at this rate.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants

or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the effective date of a contract awarded in fiscal year 2022 under section 338B of such Act, or at any time if the individual who has been awarded such contract has not received funds due under the contract.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the

PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be

responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2022:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other appli-

cable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to

serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the

House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH (''Director'') may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review pro-

cedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 216. Not to exceed $100,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $5,000,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority (''BARDA'') may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security

countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2023 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or other-

wise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2023 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare & Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2023. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading ''Health Insurance Exchange Transparency'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 221. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the ''Centers for Medicare & Medicaid Services—Program Management'' account, may be used for payments under

section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(TRANSFER OF FUNDS)

SEC. 222. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading ''Prevention and Public Health Fund'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

SEC. 223. Effective during the period beginning on November 1, 2015 and ending January 1, 2024, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of

such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

SEC. 224. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

SEC. 225. The NIH Director may transfer funds for opioid addiction, opioid alternatives, stimulant misuse and

addiction, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

SEC. 226. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 227. In addition to the amounts otherwise available for ''Centers for Medicare & Medicaid Services, Program Management'', the Secretary of Health and Human Services may transfer up to $355,000,000 to such account

from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

SEC. 228. The Department of Health and Human Services shall provide the Committees on Appropriations of the House of Representatives and Senate a biannual report 30 days after enactment of this Act on staffing described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 229. Funds appropriated in this Act that are available for salaries and expenses of employees of the Department of Health and Human Services shall also be available to pay travel and related expenses of such an employee or of a member of his or her family, when such employee is assigned to duty, in the United States or in a U.S. territory, during a period and in a location that are the subject of a determination of a public health emergency under section 319 of the Public Health Service Act and such travel is necessary to obtain medical care for

an illness, injury, or medical condition that cannot be adequately addressed in that location at that time. For purposes of this section, the term ''U.S. territory'' means Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

SEC. 230. The Department of Health and Human Services may accept donations from the private sector, nongovernmental organizations, and other groups independent of the Federal Government for the care of unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in the care of the Office of Refugee Resettlement of the Administration for Children and Families, including medical goods and services, which may include early childhood developmental screenings, school supplies, toys, clothing, and any other items intended to promote the wellbeing of such children.

SEC. 231. None of the funds made available in this Act under the heading ''Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance'' may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))

in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—

(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than six consecutive months shall require compliance with—

(A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and

(B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;

(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with

paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance;

(3) not more than four consecutive waivers under paragraph (2) may be granted to a contractor or grantee with respect to a specific facility;

(4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;

(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and

(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

SEC. 232. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than 72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

SEC. 233. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody

of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator or Member has coordinated the oversight visit with the Office of Refugee Resettlement not less than two business days in advance to ensure that such visit would not interfere with the operations (including child welfare and child safety operations) of such facility.

SEC. 234. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 235. Funds appropriated in this Act that are available for salaries and expenses of employees of the Centers for Disease Control and Prevention shall also be available for the primary and secondary schooling of eligible dependents of personnel stationed in a U.S. territory as defined in section 229 of this Act at costs not in excess of those paid for or reimbursed by the Department of Defense.

(RESCISSION)

SEC. 236. Of the unobligated balances in the ''Nonrecurring Expenses Fund'' established in section 223 of division G of Public Law 110–161, $650,000,000 are hereby rescinded not later than September 30, 2022.

SEC. 237. The unobligated balances of amounts appropriated or transferred to the Centers for Disease Control and Prevention under the heading ''Buildings and Facilities'' in title II of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141) for a biosafety level 4 laboratory shall also be available for the acquisition of real property, equipment, construction, demolition, renovation of facilities, and installation expenses, including moving expenses, related to such laboratory: *Provided*, That not later than September 30, 2022, the remaining

unobligated balances of such funds are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the same purposes as such unobligated balances, in addition to any other amounts available for such purposes.

SEC. 238. The Secretary of Health and Human Services may waive penalties and administrative requirements in title XXVI of the Public Health Service Act for awards under such title from amounts provided under the heading ''Department of Health and Human Services—Health Resources and Services Administration'' in this or any other appropriations Act for this fiscal year, including amounts made available to such heading by transfer.

SEC. 239. The Director of the National Institutes of Health shall hereafter require institutions that receive funds through a grant or cooperative agreement during fiscal year 2022 and in future years to notify the Director when individuals identified as a principal investigator or as key personnel in an NIH notice of award are removed from their position or are otherwise disciplined due to concerns about harassment, bullying, retaliation, or hostile working conditions. The Director may issue regulations consistent with this section.

SEC. 240. The CDC Undergraduate Public Health Scholars Program is hereby renamed as the John R. Lewis CDC Undergraduate Public Health Scholars Program.

SEC. 241. The Center for Alzheimer's Disease and Related Dementias Building (Building T–44) at the National Institutes of Health is hereby renamed as the Roy Blunt Center for Alzheimer's Disease and Related Dementias Research Building.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2022''.

# TITLE III

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as ''ESEA'') and section 418A of the Higher Education Act of 1965 (referred to in this Act as ''HEA''), $18,229,790,000, of which $7,306,490,000 shall become available on July 1, 2022, and shall remain available through September 30, 2023, and of which $10,841,177,000 shall become available on October 1, 2022, and shall remain available through September 30, 2023, for academic year 2022–2023: *Provided*, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as ''Secretary'') on October 1, 2021, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $4,857,550,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $4,857,550,000 shall be for education finance incentive

grants under section 1125A of the ESEA: *Provided further*, That $221,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That $48,123,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,557,112,000, of which $1,409,242,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000 shall be for construction under section 7007(a), $77,313,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2021–2022, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section

7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,595,835,000, of which $3,757,312,000 shall become available on July 1, 2022, and remain available through September 30, 2023, and of which $1,681,441,000 shall become available on October 1, 2022, and shall remain available through September 30, 2023, for academic year 2022-2023: *Provided*, That $390,000,000 shall be for part B of title I: *Provided further*, That $1,289,673,000 shall be for part B of title IV: *Provided further*, That $38,897,000 shall be for part B of title VI, which may be used for construction, renovation, and modernization of any public elementary school, secondary school, or structure related to a public elemen-

tary school or secondary school that serves a predominantly Native Hawaiian student body, and that the 5 percent limitation in section 6205(b) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That $37,953,000 shall be for part C of title VI, which shall be awarded on a competitive basis, and may be used for construction, and that the 5 percent limitation in section 6305 of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That $54,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That $19,657,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That $195,000,000 shall be for part B of title V: *Provided further*, That

$1,280,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $189,246,000, of which $70,000,000 shall be for subpart 2 of part A of title VI and $9,365,000 shall be for subpart 3 of part A of title VI: *Provided*, That the 5 percent limitation in sections 6115(d), 6121(e), and 6133(g) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That grants awarded under sections 6132 and 6133 of the ESEA with funds provided under this heading may be for a period of up to 5 years.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, $1,160,250,000: *Provided*, That $265,750,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That $660,500,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*,

That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use $60,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), $140,000,000, to remain available through March 31, 2023, to carry out section 4305(b), and not more than $15,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), $234,000,000 shall be available through December 31, 2022 for subpart 1 of part F of title IV: *Provided further*, That of the funds available for subpart 4 of part F of title IV, $6,000,000 shall be for an award to a national nonprofit organization selected in the 2018 arts in education national program competition for activities authorized under section 4642(a)(1)(C), including costs incurred prior to the award date, and not less than $8,000,000 shall be used to carry out a separate competition for eligible national nonprofit organizations, as described in the Applications for New Awards; Assistance for Arts Education Program—Arts in Education National Program published in the Federal Register on May 7, 2018, for activities described under section 4642(a)(1)(C).

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $361,000,000, to remain available through December 31, 2022: *Provided*, That $201,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: *Provided further*, That $75,000,000 shall be available for section 4625: *Provided further*, That $85,000,000 shall be for section 4624.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $831,400,000, which shall become available on July 1, 2022, and shall remain available through September 30, 2023, except that 6.5 percent of such amount shall be available on October 1, 2021, and shall remain available through September 30, 2023, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $14,519,119,000, of which $4,966,176,000 shall become available on July 1, 2022, and shall remain available through September 30,

2023, and of which $9,283,383,000 shall become available on October 1, 2022, and shall remain available through September 30, 2023, for academic year 2022–2023: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2021, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2021: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State

whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed 5, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section

612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart: *Provided further*, That States may use funds reserved for other State-level activities under sections 611(e)(2) and 619(f) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private non-profit organizations to carry out activities au-

thorized by those sections: *Provided further*, That, notwithstanding section 643(e)(2)(A) of the IDEA, if 5 or fewer States apply for grants pursuant to section 643(e) of such Act, the Secretary shall provide a grant to each State in an amount equal to the maximum amount described in section 643(e)(2)(B) of such Act: *Provided further*, That if more than 5 States apply for grants pursuant to section 643(e) of the IDEA, the Secretary shall award funds to those States on the basis of the States' relative populations of infants and toddlers except that no such State shall receive a grant in excess of the amount described in section 643(e)(2)(B) of such Act: *Provided further,* That States may use funds allotted under section 643(c) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private non-profit organizations to carry out activities authorized by section 638 of IDEA: *Provided further*, That, notwithstanding section 638 of the IDEA, a State may use funds it receives under section 633 of the IDEA to offer continued early intervention services to a child who previously received services under part C of the IDEA from age 3 until the beginning of the school year following the child's third birthday with parental consent and without regard to the procedures in section 635(c) of the IDEA.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,862,645,000, of which $3,719,121,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at increasing competitive integrated employment as defined in section 7 of such Act for youth and other individuals with disabilities: *Provided further*, That up to 15 percent of the amounts available for innovative activities described in the preceding proviso from funds provided under this paragraph in this Act and title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021 (division H of Public Law 116–260), may be used for evaluation and technical assistance related to such activities: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further*, That any funds provided in this Act and made available subsequent to reallotment for innovative activities aimed at improving the outcomes of individuals

with disabilities shall remain available until September 30, 2023: *Provided further*, That of the amounts made available under this heading, $2,325,000 shall be used for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 302 of this Act.

## Special Institutions for Persons With Disabilities

### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to Promote the Education of the Blind of March 3, 1879, $40,431,000.

### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $88,500,000: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $146,361,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 (''Perkins Act'') and the Adult Education and Family Literacy Act (''AEFLA''), $2,091,436,000, of which $1,300,436,000 shall become available on July 1, 2022, and shall remain available through September 30, 2023, and of which $791,000,000 shall become available on October 1, 2022, and shall remain available through September 30, 2023: *Provided*, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,580,352,000 which shall remain available through September 30, 2023.

The maximum Pell Grant for which a student shall be eligible during award year 2022–2023 shall be $5,835.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $2,033,943,000, to remain available through September 30, 2023: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their past performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further*, That for student loan contracts awarded prior to October 1, 2017, the Secretary shall allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan: *Provided further*, That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the Federal Student Aid (FSA) Next Generation Processing and Servicing Environment, unless such an environment provides for the participation

of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full life-cycle of loans from disbursement to pay-off with certain limited exceptions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further*, That the Department shall re-allocate accounts from servicers for recurring non-compliance with FSA guidelines, contractual requirements, and applicable laws, including for failure to sufficiently inform borrowers of available repayment options: *Provided further*, That such servicers shall be evaluated based on their ability to meet contract requirements (including an understanding of Federal and State law), future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent FSA permits student loan servicing subcontracting, FSA shall hold prime contractors accountable for meeting the requirements of the contract, and the performance and expectations of subcontractors shall be accounted for in the prime contract and in the overall performance of the prime contractor: *Provided further*, That FSA shall ensure that the Next Generation Processing and Servicing Environment, or any new Federal loan servicing environment, incentivize more support to borrowers at risk of delin-

quency or default: *Provided further*, That FSA shall ensure that in such environment contractors have the capacity to meet and are held accountable for performance on service levels; are held accountable for and have a history of compliance with applicable consumer protection laws; and have relevant experience and demonstrated effectiveness: *Provided further*, That the Secretary shall provide quarterly briefings to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate on general progress related to solicitations for Federal student loan servicing contracts: *Provided further*, That FSA shall strengthen transparency through expanded publication of aggregate data on student loan and servicer performance: *Provided further*, That not later than 60 days after enactment of this Act, FSA shall provide to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan of anticipated uses of funds made available in this account for fiscal year 2022 and provide quarterly updates on this plan (including contracts awarded, change orders, bonuses paid to staff, reorganization costs, and any other activity carried out using amounts provided under this heading for fiscal year 2022): *Provided further*, That the FSA Next Generation Proc-

essing and Servicing Environment, or any new Federal student loan servicing environment, shall include accountability measures that account for the performance of the portfolio and contractor compliance with FSA guidelines.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Perkins Act, $2,994,111,000, of which $76,000,000 shall remain available through December 31, 2022: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent

of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation: *Provided further*, That section 313(d) of the HEA shall not apply to an institution of higher education that is eligible to receive funding under section 318 of the HEA: *Provided further*, That amounts made available for carrying out section 419N of the HEA may be awarded notwithstanding the limitations in section 419N(b)(2) of the HEA: *Provided further*, That of the amounts made available under this heading, $249,400,000 shall be used for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 302 of this Act.

HOWARD UNIVERSITY

For partial support of Howard University, $344,018,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2023: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $274,149,000: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

INSTITUTE OF EDUCATION SCIENCES

For necessary expenses for the Institute of Education Sciences as authorized by section 208 of the Department of Education Organization Act and carrying out activities authorized by the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $737,021,000, which shall remain available through September 30, 2023: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Co-

lumbia and hire of three passenger motor vehicles, $394,907,000, of which up to $7,000,000, to remain available until expended, shall be available for relocation expenses, and for the renovation and repair of leased buildings: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $135,500,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $64,000,000, of which $2,000,000 shall remain available until expended.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 303. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2022, through September 30, 2023.

SEC. 304. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year

2022 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 305. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) shall be applied by substituting ''2022'' for ''2021''.

SEC. 306. Section 458(a)(4) of the HEA (20 U.S.C. 1087h(a)) shall be applied by substituting ''2022'' for ''2021''.

SEC. 307. Funds appropriated in this Act under the heading ''Student Aid Administration'' may be available for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.).

(RESCISSION)

SEC. 308. Of the unobligated balances available under the heading ''Student Financial Assistance'' for carrying out subpart 1 of part A of title IV of the HEA, $1,050,000,000 are hereby rescinded.

(RESCISSION)

SEC. 309. Of the amounts appropriated under section 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2022, $85,000,000 are hereby rescinded.

SEC. 310. Of the amounts made available under this title under the heading ''Student Aid Administration'', $2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under section 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under section 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of section 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic

communications, ensuring prominent access to program requirements and benefits on each servicer's website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

SEC. 311. For an additional amount for ''Department of Education—Federal Direct Student Loan Program Account'', $25,000,000, to remain available until expended, shall be for the cost, as defined under section 502 of the Congressional Budget Act of 1974, of the Secretary of Education providing loan cancellation in the same manner as under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made under part D of title IV of such Act who would qualify for loan cancellation under section 455(m) except some, or all, of the 120 required payments under section 455(m)(1)(A) do not qualify for purposes of the program because they were monthly payments made in accordance with graduated or extended repayment plans as described under subparagraph (B) or (C) of section 455(d)(1) or the corresponding repayment plan for a consolidation loan made under section 455(g) and that were less than the amount calculated under section 455(d)(1)(A), based on a 10-year repayment period: *Provided*, That the monthly payment made 12 months before the borrower applied for

loan cancellation as described in the matter preceding this proviso and the most recent monthly payment made by the borrower at the time of such application were each not less than the monthly amount that would be calculated under, and for which the borrower would otherwise qualify for, clause (i) or (iv) of section 455(m)(1)(A) regarding income-based or income-contingent repayment plans, with exception for a borrower who would have otherwise been eligible under this section but demonstrates an unusual fluctuation of income over the past 5 years: *Provided further*, That the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, at application that is eligible for such loan cancellation by such borrowers shall not exceed $75,000,000: *Provided further*, That the Secretary shall develop and make available a simple method for borrowers to apply for loan cancellation under this section within 60 days of enactment of this Act: *Provided further*, That the Secretary shall provide loan cancellation under this section to eligible borrowers on a first-come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan cancellation specified in the second proviso and the availability of appropriations under this section: *Provided further*, That no borrower may, for the same service, receive a reduction of

loan obligations under both this section and section 428J, 428K, 428L, or 460 of such Act.

SEC. 312. The Secretary may reserve not more than 0.5 percent from any amount made available in this Act for an HEA program, except for any amounts made available for subpart 1 of part A of title IV of the HEA, to carry out rigorous and independent evaluations and to collect and analyze outcome data for any program authorized by the HEA: *Provided*, That no funds made available in this Act for the ''Student Aid Administration'' account shall be subject to the reservation under this section: *Provided further*, That any funds reserved under this section shall be available through September 30, 2024: *Provided further*, That if, under any other provision of law, funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may also reserve funds for such program or project for the purposes described in this section so long as the total reservation of funds for such program or project does not exceed any statutory limits on such reservations: *Provided further*, That not later than 30 days prior to the initial obligation of funds reserved under this section, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the

Senate, and the Committee on Education and Labor of the House of Representatives a plan that identifies the source and amount of funds reserved under this section, the impact on program grantees if funds are withheld for the purposes of this section, and the activities to be carried out with such funds.

SEC. 313. In addition to amounts otherwise appropriated by this Act under the heading ''Innovation and Improvement'' for purposes authorized by the Elementary and Secondary Education Act of 1965, there are hereby appropriated an additional $140,480,000 which shall be used for the projects, and in the amounts, specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That none of the funds made available for such projects shall be subject to section 302 of this Act.

SEC. 314. (a) IN GENERAL.—For the purpose of carrying out section 435(a)(2) of the HEA (20 U.S.C. 1085(a)(2)) or 34 CFR 668.206(a)(1), the Secretary of Education may waive the requirements under sections 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of the HEA (20 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii)) or 34 CFR 668.213(b)(1) for an institution of higher edu-

cation that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county with a poverty rate of at least 25 percent based on the U.S. Census Bureau's Small Area Income and Poverty Estimate program data for 2017 that was impacted by Hurricane Matthew.

(b) APPLICABILITY.—Subsection (a) shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part D of title IV of the Higher Education Act of 1965 on or after the date of enactment of this Act due to the application of section 435(a)(2) of the HEA (20 U.S.C. 1085(a)(2)) or 34 CFR 668.206(a)(1).

(c) COVERAGE.—This section shall be in effect for the period covered by this Act and for the succeeding fiscal year.

(RESCISSION)

SEC. 315. Any remaining unobligated balances from amounts made available in the second and third paragraphs under the heading ''Historically Black College and University Capital Financing Program Account'' in title III of division H of the Consolidated Appropriations Act, 2021 (Public Law 116–260) are hereby permanently rescinded.

This title may be cited as the ''Department of Education Appropriations Act, 2022''.

# TITLE IV

# RELATED AGENCIES

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled (referred to in this title as ''the Committee'') established under section 8502 of title 41, United States Code, $11,000,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under the heading ''Committee For Purchase From People Who Are Blind or Severely Disabled—Written Agreement Elements'' in the explanatory statement described in section 4 of Public Law 114–113 (in the matter preceding division A of that consolidated Act): *Provided further*, That any

such central nonprofit agency may not charge a fee under section 51–3.5 of title 41, Code of Federal Regulations, prior to executing a written agreement with the Committee: *Provided further*, That no less than $2,650,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as ''CNCS'') to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as ''1973 Act'') and the National and Community Service Act of 1990 (referred to in this title as ''1990 Act''), $865,409,000 , notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $19,094,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $34,505,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $6,558,000 shall be available for

expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $190,550,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $88,082,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,595,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2022, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an

overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered ''qualified entities'' under

section 3 of the National Child Protection Act of 1993 (''NCPA'');

(2) individuals described in such section shall be considered ''volunteers'' under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

SEC. 407. Section 148(f)(2)(A)(i) of the 1990 Act shall be applied by substituting ''an approved national service position'' for ''a national service program that receives grants under subtitle C''.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (''CPB''), as authorized by the Communications Act of 1934, an amount which shall be available within

limitations specified by that Act, for the fiscal year 2024, $525,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other technologies and services that create infrastructure and efficiencies within the public media system, $20,000,000.

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor-Management Relations Act,

1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $50,058,000: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,539,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $268,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $9,043,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $13,292,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,500,000.

## NATIONAL LABOR RELATIONS BOARD

### SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

### ADMINISTRATIVE PROVISION

SEC. 408. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means

in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $14,729,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $13,622,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $11,000,000, which shall include amounts becoming available in fiscal year 2022 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately

equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2023, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $124,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Pro-*

*vided further*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act, this limitation may be used to hire students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs using current excepted hiring authorities established by the Office of Personnel Management.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $12,650,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

## SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pur-

suant to section 201(g)(1) of the Social Security Act, $45,913,823,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than $86,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2024.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2023, $15,600,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire and purchase of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $13,202,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than $2,600,000 shall be

for the Social Security Advisory Board: *Provided further*, That $55,000,000 shall remain available through September 30, 2023, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2022 not needed for fiscal year 2022 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise ap-

propriated, as soon as possible after such expenditures are made.

Of the total amount made available in the first paragraph under this heading, not more than $1,708,000,000, to remain available through March 31, 2023, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, $273,000,000 is provided to meet the terms of section 4004(b)(1)(B)(i) and section 4005(a)(2)(A) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and $1,435,000,000 is additional new budget authority specified for purposes of section 4004(b)(1) and section 4005(a) of such resolution: *Provided further*, That, of the additional new budget authority described in the preceding proviso, up to $12,100,000 may be transferred to the ''Of-

fice of Inspector General'', Social Security Administration, for the cost of jointly operated co-operative disability investigation units: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $138,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended: *Provided*, That to the extent that the amounts collected pursuant to such sections in fiscal year 2022 exceed $138,000,000, the amounts shall be available in fiscal year 2023 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,900,000, together with not to exceed $77,765,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund: *Provided*, That $2,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

# TITLE V

## GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

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

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regu-

lation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and Expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and Expenses''.

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that

would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organiza-

tion, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

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

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

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

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

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

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

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

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2022 that are different than those specified

in this Act, the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) or the fiscal year 2022 budget request.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000, individually or in total for a particular project, activity, or programmatic initiative, in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2022, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account

number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 521. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements

contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 522. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at United States taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 523. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting ''Fiscal Year 2022'' for ''Fiscal Year 2014'' in the title of subsection (b) and by substituting ''September

30, 2026'' for ''September 30, 2018'' each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division H of Public Law 115–31, section 525 of division H of Public Law 115–141, section 524 of division A of Public Law 116–94, and section 524 of division H of Public Law 116–260.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

SEC. 524. Not later than 30 days after the end of each calendar quarter, beginning with the first month of fiscal year 2022 the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a report on the status of balances of appropriations: *Pro-*

*vided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the monthly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 525. The Departments of Labor, Health and Human Services, and Education shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of any new or competitive grant award notifications, including supplements, issued at the discretion of such Departments not less than 3 full business days before any entity selected to receive a grant award is announced by the Department or its offices (other than emergency response grants at any time of the year or for grant awards made during the last 10 business days of the fiscal year, or if applicable, of the program year).

SEC. 526. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation

with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

SEC. 527. Each department and related agency funded through this Act shall provide answers to questions submitted for the record by members of the Committee within 45 business days after receipt.

SEC. 528. Of amounts deposited in the Child Enrollment Contingency Fund under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, $12,679,000,000 shall not be available for obligation in this fiscal year.

SEC. 529. (a) This section applies to: (1) the Administration for Children and Families in the Department of Health and Human Services; and (2) The Chief Evaluation Office and the statistical-related cooperative and interagency agreements and contracting activities of the Bureau of Labor Statistics in the Department of Labor.

(b) Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the functions and organizations

identified in subsection (a) for research, evaluation, or statistical purposes shall be available for obligation through September 30, 2026: *Provided*, That when an office referenced in subsection (a) receives research and evaluation funding from multiple appropriations, such offices may use a single Treasury account for such activities, with funding advanced on a reimbursable basis.

(c) Amounts referenced in subsection (b) that are unexpended at the time of completion of a contract, grant, or cooperative agreement may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which such amounts are available.

SEC. 530. (a) An institution of higher education that received funds under paragraph (2) of section 18004(a) of the CARES Act (20 U.S.C. 3401 note; 134 Stat. 567), paragraph (2) of section 314(a) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116–260; 134 Stat. 1932), or section 2003 of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 23) to the extent such funds are allocated (in accordance with such section) under paragraph (2) of section 314(a) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021

(134 Stat. 1932) may use such funds for the acquisition of real property or construction directly related to preventing, preparing for, and responding to coronavirus, provided that such use meets all other applicable requirements and limitations specified in such Acts appropriating such funds.

(b) Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022''.

# DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2022

## TITLE I

## LEGISLATIVE BRANCH

### SENATE

#### EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore Emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

#### SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $239,404,000, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,641,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $796,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $343,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,906,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,774,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $16,900,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,813,000 for each such committee; in all, $3,626,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $900,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,852,000 for each such committee; in all, $3,704,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $562,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $28,091,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $98,563,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $2,038,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $71,560,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,353,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,299,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $136,600,000, of which $13,660,000 shall remain available until September 30, 2024.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $530,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $23,036,000, of which $8,936,000 shall remain available until September 30, 2026, and of which $14,100,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $151,820,874, of which $147,820,874 shall remain available until September 30, 2026, and of which $4,000,000 shall be for Senate hearing room audiovisual equipment, to remain available until expended.

SERGEANT AT ARMS BUSINESS CONTINUITY AND DISASTER RECOVERY FUND

For expenses of the Sergeant at Arms Business Continuity and Disaster Recovery Fund established in section 5 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 6611), as amended by section 103 of this Act, $25,000,000, which shall remain available until expended: *Provided*, That such amount and any amounts transferred to the Fund shall be allocated in accordance with a spend-

ing plan submitted to the Committee on Appropriations of the Senate: *Provided further*, That the spending plan in the preceding proviso must be updated before any amount in the Fund is obligated, if such obligation is not in accordance with that plan: *Provided further*, That if the Sergeant at Arms submits to the Committee on Appropriations of the Senate a request for emergency supplemental funding, the Sergeant at Arms shall include with the request an update to the latest spending plan submitted to the Committee on Appropriations of the Senate: *Provided further*, That any spending plan submitted pursuant to the preceding three provisos shall include a presentation of the total amount of obligated and unobligated amounts in the Fund.

MISCELLANEOUS ITEMS

For miscellaneous items, $23,021,500 which shall remain available until September 30, 2024.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $486,274,200, of which $20,128,950 shall remain available until September 30, 2024, and of which $7,000,000 shall be allocated solely for the purpose of providing financial compensation to Senate interns.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading ''SENATE'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under the heading ''SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT'' shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading ''GENERAL PROVISION'' under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

ADJUSTMENTS TO SENATORS' PERSONNEL AND OFFICE EXPENSE ACCOUNT ALLOWANCE

SEC. 102. Effective on and after October 1, 2021, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 4575(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2021, increased by an additional $75,000 each.

SERGEANT AT ARMS BUSINESS CONTINUITY AND DISASTER RECOVERY FUND

SEC. 103. Section 5 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 6611) is amended—

(1) by striking all that precedes ''is authorized,'' and inserting the following:

**''SEC. 5. TRANSFER AUTHORITY AND SERGEANT AT ARMS BUSINESS CONTINUITY AND DISASTER RECOVERY FUND.**

''(a) IN GENERAL.—The Sergeant at Arms and Doorkeeper of the Senate''; and

(2) by adding at the end the following:

''(b) SERGEANT AT ARMS BUSINESS CONTINUITY AND DISASTER RECOVERY FUND.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'Fund' means the Sergeant at Arms Business Continuity and Disaster Recovery Fund established under paragraph (2); and

''(B) the term 'Sergeant at Arms' means the Sergeant at Arms and Doorkeeper of the Senate.

''(2) ESTABLISHMENT.—There is established under the heading 'CONTINGENT EXPENSES OF THE SENATE' an account to be known as the 'Sergeant at Arms Business Continuity and Disaster Recovery Fund'.

''(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Sergeant at Arms for purposes of the business continuity and disaster recovery needs of the Senate.

''(4) AUTHORITY TO TRANSFER.—

''(A) IN GENERAL.—Subject to subparagraph (C), prior to the date of the withdrawal of amounts appropriated under the heading 'CONTINGENT EXPENSES OF THE SENATE—SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE' in accordance with the matter under the heading 'GENERAL PROVISION' under chapter XI of the Third Supplemental Appro-

priation Act, 1957 (2 U.S.C. 4107), any unobligated balances of expired discretionary appropriations of such amounts may be transferred by the Sergeant at Arms to the Fund.

''(B) PERIOD OF AVAILABILITY.—Amounts transferred under subparagraph (A) shall remain available until expended.

''(C) NOTICE.—If the Sergeant at Arms intends to transfer amounts under subparagraph (A), the Sergeant at Arms shall submit to the Committee on Appropriations of the Senate written notice not later than 15 days before the date of the withdrawal of such amounts in accordance with the matter under the heading 'GENERAL PROVISION' under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107).

''(D) APPLICABILITY.—The authority to transfer amounts under this paragraph shall apply with respect to amounts appropriated for fiscal year 2022, or any fiscal year thereafter.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary for fiscal year 2022 and each fiscal year thereafter.''.

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Notwithstanding any other provision of this Act, there is hereby appropriated for fiscal year 2022 for payment to Jennifer K. Carnahan, beneficiary of Jim Hagedorn, late a Representative from the State of Minnesota, $174,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,714,996,045, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $34,949,640, including: Office of the Speaker, $10,036,950, including $35,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $3,565,870, including $15,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $10,036,950, including $17,500 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,962,080, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $2,684,990, including $5,000 for official expenses of the Minority Whip; Republican Conference,

$2,831,400; Democratic Caucus, $2,831,400: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2022 until January 2, 2023.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $774,400,000.

ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER OFFICES

For the allowance established under section 120 of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a) for the compensation of interns who serve in the offices of Members of the House of Representatives, $15,435,000, to remain available through January 2, 2023: *Provided*, That notwithstanding section 120(b) of such Act, an office of a Member of the House of Representatives may use not more than $35,000 of the allowance available under this heading during legislative year 2022.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE LEADERSHIP OFFICES

For the allowance established under section 113 of the Legislative Branch Appropriations Act, 2020 (2

U.S.C. 5106) for the compensation of interns who serve in House leadership offices, $438,000, to remain available through January 2, 2023: *Provided*, That of the amount provided under this heading, $240,500 shall be available for the compensation of interns who serve in offices of the majority, to be allocated among such offices by the Speaker of the House of Representatives, and $197,500 shall be available for the compensation of interns who serve in offices of the minority, to be allocated among such offices by the Minority Floor Leader.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE STANDING, SPECIAL AND SELECT COMMITTEE OFFICES

For the allowance established under section 113(a)(1) of this Act for the compensation of interns who serve in offices of standing, special, and select committees (other than the Committee on Appropriations), $1,943,910, to remain available through January 2, 2023: *Provided*, That of the amount provided under this heading, $971,955 shall be available for the compensation of interns who serve in offices of the majority, and $971,955 shall be available for the compensation of interns who serve in offices of the minority, to be allocated among such offices by the Chair, in consultation with the ranking minority member, of the Committee on House Administration.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE APPROPRIATIONS COMMITTEE OFFICES

For the allowance established under section 113(a)(2) of this Act for the compensation of interns who serve in offices of the Committee on Appropriations, $345,584: *Provided*, That of the amount provided under this heading, $172,792 shall be available for the compensation of interns who serve in offices of the majority, and $172,792 shall be available for the compensation of interns who serve in offices of the minority, to be allocated among such offices by the Chair, in consultation with the ranking minority member, of the Committee on Appropriations.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $167,101,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2022, except that $3,100,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $29,917,250, including studies and examina-

tions of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2022.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $288,480,800, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than $25,000 for official representation and reception expenses, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, $36,500,000, of which $9,000,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $27,695,000, of which $15,000,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation

and reception expenses, $193,187,800, of which $30,000,000 shall remain available until expended; for salaries and expenses of the Office of Diversity and Inclusion, $3,000,000, of which $1,000,000 shall remain available until expended; for salaries and expenses of the Office of the Whistleblower Ombuds, $1,250,000; for salaries and expenses of the Office of the Inspector General, $5,019,000; for salaries and expenses of the Office of General Counsel, $1,912,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,134,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,600,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $12,625,000, of which $2,000,000 shall remain available until expended; for salaries and expenses of the Office of Interparliamentary Affairs, $934,000; for other authorized employees, $624,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $399,984,861, including: supplies, materials, administrative costs and Federal tort claims, $1,555,000; official mail for committees, leadership of-

fices, and administrative offices of the House, $190,000; Government contributions for health, retirement, Social Security, contractor support for actuarial projections, and other applicable employee benefits, $356,000,000, to remain available until March 31, 2023, except that $25,000,000 of such amount shall remain available until expended; salaries and expenses for Business Continuity and Disaster Recovery, $23,812,861, of which $6,000,000 shall remain available until expended; transition activities for new members and staff, $5,895,000, to remain available until expended; Green and Gold Congressional Aide Program under section 114 of this Act, $9,294,000, to remain available until expended; Office of Congressional Ethics, $1,738,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $1,500,000.

HOUSE OF REPRESENTATIVES MODERNIZATION INITIATIVES ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the House of Representatives Modernization Initiatives Account established under section 115 of the Legislative Branch Appropriations Act, 2021 (2 U.S.C. 5513), $2,000,000, to remain available until expended: *Provided*,

That disbursement from this account is subject to approval of the Committee on Appropriations of the House of Representatives: *Provided further*, That funds provided in this account shall only be used for initiatives recommended by the Select Committee on Modernization or approved by the Committee on House Administration.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2022. Any amount remaining after all payments are made under such allowances for fiscal year 2022 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 111. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

CYBERSECURITY ASSISTANCE FOR HOUSE OF REPRESENTATIVES

SEC. 112. The head of any Federal entity that provides assistance to the House of Representatives in the House's efforts to deter, prevent, mitigate, or remediate cybersecurity risks to, and incidents involving, the information systems of the House shall take all necessary steps to ensure the constitutional integrity of the separate branches of the government at all stages of providing the assistance, including applying minimization procedures to limit the spread or sharing of privileged House and Member information.

ALLOWANCES FOR COMPENSATION OF INTERNS IN HOUSE COMMITTEE OFFICES

SEC. 113. (a) ESTABLISHMENT OF ALLOWANCES.—There are established for the House of Representatives the following allowances:

(1) An allowance which shall be available for the compensation of interns who serve in offices of a standing, special, or select committee of the House (other than the Committee on Appropriations).

(2) An allowance which shall be available for the compensation of interns who serve in offices of the Committee on Appropriations.

(b) BENEFIT EXCLUSION.—Section 104(b) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(b)) shall apply with respect to an intern who is compensated under an allowance under this section in the same manner as such section applies with respect to an intern who is compensated under the Members' Representational Allowance.

(c) DEFINITIONS.—In this section, the term ''intern'', with respect to a committee of the House, has the meaning given such term with respect to a Member of the House of Representatives in section 104(c)(2) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(c)(2)).

(d) CONFORMING AMENDMENT RELATING TO TRANSFER OF AMOUNTS.—Section 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 5507(c)(2)) is amended by inserting after "'Allowance for Compensation of Interns in Member Offices'," the following: "'Allowance for Compensation of Interns in House Appropriations Committee Offices', 'Allowance for Compensation of Interns in House Standing, Special and Select Committee Offices',".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.

GREEN AND GOLD CONGRESSIONAL AIDE PROGRAM

SEC. 114. (a) ESTABLISHMENT.—There is established in the House of Representatives the Green and Gold Congressional Aide Program (hereafter in this section referred to as the "Program") for veterans and Gold Star Families, under the direction of the Chief Administrative Officer of the House of Representatives, under which an eligible individual may serve a 2-year fellowship in the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or House Officer.

(b) PLACEMENT.—An individual may serve a fellowship under the Program at the Member's office in the District of Columbia or the Member's office in the congressional district the Member represents. Fellows assigned to House Officers may serve where assigned.

(c) EXCLUSION OF APPOINTEES FOR PURPOSES OF LIMIT ON NUMBER OF EMPLOYEES IN MEMBER OFFICES.—Any individual serving a fellowship under the Program in the office of a Member shall not be included in the determination of the number of employees employed by the Member under section 104(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(a)).

(d) REGULATIONS.—The Program shall be carried out in accordance with regulations promulgated by the Committee on House Administration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2022 and each succeeding fiscal year such sums as may be necessary to carry out the Program.

(f) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2022 and each succeeding fiscal year.

DAVID R. OBEY HEARING ROOM

SEC. 115. Hereafter, the hearing room of the Subcommittee on Labor, Health and Human Services, Edu-

cation, and Related Agencies of the Committee on Appropriations of the House of Representatives (room 2358–C of the Rayburn House Office Building) shall be known and designated as the ''David R. Obey Room''.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,283,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $12,385,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of $3,500 per month to the Attending Physician;

(2) an allowance of $2,500 per month to the Senior Medical Officer;

(3) an allowance of $900 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of $900 per month to 2 assistants and $900 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

(5) $2,880,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $4,063,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,606,000, to be disbursed by the Secretary of the Senate.

## CAPITOL POLICE

### SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $468,861,000 of which overtime shall not exceed $71,289,224 unless the Committees on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or a duly authorized designee.

### GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Centers, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $133,648,000, to be disbursed by the Chief of the Capitol Police or a duly authorized designee: *Provided*, That, notwithstanding any

other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Centers for fiscal year 2022 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

NOTIFICATION OF OBLIGATION

SEC. 120. (a) Beginning on the date of enactment of this Act, the Chief of the United States Capitol Police shall provide written notice to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives before any obligation of funds under section 2802(a)(2) of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905(a)(2)) that equals or exceeds $100,000.

(b) This section shall apply with respect to fiscal year 2022 and each fiscal year thereafter.

## OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

SALARIES AND EXPENSES

For salaries and expenses necessary for the operation of the Office of Congressional Workplace Rights, $7,500,000, of which $2,000,000 shall remain available until September 30, 2023, and of which not more than $1,000 may be expended on the certification of the Execu-

tive Director in connection with official representation and reception expenses.

## CONGRESSIONAL BUDGET OFFICE

### SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $60,953,000: *Provided*, That the Director shall use not less than $500,000 of the amount made available under this heading for (1) improving technical systems, processes, and models for the purpose of improving the transparency of estimates of budgetary effects to Members of Congress, employees of Members of Congress, and the public, and (2) to increase the availability of models, economic assumptions, and data for Members of Congress, employees of Members of Congress, and the public.

## ARCHITECT OF THE CAPITOL

### CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the

care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $139,116,500, of which $5,000,000 shall remain available until September 30, 2026.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $42,579,000, of which $12,899,000 shall remain available until September 30, 2026.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $15,237,000, of which $2,000,000 shall remain available until September 30, 2026.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and

furnishings to be expended under the control and supervision of the Architect of the Capitol, $81,977,000, of which $9,000,000 shall remain available until September 30, 2026, and of which $2,000,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the House office buildings, $212,422,500, of which $12,000,000 shall remain available until September 30, 2026, and of which $128,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building: *Provided*, That of the amount made available under this heading, $9,000,000 shall be derived by transfer from the House Office Building Fund established under section 176(d) of the Continuing Appropriations Act, 2017, as added by section 101(3) of the Further Continuing Appropriation Act, 2017 (Public Law 114–254; 2 U.S.C. 2001 note).

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and

House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $114,598,000, of which $24,575,000 shall remain available until September 30, 2026: *Provided*, That not more than $10,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2022.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $64,544,000, of which $31,000,000 shall remain available until September 30, 2026.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, $62,389,733, of which $637,639 shall remain available until September 30, 2024, and be used to make bulk purchases of, store, and distribute in coordination with partnering agencies personal protective equipment wherever needed, subject to prior notification to the Senate Committee on Appropriations and the House Committee on Appropriations, and $30,000,000 shall remain available until September 30, 2026.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $24,463,500, of which $10,100,000 shall remain available until September 30, 2026: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and

operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $25,569,000.

ADMINISTRATIVE PROVISIONS

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

SEC. 130. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

AVAILABILITY OF COINS COLLECTED FROM FOUNTAINS FOR MAINTENANCE OPERATIONS

SEC. 131. Section 504 of Public Law 110–437 (as codified at 2 U.S.C. 2273) is amended in subsection (c) by adding before the period at the end of the first sentence

the following: ", and maintaining fountains under the jurisdiction of the Architect of the Capitol".

## LIBRARY OF CONGRESS

### Salaries and Expenses

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; information technology services provided centrally; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $550,620,874, and, in addition, amounts credited to this appropriation during fiscal year 2022 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150), shall remain available until expended: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided fur-*

*ther*, That of the total amount appropriated, not more than $18,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses, including for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $9,661,000 shall remain available until expended for the Teaching with Primary Sources program: *Provided further*, That of the total amount appropriated, $1,419,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, $250,000 shall remain available until expended for the Surplus Books Program to promote the program and facilitate a greater number of donations to eligible entities across the United States: *Provided further*, That of the total amount appropriated, $3,831,000 shall remain available until expended for the Veterans History Project to continue digitization efforts of already collected materials, reach a greater number of veterans to record their stories, and promote public access to the Project: *Provided further*, That of the total amount appropriated, $10,000,000 shall remain available until expended for the Library's Visitor Experience project, and may be obligated and expended only upon approval by the Subcommittee on the Legislative Branch of the Committee on

Appropriations of the House of Representatives and by the Subcommittee on the Legislative Branch of the Committee on Appropriations of the Senate.

## COPYRIGHT OFFICE

### SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $98,038,000, of which not more than $38,004,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2022 under sections 708(d) and 1316 of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,969,000 shall be derived from collections during fiscal year 2022 under sections 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $44,973,000: *Provided further*, That of the funds provided under this heading, not less than $17,100,000 is for modernization initiatives, of which $10,000,000 shall remain available until September 30, 2023: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance

of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $129,106,000: *Provided*, That no part of such amount

may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further*, That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.

## National Library Service for the Blind and Print Disabled

### salaries and expenses

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $61,227,000: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to

provide newspapers to blind and print disabled residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 140. (a) IN GENERAL.—For fiscal year 2022, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $292,430,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

GIFTS

SEC. 141. (a) REVISING AUTHORITIES OF LIBRARIAN TO ACCEPT GIFTS.—The first undesignated paragraph of section 4 of the Act entitled ''An Act to create a Library of Congress Trust Fund Board, and for other purposes'', approved March 3, 1925 (2 U.S.C. 160), is amended—

(1) in the first sentence—

(A) by striking ''and'' before ''(3) gifts or bequests of money for immediate disbursement''; and

(B) by striking the period at the end and inserting the following: ''; and (4) gifts or be-

quests of securities or other personal property.'';

(2) in the second sentence, by inserting ''of money'' after ''bequests'';

(3) in the third sentence, by striking ''enter them'' and inserting ''enter the gift, bequest, or proceeds''; and

(4) by inserting after the second sentence the following new sentence: ''In the case of a gift of securities, the Librarian shall sell the gift and provide the donor with such acknowledgment as needed for the donor to substantiate the gift.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2022 and each succeeding fiscal year.

LIBRARY OF CONGRESS ORDERS UNDER TASK AND DELIVERY ORDER CONTRACTS

SEC. 142. (a) CONTRACT MODIFICATIONS.—An order issued under a task order contract or a delivery order contract (as such terms are defined in section 4101 of title 41, United States Code) entered into by the Librarian of Congress may not increase the scope, period, or maximum value of the contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

(b) EXCEPTIONS FROM ADVERTISING REQUIREMENT.—Section 6102 of title 41, United States Code, is amended by adding at the end the following:

''(j) LIBRARIAN OF CONGRESS.—Section 6101 of this title does not apply to a procurement made against an order placed under a task order contract or a delivery order contract (as such terms are defined in section 4101 of this title) entered into by the Librarian of Congress.''.

(c) PROTESTS.—

(1) PROTEST NOT AUTHORIZED.—A protest to an order described in subsection (a) filed pursuant to the procedures in subchapter V of chapter 35 of title 31, United States Code, is not authorized unless such protest—

(A) is an objection on the basis that the order is in violation of subsection (a); or

(B) concerns an order valued in excess of $10,000,000.

(2) JURISDICTION OVER PROTESTS.—Notwithstanding section 3556 of title 31, United States Code, the Comptroller General shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).

(d) EFFECTIVE DATE.—This section and the amendment made by this section shall apply with respect to fiscal year 2022 and each succeeding fiscal year.

## GOVERNMENT PUBLISHING OFFICE

### CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $78,872,161: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of

title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading ''GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND'' no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications in any format, and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $34,020,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for the preceding two fiscal years to depository and other designated libraries: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading ''GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND'' no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of

the Committees on Appropriations of the House of Representatives and the Senate.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, $11,345,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government

Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading ''PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS'' may not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

## GOVERNMENT ACCOUNTABILITY OFFICE

### SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily

equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $719,230,113: *Provided*, That, in addition, $38,900,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP FUND

For a payment to the Congressional Office for International Leadership Fund for financing activities of the Congressional Office for International Leadership under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as amended by section 140 of this Act, $6,000,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

ADMINISTRATIVE PROVISION

CONVERSION OF OPEN WORLD LEADERSHIP CENTER TO CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP

SEC. 150. (a) CONVERSION.—

(1) ESTABLISHMENT OF OFFICE.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151) is amended—

(A) in the heading, by striking ''OPEN WORLD LEADERSHIP CENTER'' and inserting ''CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP'';

(B) by amending paragraph (1) of subsection (a) to read as follows:

''(1) IN GENERAL.—There is established in the legislative branch of the Government an office to be known as the 'Congressional Office for International Leadership' (the 'Office').''; and

(C) in paragraph (2) of subsection (a), by striking ''The Center'' and inserting ''The Office''.

(2) PURPOSE; GRANT PROGRAM; APPLICATION.—Section 313(b) of such Act (2 U.S.C. 1151(b)) is amended—

(A) in paragraph (1), by striking ''the Center'' and inserting ''the Office'';

(B) in paragraph (2), by striking ''the Center'' each place it appears and inserting ''the Office'';

(C) in paragraph (3)(C)(iii), by striking ''the Center'' and inserting ''the Office'';

(D) in paragraph (4)(A), by striking ''the Center'' each place it appears and inserting ''the Office''; and

(E) in paragraph (4)(B)(iv), by striking ''the Center'' and inserting ''the Office''.

(3) TRUST FUND.—Section 313(c) of such Act (2 U.S.C. 1151(c)) is amended—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Congressional Office for International Leadership Fund' (the 'Fund'), which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.''; and

(B) by striking ''the Center'' each place it appears in paragraphs (2) and (3)(B) and inserting ''the Office''.

(4) EXECUTIVE DIRECTOR.—Section 313(d) of such Act (2 U.S.C. 1151(d)) is amended by striking ''the Center'' each place it appears and inserting ''the Office''.

(5) ADMINISTRATIVE PROVISIONS.—Section 313(e) of such Act (2 U.S.C. 1151(e)) is amended by striking ''the Center'' each place it appears and inserting ''the Office''.

(b) PARTICIPATION OF EMERGING CIVIC LEADERS OF ELIGIBLE FOREIGN STATES.—Section 313(b) of such Act (2 U.S.C. 1151(b)) is amended by striking ''political

leaders'' each place it appears in paragraphs (1) and (2) and inserting ''political and civic leaders''.

(c) REFERENCES IN LAW.—Any reference in any law, rule, or regulation—

(1) to the Open World Leadership Center shall be deemed to refer to the Congressional Office for International Leadership; and

(2) to the Open World Leadership Center Trust Fund shall be deemed to refer to the Congressional Office for International Leadership Fund.

(d) EFFECTIVE DATE; TRANSITION.—

(1) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on or after the later of October 1, 2021, or the date of the enactment of this Act.

(2) SERVICE OF CURRENT EXECUTIVE DIRECTOR.—The individual serving as the Executive Director of the Open World Leadership Center as of the day before the date of the enactment of this Act shall be deemed to have been appointed by the Librarian of Congress to serve as the Executive Director of the Congressional Office for International Leadership.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

## TITLE II

## GENERAL PROVISIONS

### MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

### FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2022 unless expressly so provided in this Act.

### RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate

of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LEGISLATIVE BRANCH FINANCIAL MANAGERS COUNCIL

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall

be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and in-

terns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

LIMITATION ON TELECOMMUNICATIONS EQUIPMENT PROCUREMENT

SEC. 208. (a) None of the funds appropriated or otherwise made available under this Act may be used to acquire telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation for a high or moderate impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, ''Standards for Security Categorization of Federal Information and Information Systems'' unless the agency, office, or other entity acquiring the equipment or system has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high or moderate impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant

threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

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

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

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

(2) determined, in consultation with NIST and the Federal Bureau of Investigation, that the acquisition of such telecommunications equipment for inclusion in a high or moderate impact system is in the vital national security interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate in a manner that identifies the telecommunications equipment for inclusion in a high or moderate impact system intended for acquisition and a detailed description of the mitigation strategies identified in paragraph (1), provided that such report may include a classified annex as necessary.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 209. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

PLASTIC WASTE REDUCTION

SEC. 210. All agencies and offices funded by this Act that contract with a food service provider or providers shall confer and coordinate with such food service provider or providers, in consultation with disability advocacy groups, to eliminate or reduce plastic waste, including waste from plastic straws, explore the use of biodegradable items, and increase recycling and composting opportunities.

CAPITOL COMPLEX HEALTH AND SAFETY

SEC. 211. In addition to the amounts appropriated under this Act under the heading ''OFFICE OF THE ATTENDING PHYSICIAN'', there is hereby appropriated to the Office of the Attending Physician $5,000,000, to remain available until expended, for response to COVID–19, including testing, subject to the same terms and conditions as the amounts appropriated under such heading.

ANNUAL RATE OF PAY FOR PERSONNEL OF CERTAIN LEGISLATIVE BRANCH OFFICES

SEC. 212. (a) ARCHITECT OF THE CAPITOL.—Section 1 of the Act entitled ''An Act to fix the annual rates of pay for the Architect of the Capitol and the Assistant Architect of the Capitol'' (2 U.S.C. 1802) is amended by striking ''the maximum rate'' and all that follows and inserting ''the annual rate of basic pay for level II of the

Executive Schedule under section 5313 of title 5, United States Code.''.

(b) CHIEF OF THE CAPITOL POLICE.—Subsection (c) of the first section of the Act entitled ''An Act to establish by law the position of Chief of the Capitol Police, and for other purposes'' (2 U.S.C. 1902) is amended by striking ''$1,000 less than'' and all that follows and inserting ''the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SENATE STAFF COMPENSATION

SEC. 213. (a) IN GENERAL.—

(1) CHANGE IN MAXIMUM RATES.—Section 105 of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575) is amended by striking ''$173,900'' each place it appears and inserting ''the annual rate of basic pay in effect for level II of the Executive Schedule under section 5313 of title 5, United States Code''.

(2) ADJUSTMENTS.—

(A) IN GENERAL.—Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 4571) is amended—

(i) in subsection (a), in the matter following paragraph (2), by striking ''and adjust'' and all that follows through ''and Senators.'' and inserting '', subject to section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).'';

(ii) by striking subsection (d); and

(iii) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) OTHER ADJUSTMENTS.—Section 315(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 4573(a)) is amended by striking ''to the extent'' and all that follows through ''Senators.'' and inserting '', subject to section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

PLAQUE TO HONOR MEMBERS OF LAW ENFORCEMENT WHO RESPONDED ON JANUARY 6

SEC. 214. (a) SENSE OF CONGRESS.—It is the sense of Congress that the United States owes its deepest gratitude to those officers of the United States Capitol Police and the Metropolitan Police Department of the District of Columbia, as well as officers from other Federal, State, and local law enforcement agencies and protective entities, who valiantly protected the United States Capitol, Members of Congress, and staff on January 6, 2021.

(b) PLAQUE.—Not later than 1 year after the date of the enactment of this Act, the Architect of the Capitol shall obtain an honorific plaque listing the names of all of the officers of the United States Capitol Police, the Metropolitan Police Department of the District of Columbia, and other Federal, State, and local law enforcement agencies and protective entities who responded to the violence that occurred at the United States Capitol on January 6, 2021, and shall place the plaque at a permanent location on the western front of the United States Capitol.

(c) COMPILATION AND CONFIRMATION OF LIST OF NAMES.—

(1) LIST OF NAMES FOR PLAQUE.—The Chairs and Ranking Members of the Committee on House Administration of the House of Representatives, the

Committee on Rules and Administration of the Senate, and the Subcommittees on the Legislative Branch of the Committees on Appropriations of the House of Representatives and Senate shall jointly compile and confirm a list of the officers of the United States Capitol Police, the Metropolitan Police Department of the District of Columbia, and other Federal, State, and local law enforcement agencies and protective entities whose names should be included on the plaque under this section.

(2) INCLUSION OF NAMES OF SPECIFIC OFFICERS.—In compiling the list under paragraph (1), the Chairs and Ranking Members of the Committees and Subcommittees described in such paragraph shall include the names of the specific individuals described in paragraph (2) of section 215(c) of H. R. 4346, One Hundred Seventeenth Congress, as passed by the House of Representatives on July 28, 2021.

This division may be cited as the ''Legislative Branch Appropriations Act, 2022''.

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

## TITLE I

## DEPARTMENT OF DEFENSE

### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,051,772,000, to remain available until September 30, 2026: *Provided*, That, of this amount, not to exceed $190,619,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $182,080,000 shall be for the projects and activities, and in the amounts, specified under the

heading ''Military Construction, Army'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,644,277,000, to remain available until September 30, 2026: *Provided*, That, of this amount, not to exceed $453,652,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $476,145,000 shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Navy and Marine Corps'' in the explanatory statement described in section 4 (in the matter preceding division A of this con-

solidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $2,204,750,000, to remain available until September 30, 2026: *Provided*, That, of this amount, not to exceed $287,175,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $291,060,000 shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air Force'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,206,051,000, to remain available until September 30, 2026: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That, of the amount, not to exceed $347,727,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $91,655,000 shall be for the projects and activities, and in the amounts, speci-

fied under the heading ''Military Construction, Defense-Wide'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $337,893,000, to remain available until September 30, 2026: *Provided*, That, of the amount, not to exceed $57,725,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $49,790,000 shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army National Guard'' in the explanatory statement described in section 4 (in the matter preceding division A of this con-

solidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $305,050,000, to remain available until September 30, 2026: *Provided*, That, of the amount, not to exceed $23,682,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $104,280,000 shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air National Guard'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $94,111,000, to remain available until September 30, 2026: *Provided*, That, of the amount, not to exceed $7,167,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading, $29,200,000 shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army Reserve'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and

Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $71,804,000, to remain available until September 30, 2026: *Provided*, That, of the amount, not to exceed $6,005,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $120,074,000, to remain available until September 30, 2026: *Provided*, That, of the amount, not to exceed $5,830,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount made available under this heading,

$41,700,000 shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air Force Reserve'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), in addition to amounts otherwise available for such purposes.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $215,853,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $529,639,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $99,849,000, to remain available until September 30, 2026.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $391,227,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $77,616,000, to remain available until September 30, 2026.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and inter-

est charges, and insurance premiums, as authorized by law, $357,341,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $115,716,000, to remain available until September 30, 2026.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $325,445,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,785,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $6,081,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE

MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $494,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of

the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than

$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas

without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made

available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to

cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be

spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and

maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 123. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 124. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2026:

''Military Construction, Army'', $636,100,000;

''Military Construction, Navy and Marine Corps'', $1,281,980,000;

''Military Construction, Air Force'', $237,450,000;

''Military Construction, Defense-Wide'', $93,000,000;

''Military Construction, Army National Guard'', $71,000,000;

''Military Construction, Air National Guard'', $86,620,000;

''Military Construction, Army Reserve'', $29,200,000;

''Military Construction, Air Force Reserve'', $44,000,000; and

''Family Housing Construction, Army'', $88,064,000:

*Provided*, That such funds may only be obligated to carry out construction and cost to complete projects identified in the respective military department's unfunded priority list for fiscal year 2022 submitted to Congress: *Provided further*, That such projects are subject to authorization

prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 125. All amounts appropriated to the ''Department of Defense—Military Construction, Army'', ''Department of Defense—Military Construction, Navy and Marine Corps'', ''Department of Defense—Military Construction, Air Force'', and ''Department of Defense—Military Construction, Defense-Wide'' accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2022 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

SEC. 126. Notwithstanding section 116 of this Act, funds made available in this Act or any available unobligated balances from prior appropriations Acts may be obligated before October 1, 2023 for fiscal year 2017 military construction projects for which project authorization has not lapsed or for which authorization is extended for fiscal year 2022 by a National Defense Authorization Act: *Pro-*

*vided*, That no amounts may be obligated pursuant to this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(RESCISSION OF FUNDS)

SEC. 127. Of the unobligated balances available to the Department of Defense from prior appropriations Acts under the heading ''Military Construction, Defense-Wide'', $131,000,000 is hereby rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 128. For the purposes of this Act, the term ''congressional defense committees'' means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 129. For an additional amount for the accounts and in the amounts specified for planning and design, unspecified minor construction, and authorized major construction projects, for construction improvements to Department of Defense laboratory facilities, to remain available until September 30, 2026:

''Military Construction, Army'', $85,000,000;

''Military Construction, Navy and Marine Corps'', $15,000,000; and

''Military Construction, Air Force'', $25,000,000:

*Provided*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 130. For an additional amount for ''Military Construction, Navy and Marine Corps'', $275,000,000, to remain available until September 30, 2026, for Shipyard Infrastructure Optimization Plan unspecified worldwide

construction: *Provided*, That such funds may only be obligated to carry out construction projects identified in the Department of the Navy's unfunded priority list for fiscal year 2022 submitted to Congress or for planning and design necessary to support the Shipyard Infrastructure Optimization Plan: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 131. For an additional amount for ''Military Construction, Defense-Wide'', $153,000,000, to remain available until September 30, 2026: *Provided*, That such funds may only be obligated to carry out construction projects specified in a National Defense Authorization Act for fiscal year 2022 in the funding table in section 4601 of that Act: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of Defense, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 132. For an additional amount for the accounts and in the amounts specified for planning and design and unspecified minor construction, for improving military in-

stallation resilience, to remain available until September 30, 2026:

''Military Construction, Army'', $25,000,000;

''Military Construction, Navy and Marine Corps'', $40,000,000;

''Military Construction, Air Force'', $40,000,000; and

''Military Construction, Defense-Wide'', $15,000,000:

*Provided*, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 133. For an additional amount for the accounts and in the amounts specified for planning and design, for child development centers, to remain available until September 30, 2026:

''Military Construction, Army'', $11,000,000;

''Military Construction, Navy and Marine Corps'', $11,000,000; and

''Military Construction, Air Force'', $11,000,000:

*Provided*, That not later than 60 days after the date of enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 134. For an additional amount for the accounts and in the amounts specified for expenses incurred as a result of natural disasters, to remain available until September 30, 2026:

''Military Construction, Navy and Marine Corps'', $20,000,000; and

''Military Construction, Air Force'', $130,000,000:

*Provided*, That not later than 60 days after the date of enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 135. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2024:

"Military Construction, Army National Guard", $86,536,000; and

"Military Construction, Air National Guard", $35,371,000:

*Provided*, That such funds may only be obligated to carry out construction projects identified in the respective military department's cost to complete projects list of previously appropriated projects submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 136. The Secretary concerned may waive the percentage or dollar cost limitations applicable to a military construction project or a military family housing project with a total authorized cost less than $500,000,000 pursuant to subsection (c) of section 2853 of title 10, United States Code, with notice to the congres-

sional defense committees, even if that waiver would increase the project cost by more than 50 percent of the total authorized cost of the project: *Provided*, That such authority to waive cost limitations may only be used by the Secretary concerned with respect to a military construction or military family housing project with a total authorized cost greater than $500,000,000 with notice to the congressional defense committees, if that waiver would not increase the project cost by more than 50 percent of the total authorized cost of the project: *Provided further*, That the authority provided by this section shall remain available until enactment of a National Defense Authorization Act for Fiscal Year 2023.

SEC. 137. For an additional amount for ''Military Construction, Navy and Marine Corps'', $50,000,000, to remain available until September 30, 2026, for planning and design of water treatment and distribution facilities construction: *Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the Navy may not obligate or expend any funds prior to approval by the Com-

mittees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 138. For an additional amount for the accounts and in the amounts specified to address cost increases identified subsequent to the fiscal year 2022 budget request for authorized major construction projects included in that request, to remain available until September 30, 2026:

''Military Construction, Army'', $4,000,000;

''Military Construction, Navy and Marine Corps'', $11,000,000;

''Military Construction, Air Force'', $25,000,000;

''Military Construction, Defense-Wide'', $30,000,000;

''Military Construction, Air National Guard'', $11,800,000;

''Military Construction, Army Reserve'', $5,800,000;

''Military Construction, Air Force Reserve'', $4,400,000; and

''Family Housing Construction, Navy and Marine Corps'', $13,000,000:

*Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of the military de-

partment concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 139. For an additional amount for the accounts and in the amounts specified to address cost increases for authorized major construction projects funded by this Act, to remain available until September 30, 2026:

''Military Construction, Army'', $20,800,000;

''Military Construction, Navy and Marine Corps'', $18,926,000;

''Military Construction, Air Force'', $46,574,000;

''Military Construction, Defense-Wide'', $11,410,000;

''Military Construction, Army National Guard'', $9,961,000;

''Military Construction, Air National Guard'', $9,180,000;

''Military Construction, Army Reserve'', $7,000,000; and

''Military Construction, Air Force Reserve'', $2,000,000:

*Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 140. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $8,955,364,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2021, to remain available until expended; and, in addition, $152,016,542,000, which shall become available on October 1, 2022, to remain available

until expended: *Provided*, That not to exceed $20,115,000 of the amount made available for fiscal year 2023 under this heading shall be reimbursed to ''General Operating Expenses, Veterans Benefits Administration'', and ''Information Technology Systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and Pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical Care Collections Fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $8,906,851,000, which shall become available on October 1, 2022, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than

under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21 of title 38, United States Code, $109,865,000, which shall become available on October 1, 2022, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2022, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $229,500,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,838, as authorized by chapter 31 of title 38, United States Code: *Provided*,

That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,662,758.

In addition, for administrative expenses necessary to carry out the direct loan program, $429,467, which may be paid to the appropriation for ''General Operating Expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,400,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $3,453,813,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and

(11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2023.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),

monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; $70,323,116,000, plus reimbursements, shall become available on October 1, 2022, and shall remain available until September 30, 2023: *Provided*, That, of the amount made available on October 1, 2022, under this heading, $1,500,000,000 shall remain available until September 30, 2024: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on re-

quirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $3,269,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2021; and, in addition, $24,156,659,000, plus reimbursements, shall become available on October 1, 2022, and shall remain available until September 30, 2023: *Provided*, That, of the amount made available on October 1, 2022, under this heading, $2,000,000,000 shall remain available until September 30, 2024.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; ad-

ministrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $9,673,409,000, plus reimbursements, shall become available on October 1, 2022, and shall remain available until September 30, 2023: *Provided*, That, of the amount made available on October 1, 2022, under this heading, $200,000,000 shall remain available until September 30, 2024.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of mate-

rials; for leases of facilities; and for laundry services; $7,133,816,000, plus reimbursements, shall become available on October 1, 2022, and shall remain available until September 30, 2023: *Provided*, That, of the amount made available on October 1, 2022, under this heading, $350,000,000 shall remain available until September 30, 2024.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $882,000,000, plus reimbursements, shall remain available until September 30, 2023: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction

of the National Cemetery Administration, $394,000,000, of which not to exceed 10 percent shall remain available until September 30, 2023.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $401,200,000, of which not to exceed 10 percent shall remain available until September 30, 2023: *Provided*, That funds provided under this heading may be transferred to ''General Operating Expenses, Veterans Benefits Administration''.

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $228,000,000, of which not to exceed 10 percent shall remain available until September 30, 2023.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,842,800,000, plus reimbursements: *Provided*, That $1,414,215,000 shall be for pay and associated costs, of which not to exceed 3 percent shall remain available until September 30, 2023: *Provided further*, That $3,131,585,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2023: *Provided further*, That $297,000,000 shall be for information technology systems development, and shall remain available until September 30, 2023: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the author-

ity to make the transfer and an approval is issued: *Provided further*, That amounts made available for the ''Information Technology Systems'' account for development may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than $3,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, $2,500,000,000, to remain available until September 30, 2024: *Provided*, That the Secretary of Veterans Affairs shall submit to the Commit-

tees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility, including any changes from the deployment plan or schedule: *Provided further*, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office: *Provided further*, That 25 percent of the funds made available under this heading shall not be available until July 1, 2022, and are contingent upon the Secretary of Veterans Affairs providing a plan with benchmarks and measurable metrics for deployment, and a plan for addressing all required infrastructure upgrades, no later than 30 days prior to that date to the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $239,000,000, of which not to exceed 10 percent shall remain available until September 30, 2023.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections

316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,611,000,000, of which $911,000,000 shall remain available until September 30, 2026, and of which $700,000,000 shall remain available until expended, of which $100,000,000 shall be available for seismic improvement projects and seismic program management activities, including for projects that would otherwise be funded by the Construction, Minor Projects, Medical Facilities or National Cemetery Administration accounts: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and planning, cost estimating, and design for major medical facility projects and major medical facil-

ity leases and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, staffing expenses, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That such sums as may be necessary shall be available to reimburse the ''General Administration'' account for payment of salaries and expenses of all Office of Construction and Facilities Management employees to support the full range of capital infrastructure services provided, including minor construction and leasing services: *Provided further*, That funds made available under this heading for fiscal year 2022, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2022; and (2) by the awarding of a construction contract by September 30, 2023: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees

on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing seismic projects of the Department.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38,

United States Code, $553,000,000, of which $497,700,000 shall remain available until September 30, 2026, and of which $55,300,000 shall remain available until expended, along with unobligated balances of previous ''Construction, Minor Projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $50,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $48,500,000, to remain available until expended.

ASSET AND INFRASTRUCTURE REVIEW

For carrying out the VA Asset and Infrastructure Review Act of 2018 (subtitle A of title II of Public Law 115–182), $5,000,000, to remain available until September 30, 2023.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2022 for ''Compensation and Pensions'', ''Readjustment Benefits'', and ''Veterans Insurance and Indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2022, in this or any other Act, under the ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'' accounts may be transferred among the accounts: *Provided*, That any transfers among the ''Medical Services'', ''Medical Community Care'', and ''Medical Support and Compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the ''Medical Services'', ''Medical Community Care'', and ''Medical Support and Compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical Facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both

Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, Major Projects'', and ''Construction, Minor Projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical Services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and Pensions'', ''Readjustment Benefits'', and ''Veterans Insurance and Indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2021.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and Pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2022, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General Operating Expenses, Veterans Benefits Administration'' and ''Information Technology Systems'' accounts for

the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2022 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2022 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services shall be available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Manage-

ment, Diversity and Inclusion, the Office of Employment Discrimination Complaint Adjudication, and the Alternative Dispute Resolution function within the Office of Human Resources and Administration for all services provided at rates which will recover actual costs but not to exceed $78,417,225 for the Office of Resolution Management, Diversity and Inclusion, $6,609,000 for the Office of Employment Discrimination Complaint Adjudication, and $3,822,000 for the Alternative Dispute Resolution function within the Office of Human Resources and Administration: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General Administration'' and ''Information Technology Systems'' accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Pro-*

*vided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, Major Projects'' and ''Construction, Minor Projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, Major Projects'' and ''Construction, Minor Projects''.

SEC. 213. Amounts made available under ''Medical Services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited into the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the ''Medical Services'' and ''Medical Community Care'' accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited into the Department of Veterans Affairs Capital Asset Fund pur-

suant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, Major Projects'' and ''Construction, Minor Projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled ''Quarterly reporting'', under the heading ''General Administration'' in the joint explanatory statement accompanying Public Law 114–223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', ''Medical Facilities'', ''General Operating Expenses, Veterans Benefits Administration'', ''Board of Veterans Appeals'', ''General Administration'', and ''National Cemetery Administration'' accounts for fiscal year 2022 may be transferred to or from the ''Information Technology Systems'' account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this

Act for the ''Information Technology Systems'' account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2022 for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', ''Medical Facilities'', ''Construction, Minor Projects'', and ''Information Technology Systems'', up to $379,009,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility

Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 220 of title II of division J of Public Law 116–260 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2022, for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'', up to $323,242,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notifica-

tion by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited into the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'', a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 225. None of the funds made available for ''Construction, Major Projects'' may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled ''Disability claims backlog'', under the heading ''General Operating Expenses, Veterans Benefits Administration'' in the joint explanatory statement accompanying Public Law 114–223: *Provided further*, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to or-

ganizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $1,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the ''Medical Services'' account any discretionary appropriations made available for fiscal year 2022 in this title (except appropriations made to the ''General Operating Expenses, Veterans Benefits Administration'' account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2022, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that

were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2022, under the ''Board of Veterans Appeals'' and the ''General Operating Expenses, Veterans Benefits Administration'' accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appro-

priations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

(2) In this subsection—

(A) the term ''civil service'' has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term ''Executive action'' includes—

(i) any Executive order, Presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

(c)(1) The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the hotline specified in subsection (a) during the 5-year period beginning on January 1, 2016, based on an analysis of national suicide data and data collected from such hotline.

(2) At a minimum, the study required by paragraph (1) shall—

(A) determine the number of veterans who contact the hotline specified in subsection (a) and who receive follow up services from the hotline or mental health services from the Department of Veterans Affairs thereafter;

(B) determine the number of veterans who contact the hotline who are not referred to, or do not continue receiving, mental health care who commit suicide; and

(C) determine the number of veterans described in subparagraph (A) who commit or attempt suicide.

SEC. 233. Effective during the period beginning on October 1, 2018, and ending on January 1, 2024, none of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the ''Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration's Screening for Breast Cancer Guidance'' published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

SEC. 234. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the ''Medical Services'' account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term ''service-connected'' has the meaning given such term in section 101 of title 38, United States Code.

(2) The term ''covered veteran'' means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term ''assisted reproductive technology'' means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of ''Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members'' issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation

on the duration of such cryopreservation and storage.

(4) The term ''adoption reimbursement'' means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

SEC. 235. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 236. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

SEC. 237. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than March 23, 2023.

(2) For all individuals not described in paragraph (1), not later than March 23, 2026.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required

to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

(c) The matter in subsections (a) and (b) shall supersede section 238 of Public Law 116–94.

SEC. 238. For funds provided to the Department of Veterans Affairs for each of fiscal year 2022 and 2023 for ''Medical Services'', section 239 of division A of Public Law 114–223 shall apply.

SEC. 239. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 240. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2022 and fiscal year 2023 for ''Medical Services'', funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 241. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual

that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 242. For funds provided to the Department of Veterans Affairs for each of fiscal year 2022 and 2023, section 258 of division A of Public Law 114–223 shall apply.

SEC. 243. (a) None of the funds appropriated or otherwise made available by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of the Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access.

(b) A department or agency covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives within 5 calendar days of any failure by any department or agency covered by this section to comply with this requirement.

SEC. 244. None of the funds made available in this Act may be used in a manner that would increase wait times for veterans who seek care at medical facilities of the Department of Veterans Affairs.

SEC. 245. None of the funds appropriated or otherwise made available by this Act to the Veterans Health Administration may be used in fiscal year 2022 to convert any program which received specific purpose funds in fiscal year 2021 to a general purpose funded program unless the Secretary of Veterans Affairs submits written notification of any such proposal to the Committees on Appropriations of both Houses of Congress at least 30 days prior to any such action and an approval is issued by the Committees.

SEC. 246. For funds provided to the Department of Veterans Affairs for each of fiscal year 2022 and 2023, section 248 of division A of Public Law 114–223 shall apply.

SEC. 247. (a) None of the funds appropriated or otherwise made available by this Act may be used to conduct research commencing on or after October 1, 2019, that uses any canine, feline, or non-human primate unless the Secretary of Veterans Affairs approves such research specifically and in writing pursuant to subsection (b).

(b)(1) The Secretary of Veterans Affairs may approve the conduct of research commencing on or after October 1, 2019, using canines, felines, or non-human primates if the Secretary determines that—

(A) the scientific objectives of the research can only be met by using such canines, felines, or non-human primates;

(B) such scientific objectives are directly related to an illness or injury that is combat-related; and

(C) the research is consistent with the revised Department of Veterans Affairs canine research policy document dated December 15, 2017, including any subsequent revisions to such document.

(2) The Secretary may not delegate the authority under this subsection.

(c) If the Secretary approves any new research pursuant to subsection (b), not later than 30 days before the commencement of such research, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a report describing—

(1) the nature of the research to be conducted using canines, felines, or non-human primates;

(2) the date on which the Secretary approved the research;

(3) the justification for the determination of the Secretary that the scientific objectives of such research could only be met using canines, felines, or non-human primates;

(4) the frequency and duration of such research; and

(5) the protocols in place to ensure the necessity, safety, and efficacy of the research.

(d) Not later than 180 days after the date of the enactment of this Act, and biannually thereafter, the Secretary shall submit to such Committees a report describing—

(1) any research being conducted by the Department of Veterans Affairs using canines, felines, or non-human primates as of the date of the submittal of the report;

(2) the circumstances under which such research was conducted using canines, felines, or non-human primates;

(3) the justification for using canines, felines, or non-human primates to conduct such research; and

(4) the protocols in place to ensure the necessity, safety, and efficacy of such research.

(e) The Department shall implement a plan under which the Secretary will eliminate or reduce the research conducted using canines, felines, or non-human primates by not later than 5 years after the date of enactment of Public Law 116–94.

SEC. 248. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 249. Amounts made available for the ''Veterans Health Administration, Medical Community Care'' account in this or any other Act for fiscal years 2022 and 2023 may be used for expenses that would otherwise be payable from the Veterans Choice Fund established by section 802 of the Veterans Access, Choice, and Accountability Act, as amended (38 U.S.C. 1701 note).

SEC. 250. Obligations and expenditures applicable to the ''Medical Services'' account in fiscal years 2017 through 2019 for aid to state homes (as authorized by section 1741 of title 38, United States Code) shall remain in the ''Medical Community Care'' account for such fiscal years.

SEC. 251. Of the amounts made available for the Department of Veterans Affairs for fiscal year 2022, in this or any other Act, under the ''Veterans Health Administration—Medical Services'', ''Veterans Health Administration—Medical Community Care'', ''Veterans Health Administration—Medical Support and Compliance'', and ''Veterans Health Administration—Medical Facilities'' ac-

counts, $840,446,000 shall be made available for gender-specific care and programmatic efforts to deliver care for women veterans.

(INCLUDING TRANSFER OF FUNDS)

SEC. 252. Amounts made available for the Department of Veterans Affairs for ''Medical Facilities'' and ''General Administration'' in this Act or prior Acts that remain available for obligation in fiscal year 2022 may be transferred as necessary to the ''Asset and Infrastructure Review'' account for the purposes of carrying out the VA Asset and Infrastructure Review Act of 2018 (subtitle A of title II of Public Law 115–182): *Provided*, That the total amounts transferred may not increase the account by more than $2,000,000: *Provided further*, That in advance of any such transfer, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(RESCISSION OF FUNDS)

SEC. 253. (a) Of the unobligated balances in the ''Recurring Expenses Transformational Fund'' established in section 243 of division J of Public Law 114–113, $820,000,000 is hereby rescinded immediately upon enactment of this Act.

(b) For an additional amount for the accounts and in the amounts specified, to remain available until expended, in addition to such other funds as may be available for such purposes, as follows:

(1) ''Departmental Administration—Information Technology Systems'', $670,000,000, for information technology systems improvements and sustainment; and

(2) ''Veterans Health Administration—Medical Facilities'', $150,000,000, for facilities infrastructure improvements, including non-recurring maintenance, at existing hospitals and clinics of the Veterans Health Administration:

*Provided*, That prior to obligation of any of the funds provided in this subsection, the Secretary of Veterans Affairs must provide a plan for the execution of the funds appropriated in this subsection to the Committees on Appropriations of both Houses of Congress and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

SEC. 254. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the status of the ''Veterans Medical Care and Health Fund'', estab-

lished to execute section 8002 of the American Rescue Plan Act of 2021 (Public Law 117–2): *Provided*, That, at a minimum, the report shall include an update on obligations by program, project or activity and a plan for expending the remaining funds: *Provided further*, That the Secretary of Veterans Affairs must submit notification of any plans to reallocate funds from the current apportionment categories of ''Medical Services'', ''Medical Support and Compliance'', ''Medical Facilities'', ''Medical Community Care'', or ''Medical and Prosthetic Research'', including the amount and purpose of each reallocation to the Committees on Appropriations of both Houses of Congress and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(RESCISSIONS OF FUNDS)

SEC. 255. Of the unobligated balances available to the Department of Veterans Affairs from prior appropriations Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

''Veterans Health Administration—Medical Services'', $200,000,000;

''Veterans Health Administration—Medical Community Care'', $200,000,000; and

''Departmental Administration—Veterans Electronic Health Record'', $200,000,000:

*Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(RESCISSION OF FUNDS)

SEC. 256. Immediately upon enactment of this Act, of the unobligated balances of funds made available by section 8003 of the American Rescue Plan Act of 2021 (Public Law 117–2) to the Department of Veterans Affairs for the supply chain modernization initiative, $76,105,000 is hereby rescinded.

SEC. 257. Any amounts transferred to the Secretary and administered by a corporation referred to in section 7364(b) of title 38, United States Code, between October 1, 2016 and September 30, 2017 for purposes of carrying out an order placed with the Department of Veterans Affairs pursuant to section 1535 of title 31, United States Code, that are available for obligation pursuant to section 7364(b)(1) of title 38, United States Code, are to remain available for the liquidation of valid obligations incurred by such corporation during the period of performance of such order, provided that the Secretary of Veterans Affairs determines that such amounts need to remain available for such liquidation.

# TITLE III

## RELATED AGENCIES

### AMERICAN BATTLE MONUMENTS COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $15,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $87,500,000, to remain available until expended.

#### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $41,700,000: *Provided*, That $3,385,104 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $2,000 for official reception and representation expenses, $87,000,000, of which not to exceed $15,000,000 shall remain available until September 30, 2024. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the ''Lease

of Department of Defense Real Property for Defense Agencies'' account.

CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, $141,000,000, to remain available until expended, for planning and design and construction associated with the Southern Expansion project at Arlington National Cemetery.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $77,000,000, to remain available until September 30, 2023, of which $9,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund,

$25,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 7727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 403. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 404. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs,

and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 405. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 406. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 407. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to

the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 408. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 409. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 410. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 411. None of the funds made available by this Act may be used in contravention of section 101(e)(8) of title 10, United States Code.

SEC. 412. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate,

or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

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

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

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

(2) is—

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

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

This division may be cited as the ''Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2022''.

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

## TITLE I

## DEPARTMENT OF STATE AND RELATED AGENCY

### DEPARTMENT OF STATE

### ADMINISTRATION OF FOREIGN AFFAIRS

#### DIPLOMATIC PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $9,178,789,000, of which $808,589,000 may remain available until September 30, 2023, and of which up to $3,788,199,000 may remain available until expended for Worldwide Security Protection: *Provided*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (62

Stat. 11; Chapter 36), $3,216,871,000, of which up to $661,240,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,791,425,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation, and disarmament activities as authorized, $994,768,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $3,175,725,000, of which up to $3,126,959,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Ex-

change Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading for Worldwide Security Protection, not to exceed $50,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized: *Provided*, That the exercise of the authority provided by this subpara-

graph shall be subject to prior consultation with the Committees on Appropriations.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Funds appropriated under this heading shall be made available for the following purposes and as specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) to—

(i) support the activities of an Ambassador-at-Large for the Arctic Region; and

(ii) implement an Arctic Indigenous Exchange Program.

(E) Of the amount made available under this heading, up to $100,000,000 may be transferred to, and merged with, funds made available in title I of this Act under the heading ''Capital Investment Fund'': *Provided*, That the

exercise of the authority provided by this subparagraph shall be subject to prior consultation with the Committees on Appropriations.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, $300,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $91,458,000, of which $13,718,000 may remain available until September 30, 2023: *Provided*, That funds appropriated under this heading are made available notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections.

In addition, for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight, $40,000,000, to remain available until September 30, 2023: *Provided*, That funds appropriated under this heading that are made available for the printing and reproduction costs of SIGAR shall not exceed amounts for such costs during the prior fiscal year.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For necessary expenses of educational and cultural exchange programs, as authorized, $753,000,000, to re-

main available until expended, of which not less than $275,000,000 shall be for the Fulbright Program and not less than $113,860,000 shall be for Citizen Exchange Program: *Provided*, That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further*, That funds appropriated under this heading that are made available for the Benjamin Gilman International Scholarships Program shall also be made available for the John S. McCain Scholars Program, pursuant to section 7075 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided further*, That funds appropriated under this heading shall be made available for the Community Engagement Exchange Program as described under the heading ''Civil Society Exchange Program'' in Senate Report 116–126: *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior

consultation with, and the regular notification procedures of, the Committees on Appropriations.

REPRESENTATION EXPENSES

For representation expenses as authorized, $7,415,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For necessary expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $30,890,000, to remain available until September 30, 2023.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for real property that are owned or leased by the Department of State, and renovating, in addition to funds otherwise available, the Harry S Truman Building, $850,722,000, to remain available until September 30, 2026, of which not to exceed $25,000 may be used for overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $1,132,427,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, $7,885,000, to remain available until expended, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account''.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,937,742.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $32,583,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed $1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, $743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, $1,662,928,000, of which $96,240,000 may remain available until September 30, 2023: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States

Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to

the maintenance or restoration of international peace and security, $1,498,614,000, of which $749,307,000 may remain available until September 30, 2023: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other

violations of human rights, and to hold accountable individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the website of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That any

payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $51,970,000, of which $7,796,000 may remain available until September 30, 2023.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $51,030,000, to remain available until expended, as authorized: *Provided*, That of the funds appropriated under this heading in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for the United

States Section, except for funds designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, up to $5,000,000 may be transferred to, and merged with, funds appropriated under the heading ''Salaries and Expenses'' to carry out the purposes of the United States Section, which shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for technical assistance grants and the Community Assistance Program of the North American Development Bank, $15,008,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, up to $1,250,000 may remain available until September 30, 2023, and up to $9,000 may be made available for representation expenses: *Provided further*, That of the amount provided under this

heading for the International Boundary Commission, up to $1,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $62,846,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

## RELATED AGENCY

### UNITED STATES AGENCY FOR GLOBAL MEDIA

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the United States Agency for Global Media (USAGM), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, $850,300,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to $47,708,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than $27,000,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to ex-

ceed $35,000 may be used for representation expenses, of which $10,000 may be used for such expenses within the United States as authorized, and not to exceed $30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That funds appropriated under this heading shall be allocated in accordance with the table included under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That notwithstanding the previous proviso, funds may be reprogrammed within and between amounts designated in such table, subject to the regular notification procedures of the Committees on Appropriations, except that no such reprogramming may reduce a designated amount by more than 5 percent: *Provided further*, That funds appropriated under this heading shall be made available in accordance with the principles and standards set forth in section 303(a) and (b) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) and section 305(b) of such Act (22 U.S.C. 6204): *Provided further*, That the USAGM Chief Executive Officer shall notify the Committees on Appropriations within 15 days of any determination by the USAGM that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who

support international terrorism, or is in violation of the principles and standards set forth in section 303(a) and (b) of such Act or the entity's journalistic code of ethics: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $5,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes: *Provided further*, That significant modifications to USAGM broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all USAGM language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That up to $5,000,000 from the USAGM Buying Power Maintenance account may be transferred to, and merged with, funds appropriated by this Act under the heading ''International Broadcasting Operations'', which shall remain available until expended: *Provided further*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law and shall be

subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, $9,700,000, to remain available until expended, as authorized.

## RELATED PROGRAMS

### THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $21,500,000, to remain available until expended.

### UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), $54,000,000, to remain available until September 30, 2023, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2022, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2022, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2022, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $19,700,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), $315,000,000, to remain available until expended, of which $195,840,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $104,160,000 shall be for democracy programs: *Provided*, That the requirements of section 7062(a) of this Act shall not apply to funds made available under this heading.

## OTHER COMMISSIONS

### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

#### SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $642,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2022: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

#### SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), $4,500,000, to remain available until September 30, 2023, including not more than $4,000 for representation expenses: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be subject to prior consultation with the Committees

on Appropriations: *Provided further*, That the United States Commission on International Religious Freedom shall, on a regular basis, monitor, report on, and advocate against laws and policies of, foreign governments that permit or condone discrimination against, or violations of human rights of, minority groups and other vulnerable communities on the basis of religion.

## COMMISSION ON SECURITY AND COOPERATION IN EUROPE

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304 (22 U.S.C. 3001 et seq.), $2,908,000, including not more than $5,000 for representation expenses, to remain available until September 30, 2023.

## CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

### SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), $2,250,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2023.

## UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $4,000,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2023: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through fifth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2022 and shall apply to funds appropriated under this heading.

# TITLE II

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

### FUNDS APPROPRIATED TO THE PRESIDENT

#### OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,635,947,000, of which up to $245,392,000 may remain available until September 30, 2023: *Provided*, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chap-

ter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, and not to exceed $100,500 shall be for official residence expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $258,200,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $80,000,000, of which up to $12,000,000 may remain available until September 30, 2023, for the Office of In-

spector General of the United States Agency for International Development.

# TITLE III

## BILATERAL ECONOMIC ASSISTANCE

### FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

#### GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $3,880,000,000, to remain available until September 30, 2023, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS,

tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to unanticipated and emerging global health threats, including zoonotic diseases; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for United States contributions to The GAVI Alliance and to a multilateral vaccine development partnership to support epidemic preparedness: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method

of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of fam-

ily planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the For-

eign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,950,000,000, to remain available until September 30, 2026, which shall be apportioned directly to the Department of State: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuber-

culosis, and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund): *Provided further*, That the amount of such contribution shall be $1,560,000,000: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2022 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to $17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $4,140,494,000, to remain available until September 30, 2023: *Provided*, That funds made available under this heading shall be apportioned to the United States Agency for International Development.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $3,905,460,000, to remain available until expended: *Provided*, That funds made available under this heading shall be apportioned to the United States Agency for International Development not later than 60 days after enactment of this Act.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, and to support transition to democracy and long-term development of countries in crisis, $80,000,000, to remain available until expended: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new, or terminating a, program of assistance: *Provided further*, That if the Secretary of State determines

that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of section 509(b) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94), $60,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading shall be apportioned to the United States Agency for International Development.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $4,099,000,000, to remain available until September 30, 2023.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), $215,450,000, to remain available until September 30, 2023, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the initial obligation of funds appropriated under this paragraph.

For an additional amount for such purposes, $125,250,000, to remain available until September 30,

2023, which shall be made available for the Bureau for Development, Democracy, and Innovation, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), $500,000,000, to remain available until September 30, 2023, which shall be available, notwithstanding any other provision of law, except section 7047 of this Act, for assistance and related programs for countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the SEED Act of 1989 (22 U.S.C. 5402), in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings ''Global Health Programs'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of the FREEDOM Support Act and section 601 of the SEED Act of 1989: *Provided further*, That funds appropriated under this heading shall be considered to be economic as-

sistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds appropriated under this heading may be made available for contributions to multilateral initiatives to counter hybrid threats.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.); allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $2,912,188,000, to remain available until expended, of which $5,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance

Act of 1962 (22 U.S.C. 2601(c)), $100,000, to remain available until expended: *Provided*, That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading ''Migration and Refugee Assistance''.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $410,500,000, of which $6,330,000 is for the Office of Inspector General, to remain available until September 30, 2023: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $104,000 may be available for representation expenses, of which not to exceed

$4,000 may be made available for entertainment expenses: *Provided further*, That in addition to the requirements under section 7015(a) of this Act, the Peace Corps shall consult with the Committees on Appropriations prior to any decision to open, close, or suspend a domestic or overseas office or a country program unless there is a substantial risk to volunteers or other Peace Corps personnel: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), $912,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $115,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That section 605(e) of the MCA (22 U.S.C. 7704(e)) shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA (22 U.S.C. 7708) only if

such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $42,000,000, to remain available until September 30, 2023: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96–533; 22 U.S.C. 290h et seq.), $40,000,000, to remain available until September 30, 2023, of which not to exceed $2,000

may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That

the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $38,000,000, to remain available until expended, of which not more than $9,500,000 may be used for administrative expenses: *Provided*, That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

DEBT RESTRUCTURING

For ''Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' there is appropriated $52,000,000, to remain available until September 30, 2023, for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees for, or credits extended to, such countries as the President may determine, including the costs of selling, reducing, or canceling amounts owed to the United States pursuant to the ''Common Framework for Debt Treatments beyond the Debt Service Suspension Initiative

(DSSI)'', and for reducing interest rates paid by any country eligible for the DSSI: *Provided*, That such amounts may be used notwithstanding any other provision of law.

TROPICAL FOREST AND CORAL REEF CONSERVATION

For the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the costs of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries pursuant to part V of the Foreign Assistance Act of 1961, $15,000,000, to remain available until September 30, 2025.

# TITLE IV

# INTERNATIONAL SECURITY ASSISTANCE

## DEPARTMENT OF STATE

### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,391,004,000, to remain available until September 30, 2023: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, judges, and other judicial authorities, utilizing regional partners: *Provided fur-*

*ther*, That of the funds appropriated under this heading, not less than $9,000,000 shall be made available, on a competitive basis, for rule of law programs for transitional and post-conflict states, and for activities to coordinate rule of law programs among foreign governments, international and nongovernmental organizations, and other United States Government agencies: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading for Program Development and Support may be made available notwithstanding pre-obligation requirements contained in this Act, except for the notification requirements of section 7015.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $900,000,000, to remain available until September 30, 2023, to carry out the provisions of chapter 8 of part II

of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act (22 U.S.C. 5854), section 23 of the Arms Export Control Act (22 U.S.C. 2763), or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is

in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $455,000,000, of which $227,500,000 may remain available until September 30, 2023: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than $24,000,000 shall be made available for a United

States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That funds appropriated under this heading may be made available to pay assessed expenses of international peacekeeping activities in Somalia under the same terms and conditions, as applicable, as funds appropriated by this Act under the heading ''Contributions for International Peacekeeping Activities'': *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $112,925,000, of which up to $56,463,000 may remain available until September 30, 2023: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, $3,000,000 shall remain available until expended to increase the participation of women in programs and activities funded under this heading, fol-

lowing consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, not to exceed $50,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763), $6,040,424,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appro-

priated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $70,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation expenses: *Provided further*, That not more than $1,186,853,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be obligated for expenses incurred by the Department of Defense during fiscal year 2022 pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)), except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

# TITLE V

# MULTILATERAL ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, $423,000,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund: *Provided further*, That not later than 60 days after enactment of this Act, such funds shall be made available for core contributions for each entity listed in the table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) unless otherwise provided for in this Act, or if the Secretary of State has justified to the Committees on Appropriations the proposed uses of funds other than for core contributions following prior consultation with, and subject to the regular notification procedures of, such Committees.

## INTERNATIONAL FINANCIAL INSTITUTIONS

### GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Envi-

ronment Facility by the Secretary of the Treasury, $149,288,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contribution to the Clean Technology Fund, $125,000,000, to remain available until expended: *Provided*, That up to $125,000,000 of such amount shall be available to cover costs, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans issued to the Clean Technology Fund: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans without limitation.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $206,500,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,421,275,728.70.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,001,400,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $53,323,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $54,648,752, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $856,174,624.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $211,300,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $43,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $5,000,000, to remain available until expended.

CONTRIBUTIONS TO THE INTERNATIONAL MONETARY FUND FACILITIES AND TRUST FUNDS

For contribution by the Secretary of the Treasury to the Poverty Reduction and Growth Trust or other special purpose vehicle of the International Monetary Fund, $102,000,000, to remain available until December 31, 2031.

# TITLE VI

## EXPORT AND INVESTMENT ASSISTANCE

### EXPORT-IMPORT BANK OF THE UNITED STATES

#### INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $6,500,000, of which up to $975,000 may remain available until September 30, 2023.

#### PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has deto-

nated a nuclear explosive after the date of enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $114,000,000, of which up to $17,100,000 may remain available until September 30, 2023: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) of such section shall remain in effect until September 30, 2022: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction

of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

PROGRAM BUDGET APPROPRIATIONS

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $5,000,000, to remain available until September 30, 2025: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2037, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2022, 2023, 2024, and 2025.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79–173) and the Federal Credit Reform Act of 1990, in an amount not to exceed

the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0.

## UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

### INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $2,800,000, to remain available until September 30, 2023.

### CORPORATE CAPITAL ACCOUNT

The United States International Development Finance Corporation (the Corporation) is authorized to make such expenditures and commitments within the limits of funds and borrowing authority available to the Corporation, and in accordance with the law, and to make such expenditures and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs for the current fiscal year for the Corporation: *Provided*, That for necessary expenses of the activities described in subsections (b), (c), (e), (f), and (g)

of section 1421 of the BUILD Act of 2018 (division F of Public Law 115–254) and for administrative expenses to carry out authorized activities and project-specific transaction costs described in section 1434(d) of such Act, $698,000,000: *Provided further*, That of the amount provided—

(1) $198,000,000 shall remain available until September 30, 2024, for administrative expenses to carry out authorized activities (including an amount for official reception and representation expenses which shall not exceed $25,000) and project-specific transaction costs as described in section 1434(k) of such Act, of which $1,000,000 shall remain available until September 30, 2026;

(2) $500,000,000 shall remain available until September 30, 2024, for the activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD Act of 2018, except such amounts obligated in a fiscal year for activities described in section 1421(c) of such Act shall remain available for disbursement for the term of the underlying project: *Provided further*, That if the term of the project extends longer than 10 fiscal years, the Chief Executive Officer of the Corporation shall inform the appropriate congressional committees prior to the obli-

gation or disbursement of funds, as applicable: *Provided further*, That amounts made available under this paragraph may be paid to the ''United States International Development Finance Corporation—Program Account'' for programs authorized by subsections (b), (e), (f), and (g) of section 1421 of the BUILD Act of 2018:

*Provided further*, That funds may only be obligated pursuant to section 1421(g) of the BUILD Act of 2018 subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations: *Provided further*, That in fiscal year 2022 collections of amounts described in section 1434(h) of the BUILD Act of 2018 shall be credited as offsetting collections to this appropriation: *Provided further*, That such collections collected in fiscal year 2022 in excess of $698,000,000 shall be credited to this account and shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That in fiscal year 2022, if such collections are less than $698,000,000, receipts collected pursuant to the BUILD Act of 2018 and the Federal Credit Reform Act of 1990, in an amount equal to such shortfall, shall be credited as offsetting collections to this appropriation: *Provided further*, That funds appropriated or otherwise

made available under this heading may not be used to provide any type of assistance that is otherwise prohibited by any other provision of law or to provide assistance to any foreign country that is otherwise prohibited by any other provision of law: *Provided further*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by the offsetting collections described under this heading so as to result in a final fiscal year appropriation from the General Fund estimated at $316,000,000.

PROGRAM ACCOUNT

Amounts paid from ''United States International Development Finance Corporation—Corporate Capital Account'' (CCA) shall remain available until September 30, 2024: *Provided*, That up to $550,000,000 of amounts paid to this account from CCA or transferred to this account pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) shall be available for the costs of direct and guaranteed loans provided by the Corporation pursuant to section 1421(b) of such Act and the costs of modifying loans and loan guarantees transferred to the Corporation pursuant to section 1463 of such Act: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided fur-*

*ther*, That such amounts obligated in a fiscal year shall remain available for disbursement for the following 8 fiscal years: *Provided further*, That funds made available in this Act and transferred to carry out the Foreign Assistance Act of 1961 pursuant to section 1434(j) of the BUILD Act of 2018 may remain available for obligation for 1 additional fiscal year: *Provided further*, That the total loan principal or guaranteed principal amount shall not exceed $8,000,000,000.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $79,500,000, to remain available until September 30, 2023, of which no more than $19,000,000 may be used for administrative expenses: *Provided*, That of the funds appropriated under this heading, not more than $5,000 may be available for representation and entertainment expenses.

# TITLE VII

## GENERAL PROVISIONS

### ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

### UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2022 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(b) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2022 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and

Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose.

(c) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2022, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading ''Embassy Security, Construction, and Maintenance'' in House Report 117–84.

(d) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) SECURITY VULNERABILITIES.—Funds appropriated by this Act under the heading ''Embassy Security, Construction, and Maintenance'' may be made available, following consultation with the appropriate congressional committees, to address secu-

rity vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing.

(2) CONSULTATION.—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

(e) SOFT TARGETS.—Funds appropriated by this Act under the heading ''Embassy Security, Construction, and Maintenance'' may be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States diplomatic personnel and their dependents.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds

between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7006. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before enactment of this Act by Congress: *Provided*, That up to $25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 22 U.S.C. 2151a note).

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(1) DEPARTMENT OF STATE.—

(A) IN GENERAL.—Not to exceed 5 percent of any appropriation made available for the cur-

rent fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading ''Representation Expenses''.

(B) EMBASSY SECURITY.—Funds appropriated under the headings ''Diplomatic Programs'', including for Worldwide Security Protection, ''Embassy Security, Construction, and Maintenance'', and ''Emergencies in the Diplomatic and Consular Service'' in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, for emergency evacuations, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Com-

mittees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Agency for Global Media under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except

pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961, and section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254).

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic

Support Fund'', and ''Assistance for Europe, Eurasia and Central Asia'' shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(c) UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—

(1) LIMITATION.—Amounts transferred pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) may only be transferred from funds made available under title III of this Act, and such amounts shall not exceed $50,000,000: *Provided*, That any such transfers shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States International Development Finance Corporation (the Corporation), as appropriate, shall ensure that the programs funded by such transfers are coordinated with, and complement, foreign assistance programs

implemented by the Department of State and USAID: *Provided further*, That no funds transferred pursuant to such authority may be used by the Corporation to post personnel abroad or for activities described in section 1421(c) of the BUILD Act of 2018: *Provided further*, That funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to implement the Nita M. Lowey Middle East Partnership for Peace Act shall be excluded from the limitation contained in this paragraph and in section 7009(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260).

(2) TRANSFER OF FUNDS FROM MILLENNIUM CHALLENGE CORPORATION.—Funds appropriated under the heading ''Millennium Challenge Corporation'' in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be transferred to accounts under the heading ''United States International Development Finance Corporation'' and, when so transferred, may be used for the costs of activities described in subsections (b) and (c) of section 1421 of the BUILD Act of 2018: *Provided*,

That such funds shall be subject to the limitations provided in the second, third, and fifth provisos under the heading ''United States International Development Finance Corporation—Program Account'' in this Act: *Provided further*, That any transfer executed pursuant to the transfer authority provided in this paragraph shall not exceed 10 percent of an individual Compact awarded pursuant to section 609(a) of the Millennium Challenge Act of 2003 (Title VI of Public Law 108–199): *Provided further*, That such funds shall not be available for administrative expenses of the United States International Development Finance Corporation: *Provided further*, That such authority shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That such transfers shall be excluded from the limitation under paragraph (1): *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That within 60 days of the termination in whole or in part of the Compact from which funds were transferred under this authority to the United States International Development Finance Corporation, any unobligated bal-

ances shall be transferred back to the Millennium Challenge Corporation, subject to the regular notification procedures of the Committees on Appropriations.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961, or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit

responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit websites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or any other entity

carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such websites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act shall be available to promote the sale or export of tobacco or tobacco products (including electronic nicotine delivery systems), or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products (including electronic nicotine delivery systems), except for restrictions which are not applied equally to all tobacco or tobacco products (including electronic nicotine delivery systems) of the same type.

(d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—None of the funds appropriated by this Act under the headings ''Diplomatic Programs'' and ''Capital Investment Fund'' in title I, and ''Operating Expenses'' and ''Capital Investment Fund'' in title II that are made available to the Department of State and the United States Agency for International Development may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in con-

travention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(e) REPRESENTATION AND ENTERTAINMENT EXPENSES.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', and ''As-

sistance for Europe, Eurasia and Central Asia'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act (22 U.S.C. 2763), and funds made available for ''United States International Development Finance Corporation'' and under the heading ''Assistance for Europe, Eurasia and Central Asia'' shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes

of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the Secretary of State and the Administrator of the United States Agency for International Development shall provide a report to the Committees on Appropriations not later than October 31, 2022, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on

Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2022 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors, shall

be withheld from obligation from funds appropriated for assistance for fiscal year 2023 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2023, such taxes have not been reimbursed.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States

and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term ''taxes and taxation'' shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United

States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I, II, and VI, and under the headings ''Peace Corps'' and ''Millennium Challenge 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 reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

(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-

lated programs, to the departments and agencies funded under such titles 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 available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that—

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

(2) relocates an existing office or employees;

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

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

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', ''Democracy Fund'', ''Assist-

ance for Europe, Eurasia and Central Asia'', ''Peace Corps'', ''Millennium Challenge Corporation'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', ''International Military Education and Training'', ''Foreign Military Financing Program'', ''International Organizations and Programs'', ''United States International Development Finance Corporation'', and ''Trade and Development Agency'' shall be available for obligation for programs, projects, activities, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of

this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for a program, project, or activity for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such program, project, or activity for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority.

(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.—

(1) PROGRAMS.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes

a description of, and the estimated costs associated with, the support or continuation of such program.

(2) FUNDING.—Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) NOTIFICATION ON EXCESS DEFENSE ARTICLES.—Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or

are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Burma, Cambodia, Colombia,

Cuba, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nicaragua, Pakistan, Philippines, the Russian Federation, Rwanda, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) TRUST FUNDS.—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution shall be subject to the regular notification procedures of the Committees on Appropriations, and such notification shall include the information specified under this section in House Report 117–84.

(h) OTHER PROGRAM NOTIFICATION REQUIREMENT.—

(1) DIPLOMATIC PROGRAMS.—Funds appropriated under title I of this Act under the heading ''Diplomatic Programs'' that are made available for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) OTHER PROGRAMS.—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations:

(A) the Global Engagement Center;

(B) the Power Africa and Prosper Africa initiatives;

(C) community-based police assistance conducted pursuant to the authority of section 7035(a)(1) of this Act;

(D) the Prevention and Stabilization Fund and the Multi-Donor Global Fragility Fund;

(E) the Indo-Pacific Strategy;

(F) the Countering PRC Influence Fund and the Countering Russian Influence Fund; and

(G) the Gender Equity and Equality Action Fund.

(3) DEMOCRACY PROGRAM POLICY AND PROCEDURES.—Modifications to democracy program policy and procedures, including relating to the use of consortia, by the Department of State and USAID shall be subject to prior consultation with, and the regular

notification procedures of, the Committees on Appropriations.

(4) ARMS SALES.—The reports, notifications, and certifications, and any other documents, required to be submitted pursuant to section 36(a) of the Arms Export Control Act (22 U.S.C. 2776), and such documents submitted pursuant to section 36(b) through (d) of such Act with respect to countries that have received assistance provided with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall be concurrently submitted to the Committees on Appropriations and shall include information about the source of funds for any sale or transfer, as applicable, if known at the time of submission.

(i) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

(j) PRIOR CONSULTATION REQUIREMENT.—The Secretary of State, the Administrator of the United States Agency for International Development, the Chief Execu-

tive Officer of the United States International Development Finance Corporation, and the Chief Executive Officer of the Millennium Challenge Corporation shall consult with the Committees on Appropriations at least 7 days prior to informing a government of, or publically announcing a decision on, the suspension or early termination of assistance to a country or a territory, including as a result of an interagency review of such assistance, from funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided*, That such consultation shall include a detailed justification for such suspension, including a description of the assistance being suspended.

DOCUMENTS, REPORT POSTING, RECORDS MANAGEMENT, AND RELATED CYBERSECURITY PROTECTIONS

SEC. 7016. (a) DOCUMENT REQUESTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(b) PUBLIC POSTING OF REPORTS.—

(1) Except as provided in paragraphs (2) and (3), any report required by this Act to be submitted to Congress by any Federal agency receiving funds made available by this Act shall be posted on the public Web site of such agency not later than 45 days following the receipt of such report by Congress.

(2) Paragraph (1) shall not apply to a report if—

(A) the public posting of the report would compromise national security, including the conduct of diplomacy;

(B) the report contains proprietary or other privileged information; or

(C) the public posting of the report is specifically exempted in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(3) The agency posting such report shall do so only after the report has been made available to the Committees on Appropriations.

(c) RECORDS MANAGEMENT AND RELATED CYBERSECURITY PROTECTIONS.—The Secretary of State and USAID Administrator shall—

(1) regularly review and update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(2) use funds appropriated by this Act under the headings ''Diplomatic Programs'' and ''Capital Investment Fund'' in title I, and ''Operating Expenses'' and ''Capital Investment Fund'' in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(3) direct departing employees, including senior officials, that all Federal records generated by such employees belong to the Federal Government;

(4) substantially reduce, compared to the previous fiscal year, the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United

States Code (commonly known as the ''Freedom of Information Act''); and

(5) strengthen cybersecurity measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the applicable reports of the cognizant Office of Inspector General.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7017. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program or policy.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or

coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Pro-*

*vided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961, and shall be made available for such foreign countries and international organizations notwithstanding the date of the transmission of such report.

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may only deviate up to 10 percent from the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such percentage may be exceeded only if the Secretary of State or USAID Administrator, as applicable, determines and reports in writing to the Committees on Appropriations on a case-by-case basis that such deviation is necessary to respond to significant, exigent, or unforeseen events, or to address other exceptional circumstances directly related to the national security interest of the United States, including a description of such events or circumstances: *Provided further*, That deviations pursuant to the preceding

proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the Foreign Assistance Act of 1961, deviations authorized by subsection (b) may only take place after submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for ''International Military Education and Training'' in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(B) funds for which the initial period of availability has expired; and

(C) amounts designated by this Act as minimum funding requirements.

(2) The authority of subsection (b) to deviate from amounts designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall not apply to the table in-

cluded under the heading ''Global Health Programs'' in such statement.

(3) With respect to the amounts designated for ''Global Programs'' in the table under the heading ''Economic Support Fund'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the matter preceding the first proviso in subsection (b) of this section shall be applied by substituting ''5 percent'' for ''10 percent'', and the provisos in such subsection (b) shall not apply.

(e) REPORTS.—The Secretary of State, USAID Administrator, and other designated officials, as appropriate, shall submit the reports required, in the manner described, in House Report 117–84 and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless directed otherwise in such explanatory statement.

(f) CLARIFICATION.—Funds appropriated by this Act under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' shall not be included for purposes of meeting amounts designated for countries in this Act, unless such headings are specifically designated as the source of funds.

MULTI-YEAR PLEDGES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was: (1) previously justified, including the projected future year costs, in a congressional budget justification; (2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress; (3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or (4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available under titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the

Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)): *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers the United States national interest.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular

notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the ''Economic Support Fund'', ''Assistance for Europe, Eurasia and Central Asia'', and ''Foreign Military Financing Program'' accounts, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account, and for the development assistance accounts of the United States Agency for International Development,

''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with the report required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION, AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the United States International Development Finance Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Asso-

ciation, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution, using funds appropriated or otherwise made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters

1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the gov-

ernment of that country and the United States Government.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance, including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds pro-

posed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'': *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the

assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2022, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

DISABILITY PROGRAMS

SEC. 7028. (a) ASSISTANCE.—Of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $15,000,000 shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, political and electoral participation, and integration of individuals with disabilities, including for the cost of translation: *Provided*, That funds shall be made available to support disability rights advocacy organizations in developing countries.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used by USAID for management, oversight, and technical support.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to adopt and implement a publicly available policy, includ-

ing the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 35 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis.

(b) SAFEGUARDS.—

(1) STANDARD.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to oppose any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) ACCOUNTABILITY, STANDARDS, AND BEST PRACTICES.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice

and vote of the United States to oppose loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification, and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations, including free, prior and informed consent of affected Indigenous communities;

(C) do not provide incentives for, or facilitate, forced displacement or other violations of human rights; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives

from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to promote human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution in accordance with the requirements specified under this subsection in House Report 117–84: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violations of human rights.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive direc-

tor of each international financial institution to use the voice of the United States to include in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to collect, verify, and publish, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to effectively implement and enforce policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(1) protection against retaliation for internal and lawful public disclosure;

(2) legal burdens of proof;

(3) statutes of limitation for reporting retaliation;

(4) access to binding independent adjudicative bodies, including shared cost and selection external arbitration; and

(5) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment.

(h) GRIEVANCE MECHANISMS AND PROCEDURES.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support independent investigative and adjudicative mechanisms and procedures that meet or exceed best practices in the United States to provide due process and fair compensation, including the right to reinstatement, for employees who are subjected to harassment, discrimination, retaliation, false allegations, or other misconduct.

(i) CAPITAL INCREASES.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs should be made available to support a capital increase for an international financial institution until the President submits a budget request for such increase

to Congress and determines and reports to the Committees on Appropriations that—

(1) the institution has completed a thorough analysis of the development challenges facing the relevant geographical region, the role of the institution in addressing such challenges and its role relative to other financing partners, and the steps to be taken to enhance the efficiency and effectiveness of the institution; and

(2) the governors of such institution have approved the capital increase.

INSECURE COMMUNICATIONS NETWORKS

SEC. 7030. Funds appropriated by this Act shall be made available for programs, including through the Digital Connectivity and Cybersecurity Partnership, to—

(1) advance the adoption of secure, next-generation communications networks and services, including 5G, and cybersecurity policies, in countries receiving assistance under this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs;

(2) counter the establishment of insecure communications networks and services, including 5G, promoted by the People's Republic of China and other state-backed enterprises that are subject to

undue or extrajudicial control by their country of origin; and

(3) provide policy and technical training on deploying open, interoperable, reliable, and secure networks to information communication technology professionals in countries receiving assistance under this Act, as appropriate:

*Provided*, That such funds may be used to support the participation of foreign military officials in programs designed to strengthen civilian cybersecurity capacity, following consultation with the Committees on Appropriations.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if the requirements included in section 7031(a)(1)(A) through (E) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) are fully met.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), funds may only be made available for direct government-

to-government assistance subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on

Appropriations, concurrent with the fiscal year 2023 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the ''minimum requirements of fiscal transparency'' for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(2) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any de-

termination of ''significant progress'' or ''no significant progress'' in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual ''Fiscal Transparency Report'' to be posted on the Department of State website: *Provided*, That such report shall include the elements included under this section in House Report 117–84.

(3) ASSISTANCE.—Not less than $7,000,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency.

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

(1) INELIGIBILITY.—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights, including the

wrongful detention of locally employed staff of a United States diplomatic mission or a United States citizen or national, shall be ineligible for entry into the United States.

(B) Concurrent with the application of subparagraph (A), the Secretary should, as appropriate, refer the matter to the Office of Foreign Assets Control, Department of the Treasury, to determine whether to apply sanctions authorities in accordance with United States law to block the transfer of property and interests in property, and all financial transactions, in the United States involving any person described in such subparagraph.

(C) The Secretary shall also publicly or privately designate or identify the officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible for entry into the United States pursuant to paragraph (1) if such entry would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obli-

gations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) REPORT.—Not later than 30 days after enactment of this Act, and every 90 days thereafter until September 30, 2023, the Secretary of State shall submit a report, including a classified annex if necessary, to the appropriate congressional committees and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waiv-

ers provided under paragraph (3), and the justification for each waiver.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State website.

(6) CLARIFICATION.—For purposes of paragraphs (1), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds, and for technical assistance to promote independent audit mech-

anisms and support civil society participation in natural resource management.

(2) PUBLIC DISCLOSURE AND INDEPENDENT AUDITS.—(A) The Secretary of the Treasury shall instruct the executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered that: (1) accurately account for and publicly disclose payments to the government by companies involved in the extraction and export of natural resources; (2) include independent auditing of accounts receiving such payments and the public disclosure of such audits; and (3) require public disclosure of agreement and bidding documents, as appropriate.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of

building the capacity of such government to meet the requirements of such subparagraph.

(e) FOREIGN ASSISTANCE WEBSITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the ''ForeignAssistance.gov'' website: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request and in a timely manner, to the Department of State and USAID.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) IN GENERAL.—Of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''Democracy Fund'', ''Assistance for Europe, Eurasia and Central Asia'', and ''International Narcotics Control and Law Enforcement'', not less than $2,600,000,000 should be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs under the headings ''Economic Support Fund'' and ''Assistance for Europe, Eurasia and Central Asia'' pursuant to paragraph

(1), not less than $102,040,000 shall be made available to the Bureau of Democracy, Human Rights, and Labor, Department of State.

(b) AUTHORITIES.—

(1) AVAILABILITY.—Funds made available by this Act for democracy programs pursuant to subsection (a) and under the heading ''National Endowment for Democracy'' may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(2) BENEFICIARIES.—Funds made available by this Act for the NED are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98–164), including all decisions regarding the selection of beneficiaries.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term ''democracy programs'' means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental or-

ganizations and institutions, and citizens to support the development of democratic states and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law.

(e) RESTRICTIONS ON FOREIGN GOVERNMENT INTERFERENCE.—

(1) PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of the assistance, and the participants in such programs shall not be subject to prior approval by the government of any foreign country.

(2) DISCLOSURE OF IMPLEMENTING PARTNER INFORMATION.—If the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, determines that the government of the country is undemocratic or has engaged in or condoned harassment, threats, or attacks against organizations implementing democracy programs, any new bilateral agreement governing the terms and conditions under

which assistance is provided to such country shall not require the disclosure of the names of implementing partners of democracy programs, and the Secretary of State and the USAID Administrator shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform to this requirement.

(3) REPORTING REQUIREMENT.—The Secretary of State, in coordination with the USAID Administrator, shall submit a report to the appropriate congressional committees, not later than 90 days after enactment of this Act and every 90 days thereafter until September 30, 2023, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs.

(g) DIGITAL SECURITY AND COUNTERING DISINFORMATION.—Democracy programs supported with funds appropriated by this Act under subsection (a)(1) should, as appropriate—

(1) include—

(A) a component on digital security to enhance the safety of implementers and beneficiaries;

(B) assistance for civil society organizations to counter government surveillance, censorship, and repression by digital means;

(C) efforts to combat weaponized technology, including the misuse of social media to spread disinformation or incite hate; and

(D) measures to prevent the digital manipulation of elections, electoral data, and critical infrastructure; and

(2) incorporate activities to counter disinformation propagated by malign actors, including the People's Republic of China and the Russian Federation.

(h) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the NED of democracy programs that are planned and supported with funds made available by this Act and prior

Acts making appropriations for the Department of State, foreign operations, and related programs.

(i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—

(1) Of the funds appropriated by this Act under the headings ''Economic Support Fund'' and ''Democracy Fund'', not less than $30,000,000 shall be made available to support and protect civil society activists and journalists who have been threatened, harassed, or attacked, including journalists affiliated with the United States Agency for Global Media.

(j) INTERNATIONAL FREEDOM OF EXPRESSION AND INDEPENDENT MEDIA.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available for programs to protect international freedom of expression and independent media, including to implement the updated action plan required under section 7032(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260): *Provided*, That funds appropriated by this Act under the heading ''Diplomatic Programs'' shall be made available to the Bureau of Democracy, Human Rights, and Labor, Department of State, and funds appropriated by this Act under the heading ''Operating Expenses'' shall

be made available to the Bureau for Development, Democracy, and Innovation, USAID, for the costs of administering such programs.

(k) LABOR PROGRAMS REPORT AND CONSULTATION.—

(1) REPORT.—Not later than 90 days after enactment of this Act, the USAID Administrator shall submit a report to the appropriate congressional committees detailing steps taken, or planned to be taken, by USAID to build expertise and capacity within the agency on implementing labor programs, in addition to providing a description of current implementation efforts.

(2) CONSULTATION.—Funds appropriated by this Act that are made available for labor programs administered by USAID shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE.—Funds appropriated by this Act under the heading ''Diplomatic Programs'' shall be made available for the Office of International Religious Freedom, Department of State.

(b) ASSISTANCE.—Funds appropriated by this Act under the headings ''Economic Support Fund'', ''Democracy Fund'', and ''International Broadcasting Operations'' shall be made available for international religious freedom programs and funds appropriated by this Act under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' shall be made available for humanitarian assistance for vulnerable and persecuted ethnic and religious minorities: *Provided*, That funds made available by this Act under the headings ''Economic Support Fund'' and ''Democracy Fund'' pursuant to this section shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials, and shall be subject to prior consultation with the Committees on Appropriations.

(c) AUTHORITY.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Economic Support Fund'' may be made available notwithstanding any other provision of law for assistance for ethnic and religious minorities in Iraq and Syria.

(d) DESIGNATION OF NON-STATE ACTORS.—Section 7033(e) of the Department of State, Foreign Operations,

and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2022.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in title III of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) FORENSIC ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $19,000,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided*, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(2) Of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'', not less than $10,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(c) ATROCITIES PREVENTION.—Of the funds appropriated by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'', not less than $5,000,000 shall be made available for programs to prevent atrocities: *Provided*, That funds made available pursuant to this subsection are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(e) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading ''Assistance

for Europe, Eurasia and Central Asia'' shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''Assistance for Europe, Eurasia and Central Asia'' may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

(3) PRIVATE SECTOR PARTNERSHIPS.—Of the funds appropriated by this Act under the headings ''Development Assistance'' and ''Economic Support Fund'' that are made available for private sector partnerships, including partnerships with philanthropic foundations, up to $50,000,000 may remain available until September 30, 2024: *Provided*, That funds made available pursuant to this paragraph may only be made available following prior consulta-

tion with, and the regular notification procedures of, the Committees on Appropriations.

(4) ADDITIONAL AUTHORITIES.—Of the amounts made available by this Act under the heading ''Diplomatic Programs'', up to $500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with Indigenous communities, and under the heading ''Educational and Cultural Exchange Programs'', up to $1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(5) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards in accordance with the terms and conditions of section 7034(e)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided*, That each individual award may not exceed $100,000: *Provided further*, That no more than 15 such awards may be made during fiscal year 2022.

(6) DEVELOPMENT INNOVATION VENTURES.—Funds appropriated by this Act under the heading

"Development Assistance" and made available for the Development Innovation Ventures program may be made available for the purposes of chapter I of part I of the Foreign Assistance Act of 1961.

(7) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.) and notwithstanding the exceptions to such rulemaking process in such Act: *Provided*, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States: *Provided further*, That such consultation shall take place not later than 30 days prior to the publication in the Federal Register of any regulatory action modifying the Exchange Visitor Program.

(8) PAYMENTS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic Programs'', except for funds designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, are available to provide payments pursuant to section 901(i)(2) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)(2)): *Provided*, That funds made available pursuant to this paragraph shall be subject to prior consultation with the Committees on Appropriations.

(9) TRANSATLANTIC ENGAGEMENT.—Funds appropriated by this Act under the heading ''Diplomatic Programs'' are available for support of an institute for transatlantic engagement if legislation establishing such institute is enacted into law by September 30, 2022: *Provided*, That in the event that such legislation is not enacted into law by such date, the amounts described in this paragraph shall be available under the heading ''Diplomatic Programs'' for the purposes provided therein.

(f) PARTNER VETTING.—Prior to initiating a partner vetting program, providing a direct vetting option, or making a significant change to the scope of an existing partner vetting program, the Secretary of State and USAID Administrator, as appropriate, shall consult with the Committees on Appropriations: *Provided*, That the Secretary and the Administrator shall provide a direct vetting option for prime awardees in any partner vetting program initiated or significantly modified after the date of enactment of this Act, unless the Secretary of State or USAID Administrator, as applicable, informs the Committees on Appropriations on a case-by-case basis that a direct vetting option is not feasible for such program.

(g) CONTINGENCIES.—During fiscal year 2022, the President may use up to $145,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(h) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report

to the Committees on Appropriations within 15 days of withholding funds under this subsection.

(i) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading ''Protection of Foreign Missions and Officials'' unobligated balances of expired funds appropriated under the heading ''Diplomatic Programs'' for fiscal year 2022, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than $50,000,000 may be transferred.

(j) AUTHORITY.—Funds made available by this Act under the heading ''Economic Support Fund'' to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B, 620A, and 620M of the Foreign Assistance Act of 1961: *Provided*, That the use of the authority of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

(k) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The terms and conditions of section 7034(k)

of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) shall continue in effect during fiscal year 2022.

(l) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting ''September 30, 2022'' for ''September 30, 2010''.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2022.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting ''September 30, 2022'' for ''October 1, 2010'' in subparagraph (B).

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2022.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking ''and 2021'' and inserting ''2021, and 2022''; and

(ii) in subsection (e), by striking ''2021'' each place it appears and inserting ''2022''; and

(B) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking ''2021'' and inserting ''2022''.

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2022, and may be used to facilitate the assignment of persons for oversight of programs in Somalia, South Sudan, Syria, Venezuela, and Yemen.

(7) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Special Inspector General for Afghanistan Reconstruction (SIGAR) who completes at least 12 months of continuous service after enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

(8) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of

1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2022, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

(9) TRANSFER OF BALANCES.—Section 7081(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2022.

(10) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department of State may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) on a case-by-case basis for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(m) MONITORING AND EVALUATION.—

(1) BENEFICIARY FEEDBACK.—Funds appropriated by this Act that are made available for monitoring and evaluation of assistance under the head-

ings ''Development Assistance'', ''International Disaster Assistance'', and ''Migration and Refugee Assistance'' shall be made available for the regular and systematic collection of feedback obtained directly from beneficiaries to enhance the quality and relevance of such assistance: *Provided*, That not later than 180 days after enactment of this Act, the Department of State and USAID shall post on their respective websites updated procedures for implementing partners that receive funds under such headings for regularly and systematically collecting and responding to such feedback, including guidelines for the reporting on actions taken in response to the feedback received: *Provided further*, That the Secretary of State and USAID Administrator shall regularly conduct oversight to ensure that such feedback is regularly collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance.

(2) EX-POST EVALUATIONS.—Of the funds appropriated by this Act under titles III and IV, not less than $10,000,000 shall be made available for ex-post evaluations of the effectiveness and sustainability of United States Government-funded assistance programs.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, tuberculosis, and emerging infectious diseases to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(o) LOANS, CONSULTATION, AND NOTIFICATION.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings ''Economic Support Fund'' and ''Assistance for Europe, Eurasia and Central Asia''

by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Egypt, Jordan, Tunisia, and Ukraine, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

(p) LOCAL WORKS.—

(1) FUNDING.—Of the funds appropriated by this Act under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $80,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law

113–235), which may remain available until September 30, 2026.

(2) ELIGIBLE ENTITIES.—For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), ''eligible entities'' shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of $5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

(q) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2022.

(r) SECTION 889.—For the purposes of obligations and expenditures made with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, the waiver authority in section 889(d)(2) of the John S. McCain National Defense Authorization Act for Fiscal

Year 2019 (Public Law 115–232) may also be available to the Secretary of State, following consultation with the Director of National Intelligence: *Provided*, That not later than 60 days after enactment of the Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the use of the authority of this subsection since enactment of the Act, which shall include the scope and duration of any waiver granted, the entity covered by such waiver, and a detailed description of the national security interest served: *Provided further*, That such report shall be updated every 60 days until September 30, 2023.

(s) IMPACT ON JOBS.—Section 7056 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260) shall continue in effect during fiscal year 2022.

(t) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term ''funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs'' means funds that remain available for obligation, and have not expired.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act ''international financial institutions'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the International Fund for Agricultural Development, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SPEND PLAN.—In this Act, the term ''spend plan'' means a plan for the uses of funds appropriated for a particular entity, country, program,

purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) how such funds will complement other ongoing or planned programs; and

(D) implementing partners, to the maximum extent practicable.

(5) SUCCESSOR OPERATING UNIT.—Any reference to a particular USAID operating unit or office in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include any successor operating unit or office performing the same or similar functions.

(6) USAID.—In this Act, the term ''USAID'' means the United States Agency for International Development.

LAW ENFORCEMENT AND SECURITY

SEC. 7035. (a) ASSISTANCE.—

(1) COMMUNITY-BASED POLICE ASSISTANCE.—Funds made available under titles III and IV of this

Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(2) COUNTERTERRORISM PARTNERSHIPS FUND.—Funds appropriated by this Act under the heading ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' shall be made available for the Counterterrorism Partnerships Fund for programs in areas liberated from, under the influence of, or adversely affected by, the Islamic State of Iraq and Syria or other terrorist organizations: *Provided*, That such areas shall include the Kurdistan Region of Iraq: *Provided further*, That prior to the obligation of funds made available pursuant to this paragraph, the Secretary of State shall take all prac-

ticable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That funds made available pursuant to this paragraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(3) COMBAT CASUALTY CARE.—

(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings ''Peacekeeping Operations'' and ''Foreign Military Financing Program'' shall be made available for combat casualty training and equipment in an amount above the prior fiscal year.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings ''Peacekeeping Operations'' and ''Foreign Military Financing Program'': *Provided*, That the requirement of this subparagraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent prac-

ticable, functioning combat casualty care treatment and equipment that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further*, That any such training and equipment for combat casualty care shall be made available through an open and competitive process.

(4) TRAINING RELATED TO INTERNATIONAL HUMANITARIAN LAW.—The Secretary of State shall offer training related to the requirements of international humanitarian law as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings ''Peacekeeping Operations'' and ''Foreign Military Financing Program'': *Provided*, That the requirement of this paragraph shall not apply to a country that is a member of the North Atlantic Treaty Organization (NATO), is a major non-NATO ally designated by section 517(b) of the Foreign Assistance Act of 1961, or is complying with international humanitarian law: *Provided further*, That any such training shall be made available through an open and competitive process.

(5) INTERNATIONAL PRISON CONDITIONS.—Funds appropriated by this Act under the headings

''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' shall be made available for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities, notwithstanding section 660 of the Foreign Assistance Act of 1961: *Provided*, That the Secretary of State and the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of such funds prior to obligation and not later than 60 days after enactment of this Act: *Provided further*, That such funds shall be in addition to funds otherwise made available by this Act for such purpose.

(b) AUTHORITIES.—

(1) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(2) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department

of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2022.

(3) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking ''of this section'' and all that follows through the period at the end and inserting ''of this section after September 30, 2025.''.

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A) is amended by striking ''and 2023'' and inserting ''2023, 2024, and 2025''.

(4) COMMERCIAL LEASING OF DEFENSE ARTICLES.—Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing to Israel, Egypt, the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United

States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

(5) SPECIAL DEFENSE ACQUISITION FUND.—Not to exceed $900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act (22 U.S.C. 2795(c)(2)) for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2024: *Provided*, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

(6) DUTY TO INFORM AND PUBLIC DISCLOSURE.—Section 620M of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows—

(A) In subsection (b), by striking ''Committee on Foreign Relations'' through ''Appro-

priations'' and inserting in lieu thereof ''appropriate congressional committees''.

(B) In subsection (c), by striking everything after ''DUTY TO INFORM.—'' and inserting—

''(1) If assistance to a foreign security force is provided in a manner in which the recipient unit or units cannot be identified prior to the transfer of assistance, the Secretary of State shall regularly provide a list of units prohibited from receiving assistance pursuant to this section to the recipient government and the appropriate congressional committees and, effective December 31, 2022, such assistance shall only be made available subject to a written agreement that the recipient government will comply with such prohibition.

''(2) If the recipient government withholds assistance from a unit pursuant to this section, the Secretary shall inform the appropriate congressional committees and shall, to the maximum extent practicable, assist the foreign government in bringing the responsible members of the unit to justice.''.

(C) After subsection (d), by inserting the following new subsection:

''(e) DEFINITIONS.—

''(1) For the purposes of subsection (d)(7), the term 'to the maximum extent practicable' means that the identity of such units shall be made publicly available unless the Secretary of State, on a case-by-case basis, determines and reports to the appropriate congressional committees that public disclosure is not in the national security interest of the United States and provides a detailed justification for such determination, which may be submitted in classified form.

''(2) For the purposes of this section, 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.''.

(c) LIMITATIONS.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) LANDMINES AND CLUSTER MUNITIONS.—

(A) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of

State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(B) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(i) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(ii) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

(3) CROWD CONTROL.—If the Secretary of State has information that a unit of a foreign security force uses excessive force to repress peaceful expression or assembly concerning corruption, harm to the environment or human health, or the fairness of electoral processes, or in countries that are undemocratic or undergoing democratic transition, the Secretary shall promptly determine if such information is credible: *Provided*, That if the information is determined to be credible, funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for such unit.

(d) REPORTS.—

(1) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2021, by country and purpose of assistance, under the headings ''Peacekeeping Operations'', ''International Military Edu-

cation and Training'', and ''Foreign Military Financing Program''.

(2) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term ''military training provided to foreign military personnel by the Department of Defense and the Department of State'' shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally: *Provided*, That such third-country training shall be clearly identified in the report submitted pursuant to section 656 of such Act.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7036. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of

this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements

of subsection (a), consistent with the provisions of section 7040 of this Act (''Limitation on Assistance for the Palestinian Authority'').

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2022, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to

ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on—

(A) the benchmarks that have been established for security assistance for the West Bank and Gaza and on the extent of Palestinian compliance with such benchmarks; and

(B) the steps being taken by the Palestinian Authority to end torture and other cruel, inhuman, and degrading treatment of detainees, including by bringing to justice members of Palestinian security forces who commit such crimes.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act, up to $1,300,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2022 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no

more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961,

and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $125,000,000 shall be made available for assistance for Egypt, of which not less than $40,000,000 should be made available for higher education programs, including not less than $15,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education in Egypt that are currently accredited by a regional accrediting agency recognized by the United States Department of Education, or meets standards equivalent to those required for United States institutional accreditation by a regional accrediting agency recognized by such Department: *Provided*, That such funds shall be made available for democracy programs, and for development programs in the Sinai.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', $1,300,000,000, to remain available until September 30, 2023, should be made available for assistance for Egypt: *Provided*, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations, and the uses of any interest earned on such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That $235,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

(i) strengthen the rule of law, democratic institutions, and human rights in Egypt, including to protect religious minorities and the rights of women, which

are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(iv) investigate and prosecute cases of extrajudicial killings and forced disappearances; and

(v) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

*Provided further*, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and re-

ports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met: *Provided*, That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(C) In addition to the funds withheld pursuant to subparagraph (A), $85,000,000 of the funds made available pursuant to this paragraph shall be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Egypt is making clear and consistent progress in releasing political prisoners, providing detainees with due process of law, and preventing the intimidation and harassment of American citizens.

(4) PRE-OBLIGATION DETERMINATION.—Prior to the initial obligation of funds made available by this Act under the heading ''Foreign Military Financing Program'' for assistance for Egypt, the Sec-

retary of State shall submit a report to the appropriate congressional committees on known disputes involving injuries to American citizens caused by the Egyptian military, steps taken by the Government of Egypt to resolve, or facilitate the just resolution of, such disputes, and the remaining obstacles to such a resolution.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings ''Diplomatic Programs'', ''Economic Support Fund'', and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' shall be made available for the programs and activities described under this section in House Report 117–84.

(2) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135(d)(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17).

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with

the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on—

(i) the status of United States bilateral sanctions on Iran;

(ii) the reimposition and renewed enforcement of secondary sanctions; and

(iii) the impact such sanctions have had on Iran's destabilizing activities throughout the Middle East.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Iraq for—

(A) bilateral economic assistance and international security assistance, including in the Kurdistan Region of Iraq;

(B) stabilization assistance, including in Anbar Province;

(C) programs to support government transparency and accountability, judicial independence, protect the right of due process, and combat corruption;

(D) humanitarian assistance, including in the Kurdistan Region of Iraq; and

(E) programs to protect and assist religious and ethnic minority populations in Iraq, including as described under this section in House Report 117–84.

(2) BASING RIGHTS.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) ISRAEL.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not less than $3,300,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $785,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(e) JORDAN.—Of the funds appropriated by this Act under titles III and IV, not less than $1,650,000,000 shall be made available for assistance for Jordan, of which not less than $845,100,000 shall be made available for budget

support for the Government of Jordan and not less than $425,000,000 shall be made available under the heading ''Foreign Military Financing Program''.

(f) LEBANON.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Lebanon: *Provided*, That such funds made available under the heading ''Economic Support Fund'' may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(2) SECURITY ASSISTANCE.—

(A) Funds appropriated by this Act under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' that are made available for assistance for Lebanon may be made available for programs and equipment for the Lebanese Internal Security Forces (ISF) and the Lebanese Armed Forces (LAF) to address security and stability requirements in areas affected by conflict in Syria, following consultation with the appropriate congressional committees.

(B) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are made available for assistance for Lebanon may only be made available for programs to—

(i) professionalize the LAF to mitigate internal and external threats from non-state actors, including Hizballah;

(ii) strengthen border security and combat terrorism, including training and equipping the LAF to secure the borders of Lebanon and address security and stability requirements in areas affected by conflict in Syria, interdicting arms shipments, and preventing the use of Lebanon as a safe haven for terrorist groups; and

(iii) implement United Nations Security Council Resolution 1701:

*Provided*, That prior to obligating funds made available by this subparagraph for assistance for the LAF, the Secretary of State shall submit to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is used only for the intended purposes, except such plan

may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961: *Provided further*, That any notification submitted pursuant to such section shall include any funds specifically intended for lethal military equipment.

(3) LIMITATION.—None of the funds appropriated by this Act may be made available for the ISF or the LAF if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(g) LIBYA.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization assistance for Libya, including support for a United Nations-facilitated political process and border security: *Provided*, That the limitation on the uses of funds for certain infrastructure projects in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to such funds.

(h) MOROCCO.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Morocco.

(i) SAUDI ARABIA.—

(1) PROHIBITION.—None of the funds appropriated by this Act under the heading ''International Military Education and Training'' may be made available for assistance for the Government of Saudi Arabia.

(2) EXPORT-IMPORT BANK.—None of the funds appropriated or otherwise made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs should be obligated or expended by the Export-Import Bank of the United States to guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of nuclear technology, equipment, fuel, materials, or other nuclear technology-related goods or services to Saudi Arabia unless the Government of Saudi Arabia—

(A) has in effect a nuclear cooperation agreement pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(B) has committed to renounce uranium enrichment and reprocessing on its territory under that agreement; and

(C) has signed and implemented an Additional Protocol to its Comprehensive Safeguards

Agreement with the International Atomic Energy Agency.

(j) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Funds appropriated by this Act under titles III and IV may be made available, notwithstanding any other provision of law, for non-lethal stabilization assistance for Syria, including for emergency medical and rescue response and chemical weapons investigations.

(2) LIMITATIONS.—Funds made available pursuant to paragraph (1) of this subsection—

(A) may not be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria;

(B) may not be made available for activities that further the strategic objectives of the Government of the Russian Federation that the Secretary of State determines may threaten or undermine United States national security interests; and

(C) should not be used in areas of Syria controlled by a government led by Bashar al-Assad or associated forces.

(3) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(k) TUNISIA.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Tunisia for programs to improve economic growth and opportunity, support democratic governance and civil society, protect due process of law, and maintain regional stability and security, following consultation with the Committees on Appropriations.

(2) SPEND PLAN.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a spend plan consistent with the requirements in section 7062(b) of this Act.

(3) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall sub-

mit a report to the Committees on Appropriations on the extent to which—

(A) the Government of Tunisia is implementing economic reforms, countering corruption, and taking credible steps to restore constitutional order and democratic governance, including respecting freedoms of expression, association, and the press, and the rights of members of political parties;

(B) the Government of Tunisia is maintaining the independence of the judiciary and holding security forces who commit human rights abuses accountable; and

(C) the Tunisian military has remained an apolitical and professional institution.

(l) WEST BANK AND GAZA.—

(1) ASSISTANCE.—Funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available for programs in the West Bank and Gaza, which may include water, sanitation, and other infrastructure improvements.

(2) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Sec-

retary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(3) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading ''Economic Support Fund'' in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects

Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full member-

ship as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under this clause may be exercised.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply

beyond 12 months after the enactment of this Act.

(4) APPLICATION OF TAYLOR FORCE ACT.—Funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for the West Bank and Gaza shall be made available consistent with section 1004(a) of the Taylor Force Act (title X of division S of Public Law 115–141).

(5) SECURITY REPORT.—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(6) INCITEMENT REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

AFRICA

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act

under the heading ''International Military Education and Training'' for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

(b) CENTRAL AFRICAN REPUBLIC.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $3,000,000 shall be made available for a contribution to the Special Criminal Court in Central African Republic.

(c) COUNTER ILLICIT ARMED GROUPS.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA) or other illicit armed groups in Eastern Democratic Republic of the Congo and the Central African Republic, including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(d) DEMOCRATIC REPUBLIC OF THE CONGO.—Of the funds appropriated under titles III and IV of this Act, not less than $325,000,000 shall be made available for assistance for the Democratic Republic of the Congo (DRC) for stabilization, global health, and bilateral economic assistance, including in areas affected by, and at risk from, the Ebola virus disease: *Provided*, That such funds shall also be made available to support security, stabilization, development, and democracy in Eastern DRC: *Provided further*, That funds appropriated by this Act under the headings ''Peacekeeping Operations'' and ''International Military Education and Training'' that are made available for such purposes may be made available notwithstanding any other provision of law, except section 620M of the Foreign Assistance Act of 1961.

(e) ETHIOPIA.—

(1) ASSISTANCE.—Funds appropriated by this Act that are made available for assistance for Ethiopia should be used to support—

(A) a political dialogue to end the conflict;

(B) civil society and protect human rights;

(C) efforts to provide unimpeded access to humanitarian assistance; and

(D) investigations and prosecutions of gross violations of human rights.

(2) SPEND PLAN.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a spend plan consistent with the requirements in section 7062(b) of this Act.

(3) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the extent to which the Government of Ethiopia and other parties to the conflict—

(A) have ceased offensive military operations;

(B) have taken credible steps toward a political dialogue to end the conflict;

(C) are providing unimpeded access to humanitarian assistance;

(D) are taking effective steps to protect human rights and comply with international humanitarian law and international refugee law; and

(E) are cooperating with independent investigations of gross violations of human rights.

(f) MALAWI.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for higher education programs in Malawi

shall be made available for higher education and workforce development programs in agriculture as described under this section in House Report 117–84.

(g) MOZAMBIQUE.—Of the funds appropriated under titles III and IV of this Act, not less than $537,500,000 shall be made available for assistance for Mozambique, including for stabilization, global health, and bilateral economic assistance in areas affected by violent extremism.

(h) SOUTH SUDAN.—

(1) ASSISTANCE.—Funds appropriated under title III of this Act that are made available for assistance for South Sudan should be made available for democracy programs, including programs to support civil society, and for conflict mitigation and reconciliation programs, at levels above the prior fiscal year.

(2) LIMITATION ON ASSISTANCE FOR THE CENTRAL GOVERNMENT.—Funds appropriated by this Act that are made available for assistance for the central Government of South Sudan may only be made available, following consultation with the Committees on Appropriations, for—

(A) humanitarian assistance;

(B) health programs, including to prevent, detect, and respond to infectious diseases;

(C) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, and subsequent and mutual arrangements related to such agreement, or any other internationally recognized viable peace agreement in South Sudan:

*Provided*, That prior to the initial obligation of funds made available pursuant to subparagraphs (C) and (D), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds and steps taken by such government to advance or implement a peace agreement.

(i) SUDAN.—

(1) ASSISTANCE.—Funds appropriated by this Act under title III should be made available to support a civilian-led transition in Sudan: *Provided*, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, the Trafficking Victims Protection Act of 2000, and the Child Soldiers Prevention Act of 2008, such funds may be made available for agriculture and economic growth programs, and eco-

nomic assistance for marginalized areas in Sudan and Abyei: *Provided further*, That funds should be prioritized for civil society capacity building, political party and coalition building, women and youth empowerment, protection of human rights, and support for elections if the Secretary of State reports to the appropriate congressional committees that conditions exist for free and fair elections.

(2) LIMITATION.—None of the funds appropriated by this Act under title IV may be made available for assistance for the central Government of Sudan, except to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other viable peace agreement in Sudan.

(3) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for any new program, project, or activity in Sudan shall be subject to prior consultation with the appropriate congressional committees.

(j) ZIMBABWE.—

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1).

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

(1) USES OF FUNDS.—Of the funds appropriated by this Act, not less than $136,127,000 shall be made available for assistance for Burma, which—

(A) may be made available notwithstanding any other provision of law and following con-

sultation with the appropriate congressional committees;

(B) may be made available for support for the administrative operations and programs of the entities listed under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and other entities that support peaceful efforts to establish an inclusive and representative democracy in Burma and a federal union to foster equality among Burma's diverse ethnic groups, following consultation with the Committees on Appropriations;

(C) shall be made available for programs to promote ethnic and religious tolerance, unity, and accountability and to combat gender-based violence, including in Kachin, Chin, Mon, Karen, Karenni, Rakhine, and Shan states;

(D) shall be made available for community-based organizations with experience operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appro-

priated by this Act under the heading ''Migration and Refugee Assistance''; and

(E) shall be made available for programs and activities to investigate and document violations of human rights in Burma committed by the military junta.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for assistance for Burma.

(3) LIMITATIONS.—None of the funds appropriated by this Act that are made available for assistance for Burma may be made available to the State Administration Council or any organization or entity controlled by, or an affiliate of, the armed forces of Burma, or to any individual or organization that has committed a gross violation of human rights or advocates violence against ethnic or religious groups or individuals in Burma, as determined by the Secretary of State for programs administered by the Department of State and USAID or the President of the National Endowment for Democracy (NED) for programs administered by NED.

(4) CONSULTATION.—Any new program or activity in Burma initiated in fiscal year 2022 shall be subject to prior consultation with the appropriate congressional committees.

(b) CAMBODIA.—

(1) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $82,505,000 shall be made available for assistance for Cambodia.

(2) CERTIFICATION AND EXCEPTIONS.—

(A) CERTIFICATION.—None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea;

(ii) assert its sovereignty against interference by the People's Republic of China, including by verifiably maintaining the neutrality of Ream Naval Base, other

military installations in Cambodia, and dual use facilities such as the Dara Sakor development project;

(iii) cease violence, threats, and harassment against civil society and the political opposition in Cambodia, and dismiss any politically motivated criminal charges against critics of the government; and

(iv) respect the rights, freedoms, and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993.

(B) EXCEPTIONS.—The certification required by subparagraph (A) shall not apply to funds appropriated by this Act and made available for democracy, health, education, and environment programs, programs to strengthen the sovereignty of Cambodia, and programs to educate and inform the people of Cambodia of the influence activities of the People's Republic of China in Cambodia.

(3) USES OF FUNDS.—Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(A) research, documentation, and education programs associated with the Khmer Rouge in Cambodia; and

(B) programs in the Khmer language to monitor, map, and publicize the efforts by the People's Republic of China to expand its influence in Cambodia.

(c) INDO-PACIFIC STRATEGY AND THE ASIA REASSURANCE INITIATIVE ACT OF 2018.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than $1,605,105,000 shall be made available to support implementation of the Indo-Pacific Strategy and the Asia Reassurance Initiative Act of 2018 (Public Law 115–409).

(2) COUNTERING PRC INFLUENCE FUND.—Of the funds appropriated by this Act under the headings ''Development Assistance'',''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', and ''Foreign Military Financing Program'', not less than $300,000,000 shall be made available for a Countering PRC Influence Fund to counter the influence of the Government of the People's Republic of China

and the Chinese Communist Party and entities acting on their behalf globally, which shall be subject to prior consultation with the Committees on Appropriations: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes: *Provided further*, That up to 10 percent of such funds shall be held in reserve to respond to unanticipated opportunities to counter PRC influence: *Provided further*, That the uses of such funds shall be the joint responsibility of the Secretary of State and the USAID Administrator, in accordance with the guidance contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That prior to the initial obligation of such funds, the Secretary of State and USAID Administrator shall consult with the Committees on Appropriations: *Provided further*, That funds appropriated by this Act for such Fund under the headings ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', and ''Foreign Military Financing Program'' may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition

to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

(3) RESTRICTION ON USES OF FUNDS.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for any project or activity that directly supports or promotes—

(A) the Belt and Road Initiative or any dual-use infrastructure projects of the People's Republic of China; and

(B) the use of technology, including biotechnology, digital, telecommunications, and cyber, developed by the People's Republic of China unless the Secretary of State, in consultation with the USAID Administrator and the heads of other Federal agencies, as appropriate, determines that such use does not adversely impact the national security of the United States.

(4) MAPS.—None of the funds made available by this Act should be used to create, procure, or display any map that inaccurately depicts the territory

and social and economic system of Taiwan and the islands or island groups administered by Taiwan authorities.

(d) LAOS.—Of the funds appropriated by this Act under titles III and IV, not less than $85,000,000 shall be made available for assistance for Laos, of which not less than $1,500,000 should be made available for health and disability programs to assist persons with severe physical mobility, cognitive, or developmental disabilities that may be related to the use of Agent Orange and exposure to dioxin: *Provided*, That funds made available pursuant to this subsection may be used for assessments to determine the existence of dioxin contamination resulting from the use of Agent Orange in Laos and the feasibility and cost of remediation.

(e) NORTH KOREA.—

(1) CYBERSECURITY.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Gov-

ernment of North Korea: *Provided*, That the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9229) to the Committees on Appropriations: *Provided further*, That the Secretary of State may waive the application of the restriction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

(2) BROADCASTS.—Funds appropriated by this Act under the heading ''International Broadcasting Operations'' shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) HUMAN RIGHTS.—Funds appropriated by this Act under the headings ''Economic Support Fund'' and ''Democracy Fund'' shall be made available for the promotion of human rights in North Korea: *Provided*, That the authority of section 7032(b)(1) of this Act shall apply to such funds.

(4) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act under the heading ''Economic Support Fund'' may be made available for assistance for the Government of North Korea.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading ''Diplomatic Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with

the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) HONG KONG.—

(A) DEMOCRACY PROGRAMS.—Of the funds appropriated by this Act under the first paragraph under the heading ''Democracy Fund'', not less than $4,000,000 shall be made available for democracy and Internet freedom programs for Hong Kong, including legal and other support for democracy activists.

(B) RESTRICTIONS ON ASSISTANCE.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Hong Kong should be obligated for assistance for the Government of the People's Republic of China and the Chinese Communist Party or any entity acting on their behalf in Hong Kong.

(C) REPORT.—The report required under section 7043(f)(3)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of

Public Law 116–260) shall be updated and submitted to the Congress in the manner described.

(g) PHILIPPINES.—None of the funds appropriated by this Act may be made available for counternarcotics assistance for the Philippines, except for drug demand reduction, maritime law enforcement, or transnational interdiction: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall update the report required under this heading in Senate Report 116–126 and indicate how the findings in such report are reflected in United States assistance for the armed forces of the Philippines.

(h) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Ti-

betan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $10,000,000 shall be made available to nongovernmental organizations with experience working with Tibetan communities to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $8,000,000 shall be made available for programs to promote and preserve Tibetan culture and language in the refugee and diaspora Tibetan communities, development, and the resilience of Tibetan communities and the Central Tibetan Administration in India and Nepal, and to assist in the education and development of the next generation of Tibetan

leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $3,000,000 shall be made available for programs to strengthen the capacity of the Central Tibetan Administration: *Provided*, That such funds shall be administered by the United States Agency for International Development.

(3) TIBETAN INSTITUTES PROMOTING DEMOCRACY AND RELIGIOUS FREEDOM.—Funds appropriated by this Act that are made available for the Countering PRC Influence Fund shall be made available, on a competitive basis, as grants for operations and program expenses of one or more Tibetan institutes established by Tibetan nationals and located in Asia, a purpose of which is to support democracy and religious freedom in Tibet and the People's Republic of China: *Provided*, That such funds shall be the responsibility of the Assistant Secretary of State for Democracy, Human Rights, and Labor in coordination with the United States Special Coor-

dinator for Tibetan Issues, and shall be in addition to funds otherwise made available for such purposes.

(i) VIETNAM.—Of the funds appropriated under titles III and IV of this Act, not less than $181,000,000 shall be made available for assistance for Vietnam, of which not less than—

(1) $15,000,000 shall be made available for health and disability programs to assist persons with severe physical mobility, cognitive, or developmental disabilities that may be related to the use of Agent Orange and exposure to dioxin;

(2) $20,000,000 shall be made available, notwithstanding any other provision of law, for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes;

(3) $2,000,000 shall be made available for a Reconciliation/Vietnamese Wartime Accounting Initiative; and

(4) $15,000,000 shall be made available for higher education programs.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs and made available for assistance for Afghanistan may be made available for direct assistance to the Taliban.

(2) AFGHAN SPECIAL IMMIGRANT VISAS.—Funds appropriated or otherwise made available by this Act under the heading ''Administration for Foreign Affairs'' shall be made available for additional Department of State personnel necessary to eliminate processing backlogs and expedite adjudication of Afghan Special Immigrant Visa cases.

(3) REPORT.—Not later than 45 days after enactment of the Act, the Secretary of State and the USAID Administrator shall submit a report to the appropriate congressional committees detailing plans, consistent with the limitation contained in paragraph (1), to—

(A) protect and strengthen the rights of Afghan women and girls;

(B) support higher education programs, including continued support for the American University of Afghanistan's (AUAF) online programs and support for other higher education

institutions in South Asia and the Middle East that are hosting AUAF and other Afghan students;

(C) support Afghan civil society activists, journalists, and independent media, including in third countries; and

(D) support health, education, including community-based education, and other programs to address the basic needs of the people of Afghanistan.

(b) BANGLADESH.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Bangladesh—

(1) not less than $23,500,000 shall be made available to address the needs of communities impacted by refugees from Burma;

(2) not less than $10,000,000 shall be made available for programs to protect freedom of expression and association, and the right of due process; and

(3) not less than $23,300,000 shall be made available for democracy programs, of which not less than $2,000,000 shall be made available for such programs for the Rohingya community in Bangladesh.

(c) NEPAL.—Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are made available for assistance for Nepal shall only be made available for humanitarian and disaster relief and reconstruction activities, and in support of international peacekeeping operations, military professionalization and training, and border security activities: *Provided*, That such funds may only be made available for additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war by the Nepal Army, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

(d) PAKISTAN.—

(1) ASSISTANCE.—

(A) SECURITY ASSISTANCE.—Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) BILATERAL ECONOMIC ASSISTANCE.—Prior to the obligation of funds made available by this Act under the heading ''Economic Sup-

port Fund'' for assistance for the central Government of Pakistan, the Secretary of State shall submit a report to the appropriate congressional committees detailing—

(i) the amount of financing and other support, if any, provided by the Government of Pakistan to schools supported by, affiliated with, or run by the Taliban or any domestic or foreign terrorist organization in Pakistan;

(ii) the extent of cooperation by such government in issuing visas in a timely manner for United States visitors, including officials and representatives of non-governmental organizations, engaged in assistance and security programs in Pakistan;

(iii) the extent to which such government is providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by conflict in Pakistan and the region; and

(iv) the extent to which such government is strengthening democracy in Paki-

stan, including protecting freedom of expression, assembly, and religion.

(2) AUTHORITY AND USES OF FUNDS.—

(A) Funds appropriated by this Act for assistance for Pakistan may be made available notwithstanding any other provision of law, except for section 620M of the Foreign Assistance Act of 1961.

(B) Funds appropriated by this Act under the headings ''Economic Support Fund'' and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' that are made available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices and for agriculture extension programs that encourage alternative fertilizer use among Pakistani farmers to decrease the dual use of fertilizer in the manufacturing of improvised explosive devices.

(C) Funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' shall be made available for border security programs in Pakistan, fol-

lowing consultation with the Committees on Appropriations.

(D) Funds appropriated by title III of this Act shall be made available for programs to promote democracy and for gender programs in Pakistan.

(3) WITHHOLDING.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Pakistan, $33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

(4) OVERSIGHT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Pakistan: *Provided*, That the Secretary shall inform the Committees on Appropriations of such steps in a timely manner.

(e) SRI LANKA.—

(1) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for as-

sistance for Sri Lanka for democracy and economic development programs, particularly in areas recovering from ethnic and religious conflict.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective and consistent steps to—

(A) protect the rights and freedoms of the people of Sri Lanka regardless of ethnicity and religious belief, including by investigating violations of human rights and the laws of war and holding perpetrators of such violations accountable;

(B) increase transparency and accountability in governance and reduce corruption;

(C) assert its sovereignty against influence by the People's Republic of China; and

(D) promote reconciliation between ethnic and religious groups, particularly arising from past conflict in Sri Lanka, including by—

(i) addressing land confiscation and ownership issues;

(ii) resolving cases of missing persons, including by maintaining a functioning office of missing persons;

(iii) reducing the presence of the armed forces in former conflict zones and restructuring the armed forces for a peacetime role that contributes to post-conflict reconciliation and regional security;

(iv) repealing or amending laws on arrest and detention by security forces to comply with international standards; and

(v) investigating allegations of arbitrary arrest and torture, and supporting a credible justice mechanism for resolving cases of war crimes:

*Provided*, That the limitations of this paragraph shall not apply to funds made available for humanitarian assistance and disaster relief; to protect human rights, locate and identify missing persons, and assist victims of torture and trauma; to promote justice, accountability, and reconciliation; to enhance maritime security and domain awareness; to promote fiscal transparency and sovereignty; and for International Military Education and Training.

(3) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the Sri Lankan armed forces, except for humanitarian assistance, disaster relief, instruction in human rights and related curricula development, and maritime security and domain awareness, including professionalization and training for the navy and coast guard.

(4) CONSULTATION.—Funds made available for assistance for Sri Lanka other than for the purposes specified in paragraph (1) shall be subject to prior consultation with the Committees on Appropriations.

(f) REGIONAL PROGRAMS.—Funds appropriated by this Act shall be made available for assistance for countries in South and Central Asia to significantly increase the recruitment, training, and retention of women in the judiciary, police, and other security forces, and to train judicial and security personnel in such countries to prevent and address gender-based violence, human trafficking, and other practices that disproportionately harm women and girls.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) ASSISTANCE.—Funds appropriated by this Act under titles III and IV shall be made available

for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, including through the Central America Regional Security Initiative: *Provided*, That such assistance shall be prioritized for programs that address the violence, poverty, corruption, and other factors that contribute to irregular migration, particularly of unaccompanied minors, to the United States, including for programs to reduce violence against women and girls, protect the rights of Indigenous people, support civil society and other independent institutions, enhance economic opportunity, combat corruption and impunity, and dismantle illegal armed groups and drug trafficking organizations.

(A) Of the funds made available pursuant to paragraph (1)—

(i) Not less than $61,500,000 shall be made available to support entities and activities to combat corruption and impunity in such countries, including, as appropriate, offices of Attorneys General; and

(ii) Not less than $70,000,000 shall be made available for programs to reduce violence against women and girls: *Provided*, That of such funds, up to

$15,000,000 shall be made available to support bilateral compacts with the governments of such countries for the specific purpose of strengthening their capacity to protect women and children from domestic violence, sexual assault, trafficking, and child abuse or neglect, including by holding perpetrators accountable.

(B) Within the funds made available pursuant to paragraph (1) and made available for assistance for El Salvador, Guatemala, and Honduras, not less than $100,000,000 should be made available for programs that support locally-led development in such countries: *Provided*, That up to 15 percent of the funds made available to carry out this subparagraph may be used by the Administrator of the United States Agency for International Development for administrative and oversight expenses related to the purposes of this subparagraph: *Provided further*, That the USAID Administrator shall consult with the Committees on Appropriations on the planned uses of funds to carry out this subparagraph prior to the initial obligation of funds: *Provided further*, That such funds shall

be subject to the regular notification procedures of the Committees on Appropriations.

(C) Funds made available pursuant to paragraph (1) shall be made available for a program in El Salvador, Guatemala, and Honduras which shall be referred to as the Central America Youth Empowerment Program (CAYEP) and shall be implemented in accordance with the guidelines under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That the goal of the CAYEP shall be to create measurable reductions in migration from targeted communities in such countries by recruiting young people to engage in COVID–19 response, hurricane preparedness and recovery, and other community projects, while having secondary impacts by channeling additional income into local economies and providing needed skills training for future employment in local businesses: *Provided further*, That funds made available to support the CAYEP should be matched with contributions from private donors and local governments: *Provided further*, That the spend plan required by section

7062(b)(1)(A) of this Act for countries in Central America shall include specific amounts planned for the CAYEP: *Provided further*, That not later than 90 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the requirements of this subparagraph.

(D) Of the funds made available pursuant to paragraph (1), not more than the amount specified in section 7045(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260) may be obligated until the Secretary of State or the USAID Administrator, as appropriate, submits to the Committees on Appropriations the spend plan required by section 7062(b)(1)(A) of this Act: *Provided*, That not less than 15 days prior to the submission of such plan the Secretary or USAID Administrator, as appropriate, shall consult with the Committees on Appropriations concerning such plan.

(2) LIMITATION ON ASSISTANCE TO CERTAIN CENTRAL GOVERNMENTS.—

(A) Of the funds made available pursuant to paragraph (1) under the heading ''Economic Support Fund'' and under title IV of this Act that are made available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, 60 percent may only be obligated after the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(i) combating corruption and impunity, including investigating and prosecuting government officials, military personnel, and police officers credibly alleged to be corrupt;

(ii) implementing reforms, policies, and programs to strengthen the rule of law, including increasing the transparency of public institutions, strengthening the independence of judicial and electoral institutions, and improving the transparency of political campaign and political party financing;

(iii) protecting the rights of human rights defenders, trade unionists, journalists, civil society groups, opposition polit-

ical parties, and the independence of the media;

(iv) providing effective and accountable law enforcement and security for its citizens, curtailing the role of the military in public security, and upholding due process of law;

(v) implementing policies to reduce poverty and promote economic growth and opportunity, including the implementation of reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

(vi) improving border security and combating human smuggling and trafficking and countering the activities of criminal gangs, drug traffickers, and transnational criminal organizations;

(vii) informing its citizens of the dangers of the journey to the southwest border of the United States; and

(viii) implementing policies that improve the environment for foreign investment, including executing tax reform in a transparent manner, ensuring effective

legal mechanisms for reimbursements of tax refunds owed to United States businesses, and resolving disputes involving the confiscation of real property of United States entities.

(B) REPROGRAMMING.—If the Secretary is unable to make the certification required by subparagraph (A) for one or more of the central governments, such assistance shall be reprogrammed for assistance for civil society organizations in such country, or for other countries in Latin America and the Caribbean, notwithstanding the funding provisions in this subsection and the limitations in section 7019 of this Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

(C) EXCEPTIONS.—The limitation of subparagraph (A) shall not apply to funds appropriated by this Act that are made available for—

(i) judicial entities and activities related to combating corruption and impunity;

(ii) programs to combat gender-based violence;

(iii) programs to promote and protect human rights, including those of Indigenous communities and Afro-descendants;

(iv) humanitarian assistance; and

(v) food security programs.

(D) FOREIGN MILITARY FINANCING PROGRAM.—None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for El Salvador, Guatemala, or Honduras.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than $471,375,000 should be made available for assistance for Colombia: *Provided*, That such funds shall be made available for the programs and activities described under this section in House Report 117–84: *Provided further*, That of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' and made available for assistance pursuant to this paragraph, not less than $40,000,000 shall be made available to enhance

rural security in coca producing municipalities and other municipalities with high levels of illicit activities: *Provided further*, That funds made available pursuant to the preceding proviso shall be prioritized in such municipalities that are also targeted for assistance programs that provide viable economic alternatives and improve access to public services.

(2) WITHHOLDING OF FUNDS.—

(A) COUNTERNARCOTICS.—Of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' that are made available for assistance for Colombia, 20 percent may be obligated only if the Secretary of State certifies and reports to the Committees on Appropriations that—

(i) the Government of Colombia is implementing an effective whole-of-government strategy to substantially and sustainably reduce coca cultivation and cocaine production levels in Colombia, including by prioritizing funding to enhance rural security in coca producing municipalities;

(ii) such strategy is in accordance with the 2016 peace accord between the Government of Colombia and the Revolutionary Armed Forces of Colombia; and

(iii) the Government of Colombia is taking effective steps to dismantle drug trafficking networks and to assist farmers in eradicating and sustainably replacing coca.

(B) HUMAN RIGHTS.—(i) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' and made available for assistance for Colombia, 20 percent may be obligated only if the Secretary of State certifies and reports to the Committees on Appropriations that—

(I) the Special Jurisdiction for Peace and other judicial authorities, as appropriate, are sentencing perpetrators of gross violations of human rights, including those with command responsibility, to deprivation of liberty;

(II) the Government of Colombia is making consistent progress in re-

ducing threats and attacks against human rights defenders and other civil society activists, and judicial authorities are prosecuting and punishing those responsible for ordering and carrying out such attacks;

(III) the Government of Colombia is making consistent progress in protecting Afro-Colombian and Indigenous communities and is respecting their rights and territories; and

(IV) military officers credibly alleged, or whose units are credibly alleged, to be responsible for ordering, committing, and covering up cases of false positives and other extrajudicial killings, or of committing other gross violations of human rights, or of conducting illegal communications intercepts or other illicit surveillance, are being held accountable, including removal from active duty if found guilty through criminal, administrative, or disciplinary proceedings.

(ii) Of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' and made available for assistance for the Colombian National Police, five percent may be obligated only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia is bringing to justice the police personnel who ordered, directed, and used excessive force and engaged in other illegal acts against protesters in 2020 and 2021.

(3) EXCEPTIONS.—The limitations of paragraph (2) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(4) AUTHORITY.—Aircraft supported by funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs and made available for assistance for Colombia may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of al-

ternative development programs and investigations by civilian judicial authorities.

(5) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(c) HAITI.—

(1) CERTIFICATION.—Funds appropriated by this Act that are made available for assistance for Haiti may only be made available for the central Government of Haiti if the Secretary of State certifies and reports to the appropriate congressional committees that a new President and Parliament have taken office after free and fair elections, or the country is being led by a transitional governing authority that is broadly representative of Haitian society, and it is in the national interest of the United States to provide such assistance.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), funds may be made available to support—

(A) free and fair elections;

(B) anti-gang police and administration of justice programs, including to reduce pre-trial detention and eliminate inhumane prison conditions;

(C) public health, food security, water and sanitation, education, and other programs to meet basic human needs; and

(D) disaster relief and recovery.

(3) NOTIFICATION.—Funds appropriated by this Act that are made available for assistance for Haiti shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(4) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act may be used for assistance for the armed forces of Haiti.

(5) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) NICARAGUA.—Of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $15,000,000 shall be made available for democracy programs for Nicaragua, including to support civil society.

(e) THE CARIBBEAN.—Of the funds appropriated by this Act under titles III and IV, not less than $80,000,000 shall be made available for the Caribbean Basin Security Initiative.

(f) VENEZUELA.—(1) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $40,000,000 shall be made available for democracy programs for Venezuela.

(2) Funds appropriated under title III of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be made available for assistance for communities in countries supporting or otherwise impacted by refugees from Venezuela, including Colombia, Peru, Ecuador, Curacao, and Trinidad and Tobago: *Provided*, That such amounts are in addition to funds otherwise made available for assistance for such countries, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

EUROPE AND EURASIA

SEC. 7046. (a) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than $132,025,000 shall be made available for assistance for Georgia.

(b) TERRITORIAL INTEGRITY.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7047(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act

of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961;

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the United States International Development Finance Corporation as authorized by the BUILD Act of 2018 (division F of Public Law 115–254);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79–173); or

(6) humanitarian assistance.

(d) TURKEY.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under Chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD who are named in the July 17, 2017, indictment by the Superior Court of the District of Columbia,

and against whom there are pending charges, have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided*, That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection of United States officials and facilities in Turkey.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7047. (a) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this

paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall in-

struct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, grant, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) DURATION.—The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of Russian-backed separatists.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian Federation occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State website a list of

any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available to support the Russian Federation occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, grant, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) COUNTERING RUSSIAN INFLUENCE FUND.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under the headings ''Assistance for Europe, Eurasia and Central Asia'', ''International Narcotics Control and Law Enforcement'', ''International Mili-

tary Education and Training'', and ''Foreign Military Financing Program'', not less than $295,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543) and notwithstanding the country limitation in subsection (b) of such section, and programs to enhance the capacity of law enforcement and security forces in countries in Europe, Eurasia, and Central Asia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate.

(2) ECONOMICS AND TRADE.—Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation and other countries in

Europe, Eurasia, and Central Asia, including to promote Internet freedom: *Provided*, That of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', not less than $20,000,000 shall be made available to strengthen democracy and civil society in Central Europe, including for transparency, independent media, rule of law, minority rights, and programs to combat anti-Semitism.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 180 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether each organization, department, or agency receiving a contribution from funds appropriated by this Act under the headings ''Contributions to International Organizations'' and ''International Organizations and Programs''—

(1) is posting on a publicly available website, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits;

(2) has submitted a report to the Department of State, which shall be posted on the Department's

website in a timely manner, demonstrating that such organization is effectively implementing and enforcing policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to binding independent adjudicative bodies, including shared cost and selection of external arbitration; and

(E) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment; and

(3) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first-class and business-class travel.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United

States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on

Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2022, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United

Nations Relief and Works Agency (UNRWA), the Secretary of State shall report to the Committees on Appropriations, in writing, on whether UNRWA is—

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2022 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(g) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—The Secretary of State shall withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents: *Provided*, That the Secretary shall

promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

(h) ADDITIONAL AVAILABILITY.—Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated by this Act which are returned or not made available due to the second proviso under the heading ''Contributions for International Peacekeeping Activities'' in title I of this Act or section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall remain available for obligation until September 30, 2023: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

WAR CRIMES TRIBUNALS

SEC. 7049. (a) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to sec-

tion 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) None of the funds appropriated by this Act may be made available for a United States contribution to the International Criminal Court: *Provided*, That funds may be made available for technical assistance, training, assistance for victims, protection of witnesses, and law enforcement support related to international investigations, apprehensions, prosecutions, and adjudications of genocide, crimes against humanity, and war crimes: *Provided further*, That the previous proviso shall not apply to investigations, apprehensions, or prosecutions of American service members and other United States citizens or nationals, or nationals of the North Atlantic Treaty Organi-

zation (NATO) or major non-NATO allies initially designated pursuant to section 517(b) of the Foreign Assistance Act of 1961.

GLOBAL INTERNET FREEDOM

SEC. 7050. (a) FUNDING.—Of the funds available for obligation during fiscal year 2022 under the headings ''International Broadcasting Operations'', ''Economic Support Fund'', ''Democracy Fund'', and ''Assistance for Europe, Eurasia and Central Asia'', not less than $77,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—

(1) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Funds appropriated by this Act under the headings ''Economic Support Fund'', ''Democracy Fund'', and ''Assistance for Europe, Eurasia and

Central Asia'' that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace, the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113), and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other

users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the United States Agency for Global Media Chief Executive Officer (USAGM CEO) and the President of the Open Technology Fund (OTF), shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only with the concurrence of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of

State, that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Funds appropriated by this Act under the heading ''International Broadcasting Operations'' that are made available pursuant to subsection (a) shall be—

(A) made available only for open-source tools and techniques to securely develop and distribute USAGM digital content, facilitate audience access to such content on websites that are censored, coordinate the distribution of USAGM digital content to targeted regional audiences, and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated by the USAGM CEO, in consultation with the OTF President, with programs funded by this Act under the heading ''International Broadcasting Operations'', and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the USAGM CEO, in consultation with the OTF President, to solicit project proposals through an open, transparent, and competitive process, seek input from technical and subject matter experts to select proposals, and support Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF and in a manner consistent with the United States Government Internet freedom strategy; and

(D) made available for the research and development of new tools or techniques authorized in subparagraph (A) only after the USAGM CEO, in consultation with the Secretary of State, the OTF President, and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and

establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the USAGM CEO, in consultation with the OTF President, shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and United States Agency for International Development offices and bureaus.

(d) SECURITY AUDITS.—Funds made available pursuant to this section to promote Internet freedom globally may only be made available to support open-source technologies that undergo comprehensive security audits consistent with the requirements of the Bureau of Democracy, Human Rights, and Labor, Department of State to ensure that such technology is secure and has not been compromised in a manner detrimental to the interest of the

United States or to individuals and organizations benefiting from programs supported by such funds: *Provided*, That the security auditing procedures used by such Bureau shall be reviewed and updated periodically to reflect current industry security standards.

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

SEC. 7051. (a) PROHIBITION.—None of the funds made available by this Act may be used to support or justify the use of torture and other cruel, inhuman, or degrading treatment or punishment by any official or contract employee of the United States Government.

(b) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture and other cruel, inhuman, or degrading treatment or punishment by foreign police, military, or other security forces in countries receiving assistance from funds appropriated by this Act.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior

Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic Programs'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'', and ''Andean Counterdrug Programs'' may be used for any other program and in any region.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel

supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of

Public Law 111–117) shall apply to this Act: *Provided*, That the date ''September 30, 2009'' in subsection (f)(2)(B) of such section shall be deemed to be ''September 30, 2021''.

INTERNATIONAL MONETARY FUND

SEC. 7054. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private or multilateral creditors.

EXTRADITION

SEC. 7055. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''Development Assistance'', ''International Disaster Assistance'', ''Complex Crises Fund'', ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central gov-

ernment of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States.

ASSISTANCE FOR INNOCENT VICTIMS OF CONFLICT

SEC. 7056. Not later than 90 days after enactment of this Act, the Administrator of the United States Agency for International Development shall establish a fund, which shall be referred to as the ''Marla Ruzicka Fund for Innocent Victims of Conflict'' (the ''Marla Fund''), to provide assistance to civilians harmed as a result of military operations in Iraq, Afghanistan, Syria, and Yemen:

*Provided*, That of the funds appropriated under title III of this Act, not less than $10,000,000 shall be made available for the Marla Fund: *Provided further*, That the USAID Administrator shall consult with the Committees on Appropriations not later than 60 days after enactment of this Act regarding the establishment and implementation of the Marla Fund.

UNITED NATIONS POPULATION FUND

SEC. 7057. (a) CONTRIBUTION.—Of the funds made available under the heading ''International Organizations and Programs'' in this Act for fiscal year 2022, $32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health Programs'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obliga-

tion for the remainder of the fiscal year in which the report is submitted.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) PANDEMICS AND OTHER INFECTIOUS DISEASE OUTBREAKS.—

(1) GLOBAL HEALTH SECURITY.—Funds appropriated by this Act under the heading ''Global Health Programs'' shall be made available for global health security programs to accelerate the capacity of countries to prevent, detect, and respond to infec-

tious disease outbreaks by strengthening public health capacity where there is a high risk of emerging zoonotic infectious diseases, including as described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That not later than 60 days after enactment of this Act, the USAID Administrator and the Secretary of State, as appropriate, shall consult with the Committees on Appropriations on the planned uses of such funds.

(2) INTERNATIONAL FINANCING MECHANISM.—Funds appropriated by this Act under the heading ''Global Health Programs'' may be made available for a contribution to an international financing mechanism for pandemic preparedness.

(3) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, not to exceed an aggregate total of $200,000,000 of the funds appropriated by this Act under the headings ''Global Health Programs'', ''Development Assistance'',

''International Disaster Assistance'', ''Complex Crises Fund'', ''Economic Support Fund'', ''Democracy Fund'', ''Assistance for Europe, Eurasia and Central Asia'', ''Migration and Refugee Assistance'', and ''Millennium Challenge Corporation'' may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

(4) EMERGENCY RESERVE FUND.—Up to $100,000,000 of the funds made available under the heading ''Global Health Programs'' may be made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That such funds shall be made available under the same terms and conditions of such section.

(5) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) LIMITATION.—Notwithstanding any other provision of law, none of the funds made available by this Act may be made available to the Wuhan Institute of Virology located in the City of Wuhan in the People's Republic of China.

GENDER EQUALITY AND WOMEN'S EMPOWERMENT

SEC. 7059. (a) IN GENERAL.—

(1) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the economic participation and opportunities for political leadership, and protecting the rights of women and girls worldwide.

(2) WOMEN'S ECONOMIC EMPOWERMENT.—Funds appropriated by this Act are available to implement the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428): *Provided*, That the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, shall consult with the Committees on Appropriations on the implementation of such Act.

(3) GENDER EQUITY AND EQUALITY ACTION FUND.—Of the funds appropriated under title III of

this Act, up to $200,000,000 may be made available for the Gender Equity and Equality Action Fund.

(b) WOMEN'S LEADERSHIP.—Of the funds appropriated under title III of this Act, not less than $50,000,000 shall be made available for programs specifically designed to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1) Of the funds appropriated under titles III and IV of this Act, not less than $175,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(2) Funds appropriated under titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gen-

der-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(d) WOMEN, PEACE, AND SECURITY.—Of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''Assistance for Europe, Eurasia and Central Asia'', and ''International Narcotics Control and Law Enforcement'', not less than $135,000,000 should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated under title III of this Act, not less than $950,000,000 shall be made available for the Nita M. Lowey Basic Education Fund, and such funds may be made available notwithstanding any other provi-

sion of law that restricts assistance to foreign countries: *Provided*, That such funds shall also be used for secondary education activities: *Provided further*, That of the funds made available by this paragraph, $150,000,000 should be available for the education of girls in areas of conflict: *Provided further*, That section 7(a) of Public Law 115–56 shall be implemented by substituting ''the thirtieth day of June following'' for ''180 days after''.

(B) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than $150,000,000 shall be made available for contributions to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $250,000,000 shall be made available for assistance for higher education: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of such amount, not less than $35,000,000 shall be made available for new and on-

going partnerships between higher education institutions in the United States and developing countries focused on building the capacity of higher education institutions and systems in developing countries: *Provided further*, That not later than 45 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $18,500,000 shall be made available for USAID cooperative development programs and not less than $31,500,000 shall be made available for the American Schools and Hospitals Abroad program.

(c) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than $1,010,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global Food Security Act of 2016 (Public Law 114–195): *Provided*, That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by section 3310 of the Agriculture Improvement Act of 2018 (Public Law 115–334).

(d) MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES.—Of the funds appropriated by this Act, not less than $265,000,000 shall be made available to support the development of, and access to financing for, micro, small, and medium-sized enterprises that benefit the poor, especially women.

(e) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''Assistance for Europe, Eurasia and Central Asia'', and ''International Narcotics Control and Law Enforcement'', not less than $106,400,000 shall be made available for activities to combat trafficking in persons internationally, including for the Program to End Modern Slavery, of which not less than $77,000,000 shall be from funds made available under the heading ''International Narcotics Control and Law Enforcement'': *Provided*, That funds made available by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for Europe, Eurasia and Central Asia'' that are made available for activities to combat trafficking in persons should be obligated and programmed consistent with the country-specific recommendations included in the annual Trafficking in Persons Report, and shall be coordi-

nated with the Office to Monitor and Combat Trafficking in Persons, Department of State.

(f) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $25,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, racial, religious, and political backgrounds from areas of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further*, That such funds shall be administered by the Center for Conflict and Violence Prevention, USAID.

(g) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $475,000,000 shall be made available for water supply and sanitation projects pursuant to section 136 of the Foreign Assistance Act of 1961, of which not less than $237,000,000 shall be for programs in sub-Saharan Africa, and of which not less than $17,000,000 shall be made available to support ini-

tiatives by local communities in developing countries to build and maintain safe latrines.

(h) DEVIATION.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may deviate below the minimum funding requirements designated in sections 7059, 7060, and 7061 of this Act by up to 10 percent, notwithstanding such designation: *Provided*, That concurrent with the submission of the report required by section 653(a) of the Foreign Assistance Act of 1961, the Secretary of State shall submit to the Committees on Appropriations in writing any proposed deviations utilizing such authority that are planned at the time of submission of such report: *Provided further*, That any deviations proposed subsequent to the submission of such report shall be subject to prior consultation with such Committees: *Provided further*, That not later than November 1, 2023, the Secretary of State shall submit a report to the Committees on Appropriations on the use of the authority of this subsection.

ENVIRONMENT PROGRAMS

SEC. 7061. (a) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law,

except for the provisions of this section and only subject to the reporting procedures of the Committees on Appropriations, to support environment programs.

(b)(1) Of the funds appropriated under title III of this Act, not less than $385,000,000 shall be made available for biodiversity conservation programs.

(2) Not less than $125,000,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

(3) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.

(4) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging, agriculture, livestock production, mining, or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each

international financial institution (IFI) to use the voice and vote of the United States to oppose any financing of any such activity.

(c) The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to use the voice and vote of the United States, in relation to any loan, grant, strategy, or policy of such institution, regarding the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(d) Of the funds appropriated under title III of this Act, not less than $185,000,000 shall be made available for sustainable landscapes programs.

(e) Of the funds appropriated under title III of this Act, not less than $270,000,000 shall be made available for adaptation programs, including in support of the implementation of the Indo-Pacific Strategy.

(f) Of the funds appropriated under title III of this Act, not less than $260,000,000 shall be made available for clean energy programs, including in support of carrying out the purposes of the Electrify Africa Act (Public Law 114–121) and implementing the Power Africa initiative.

(g) Funds appropriated by this Act under title III may be made available for United States contributions to the Adaptation Fund and the Least Developed Countries Fund.

(h) Of the funds appropriated under title III of this Act, not less than $50,000,000 shall be made available for the purposes enumerated under section 7060(c)(7) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260): *Provided*, That such funds may only be made available following consultation with the Committees on Appropriations.

(i) Of the funds appropriated under title III of this Act, not less than $20,000,000 shall be made available to support civil society advocacy organizations in developing countries that are working to prevent toxic pollutants and other harm to the environment, and to support such organizations that are working to prevent the poaching and trafficking of endangered species, as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

BUDGET DOCUMENTS

SEC. 7062. (a) OPERATING PLANS.—Not later than 45 days after enactment of this Act, each department,

agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2022, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

(b) SPEND PLANS.—

(1) Not later than 90 days after enactment of this Act, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act for—

(A) assistance for countries in Central America;

(B) assistance made available pursuant to section 7047(d) of this Act to counter Russian influence, except that such plan shall be on a country-by-country basis;

(C) assistance made available pursuant to section 7059 of this Act;

(D) the Indo-Pacific Strategy and the Countering PRC Influence Fund;

(E) democracy programs, the Power Africa and Prosper Africa initiatives, and sectors enumerated in subsections (a), (c), (d), (e), (f), and (g) of section 7060 of this Act;

(F) funds provided under the heading ''International Narcotics Control and Law Enforcement'' for International Organized Crime and for Cybercrime and Intellectual Property Rights: *Provided*, That the spend plans shall in-

clude bilateral and global programs funded under such heading along with a brief description of the activities planned for each country;

(G) implementation of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94); and

(H) the Caribbean Basin Security Initiative; the Central America Regional Security Initiative; the Trans-Saharan Counterterrorism Partnership; the Partnership for Regional East Africa Counterterrorism; the Global Peace Operations Initiative; the Africa Regional Counterterrorism program; and the Counterterrorism Partnerships Fund.

(2) Not later than 90 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading ''Department of the Treasury, International Affairs Technical Assistance'' in title III.

(c) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(d) CONGRESSIONAL BUDGET JUSTIFICATION.—The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President's budget for fiscal year 2023: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

REORGANIZATION

SEC. 7063. (a) PRIOR CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may not be used to implement a reorganization, redesign, or other plan described in subsection (b) by the Department of State, the United States Agency for International Development, or any other Federal department, agency, or organization funded by this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees: *Provided*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any such notification submitted to such Committees shall include a detailed justification for any proposed action: *Provided further*, That congressional

notifications submitted in prior fiscal years pursuant to similar provisions of law in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be deemed to meet the notification requirements of this section.

(b) DESCRIPTION OF ACTIVITIES.—Pursuant to subsection (a), a reorganization, redesign, or other plan shall include any action to—

(1) expand, eliminate, consolidate, or downsize covered departments, agencies, or organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(2) expand, eliminate, consolidate, or downsize the United States official presence overseas, including at bilateral, regional, and multilateral diplomatic facilities and other platforms; or

(3) expand or reduce the size of the permanent Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the staffing levels previously justified to the Committees on Appropriations for fiscal year 2022.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7064. (a) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund that are made available for new service centers, shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) CERTIFICATION.—

(1) COMPLIANCE.—Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and grants management policies, procedures, and regulations, as applicable.

(2) CONSIDERATIONS.—When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

(A) account for the obligated funds at the country and program level, as appropriate;

(B) identify risks and develop mitigation and monitoring plans;

(C) establish performance measures and indicators;

(D) review activities and performance; and

(E) assess final results and reconcile finances.

(3) PLAN.—If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(c) INTERNSHIPS.—The Department of State may offer compensated internships, and select, appoint, employ for not more than 52 weeks, and remove any such compensated intern without regard to the provisions of law governing appointments in the competitive service.

(d) INFORMATION TECHNOLOGY PLATFORM.—None of the funds appropriated in title I of this Act under the heading ''Administration of Foreign Affairs'' may be made available for a new major information technology (IT) investment without the concurrence of the Chief Information Officer, Department of State.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

SEC. 7065. (a) AUTHORITY.—Up to $170,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

(b) RESTRICTION.—The authority to hire individuals contained in subsection (a) shall expire on September 30, 2023.

(c) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(d) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(e) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(f) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services con-

tractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made available only for personal services contractors assigned to the Bureau for Humanitarian Assistance.

(g) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(h) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts

making appropriations for the Department of State, foreign operations, and related programs.

STABILIZATION AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT

SEC. 7066. (a) PREVENTION AND STABILIZATION FUND.—

(1) FUNDS AND TRANSFER AUTHORITY.—Of the funds appropriated by this Act under the headings ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', and ''Foreign Military Financing Program'', not less than $125,000,000 shall be made available for the purposes of the Prevention and Stabilization Fund, as authorized by, and for the purposes enumerated in, section 509(a) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94), of which $25,000,000 may be made available for the Multi-Donor Global Fragility Fund authorized by section 510(c) of such Act: *Provided*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other trans-

fer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

(2) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are made available for the Prevention and Stabilization Fund, not less than $10,000,000 shall be made available for programs to promote accountability for genocide, crimes against humanity, and war crimes, which shall be in addition to any other funds made available by this Act for such purposes: *Provided*, That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions, and may include the establishment of, and assistance for, transitional justice mechanisms: *Provided further*, That such funds shall be administered by the Special Coordinator for the Office of Global Criminal Justice, Department of State, and shall be subject to prior consultation with the Committees on Appropriations: *Provided further*, That funds made avail-

able by this paragraph shall be made available on an open and competitive basis.

(b) GLOBAL COMMUNITY ENGAGEMENT AND RESILIENCE FUND.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Economic Support Fund'' may be made available to the Global Community Engagement and Resilience Fund (GCERF), including as a contribution: *Provided*, That any such funds made available for the GCERF shall be made available on a cost-matching basis from sources other than the United States Government, to the maximum extent practicable, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) GLOBAL CONCESSIONAL FINANCING FACILITY.—Funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available for the Global Concessional Financing Facility of the World Bank to provide financing to support refugees and host communities: *Provided*, That such funds should be in addition to funds allocated for bilateral assistance in the report required by section 653(a) of the Foreign Assistance Act of 1961, and may only be made available subject to prior to consultation with the Committees on Appropriations:

*Provided further*, That such funds may be transferred to the Department of the Treasury.

DEBT-FOR-DEVELOPMENT

SEC. 7067. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

ENTERPRISE FUNDS

SEC. 7068. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate

congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

EXTENSION OF CONSULAR FEES AND RELATED AUTHORITIES

SEC. 7069. (a) Section 1(b)(1) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied through fiscal year 2022 by substituting ''the costs of providing consular services'' for ''such costs''.

(b) Section 21009 of the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136; 134 Stat. 592) shall be applied during fiscal year 2022 by substituting ''2020, 2021, and 2022'' for ''2020 and 2021''.

(c) Discretionary amounts made available to the Department of State under the heading ''Administration of Foreign Affairs'' of this Act, and discretionary unobligated balances under such heading from prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to

the Consular and Border Security Programs account if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to sustain consular operations, following consultation with such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law: *Provided further*, That no amounts may be transferred from amounts designated as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) In addition to the uses permitted pursuant to section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2022, the Secretary of State may also use fees deposited into the Fraud Prevention and Detection Account for the costs of providing consular services.

(e) Beginning on October 1, 2021 and for each fiscal year thereafter, fees collected pursuant to subsection (a) of section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214(a)) shall, notwithstanding such subsection, be deposited in the Consular and Border Security Programs account as discretionary offsetting receipts: *Provided*, That amounts deposited in fiscal year 2022 shall remain available until expended for the purposes of such account:

*Provided further*, That the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service.

(f) Amounts provided pursuant to subsections (a), (b), and (d) are designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

ORGANIZATION OF AMERICAN STATES

SEC. 7070. (a) The Secretary of State shall instruct the United States Permanent Representative to the Organization of American States (OAS) to use the voice and vote of the United States to: (1) implement budgetary reforms and efficiencies within the Organization; (2) eliminate arrears, increase other donor contributions, and impose penalties for successive late payment of assessments; (3) prevent programmatic and organizational redundancies and consolidate duplicative activities and functions; (4) prioritize areas in which the OAS has expertise, such as strengthening democracy, monitoring electoral processes, and protecting human rights; and (5) implement reforms within the Office of the Inspector General

(OIG) to ensure the OIG has the necessary integrity, professionalism, independence, policies, and procedures to properly carry out its responsibilities in a manner that meets or exceeds best practices in the United States.

(b) Prior to the obligation of funds appropriated by this Act and made available for an assessed contribution to the Organization of American States, but not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on actions taken or planned to be taken pursuant to paragraph (a).

PROTECTIVE SERVICES

SEC. 7071. Of the funds appropriated under the heading ''Diplomatic Programs'' by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, except for funds designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, up to $30,000,000 may be made available to provide protective services to former or retired senior Department of State officials or employees that the Secretary of State, in consultation with the Director of National Intelligence, determines and reports to congressional leadership and the appropriate congressional committees, face a serious and

credible threat from a foreign power or the agent of a foreign power arising from duties performed by such official or employee while employed by the Department: *Provided*, That such determination shall include a justification for the provision of protective services by the Department, including the identification of the specific nature of the threat and the anticipated duration of such services provided, which may be submitted in classified form, if necessary: *Provided further*, That such protective services shall be consistent with other such services performed by the Bureau of Diplomatic Security under 22 U.S.C. 2709 for Department officials, and shall be made available for an initial period of not more than 180 days, which may be extended for additional consecutive periods of 60 days upon a subsequent determination by the Secretary that the specific threat persists: *Provided further*, That not later than 45 days after enactment of this Act and quarterly thereafter, the Secretary shall submit a report to congressional leadership and the appropriate congressional committees detailing the number of individuals receiving protective services and the amount of funds expended for such services on a case-by-case basis, which may be submitted in classified form, if necessary: *Provided further*, That for purposes of this section a former or retired senior Department of State official or employee means a person

that served in the Department at the Assistant Secretary, Special Representative, or Senior Advisor level, or in a comparable or more senior position, and has separated from service at the Department: *Provided further*, That funds made available pursuant to this section are in addition to amounts otherwise made available for such purposes.

RESCISSIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 7072. (a) ECONOMIC SUPPORT FUND.—Of the unobligated and unexpended balances from amounts made available under the heading ''Economic Support Fund'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs and allocated by the Executive Branch for Afghanistan in the annual reports required by section 653(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(a)), $855,644,000, shall be deobligated, as appropriate, and shall be rescinded.

(b) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances from amounts made available under the heading ''Millennium Challenge Corporation'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $515,000,000 are rescinded.

(c) INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.—Of the unobligated and unexpended balances from amounts made available under the heading ''International Narcotics Control and Law Enforcement'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs and allocated by the Executive Branch for Afghanistan in the annual reports required by section 653(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(a)), $105,000,000, shall be deobligated, as appropriate, and shall be rescinded.

(d) PEACE CORPS.—Of the unobligated balances from amounts made available under the heading ''Peace Corps'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $70,000,000 are rescinded.

(e) EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.—

(1) Of the unobligated and unexpended balances from amounts made available under the heading ''Embassy Security, Construction, and Maintenance'' in title II of the Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254), $41,000,000 are rescinded.

(2) Of the unobligated and unexpended balances from amounts available under the heading ''Embassy Security, Construction, and Maintenance'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs for Embassy Kabul construction projects, $629,000,000 are rescinded.

(f) GLOBAL SECURITY CONTINGENCY FUND.—Of the unobligated balances from amounts made available under the heading ''Global Security Contingency Fund'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs and identified by Treasury Appropriation Fund Symbol 11 X 1041, $28,135,000 are rescinded.

(g) RESTRICTION.—No amounts may be rescinded from amounts that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022''.

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

## TITLE I

## DEPARTMENT OF TRANSPORTATION

### OFFICE OF THE SECRETARY

#### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $141,500,000, of which not to exceed $3,515,000 shall be available for the immediate Office of the Secretary; not to exceed $1,254,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $25,352,000 shall be available for the Office of the General Counsel; not to exceed $13,069,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $18,291,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $3,341,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $34,899,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $3,645,000 shall be available for the Office of Public Affairs and Public Engagement; not to exceed $2,116,000 shall be available for the Office of the Executive Secre-

tariat; not to exceed $14,821,000 shall be available for the Office of Intelligence, Security, and Emergency Response; not to exceed $19,747,000 shall be available for the Office of the Chief Information Officer; and not to exceed $1,450,000 shall be available for the Office of Tribal Government Affairs: *Provided*, That the Secretary of Transportation (referred to in this title as the ''Secretary'') is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $70,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $51,363,000, of which $42,718,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

NATIONAL INFRASTRUCTURE INVESTMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out a local and regional project assistance grant program under section 6702 of title 49, United States Code, $775,000,000, to remain available until expended: *Provided*, That section 6702 (f)(2) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further*, That of amounts made available under this heading in this Act, not less than $20,000,000 shall be awarded to projects in historically disadvantaged com-

munities or areas of persistent poverty as defined under section 6702(a)(1) of title 49, United States Code: *Provided further*, That section 6702(g) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further*, That of the amounts made available under this heading in this Act not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects: *Provided further*, That grants awarded under this heading in this Act for eligible projects for planning, preparation, or design shall not be subject to a minimum grant size: *Provided further*, That in distributing amounts made available under this heading in this Act, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, including Tribal areas, and the investment in a variety of transportation modes: *Provided further*, That a grant award under this heading in this Act shall be not greater than $45,000,000: *Provided further*, That section 6702(c)(3) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further*, That not more than 15 percent of the amounts made available under this heading in this Act may be awarded to projects in a single state: *Provided further*, That for amounts made

available under this heading in this Act, the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That section 6702(f)(1) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further*, That of the amounts awarded under this heading in this Act, not more than 50 percent shall be allocated for eligible projects located in rural areas and not more than 50 percent shall be allocated for eligible projects located in urbanized areas: *Provided further*, That for the purpose of determining if an award for planning, preparation, or design under this heading in this Act is an urban award, the project location is the location of the project being planned, prepared, or designed: *Provided further*, That the Secretary may retain up to 2 percent of the amounts made available under this heading in this Act, and may transfer portions of such amounts to the Administrators of the Federal Aviation Administration, the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the program authorized under section 6702 of title 49, United States Code: *Provided further*, That for amounts made available under this

heading in this Act, the Secretary shall consider and award projects based solely on the selection criteria as identified under section 6702(d)(3) and (d)(4) of title 49, United States Code.

THRIVING COMMUNITIES INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a thriving communities program, $25,000,000, to remain available until September 30, 2024: *Provided*, That the Secretary of Transportation shall make such amounts available for technical assistance and cooperative agreements to develop and implement technical assistance, planning, and capacity building to improve and foster thriving communities through transportation improvements: *Provided further*, That the Secretary may enter into cooperative agreements with philanthropic entities, non-profit organizations, other Federal agencies, state or local governments and their agencies, Indian Tribes, or other technical assistance providers, to provide such technical assistance, planning, and capacity building to state, local, or Tribal governments, United States territories, metropolitan planning organizations, transit agencies, or other political subdivisions of state or local governments: *Provided further*, That to be eligible for a cooperative agreement under this heading, a recipient shall provide assistance to entities described in the pre-

ceding proviso on engaging in public planning processes with residents, local businesses, non-profit organizations, and to the extent practicable, philanthropic organizations, educational institutions, or other community stakeholders: *Provided further*, That such cooperative agreements shall facilitate the planning and development of transportation and community revitalization activities supported by the Department of Transportation under titles 23, 46, and 49, United States Code, that increase mobility, reduce pollution from transportation sources, expand affordable transportation options, facilitate efficient land use, preserve or expand jobs, improve housing conditions, enhance connections to health care, education, and food security, or improve health outcomes: *Provided further*, That the Secretary may prioritize assistance provided with amounts made available under this heading to communities that have disproportionate rates of pollution and poor air quality, communities experiencing disproportionate effects (as defined by Executive Order No. 12898), areas of persistent poverty as defined in section 6702(a)(1) of title 49, United States Code, or historically disadvantaged communities: *Provided further*, That the preceding proviso shall not prevent the Secretary from providing assistance with amounts made available under this heading to entities described in the second proviso under this heading

that request assistance through the thriving communities program: *Provided further*, That planning and technical assistance made available under this heading may include pre-application assistance for capital projects eligible under titles 23, 46, and 49, United States Code: *Provided further*, That the Secretary may retain amounts made available under this heading for the necessary administrative expenses of (1) developing and disseminating best practices, modeling, and cost-benefit analysis methodologies to assist entities described in the second proviso under this heading with applications for financial assistance programs under titles 23, 46, and 49, United States Code, and (2) award, administration, and oversight of cooperative agreements to carry out the provisions under this heading: *Provided further*, That such amounts and payments as may be necessary to carry out the thriving communities program may be transferred to appropriate accounts of other operating administrations within the Department of Transportation.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, $3,800,000, to remain available until expended: *Provided*, That the Secretary may collect

and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to other amounts made available for such purposes and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary is authorized to issue direct loans and loan guarantees pursuant to chapter 224 of title 49, United States Code, and such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $5,000,000, to remain available through September 30, 2023.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to network and information technology infrastructure, improvement of identity management and authentication capabilities, securing and protecting data, implementation of Federal cyber security initiatives, and implementation of enhanced security controls on agency computers and mobile devices, $39,400,000, to remain available until September 30, 2023.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $11,564,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, $29,863,000, to remain available until expended: *Provided*, That of such amount, $2,000,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not

related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department in accordance with the preceding proviso: *Provided further*, That of the amounts made available under this heading, $7,066,000 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $419,173,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the limitation in the preceding proviso on operating expenses shall not apply to entities external

to the Department of Transportation or for funds provided in Public Law 117–58: *Provided further*, That no funds made available by this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $4,977,000, to remain available until September 30, 2023: *Provided*, That notwithstanding section 332 of title 49, United States Code, such amounts may be used for business opportunities related to any mode of transportation: *Provided further*, That appropriations made available under this heading shall be available for any purpose consistent with prior year appropriations that were made available under the heading ''Office of the Secretary—Minority Business Resource Center Program''.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under sections 41731 through 41742 of title 49, United States Code, $350,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under section 41732(b)(3) of title 49, United States Code: *Provided further*, That amounts authorized to be distributed for the essential air service program under section 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code: *Provided further*, That, notwithstanding section 41733 of title 49, United States Code, for fiscal year 2022, the requirements established under subparagraphs (B) and (C) of section 41731(a)(1)

of title 49, United States Code, and the subsidy cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, shall not apply to maintain eligibility under section 41731 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available by this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the operating administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for congressional notification.

SEC. 102. The Secretary shall post on the web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is authorized to provide partial or

full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of SAFETEA–LU (5 U.S.C. 7905 note): *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve shall not exceed 1 month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund shall be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

SEC. 104. Receipts collected in the Department's Working Capital Fund, as authorized by section 327 of title 49, United States Code, for unused transit and van pool benefits, in an amount not to exceed 10 percent of fiscal year 2022 collections, shall be available until expended in the Department's Working Capital Fund to provide contractual services in support of section 189 of this Act: *Provided*, That obligations in fiscal year 2022 of such collections shall not exceed $1,000,000.

SEC. 105. Funds made available in division K of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) under the heading ''Department of Transportation—Office of the Secretary—National Infrastructure Investments'' for transit and highway projects that were available for obligation through fiscal year 2017 shall remain available through fiscal year 2023 for the liquidation of valid obligations incurred during fiscal years 2015 through 2017 of active grants awarded with such funds.

SEC. 106. None of the funds in this title may be obligated or expended for retention or senior executive bonuses for an employee of the Department of Transportation without the prior written approval of the Assistant Secretary for Administration.

SEC. 107. In addition to authority provided by section 327 of title 49, United States Code, the Department's Administrative Working Capital Fund is hereby authorized to transfer information technology equipment, software, and systems from Departmental sources or other entities and collect and maintain a reserve at rates which will return full cost of transferred assets.

SEC. 108. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any

application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 109. For an additional amount for ''Railroad Rehabilitation and Improvement Financing Program'' for the cost of modifications, as defined by section 502 of the Federal Credit Reform Act of 1990, of direct loans issued pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, and included in cohort 3, as defined by the Department of Transportation's memorandum to the Office of Management and Budget dated November 5, 2018, $10,000,000, to remain available until expended: *Provided*, That for a direct loan included in cohort 3, as defined in the memorandum described in the

preceding proviso, that has satisfied all obligations attached to such loan, the Secretary shall repay the credit risk premiums of such loan, with interest accrued thereon, not later than 60 days after the enactment of this Act or, for a direct loan included in cohort 3 with obligations that have not yet been satisfied, not later than 60 days after the date on which all obligations attached to such loan have been satisfied.

SEC. 109A. Section 312(a) of title 49 United States Code, shall be amended by striking ''land-based,'' after ''operation of a''.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, $11,414,100,000, to remain available until September 30, 2023, of which $6,414,100,000 to be derived from the Airport and Airway

Trust Fund: *Provided*, That of the amounts made available under this heading—

(1) not less than $1,536,298,000 shall be available for aviation safety activities;

(2) $8,472,585,000 shall be available for air traffic organization activities;

(3) $32,470,000 shall be available for commercial space transportation activities;

(4) $889,216,000 shall be available for finance and management activities;

(5) $63,955,000 shall be available for NextGen and operations planning activities;

(6) $139,466,000 shall be available for security and hazardous materials safety; and

(7) $280,110,000 shall be available for staff offices:

*Provided further*, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation under this heading by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance

with the procedures set forth in that section: *Provided further*, That not later than 60 days after the submission of the budget request, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of the Vision 100-Century of Aviation Reauthorization Act (49 U.S.C. 40101 note): *Provided further*, That the amounts made available under this heading shall be reduced by $100,000 for each day after 60 days after the submission of the budget request that such report has not been transmitted to Congress: *Provided further*, That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amounts made available under this heading shall be reduced by $100,000 for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the

development of aviation safety standards: *Provided further*, That none of the funds made available by this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds made available by this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the amounts made available under this heading, not less than $178,000,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further*, That none of the

funds made available by this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds made available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust

Fund, $2,892,887,500, of which $550,000,000 is for personnel and related expenses and shall remain available until September 30, 2023, $1,980,722,500 shall remain available until September 30, 2024, and $362,165,000 is for terminal facilities and shall remain available until September 30, 2026: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That not later than 60 days after submission of the budget request, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2023 through 2027, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That section 405 of this Act shall apply to amounts made available under this heading in Title VIII of the Infrastructure Investments and Jobs Appropriations Act (division J of Public Law 117–58): *Provided further*, That the amounts in the table entitled ''Allocation of Funds for FAA Facilities and Equipment from the Infrastructure Investment and Jobs Act—Fiscal

Year 2022'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall be the baseline for application of reprogramming and transfer authorities for the current fiscal year pursuant to paragraph (7) of such section 405 for amounts referred to in the preceding proviso: *Provided further*, That, notwithstanding paragraphs (5) and (6) of such section 405, unless prior approval is received from the House and Senate Committees on Appropriations, not to exceed 10 percent of any funding level specified for projects and activities in the table referred to in the preceding proviso may be transferred to any other funding level specified for projects and activities in such table and no transfer of such funding levels may increase or decrease any funding level in such table by more than 10 percent.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $248,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2024: *Provided*, That there may be credited to this appro-

priation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That amounts made available under this heading shall be used in accordance with the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That not to exceed 10 percent of any funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be transferred to any other funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That no transfer may increase or decrease any funding level by more than 10 percent: *Provided further*, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,350,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the amounts made available under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000, in fiscal year 2022, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the amounts made available

under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) of such section for subgrants or paragraph (3) of such section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of amounts limited under this heading, not more than $127,165,000 shall be available for administration, not less than $15,000,000 shall be available for the Airport Cooperative Research Program, not less than $40,961,000 shall be available for Airport Technology Research, and $10,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, United States Code, such program may include the participation of an airport that

serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for ''Grants-In-Aid for Airports'', to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, $554,180,000, to remain available through September 30, 2024: *Provided*, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading, $279,180,135 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That any funds made available under this heading in this Act that remain available after the distribution of

funds under the preceding proviso shall be available to the Secretary to distribute as discretionary grants to airports: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the amounts made available under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds made available by this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2022.

SEC. 111. None of the funds made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Pro-*

*vided*, That the prohibition on the use of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy section 41742(a)(1) of title 49, United States Code, from fees credited under section 45303 of title 49, United States Code, and any amount remaining in such account at the close of any fiscal year may be made available to satisfy section 41742(a)(1) of title 49, United States Code, for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes as such appropriation.

SEC. 114. None of the funds made available by this Act shall be available for paying premium pay under section 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee

actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds made available by this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number, Mode S transponder code, flight identification, call sign, or similar identifying information from any ground based display to the public that would allow the real-time or near real-time flight tracking of that aircraft's movements, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 117. None of the funds made available by this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

SEC. 118. None of the funds made available by this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order No. 13642.

SEC. 119. None of the funds made available by this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119A. None of the funds made available by or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119B. None of the funds made available by this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants so long as the Federal Aviation Administration has received an application from the airport,

and so long as the Administrator determines such tower is eligible using the factors set forth in Federal Aviation Administration published establishment criteria.

SEC. 119C. None of the funds made available by this Act may be used to open, close, redesignate as a lesser office, or reorganize a regional office, the aeronautical center, or the technical center unless the Administrator submits a request for the reprogramming of funds under section 405 of this Act.

SEC. 119D. The Federal Aviation Administration Administrative Services Franchise Fund may be reimbursed after performance or paid in advance from funds available to the Federal Aviation Administration and other Federal agencies for which the Fund performs services.

SEC. 119E. Of the funds provided under the heading ''Grants-in-aid for Airports'', up to $3,500,000 shall be for necessary expenses, including an independent verification regime, to provide reimbursement to airport sponsors that do not provide gateway operations and providers of general aviation ground support services, or other aviation tenants, located at those airports closed during a temporary flight restriction (TFR) for any residence of the President that is designated or identified to be secured by the United States Secret Service, and for direct and incremental financial losses incurred while such airports

are closed solely due to the actions of the Federal Government: *Provided*, That no funds shall be obligated or distributed to airport sponsors that do not provide gateway operations and providers of general aviation ground support services until an independent audit is completed: *Provided further*, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursements: *Provided further*, That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.

SEC. 119F. None of the funds appropriated or otherwise made available to the FAA may be used to carry out the FAA's obligations under section 44502(e) of title 49, United States Code, unless the eligible air traffic system or equipment to be transferred to the FAA under section 44502(e) of title 49, United States Code, was purchased by the transferor airport—

(1) during the period of time beginning on October 5, 2018 and ending on December 31, 2021; or

(2) on or after January 1, 2022 for transferor airports located in a non-contiguous states.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $463,716,697 together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration: *Provided*, That in addition, $3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of authorized Federal-aid highway and highway safety construction programs shall not exceed total obligations of $57,473,430,072 for fiscal year 2022.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out authorized Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, $58,212,430,072 derived from the Highway

Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

There is hereby appropriated to the Secretary $2,444,927,823: *Provided*, That the funds made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2022 in this or any other Act for: (1) ''Federal-aid Highways'' under chapter 1 of title 23, United States Code; (2) the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240; or (3) the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That, except for funds made available under this heading for the Northern Border Regional Commission, section 11101(e) of Public Law 117–58 shall apply to funds made available under this heading: *Provided further*, That unless otherwise specified, amounts made available under this heading shall be available until September 30, 2025, and shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act making annual appro-

priations: *Provided further*, That of the funds made available under this heading—

(1) $846,927,823 shall be made available for the purposes, and in the amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(2) $100,000,000 shall be for necessary expenses for construction of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240;

(3) $75,000,000 shall be for the nationally significant Federal lands and Tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note);

(4) $12,000,000 shall be for the regional infrastructure accelerator demonstration program authorized under section 1441 of the FAST Act (23 U.S.C. 601 note);

(5) $1,145,000,000 shall be for a bridge replacement and rehabilitation program;

(6) $6,000,000 shall be for the national scenic byways program under section 162 of title 23, United States Code;

(7) $10,000,000 shall be transferred to the Northern Border Regional Commission (40 U.S.C. 15101 et seq.) to make grants, in addition to amounts otherwise made available to the Northern Border Regional Commission for such purpose, to carry out pilot projects that demonstrate the capabilities of wood-based infrastructure projects; and

(8) $200,000,000 shall be for competitive awards for activities eligible under section 176(d)(4)(A) of title 23, United States Code, and $50,000,000 shall be for competitive awards for activities eligible under section 176(d)(4)(C) of title 23, United States Code:

*Provided further*, That, except as otherwise provided under this heading, the funds made available under this heading, in paragraphs (1), (5), (6), and (8) of the fourth proviso, shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That funds made available under this heading, in paragraph (1) of the fourth proviso, that are used for Tribal projects shall be administered as if allocated under chapter 2 of title 23, United States Code, except that the set-asides de-

scribed in subparagraph (C) of section 202(b)(3) of title 23, United States Code, and subsections (a)(6), (c), and (e) of section 202 of such title, and section 1123(h)(1) of MAP–21 (as amended by Public Law 117–58), shall not apply to such funds: *Provided further*, That not less than 50 percent of the funds made available under this heading, in paragraph (3) of the fourth proviso, for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act shall be for competitive grants to tribal governments: *Provided further*, That for funds made available under this heading, in paragraph (4) of the fourth proviso, the Federal share of the costs shall be, at the option of the recipient, up to 100 percent: *Provided further*, That, for the purposes of funds made available under this heading, in paragraph (5) of the fourth proviso, for a bridge replacement and rehabilitation program, (1) the term ''State'' means any of the 50 States or the District of Columbia, and (2) the term ''qualifying State'' means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent or in which the percentage of total bridges classified as in poor condition in such State is at least 5 percent: *Provided further*, That, of the funds made available under this heading, in paragraph (5) of the fourth proviso, for a bridge replace-

ment and rehabilitation program, the Secretary shall reserve $6,000,000 for each State that does not meet the definition of a qualifying State: *Provided further*, That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining funds made available under this heading, in paragraph (5) of the fourth proviso, for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further*, That, of the funds made available under this heading, in paragraph (5) of the fourth proviso, for the bridge replacement and rehabilitation program:

(1) no qualifying State shall receive more than $40,000,000;

(2) each State shall receive an amount not less than $6,000,000; and

(3) after calculating the distribution of funds pursuant to the preceding proviso, any amount in excess of $40,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State:

*Provided further*, That the funds made available under this heading, in paragraph (5) of the fourth proviso, for a bridge replacement and rehabilitation program shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further*, That for purposes of this heading for the bridge replacement and rehabilitation program, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor condition) and the percentages of total bridge counts (including the percentages of total bridges classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018: *Provided further*, That for the purposes of funds made available under this heading, in paragraph (2) of the fourth proviso, for construction of the Appalachian Development Highway System, the term ''Appalachian State'' means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region as defined in section 14102(a) of title 40, United States Code: *Provided further*, That funds made available under this heading for construction of the Appalachian Development Highway System shall remain available until expended: *Provided further*, That, except as provided in the following proviso, funds made available under this heading for construction

of the Appalachian Development Highway System shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That a project carried out with funds made available under this heading for construction of the Appalachian Development Highway System shall be carried out in the same manner as a project under section 14501 of title 40, United States Code: *Provided further*, That subject to the following proviso, funds made available under this heading for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2012 Appalachian Development Highway System Cost-to-Complete Estimate, adopted in Appalachian Regional Commission Resolution Number 736, and confirmed as each Appalachian State's relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an Appalachian Development Highway System corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook: *Provided further*, That the Secretary shall adjust apportionments made

under the preceding proviso so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: *Provided further*, That the Secretary shall consult with the Appalachian Regional Commission in making adjustments under the preceding two provisos: *Provided further*, That the Federal share of the costs for which an expenditure is made for construction of the Appalachian Development Highway System under this heading shall be up to 100 percent: *Provided further*, That a grant made with funds made available under this heading, in paragraph (7) of the fourth proviso, shall be administered in the same manner as a grant made under subtitle V of title 40, United States Code: *Provided further*, That, except as otherwise provided under this heading, funds made available under this heading, in paragraph (8) of the fourth proviso, for competitive awards for activities eligible under sections 176(d)(4)(A) and 176(d)(4)(C) of title 23, United States Code, shall be administered as if made available to carry out section 176(d) of such title: *Provided further*, That, for purposes of the calculation under section 176(d)(5)(G)(ii) of title 23, United States Code, amounts made available under this heading for competitive awards for activities eligible under sections 176(d)(4)(A) and

176(d)(4)(C) of such title shall be included in the calculation of the total amount provided for fiscal year 2022 under section 176(d) of such title: *Provided further*, That for purposes of applying the set-asides under section 176(d)(5)(H)(ii) and (iii) of title 23, United States Code, amounts made available under this heading for competitive awards for activities eligible under sections 176(d)(4)(A) and 176(d)(4)(C) of such title shall be included in the calculation of the amounts made available to carry out section 176(d) of such title for fiscal year 2022: *Provided further*, That, the Secretary may retain not more than a total of 5 percent of the amounts made available under this heading for competitive awards for activities eligible under sections 176(d)(4)(A) and 176(d)(4)(C) of such title to carry out paragraph (8) of the fourth proviso and to review applications for grants under paragraph (8) of the fourth proviso, and may transfer portions of the funds retained under this proviso to the relevant Administrators to fund the award and oversight of grants provided under paragraph (8) of the fourth proviso: *Provided further*, That a project assisted with funds made available under this heading for competitive awards for activities eligible under sections 176(d)(4)(A) or 176(d)(4)(C) of title 23, United States Code, shall be treated as a project on a Federal-aid highway.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2022, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under authorized Federal-aid highway and highway safety construction programs, or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are ap-

portioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but

only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2022, only in an amount equal to $639,000,000).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code;

(B) title VI of the Fixing America's Surface Transportation Act; and

(C) title III of division A of the Infrastructure Investment and Jobs Act (Public Law 117–58).

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because

of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Sec-

retary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. None of the funds made available in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: *Provided*, That the written notification required in the preceding proviso shall be made not later than 180 days after the date of enactment of this Act.

SEC. 124. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: *Provided*, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of its intent to use its authority under this section and submits an annual report to the Secretary identifying the projects to which the funding

would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term ''earmarked amount'' means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 25 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories annually to the House and Senate Committees on Appropriations.

SEC. 125. Until final guidance is published, the Administrator of the Federal Highway Administration shall adjudicate requests for Buy America waivers under the criteria that were in effect prior to April 17, 2018.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Infrastructure Investment and Jobs Act (Public Law 117–58), $360,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution, or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of $360,000,000, for ''Motor Carrier Safety Operations and Programs'' for fiscal year 2022, of which $14,073,000, to remain available for obligation until September 30, 2024, is for the research and technology program, and of which not less than $41,277,000, to remain available for obligation until September 30, 2024, is for development, modernization, en-

hancement, continued operation, and maintenance of information technology and information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Infrastructure Investment and Jobs Act (Public Law 117–58), $496,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $496,000,000 in fiscal year 2022 for ''Motor Carrier Safety Grants'': *Provided further*, That of the sums appropriated under this heading:

(1) $390,500,000, to remain available for obligation until September 30, 2023, shall be available for the motor carrier safety assistance program;

(2) $41,800,000, to remain available for obligation until September 30, 2023, shall be available for the commercial driver's license program implementation program;

(3) $57,600,000, to remain available for obligation until September 30, 2023, shall be available for the high priority activities program (other than the commercial motor vehicle enforcement training and support grant program);

(4) $1,100,000, to remain available for obligation until September 30, 2023, shall be available for the commercial motor vehicle operators grant program; and

(5) $5,000,000, to remain available for obligation until September 30, 2023, shall be available for the commercial motor vehicle enforcement training and support grant program.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of section 385.308 of title 49, Code of Federal Regulations, violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 131. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49,

Code of Federal Regulations, as recommended by GAO–19–264.

SEC. 132. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, $200,000,000, to remain available through September 30, 2023.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 403 of title 23, United States Code, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, section 25024 of the Infrastructure Investment and Jobs Act (Public Law 117–58), and chapter 303 of title 49, United States Code, $192,800,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2022, are in excess of $192,800,000: *Provided further*, That of the sums appropriated under this heading—

(1) $186,000,000 shall be for programs authorized under section 403 of title 23, United States Code, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety

recalls, and section 25024 of the Infrastructure Investment and Jobs Act (Public Law 117–58); and

(2) $6,800,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code:

*Provided further*, That within the $192,800,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2023, and up to $7,000,000, for mobility research on older drivers, shall remain available until expended, and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided further*, That amounts for behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls are in addition to any other funds provided for those purposes for fiscal year 2022 in this Act.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of sections 402, 404, and 405 of title 23, United States Code, and grant administration expenses under chapter 4 of title 23, United States Code, to remain

available until expended, $774,300,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs for which the total obligations in fiscal year 2022 are in excess of $774,300,000 for programs authorized under sections 402, 404, and 405 of title 23, United States Code, and grant administration expenses under chapter 4 of title 23, United States Code: *Provided further*, That of the sums appropriated under this heading—

(1) $363,400,000 shall be for ''Highway Safety Programs'' under section 402 of title 23, United States Code;

(2) $336,500,000 shall be for ''National Priority Safety Programs'' under section 405 of title 23, United States Code;

(3) $36,400,000 shall be for the ''High Visibility Enforcement Program'' under section 404 of title 23, United States Code; and

(4) $38,000,000 shall be for grant administrative expenses under chapter 4 of title 23, United States Code:

*Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private

buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for ''National Priority Safety Programs'' under section 405 of title 23, United States Code, for ''Impaired Driving Countermeasures'' (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the ''Transfers'' provision under section 405(a)(8) of title 23, United States Code, any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the preceding proviso or under section 405(a)(8) of title 23, United States Code, within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act or any other Act shall be used to enforce the requirements of section 405(a)(9) of title 23, United States Code.

## FEDERAL RAILROAD ADMINISTRATION

### SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $240,757,000, of which $25,000,000 shall remain available until expended.

### RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $43,000,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, up to $2,100,000 shall be available pursuant to section 20108(d) of title 49, United States Code, for the construction, alteration, and repair of buildings and improvements at the Transportation Technology Center.

FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL

For necessary expenses related to Federal-State Partnership for Intercity Passenger Rail grants as authorized by section 24911 of title 49, United States Code, $100,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to 2 percent of the amount provided under this heading in this Act for the costs of award and project management oversight of grants carried out under title 49, United States Code.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements grants, as authorized by section 22907 of title 49, United States Code, $625,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading in this Act—

(1) not less than $150,000,000 shall be for projects eligible under section 22907(c)(2) of title 49, United States Code, that support the development of new intercity passenger rail service routes including alignments for existing routes;

(2) not less than $25,000,000 shall be for projects eligible under section 22907(c)(11) of title 49, United States Code: *Provided*, That for amounts made available in this paragraph, the Secretary shall give preference to projects that are located in counties with the most pedestrian trespasser casualties;

(3) $120,860,000 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That any remaining funds available after the distribution of the Community Project Funding/Congressionally Directed Spending described in this paragraph shall be available to the Secretary to distribute as discretionary grants under this heading: *Provided further*, That requirements under subsections (g) and (l) of section 22907 of title 49, United States Code, shall not apply to this paragraph (3); and

(4) not more than $5,000,000 shall be for preconstruction planning activities and capital costs

related to the deployment of magnetic levitation transportation projects:

*Provided further*, That section 22905(f) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act for projects that implement or sustain positive train control systems otherwise eligible under section 22907(c)(1) of title 49, United States Code: *Provided further*, That amounts made available under this heading in this Act for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: *Provided further*, That for amounts made available under this heading in this Act, eligible recipients under section 22907(b)(7) of title 49, United States Code, shall include any holding company of a Class II railroad or Class III railroad (as those terms are defined in section 20102 of title 49, United States Code): *Provided further*, That section 22907(e)(1)(A) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: *Provided further*, That section 22907(e)(1)(A) of title 49, United States Code, shall not apply to amounts made available under this heading in previous fiscal years if such funds are announced in a notice of funding opportunity that includes

funds made available under this heading in this Act: *Provided further*, That the preceding proviso shall not apply to funds made available under this heading in the Infrastructure Investment and Jobs Act (division J of Public Law 117–58): *Provided further*, That unobligated balances remaining after 6 years from the date of enactment of this Act may be used for any eligible project under section 22907(c) of title 49, United States Code: *Provided further*, That the Secretary may withhold up to 2 percent of the amounts made available under this heading in this Act for the costs of award and project management oversight of grants carried out under title 49, United States Code.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 22101(a) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58), $874,501,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading in this Act and the ''National Network Grants to the National Railroad Passenger Corporation'' heading in this Act to fund the costs of project management and oversight

of activities authorized by section 22101(c) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58): *Provided further*, That in addition to the project management oversight funds authorized under section 22101(c) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58), the Secretary may retain up to an additional $1,000,000 of the funds provided under this heading in this Act to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 22101(b) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58), $1,456,870,000, to remain available until expended: *Provided*, That at least $50,000,000 of the amount provided under this heading in this Act shall be available for the development, installation and operation of railroad safety improvements, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required

by law or regulation as identified on or before the date of enactment of this Act: *Provided further*, That any unexpended balances from amounts provided under this heading in this Act and in prior fiscal years for the development, installation and operation of railroad safety technology on State-supported routes on which positive train control systems are not required by law or regulation shall also be available for railroad safety improvements on State-supported routes as identified on or before the date of enactment of this Act: *Provided further*, That none of the funds provided under this heading in this Act shall be used by Amtrak to give notice under subsection (a) or (c) of section 24706 of title 49, United States Code, with respect to long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole operator on a host railroad's line and a positive train control system is not required by law or regulation, or, except in an emergency or during maintenance or construction outages impacting such routes, to otherwise discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any portion of such route operated in fiscal year 2018, including implementation of service permitted by section 24305(a)(3)(A) of title 49, United States Code, in lieu of rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 150. None of the funds made available to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the preceding proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations no later than 60 days after the date of enactment of this Act, a summary of all overtime payments incurred by Amtrak for 2021 and the 3 prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments Amtrak paid to employees receiving waivers for each month for 2021 and for the 3 prior calendar years.

SEC. 151. None of the funds made available by this Act may be used by the National Railroad Passenger Corporation in contravention of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

SEC. 152. The amounts made available to the Secretary or to the Federal Railroad Administration for the costs of award, administration, and project management oversight of financial assistance which are administered by the Federal Railroad Administration, in this and prior Acts, may be transferred to the Federal Railroad Administration's ''Financial Assistance Oversight and Technical Assistance'' account for the necessary expenses to support the award, administration, project management oversight, and technical assistance of financial assistance administered by the Federal Railroad Administration, in the same manner as appropriated for in this and prior Acts: *Provided*, That this section shall not apply to amounts that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 153. Of the unobligated balances of funds remaining from—

(1) ''Railroad Safety Grants'' accounts totaling $1,715,414.34 appropriated by the following public laws are hereby permanently rescinded:

(A) Public Law 105–277 a total of $7,052.79 under the heading ''Railroad Safety'';

(B) Public Law 113–235 a total of $190,265.91 from section 153 under the heading ''Administrative Provisions—Federal Railroad Administration''; and

(C) Public Law 114–113 a total of $1,518,095.64; and

(2) ''Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'' account totaling $13,327,006.39 appropriated by Public Law 111–117 is hereby permanently rescinded.

SEC. 154. None of the funds made available to the National Railroad Passenger Corporation under the headings ''Northeast Corridor Grants to the National Railroad Passenger Corporation'' and ''National Network Grants to the National Railroad Passenger Corporation'' may be used to reduce the total number of Amtrak Police Department uniformed officers patrolling on board passenger trains or at stations, facilities or rights-of-way below the staffing level on May 1, 2019.

SEC. 155. It is the sense of Congress that—

(1) long-distance passenger rail routes provide much-needed transportation access for 4,700,000 riders in 325 communities in 40 States and are particularly important in rural areas; and

(2) long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the National Network (as defined in section 24102 of title 49, United States Code).

SEC. 156. Amounts made available under the heading ''Department of Transportation—Federal Railroad Administration—Restoration and Enhancement'' in any prior fiscal years are subject to the requirements of section 22908 of title 49, United States Code, as in effect on the effective date of Public Law 117–58.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340, as amended by the Infrastructure Investment and Jobs Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, $13,355,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund

and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340, as amended by the Infrastructure Investment and Jobs Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of $13,355,000,000 in fiscal year 2022.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339(b) of title 49, United States Code, low or no emission grants under section 5339(c) of such title, ferry boats grants under section 5307(h) of such title, bus testing facilities under section 5318 of such title, grants to areas of persistent poverty, innovative mobility solutions grants under section 5312 of such title, accelerating innovative mobility initiative grants under section 5312 such title, accelerating the adoption of zero emission buses under section 5312 of such title, Community Project Funding/Congressionally Directed Spending for projects and activities eligible under chapter 53 of such title, and ferry service for rural communities under section 71103 of division G of Public Law 117–58, $504,263,267,

to remain available until expended: *Provided*, That of the sums provided under this heading in this Act—

(1) $175,000,000 shall be available for buses and bus facilities competitive grants as authorized under section 5339(b) of such title;

(2) $75,000,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided*, That the minimum grant award shall be not less than $750,000;

(3) $6,500,000 shall be available for ferry boat grants as authorized under section 5307(h) of such title: *Provided*, That of the amounts provided under this paragraph, no less than $3,250,000 shall be available for low or zero-emission ferries or ferries using electric battery or fuel cell components and the infrastructure to support such ferries;

(4) $2,000,000 shall be available for the operation and maintenance of the bus testing facilities selected under section 5318 of such title;

(5) $1,000,000 shall be available for the demonstration and deployment of innovative mobility solutions as authorized under section 5312 of title 49, United States Code: *Provided*, That such amounts shall be available for competitive grants or cooperative agreements for the development of software to

facilitate the provision of demand-response public transportation service that dispatches public transportation fleet vehicles through riders mobile devices or other advanced means: *Provided further*, That the Secretary shall evaluate the potential for software developed with grants or cooperative agreements to be shared for use by public transportation agencies;

(6) $1,000,000 shall be for the accelerating innovative mobility initiative as authorized under section 5312 of title 49, United States Code: *Provided*, That such amounts shall be available for competitive grants to improve mobility and enhance the rider experience with a focus on innovative service delivery models, creative financing, novel partnerships, and integrated payment solutions in order to help disseminate proven innovation mobility practices throughout the public transportation industry;

(7) $20,000,000 shall be available for competitive grants to eligible entities to assist areas of persistent poverty as defined under section 6702(a)(1) of title 49, United States Code, or historically disadvantaged communities: *Provided*, That grants shall be for planning, engineering, or development of technical or financing plans for projects eligible under chapter 53 of title 49, United States Code:

*Provided further*, That eligible entities are those defined as eligible recipients or subrecipients under sections 5307, 5310 or 5311 of title 49, United States Code, and are in areas of persistent poverty as defined under section 6702(a)(1) of title 49, United States Code, or historically disadvantaged communities: *Provided further*, That State departments of transportation may apply on behalf of eligible entities within their States: *Provided further*, That the Federal Transit Administration should encourage grantees to work with non-profits or other entities of their choosing in order to develop planning, technical, engineering, or financing plans: *Provided further*, That the Federal Transit Administration shall encourage grantees to partner with non-profits that can assist with making projects low or no emissions: *Provided further*, That projects funded under this paragraph shall be for not less than 90 percent of the net total project cost;

(8) $10,000,000 shall be available to support technical assistance, research, demonstration, or deployment activities or projects to accelerate the adoption of zero emission buses in public transit as authorized under section 5312 of title 49, United States Code;

(9) $200,798,267 shall be made available for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and

(10) $12,965,000 shall be available for ferry service for rural communities under section 71103 of division G of Public Law 117–58: *Provided*, That for amounts made available in this paragraph, notwithstanding section 71103(a)(2)(B), eligible projects shall include passenger ferry service that serves at least two rural areas with a single segment over 20 miles between the two rural areas and is not otherwise eligible under section 5307(h) of title 49, United States Code:

*Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund: *Provided further*, That the amounts made available under this heading in this Act shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out section 5314 of title 49, United States Code, $7,500,000, to remain available until September 30, 2023: *Provided*, That the assistance provided under this heading does not duplicate the activities of section 5311(b) or section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, and section 3005(b) of the Fixing America's Surface Transportation Act (Public Law 114–94), $2,248,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading in this Act, $1,459,020,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code, $345,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code, $321,500,000 shall be available for projects authorized under section 5309(h) of title 49, United States Code, and $100,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That the Secretary shall continue to administer the capital investment grants program in accordance with the

procedural and substantive requirements of section 5309 of title 49, United States Code, and of section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That projects that receive a grant agreement under the Expedited Project Delivery for Capital Investment Grants Pilot Program under section 3005(b) of the Fixing America's Surface Transportation Act shall be deemed eligible for funding provided for projects under section 5309 of title 49, United States Code, without further evaluation or rating under such section: *Provided further*, That such funding shall not exceed the Federal share under section 3005(b): *Provided further*, That funds allocated pursuant to 49 U.S.C. 5309 to any project during fiscal years 2015, 2016, and 2017 shall remain allocated to that project through fiscal year 2023: *Provided further*, That upon submission to the Congress of the fiscal year 2023 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on capital investment grants, including proposed allocations for fiscal year 2023.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of the Passenger Rail Investment and Improvement

Act of 2008 (Public Law 110–432), as amended by the Infrastructure Investment and Jobs Act, $150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading ''Capital Investment Grants'' of the Federal Transit Administration for projects specified in this Act or identified in the explanatory statement described in sec-

tion 4 (in the matter preceding division A of this consolidated Act) not obligated by September 30, 2025, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2021, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. None of the funds made available by this Act or any other Act shall be used to adjust apportionments or withhold funds from apportionments pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(4)).

SEC. 164. None of the funds made available by this Act or any other Act shall be used to impede or hinder project advancement or approval for any project seeking a Federal contribution from the capital investment grant program of greater than 40 percent of project costs as authorized under section 5309 of title 49, United States Code.

SEC. 165. Of the unobligated amounts made available for prior fiscal years to Formula Grants in Treasury Ac-

count 69–X–1129, a total of $6,734,356 are hereby permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 166. Any unexpended balances from amounts previously appropriated for low or no emission vehicle component assessment under 49 U.S.C. 5312(h) under the headings ''Transit Formula Grants'' and ''Transit Infrastructure Grants'' in fiscal years 2021 and 2022 may be used by the facilities selected for such vehicle component assessment for capital projects in order to build new infrastructure and enhance existing facilities in order to expand component testing capability, in accordance with the industry stakeholder testing objectives and capabilities as outlined through the work of the Federal Transit Administration Transit Vehicle Innovation and Deployment Centers program and included in the Center for Transportation and the Environment report submitted to the Federal Transit Administration for review.

GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Great Lakes St. Lawrence Seaway Development Corporation is hereby authorized to make such expendi-

tures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital infrastructure activities on portions of the St. Lawrence Seaway owned, operated, and maintained by the Great Lakes St. Lawrence Seaway Development Corporation, $38,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238): *Provided*, That of the amounts made available under this heading, not less than $14,500,000 shall be for the seaway infrastructure program: *Provided further*, That not more than $1,500,000 of the unobligated balances from the amounts made available for capital asset renewal activities under the heading ''Saint Lawrence Seaway Development Corporation—Operations and Maintenance'' in any prior Act shall be for activities pur-

suant to section 984(a)(12) of title 33, United States Code.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet as authorized under chapter 531 of title 46, United States Code, to serve the national security needs of the United States, $318,000,000, to remain available until expended.

CABLE SECURITY FLEET

For the cable security fleet program, as authorized under chapter 532 of title 46, United States Code, $10,000,000, to remain available until expended.

TANKER SECURITY PROGRAM

For the tanker security fleet program, as authorized under section 53406 of title 46, United States Code, $60,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $172,204,000: *Provided*, That of the amounts made available under this heading—

(1) $85,032,000, to remain available until September 30, 2023, shall be for the operations of the United States Merchant Marine Academy;

(2) $5,500,000, to remain available until expended, shall be for facilities maintenance and repair, and equipment, at the United States Merchant Marine Academy;

(3) $6,000,000, to remain available until September 30, 2023, shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code; and

(4) $14,819,000, to remain available until expended, shall be for the America's Marine Highways Program to make grants for the purposes authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code:

*Provided further*, That the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3510 of the National Defense Authorization Act for fiscal year 2017 (46 U.S.C. 51318): *Provided further*, That available balances under this heading for the Short Sea Transportation Program (now known as the America's Marine Highway Program) from prior year recoveries shall be available to carry out activities authorized under

paragraphs (1) and (3) of section 55601(b) of title 46, United States Code.

STATE MARITIME ACADEMY OPERATIONS

For necessary expenses of operations, support, and training activities for State Maritime Academies, $423,300,000: *Provided*, That of the amounts made available under this heading—

(1) $30,500,000, to remain available until expended, shall be for maintenance, repair, life extension, insurance, and capacity improvement of National Defense Reserve Fleet training ships, and for support of training ship operations at the State Maritime Academies, of which not more than $8,000,000, to remain available until expended, shall be for expenses related to training mariners; and for costs associated with training vessel sharing pursuant to section 51504(g)(3) of title 46, United States Code, for costs associated with mobilizing, operating and demobilizing the vessel, including travel costs for students, faculty and crew, the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary;

(2) $380,600,000, to remain available until expended, shall be for the National Security Multi-Mis-

sion Vessel Program, including funds for construction, planning, administration, and design of school ships;

(3) $2,400,000, to remain available until September 30, 2026, shall be for the Student Incentive Program;

(4) $3,800,000, to remain available until expended, shall be for training ship fuel assistance; and

(5) $6,000,000, to remain available until September 30, 2023, shall be for direct payments for State Maritime Academies.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, $20,000,000, to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, $3,000,000, which shall be transferred to and merged with the appropriations for ''Maritime Administration—Operations and Training''.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 54301 of title 46, United States Code, $234,310,000, to remain available until expended: *Provided*, That projects eligible for amounts made available under this heading in this Act shall be projects for coastal seaports, inland river ports, or Great Lakes ports: *Provided further*, That of the amounts made available under this heading in this Act, not less than $209,310,000 shall be for coastal seaports or Great Lakes ports: *Provided further*, That the requirements under section 3501(a)(12) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) shall apply to amounts made available under this heading in this Act: *Provided further*, That for grants awarded under this heading in this Act, the minimum grant size shall be $1,000,000: *Provided further*, That for amounts made available under this heading in this Act, the requirement under section

54301(a)(6)(A)(ii) of title 46, United States Code, shall not apply to projects located in noncontiguous states or territories.

ADMINISTRATIVE PROVISION—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be deposited into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $29,100,000, of which $4,500,000 shall remain available until September 30, 2024: *Provided*, That the Secretary

of Transportation shall issue a final rule on automatic and remote-controlled shut-off valves and hazardous liquid pipeline facilities leak detection systems as required under section 4 and section 8 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90), respectively, not later than 120 days after the date of enactment of this Act: *Provided further*, That the amounts made available under this heading shall be reduced by $5,000 per day for each day that such rule has not been issued following the expiration of the deadline set forth in the preceding proviso.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $66,829,000, of which $12,070,000 shall remain available until September 30, 2024, of which $1,000,000 shall be made available for carrying out section 5107(i) of title 49, United States Code: *Provided*, That up to $800,000 in fees collected under section 5108(g) of title 49, United States Code, shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for

training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by section 60107 of title 49, United States Code, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990 (Public Law 101–380), $182,650,000, to remain available until September 30, 2024, of which $27,650,000 shall be derived from the Oil Spill Liability Trust Fund; of which $146,600,000 shall be derived from the Pipeline Safety Fund; of which $400,000 shall be derived from the fees collected under section 60303 of title 49, United States Code, and deposited in the Liquefied Natural Gas Siting Account for compliance reviews of liquefied natural gas facilities; and of which $8,000,000 shall be derived from fees collected under section 60302 of title 49, United States Code, and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out section 60141 of title 49, United States Code: *Provided*, That not less than $1,058,000 of the amounts made available under this heading shall be for the One-

Call State grant program: *Provided further*, That any amounts made available under this heading in this Act or in prior Acts for research contracts, grants, cooperative agreements or research other transactions agreements (''OTAs'') shall require written notification to the House and Senate Committees on Appropriations not less than 3 full business days before such research contracts, grants, cooperative agreements, or research OTAs are announced by the Department of Transportation: *Provided further*, That the Secretary shall transmit to the House and Senate Committees on Appropriations the report on pipeline safety testing enhancement as required pursuant to section 105 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (division R of Public Law 116–260): *Provided further*, That the Secretary may obligate amounts made available under this heading to engineer, erect, alter, and repair buildings or make any other public improvements for research facilities at the Transportation Technology Center after the Secretary submits an updated research plan and the report in the preceding proviso to the House and Senate Committees on Appropriations and after such plan and report in the preceding proviso are approved by the House and Senate Committees on Appropriations.

EMERGENCY PREPAREDNESS GRANTS

(LIMITATION ON OBLIGATIONS)

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than $28,318,000 shall remain available until September 30, 2024, from amounts made available by section 5116(h) and subsections (b) and (c) of section 5128 of title 49, United States Code: *Provided*, That notwithstanding section 5116(h)(4) of title 49, United States Code, not more than 4 percent of the amounts made available from this account shall be available to pay the administrative costs of carrying out sections 5116, 5107(e), and 5108(g)(2) of title 49, United States Code: *Provided further*, That notwithstanding subsections (b) and (c) of section 5128 of title 49, United States Code, and the limitation on obligations provided under this heading, prior year recoveries recognized in the current year shall be available to develop and deliver hazardous materials emergency response training for emergency responders, including response activities for the transportation of crude oil, ethanol, flammable liquids, and other hazardous commodities by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further*, That the prior year recoveries made

available under this heading shall also be available to carry out sections 5116(a)(1)(C), 5116(h), 5116(i), 5116(j), and 5107(e) of title 49, United States Code.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $103,150,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code.

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the missions of the Department of Transportation or an operating administration of the Department of Transportation.

(c) Any unmanned aircraft system purchased, procured, or contracted for by the Department prior to the date of enactment of this Act shall be deemed authorized by Congress as if this provision was in effect when the system was purchased, procured, or contracted for.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of amounts made available by this Act shall disseminate personal information (as defined in section 2725(3) of title 18, United States Code) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in section 2725(1) of title 18, United States Code, except as provided in section 2721 of title 18, United States Code, for

a use permitted under section 2721 of title 18, United States Code.

(b) Notwithstanding subsection (a), the Secretary shall not withhold amounts made available by this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. None of the funds made available by this Act shall be available for salaries and expenses of more than 125 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to section 20105 of title 49, United States Code.

SEC. 185. None of the funds made available by this Act or in title VIII of division J of Public Law 117–58

to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, letter of intent, federally funded cooperative agreement, full funding grant agreement, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, federally funded cooperative agreement, or full funding grant agreement is announced by the Department or its operating administrations: *Provided*, That the Secretary of Transportation shall provide the House and Senate Committees on Appropriations with a comprehensive list of all such loans, loan guarantees, lines of credit, letters of intent, federally funded cooperative agreements, full funding grant agreements, and discretionary grants prior to the notification required under the preceding proviso: *Provided further*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees, and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to organizational units of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Notwithstanding any other provision of law, if any funds provided by or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of such reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and such reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days after the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 188. Funds appropriated by this Act to the operating administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable operating administration or administrations.

SEC. 189. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 190. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 or 23 of the United States Code utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

SEC. 191. The Secretary of Transportation shall coordinate with the Secretary of Homeland Security to ensure that best practices for Industrial Control Systems Procurement are up-to-date and shall ensure that systems procured with funds provided under this title were procured using such practices.

SEC. 192. Amounts made available by this Act or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to

a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: *Provided*, That amounts made available by this Act shall be available until expended; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Payment Integrity Information Act of 2019 (Public Law 116–117): *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit the amounts to an appropriate account as offsetting collections and such amounts shall be available for the purposes and

period associated with the account so credited: *Provided further*, That amounts credited to programs under this subparagraph shall not be subject to any limitation on obligations in this or any other Act; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to depositing such recovery in the Treasury, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payment'' has the same meaning as that provided in section 3351(4) of title 31, United States Code.

This title may be cited as the ''Department of Transportation Appropriations Act, 2022''.

# TITLE II

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## MANAGEMENT AND ADMINISTRATION

### EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $15,200,000, to remain available until September 30, 2023: *Provided*, That not to exceed $25,000 of the amount made available under this heading shall be available to the Secretary of Housing and Urban Development (referred to in this title as ''the Secretary'') for official reception and representation expenses as the Secretary may determine.

### ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, $607,000,000, to remain available until September 30, 2023: *Provided*, That of the sums appropriated under this heading—

(1) $82,000,000 shall be available for the Office of the Chief Financial Officer;

(2) $114,000,000 shall be available for the Office of the General Counsel, of which not less than $18,500,000 shall be for the Departmental Enforcement Center;

(3) $212,000,000 shall be available for the Office of Administration, of which not more than $5,000,000 may be for modernization and deferred maintenance of the Weaver Building;

(4) $46,200,000 shall be available for the Office of the Chief Human Capital Officer;

(5) $25,000,000 shall be available for the Office of the Chief Procurement Officer;

(6) $60,500,000 shall be available for the Office of Field Policy and Management;

(7) $4,300,000 shall be available for the Office of Departmental Equal Employment Opportunity; and

(8) $63,000,000 shall be available for the Office of the Chief Information Officer:

*Provided further*, That funds made available under this heading may be used for necessary administrative and non-administrative expenses of the Department, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; hire of passenger

motor vehicles; and services as authorized by section 3109 of title 5, United States Code: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress.

PROGRAM OFFICES

For necessary salaries and expenses for Program Offices, $965,500,000, to remain available until September 30, 2023: *Provided*, That of the sums appropriated under this heading—

(1) $253,500,000 shall be available for the Office of Public and Indian Housing;

(2) $147,000,000 shall be available for the Office of Community Planning and Development;

(3) $431,000,000 shall be available for the Office of Housing, of which not less than $13,000,000 shall be for the Office of Recapitalization;

(4) $35,000,000 shall be available for the Office of Policy Development and Research;

(5) $88,000,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) $11,000,000 shall be available for the Office of Lead Hazard Control and Healthy Homes.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the ''Fund''), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available only for Federal shared services used by offices and agencies of the Department, and for any such portion of any office or agency's printing, records management, space renovation, furniture, or supply services the Secretary has determined shall be provided through the Fund, and the operational expenses of the Fund: *Provided*, That amounts within the Fund shall not be available to provide services not specifically authorized under this heading: *Provided further*, That upon a determination by the Secretary that any other service (or portion thereof) authorized under this heading shall be provided through the Fund, amounts made available in this title for salaries and expenses under

the headings ''Executive Offices'', ''Administrative Support Offices'', ''Program Offices'', and ''Government National Mortgage Association'', for such services shall be transferred to the Fund, to remain available until expended: *Provided further*, That the Secretary shall notify the House and Senate Committees on Appropriations of its plans for executing such transfers at least 15 days in advance of such transfers.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (in this title ''the Act''), not otherwise provided for, $23,369,641,000, to remain available until expended, which shall be available on October 1, 2021 (in addition to the $4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2021), and $4,000,000,000, to remain available until expended, which shall be available on October 1, 2022: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $24,095,029,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of en-

hanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2022 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed in accordance with the requirements of the MTW demonstration program or their MTW agreements, if

any: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2022: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same pro rata adjustments under the preceding provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2022 allocations based

on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2021 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2022 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the preceding two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to $200,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of

the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act, or an adjustment for a funding obligation not yet expended in the previous calendar year for a MTW-eligible activity to develop affordable housing for an agency added to the MTW demonstration under the expansion authority provided in section 239 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114–113); (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding; (5) for adjustments in the allocations for public housing agencies that (i) are leasing a lower-than-average percentage of their authorized vouchers, (ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and (iii) are not participating in the Moving to Work demonstration,

to enable such agencies to lease more vouchers; (6) for withheld payments in accordance with section 8(o)(8)(A)(ii) of the Act for months in the previous calendar year that were subsequently paid by the public housing agency after the agency's actual costs were validated; and (7) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.): *Provided further*, That the Secretary shall allocate amounts under the preceding proviso based on need, as determined by the Secretary;

(2) $100,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, relocation of witnesses (including victims of violent crimes) in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, Choice

Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the ''Project-Based Rental Assistance'' heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That of the amounts made available under this paragraph, no less than $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing

in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the preceding proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may only provide replacement vouchers for units that

were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $2,410,612,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD–VASH vouchers, and other special purpose incremental vouchers: *Provided*, That no less than $2,380,612,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2022 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the preceding proviso, the Secretary may decrease the amounts allocated to

agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the preceding proviso, utilize unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same uniform percentage decrease as under the preceding proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $459,000,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administra-

tive expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That up to $10,000,000 shall be available only (1) for adjustments in the allocation for public housing agencies, after applications for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in Mainstream renewal costs resulting from unforeseen circumstances, and (2) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate the rental assistance for Mainstream families as a result of insufficient funding: *Provided further*, That the Secretary shall allocate amounts under the preceding proviso based on need, as determined by the Secretary: *Provided further*, That upon turnover, section 811 special purpose vouchers funded under this heading in this or prior

Acts, or under any other heading in prior Acts, shall be provided to non-elderly persons with disabilities;

(5) Of the amounts provided under paragraph (1) up to $5,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD–VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD–VASH program: *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further*, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD–VASH program: *Provided further*, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, non-

discrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further*, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under the Tribal HUD–VASH program under prior Acts to existing recipients under the Tribal HUD–VASH program;

(6) $50,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for

such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) $30,000,000 shall be made available for the family unification program as authorized under section 8(x) of the Act: *Provided*, That the amounts

made available under this paragraph are provided as follows:

(A) $5,000,000 shall be for new incremental voucher assistance: *Provided*, That the assistance made available under this subparagraph shall continue to remain available for family unification upon turnover; and

(B) $25,000,000 shall be for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B): *Provided*, That assistance made available under this subparagraph shall continue to remain available for such eligible youth upon turnover: *Provided further*, That of the total amount made available under this subparagraph, up to $15,000,000 shall be available on a noncompetitive basis to public housing agencies that partner with public child welfare agencies to identify such eligible youth, that request such assistance to timely assist such eligible youth, and that meet any other criteria as specified by the Secretary: *Provided further*, That the Secretary shall review utilization of the assistance made available under the preceding proviso, at an interval to be determined by the Secretary, and

unutilized voucher assistance that is no longer needed shall be recaptured by the Secretary and reallocated pursuant to the preceding proviso:

*Provided further*, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program, or made available and competitively selected under this paragraph, that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such specified program or eligible youth, as applicable;

(8) $200,000,000 shall be made available for new incremental voucher assistance under section 8(o) of the United States Housing Act of 1937 to be allocated pursuant to a method, as determined by the Secretary, which may include a formula that may include such factors as severe cost burden, overcrowding, substandard housing for very low-income renters, homelessness, and administrative capacity, where such allocation method shall include both rural and urban areas: *Provided*, That the Secretary

may specify additional terms and conditions to ensure that public housing agencies provide vouchers for use by survivors of domestic violence, or individuals and families who are homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), or at risk of homelessness, as defined in section 401(1) of such Act (42 U.S.C. 11360(1));

(9) $25,000,000 shall be for mobility-related services, as defined by the Secretary, for voucher families with children modeled after services provided in connection with the mobility demonstration authorized under section 235 of division G of the Consolidated Appropriations Act, 2019 (42 U.S.C. 1437f note; Public Law 116–6): *Provided*, That the Secretary shall make funding available to public housing agencies on a competitive basis and shall give preference to public housing agencies with higher concentrations of housing choice voucher families with children residing in high-poverty neighborhoods: *Provided further*, That the Secretary may recapture from the public housing agencies unused balances based on utilization of such awards and reallocate such amounts to any other public housing agency or

agencies based on need for such mobility-related services as identified under such competition; and

(10) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2022 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior fiscal years that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain

available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING FUND

For 2022 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) (the ''Act''), and to carry out capital and management activities for public housing agencies, as authorized under section 9(d) of the Act (42 U.S.C. 1437g(d)), $8,451,500,000, to remain available until September 30, 2025: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $5,038,500,000 shall be available to the Secretary to allocate pursuant to the Operating Fund formula at part 990 of title 24, Code of Federal Regulations, for 2022 payments;

(2) $25,000,000 shall be available to the Secretary to allocate pursuant to a need-based application process notwithstanding section 203 of this title and not subject to such Operating Fund formula to public housing agencies that experience, or are at risk of, financial shortfalls, as determined by the Secretary: *Provided*, That after all such shortfall needs are met, the Secretary may distribute any remaining funds to all public housing agencies on a

pro-rata basis pursuant to such Operating Fund formula;

(3) $3,200,000,000 shall be available to the Secretary to allocate pursuant to the Capital Fund formula at section 905.400 of title 24, Code of Federal Regulations: *Provided*, That for funds provided under this paragraph, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the preceding proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the preceding proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this paragraph, the Secretary shall provide bonus awards in fiscal year 2022 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act;

(4) $75,000,000 shall be available for the Secretary to make grants, notwithstanding section 203

of this title, to public housing agencies for emergency capital needs, including safety and security measures necessary to address crime and drug-related activity, as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2022, of which $45,000,000 shall be available for public housing agencies under administrative and judicial receiverships or under the control of a Federal monitor: *Provided*, That of the amount made available under this paragraph, not less than $10,000,000 shall be for safety and security measures: *Provided further*, That in addition to the amount in the preceding proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2023, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures;

(5) $65,000,000 shall be for competitive grants to public housing agencies to evaluate and reduce residential health hazards in public housing, includ-

ing lead-based paint (by carrying out the activities of risk assessments, abatement, and interim controls, as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)), carbon monoxide, mold, radon, and fire safety: *Provided*, That not less than $25,000,000 of the amounts provided under this paragraph shall be awarded for evaluating and reducing lead-based paint hazards: *Provided further*, That for purposes of environmental review, a grant under this paragraph shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section: *Provided further*, That amounts made available under this paragraph shall be combined with amounts made available under the sixth paragraph under this heading in the Consolidated Appropriations Act, 2021 (Public Law 116–260) and shall be used in accordance with the purposes and requirements under this paragraph;

(6) $15,000,000 shall be to support the costs of administrative and judicial receiverships and for competitive grants to PHAs in receivership, des-

ignated troubled or substandard, or otherwise at risk, as determined by the Secretary, for costs associated with public housing asset improvement, in addition to other amounts for that purpose provided under any heading under this title; and

(7) $33,000,000 shall be to support ongoing public housing financial and physical assessment activities:

*Provided further*, That notwithstanding any other provision of law or regulation, during fiscal year 2022, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) of the Act regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified under this heading), for transformation, rehabili-

tation, and replacement housing needs of public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable, mixed-income neighborhoods with appropriate services, schools, public assets, transportation, and access to jobs, $350,000,000, to remain available until September 30, 2026: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That not more than 20 percent of the amount of any grant made with amounts made available under this heading may be used for necessary supportive services notwithstanding subsection (d)(1)(L) of such section 24: *Provided further*, That the use of amounts made available under this heading shall not be deemed to be for public housing, notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal, or private funds: *Provided further*, That grantees may include local governments, Tribal entities, public housing agencies, and nonprofit organizations: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided*

*further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants made with amounts available under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amounts made available under this heading, not less than $175,000,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations, including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That not more than $10,000,000 of the amounts made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from amounts made available under the heading ''Revitalization of Severely Distressed Public Housing (HOPE VI)'' in fiscal

year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Secretary shall make grant awards not later than 1 year after the date of enactment of this Act in such amounts that the Secretary determines: *Provided further*, That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2022, obligate any available unobligated balances made available under this heading in this or any prior Act.

SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Sufficiency Programs, to remain available until September 30, 2025, $159,000,000: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $109,000,000 shall be for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency: *Provided*, That the

Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of such Act, as determined by the Secretary: *Provided further*, That owners or sponsors of a multifamily property receiving project-based rental assistance under section 8 of such Act may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the preceding proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) of such Act and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program;

(2) $35,000,000 shall be for the Resident Opportunity and Self-Sufficiency program to provide for supportive services, service coordinators, and congregate services as authorized by section 34 of the United States Housing Act of 1937 (42 U.S.C. 1437z–6) and the Native American Housing Assist-

ance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(3) $15,000,000 shall be for a Jobs-Plus initiative, modeled after the Jobs-Plus demonstration: *Provided*, That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the

Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice.

NATIVE AMERICAN PROGRAMS

For activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (in this heading ''NAHASDA'') (25 U.S.C. 4111 et seq.), title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) with respect to Indian tribes, and related training and technical assistance, $1,002,086,000, to remain available until September 30, 2026: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $772,000,000 shall be for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the

need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Secretary shall notify grantees of their formula allocation not later than 60 days after the date of enactment of this Act;

(2) $150,000,000 shall be for competitive grants under the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That the Secretary shall obligate such amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further*, That in awarding amounts made available in this paragraph, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation of housing: *Provided further*, That a grant funded pursuant to this paragraph shall be in an amount not greater than $7,500,000: *Provided further*, That any amounts transferred for the necessary costs of administering and overseeing the obligation and expenditure of such additional amounts in prior Acts may also be

used for the necessary costs of administering and overseeing such additional amount;

(3) $1,000,000 shall be for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That for fiscal year 2022 amounts made available in this Act for the cost of guaranteed notes and other obligations and any unobligated balances, including recaptures and carryover, remaining from amounts made available for this purpose under this heading or under the heading ''Native American Housing Block Grants'' in prior Acts shall be available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $50,000,000;

(4) $72,086,000 shall be for grants to Indian tribes for carrying out the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law

(including section 203 of this Act), not more than $5,000,000 may be used for emergencies that constitute imminent threats to health and safety: *Provided*, That not to exceed 20 percent of any grant made with amounts made available in this paragraph shall be expended for planning and management development and administration; and

(5) $7,000,000 shall be for providing training and technical assistance to Indian tribes, Indian housing authorities, and tribally designated housing entities, to support the inspection of Indian housing units, for contract expertise, and for training and technical assistance related to amounts made available under this heading and other headings in this Act for the needs of Native American families and Indian country: *Provided*, That of the amounts made available in this paragraph, not less than $2,000,000 shall be for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That amounts made available in this paragraph may be used, contracted, or competed as determined by the Secretary: *Provided further*, That notwithstanding chapter 63 of title 31, United States Code (commonly known as the Federal Grant and Cooperative Agreements Act of

1977), the amounts made available in this paragraph may be used by the Secretary to enter into cooperative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rulemaking under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167).

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $3,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That an additional $500,000, to remain available until expended, shall be for administrative contract expenses, including management processes to carry out the loan guarantee program: *Provided further*, That for fiscal year 2022 amounts made available in this and prior Acts for the cost of guaranteed

loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated, including recaptures and carryover, shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,400,000,000, to remain available until September 30, 2023.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), $22,300,000, to remain available until September 30, 2026: *Provided*, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts made available under this heading in investment securities and other obligations: *Provided further*, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING RESCISSION)

New commitments to guarantee loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), any part of which is to be guaranteed, shall not exceed $28,000,000 in total loan principal: *Provided*, That the Secretary may enter into commitments to guarantee loans used for refinancing: *Provided further*, That any unobligated balances, including recaptures and carryover, remaining from amounts made available under this heading in prior Acts and any remaining total loan principal guarantee limitation associated with such amounts in such prior Acts are hereby rescinded.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $450,000,000, to remain available until September 30, 2023, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2024: *Provided*, That the Secretary shall renew or replace all expiring contracts for permanent supportive

housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the process for submitting amendments and approving replacement contracts shall be established by the Secretary in a notice: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to States and units of general local government, and other entities, for economic and community development activities, and other purposes, $4,841,409,207, to remain available until September 30, 2025, unless otherwise specified: *Provided*, That of the total amount provided under this heading, $3,300,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) (in this heading ''the Act''): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds made available under this heading shall be expended for planning and management development and administration:

*Provided further*, That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but shall use such funds for activities eligible under title I of the Act: *Provided further*, That notwithstanding section 105(e)(1) of the Act, no funds made available under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2) of section 105: *Provided further*, That of the total amount provided under this heading, $25,000,000 shall be for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): *Provided further*, That the funds allocated pursuant to the preceding proviso shall not adversely affect the amount of any formula assistance received by a State under the first proviso: *Provided further*, That the Secretary shall allocate the funds for such activities based on the notice establishing the funding formula published in 84 FR 16027 (April 17, 2019) except that the formula shall use age-adjusted rates of drug overdose deaths for 2019 based on

data from the Centers for Disease Control and Prevention: *Provided further*, That of the total amount made available under this heading, $1,516,409,207 shall be available for grants for the Economic Development Initiative (EDI) for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the amounts made available in the preceding proviso shall be used for reimbursement of expenses incurred prior to the obligation of funds: *Provided further*, That the Department of Housing and Urban Development shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES

PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), during fiscal year 2022, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of $300,000,000, notwithstanding any aggregate limitation on outstanding obliga-

tions guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That such commitment authority funded by fees may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of such section 108: *Provided further*, That any State receiving such a guarantee or commitment under the preceding proviso shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), $1,500,000,000, to remain available until September 30, 2025: *Provided*, That notwithstanding section 231(b) of such Act (42 U.S.C. 12771(b)), all unobligated balances remaining from amounts recaptured pursuant to such section that remain available until expended

shall be combined with amounts made available under this heading and allocated in accordance with the formula under section 217(b)(1)(A) of such Act (42 U.S.C. 12747(b)(1)(A)): *Provided further*, That the Department shall notify grantees of their formula allocations within 60 days after enactment of this Act: *Provided further*, That section 218(g) of such Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in any calendar year from 2016 through 2024 under that section: *Provided further*, That section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund in any calendar year from 2018 through 2024 under that section.

SELF–HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note), and for related activities and assistance, $62,500,000, to remain available until September

30, 2024: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $12,500,000 shall be for the Self-Help Homeownership Opportunity Program as authorized under such section 11;

(2) $41,000,000 shall be for the second, third, and fourth capacity building entities specified in section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be for rural capacity building activities: *Provided*, That for purposes of awarding grants from amounts made available in this paragraph, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations;

(3) $5,000,000 shall be for capacity building by national rural housing organizations having experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofit organizations, local governments, and Indian Tribes serving high need rural communities; and

(4) $4,000,000, shall be for a program to rehabilitate and modify the homes of disabled or low-income veterans, as authorized under section 1079 of

the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (38 U.S.C. 2101 note): *Provided*, That the issuance of a Notice of Funding Opportunity for the amounts made available in this paragraph shall be completed not later than 120 days after enactment of this Act and such amounts shall be awarded not later than 180 days after such issuance.

HOMELESS ASSISTANCE GRANTS

For assistance under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), $3,213,000,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading—

(1) $290,000,000 shall be for the Emergency Solutions Grants program authorized under subtitle B of such title IV (42 U.S.C. 11371 et seq.): *Provided*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program not later than 60 days after enactment of this Act;

(2) $2,809,000,000 shall be for the Continuum of Care program authorized under subtitle C of such title IV (42 U.S.C. 11381 et seq.) and the Rural

Housing Stability Assistance programs authorized under subtitle D of such title IV (42 U.S.C. 11408): *Provided*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That the Secretary shall provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid re-housing services: *Provided further*, That of the amounts made available for the Continuum of Care program under this paragraph, not less than $52,000,000 shall be for grants for new rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking: *Provided further*, That amounts made available for the Continuum of Care program under this heading in this Act and any remaining unobligated balances from prior Acts may be used to competitively or non-competitively renew or replace grants for youth homeless demonstration projects under the Con-

tinuum of Care program, notwithstanding any conflict with the requirements of the Continuum of Care program;

(3) $7,000,000 shall be for the national homeless data analysis project: *Provided*, That notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph and any remaining unobligated balances under this heading for such purposes in prior Acts may be used by the Secretary to enter into cooperative agreements with such entities as may be determined by the Secretary, including public and private organizations, agencies, and institutions; and

(4) $107,000,000 shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities with a priority for communities with substantial rural populations in up to eight locations, can dramatically reduce youth homelessness: *Provided*, That of the amount made available under this paragraph, not less than $25,000,000 shall be for youth homelessness system improvement grants to support communities, including but not limited to the communities assisted

under the matter preceding this proviso, in establishing and implementing a response system for youth homelessness, or for improving their existing system: *Provided further*, That of the amount made available under this paragraph, up to $10,000,000 shall be to provide technical assistance to communities, including but not limited to the communities assisted in the preceding proviso and the matter preceding such proviso, on improving system responses to youth homelessness, and collection, analysis, use, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further*, That the Secretary may use up to 10 percent of the amount made available under the preceding proviso to build the capacity of current technical assistance providers or to train new technical assistance providers with verifiable prior experience with systems and programs for youth experiencing homelessness:

*Provided further*, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under subsection (a) or (b) of section 103 of the McKin-

ney-Vento Homeless Assistance Act (42 U.S.C. 11302) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: *Provided further*, That persons eligible under section 103(a)(5) of the McKinney-Vento Homeless Assistance Act may be served by any project funded under this heading to provide both transitional housing and rapid re-housing: *Provided further*, That for all matching funds requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That none of the funds made available under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That any unobligated amounts remaining from funds made available under this heading in fiscal year 2012 and

prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading in fiscal year 2019 or prior years, except for rental assistance amounts that were recaptured and made available until expended, shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $13,540,000,000, to remain available until expended, shall be available on October 1, 2021 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2021), and $400,000,000, to remain available until expended, shall be available on October 1, 2022: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section

8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this heading: *Provided further*, That of the total amounts provided under this heading, not to exceed $355,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary may also use such amounts in the preceding proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2));

project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'', may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes the Department or a housing finance agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Depart-

ment and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the preceding proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 5-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), and for supportive services associated with the housing, $1,033,000,000 to remain available until September 30, 2025: *Provided*, That of the amount made available under this heading, up to $125,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That any funding for existing service coordinators under the preceding proviso shall be provided within 120 days of en-

actment of this Act: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2025: *Provided further*, That amounts deposited in this account pursuant to the preceding proviso shall be available, in addition to the amounts otherwise provided by this heading, for the purposes authorized under this heading: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated: *Provided further*, That of the total amount

made available under this heading, up to $10,000,000 shall be used to expand the supply of intergenerational dwelling units (as such term is defined in section 202 of the Legacy Act of 2003 (12 U.S.C. 1701q note)) for elderly caregivers raising children: *Provided further*, That for the purposes of the preceding proviso the Secretary may waive, or specify alternative requirements for, any provision of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in order to facilitate the development of such units, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment: *Provided further*, That of the total amount made available under this heading, up to $6,000,000 shall be used by the Secretary to support preservation transactions of housing for the elderly originally developed with a capital advance and assisted by a project rental assistance contract under the provisions of section 202(c) of the Housing Act of 1959.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section

811(d)(2) of such Act, for project assistance contracts pursuant to subsection (h) of section 202 of the Housing Act of 1959, as added by section 205(a) of the Housing and Community Development Amendments of 1978 (Public Law 95–557: 92 Stat. 2090), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $352,000,000, to remain available until September 30, 2025: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2025: *Provided further*, That amounts depos-

ited in this account pursuant to the preceding proviso shall be available in addition to the amounts otherwise provided by this heading for the purposes authorized under this heading: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $57,500,000, to remain available until September 30, 2023, including up to $4,500,000 for administrative contract services: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of awarding grants from amounts provided under this

heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $14,000,000, to remain available until expended, of which $14,000,000 shall be derived from the Manufactured Housing Fees Trust Fund (established under section 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2022 so as to result in a final fiscal year 2022 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2022 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Sec-

retary may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Trust Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620 of such Act, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2023: *Provided*, That during fiscal year 2022, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $1,000,000: *Provided further*, That the foregoing amount in the preceding proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That

for administrative contract expenses of the Federal Housing Administration, $150,000,000, to remain available until September 30, 2023: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2022, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000: *Provided further*, That notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), during fiscal year 2022 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2023: *Provided*, That during fiscal year 2022, gross

obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $1,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE–BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $900,000,000,000, to remain available until September 30, 2023: *Provided*, That $33,500,000, to remain available until September 30, 2023, shall be for necessary salaries and expenses of the Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2022, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: *Pro-*

*vided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act (12 U.S.C. 1716 et seq.) shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, $125,400,000, to remain available until September 30, 2023: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements with philanthropic entities, other Federal agencies, State or local governments and their agencies, Indian Tribes, tribally designated housing entities, or colleges or universities for research projects: *Provided further*, That with respect to the preceding proviso, such partners to the cooperative agreements shall contribute at least a 50 percent match toward the cost of the project: *Provided fur-*

*ther*, That for non-competitive agreements entered into in accordance with the preceding two provisos, the Secretary shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(a)(4)(C)) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan to the House and Senate Committees on Appropriations on how the Secretary will allocate funding for this activity at least 30 days prior to obligation: *Provided further*, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program: *Provided further*, That an additional $20,000,000, to remain available until September 30, 2024, shall be for competitive grants to nonprofit or governmental entities to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities and alternative dispute resolution) at no cost to eligible low-income tenants at risk of or subject to eviction: *Provided further*, That in awarding grants under the preceding proviso, the Secretary shall give preference to applicants that include a marketing strategy for

residents of areas with high rates of eviction, have experience providing no-cost legal assistance to low-income individuals, including those with limited English proficiency or disabilities, and have sufficient capacity to administer such assistance, and may select unfunded or partially funded eligible applicants identified in the previous competition: *Provided further*, That the Secretary shall ensure, to the extent practicable, that the proportion of eligible tenants living in rural areas who will receive legal assistance with grant funds made available under this heading is not less than the overall proportion of eligible tenants who live in rural areas.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), $85,000,000, to remain available until September 30, 2023: *Provided*, That notwithstanding section 3302 of title 31, United States Code, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: *Provided further*, That none of the funds made available under

this heading may be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, $1,000,000 shall be available to the Secretary for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852), and for related activities and assistance, $415,000,000, to remain available until September 30, 2024: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $290,000,000 shall be for the award of grants pursuant to such section 1011, of which not less than $95,000,000 shall be provided to areas with the highest lead-based paint abatement needs;

(2) $90,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards, and mitigating housing-related health and safety hazards in housing of low-income families, of which—

(A) $5,000,000 of such amounts shall be for the implementation of projects in up to five communities that are served by both the Healthy Homes Initiative and the Department of Energy weatherization programs to demonstrate whether the coordination of Healthy Homes remediation activities with weatherization activities achieves cost savings and better outcomes in improving the safety and quality of homes; and

(B) $15,000,000 of such amounts shall be for grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs and renovations to meet the needs of low-income elderly homeowners to

enable them to remain in their primary residence: *Provided*, That of the total amount made available under this subparagraph no less than $5,000,000 shall be available to meet such needs in communities with substantial rural populations;

(3) $5,000,000 shall be for the award of grants and contracts for research pursuant to sections 1051 and 1052 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4854, 4854a);

(4) Up to $2,000,000 in total of the amounts made available under paragraphs (2) and (3) may be transferred to the heading ''Research and Technology'' for the purposes of conducting research and studies and for use in accordance with the provisos under that heading for non-competitive agreements;

(5) $25,000,000 shall be for a lead-risk assessment demonstration for public housing agencies to conduct lead hazard screenings or lead-risk assessments during housing quality standards inspections of units in which a family receiving assistance under section 8(o) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(o)) resides or expects to reside, and has or expects to have a child under age 6 residing

in the unit, while preserving rental housing availability and affordability; and

(6) $5,000,000 shall be for grants for a radon testing and mitigation safety demonstration program (the radon demonstration) in public housing: *Provided*, That the testing method, mitigation method, or action level used under the radon demonstration shall be as specified by applicable state or local law, if such law is more protective of human health or the environment than the method or level specified by the Secretary:

*Provided further*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program, or other demonstrations or programs under this heading or under prior appropriations Acts for such purposes under this heading, or under the heading ''Housing for the Elderly'' under prior Appropriations Acts, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That each applicant for a grant or cooperative agreement under this heading shall certify adequate capacity that is accept-

able to the Secretary to carry out the proposed use of funds pursuant to a notice of funding opportunity: *Provided further*, That amounts made available under this heading, except for amounts in paragraphs (2)(B) for home modification repairs and renovations, in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

INFORMATION TECHNOLOGY FUND

For Department-wide and program-specific information technology systems and infrastructure, $323,200,000, to remain available until September 30, 2024, of which up to $40,000,000 shall be for development, modernization, and enhancement projects, including planning for such projects: *Provided*, That not more than 10 percent of the funds made available under this heading for development, modernization, and enhancement may be obligated until the Secretary submits and the House and Senate Committees on Appropriations approve a plan that—

(1) identifies for each development, modernization, and enhancement project to be funded from available balances, including carryover—

(A) plain language summaries of the project scope;

(B) the estimated total project cost; and

(C) key milestones to be met; and

(2) identifies for each major modernization project—

(A) the functional and performance capabilities to be delivered and the mission benefits to be realized;

(B) the estimated life-cycle cost;

(C) key milestones to be met through the project end date, including any identified system decommissioning;

(D) a description of the procurement strategy and governance structure for the project and the number of HUD staff and contractors supporting the project; and

(E) certification from the Chief Information Officer that each project is compliant with the Department's enterprise architecture, life-cycle management and capital planning and investment control requirements:

*Provided further*, That not later than 30 days after the end of each quarter, the Secretary shall submit an updated report to the Committees on Appropria-

tions of the House of Representatives and the Senate summarizing the status, cost and plan for all modernization projects; and for each major modernization project with an approved project plan, identifying—

(1) results and actual expenditures of the prior quarter;

(2) any variances in cost, schedule (including procurement), or functionality from the previously approved project plan, reasons for such variances and estimated impact on total life-cycle costs; and

(3) risks and mitigation strategies associated with ongoing work.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $140,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts

associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the funds made available by this Act may be used during fiscal year 2022 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2022 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit addi-

tional, updated budget information to these Committees upon request.

SEC. 208. None of the funds made available by this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 209. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2022 and 2023, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable, or be reasonably expected to become economically nonviable when complying with state or Federal requirements for community integration and reduced concentration of individuals with disabilities.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate

the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013); or

(F) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1);

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2));

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

SEC. 210. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 211. The funds made available for Native Alaskans under paragraph (1) under the heading ''Native

American Programs'' in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005, and only such recipients shall be eligible to apply for funds made available under paragraph (2) of such heading.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2022, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or any other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government that such a multifamily property owned or having a mortgage held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing

Reform and Affordability Act of 1997 (in this section ''MAHRAA'') (42 U.S.C. 1437f note), and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described in this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 213. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 214. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement, and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under paragraph (1) or (2) of section 9(g).

SEC. 215. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts ''Executive Offices'', ''Administrative Support Offices'', ''Program Offices'', ''Govern-

ment National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account'', and ''Office of Inspector General'' within the Department of Housing and Urban Development.

SEC. 216. The Secretary shall, for fiscal year 2022, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding opportunity (NOFO) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2022, the Secretary may make the NOFO available only on the Internet at the appropriate Government website or through other electronic media, as determined by the Secretary.

SEC. 217. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations.

SEC. 218. The Secretary is authorized to transfer up to 10 percent or $5,000,000, whichever is less, of funds appropriated for any office under the headings ''Administrative Support Offices'' or ''Program Offices'' to any other such office under such headings: *Provided*, That no appropriation for any such office under such headings

shall be increased or decreased by more than 10 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees 3 business days in advance of any such transfers under this section up to 10 percent or $5,000,000, whichever is less.

SEC. 219. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary, and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or a contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Such requirements shall apply to insured and non-insured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but shall not apply to such units assisted under section 8(o)(13) of such Act (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c)(1) Within 15 days of the issuance of the Real Estate Assessment Center (''REAC'') inspection, the Secretary shall provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary shall provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, who will be obligated to promptly make all required repairs and to accept renewal of the assistance contract if such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, trans-

fer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

(d) The Secretary shall take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA''); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

(e) The Secretary shall report semi-annually on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) identification of the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identification of properties that have such conditions multiple times;

(2) identification of actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

The first report shall be submitted to the Senate and House Committees on Appropriations not later than 30 days after the enactment of this Act, and the second report shall be submitted within 180 days of the transmittal of the first report.

SEC. 220. None of the funds made available by this Act, or any other Act, for purposes authorized under sec-

tion 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2022.

SEC. 221. None of the funds made available by this Act and provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, Tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 222. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Association, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to

eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 223. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 224. Amounts made available by this Act that are appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research of the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and that are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 225. None of the funds provided in this Act or any other Act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development subject to ad-

ministrative discipline (including suspension from work), in this fiscal year, but this prohibition shall not be effective prior to the effective date of any such administrative discipline or after any final decision over-turning such discipline.

SEC. 226. With respect to grant amounts awarded under the heading ''Homeless Assistance Grants'' for fiscal years 2015 through 2022 for the Continuum of Care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient's matching requirements, provided the costs are eligible CoC costs that supplement the recipient's CoC program.

SEC. 227. (a) From amounts made available under this title under the heading ''Homeless Assistance Grants'', the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

(b) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the continuum of care and meet standards determined by the Secretary.

SEC. 228. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 229. None of the funds made available by this Act may be used to establish and apply review criteria, including rating factors or preference points, for participation in or coordination with EnVision Centers, in the evaluation, selection, and award of any funds made available and requiring competitive selection under this Act, except with respect to any such funds otherwise authorized for EnVision Center purposes under this Act.

SEC. 230. None of the amounts made available in this Act may be used to consider Family Self-Sufficiency performance measures or performance scores in determining funding awards for programs receiving Family Self-Sufficiency program coordinator funding provided in this Act.

SEC. 231. Any public housing agency designated as a Moving to Work agency pursuant to section 239 of division L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat. 2897) may, upon such designation, use funds (except for special purpose funding, including special purpose vouchers) previously allocated to any such public housing agency under section 8 or 9 of the United States

Housing Act of 1937, including any reserve funds held by the public housing agency or funds held by the Department of Housing and Urban Development, pursuant to the authority for use of section 8 or 9 funding provided under such section and section 204 of title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–28), notwithstanding the purposes for which such funds were appropriated.

SEC. 232. None of the amounts made available by this Act may be used to prohibit any public housing agency under receivership or the direction of a Federal monitor from applying for, receiving, or using funds made available under the heading ''Public Housing Fund'' for competitive grants to evaluate and reduce lead-based paint hazards in this Act or that remain available and not awarded from prior Acts, or be used to prohibit a public housing agency from using such funds to carry out any required work pursuant to a settlement agreement, consent decree, voluntary agreement, or similar document for a violation of the Lead Safe Housing or Lead Disclosure Rules.

SEC. 233. None of the funds made available by this title may be used to issue rules or guidance in contravention of section 1210 of Public Law 115–254 (132 Stat.

3442) or section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155).

SEC. 234. Funds made available in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) for the ''Choice Neighborhoods Initiative'' that were available for obligation through fiscal year 2017 are to remain available through fiscal year 2023 for the liquidation of valid obligations incurred in fiscal years 2015 through 2017.

SEC. 235. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled ''Affirmatively Furthering Fair Housing'' (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled ''Affirmatively Furthering Fair Housing Assessment Tool'' (79 Fed. Reg. 57949 (September 26, 2014)).

SEC. 236. The language under the heading ''Rental Assistance Demonstration'' in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55), as most recently amended by Public Law 115–141, is further amended—

(1) after the seventeenth proviso, by inserting the following new proviso: ''*Provided further*, That

conversions of assistance under the following provisos herein shall be considered as the 'Second Component' and shall be authorized for fiscal year 2012 and thereafter:'';

(2) by striking the nineteenth proviso, as reordered above, and inserting the following four provisos: ''*Provided further*, That owners of properties assisted under section 101 of the Housing and Urban Development Act of 1965, section 236(f)(2) of the National Housing Act, or section 8(e)(2) of the United States Housing Act of 1937, for which an event after October 1, 2006 has caused or results in the termination of rental assistance or affordability restrictions and the issuance of tenant protection vouchers under section 8(o) of the Act shall be eligible, subject to requirements established by the Secretary, for conversion of assistance available for such vouchers or assistance contracts to assistance under a long term project-based subsidy contract under section 8 of the Act: *Provided further*, That owners of properties with a project rental assistance contract under section 202(c)(2) of the Housing Act of 1959 shall be eligible, subject to requirements established by the Secretary, including but not limited to the subordination, restructuring, or both, of any

capital advance documentation, including any note, mortgage, use agreement or other agreements, evidencing or securing a capital advance previously provided by the Secretary under section 202(c)(1) of the Housing Act of 1959 as necessary to facilitate the conversion of assistance while maintaining the affordability period and the designation of the property as serving elderly persons, and tenant consultation procedures, for conversion of assistance available for such assistance contracts to assistance under a long term project-based subsidy contract under section 8 of the Act: *Provided further*, That owners of properties with a project rental assistance contract under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act, shall be eligible, subject to requirements established by the Secretary, including but not limited to the subordination, restructuring, or both, of any capital advance documentation, including any note, mortgage, use agreement or other agreements, evidencing or securing a capital advance previously provided by the Secretary under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act as necessary to facilitate the conversion of assistance while maintaining the affordability period and the designation

of the property as serving persons with disabilities, and tenant consultation procedures, for conversion of assistance contracts to assistance under a long term project-based subsidy contract under section 8 of the Act: *Provided further*, That long term project-based subsidy contracts under section 8 of the Act which are established under this Second Component shall have a term of no less than 20 years, with rent adjustments only by an operating cost factor established by the Secretary, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), or, subject to agreement of the administering public housing agency, to assistance under section 8(o)(13) of the Act, to which the limitation under subsection (B) of section 8(o)(13) of the Act shall not apply and for which the Secretary may waive or alter the provisions of subparagraphs (C) and (D) of section 8(o)(13) of the Act:'';

(3) after the twenty-third proviso, as reordered above, by inserting the following new proviso: ''*Provided further*, That the Secretary may waive or alter the requirements of section 8(c)(1)(A) of the Act for contracts provided to properties converting assistance from section 202(c)(2) of the Housing Act of

1959 or section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act as necessary to ensure the ongoing provision and coordination of services or to avoid a reduction in project subsidy:''; and

(4) in the twenty-ninth proviso, as reordered above, by—

(A) striking ''heading 'Housing for the Elderly' '' and inserting ''headings 'Housing for the Elderly' and 'Housing for Persons with Disabilities' ''; and

(B) inserting ''or section 811 project rental assistance contract'' after ''section 202 project rental assistance contract''.

SEC. 237. For fiscal year 2022, if the Secretary determines or has determined, for any prior formula grant allocation administered by the Secretary through the Offices of Public and Indian Housing, Community Planning and Development, or Housing, that a recipient received an allocation greater than the amount such recipient should have received for a formula allocation cycle pursuant to applicable statutes and regulations, the Secretary may adjust for any such funding error in the next applicable formula allocation cycle by (a) offsetting each such recipient's formula allocation (if eligible for a formula allocation in the next applicable formula allocation cycle) by the

amount of any such funding error, and (b) reallocating any available balances that are attributable to the offset to the recipient or recipients that would have been allocated additional funds in the formula allocation cycle in which any such error occurred (if such recipient or recipients are eligible for a formula allocation in the next applicable formula allocation cycle) in an amount proportionate to such recipient's eligibility under the next applicable formula allocation cycle: *Provided*, That all offsets and reallocations from such available balances shall be recorded against funds available for the next applicable formula allocation cycle: *Provided further*, That the term ''next applicable formula allocation cycle'' means the first formula allocation cycle for a program that is reasonably available for correction following such a Secretarial determination: *Provided further*, That if, upon request by a recipient and giving consideration to all Federal resources available to the recipient for the same grant purposes, the Secretary determines that the offset in the next applicable formula allocation cycle would critically impair the recipient's ability to accomplish the purpose of the formula grant, the Secretary may adjust for the funding error across two or more formula allocation cycles.

SEC. 238. Of the unobligated balances available to the Department of Housing and Urban Development from

title II of division L of the Consolidated Appropriations Act of 2021 (Public Law 116–260), the following funds are hereby rescinded from the following accounts in the specified amounts—

(1) ''Management and Administration—Executive Offices'', $4,000,000; and

(2) ''Management and Administration—Administrative Support Offices'', $25,000,000.

SEC. 239. The Secretary may, upon a finding that a waiver or alternative requirement is necessary to facilitate the use of funds made available in paragraph (8) under the heading ''Tenant-Based Rental Assistance'' in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (Public Law 116–260), waive or specify alternative requirements, other than requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards, and the environment, for—

(1) section 214(d)(2) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)(2)), and regulatory provisions related to the timing of when documentation verifying eligibility must be obtained;

(2) section 576(a), (b), and (c) of the Quality Housing and Work Responsibility Act of 1998 (42

U.S.C. 13661(a), (b), and (c)), and regulatory provisions related to the verification of eligibility, eligibility requirements, and the admissions process;

(3) section 8(o)(6)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(6)(A)) and regulatory provisions related to the administration of waiting lists, local preferences, and the initial term and extensions of tenant-based vouchers;

(4) section 8(o)(7)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(A)) and regulatory provisions related to the initial lease term;

(5) section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) and regulatory provisions related to related to the timing of the initial inspection of a unit to allow for pre-inspections;

(6) section 8(o)(13)(J) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) and regulatory provisions related to the selection of tenants for project-based assistance;

(7) section 8(r)(B)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)(B)(i)) and regulatory provisions related to portability moves by non-resident applicants;

(8) section 16(b) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)) and regulatory provisions related to the eligibility and targeting of families for tenant-based assistance; and

(9) regulatory provisions related to the establishment of payment standards.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2022''.

# TITLE III

# RELATED AGENCIES

## ACCESS BOARD

### SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792), $9,750,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

## FEDERAL MARITIME COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 46107), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; and uniforms or allowances therefore, as authorized by sections 5901 and 5902 of title 5, United States Code, $32,869,000: *Provided*, That not to exceed $3,500 shall be for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $26,248,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in such Act, to investigate allegations of fraud, including false statements to the Government under section 1001 of title 18, United States Code, by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the National Railroad

Passenger Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2023, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2023 in similar format and substance to budget requests submitted by executive agencies of the Federal Government.

## NATIONAL TRANSPORTATION SAFETY BOARD

### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code, $121,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided*, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $163,000,000: *Provided*, That an additional $3,000,000, to remain available until September 30, 2025, shall be for the promotion and development of shared equity housing models.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by section 3109 of title 5, United States Code, $39,152,000: *Provided,* That, notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the amounts made available under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2022, to result in a final appropriation from the general fund estimated at not more than $37,902,000.

## UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

### OPERATING EXPENSES

For necessary expenses, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code, of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,800,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be

available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), whichever is more detailed, unless prior ap-

proval is received from the House and Senate Committees on Appropriations:

*Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include—

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

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the re-

spective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations; and

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

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2022 from appropriations made available for salaries and expenses for fiscal year 2022 in this Act, shall remain available through September 30, 2023, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to

include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933

(41 U.S.C. 8301–8305, popularly known as the ''Buy American Act'').

SEC. 410. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 411. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 412. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term ''international conference'' shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 413. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 414. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 415. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly

refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 416. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such

awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulations.

SEC. 417. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled ''Community Project Funding/Congressionally Directed Spending'' included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 418. None of the funds made available by this Act to the Department of Transportation may be used in contravention of section 306108 of title 54, United States Code.

SEC. 419. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still

qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 420. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 421. Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 109 Stat. 597; 118 Stat. 293; 133 Stat. 3018) is amended, in the first sentence, by inserting ''clauses (i) and (iv) of subsection (c)(38)(A),'' after ''subsection (c)(37),''.

SEC. 422. The remaining unobligated balances, as of September 30, 2022, from amounts made available to the Department of Transportation under the heading ''Federal Transit Administration—Capital Investment Grants'' in division G of the Consolidated Appropriations Act, 2019 (Public Law 116–6) are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2022, for an additional amount for fiscal year 2022, to remain available until September 30, 2023, and shall be available for the same purposes and under the same authorities for which such amounts were originally provided in Public Law 116–6.

SEC. 423. The second proviso under the heading ''Department of Transportation—Office of the Secretary—National Infrastructure Investments'' in title VIII of division J of Public Law 117–58 is amended—

(1) by striking ''to remain until September'' and inserting ''to remain available until September''; and

(2) by striking ''to remain available September'' and inserting ''to remain available until September'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of

H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 424. The matter preceding the first proviso under the heading ''Department of Transportation—Office of the Secretary—National Culvert Removal, Replacement, and Restoration Grants'' in title VIII of division J of Public Law 117–58 is amended by striking ''section 6203'' and inserting ''section 6703'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 425. Section 801 of title VIII of division J of Public Law 117–58 is amended—

(1) in subsection (a), by striking ''the programs administered by the Office of Multimodal Infrastructure and Freight may be transferred to an 'Office of Multimodal Infrastructure and Freight' account, to remain available until expended, for the necessary expenses of award, administration, or oversight of any discretionary financial assistance programs funded under this title in this Act or division A of this Act: *Provided*,'' and inserting ''the programs administered by the Office of the Secretary may be transferred to an 'Operational Support' account, to remain available until expended, for the necessary expenses of (1) coordination of the implementation of any division of this Act or (2) the award, administration, or oversight of any financial assistance programs funded under this title in this Act or divisions A, B, C, or G of this Act: *Provided*, That amounts transferred pursuant to the authority in this section are available in addition to amounts otherwise available for such purposes: *Provided further*,''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1) and in paragraph (6), by striking ''Office of

Multimodal Infrastructure and Freight'' and inserting ''Office of the Secretary''; and

(B) in paragraph (5), by striking ''section 6203'' and inserting ''section 6703'':

*Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 426. The heading ''Department of Transportation—Federal Highway Administration—Highway Infrastructure Program'' in title VIII of division J of Public Law 117–58 is amended by striking ''Program'' and inserting ''Programs'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and

Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 427. The matter under the heading ''Department of Transportation—Federal Highway Administration—Highway Infrastructure Program'' in title VIII of division J of Public Law 117–58 is amended—

(1) in the third proviso, by striking ''administrations'' and inserting ''administration'';

(2) in the fourth proviso, by inserting ''and shall remain available until expended'' after ''in the same account'';

(3) in paragraph (1), by striking ''construction program: *Provided further*,'' and inserting ''construction program: *Provided*,'';

(4) in the ninth proviso in paragraph (2)—

(A) by striking ''withdrawn from a State under the preceding proviso'' and inserting ''withdrawn from a State under the sixth proviso of this paragraph in this Act'';

(B) by striking ''within the State under the preceding proviso'' and inserting ''within the State under such proviso'';

(C) by striking ''withdrawn under the preceding proviso'' and inserting ''withdrawn under such proviso'';

(D) by striking ''under the second proviso under this paragraph'' and inserting ''under the second proviso of this paragraph''; and

(E) by striking ''withheld or withdrawn under the preceding proviso:'' and inserting ''withheld or withdrawn under the sixth proviso of this paragraph in this Act:'';

(5) in the sixteenth proviso in paragraph (2), by striking ''publically accessible'' and inserting ''publicly accessible'' each place it appears;

(6) in the twenty-first proviso in paragraph (2), by striking ''twenty-fourth proviso'' and inserting ''twenty-sixth proviso'';

(7) in the twenty-fourth proviso in paragraph (2), by striking ''nineteenth proviso'' and inserting ''twenty-first proviso'';

(8) in the thirtieth proviso in paragraph (2), by striking ''previous proviso'' and inserting ''preceding proviso'';

(9) in the fourth proviso in paragraph (9)—

(A) by striking ''third proviso in this'' and inserting ''third proviso of this''; and

(B) by striking ''under this heading:'' and inserting ''under this paragraph in this Act:''; and

(10) in the fifth proviso in paragraph (9), by striking ''in this paragraph in this Act'' and inserting ''in this paragraph of this Act'':

*Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 428. The matter under the heading ''Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation'' in title VIII of division J of Public Law 117–58 is amended—

(1) in the third proviso, by striking ''shall be made available for'' and inserting ''shall be made available for appropriate costs required for''; and

(2) in the seventh proviso, by striking ''the capital costs of'' and inserting ''the costs of'':

*Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 429. The matter under the heading ''Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation'' in title VIII of division J of Public Law 117–58 is amended in the second proviso, by striking ''under this heading in this Act shall be made available for'' and inserting ''under this heading in this Act shall be made available for appropriate costs required for'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution

on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 430. The matter preceding the first proviso under the heading ''Department of Transportation—Federal Railroad Administration—Federal-State Partnership for Intercity Passenger Rail Grants'' in title VIII of division J of Public Law 117–58 is amended by inserting ''in'' before ''section 24911'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 431. The eighth proviso under the heading ''Department of Transportation—Pipeline and Hazardous Materials Safety Administration—Natural Gas Distribu-

tion Infrastructure Safety and Modernization Grant Program'' in title VIII of division J of Public Law 117–58 is amended by striking ''transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026'' and inserting ''in the preceding proviso'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 432. (a) Funds previously made available in chapter 9 of title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2, division A; 127 Stat. 36) under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' that were available for obligation through fiscal year 2017 are to remain available through fiscal year 2025 for the liquidation of valid obligations incurred in fiscal years 2013 through 2017.

(b) EMERGENCY.—Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 433. Any obligated balances from amounts made available for project-based vouchers under the heading ''Permanent Supportive Housing'' in chapter 6 of title III of Public Law 110–252 may be used for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

This division may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022''.

# DIVISION M—COVID SUPPLEMENTAL APPROPRIATIONS ACT, 2022

## TITLE I

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### OFFICE OF THE SECRETARY

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $10,600,000,000, to remain available until September 30, 2025, to prevent, prepare for, and respond to coronavirus, including for necessary expenses with respect to the research and development, manufacturing, production, purchase, and distribution of vaccines, therapeutics, diagnostics, and medical products, services, and supplies: *Provided*, That of the amount provided under this heading in this Act, up to $9,850,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research and development, manufacturing, production, and purchase, at the discretion of the Secretary of Health and Human Services, of vaccines, therapeutics, diagnostics, and supplies necessary for the administration of such vaccines, therapeutics, and

diagnostics: *Provided further*, That from the amount made available in the preceding proviso, not less than $5,000,000,000 shall be available for necessary expenses to research, develop, manufacture, produce, purchase, and administer therapeutics: *Provided further*, That from the amount made available under this heading in this Act, not less than $750,000,000 shall be available for research and clinical trials related to research on, clinical trials for, and development and procurement of, vaccines for emerging coronavirus variants, and to support the sustainment and expansion of vaccine manufacturing capacity, including fill-finish capacity: *Provided further*, That products, supplies, and equipment purchased with amounts provided under this heading in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2(a) of the Public Health Service Act: *Provided further*, That amounts provided under this heading in this Act may be used for the construction, alteration, or renovation of non-federally owned U.S.-based facilities for the production of vaccines, therapeutics, diagnostics, and ancillary medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That amounts provided under this heading in this Act may be transferred to, and

merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That the transfer authority provided under this heading in this Act is in addition to any other transfer authority provided by law: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from amounts provided under this heading in this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after the date of enactment of this Act, and every 30 days thereafter until all amounts provided under this heading in this Act have been expended, detailing obligations of such amounts in excess of $20,000,000, with annotation of which Department or agency, and component thereof is managing the contract; the current inventory of COVID–19 vaccines, therapeutics, and diagnostics; and the distribution of COVID–19 vaccines, therapeutics, and diagnostics during the previous month, reported by State and other jurisdiction.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 1101. Funds appropriated by this title under the heading ''Public Health and Social Services Emergency Fund'' may be transferred to, and merged with, other appropriation accounts under the heading ''National Institutes of Health'' to prevent, prepare for, and respond to coronavirus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this Act are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this Act may be transferred pursuant to the authority in section 205 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022 or section 241(a) of the Public Health Service Act.

SEC. 1102. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of an-

ticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until all funds are expended: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be briefed on obligations quarterly until all funds are expended.

SEC. 1103. Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide biweekly obligation reports, including anticipated use of funds made available in this title, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such reports shall be updated and submitted biweekly to the Committees until all funds are expended.

SEC. 1104. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide monthly reports on obligations made with these supplemental funds related to: (1)

research; (2) advanced development; (3) procurement; or (4) administration activities to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on Energy and Commerce of the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate: *Provide*d, That such report shall include for procurement contracts: (1) recipient; (2) total number of units purchased; (3) delivery dates; (4) any options on such contracts; and (5) location of manufactured product: *Provided further*, That such report shall include projections of the supply of and domestic need for vaccines, therapeutics, tests, and ancillary medical supplies over the next 90 days to prepare for and respond to coronavirus, to the extent such information is available: *Provided further*, That such reports shall be updated and submitted monthly to the Committees until all funds are expended.

## TITLE II

## DEPARTMENT OF STATE AND RELATED AGENCY

## DEPARTMENT OF STATE

### Administration of Foreign Affairs

#### diplomatic programs

For an additional amount for ''Diplomatic Programs'', $15,000,000, to remain available until September

30, 2024, to prevent, prepare for, and respond to coronavirus.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $35,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

For an additional amount for ''Global Health Programs'', $4,450,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That funds may be made available as contributions, including to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and to Gavi, the Vaccine Alliance: *Provided further*, That any contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria made pursuant to the preceding proviso shall be made available notwithstanding section 202(d)(4)(A)(i) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)(A)(i)), and such contribution shall not be con-

sidered a contribution for the purpose of applying such section 202(d)(4)(A)(i).

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $425,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, and for humanitarian needs.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $75,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, and for humanitarian needs.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 1201. The reporting requirement provided by section 406(b) of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–123) shall apply to funds appropriated by this title, except that such section 406(b) shall be applied to such funds by substituting ''September 30, 2023'' for ''September 30, 2022''.

SEC. 1202. (a) Funds appropriated by this title under the headings ''Global Health Programs'', ''International Disaster Assistance'', and ''Migration and Refugee Assist-

ance'' may be transferred to, and merged with, funds appropriated by this title under such headings to prevent, prepare for, and respond to coronavirus, and for humanitarian needs.

(b) The authorities and limitations provided by sections 402(d), 402(e), and 402(f) of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–123) shall apply to the funds appropriated and authorities provided by this title.

## TITLE III

## GENERAL PROVISIONS—THIS ACT

SEC. 1301. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1302. 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. 1303. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 1304. Each amount provided by this division is designated by the Congress as being for an emergency re-

quirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 1305. In this Act, the term ''coronavirus'' means SARS–CoV–2 or another coronavirus with pandemic potential.

SEC. 1306. (a) Of the unobligated balances from amounts made available to the Department of Agriculture in section 1001(a) of subtitle A of title I of the American Rescue Plan Act of 2021 (Public Law 117–2), $1,000,000,000 are hereby permanently rescinded.

(b) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' in section 323(d)(1)(A) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for the cost of guaranteed loans as authorized under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $2,950,000,000 are hereby permanently rescinded.

(c) Of the unexpended balances remaining from amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–

136), as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $1,904,000,000 shall be returned to the Treasury.

(d) Of the unobligated balances from amounts made available under sections 602(a)(1) and 603(a) of the Social Security Act (42 U.S.C. 802(a)(1), 803(a)) on the date of enactment of this Act, $7,055,000,000 is rescinded as of such date: *Provided*, That such rescission shall be applied first on a pro rata basis to the unobligated balances of the payment amounts allocated by the Secretary of the Treasury pursuant to subsection (b)(3)(B) of section 602 of the Social Security Act (42 U.S.C. 802): *Provided further*, That any remaining amounts to be rescinded shall be applied next on a pro rata basis to the unobligated balances of the payment amounts allocated by the Secretary of the Treasury pursuant to subsection (b)(1)(B) and (b)(2)(B) of section 602 of such Act (42 U.S.C. 802): *Provided further*, That any remaining amounts to be rescinded shall be applied on a pro rata basis to the unobligated balances of the payment amounts allocated by the Secretary of the Treasury for each of the entities authorized to receive payments under section 603 of such Act (42 U.S.C. 803).

(e) Of the unobligated balances from amounts made available to the Department of Education in section 2003 of title II of the American Rescue Plan Act of 2021 (Public Law 117–2) and allocated to institutions of higher education as defined in section 102(b) of the Higher Education Act of 1965, $100,000,000 are hereby permanently rescinded.

(f) Of the unobligated balances from amounts made available to the Department of Transportation in section 7202(a) of title VII of the American Rescue Plan Act of 2021 (Public Law 117–2), $2,000,000,000 are hereby permanently rescinded.

(g) Of the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as ''Secretary'') for administrative expenses pursuant to section 4003(f) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), up to $55,000,000 shall be available to the Secretary for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to implement section 501 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), section 3201 of the American Rescue Plan Act of 2021 (Public Law 117–2), or title VI of the Social Security Act (42

U.S.C. 801 et seq.), in addition to amounts otherwise available for such purposes.

(h)(1) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(3) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

(A) for purposes of section 251 of such Act;

(B) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(C) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 1307. Of the unobligated balances from amounts made available to the Department of Agriculture under the heading ''Agricultural Programs—Office of the Secretary'' in title I of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), $650,000,000 are hereby permanently rescinded: *Provided*, That the amounts rescinded pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year.

This division may be cited as the ''COVID Supplemental Appropriations Act, 2022''.

# DIVISION N—UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2022

## TITLE I

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### food for peace title ii grants

For an additional amount for ''Food for Peace Title II Grants'', $100,000,000, to remain available until expended.

## TITLE II

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### operations and administration

For an additional amount for ''Operations and Administration'', $22,100,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That the Bureau of Industry and Security shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That amounts provided under this heading in this Act may not be used to increase the number of permanent positions: *Provided further*, That amounts made available under this heading in this Act may be used to appoint such temporary per-

sonnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service: *Provided further*, That the Secretary of Commerce is authorized to appoint such temporary personnel, after serving continuously for one year, to positions in the Bureau of Industry and Security in the same manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions and an individual appointed under this provision shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure.

## DEPARTMENT OF JUSTICE

### Legal Activities

#### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $9,700,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That amounts provided under this heading in this Act may not be used to increase the number of permanent positions.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2023, to respond to the situ-

ation in Ukraine and for related expenses: *Provided*, That amounts provided under this heading in this Act may not be used to increase the number of permanent positions.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,100,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That amounts provided under this heading in this Act may not be used to increase the number of permanent positions.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $43,600,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

# TITLE III

# DEPARTMENT OF DEFENSE

## MILITARY PERSONNEL

### MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $130,377,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $11,645,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $3,079,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $50,396,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,113,234,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $202,797,000, to remain available until

September 30, 2022, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $21,440,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $415,442,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, SPACE FORCE

For an additional amount for ''Operation and Maintenance, Space Force'', $800,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $311,583,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $213,693,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $14,259,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $31,100,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $47,500,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $51,745,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $409,000,000, to remain available until September 30, 2022, to respond to the situation in Ukraine and for related expenses.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 2301. In addition to amounts provided elsewhere in this title, there is appropriated $3,500,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until September 30, 2023, which may be transferred to accounts under the headings ''Operation and Maintenance'' and ''Procurement'', for replacement of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to the Government of Ukraine: *Provided*, That the Secretary of

Defense shall notify the congressional defense committees of the details of such transfers not less than 30 days before any such transfer: *Provided further*, That the funds transferred pursuant to this section shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law.

SEC. 2302. The Inspector General of the Department of Defense shall carry out reviews of the activities of the Department of Defense to execute funds appropriated in this Act, including assistance provided to Ukraine: *Provided*, That the Inspector General shall provide to the congressional defense committees a written report not later than 120 days after the date of enactment of this Act.

TITLE IV

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Administration'', $30,000,000, to remain available until expended, to respond to the situation in Ukraine and for related expenses: *Provided*, That funds appropriated under this heading in this Act may be transferred to, and merged with, other appropriation accounts of the Department of Energy, to respond to the situation in Ukraine and for related expenses: *Provided further*, That upon a determination that all or part of the funds transferred pursuant to the authority provided under this heading are not necessary for such purposes, such amounts may be transferred back to this appropriation.

TITLE V

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $17,000,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $25,000,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $19,000,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

# TITLE VI

# DEPARTMENT OF STATE AND RELATED AGENCY

## DEPARTMENT OF STATE

### ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Diplomatic Programs'', $125,000,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine: *Provided*, That up to $15,000,000 may be transferred to, and merged with, funds available under the heading

''Emergencies in the Diplomatic and Consular Service'': *Provided further*, That up to $50,000,000 may be transferred to, and merged with, funds available under the heading ''Capital Investment Fund'' for cybersecurity and related information technology investments: *Provided further*, That funds appropriated under this heading in this Act shall be made available, as appropriate, to enhance the capacity of the Department of State to identify the assets of Russian and other oligarchs related to the situation in Ukraine, and to coordinate with the Department of the Treasury in seizing or freezing such assets.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2024.

## RELATED AGENCY

### UNITED STATES AGENCY FOR GLOBAL MEDIA

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $25,000,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine, including to enhance the capacity of Radio Free Europe/Radio Liberty, Voice of America, and other United

States broadcasting entities and independent grantee organizations.

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

### FUNDS APPROPRIATED TO THE PRESIDENT

#### OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $25,000,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine.

#### OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2024.

## BILATERAL ECONOMIC ASSISTANCE

### FUNDS APPROPRIATED TO THE PRESIDENT

#### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $2,650,000,000, to remain available until expended, to respond to humanitarian needs in Ukraine and in countries impacted by the situation in Ukraine, including the provision of emergency food and shelter, and for assistance for other vulnerable populations and communities.

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $120,000,000, to remain available until expended, for assistance for Ukraine and countries impacted by the situation in Ukraine.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Economic Support Fund'', $647,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine, including direct financial support: *Provided*, That funds appropriated under this heading in this Act may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for ''Assistance for Europe, Eurasia and Central Asia'', $1,120,000,000, to remain available until September 30, 2024, for assistance and related programs for Ukraine and other countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5402(c))).

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $1,400,000,000, to remain available until expended, to assist refugees from Ukraine and for additional support for other vulnerable populations and communities.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $30,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $650,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 2601. During fiscal year 2022, section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) shall be applied by substituting ''$3,000,000,000'' for ''$100,000,000''.

SEC. 2602. During fiscal year 2022, section 614(a)(4)(A)(ii) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) shall be applied by substituting ''$500,000,000'' for ''$250,000,000'' and section 614(a)(4)(C) shall be applied by substituting ''$100,000,000'' for ''$50,000,000'', by substituting ''$500,000,000'' for ''$250,000,000'', by substituting ''$750,000,000'' for ''$500,000,000'', and by substituting ''$1,250,000,000'' for ''$1,000,000,000''.

SEC. 2603. During fiscal year 2022, the President may transfer excess defense articles to Ukraine and to allies and partners in Europe pursuant to section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) without regard to the notification requirement in section 516(f)(1) of such Act and the monetary limitation in section 516(g) of such Act: *Provided*, That not later than 30 days after such a transfer has occurred, the President shall report to the appropriate congressional committees

on the items transferred, pursuant to the specifications in section 516(f) of such Act.

SEC. 2604. (a) Funds appropriated by this title under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' may be transferred to, and merged with, funds appropriated by this title under such headings to respond to humanitarian needs in Ukraine and in countries impacted by the situation in Ukraine and for other assistance for vulnerable populations and communities.

(b) Funds appropriated by this title under the headings ''Transition Initiatives'', ''Economic Support Fund'', ''Assistance for Europe, Eurasia and Central Asia'', and ''International Narcotics Control and Law Enforcement'' may be transferred to, and merged with, funds available under such headings and with funds available under the headings ''Complex Crises Fund'' and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' for assistance for Ukraine and countries impacted by the situation in Ukraine and to respond to humanitarian needs.

(c) Funds appropriated by this title under the heading ''Economic Support Fund'' may be transferred to, and merged with, funds available under the heading ''Diplomatic Programs'' for activities related to public engagement, messaging, and countering disinformation.

(d) The transfer authorities provided by this title are in addition to any other transfer authority provided by law.

(e) The exercise of the transfer authorities provided by this title shall be subject to prior consultation with the Committees on Appropriations.

(f) Upon a determination that all or part of the funds transferred pursuant to the authorities provided under this title are not necessary for such purposes, such amounts may be transferred back to such appropriations.

SEC. 2605. Funds appropriated by this title under the headings ''Diplomatic Programs'', ''International Broadcasting Operations'', ''Operating Expenses'', ''International Disaster Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''Assistance for Europe, Eurasia and Central Asia'', ''Migration and Refugee Assistance'', ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' may be used to reimburse accounts administered by the Department of State, United States Agency for Global Media, and the United States Agency for International Development for obligations incurred related to the situation in Ukraine and in countries impacted by the situation in Ukraine under such headings prior to the date of enactment of this Act.

SEC. 2606. (a) During fiscal year 2022, direct loans under section 23 of the Arms Export Control Act may be made available for Ukraine and North Atlantic Treaty Organization (NATO) allies, notwithstanding section 23(c)(1) of the Arms Export Control Act, gross obligations for the principal amounts of which shall not exceed $4,000,000,000: *Provided*, That funds made available under the heading ''Foreign Military Financing Program'' in this title and unobligated balances of funds made available under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of such loans: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and may include the costs of selling, reducing, or cancelling any amounts owed to the United States or any agency of the United States: *Provided further*, That the Government of the United States may charge fees for such loans, which shall be collected from borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That no funds made available by this or any other appropriations Act for this fiscal year or prior fiscal years may be used for payment of any fees

associated with such loans: *Provided further*, That such loans shall be repaid in not more than 12 years, including a grace period of up to one year on repayment of principal: *Provided further*, That notwithstanding section 23(c)(1) of the Arms Export Control Act, interest for such loans may be charged at a rate determined by the Secretary of State, except that such rate may not be less than the prevailing interest rate on marketable Treasury securities of similar maturity: *Provided further*, That amounts made available under this subsection for such costs shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(b) Funds made available under the heading ''Foreign Military Financing Program'' in this title and unobligated balances of funds made available under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available, notwithstanding the third proviso under such heading, for the costs of loan guarantees under section 24 of the Arms Export Control Act for Ukraine and NATO allies, which are authorized to be provided: *Provided*, That such funds are available to subsidize gross obligations for the principal amount of commercial loans, and total loan principal, any part of which is to be guaranteed, not to exceed $4,000,000,000: *Provided further*, That

no loan guarantee with respect to any one borrower may exceed 80 percent of the loan principal: *Provided further*, That any loan guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrower in the case of default: *Provided further*, That repayment in United States dollars of any loan guaranteed under this subsection shall be required within a period not to exceed 12 years after the loan agreement is signed: *Provided further*, That the Government of the United States may charge fees for such loan guarantees, as may be determined, notwithstanding section 24 of the Arms Export Control Act, which shall be collected from borrowers or third parties on behalf of such borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That amounts made available under this subsection for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(c) Funds made available pursuant to the authorities of this section shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

SEC. 2607. Not later than 30 days after the date of enactment of this Act, the Secretary of State and Administrator of the United States Agency for International Development shall jointly submit a report to the Committees on Appropriations on the proposed uses of funds appropriated by this title: *Provided*, That the United States Agency for Global Media Chief Executive Officer shall submit a separate report not later than 30 days after the date of enactment of this Act for funds appropriated under the heading ''International Broadcasting Operations'': *Provided further*, That such reports shall be updated and submitted to the Committees on Appropriations every 60 days thereafter until September 30, 2024, and every 120 days thereafter until all funds have been expended.

## TITLE VII

## GENERAL PROVISIONS—THIS ACT

SEC. 2701. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 2702. 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. 2703. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appro-

priations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 2704. (a) Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees and congressional Leadership a report that includes the following:

(1) a description of United States Government assistance provided to the security forces of the Government of Ukraine for the purpose of supporting the Ukrainian people as they defend their territorial integrity and sovereignty, and to counter ongoing Russian aggression, including:

(A) an assessment of Ukrainian security requirements and capabilities gaps the assistance seeks to fill; and

(B) formal requests from the Government of Ukraine for specific defense articles and services as of the date of enactment;

(2) a description, to the extent practicable, of other assistance, including lethal assistance, Ukraine has received since December 1, 2021, from foreign governments;

(3) a description of United States Government diplomatic efforts to end Russia's aggression against Ukraine and to restore Ukraine's sovereignty;

(4) a detailed description of United States Government policies aimed at supporting North Atlantic Treaty Organization (NATO) allies and other European partners threatened by the government of the Russian Federation and its proxies and increased strain from the humanitarian crisis; and

(5) a plan to replenish stocks of U.S. origin defense articles transferred by NATO or its member states to Ukraine.

(b) The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex, if necessary.

(c) Every 90 days after the release of the first report to the appropriate congressional committees, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees and congressional Leadership a report that includes:

(1) a detailed description of defense articles transferred or scheduled to be transferred by the United States to the Government of Ukraine; and

(2) a detailed description of U.S. origin defense articles transferred by NATO or its member states

under U.S. authorization to the Government of Ukraine during the reporting period.

(d) For purposes of this section, the term ''appropriate congressional committees'' means the House Committees on Foreign Affairs, Armed Services, and Appropriations and the Senate Committees on Foreign Relations, Armed Services, and Appropriations.

SEC. 2705. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the ''Ukraine Supplemental Appropriations Act, 2022''.

# DIVISION O—EXTENSIONS AND TECHNICAL CORRECTIONS

# TITLE I—FLOOD INSURANCE

**SEC. 101. NATIONAL FLOOD INSURANCE PROGRAM EXTENSION.**

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2021'' and inserting ''September 30, 2022''.

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2021'' and inserting ''September 30, 2022''.

# TITLE II—IMMIGRATION EXTENSIONS

**SEC. 201. E-VERIFY.**

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting ''September 30, 2022'' for ''September 30, 2015''.

**SEC. 202. NON-MINISTER RELIGIOUS WORKERS.**

Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by substituting ''September 30, 2022'' for ''September 30, 2015''.

**SEC. 203. RURAL HEALTHCARE WORKERS.**

Subclauses 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting ''September 30, 2022'' for ''September 30, 2015''.

**SEC. 204. H–2B SUPPLEMENTAL VISAS EXEMPTION.**

Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2022 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

# TITLE III—LIVESTOCK REPORTING EXTENSION

**SEC. 301. LIVESTOCK MANDATORY REPORTING EXTENSION.**

(a) IN GENERAL.—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking ''2020'' and inserting ''2022''.

(b) CONFORMING AMENDMENT.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) is amended by striking ''2020'' and inserting ''2022''.

# TITLE IV—TVPA EXTENSION

**SEC. 401. EXTENSION OF ADDITIONAL SPECIAL ASSESSMENT.**

Section 3014(a) of title 18, United States Code, is amended by striking ''March 11, 2022'' and inserting ''September 11, 2022''.

# TITLE V—BUDGETARY EFFECTS

**SEC. 501. BUDGETARY EFFECTS.**

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall

not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

# DIVISION P—HEALTH PROVISIONS

# TITLE I—PUBLIC HEALTH

## Subtitle A—National Disaster Medical System

### SEC. 101. EXTENSION OF AUTHORITY TO MAKE CERTAIN APPOINTMENTS FOR NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812(c)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–11(c)(4)(B)) is amended by striking ''March 11, 2022'' and inserting ''September 30, 2023''.

## Subtitle B—Synthetic Nicotine

### SEC. 111. FDA AUTHORITY OVER PRODUCTS CONTAINING NICOTINE.

(a) TOBACCO PRODUCT DEFINED.—Section 201(rr) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(rr)) is amended—

(1) in subparagraph (1), by inserting '', or containing nicotine from any source,'' after ''from tobacco''; and

(2) by adding at the end the following:

''(5) The term 'tobacco product' does not mean an article that is a food under paragraph (f), if such article

contains no nicotine, or no more than trace amounts of naturally occurring nicotine.''.

(b) APPLICABILITY TO CERTAIN PRODUCTS.—Section 901(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387a(b)) is amended by adding at the end the following: ''This chapter shall also apply to any tobacco product containing nicotine that is not made or derived from tobacco.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 30 days after the date of enactment of this Act.

(d) SUBMISSION OF APPLICATIONS FOR PREVIOUSLY MARKETED PRODUCTS.—

(1) TRANSITION PERIOD FOR ALL PRODUCTS.—With respect to a tobacco product that contains nicotine from any source other than tobacco and that was being marketed in the United States within 30 days after the date of enactment of this Act, such product shall not be considered to be in violation of section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j) (relating to applications for review of certain tobacco products) during the 60-day period following the date of enactment of this Act.

(2) SUBMISSION OF APPLICATIONS.—

(A) IN GENERAL.—As a condition for continuing to market a product described in paragraph (1) after the 60-day period specified in such paragraph, during the 30-day period beginning on the effective date specified in subsection (c), the manufacturer shall submit a new tobacco product application under section 910(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j(b)) with respect to such product.

(B) TRANSITION PERIOD.—Except as provided in subparagraph (C), with respect to a tobacco product for which an application is submitted as described in subparagraph (A), the manufacturer of such product may continue to market such product during the 90-day period beginning on the effective date specified in subsection (c).

(C) EXCEPTION.—If the Secretary of Health and Human Services previously denied an application under section 910(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j(c)(2)), refused to file an application under section 910(b) of such Act, or withdrew an order under section 910(d) of such Act

for a previous version of a tobacco product that used nicotine made or derived from tobacco, such product is not eligible for continued marketing under subparagraph (B).

(3) END OF TRANSITION PERIOD.—Beginning on the date that is 90 days after the effective date specified in subsection (c), a tobacco product described in paragraph (1) (including such a tobacco product that is the subject of a pending application under section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j)) is in violation of such section 910 if such tobacco product does not have an order in effect under subsection (c)(1)(A)(i) of such section.

(e) APPLICABILITY OF EXISTING REQUIREMENTS FOR TOBACCO PRODUCTS.—Effective 30 days after the date of enactment of this Act, with respect to any regulation promulgated or related guidance issued, in whole or part, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) before the date that is 30 days after such date of enactment, the term ''tobacco product'' shall have the meaning of, and shall be deemed amended to reflect the meaning of, such term as defined in section 201(rr) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(rr)), as amended by subsection (a). Products

that are tobacco products under such section 201(rr), as so amended, shall be subject to all requirements of regulations for tobacco products. The Secretary of Health and Human Services shall publish a notice in the Federal Register to update the Code of Federal Regulations to reflect such deemed amendment to existing regulations and guidance.

(f) TECHNICAL ACHIEVABILITY.—Section 907(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387g(b)(1)) is amended by inserting before the period at the end the following: ", including with regard to any differences related to the technical achievability of compliance with such standard for products in the same class containing nicotine not made or derived from tobacco and products containing nicotine made or derived from tobacco".

**SEC. 112. REPORTING ON TOBACCO REGULATION ACTIVITIES.**

(a) IN GENERAL.—For fiscal year 2022 and each subsequent fiscal year for which fees are collected under section 919 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s), the Secretary of Health and Human Services shall, not later than 180 days after the end of the fiscal year, prepare and submit to the Committee on Energy and Commerce and the Committee on Appropria-

tions of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, an annual report that contains the information required under subsection (b).

(b) REQUIRED INFORMATION.—Each report submitted under subsection (a) shall contain the following information for the previous fiscal year:

(1) Total annual user fee collections.

(2) Total amount of fees obligated.

(3) The amount of unobligated carryover balance from fees collected.

(4) The amount obligated by the Center for Tobacco Products for each of the following activities:

(A) Compliance and enforcement.

(B) Public education campaigns.

(C) Scientific research and research infrastructure.

(D) Communications.

(E) Leadership, management oversight, and administrative services.

(F) Related overhead activities.

(5) The numbers of applications, categorized by class of tobacco product and review pathway under sections 905, 910, and 911 of the Federal Food,

Drug, and Cosmetic Act (21 U.S.C. 387e; 387j; 387k), that were—

(A) submitted;

(B) pending;

(C) accepted;

(D) refused to file;

(E) withdrawn;

(F) denied;

(G) authorized for marketing under an order;

(H) issued a deficiency letter or environmental information request letter; or

(I) referred to the Tobacco Products Scientific Advisory Committee.

(6) The number and titles of draft and final guidance documents and proposed and final regulations issued on topics related to the process for the review of tobacco product applications, whether such regulations and guidance documents were issued as required by statute or by other legal or regulatory requirements, and whether the issuance met the deadlines set forth by the applicable statute or other requirements.

(7) The number and titles of public meetings related to the review of tobacco product applications

by the Center for Tobacco Products or other offices or centers within the Food and Drug Administration.

(8) The number of pre-submission meetings relating to applications under section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j), including the number of meeting requests received, the number of meetings held, and the median amount of time between when such meeting requests were made and when the requests were granted or denied.

(9) The number of full-time equivalent employees funded pursuant to fees collected under section 919 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s), including identification of the centers and offices within the Food and Drug Administration in which such positions are located.

(10) The number of inspections and investigations conducted at domestic and foreign establishments required to register under section 905 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387e).

(11) The total number of compliance and enforcement actions issued or taken with respect to tobacco products, including warning letters, civil

money penalties, no-tobacco-sale orders, and other enforcement actions (including seizures, injunctions, and criminal prosecution).

(c) PUBLIC AVAILABILITY.—The Secretary of Health and Human Services shall make the reports required under this section available to the public on the website of the Food and Drug Administration.

(d) LIMITATIONS.—Reporting under this section shall include best estimates for any reporting category for which the Food and Drug Administration does not have precise calculations. Such best estimates shall be accompanied with an explanatory statement for why the Food and Drug Administration does not have access to, or cannot calculate, the exact figure and a date by which the Food and Drug Administration will update its internal accounting procedures to allow for such reporting. If a category is successfully reported by the Food and Drug Administration with regard to another type of user fee but is provided a best estimate by the Center for Tobacco Products, the explanatory statement shall include information regarding how the Food and Drug Administration will align systems and apply learning across the agency to allow for accurate reporting.

# Subtitle C—Drug Discount Program

## SEC. 121. ELIGIBILITY EXCEPTION FOR THE DRUG DISCOUNT PROGRAM DUE TO THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of a hospital described in subsection (b) that, with respect to cost reporting periods that begin during fiscal year 2020 or a subsequent fiscal year, but do not end after December 31, 2022, does not meet the applicable requirement for the disproportionate share adjustment percentage described in subsection (c) by reason of the COVID–19 public health emergency, but otherwise meets the requirements for being a covered entity under subparagraph (L), (M), or (O) of subsection (a)(4) of section 340B of the Public Health Service Act (42 U.S.C. 256b) and is in compliance with all other requirements of the program under such section, shall be deemed a covered entity for purposes of such section for the period—

(1) beginning on the date of the enactment of this Act (or, if later, with the first of such cost reporting periods for which the hospital does not so meet such applicable requirement for the disproportionate share adjustment percentage, but otherwise

meets all other such requirements for being such a covered entity and of such program); and

(2) ending with the last of such cost reporting periods (ending not later than December 31, 2022) for which the hospital does not so meet such applicable requirement for the disproportionate share adjustment percentage, but otherwise meets all other such requirements for being such a covered entity and of such program.

(b) HOSPITALS.—A hospital described in this subsection is an entity that, on the day before the first day of the COVID–19 public health emergency, was a covered entity described in subparagraph (L), (M), or (O) of subsection (a)(4) of section 340B of the Public Health Service Act participating in the drug discount program under such section.

(c) APPLICABLE REQUIREMENT FOR DISPROPORTIONATE SHARE ADJUSTMENT PERCENTAGE.—The applicable requirement for the disproportionate share adjustment percentage described in this subsection is—

(1) in the case of a hospital described in subsection (a) that otherwise meets the requirements under subparagraph (L) or (M) of section 340B(a)(4) of the Public Health Service Act, the re-

quirement under subparagraph (L)(ii) of such section; and

(2) in the case of a hospital described in subsection (a) that otherwise meets the requirements under subparagraph (O) of such section 340B(a)(4), the requirement with respect to the disproportionate share adjustment percentage described in such subparagraph (O).

(d) SELF-ATTESTATION.—

(1) IN GENERAL.—A hospital described in subsection (a) that fails to meet the applicable requirement for the disproportionate share adjustment percentage described in subsection (c) shall, within 30 days of such failure, or in the case of a hospital where such failure occurred prior to the date of enactment of this Act but after the start of the COVID-19 public health emergency, within 30 days of the date of enactment, provide to the Secretary of Health and Human Services an attestation that contains information on any actions taken by or other impact on such hospital in response to or as a result of the COVID-19 public health emergency that may have impacted the ability to meet the applicable requirement for the disproportionate share adjustment percentage described in subsection (c).

(2) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to the collection of information provided pursuant to this subsection.

(e) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)).

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 public health emergency'' means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19 (or any renewal of such declaration).

# Subtitle D—Maternal Health Quality Improvement

## CHAPTER 1—IMPROVEMENTS TO MATERNAL HEALTH CARE

### SEC. 131. INNOVATION FOR MATERNAL HEALTH.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 330N of such Act, the following:

**"SEC. 330O. INNOVATION FOR MATERNAL HEALTH.**

"(a) IN GENERAL.—The Secretary, in consultation with experts representing a variety of clinical specialties, State, Tribal, or local public health officials, researchers, epidemiologists, statisticians, and community organizations, shall establish or continue a program to award competitive grants to eligible entities for the purpose of—

"(1) identifying, developing, or disseminating best practices to improve maternal health care quality and outcomes, improve maternal and infant health, and eliminate preventable maternal mortality and severe maternal morbidity, which may include—

"(A) information on evidence-based practices to improve the quality and safety of maternal health care in hospitals and other health care settings of a State or health care system by addressing topics commonly associated with health complications or risks related to prenatal care, labor care, birthing, and postpartum care;

"(B) best practices for improving maternal health care based on data findings and reviews conducted by a State maternal mortality review committee that address topics of relevance to common complications or health risks related to prenatal care, labor care, birthing, and postpartum care; and

''(C) information on addressing determinants of health that impact maternal health outcomes for women before, during, and after pregnancy;

''(2) collaborating with State maternal mortality review committees to identify issues for the development and implementation of evidence-based practices to improve maternal health outcomes and reduce preventable maternal mortality and severe maternal morbidity, consistent with section 317K;

''(3) providing technical assistance and supporting the implementation of best practices identified in paragraph (1) to entities providing health care services to pregnant and postpartum women; and

''(4) identifying, developing, and evaluating new models of care that improve maternal and infant health outcomes, which may include the integration of community-based services and clinical care.

''(b) ELIGIBLE ENTITIES.—To be eligible for a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(2) demonstrate in such application that the entity is capable of carrying out data-driven maternal safety and quality improvement initiatives in the areas of obstetrics and gynecology or maternal health.

''(c) REPORT.—Not later than September 30, 2025, and every 2 years thereafter, the Secretary shall submit a report to Congress on the practices described in paragraphs (1) and (2) of subsection (a). Such report shall include a description of the extent to which such practices reduced preventable maternal mortality and severe maternal morbidity, and whether such practices improved maternal and infant health. The Secretary shall disseminate information on such practices, as appropriate.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $9,000,000 for each of fiscal years 2023 through 2027.''.

**SEC. 132. TRAINING FOR HEALTH CARE PROVIDERS.**

Title VII of the Public Health Service Act is amended by striking section 763 (42 U.S.C. 294p) and inserting the following:

**''SEC. 763. TRAINING FOR HEALTH CARE PROVIDERS.**

''(a) GRANT PROGRAM.—The Secretary shall establish a program to award grants to accredited schools of

allopathic medicine, osteopathic medicine, and nursing, and other health professional training programs for the training of health care professionals to improve the provision of prenatal care, labor care, birthing, and postpartum care for racial and ethnic minority populations, including with respect to perceptions and biases that may affect the approach to, and provision of, care.

''(b) ELIGIBILITY.—To be eligible for a grant under subsection (a), an entity described in such subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) REPORTING REQUIREMENTS.—

''(1) PERIODIC GRANTEE REPORTS.—Each entity awarded a grant under this section shall periodically submit to the Secretary a report on the status of activities conducted using the grant, including a description of the impact of such training on patient outcomes, as applicable.

''(2) REPORT TO CONGRESS.—Not later than September 30, 2026, the Secretary shall submit a report to Congress on the activities conducted using grants under subsection (a) and any best practices identified and disseminated under subsection (d).

''(d) BEST PRACTICES.—The Secretary may identify and disseminate best practices for the training described in subsection (a).

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2023 through 2027.''.

**SEC. 133. STUDY ON IMPROVING TRAINING FOR HEALTH CARE PROVIDERS.**

Not later than 2 years after date of enactment of this Act, the Secretary of Health and Human Services shall, through a contract with an independent research organization, conduct a study and make recommendations for accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other health professional training programs on best practices related to training to improve the provision of prenatal care, labor care, birthing, and postpartum care for racial and ethnic minority populations, including with respect to perceptions and biases that may affect the approach to, and provision of, care.

**SEC. 134. INTEGRATED SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.**

(a) GRANTS.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after

section 330O of such Act, as added by section 131, the following:

**"SEC. 330P. INTEGRATED SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.**

"(a) IN GENERAL.—The Secretary may award grants for the purpose of establishing or operating evidence-based or innovative, evidence-informed programs to deliver integrated health care services to pregnant and postpartum women to optimize the health of women and their infants, including to reduce adverse maternal health outcomes, pregnancy-related deaths, and related health disparities (including such disparities associated with racial and ethnic minority populations), and, as appropriate, by addressing issues researched under subsection (b)(2) of section 317K.

"(b) INTEGRATED SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.—

"(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State, Indian Tribe, or Tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act) shall work with relevant stakeholders that coordinate care to develop and carry out the program, including—

''(A) State, Tribal, and local agencies responsible for Medicaid, public health, social services, mental health, and substance use disorder treatment and services;

''(B) health care providers who serve pregnant and postpartum women; and

''(C) community-based health organizations and health workers, including providers of home visiting services and individuals representing communities with disproportionately high rates of maternal mortality and severe maternal morbidity, and including those representing racial and ethnic minority populations.

''(2) TERMS.—

''(A) PERIOD.—A grant awarded under subsection (a) shall be made for a period of 5 years. Any supplemental award made to a grantee under subsection (a) may be made for a period of less than 5 years.

''(B) PRIORITIES.—In awarding grants under subsection (a), the Secretary shall—

''(i) give priority to States, Indian Tribes, and Tribal organizations that have the highest rates of maternal mortality and

severe maternal morbidity relative to other such States, Indian Tribes, or Tribal organizations, respectively; and

"(ii) shall consider health disparities related to maternal mortality and severe maternal morbidity, including such disparities associated with racial and ethnic minority populations.

"(C) EVALUATION.—The Secretary shall require grantees to evaluate the outcomes of the programs supported under the grant.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2027.".

(b) REPORT ON GRANT OUTCOMES AND DISSEMINATION OF BEST PRACTICES.—

(1) REPORT.—Not later than February 1, 2027, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(A) the outcomes of the activities supported by the grants awarded under the amend-

ments made by this section on maternal and child health;

(B) best practices and models of care used by recipients of grants under such amendments; and

(C) obstacles identified by recipients of grants under such amendments, and strategies used by such recipients to deliver care, improve maternal and child health, and reduce health disparities.

(2) DISSEMINATION OF BEST PRACTICES.—Not later than August 1, 2027, the Secretary of Health and Human Services shall disseminate information on best practices and models of care used by recipients of grants under the amendments made by this section (including best practices and models of care relating to the reduction of health disparities, including such disparities associated with racial and ethnic minority populations, in rates of maternal mortality and severe maternal morbidity) to relevant stakeholders, which may include health providers, medical schools, nursing schools, relevant State, Tribal, and local agencies, and the general public.

**SEC. 135. MATERNAL VACCINATION AWARENESS.**

In carrying out the public awareness initiative related to vaccinations pursuant to section 313 of the Public Health Service Act (42 U.S.C. 245), the Secretary of Health and Human Services shall take into consideration the importance of increasing awareness and knowledge of the safety and effectiveness of vaccines to prevent disease in pregnant and postpartum women and in infants and the need to improve vaccination rates in communities and populations with low rates of vaccination.

## CHAPTER 2—RURAL MATERNAL AND OBSTETRIC MODERNIZATION OF SERVICES

**SEC. 141. IMPROVING RURAL MATERNAL AND OBSTETRIC CARE DATA.**

(a) MATERNAL MORTALITY AND MORBIDITY ACTIVITIES.—Section 301(e) of the Public Health Service Act (42 U.S.C. 241) is amended by inserting ‘‘, preventable maternal mortality and severe maternal morbidity,’’ after ‘‘delivery’’.

(b) OFFICE OF WOMEN’S HEALTH.—Section 310A(b)(1) of the Public Health Service Act (42 U.S.C. 242s(b)(1)) is amended by striking ‘‘and sociocultural contexts,’’ and inserting ‘‘sociocultural (including among American Indians, Native Hawaiians, and Alaska Natives), and geographical contexts,’’.

(c) SAFE MOTHERHOOD.—Section 317K of the Public Health Service Act (42 U.S.C. 247b–12) is amended—

(1) in subsection (a)(2)(A), by inserting ", including improving disaggregation of data (in a manner consistent with applicable State and Federal privacy laws)" before the period; and

(2) in subsection (b)(2)—

(A) in subparagraph (L), by striking "and" at the end;

(B) by redesignating subparagraph (M) as subparagraph (N); and

(C) by inserting after subparagraph (L) the following:

"(M) an examination of the relationship between maternal health and obstetric services in rural areas and outcomes in delivery and postpartum care; and".

(d) OFFICE OF RESEARCH ON WOMEN'S HEALTH.—Section 486(d)(4)(A)(iv) of the Public Health Service Act (42 U.S.C. 287d(d)(4)(A)(iv)) is amended by inserting ", including preventable maternal mortality and severe maternal morbidity" before the semicolon.

**SEC. 142. RURAL OBSTETRIC NETWORK GRANTS.**

The Public Health Service Act is amended by inserting after section 330A–1 of such Act (42 U.S.C. 254c–1a) the following:

**"SEC. 330A–2. RURAL OBSTETRIC NETWORK GRANTS.**

"(a) PROGRAM ESTABLISHED.—The Secretary shall award grants or cooperative agreements to eligible entities to establish collaborative improvement and innovation networks (referred to in this section as 'rural obstetric networks') to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving maternity care and access to care in rural areas, frontier areas, maternity care health professional target areas, or jurisdictions of Indian Tribes and Tribal organizations.

"(b) USE OF FUNDS.—Grants or cooperative agreements awarded pursuant to this section shall be used for the establishment or continuation of collaborative improvement and innovation networks to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving prenatal care, labor care, birthing, and postpartum care services in rural areas. Rural obstetric networks established in accordance with this section may—

"(1) develop a network to improve coordination and increase access to maternal health care and as-

sist pregnant women in the areas described in subsection (a) with accessing and utilizing prenatal care, labor care, birthing, and postpartum care services to improve outcomes in birth and maternal mortality and morbidity;

''(2) identify and implement evidence-based and sustainable delivery models for providing prenatal care, labor care, birthing, and postpartum care services, including home visiting programs and culturally appropriate care models that reduce health disparities;

''(3) develop a model for maternal health care collaboration between health care settings to improve access to care in areas described in subsection (a), which may include the use of telehealth;

''(4) provide training for professionals in health care settings that do not have specialty maternity care;

''(5) collaborate with academic institutions that can provide regional expertise and help identify barriers to providing maternal health care, including strategies for addressing such barriers; and

''(6) assess and address disparities in infant and maternal health outcomes, including among racial and ethnic minority populations and underserved

populations in such areas described in subsection (a).

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means entities providing prenatal care, labor care, birthing, and postpartum care services in rural areas, frontier areas, or medically underserved areas, or to medically underserved populations or Indian Tribes or Tribal organizations.

''(2) FRONTIER AREA.—The term 'frontier area' means a frontier county, as defined in section 1886(d)(3)(E)(iii)(III) of the Social Security Act.

''(3) INDIAN TRIBES; TRIBAL ORGANIZATION.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act.

''(4) MATERNITY CARE HEALTH PROFESSIONAL TARGET AREA.—The term 'maternity care health professional target area' has the meaning described in section 332(k)(2).

''(d) REPORT TO CONGRESS.—Not later than September 30, 2026, the Secretary shall submit to Congress a report on activities supported by grants awarded under this section, including—

''(1) a description of activities conducted pursuant to paragraphs (1) through (6) of subsection (b); and

''(2) an analysis of the effects of rural obstetric networks on improving maternal and infant health outcomes.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2023 through 2027.''.

**SEC. 143. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.**

Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (f)(3), by adding at the end the following:

''(M) Providers of prenatal, labor care, birthing, and postpartum care services, including hospitals that operate obstetric care units.''; and

(2) in subsection (h)(1)(B), by striking ''or prenatal care for high-risk pregnancies'' and inserting ''prenatal care, labor care, birthing care, or postpartum care''.

**SEC. 144. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.**

Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

**"SEC. 764. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.**

''(a) IN GENERAL.—The Secretary shall award grants to accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other appropriate health professional training programs, to establish a training demonstration program to support—

''(1) training for physicians, medical residents, fellows, nurse practitioners, physician assistants, nurses, certified nurse midwives, relevant home visiting workforce professionals and paraprofessionals, or other professionals who meet relevant State training and licensing requirements, as applicable, to reduce preventable maternal mortality and severe maternal morbidity by improving prenatal care, labor care, birthing, and postpartum care in rural community-based settings; and

''(2) developing recommendations for such training programs.

''(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit to the Sec-

retary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) ACTIVITIES.—

''(1) TRAINING FOR HEALTH CARE PROFESSIONALS.— A recipient of a grant under subsection (a)—

''(A) shall use the grant funds to plan, develop, and operate a training program to provide prenatal care, labor care, birthing, and postpartum care in rural areas; and

''(B) may use the grant funds to provide additional support for the administration of the program or to meet the costs of projects to establish, maintain, or improve faculty development, or departments, divisions, or other units necessary to implement such training.

''(2) TRAINING PROGRAM REQUIREMENTS.— The recipient of a grant under subsection (a) shall ensure that training programs carried out under the grant are evidence-based and address improving prenatal care, labor care, birthing, and postpartum care in rural areas, and such programs may include training on topics such as—

''(A) maternal mental health, including perinatal depression and anxiety;

''(B) substance use disorders;

''(C) social determinants of health that affect individuals living in rural areas; and

''(D) improving the provision of prenatal care, labor care, birthing, and postpartum care for racial and ethnic minority populations, including with respect to perceptions and biases that may affect the approach to, and provision of, care.

''(d) EVALUATION AND REPORT.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall evaluate the outcomes of the demonstration program under this section.

''(B) DATA SUBMISSION.—Recipients of a grant under subsection (a) shall submit to the Secretary performance metrics and other related data in order to evaluate the program for the report described in paragraph (2).

''(2) REPORT TO CONGRESS.—Not later than January 1, 2026, the Secretary shall submit to Congress a report that includes—

''(A) an analysis of the effects of the demonstration program under this section on the quality, quantity, and distribution of maternal

health care services, including prenatal care, labor care, birthing, and postpartum care services, and the demographics of the recipients of those services;

''(B) an analysis of maternal and infant health outcomes (including quality of care, morbidity, and mortality) before and after implementation of the program in the communities served by entities participating in the demonstration; and

''(C) recommendations on whether the demonstration program should be continued.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027.''.

# Subtitle E—Fentanyl Scheduling Extension

**SEC. 151. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.**

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114), section 2 of such Act (as amended by Public Law 117–86) is amended by striking ''March 11, 2022'' and inserting ''December 31, 2022''.

# Subtitle F—Drug-Free Communities

## SEC. 161. WAIVER OF FEDERAL FUND LIMITATION FOR THE DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), if the Administrator of the Drug-Free Communities Support Program determines that, as a result of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, an eligible coalition is unable to raise the amount of non-Federal funds, including in-kind contributions, agreed to be raised by the coalition for fiscal year 2020, 2021, or 2022 under an agreement entered into with the Administrator pursuant to paragraph (1)(A) or (3) of section 1032(b) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)), the Administrator may, notwithstanding such paragraphs, provide to the eligible coalition the grant or renewal grant, as applicable, for that fiscal year only in an amount—

(1) with respect to an initial grant or renewal grant described under paragraph (1)(A) or (3)(A) of such section, that exceeds the amount of non-Federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year;

(2) with respect to a renewal grant described under paragraph (3)(D)(i) of such section, that exceeds 125 percent of the amount of non-Federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year; and

(3) with respect to a renewal grant described under paragraph (3)(D)(ii) of such section, that exceeds 150 percent of the amount of non-Federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year.

(b) LIMITATION.—The Administrator may not provide a grant or renewal grant to an eligible coalition in an amount exceeding the amount of funds initially agreed to be provided by the Administrator under the applicable agreement.

# TITLE II—MEDICAID

## SEC. 201. CERTAIN MEDICAID EXTENSIONS FOR TERRITORIES.

(a) EXTENDING INCREASED FMAP.—Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in paragraph (2), by inserting ''and for the period beginning January 1, 2022, and ending December 13, 2022'' after ''and ending December 3, 2021,'' and

(2) in paragraph (3), by striking ''March 11, 2022'' and inserting ''December 13, 2022''.

(b) EXTENDING ADDITIONAL INCREASE FOR PUERTO RICO.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

''(10) ADDITIONAL INCREASE FOR PUERTO RICO FOR FISCAL YEAR 2022.—

''(A) IN GENERAL.—Notwithstanding the preceding provisions of this subsection, the total amount certified for Puerto Rico for fiscal year 2022 under this subsection shall be increased by $200,000,000 if the Secretary certifies that, with respect to such fiscal year, Puerto Rico's State plan under title XIX (or a waiver of such plan) establishes a reimbursement floor, implemented through a directed payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1848(b) that is not less than 70 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal year.

''(B) APPLICATION TO MANAGED CARE.—In certifying whether Puerto Rico has established a reimbursement floor under a directed payment arrangement plan that satisfies the requirements of subparagraph (A) for fiscal year 2022, the Secretary shall—

''(i) disregard payments made under sub-capitated arrangements for services such as primary care case management; and

''(ii) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of subparagraph (A) for the fiscal year in which the contract is entered into or renewed, such reimbursement floor shall be deemed to satisfy such requirements for the subsequent fiscal year.''.

(c) PUERTO RICO REPORT ON PROCUREMENT PROCESSES AND STANDARDS USED FOR CONTRACTING UNDER THE MEDICAID PROGRAM.—

(1) REPORT REQUIRED.—Not later than December 1, 2022, the agency responsible for administering Puerto Rico's Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et

seq.) shall submit to Congress a report on the procurement processes and standards used for selecting contracts under Puerto Rico's Medicaid program.

(2) INFORMATION IN REPORT.—The report required under paragraph (1) shall include the following:

(A) A detailed description of the procurement processes and standards used for selecting contracts under Puerto Rico's Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), for contracts in effect as of the date of the enactment of this subsection.

(B) The number of contracts, and a description of such contracts, for an amount greater than $150,000 as of the date of the enactment of this subsection.

(C) Differences between the procurement processes and standards for selecting contracts in place as of the date of the enactment of this subsection, and the Federal procurement standards (as described in sections 75.327, 75.328, and 75.329 of title 45, Code of Federal Regulations) as of such date.

**SEC. 202. INCREASING STATE FLEXIBILITY WITH RESPECT TO THIRD PARTY LIABILITY.**

(a) IN GENERAL.—Section 1902(a)(25)(I) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)) is amended—

(1) by amending clause (ii) to read as follows:

"(ii)(I) accept the State's right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the State plan (or under a waiver of such plan); and

"(II) in the case of a responsible third party (other than the original medicare fee-for-service program under parts A and B of title XVIII, a Medicare Advantage plan offered by a Medicare Advantage organization under part C of such title, a reasonable cost reimbursement plan under section 1876, a health care prepayment plan under section 1833, or a prescription drug plan offered by a PDP sponsor under part D of such title) that requires prior authorization for an item or service furnished to an individual eligible to receive

medical assistance under this title, accept authorization provided by the State that the item or service is covered under the State plan (or waiver of such plan) for such individual, as if such authorization were the prior authorization made by the third party for such item or service;'';

(2) in clause (iii)—

(A) by striking ''respond to any inquiry'' and inserting ''not later than 60 days after receiving any inquiry''; and

(B) by striking ''; and'' at the end and inserting '', respond to such inquiry; and''; and

(3) in clause (iv)—

(A) by striking ''or a failure'' and inserting ''a failure''; and

(B) by inserting after ''the basis of the claim'' the following: '', or in the case of a responsible third party (other than the original medicare fee-for-service program under parts A and B of title XVIII, a Medicare Advantage plan offered by a Medicare Advantage organization under part C of such title, a reasonable cost reimbursement plan under section 1876, a health care prepayment plan under section

1833, or a prescription drug plan offered by a PDP sponsor under part D of such title) a failure to obtain a prior authorization for the item or service for which the claim is being submitted'';

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply beginning on January 1, 2024.

(2) EXCEPTION IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made under this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year

legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

# TITLE III—MEDICARE

## Subtitle A—Telehealth Flexibility Extensions

### SEC. 301. REMOVING GEOGRAPHIC REQUIREMENTS AND EXPANDING ORIGINATING SITES FOR TELEHEALTH SERVICES.

(a) IN GENERAL.—Section 1834(m)(4)(C) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by inserting ''clause (iii) and'' after ''Except as provided in''; and

(B) by adding at the end the following new clause:

''(iii) EXPANDING ACCESS TO TELEHEALTH SERVICES.—With respect to telehealth services identified in subparagraph (F)(i) as of the date of the enactment of this clause that are furnished during the 151-day period beginning on the first day after the end of the emergency period de-

scribed in section 1135(g)(1)(B), the term 'originating site' means any site in the United States at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system, including the home of an individual.''; and

(2) in paragraph (7)(A), by inserting ''or, for the period for which clause (iii) of paragraph (4)(C) applies, at any site described in such clause'' before the period at the end.

(b) NO FACILITY FEE FOR NEW SITES.—Section 1834(m)(2)(B) of the Social Security Act (42 U.S.C. 1395m(m)(2)(B)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(2) by adding at the end the following new clause:

''(iii) NO FACILITY FEE FOR NEW SITES.—With respect to telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this clause that are furnished during the 151-day period beginning on the first day after the end of

the emergency period described in section 1135(g)(1)(B), a facility fee shall only be paid under this subparagraph to an originating site that is described in paragraph (4)(C)(ii) (other than subclause (X) of such paragraph).''.

**SEC. 302. EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.**

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (1), by striking ''(described in section 1842(b)(18)(C))'' and inserting ''(as defined in paragraph (4)(E))''; and

(2) in paragraph (4)(E), by inserting ''and, for the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), shall include a qualified occupational therapist (as such term is used in section 1861(g)), a qualified physical therapist (as such term is used in section 1861(p)), a qualified speech-language pathologist (as defined in section 1861(ll)(4)(A)), and a qualified audiologist (as defined in section 1861(ll)(4)(B))'' after ''section 1842(b)(18)(C)''.

**SEC. 303. EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.**

Section 1834(m)(8) of the Social Security Act (42 U.S.C. 1395m(m)(8)) is amended—

(1) in the header, by striking ''DURING EMERGENCY PERIOD'';

(2) in subparagraph (A), in the matter preceding clause (i), by inserting ''and, during the 151-day period beginning on the first day after the end of such emergency period'' after ''During the emergency period described in section 1135(g)(1)(B)''; and

(3) in subparagraph (B)(i), by striking ''such emergency period'' and inserting ''the periods for which subparagraph (A) applies''.

**SEC. 304. DELAYING THE IN-PERSON REQUIREMENTS UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH AND TELECOMMUNICATIONS TECHNOLOGY.**

(a) DELAY IN REQUIREMENTS FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—Section 1834(m)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in the matter preceding subclause (I), by inserting ''on or

after the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))'' after ''telehealth services furnished''.

(b) MENTAL HEALTH VISITS FURNISHED BY RURAL HEALTH CLINICS.—Section 1834(y) of the Social Security Act (42 U.S.C. 1395m(y)) is amended—

(1) in the heading, by striking ''ATTENDING PHYSICIAN'' and inserting ''CERTAIN'';

(2) by striking ''HOSPICE PATIENTS.—In the case of'' and inserting ''HOSPICE PATIENTS.—

''(1) ATTENDING PHYSICIAN SERVICES FOR HOSPICE PATIENTS.—In the case of''; and

(3) by adding at the end the following new paragraph:

''(2) MENTAL HEALTH VISITS FURNISHED VIA TELECOMMUNICATIONS TECHNOLOGY.—In the case of mental health visits furnished via interactive, real-time, audio and video telecommunications technology or audio-only interactions, the in-person mental health visit requirements established under section 405.2463(b)(3) of title 42 of the Code of Federal Regulations (or a successor regulation) shall not apply prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B)).''.

(c) MENTAL HEALTH VISITS FURNISHED BY FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1834(o)(4) of the Social Security Act (42 U.S.C. 1395m(o)(4)) is amended—

(1) in the heading, by striking ''ATTENDING PHYSICIAN'' and inserting ''CERTAIN'';

(2) by striking ''HOSPICE PATIENTS.—In the case of'' and inserting ''HOSPICE PATIENTS.—

''(A) ATTENDING PHYSICIAN SERVICES FOR HOSPICE PATIENTS.—In the case of''; and

(3) by adding at the end the following new subparagraph:

''(B) MENTAL HEALTH VISITS FURNISHED VIA TELECOMMUNICATIONS TECHNOLOGY.—In the case of mental health visits furnished via interactive, real-time, audio and video telecommunications technology or audio-only interactions, the in-person mental health visit requirements established under section 405.2463(b)(3) of title 42 of the Code of Federal Regulations (or a successor regulation) shall not apply prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B)).''.

**SEC. 305. ALLOWING FOR THE FURNISHING OF AUDIO-ONLY TELEHEALTH SERVICES.**

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (1), in the first sentence, by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)''; and

(2) by adding at the end the following new paragraph:

''(9) TREATMENT OF TELEHEALTH SERVICES FURNISHED USING AUDIO-ONLY TELECOMMUNICATIONS TECHNOLOGY.—The Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this paragraph that are furnished via an audio-only telecommunications system during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B). For purposes of the previous sentence, the term 'telehealth service' means a telehealth service identified as of the date of the enactment of this paragraph by a HCPCS code (and any succeeding codes) for which the Secretary has not applied the requirements of paragraph (1) and the first sentence of section

410.78(a)(3) of title 42, Code of Federal Regulations, during such emergency period.''.

**SEC. 306. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.**

Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by inserting '', and during the 151-day period beginning on the first day after the end of such emergency period'' after ''section 1135(g)(1)(B)''.

**SEC. 307. EXTENSION OF EXEMPTION FOR TELEHEALTH SERVICES.**

(a) IN GENERAL.—Subparagraph (E) of section 223(c)(2) of the Internal Revenue Code of 1986 is amended by inserting ''or in the case of months beginning after March 31, 2022, and before January 1, 2023,'' after ''December 31, 2021,''.

(b) CERTAIN COVERAGE DISREGARDED.—Clause (ii) of section 223(c)(1)(B) of the Internal Revenue Code of 1986 is amended by inserting '', or in the case of months beginning after March 31, 2022, and before January 1, 2023,'' after ''December 31, 2021''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 308. REPORTS ON TELEHEALTH UTILIZATION.**

(a) MEDPAC REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the ''Commission'') shall conduct a study on the expansions of telehealth services (as defined in section 1834(m)(4)(F) of the Social Security Act (42 U.S.C. 1395m(m)(4)(F)) under the Medicare program under title XVIII of such Act as a result of the COVID-19 public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)) and the amendments made by sections 301 through 306 of this title.

(B) ANALYSIS.—The study under subparagraph (A) shall include at least an analysis of each of the following:

(i) The utilization of telehealth services under the Medicare program, which may include analysis by service, provider type, geographic area (including analysis of

the provision of telehealth services by clinicians located in different States than the Medicare beneficiary receiving such services to the extent that reliable data are available), and beneficiary type (including reason of entitlement and such beneficiaries who are also enrolled under a State plan under title XIX of the Social Security Act).

(ii) Medicare program expenditures on telehealth services.

(iii) Medicare payment policy for telehealth services and alternative approaches to such payment policy, including for federally qualified health centers and rural health clinics.

(iv) The implications of expanded Medicare coverage of telehealth services on beneficiary access to care and the quality of care, to the extent reliable data are available.

(v) Other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2023, the Commission shall submit to Congress a report

containing the results of the study conducted under paragraph (1), together with recommendations for legislative and administrative action as the Commission determines appropriate.

(b) PUBLICATION OF DATA.—Beginning July 1, 2022, the Secretary of Health and Human Services shall post on the public website of the Centers for Medicare & Medicaid Services on a quarterly basis data with respect to Medicare claims for telemedicine services, including data on utilization and beneficiary characteristics.

(c) OFFICE OF THE INSPECTOR GENERAL REPORT.—Not later than June 15, 2023, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on program integrity risks associated with Medicare telehealth services. Such report shall include recommendations to prevent waste, fraud, and abuse under the Medicare program as appropriate.

**SEC. 309. PROGRAM INSTRUCTION AUTHORITY.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including amendments made by, sections 301 through 306 through program instruction or otherwise.

# Subtitle B—Additional Medicare Provisions

### SEC. 311. REVISION OF THE TIMING OF MEDPAC REPORT ON AMBULANCE COST DATA.

Section 1834(l)(17)(F)(i) of the Social Security Act (42 U.S.C. 1395m(l)(17)(F)(i)) is amended by striking ''Not later than March 15, 2023, and as determined necessary by the Medicare Payment Advisory Commission thereafter'' and inserting ''Not later than the second June 15th following the date on which the Secretary transmits data for the first representative sample of providers and suppliers of ground ambulance services to the Medicare Payment Advisory Commission, and as determined necessary by such Commission thereafter,''.

### SEC. 312. ADJUSTING CALCULATION OF HOSPICE CAP AMOUNT UNDER MEDICARE.

Section 1814(i)(2)(B) of the Social Security Act (42 U.S.C. 1395f(i)(2)(B)) is amended—

(1) in clause (ii), by striking ''2030'' and inserting ''2031''; and

(2) in clause (iii), by striking ''2030'' and inserting ''2031''.

**SEC. 313. MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$99,000,000'' and inserting ''$5,000,000''.

# TITLE IV—HUMAN SERVICES

**SEC. 401. EXTENSION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND RELATED PROGRAMS.**

Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through September 30, 2022, in the manner authorized for fiscal year 2021, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

# DIVISION Q—CONSUMER PROTECTION

# TITLE I—FRAUD AND SCAM REDUCTION

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Fraud and Scam Reduction Act''.

## Subtitle A—Preventing Consumer Scams Directed at Seniors

**SEC. 111. SHORT TITLE.**

This subtitle may be cited as the ''Stop Senior Scams Act''.

**SEC. 112. SENIOR SCAMS PREVENTION ADVISORY GROUP.**

(a) ESTABLISHMENT.—There is established a Senior Scams Prevention Advisory Group (in this subtitle referred to as the ''Advisory Group'').

(b) MEMBERS.—The Advisory Group shall be composed of stakeholders such as the following individuals or the designees of those individuals:

(1) The Chairman of the Federal Trade Commission.

(2) The Secretary of the Treasury.

(3) The Attorney General.

(4) The Director of the Bureau of Consumer Financial Protection.

(5) Representatives from each of the following sectors, including trade associations, to be selected by the Federal Trade Commission:

(A) Retail.

(B) Gift cards.

(C) Telecommunications.

(D) Wire-transfer services.

(E) Senior peer advocates.

(F) Consumer advocacy organizations with efforts focused on preventing seniors from becoming the victims of scams.

(G) Financial services, including institutions that engage in digital currency.

(H) Prepaid cards.

(6) A member of the Board of Governors of the Federal Reserve System.

(7) A prudential regulator, as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

(8) The Director of the Financial Crimes Enforcement Network.

(9) Any other Federal, State, or local agency, industry representative, consumer advocate, or entity, as determined by the Federal Trade Commission.

(c) NO COMPENSATION FOR MEMBERS.—A member of the Advisory Group shall serve without compensation in addition to any compensation received for the service of the member as an officer or employee of the United States, if applicable.

(d) DUTIES.—

(1) IN GENERAL.—The Advisory Group shall—

(A) collect information on the existence, use, and success of educational materials and programs for retailers, financial services, and wire-transfer companies, which—

(i) may be used as a guide to educate employees on how to identify and prevent scams that affect seniors; and

(ii) includes—

(I) useful information for retailers, financial services, and wire transfer companies for the purpose described in clause (i);

(II) training for employees on ways to identify and prevent senior scams;

(III) best practices for keeping employees up to date on current scams;

(IV) the most effective signage and placement in retail locations to warn seniors about scammers' use of gift cards, prepaid cards, and wire transfer services;

(V) suggestions on effective collaborative community education campaigns;

(VI) available technology to assist in identifying possible scams at the point of sale; and

(VII) other information that would be helpful to retailers, wire transfer companies, financial institu-

tions, and their employees as they work to prevent fraud affecting seniors; and

(B) based on the findings in subparagraph (A)—

(i) identify inadequacies, omissions, or deficiencies in those educational materials and programs for the categories listed in subparagraph (A) and their execution in reaching employees to protect older adults; and

(ii) create model materials, best practices guidance, or recommendations to fill those inadequacies, omissions, or deficiencies that may be used by industry and others to help protect older adults from scams.

(2) ENCOURAGED USE.—The Chairman of the Federal Trade Commission shall—

(A) make the materials or guidance created by the Federal Trade Commission described in paragraph (1) publicly available; and

(B) encourage the use and distribution of the materials created under this subsection to

prevent scams affecting seniors by governmental agencies and the private sector.

(e) REPORTS.—Section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) is amended—

(1) in subparagraph (A)(iv), by striking the period at the end and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to the report by the Federal Trade Commission, in relevant years, including information on—

''(i) the newly created materials, guidance, or recommendations of the Senior Scams Prevention Advisory Group established under section 112 of the Stop Senior Scams Act and any relevant views or considerations made by members of the Advisory Group that were not included in the Advisory Group's model materials or considered an official recommendation by the Advisory Group;

''(ii) the Senior Scams Prevention Advisory Group's findings about senior scams

and industry educational materials and programs; and

''(iii) any recommendations on ways stakeholders can continue to work together to reduce scams affecting seniors.''.

(f) TERMINATION.—This subtitle, and the amendments made by this subtitle, ceases to be effective on the date that is 5 years after the date of enactment of this Act.

# Subtitle B—Senior Fraud Advisory Office

**SEC. 121. SHORT TITLE.**

This subtitle may be cited as the ''Seniors Fraud Prevention Act of 2022''.

**SEC. 122. OFFICE FOR THE PREVENTION OF FRAUD TARGETING SENIORS.**

(a) ESTABLISHMENT OF ADVISORY OFFICE.—The Federal Trade Commission (in this section referred to as the ''Commission'') shall establish an office within the Bureau of Consumer Protection for the purpose of advising the Commission on the prevention of fraud targeting seniors and to assist the Commission with the following:

(1) OVERSIGHT.—The advisory office shall monitor the market for mail, television, internet, telemarketing, and recorded message telephone call

(in this section referred to as ''robocall'') fraud targeting seniors and shall coordinate with other relevant agencies regarding the requirements of this section.

(2) CONSUMER EDUCATION.—The Commission, through the advisory office and in consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and other relevant agencies, shall—

(A) disseminate to seniors and families and caregivers of seniors general information on mail, television, internet, telemarketing, and robocall fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) disseminate to seniors and families and caregivers of seniors information on reporting complaints of fraud targeting seniors either to the national toll-free telephone number established by the Commission for reporting such complaints, or to the Consumer Sentinel Network, operated by the Commission, where such complaints will become immediately available to appropriate law enforcement agencies, including

the Federal Bureau of Investigation and the attorneys general of the States;

(C) in response to a specific request about a particular entity or individual, provide publicly available information of any enforcement action taken by the Commission for mail, television, internet, telemarketing, and robocall fraud against such entity; and

(D) maintain a website to serve as a resource for information for seniors and families and caregivers of seniors regarding mail, television, internet, telemarketing, robocall, and other identified fraud targeting seniors.

(3) COMPLAINTS.—The Commission, through the advisory office and in consultation with the Attorney General, shall establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who believe they have been a victim of mail, television, internet, telemarketing, and robocall fraud in the Consumer Sentinel Network, and shall make those complaints immediately available to Federal, State, and local law enforcement authorities; and

(B) provide to individuals described in subparagraph (A), and to any other persons, spe-

cific and general information on mail, television, internet, telemarketing, and robocall fraud, including descriptions of the most common schemes using such methods of communication.

(b) COMMENCEMENT.—The Commission shall commence carrying out the requirements of this section not later than 1 year after the date of enactment of this Act.

(c) USE OF EXISTING FUNDS.—No additional funds are authorized to be appropriated to carry out this section and the Commission shall carry out this section using amounts otherwise made available to the Commission.

# TITLE II—NICHOLAS AND ZACHARY BURT MEMORIAL CARBON MONOXIDE POISONING PREVENTION ACT OF 2022

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2022''.

**SEC. 202. FINDINGS AND SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to car-

bon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, annually kills more than 400 individuals and sends approximately 15,000 individuals to hospital emergency rooms for treatment.

(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units across the United States in order to promote the health and public safety of citizens throughout the United States.

**SEC. 203. DEFINITIONS.**

In this title:

(1) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device or system that—

(A) detects carbon monoxide; and

(B) is intended to sound an alarm at a carbon monoxide concentration below a concentration that could cause a loss of the ability to react to the dangers of carbon monoxide exposure.

(2) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ''compliant carbon monoxide alarm'' means a carbon monoxide alarm that complies with the most current version of—

(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034), or any successor standard; and

(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075), or any successor standard.

(4) DWELLING UNIT.—The term ''dwelling unit''—

(A) means a room or suite of rooms used for human habitation; and

(B) includes—

(i) a single family residence;

(ii) each living unit of a multiple family residence, including an apartment building; and

(iii) each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government or a Tribal organization.

(6) INTERNATIONAL FIRE CODE.—The term ''IFC'' means—

(A) the 2015 or 2018 edition of the International Fire Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(7) INTERNATIONAL RESIDENTIAL CODE.—The term ''IRC'' means—

(A) the 2015 or 2018 edition of the International Residential Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(8) NFPA 720.—The term ''NFPA 720'' means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard relating to the proper installation of carbon monoxide alarms in dwelling units.

(9) STATE.—The term ''State''—

(A) has the meaning given the term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)); and

(B) includes—

(i) the Commonwealth of the Northern Mariana Islands; and

(ii) any political subdivision of a State.

(10) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).

**SEC. 204. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.**

(a) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to States and Tribal organizations that are eligible under subsection (b) to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) ELIGIBILITY.—For the purposes of this section, an eligible State or Tribal organization is any State or Tribal organization that—

(1) demonstrates to the satisfaction of the Commission that the State or Tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 72, the IFC, or the IRC; and

(2) submits an application—

(A) to the Commission at such time, in such form, and containing such additional information as the Commission may require; and

(B) that may be filed on behalf of the State or Tribal organization by the fire safety code enforcement agency of that State or Tribal organization.

(c) GRANT AMOUNT.—The Commission shall determine the amount of each grant awarded under this section.

(d) SELECTION OF GRANT RECIPIENTS.—In selecting eligible States and Tribal organizations for the award of grants under this section, the Commission shall give favorable consideration to an eligible State or Tribal organization that demonstrates a reasonable need for funding under this section and that—

(1) requires the installation of one or more compliant carbon monoxide alarms in a new or existing educational facility, childcare facility, health care facility, adult dependent care facility, government building, restaurant, theater, lodging establishment, or dwelling unit—

(A) within which a fuel-burning appliance, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel, is installed; or

(B) that has an attached garage; and

(2) has developed a strategy to protect vulnerable populations, such as children, the elderly, or low-income households, from exposure to unhealthy levels of carbon monoxide.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible State or Tribal organization to which a grant is awarded under this section may use the grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly individuals, facilities that commonly serve children or the elderly (including childcare facilities, public schools, and senior centers);

(B) for the development and dissemination of training materials, instructors, and any other costs relating to the training sessions authorized under this subsection; or

(C) to educate the public about—

(i) the risk associated with carbon monoxide as a poison; and

(ii) the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 5 percent of the grant amount to cover administrative costs that are not directly related to training described in paragraph (1)(B).

(B) PUBLIC OUTREACH.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 25 percent of the grant amount to cover the costs of activities described in paragraph (1)(C).

(C) STATE CONTRIBUTIONS.—An eligible State to which a grant is awarded under this section shall, with respect to the costs incurred by the State in carrying out activities under the grant, provide non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant to administer the program. This subparagraph shall not apply to Tribal organizations.

(f) FUNDING.—

(1) IN GENERAL.—The Commission shall carry out this title using amounts appropriated to the Commission for each of fiscal years 2022 through 2026, to extent such funds are available.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—In a fiscal year, not more than 10 percent of the amounts appropriated or otherwise made available to carry out this title may be used for administrative expenses.

(g) REPORT.—Not later than 1 year after the last day of each fiscal year in which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required under this section.

# TITLE III—UNITED STATES ANTI-DOPING AGENCY REAUTHORIZATION

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''United States Anti-Doping Agency Reauthorization Act of 2022''.

**SEC. 302. FINDINGS.**

Congress makes the following findings:

(1) The United States Anti-Doping Agency—

(A) is the independent national anti-doping organization of the United States; and

(B) manages the anti-doping program, results management processes, drug reference resources, and athlete education for all United States Olympic Committee-recognized national governing bodies and the athletes and events of such national governing bodies.

(2) The United States Anti-Doping Agency contributes to the advancement of clean sport through scientific research, anti-doping education, and out-

reach programs, and the mission of the United States Anti-Doping Agency is to preserve the integrity of competition and protect the rights of athletes.

(3) Participation in youth sports has the potential to equip young athletes with important skills and values necessary for success in life, and it is essential that the culture of youth sports emphasizes such skills and values.

(4) The TrueSport program of the United States Anti-Doping Agency partners with youth sport organizations across the United States to promote sportsmanship, character building, and healthy performance through the use of targeted educational materials designed to promote a positive youth sport experience.

(5) In modifying the authority of the United States Anti-Doping Agency to include the promotion of the positive values of youth sport, Congress sends a strong signal that the goals of youth sport should include instilling in young athletes the values of integrity, respect, teamwork, courage, and responsibility.

(6) Due to the unique leadership position of the United States in the global community, adequate funding of the anti-doping and clean sport programs

of the United States Anti-Doping Agency is imperative to the preparation for the 2028 Summer Olympic Games, which will be held in Los Angeles, California.

(7) Increased appropriations for fiscal years 2023 through 2031 would enable the United States Anti-Doping Agency to directly affect the integrity and well-being of sport, both domestically and internationally.

**SEC. 303. MODIFICATIONS OF AUTHORITY.**

Section 701 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2001) is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1)(A) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic and Paralympic Committee;

''(B) be responsible for certifying in advance any testing conducted by international organizations under the World Anti-Doping Code for international amateur athletes and athletic competitions occurring within the jurisdiction of the United States; and

''(C) be recognized worldwide as the independent national anti-doping organization for the United States;'';

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) promote a positive youth sport experience by using a portion of the funding of the United States Anti-Doping Agency to provide educational materials on sportsmanship, character building, and healthy performance for the athletes, parents, and coaches who participate in youth sports.''; and

(2) by adding at the end the following:

''(c) DUE PROCESS IN ARBITRATION PROCEEDINGS.—Any action taken by the United States Anti-Doping Agency to enforce a policy, procedure, or requirement of the United States Anti-Doping Agency against a person with respect to a violation of Federal law, including an investigation, a disciplinary action, a sanction, or any other administrative action, shall be carried out in a manner that provides due process protection to the person.''.

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

Section 703 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2003) is amended to read as follows:

**''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to the United States Anti-Doping Agency—

''(1) for fiscal year 2023, $15,500,000;

''(2) for fiscal year 2024, $16,200,000;

''(3) for fiscal year 2025, $16,900,000;

''(4) for fiscal year 2026, $17,700,000;

''(5) for fiscal year 2027, $18,500,000;

''(6) for fiscal year 2028, $19,800,000;

''(7) for fiscal year 2029, $22,100,000;

''(8) for fiscal year 2030, $24,900,000; and

''(9) for fiscal year 2031, $23,700,000.''.

**SEC. 305. INFORMATION SHARING.**

Except as otherwise prohibited by law and except in cases in which the integrity of a criminal investigation would be affected, pursuant to the obligation of the United States under Article 7 of the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport done at Paris October 19, 2005, and ratified by the United States in 2008, the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs shall provide to the United States Anti-Doping Agency any relevant information relating to the prevention of the use of performance-enhancing drugs or the prohibition of performance-enhancing methods.

# TITLE IV—PROTECTING INDIAN TRIBES FROM SCAMS

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Protecting Indian Tribes from Scams Act''.

**SEC. 402. PROTECTING INDIAN TRIBES FROM UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**

(a) FTC REPORT ON UNFAIR OR DECEPTIVE ACTS OR PRACTICES TARGETING INDIAN TRIBES.—Not later than 1 year after the date of enactment of this Act, and after consultation with Indian Tribes, the Commission shall make publicly available on the website of the Commission and submit to the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Indian Affairs of the Senate a report on unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes, including—

(1) a description of the types of unfair or deceptive acts or practices identified by the Commission as being targeted at Indian Tribes or members of Indian Tribes;

(2) a description of the consumer education activities of the Commission with respect to such acts or practices;

(3) a description of the efforts of the Commission to collaborate with Indian Tribes to prevent such acts or practices or to pursue persons using such acts or practices;

(4) a summary of the enforcement actions taken by the Commission related to such acts or practices; and

(5) any recommendations for legislation to prevent such acts or practices.

(b) INCREASING AWARENESS OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES TARGETING INDIAN TRIBES.—Not later than 6 months after the date of the submission of the report required by subsection (a), the Commission shall update the website of the Commission to include information for consumers and businesses on identifying and avoiding unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given that term in section 4 of the

Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

# DIVISION R—FAFSA SIMPLIFICATION

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''FAFSA Simplification Act Technical Corrections Act''.

**SEC. 102. EXTENDING THE IMPLEMENTATION TIMELINE OF FAFSA SIMPLIFICATION ACT BY ONE YEAR.**

(a) AMENDMENTS TO THE FAFSA SIMPLIFICATION ACT.—The FAFSA Simplification Act (title VII of division FF of Public Law 116–260) is amended in section 701(b)—

(1) by striking ''July 1, 2023'' both places the term appears and inserting ''July 1, 2024''; and

(2) by striking ''award year 2023–2024'' and inserting ''award year 2024–2025''.

(b) AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as amended by the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(1) in section 401(b)—

(A) in paragraph (5)(A), by striking ''award year 2023–2024'' and inserting ''award year 2024–2025'';

(B) in paragraph (6)(A)—

(i) in clause (i), by striking ''fiscal year 2023'' and inserting ''fiscal year 2024''; and

(ii) in clause (ii), by striking ''fiscal years 2023 through 2033'' and inserting ''fiscal years 2024 through 2034'';

(C) in paragraph (7)(B)(i), by striking ''or 2022'' and inserting ''2022, or 2023''; and

(D) in paragraph (8)(A), by striking ''fiscal year 2033'' and inserting ''fiscal year 2034'';

(2) in section 471, by striking ''award year 2023–2024'' and inserting ''award year 2024–2025'';

(3) in section 479(a), by striking ''July 1, 2023'' and inserting ''July 1, 2024'';

(4) in section 483, by striking ''award year 2023–2024'' each place the term appears and inserting ''award year 2024–2025''; and

(5) in section 485E(b)(2)(B), by striking ''award year 2023–2024'' and inserting ''award year 2024–2025''.

(c) ON-TIME EFFECTIVE DATE PERMITTED.—

(1) IN GENERAL.—Notwithstanding section 701(b) of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), as amended by this division, the Secretary of Education—

(A) may implement on or after July 1, 2023, but not later than, July 1, 2024, the amendments made by—

(i) section 702(b) of the FAFSA Simplification Act regarding cost of attendance;

(ii) section 702(i) of such Act regarding discretion of student financial aid administrators;

(iii) section 702(l) of such Act regarding special rules for independent students and definitions; and

(iv) section 703 of such Act regarding only the period of eligibility for grants under subsection (d) of section 401 of the Higher Education Act of 1965, as amended by the FAFSA Simplification Act; and

(B) shall specify in a designation on what date and for which award years the implementation of amendments described in subparagraph (A) are effective on or after July 1, 2023, and prior to July 1, 2024, and shall publish any designation under this paragraph in the Federal Register not less than 60 days before implementation.

(2) STUDENT AID INDEX AS EXPECTED FAMILY CONTRIBUTION.—For purposes of implementing the amendments described in paragraph (1)(A) before July 1, 2024, the term ''student aid index'' as it appears in such amendments to the Higher Education Act of 1965 shall mean ''expected family contribution'', as calculated under part F of title IV of the Higher Education Act of 1965, as in effect on the date of the implementation.

**SEC. 103. TECHNICAL CORRECTIONS TO THE FAFSA SIMPLIFICATION ACT.**

(a) COST OF ATTENDANCE.—Section 472(a)(13) of the Higher Education Act of 1965, as amended by section 702(b) of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by inserting '', or the average cost of any such fee or premium, as applicable'' after ''on such loan''.

(b) SPECIAL RULES FOR INDEPENDENT STUDENTS.—Section 479D of the Higher Education Act of 1965, as added by section 702(l)(1) of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(1) in subsection (a)(1)(D), by inserting ''the same or'' before ''a prior award'';

(2) in subsection (b)(5), by inserting ''the same or'' before ''a prior award''; and

(3) in subsection (d)(2)—

(A) by inserting ''this section, or paragraph (2), (8), or (9) of section 480(d),'' after ''pursuant to section 479A(c),''; and

(B) by striking ''under such paragraph in the same award year'' and inserting ''under such provisions in the same or a prior award year''.

(c) IRAQ AND AFGHANISTAN SERVICE GRANT AND CHILDREN OF FALLEN HEROES GRANT.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(1) in section 401(c)—

(A) in paragraph (2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in paragraph (3)(A), by striking ''(2)(B)(i)'' and inserting ''(2)(A)(i)'';

(C) by redesignating paragraph (5) as paragraph (7); and

(D) by inserting after paragraph (4) the following:

''(5) PREVENTION OF DOUBLE BENEFITS.—No eligible student described in paragraph (2) may concurrently receive a grant under both this subsection and subsection (b).

''(6) TERMS AND CONDITIONS.—The Secretary shall award grants under this subsection in the same manner and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under subsection (b), except that—

''(A) the award rules and determination of need applicable to the calculation of Federal Pell Grants under subsection (b)(1) shall not apply to grants made under this subsection; and

''(B) the maximum period determined under subsection (d)(5) shall be determined by including all grants made under this section received by the eligible student and all grants so received under subpart 10 before the effective date of this subsection.''; and

(2) by striking section 420R (20 U.S.C. 1070h).

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect as if included in the FAFSA Simplification Act (title VII of division FF of Public Law 116–260) and subject to the effective date of section 701(b) of such Act, as amended by this division (including the authorization provided under section 102(c)(1)(A)).

**SEC. 104. CONFORMING CHANGES TO PUBLIC HEALTH SERVICE ACT LOANS.**

Title VII of the Public Health Service Act is amended—

(1) in section 705(a)(1) of such Act (42 U.S.C. 292d(a)(1))—

(A) in subparagraph (A)—

(i) in clause (iii), by adding ''and'' after the semicolon;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv); and

(B) in subparagraph (B)—

(i) in clause (ii), by adding ''and'' after the semicolon;

(ii) in clause (iii), by striking ''; and'' and inserting a semicolon; and

(iii) by striking clause (iv); and

(2) in section 722(b) of such Act (42 U.S.C. 292r(b))—

(A) in paragraph (1), by striking ''; and'' and inserting a period;

(B) by striking paragraph (2); and

(C) by striking ''to a student—'' and all that follows through ''who is in need'' and inserting ''to a student who is in need''.

# DIVISION S—VETERANS MATTERS

# TITLE I—RAISE ACT

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Department of Veterans Affairs Nurse and Physician Assistant Retention and Income Security Enhancement Act'' or the ''VA Nurse and Physician Assistant RAISE Act''.

**SEC. 102. PAY FOR NURSES AND CERTAIN OTHER MEDICAL POSITIONS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) MAXIMUM RATE OF BASIC PAY.—Section 7451 of title 38, United States Code, is amended—

(1) in subsection (a)(2)(C), by striking ''and physician assistant'' and inserting ''physician assistant, and podiatrist''; and

(2) in subsection (c), by striking paragraph (2) and inserting the following:

''(2)(A) The maximum rate of basic pay for any grade for a covered position may not exceed—

''(i) in the case of an advanced practice nurse, the maximum rate of basic pay established for positions in level I of the Executive Schedule under section 5312 of title 5;

''(ii) in the case of a physician assistant, the maximum rate of basic pay established for positions in level I of the Executive Schedule under section 5312 of title 5;

''(iii) in the case of a registered nurse, the maximum rate of basic pay established for positions in level II of the Executive Schedule under section 5313 of title 5; and

''(iv) in the case of any other covered position, the maximum rate of basic pay established for posi-

tions in level IV of the Executive Schedule under section 5315 of title 5.

''(B) The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in subparagraph (A).''.

(b) REGISTERED NURSES AND PHYSICIAN ASSISTANTS SERVING IN MANAGEMENT POSITIONS.—Section 7404 of such title is amended—

(1) in subsection (a)(2)—

(A) by striking ''The pay of physicians'' and inserting ''(A) The pay of physicians''; and

(B) by adding at the end the following new subparagraph:

''(B) The basic pay of registered nurses and physician assistants serving in positions to which an Executive order applies under paragraph (1) may be determined under subchapter IV of this chapter instead of such Executive order. Such positions shall not otherwise be covered by such subchapter, except with respect to bonuses under section 7452 or 7458 or special pay under subsection (g) of such section 7452.''; and

(2) in subsection (e)—

(A) by inserting ''basic pay'' after ''paid''; and

(B) by striking ''rate established for the Senior Executive Service under section 5382 of title 5'' and inserting ''rates established under subchapter IV of this chapter''.

# TITLE II—OUTDOOR INDUSTRY VETERANS CAREERS GAO STUDY

## SEC. 201. OUTDOOR INDUSTRY VETERANS CAREERS GAO STUDY.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the use by veterans of educational assistance provided under laws administered by the Secretary of Veterans Affairs to pursue careers in outdoor recreation.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) Identification of opportunities for veterans to use educational assistance provided under laws administered by the Secretary of Veterans Affairs to pursue careers in outdoor recreation in the private sector and in the public sector.

(2) Identification of any difficulties with using the educational assistance provided under laws administered by the Secretary to veterans to pursue careers in outdoor recreation in the private and pub-

lic sector, including trained, apprentice, assistant, and certified guides.

(3) Assessment of the availability of opportunities for careers in outdoor recreation at the following:

(A) The Department of Agriculture.

(B) The Department of the Interior.

(C) The Army Corps of Engineers.

(D) The National Oceanic and Atmospheric Administration.

(4) Identification of any challenges veterans may have pursuing careers in outdoor recreation at the agencies list under paragraph (3).

(5) Identification of options to increase opportunities for veterans to pursue careers in outdoor recreation at the agencies listed under paragraph (3).

(c) STAKEHOLDER PERSPECTIVES.—In conducting the study required by subsection (a), the Comptroller General shall obtain the perspectives of the outdoor recreation industry, veterans groups focusing on the outdoors, nongovernmental organizations, and other interested stakeholders.

(d) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 240 days after the date of the enactment of this Act, the Comptroller General shall provide the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on the study required by subsection (a).

(2) REPORT.—After providing the briefing required by paragraph (1), the Comptroller General shall submit to the committees described in such paragraph a report on the findings of the Comptroller General with respect to the study completed under subsection (a).

(e) OUTDOOR RECREATION DEFINED.—In this section, the term ''outdoor recreation'' means recreational activities undertaken for pleasure that—

(1) generally involve some level of intentional physical exertion; and

(2) occur in nature-based environments outdoors.

# DIVISION T—CREDIT UNION GOVERNANCE MODERNIZATION ACT

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''Credit Union Governance Modernization Act of 2022''.

**SEC. 102. EXPULSION OF FEDERAL CREDIT UNION MEMBERS FOR CAUSE.**

Section 118(a) of the Federal Credit Union Act (12 U.S.C. 1764(a)) is amended to read as follows:

"(a) EXPULSION FOR CAUSE.—

"(1) IN GENERAL.—Except as provided in subsection (b) of this section, a member may be expelled for cause pursuant to a policy adopted by a majority vote of a quorum of the directors of the Federal credit union and provided in written or electronic form to all members of the Federal credit union.

"(2) PROCEDURES.—

"(A) NOTIFICATION OF PENDING EXPULSION.—If a member will, subject to the policy adopted under paragraph (1), be subject to expulsion, the member shall be notified in advance of the expulsion, along with the reason for such expulsion. Such notice shall be provided in written form or, if the member has elected to receive electronic communications from the Federal credit union, may be provided electronically.

"(B) RIGHT TO A HEARING.—

"(i) IN GENERAL.—A member shall have 15 days from the date of receipt of a notification under subparagraph (A) to re-

quest a hearing from the board of directors of the Federal credit union.

''(ii) EXPULSION IF NO HEARING.—If a member does not request a hearing during the 15-day period described under clause (i), the member shall be expelled after the end of the 15-day period.

''(C) HEARING; VOTE ON EXPULSION.—If a member requests a hearing during the 15-day period described under subparagraph (B)(i)—

''(i) the board of directors of the Federal credit union shall provide the member with a hearing; and

''(ii) after such hearing, the board of directors of the Federal credit union shall hold a vote on expelling the member in a timely manner.

''(D) NOTICE OF EXPULSION.—If a member is expelled under subparagraph (B)(ii) or (C)(ii), the member shall be provided with written or electronic notice of the expulsion.

''(3) REINSTATEMENT.—

''(A) IN GENERAL.—A member expelled under this subsection—

''(i) shall be given an opportunity to request reinstatement of membership; and

''(ii) may be reinstated by a two-thirds vote of the members of the Federal credit union present at a meeting.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require that an expelled member be allowed to attend the meeting described in subparagraph (A)(ii) in person.

''(4) CAUSE DEFINED.—In this subsection, the term 'cause' includes—

''(A) a material loss to the Federal credit union;

''(B) a violation of the membership agreement of the Federal credit union;

''(C) a substantial disruption to the operations of a Federal credit union; and

''(D) fraud, attempted fraud, other illegal behavior, or dangerous or abusive behavior, as defined by the policy described in paragraph (1), such as physical or verbal abuse of Federal credit union members or staff.''.

# DIVISION U—ADJUSTABLE INTEREST RATE (LIBOR) ACT

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''Adjustable Interest Rate (LIBOR) Act''.

**SEC. 102. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) LIBOR is used as a benchmark rate in more than $200,000,000,000,000 worth of contracts worldwide;

(2) a significant number of existing contracts that reference LIBOR do not provide for the use of a clearly defined or practicable replacement benchmark rate when LIBOR is discontinued; and

(3) the cessation or nonrepresentativeness of LIBOR could result in disruptive litigation related to existing contracts that do not provide for the use of a clearly defined or practicable replacement benchmark rate.

(b) PURPOSE.—It is the purpose of this division—

(1) to establish a clear and uniform process, on a nationwide basis, for replacing LIBOR in existing contracts the terms of which do not provide for the use of a clearly defined or practicable replacement benchmark rate, without affecting the ability of par-

ties to use any appropriate benchmark rate in new contracts;

(2) to preclude litigation related to existing contracts the terms of which do not provide for the use of a clearly defined or practicable replacement benchmark rate;

(3) to allow existing contracts that reference LIBOR but provide for the use of a clearly defined and practicable replacement rate, to operate according to their terms; and

(4) to address LIBOR references in Federal law.

**SEC. 103. DEFINITIONS.**

In this division:

(1) BENCHMARK.—The term ''benchmark'' means an index of interest rates or dividend rates that is used, in whole or in part, as the basis of or as a reference for calculating or determining any valuation, payment, or other measurement.

(2) BENCHMARK ADMINISTRATOR.—The term ''benchmark administrator'' means a person that publishes a benchmark for use by third parties.

(3) BENCHMARK REPLACEMENT.—The term ''benchmark replacement'' means a benchmark, or an interest rate or dividend rate (which may or may

not be based in whole or in part on a prior setting of LIBOR), to replace LIBOR or any interest rate or dividend rate based on LIBOR, whether on a temporary, permanent, or indefinite basis, under or with respect to a LIBOR contract.

(4) BENCHMARK REPLACEMENT CONFORMING CHANGES.—The term ''benchmark replacement conforming changes'' means any technical, administrative, or operational changes, alterations, or modifications that—

(A) the Board determines, in its discretion, would address 1 or more issues affecting the implementation, administration, and calculation of the Board-selected benchmark replacement in LIBOR contracts; or

(B) solely with respect to a LIBOR contract that is not a consumer loan, in the reasonable judgment of a calculating person, are otherwise necessary or appropriate to permit the implementation, administration, and calculation of the Board-selected benchmark replacement under or with respect to a LIBOR contract after giving due consideration to any benchmark replacement conforming changes under subparagraph (A).

(5) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(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).

(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.

(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).

(9) CONSUMER LOAN.—The term ''consumer loan'' means a consumer credit transaction.

(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

of the LIBOR contract, as appropriate) to determine a benchmark replacement.

(11) FALLBACK PROVISIONS.—The term ''fallback provisions'' means terms in a LIBOR contract for determining a benchmark replacement, including any terms relating to the date on which the benchmark replacement becomes effective.

(12) IBOR.—The term ''IBOR'' means LIBOR, any tenor of non-U.S. dollar currency rates formerly known as the London interbank offered rate as administered by ICE Benchmark Administration Limited (or any predecessor or successor administrator thereof), and any other interbank offered rates that are expected to cease.

(13) IBOR BENCHMARK REPLACEMENT.—The term ''IBOR benchmark replacement'' means a benchmark, or an interest rate or dividend rate (which may or may not be based in whole or in part on a prior setting of an IBOR), to replace an IBOR or any interest rate or dividend rate based on an IBOR, whether on a temporary, permanent, or indefinite basis, under or with respect to an IBOR contract.

(14) IBOR CONTRACT.—The term ''IBOR contract'' means any contract, agreement, indenture, or-

ganizational document, guarantee, mortgage, deed of trust, lease, security (whether representing debt or equity, including any interest in a corporation, a partnership, or a limited liability company), instrument, or other obligation or asset that, by its terms, continues in any way to use an IBOR as a benchmark.

(15) LIBOR.—The term ''LIBOR''—

(A) means the overnight and 1-, 3-, 6-, and 12-month tenors of U.S. dollar LIBOR (formerly known as the London interbank offered rate) as administered by ICE Benchmark Administration Limited (or any predecessor or successor administrator thereof); and

(B) does not include the 1-week or 2-month tenors of U.S. dollar LIBOR.

(16) LIBOR CONTRACT.—The term ''LIBOR contract'' means any contract, agreement, indenture, organizational document, guarantee, mortgage, deed of trust, lease, security (whether representing debt or equity, including any interest in a corporation, a partnership, or a limited liability company), instrument, or other obligation or asset that, by its terms, uses LIBOR as a benchmark.

(17) LIBOR REPLACEMENT DATE.—The term ''LIBOR replacement date'' means the first London banking day after June 30, 2023, unless the Board determines that any LIBOR tenor will cease to be published or cease to be representative on a different date.

(18) SECURITY.—The term ''security'' has the meaning given the term in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)).

(19) SOFR.—The term ''SOFR'' means the Secured Overnight Financing Rate published by the Federal Reserve Bank of New York (or a successor administrator).

(20) TENOR SPREAD ADJUSTMENT.—The term ''tenor spread adjustment'' means—

(A) 0.00644 percent for overnight LIBOR;

(B) 0.11448 percent for 1-month LIBOR;

(C) 0.26161 percent for 3-month LIBOR;

(D) 0.42826 percent for 6-month LIBOR; and

(E) 0.71513 percent for 12-month LIBOR.

**SEC. 104. LIBOR CONTRACTS.**

(a) IN GENERAL.—On the LIBOR replacement date, the Board-selected benchmark replacement shall be the

benchmark replacement for any LIBOR contract that, after giving any effect to subsection (b)—

(1) contains no fallback provisions; or

(2) contains fallback provisions that identify neither—

(A) a specific benchmark replacement; nor

(B) a determining person.

(b) FALLBACK PROVISIONS.—On the LIBOR replacement date, any reference in the fallback provisions of a LIBOR contract to—

(1) a benchmark replacement that is based in any way on any LIBOR value, except to account for the difference between LIBOR and the benchmark replacement; or

(2) a requirement that a person (other than a benchmark administrator) conduct a poll, survey, or inquiries for quotes or information concerning interbank lending or deposit rates;

shall be disregarded as if not included in the fallback provisions of such LIBOR contract and shall be deemed null and void and without any force or effect.

(c) AUTHORITY OF DETERMINING PERSON.—

(1) IN GENERAL.—Subject to subsection (f)(2), a determining person may select the Board-selected

benchmark replacement as the benchmark replacement.

(2) SELECTION.—Any selection by a determining person of the Board-selected benchmark replacement pursuant to paragraph (1) shall be—

(A) irrevocable;

(B) made by the earlier of the LIBOR replacement date and the latest date for selecting a benchmark replacement according to the terms of the LIBOR contract; and

(C) used in any determinations of the benchmark under or with respect to the LIBOR contract occurring on and after the LIBOR replacement date.

(3) NO SELECTION.—If a determining person does not select a benchmark replacement by the date specified in paragraph (2)(B), the Board-selected benchmark replacement, on and after the LIBOR replacement date, shall be the benchmark replacement for the LIBOR contract.

(d) CONFORMING CHANGES.—

(1) IN GENERAL.—If the Board-selected benchmark replacement becomes the benchmark replacement for a LIBOR contract pursuant to subsection (a) or (c), all benchmark replacement conforming

changes shall become an integral part of the LIBOR contract.

(2) NO CONSENT REQUIRED.—A calculating person shall not be required to obtain consent from any other person prior to the adoption of benchmark replacement conforming changes.

(e) ADJUSTMENT BY BOARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), on the LIBOR replacement date, the Board shall adjust the Board-selected benchmark replacement for each category of LIBOR contract that the Board may identify to include the relevant tenor spread adjustment.

(2) CONSUMER LOANS.—For LIBOR contracts that are consumer loans, the Board shall adjust the Board-selected benchmark replacement as follows:

(A) During the 1-year period beginning on the LIBOR replacement date, incorporate an amount, to be determined for any business day during that period, that transitions linearly from the difference between the Board-selected benchmark replacement and the corresponding LIBOR tenor determined as of the day immediately before the LIBOR replacement date to the relevant tenor spread adjustment.

(B) On and after the date that is 1 year after the LIBOR replacement date, incorporate the relevant tenor spread adjustment.

(f) RULE OF CONSTRUCTION.—Nothing in this division may be construed to alter or impair—

(1) any written agreement specifying that a LIBOR contract shall not be subject to this division;

(2) except as provided in subsection (b), any LIBOR contract that contains fallback provisions that identify a benchmark replacement that is not based in any way on any LIBOR value (including the prime rate or the effective Federal funds rate);

(3) except as provided in subsection (b) or (c)(3), any LIBOR contract subject to subsection (c)(1) as to which a determining person does not elect to use a Board-selected benchmark replacement pursuant to that subsection;

(4) the application to a Board-selected benchmark replacement of any cap, floor, modifier, or spread adjustment to which LIBOR had been subject pursuant to the terms of a LIBOR contract;

(5) any provision of Federal consumer financial law that—

(A) requires creditors to notify borrowers regarding a change-in-terms; or

(B) governs the reevaluation of rate increases on credit card accounts under open-ended (not home-secured) consumer credit plans; or

(6) except as provided in section 105(c), the rights or obligations of any person, or the authorities of any agency, under Federal consumer financial law, as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

**SEC. 105. CONTINUITY OF CONTRACT AND SAFE HARBOR.**

(a) IN GENERAL.—A Board-selected benchmark replacement and the selection or use of a Board-selected benchmark replacement as a benchmark replacement under or with respect to a LIBOR contract, and any benchmark replacement conforming changes, shall constitute—

(1) a commercially reasonable replacement for and a commercially substantial equivalent to LIBOR;

(2) a reasonable, comparable, or analogous rate, index, or term for LIBOR;

(3) a replacement that is based on a methodology or information that is similar or comparable to LIBOR;

(4) substantial performance by any person of any right or obligation relating to or based on LIBOR; and

(5) a replacement that has historical fluctuations that are substantially similar to those of LIBOR for purposes of the Truth in Lending Act (15 U.S.C. 1601 note) and regulations promulgated under that division.

(b) NO IMPAIRMENT.—Neither the selection or use of a Board-selected benchmark replacement as a benchmark replacement nor the determination, implementation, or performance of benchmark replacement conforming changes under section 104 may—

(1) be deemed to impair or affect the right of any person to receive a payment, or to affect the amount or timing of such payment, under any LIBOR contract; or

(2) have the effect of—

(A) discharging or excusing performance under any LIBOR contract for any reason, claim, or defense (including any force majeure or other provision in any LIBOR contract);

(B) giving any person the right to unilaterally terminate or suspend performance under any LIBOR contract;

(C) constituting a breach of any LIBOR contract; or

(D) voiding or nullifying any LIBOR contract.

(c) SAFE HARBOR.—No person shall be subject to any claim or cause of action in law or equity or request for equitable relief, or have liability for damages, arising out of—

(1) the selection or use of a Board-selected benchmark replacement;

(2) the implementation of benchmark replacement conforming changes; or

(3) with respect to a LIBOR contract that is not a consumer loan, the determination of benchmark replacement conforming changes,

in each case after giving effect to the provisions of section 104; provided, however, that in each case any person (including a calculating person) shall remain subject to the terms of a LIBOR contract that are not affected by this division and any existing legal, regulatory, or contractual obligations to correct servicing or other ministerial errors under or with respect to a LIBOR contract.

(d) SELECTION.—The selection or use of a Board-selected benchmark replacement or the determination, implementation, or performance of benchmark replacement

conforming changes under section 104 shall not be deemed to—

(1) be an amendment or modification of any LIBOR contract; or

(2) prejudice, impair, or affect the rights, interests, or obligations of any person under or with respect to any LIBOR contract.

(e) NO NEGATIVE INFERENCE.—Except as provided in subsections (a), (b), or (c)(1) of section 104, nothing in this division may be construed to create any negative inference or negative presumption regarding the validity or enforceability of—

(1) any benchmark replacement (including any method for calculating, determining, or implementing an adjustment to the benchmark replacement to account for any historical differences between LIBOR and the benchmark replacement) that is not a Board-selected benchmark replacement; or

(2) any changes, alterations, or modifications to or with respect to a LIBOR contract that are not benchmark replacement conforming changes.

**SEC. 106. BENCHMARK FOR LOANS.**

(a) DEFINITIONS.—In this section:

(1) BANK.—The term ''bank'' means an institution subject to examination by a Federal financial institutions regulatory agency.

(2) COVERED ACTION.—The term ''covered action'' means—

(A) the initiation by a Federal supervisory agency of an enforcement action, including the issuance of a cease-and-desist order; or

(B) the issuance by a Federal supervisory agency of a matter requiring attention, a matter requiring immediate attention; or a matter requiring board attention resulting from a supervisory activity conducted by the Federal supervisory agency.

(3) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCY.—The term ''Federal financial institutions regulatory agencies'' has the meaning given the term in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

(4) FEDERAL SUPERVISORY AGENCY.—The term ''Federal supervisory agency'' means an agency listed in subparagraphs (A) through (H) of section 1101(7) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(7)).

(5) NON-IBOR LOAN.—The term ''non-IBOR loan'' means any loan that, by its terms, does not use in any way LIBOR, any tenor of non-U.S. dollar currency rates formerly known as the London interbank offered rate as administered by ICE Benchmark Administration Limited (or any predecessor or successor administrator thereof), and any other interbank offered rates that are expected to cease, as a benchmark.

(b) BENCHMARKS USED BY BANKS.—With respect to a benchmark used by a bank—

(1) the bank, in any non-IBOR loan made before, on, or after the date of enactment of this Act, may use any benchmark, including a benchmark that is not SOFR, that the bank determines to be appropriate for the funding model of the bank; the needs of the customers of the bank; and the products, risk profile, risk management capabilities, and operational capabilities of the bank; provided, however, that the use of any benchmark shall remain subject to the terms of the non-IBOR loan, and applicable law; and

(2) no Federal supervisory agency may take any covered action against the bank solely because that benchmark is not SOFR.

**SEC. 107. PREEMPTION.**

This division, and regulations promulgated under this division, shall supersede any provision of any State or local law, statute, rule, regulation, or standard—

(1) relating to the selection or use of a benchmark replacement or related conforming changes; or

(2) expressly limiting the manner of calculating interest, including the compounding of interest, as that provision applies to the selection or use of a Board-selected benchmark replacement or benchmark replacement conforming changes.

**SEC. 108. TRUST INDENTURE ACT OF 1939.**

Section 316(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77ppp(b)) is amended—

(1) by striking ", except as" and inserting ", except—

"(1) as";

(2) in paragraph (1), as so designated, by striking "(a), and except that" and inserting "(a);

"(2) that";

(3) in paragraph (2), as so designated, by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(3) that the right of any holder of any indenture security to receive payment of the principal of and interest on such indenture security shall not be

deemed to be impaired or affected by any change occurring by the application of section 104 of the Adjustable Interest Rate (LIBOR) Act to any indenture security.''.

**SEC. 109. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965.**

Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following:

''(viii) REVISED CALCULATION RULE TO ADDRESS INSTANCES WHERE 1-MONTH USD LIBOR CEASES OR IS NON-REPRESENTATIVE.—

''(I) SUBSTITUTE REFERENCE INDEX.—The provisions of this clause apply to loans for which the special allowance payment would otherwise be calculated pursuant to clause (vii).

''(II) CALCULATION BASED ON SOFR.—For loans described in subclause (III) or (IV), the special allowance payment described in this subclause shall be substituted for the payment provided under clause (vii). For each calendar quarter, the for-

mula for computing the special allowance that would otherwise apply under clause (vii) shall be revised by substituting 'of the quotes of the 30-day Average Secured Overnight Financing Rate (SOFR) in effect for each of the days in such quarter as published by the Federal Reserve Bank of New York (or a successor administrator), adjusted daily by adding the tenor spread adjustment, as that term is defined in the Adjustable Interest Rate (LIBOR) Act, for 1-month LIBOR contracts of 0.11448 percent' for 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association'. The special allowance calculation for loans subject to clause (vii) shall otherwise remain in effect.

''(III) LOANS ELIGIBLE FOR SOFR-BASED CALCULATION.—Except as provided in subclause (IV), the spe-

cial allowance payment calculated under subclause (II) shall apply to all loans for which the holder (or, if the holder acts as an eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan) at any time after the effective date of this clause notifies the Secretary that the holder or beneficial owner affirmatively and permanently elects to waive all contractual, statutory, or other legal rights to a special allowance paid under clause (vii) or to the special allowance paid pursuant to any other formula that was previously in effect with respect to such loan, and accepts the rate described in subclause (II). Any such waiver shall apply to all loans then held, or to be held from time to time, by such holder or beneficial owner; provided that, due to the need to obtain the approval of, demonstrated to the satisfaction of the Secretary—

"(aa) one or more third parties with a legal or beneficial interest in loans eligible for the SOFR-based calculation; or

"(bb) a nationally recognized rating organization assigning a rating to a financing secured by loans otherwise eligible for the SOFR-based calculation,

the holder of the loan (or, if the holder acts as an eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan) may elect to apply the rate described in subclause (II) to specified loan portfolios established for financing purposes by separate notices with different effective dates. The special allowance rate based on SOFR shall be effective with respect to a portfolio as of the first day of the calendar quarter following the applicable effective date of the waiver received by the Secretary from the holder or beneficial owner and shall permanently and ir-

revocably continue for all subsequent quarters.

''(IV) FALLBACK PROVISIONS.—

''(aa) In the event that a holder or beneficial owner has not elected to waive its rights to a special allowance payment under clause (vii) with respect to a portfolio with an effective date of the waiver prior to the first of—

''(AA) the date on which the ICE Benchmark Administration ('IBA') has permanently or indefinitely stopped providing the 1-month United States Dollar LIBOR ('1-month USD LIBOR') to the general public;

''(BB) the effective date of an official public statement by the IBA or its regulator that the 1-month USD LIBOR is no longer

reliable or no longer representative; or

''(CC) the LIBOR replacement date, as defined in section 103 of the Adjustable Interest Rate (LIBOR) Act,

the special allowance rate calculation as described in subclause (II) shall, by operation of law, apply to all loans in such portfolio.

''(bb) In such event—

''(AA) the last determined rate of special allowance based on 1-month USD LIBOR will continue to apply until the end of the then current calendar quarter; and

''(BB) the special allowance rate calculation as described in subclause (II) shall become effective as of the first day of the following

calendar quarter and remain in effect for all subsequent calendar quarters.''.

**SEC. 110. RULEMAKING.**

Not later than 180 days after the date of enactment of this Act, the Board shall promulgate regulations to carry out this division.

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

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''Haiti Development, Accountability, and Institutional Transparency Initiative Act''.

**SEC. 102. STATEMENT OF POLICY.**

It is the policy of the United States to support the sustainable rebuilding and development of Haiti in a manner that—

(1) recognizes Haitian independence, self-reliance, and sovereignty;

(2) promotes efforts that are led by and support the people and Government of Haiti at all levels so that Haitians lead the course of reconstruction and development of Haiti;

(3) contributes to international efforts to facilitate conditions for broad, inclusive, and sustained political dialogue among the different actors in Haiti to restore democratic legitimacy and institutions in Haiti;

(4) builds the long-term capacity of the Government of Haiti, civil society, and the private sector to foster economic opportunities in Haiti;

(5) fosters collaboration between the Haitian diaspora in the United States, including dual citizens of Haiti and the United States, and the Government of Haiti and the business community in Haiti;

(6) supports anticorruption efforts, promotes press freedom, and addresses human rights concerns, including through the enforcement of sanctions imposed in accordance with the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) on individuals implicated in human rights violations and corruption;

(7) respects and helps restore the natural resources of Haiti and strengthens community-level resilience to environmental and weather-related impacts;

(8) promotes political stability through the holding of free, fair, transparent, and timely elections in accordance with democratic principles and the Constitution of Haiti;

(9) provides timely and comprehensive reporting on the goals and progress of the Government of Haiti and the United States Government, and transparent post-program evaluations and contracting data; and

(10) promotes the participation of Haitian women and youth in governmental and nongovernmental institutions and in economic development and governance assistance programs funded by the United States.

**SEC. 103. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**

In this division, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

**SEC. 104. STRENGTHENING HUMAN RIGHTS AND ANTICORRUPTION EFFORTS IN HAITI AND HOLDING PERPETRATORS OF THE LA SALINE MASSACRE ACCOUNTABLE.**

(a) PRIORITIZATION BY SECRETARY OF STATE.—The Secretary of State shall prioritize the protection of human rights and anticorruption efforts in Haiti through the following methods:

(1) Fostering strong relationships with independent civil society groups focused on monitoring corruption and human rights abuses and promoting democracy in Haiti.

(2) Supporting the efforts of the Government of Haiti to identify persons involved in human rights violations and significant acts of corruption in Haiti, including public and private sector actors, and hold them accountable for their actions.

(3) Addressing concerns of impunity for the alleged perpetrators of and the individuals who organized and planned the massacre in La Saline that took place on November 13, 2018.

(4) Urging authorities to continue to investigate attacks in the neighborhoods of La Saline and Bel Air in 2018 and 2019 that left dozens dead in order to bring the perpetrators to justice.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the appropriate congressional committees on the events that took place on November 13, 2018, in the neighborhood of La Saline, in Port-au-Prince, Haiti, and the aftermath of those events.

(2) ELEMENTS.—The briefing required by paragraph (1) shall include the following:

(A) An examination of any links between the massacre in La Saline and mass protests that occurred concurrently in Haiti.

(B) An analysis of the reports on the massacre in La Saline authored by the United Nations, the European Union, and the Government of Haiti.

(C) A detailed description of all known perpetrators of and the individuals who organized and planned the massacre.

(D) An overview of efforts of the Government of Haiti to bring the perpetrators of and the individuals who organized and planned the massacre in La Saline to justice and to prevent other similar attacks.

(E) An assessment of the ensuing treatment and displacement of the survivors of the massacre in La Saline.

(3) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with nongovernmental organizations in Haiti and the United States.

**SEC. 105. PROMOTING FREEDOM OF THE PRESS AND ASSEMBLY IN HAITI.**

The Secretary of State shall prioritize the promotion of freedom of the press and freedom of assembly and the protection of journalists in Haiti through the following methods:

(1) Advocating to Haitian authorities for increased protection for journalists and the press and for the freedom to peacefully assemble or protest in Haiti.

(2) Collaborating with officials of the Government of Haiti and representatives of civil society to increase legal protections for journalists in Haiti.

(3) Supporting efforts to strengthen transparency in the public and private sectors in Haiti and access to information in Haiti.

(4) Using United States foreign assistance for programs to strengthen capacity for independent

journalists and increase support for investigative journalism in Haiti.

**SEC. 106. SUPPORTING POST-EARTHQUAKE, POST-HURRICANE, AND POST-COVID–19 RECOVERY AND DEVELOPMENT IN HAITI.**

The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall prioritize post-earthquake, post-hurricane, and post-COVID–19 recovery and development efforts in Haiti through the following methods:

(1) Collaborating with the Government of Haiti on a detailed and transparent development plan that includes clear objectives and benchmarks.

(2) Building the capacity of Haitian-led public, private, and nongovernmental sector institutions in Haiti through post-earthquake and post-hurricane recovery and development planning.

(3) Assessing the impact of the recovery efforts of the United States and the international community in Haiti since January 2010.

(4) Supporting disaster resilience and reconstruction efforts.

(5) Addressing the underlying causes of poverty and inequality.

(6) Improving access to—

(A) health resources;

(B) public health technical assistance; and

(C) clean water, food, and shelter.

(7) Assessing the impact of the COVID–19 pandemic on post-disaster recovery efforts and evaluating United States support needed to help with the pandemic response in Haiti.

(8) Supporting—

(A) the export of additional United States-produced COVID–19 vaccine doses to Haiti; and

(B) the safe storage, transport, and end-to-end distribution of United States-produced COVID–19 vaccines throughout Haiti, in light of ongoing humanitarian access challenges presented by Haiti's security environment.

**SEC. 107. REPORT ON DEVELOPMENTS IN HAITI.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (in this section referred to as the ''Administrator'') and other relevant agencies and departments, shall submit to the appropriate congressional committees a report on developments in Haiti.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A strategy for carrying out sections 104(a), 105, and 106 of this division, including established baselines, benchmarks, and indicators to measure outcomes and impact.

(2) An assessment of major corruption committed among the public and private sectors in Haiti, including identification of any individual or entity that financed corruption activities, and all corruption prosecutions investigated by the judiciary of Haiti since January 2015.

(3) An overview of efforts of the Government of Haiti to address corruption, including the Petrocaribe scandal, and corrective measures to strengthen and restore trust in the public institutions of Haiti.

(4) A description of efforts of the United States Government to consult and engage with officials of the Government of Haiti and independent civil society groups focused on monitoring corruption and human rights abuses and promoting democracy and press freedom in Haiti since January 2015.

(5) A description of the response by the Government of Haiti to civic protests that have taken

place since July 2018 and any allegations of human rights abuses, including attacks on journalists.

(6) An assessment of United States security assistance to Haiti, including United States support to the Haitian National Police and an assessment of compliance with section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) and section 362 of title 10, United States Code (commonly referred to as the ''Leahy Laws'').

(7) A description of the efforts of the Government of Haiti to support displaced survivors of urban and gang violence.

(8) An assessment of United States interagency efforts to counter kidnapping and armed violence in Haiti.

(9) An assessment of the impact of presidential decrees on the health of Haiti's democratic institutions and the safeguarding of human rights, including decrees relating to—

(A) reducing the authority of the Superior Court of Accounts and Administrative Litigation;

(B) promulgating an antiterrorism law;

(C) establishing the National Intelligence Agency; and

(D) retiring and subsequently appointing judges to the Supreme Court of Haiti.

(10) A review of the alleged coup against President Moïse on February 7, 2021, and subsequent arrest and jailings of alleged perpetrators.

(11) An analysis, conducted in collaboration with the Government of Haiti, of efforts to support development goals in Haiti since January 2015, including steps taken—

(A) to strengthen institutions at the national and local levels; and

(B) to strengthen democratic governance at the national and local levels.

(12) An analysis of the effectiveness and sustainability of development projects financed by the United States, including the Caracol Industrial Park and supporting infrastructure.

(13) A description of procurement from Haitian small- and medium-sized businesses and nongovernmental organizations by the Government of the United States and the Government of Haiti for development and humanitarian activities, disaggregated by year since 2015, and a description of efforts to increase local procurement, including food aid.

(14) A description of United States efforts since January 2015 to assist the Haitian people in their pursuits for free, fair, and timely democratic elections.

(15) An overview of United States efforts to cooperate with diplomatic partners in Latin America, the Caribbean, Canada, and Europe to engage with political leaders, civil society, the private sector, and underrepresented populations in Haiti to support a stable environment conducive to holding free and fair elections.

(16) Quantitative and qualitative indicators to assess progress and benchmarks for United States initiatives focused on sustainable development in Haiti, including democracy assistance, economic revitalization, natural disaster recovery, pandemic response, resilience, energy and infrastructure, health, and food security.

(c) CONSULTATION.—In preparing the report required by subsection (a), the Secretary and the Administrator shall consult, as appropriate, with—

(1) nongovernmental organizations and civil society groups in Haiti and the United States; and

(2) the Government of Haiti.

(d) PUBLIC AVAILABILITY.—The Secretary shall make the report required by subsection (a) publicly available on the website of the Department of State.

**SEC. 108. REPORT ON THE ASSASSINATION OF PRESIDENT JOVENEL MOÏSE.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, and the Director of the Central Intelligence Agency, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the July 7, 2021, assassination of former President of Haiti Jovenel Moïse.

(b) UPDATED REPORT.—Not later than 180 days after the submission of the report required by subsection (a), the Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, and the Director of the Central Intelligence Agency, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an updated version of the report that includes any significant developments related to the assassination of former President of Haiti Jovenel Moïse.

(c) ELEMENTS.—The report required by subsection (a) and the report required by subsection (b) shall each include the following elements:

(1) A detailed description of the events leading up to the assassination of former President Jovenel Moïse and the subsequent investigation of the assassination, including a description and identification of key dates and the names of foreign persons related to the assassination and the investigation of the assassination.

(2) A description of United States support for the efforts of Haitian authorities to investigate the assassination of former President Jovenel Moïse.

(3) An assessment of the independence and capacity of Haitian authorities to investigate the assassination of former President Jovenel Moïse, including analysis of significant advances and deficiencies of the investigation.

(4) A description of any threats and acts of intimidation against Haitian law enforcement and judicial authorities involved in the investigation of the assassination of former President Jovenel Moïse, including the identification of foreign persons involved in such threats and acts of intimidation.

(5) A description of any efforts to interfere in or undermine the independence and integrity of the investigation of the assassination of former President Jovenel Moïse.

(6) A description of whether any foreign persons previously employed by or who served as a contractor or informant for the United States Government were involved in the assassination of former President Jovenel Moïse.

(7) A description and the identification of foreign persons involved in the execution and planning of the assassination of former President Jovenel Moïse and an assessment of the intentions of such foreign persons.

(d) FORM OF REPORT.—The report required by subsection (a) and the updated report required by subsection (b) shall each be submitted in an unclassified form, but each may include a classified annex.

(e) PUBLICATION.—The Secretary of State shall post on the public website of the Department of State—

(1) the unclassified version of the report required by subsection (a) not later than 15 days after the date on which the report is submitted under such subsection; and

(2) the unclassified version of the report required by subsection (b) not later than 15 days after the date on which the report is submitted under such subsection.

(f) BRIEFING REQUIREMENT.—The Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, and the Director of the Central Intelligence Agency, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on—

(1) the contents of the report required by subsection (a) not later than 15 days after the date on which the report is submitted under such subsection; and

(2) the contents of the report required by subsection (b) not later than 15 days after the date on which the report is submitted under such subsection.

**SEC. 109. REPEAL.**

The Assessing Progress in Haiti Act of 2014 (22 U.S.C. 2151 note; Public Law 113–162) is repealed.

**SEC. 110. TERMINATION.**

This division shall terminate on December 31, 2025.

# DIVISION W—VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT OF 2022

**SEC. 1. SHORT TITLE.**

This Act may be cited as the ''Violence Against Women Act Reauthorization Act of 2022''.

**SEC. 2. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.**

(a) IN GENERAL.—Section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''In this title'' and inserting ''In this title, for the purpose of grants authorized under this title'';

(B) by redesignating paragraphs (43) through (45) as paragraphs (50) through (52), respectively;

(C) by redesignating paragraphs (34) through (42) as paragraphs (41) through (49), respectively;

(D) by redesignating paragraphs (26) through (33) as paragraphs (32) through (39), respectively;

(E) by redesignating paragraphs (18) through (25) as paragraphs (23) through (30), respectively;

(F) by redesignating paragraphs (16) and (17) as paragraphs (22) and (21), respectively, and transferring paragraph (22), as so redesignated, so as to appear before paragraph (23), as so redesignated;

(G) by redesignating paragraphs (12) through (15) as paragraphs (17) through (20), respectively;

(H) by redesignating paragraph (11) as paragraph (14);

(I) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively;

(J) by redesignating paragraph (8) as paragraph (12), and transferring it to appear after paragraph (11), as so redesignated;

(K) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively;

(L) by redesignating paragraph (2) as paragraph (7), and transferring it to appear before paragraph (8), as so redesignated;

(M) by redesignating paragraphs (4) and (5) as paragraphs (5) and (4), respectively, and

transferring paragraph (4), as so redesignated, so as to appear after paragraph (3);

(N) by redesignating paragraph (1) as paragraph (2);

(O) by inserting before paragraph (2), as so redesignated, the following:

''(1) ABUSE IN LATER LIFE .—The term 'abuse in later life'—

''(A) means—

''(i) neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or

''(ii) domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and

''(B) does not include self-neglect.'';

(P) by inserting after paragraph (5), as so redesignated, the following:

''(6) COURT-BASED PERSONNEL; COURT-RELATED PERSONNEL.—The terms 'court-based personnel' and 'court-related personnel' mean individuals working in the court, whether paid or volunteer, including—

''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

''(B) court security personnel;

''(C) personnel working in related supplementary offices or programs (such as child support enforcement); and

''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.'';

(Q) in paragraph (12), as so redesignated, by striking ''includes felony'' and all that follows through ''jurisdiction.'' and inserting the following: ''includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted

use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

''(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

''(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

''(C) shares a child in common with the victim; or

''(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.'';

(R) by inserting after paragraph (12), as so redesignated, the following:

''(13) ECONOMIC ABUSE.—The term 'economic abuse', in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain

economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

''(A) restrict a person's access to money, assets, credit, or financial information;

''(B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

''(C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.'';

(S) by inserting after paragraph (14), as so redesignated, the following:

''(15) FEMALE GENITAL MUTILATION OR CUTTING.—The term 'female genital mutilation or cutting' has the meaning given such term in section 116 of title 18, United States Code.

''(16) FORCED MARRIAGE.—The term 'forced marriage' means a marriage to which 1 or both parties do not or cannot consent, and in which 1 or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a con-

sequence of domestic violence, dating violence, sexual assault or stalking.'';

(T) by striking paragraph (17), as so redesignated, and inserting the following:

''(17) HOMELESS.— The term 'homeless' has the meaning given such term in section 41403.'';

(U) in paragraph (22), as so redesignated—

(i) in the heading, by inserting ''; INDIAN TRIBE'' after ''TRIBE''; and

(ii) by striking ''term 'Indian tribe' means'' and inserting ''terms 'Indian tribe' and 'Indian Tribe' mean'';

(V) by striking paragraph (24), as so redesignated, and inserting the following:

''(24) LEGAL ASSISTANCE.—

''(A) DEFINITION.—The term 'legal assistance' means assistance provided by or under the direct supervision of a person described in subparagraph (B) to an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking relating to a matter described in subparagraph (C).

''(B) PERSON DESCRIBED.—A person described in this subparagraph is—

"(i) a licensed attorney;

"(ii) in immigration proceedings, a Board of Immigration Appeals accredited representative;

"(iii) in claims of the Department of Veterans Affairs, a representative authorized by the Secretary of Veterans Affairs; or

"(iv) any person who functions as an attorney or lay advocate in tribal court.

"(C) MATTER DESCRIBED.—A matter described in this subparagraph is a matter relating to—

"(i) divorce, parental rights, child support, Tribal, territorial, immigration, employment, administrative agency, housing, campus, education, healthcare, privacy, contract, consumer, civil rights, protection or other injunctive proceedings, related enforcement proceedings, and other similar matters;

"(ii) criminal justice investigations, prosecutions, and post-conviction matters (including sentencing, parole, and proba-

tion) that impact the victim's safety, privacy, or other interests as a victim;

''(iii) alternative dispute resolution, restorative practices, or other processes intended to promote victim safety, privacy, and autonomy, and offender accountability, regardless of court involvement; or

''(iv) with respect to a conviction of a victim relating to or arising from domestic violence, dating violence, sexual assault, stalking, or sex trafficking victimization of the victim, post-conviction relief proceedings in State, local, Tribal, or territorial court.

''(D) INTAKE OR REFERRAL.—For purposes of this paragraph, intake or referral, by itself, does not constitute legal assistance.'';

(W) by inserting after paragraph (30), as so redesignated, the following:

''(31) RESTORATIVE PRACTICE.—The term 'restorative practice' means a practice relating to a specific harm that—

''(A) is community-based and unaffiliated with any civil or criminal legal process;

''(B) is initiated by a victim of the harm;

"(C) involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—

"(i) 1 or more individuals who committed the harm;

"(ii) 1 or more victims of the harm; and

"(iii) the community affected by the harm through 1 or more representatives of the community;

"(D) shall include and has the goal of—

"(i) collectively seeking accountability from 1 or more individuals who committed the harm;

"(ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and

"(iii) developing a written course of action plan—

''(I) that is responsive to the needs of 1 or more victims of the harm; and

''(II) upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and

''(E) is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.'';

(X) by inserting after paragraph (39), as so redesignated, the following:

''(40) TECHNOLOGICAL ABUSE.—The term 'technological abuse' means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking de-

vices, or communication technologies, or any other emerging technologies.''; and

(Y) in paragraph (51), as so redesignated, by inserting ''legal assistance and'' before ''legal advocacy''; and

(2) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

''(H) DEATH OF THE PARTY WHOSE PRIVACY HAD BEEN PROTECTED.—In the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, grantees and subgrantees may share personally identifying information or individual information that is collected about deceased victims being sought for a fatality review to the extent permitted by their jurisdiction's law and only if the following conditions are met:

''(i) The underlying objectives of the fatality review are to prevent future deaths, enhance victim safety, and increase offender accountability.

''(ii) The fatality review includes policies and protocols to protect identifying information, including identifying informa-

tion about the victim's children, from further release outside the fatality review team.

''(iii) The grantee or subgrantee makes a reasonable effort to get a release from the victim's personal representative (if one has been appointed) and from any surviving minor children or the guardian of such children (but not if the guardian is the abuser of the deceased parent), if the children are not capable of knowingly consenting.

''(iv) The information released is limited to that which is necessary for the purposes of the fatality review.'';

(B) in paragraph (3), by striking the period at the end and inserting ''if—

''(A) the confidentiality and privacy requirements of this title are maintained; and

''(B) personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault, and stalking is not requested or included in any such collaboration or information-sharing.'';

(C) in paragraph (11)—

(i) by striking ''Of the total'' and inserting the following:

''(A) IN GENERAL.—Of the total''; and

(ii) by adding at the end the following:

''(B) REQUIREMENT.—The Office on Violence Against Women shall make all technical assistance available as broadly as possible to any appropriate grantees, subgrantees, potential grantees, or other entities without regard to whether the entity has received funding from the Office on Violence Against Women for a particular program or project, with priority given to recipients awarded a grant before the date of enactment of the Violence Against Women Act Reauthorization Act of 2022.'';

(D) in paragraph (14)—

(i) by striking ''services and assistance to victims'' and inserting ''services and assistance to—

''(A) victims'';

(ii) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(B) adult survivors of child sexual abuse; and

''(C) victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of female genital mutilation or cutting, or forced marriage.'';

(E) by striking paragraph (15);

(F) by redesignating paragraph (16) as paragraph (15); and

(G) in paragraph (15), as so redesignated—

(i) in subparagraph (A), by striking clause (iii) and inserting the following:

''(iii) TECHNICAL ASSISTANCE.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall be eligible to receive prompt, individualized technical assistance to resolve the audit finding and to prevent future findings, for a period not to exceed the following 2 fiscal years.''; and

(ii) in subparagraph (C)(i), by striking ''$20,000'' and inserting ''$100,000'' and by inserting ''the Director or Principal Deputy Director of the Office on Violence

Against Women or'' before ''the Deputy Attorney General''; and

(H) by adding at the end the following:

''(16) INNOVATION FUND.—Of the amounts appropriated to carry out this title, not more than 1 percent shall be made available for pilot projects, demonstration projects, and special initiatives designed to improve Federal, State, local, Tribal, and other community responses to gender-based violence.''.

(b) DEFINITIONS AND GRANT CONDITIONS.—Section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291) shall apply to this Act and any grant program authorized under this Act.

**SEC. 3. AGENCY AND DEPARTMENT COORDINATION.**

Each head of an Executive department (as defined in section 101 of title 5, United States Code) responsible for carrying out a program under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), or the Violence Against Women Reauthorization Act of 2013 (Public Law 113–

4; 127 Stat. 54) may coordinate and collaborate on the prevention of domestic violence, dating violence, sexual assault, and stalking, including sharing best practices and efficient use of resources and technology for victims and those seeking assistance from the Federal Government.

**SEC. 4. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall not take effect until October 1 of the first fiscal year beginning after the date of enactment of this Act.

(b) EFFECTIVE ON DATE OF ENACTMENT.—Sections 106, 107, 304, 606, 803, and 1306 and any amendments made by such sections shall take effect on the date of enactment of this Act.

**SEC. 5. SENSE OF CONGRESS.**

It is the sense of Congress—

(1) that sex trafficking victims experience sexual violence and assault; and

(2) that Federal recognition of their recovery is important.

**SEC. 6. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act and the amendments

made by this Act, and the application of the provisions or amendment to any other person or circumstance, shall not be affected.

# TITLE I—ENHANCING LEGAL TOOLS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

**SEC. 101. STOP GRANTS.**

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) is amended—

(1) in section 2001 (34 U.S.C. 10441)—

(A) in subsection (b)—

(i) in paragraph (3), by inserting before the semicolon at the end the following: ‘‘, including implementation of the grant conditions in section 40002(b) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b))’’;

(ii) in paragraph (5), by inserting ‘‘and legal assistance’’ after ‘‘improving delivery of victim services’’; and

(iii) in paragraph (9)—

(I) by striking ''older and disabled women'' and inserting ''individuals 50 years of age or over, individuals with disabilities, and Deaf individuals'';

(II) by inserting ''legal assistance,'' after ''counseling,''; and

(III) by striking ''older and disabled individuals'' and inserting ''individuals'';

(iv) in paragraph (11), by inserting before the semicolon at the end the following: '', including rehabilitative work with offenders'';

(v) in paragraph (19), by striking ''and'' at the end;

(vi) in paragraph (20)—

(I) by striking ''or stalking'' and inserting ''stalking, or female genital mutilation or cutting''; and

(II) by striking the period at the end and inserting a semicolon; and

(vii) by inserting after paragraph (20), the following:

''(21) developing, enhancing, or strengthening programs and projects to improve evidence collection methods for victims of domestic violence, dating violence, sexual assault, or stalking, including through funding for technology that better detects bruising and injuries across skin tones and related training;

''(22) developing, enlarging, or strengthening culturally specific victim services programs to provide culturally specific victim services and responses to female genital mutilation or cutting;

''(23) providing victim advocates in State or local law enforcement agencies, prosecutors' offices, and courts to provide supportive services and advocacy to Indian victims of domestic violence, dating violence, sexual assault, and stalking; and

''(24) paying any fees charged by any governmental authority for furnishing a victim or the child of a victim with any of the following documents:

''(A) A birth certificate or passport of the individual, as required by law.

''(B) An identification card issued to the individual by a State or Tribe, that shows that the individual is a resident of the State or a member of the Tribe.''; and

(B) in subsection (d)(3), in the matter preceding subparagraph (A), by striking ''2014 through 2018'' and inserting ''2023 through 2027'';

(2) in section 2007 (34 U.S.C. 10446)—

(A) in subsection (d)—

(i) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(ii) by inserting after paragraph (4) the following:

''(5) proof of compliance with the requirements regarding training for victim-centered prosecution described in section 2017;

''(6) certification of compliance with the grant conditions under section 40002(b) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)), as applicable;'';

(B) in subsection (i)—

(i) in paragraph (1), by inserting before the semicolon at the end the following: ''and the requirements under section 40002(b) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)), as applicable''; and

(ii) in paragraph (2)(C)(iv), by inserting after ''ethnicity,'' the following: ''sexual orientation, gender identity,''; and

(C) in subsection (j)(2), by adding a period at the end; and

(3) by adding at the end the following:

**''SEC. 2017. GRANT ELIGIBILITY REGARDING COMPELLING VICTIM TESTIMONY.**

''In order for a prosecutor's office to be eligible to receive grant funds under this part, the head of the office shall certify, to the State, Indian Tribal government, or territorial government receiving the grant funding, that the office will, during the 3-year period beginning on the date on which the grant is awarded, engage in planning, developing and implementing—

''(1) training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases;

''(2) policies that support a victim-centered approach, informed by such training; and

''(3) a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that shall be exhausted before employing material witness

petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(18)) is amended by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 102. GRANTS TO IMPROVE THE CRIMINAL JUSTICE RESPONSE.**

(a) HEADING.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461 et seq.) is amended in the heading, by striking ''**GRANTS TO ENCOURAGE ARREST POLICIES**'' and inserting ''**GRANTS TO IMPROVE THE CRIMINAL JUSTICE RESPONSE**''.

(b) GRANTS.—Section 2101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PURPOSE.—The purpose of this part is to assist States, Indian Tribal governments, State and local courts (including juvenile courts), Tribal courts, and units of local government to improve the criminal justice response to domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law, and to seek safety and autonomy for victims.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''proarrest'' and inserting ''offender accountability and homicide reduction'';

(B) in paragraph (5), by striking ''legal advocacy service programs'' and inserting ''legal advocacy and legal assistance programs'';

(C) in paragraph (8), by striking ''older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002))'' and inserting ''individuals 50 years of age or over, Deaf individuals,'';

(D) in paragraph (19), by inserting before the period at the end the following '', including victims among underserved populations (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)))''; and

(E) by adding at the end the following:

''(25) To develop Statewide databases with information on where sexual assault nurse examiners are located.

''(26) To develop and implement alternative methods of reducing crime in communities, to supplant punitive programs or policies. For purposes of this paragraph, a punitive program or policy is a program or policy that—

''(A) imposes a penalty on a victim of domestic violence, dating violence, sexual assault, or stalking, on the basis of a request by the victim for law enforcement or emergency assistance; or

''(B) imposes a penalty on such a victim because of criminal activity at the property in which the victim resides.''; and

(3) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''encourage or mandate arrests of domestic violence offenders'' and inserting ''encourage arrests of domestic violence, dating violence, sexual assault, and stalking offenders''; and

(ii) in clause (ii), by striking ''encourage or mandate arrest of domestic violence offenders'' and inserting ''encourage arrest of offenders'';

(B) in subparagraph (E)(ii), by striking ''and'' at the end; and

(C) by inserting after subparagraph (E) the following:

''(F) except for a court, not later than 3 years after the date on which an eligible grantee receives the first award under this part after the date of enactment of the Violence Against Women Act Reauthorization Act of 2022, certify that the laws, policies, and practices of the State or the jurisdiction in which the eligible grantee is located ensure that prosecutor's offices engage in planning, developing, and implementing—

''(i) training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases;

''(ii) policies that support a victim-centered approach, informed by such training; and

"(iii) a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that shall be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim; and

"(G) except for a court, certify that the laws, policies, and practices of the State or the jurisdiction in which the eligible grantee is located prohibits the prosecution of a minor under the age of 18 with respect to prostitution; and".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(19)) is amended by striking "2014 through 2018" and inserting "2023 through 2027".

**SEC. 103. LEGAL ASSISTANCE FOR VICTIMS.**

Section 1201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (34 U.S.C. 20121) is amended—

(1) in subsection (a), by inserting after ''no cost to the victims.'' the following: ''When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided.'';

(2) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

''(1) any person providing legal assistance through a program funded under this section—

''(A)(i) is a licensed attorney or is working under the direct supervision of a licensed attorney;

''(ii) in immigration proceedings, is a Board of Immigration Appeals accredited representative;

''(iii) in Veterans' Administration claims, is an accredited representative; or

''(iv) is any person who functions as an attorney or lay advocate in Tribal court; and

''(B)(i) has demonstrated expertise in providing legal assistance to victims of domestic vi-

olence, dating violence, sexual assault, or stalking in the targeted population; or

''(ii)(I) is partnered with an entity or person that has demonstrated expertise described in clause (i); and

''(II) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;'';

(B) in paragraph (2), by striking ''or local'' and insert the following: ''local, or culturally specific'';

(C) in paragraph (4), after ''dating violence,'' by inserting ''stalking,''; and

(3) in subsection (f)(1)—

(A) by striking ''$57,000,000'' and inserting ''$60,000,000''; and

(B) by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 104. GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.**

Section 1301 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (34 U.S.C. 12464) is amended—

(1) in subsection (b)(8), by striking ''to improve'' and inserting ''improve'';

(2) in subsection (e), by striking ''2014 through 2018'' and inserting ''2023 through 2027''; and

(3) by adding at the end the following:

''(g) CULTURAL RELEVANCE.—Any services provided pursuant to a grant funded under this section shall be provided in a culturally relevant manner.''.

**SEC. 105. OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS GRANTS.**

Section 120 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20123) is amended—

(1) in subsection (b)(3), by inserting ''Native Hawaiian,'' before ''or local organization'';

(2) in subsection (d)—

(A) in paragraph (4)—

(i) by striking ''effectiveness'' and inserting ''response'';

(ii) by inserting ''population-specific'' before ''training''; and

(iii) by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) developing, enlarging, or strengthening culturally specific programs and projects to provide culturally specific services regarding responses to, and prevention of, female genital mutilation and cutting; or

''(7) strengthening the response of social and human services by providing population-specific training for service providers on domestic violence, dating violence, sexual assault, or stalking in underserved populations.''; and

(3) in subsection (g)—

(A) by striking ''$2,000,000'' and inserting ''$6,000,000''; and

(B) by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 106. CRIMINAL PROVISIONS.**

Section 2265(d)(3) of title 18, United States Code, is amended—

(1) by striking ''restraining order or injunction,''; and

(2) by adding at the end the following: ''The prohibition under this paragraph applies to all protection orders for the protection of a person residing within a State, territorial, or Tribal jurisdiction, whether or not the protection order was issued by that State, territory, or Tribe.''.

**SEC. 107. RAPE SURVIVOR CHILD CUSTODY.**

Section 409 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 21308) is amended by striking ''2015 through 2019'' and inserting ''2023 through 2027''.

**SEC. 108. ENHANCING CULTURALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20124) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''paragraph (a)(2) of this subsection'' and inserting ''paragraph (2)''; and

(ii) by striking ''shall take 5 percent of such appropriated amounts'' and insert-

ing ''shall take 15 percent of such appropriated amounts for the program under paragraph (2)(A) and 5 percent of such appropriated amounts for the programs under subparagraphs (B) through (E) of paragraph (2)''; and

(B) by adding at the end the following:

''(3) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2023 through 2027.

''(4) DISTRIBUTION.—

''(A) IN GENERAL.—Of the total amount available for grants under this section, not less than 40 percent of such funds shall be allocated for programs or projects that meaningfully address non-intimate partner relationship sexual assault.

''(B) ALTERNATIVE ALLOCATION.—Notwithstanding 40002(b)(11) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(11)), the Director may allocate a portion of funds described in subparagraph (A) to enhanced technical assistance relating to non-

intimate partner sexual assault if the Office on Violence Against Women does not receive sufficient qualified applications proposing to address non-intimate partner relationship sexual assault.'';

(2) in subsection (b)(3), by adding at the end the following: ''Not less than 1 such organization shall have demonstrated expertise primarily in domestic violence services, and not less than 1 such organization shall have demonstrated expertise primarily in non-intimate partner sexual assault services.'';

(3) by striking subsection (e); and

(4) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

**SEC. 109. PILOT PROGRAM ON RESTORATIVE PRACTICES.**

(a) IN GENERAL.—The Violence Against Women Act of 1994 (title IV of Public Law 103–322), as amended by section 205, is further amended by adding at the end the following:

# ''Subtitle R—Restorative Practices

**''SEC. 41801. PILOT PROGRAM ON RESTORATIVE PRACTICES.**

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office on Violence Against Women.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a tribal government;

''(D) a tribal organization;

''(E) a victim service provider;

''(F) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

''(G) a private or public nonprofit organization, including—

''(i) a tribal nonprofit organization; and

''(ii) a faith-based nonprofit organization.

''(3) RESTORATIVE PRACTICE.—The term 'restorative practice' means a practice relating to a specific harm that—

''(A) is community-based and unaffiliated with any civil or criminal legal process;

''(B) is initiated by a victim of the harm;

"(C) involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—

"(i) 1 or more individuals who committed the harm;

"(ii) 1 or more victims of the harm; and

"(iii) the community affected by the harm through 1 or more representatives of the community;

"(D) shall include and has the goal of—

"(i) collectively seeking accountability from 1 or more individuals who committed the harm;

"(ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and

"(iii) developing a written course of action plan—

"(I) that is responsive to the needs of 1 or more victims of the harm; and

"(II) upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and

"(E) is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.

"(b) GRANTS AUTHORIZED.—The Director shall award grants to eligible entities to develop and implement a program, or to assess best practices, for—

"(1) restorative practices to prevent or address domestic violence, dating violence, sexual assault, or stalking;

"(2) training by eligible entities, or for eligible entities, courts, or prosecutors, on restorative practices and program implementation; and

"(3) evaluations of a restorative practice described in paragraph (1).

"(c) PRIORITY.—In awarding grants under subsection (b), the Director shall give priority to eligible enti-

ties that submit proposals that meaningfully address the needs of culturally specific or underserved populations.

''(d) QUALIFICATIONS.—To be eligible to receive a grant under this section, an eligible entity shall demonstrate a history of comprehensive training and experience in working with victims of domestic violence, dating violence, sexual assault, or stalking.

''(e) PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—An eligible entity or a subgrantee of an eligible entity that offers a restorative practices program with funds awarded under this section shall ensure that such program—

''(A) includes set practices and procedures for screening the suitability of any individual who committed a harm based on—

''(i) the history of civil and criminal complaints against the individual involving domestic violence, sexual assault, dating violence, or stalking;

''(ii) parole or probation violations of the individual or whether active parole or probation supervision of the individual is being conducted for prior offenses involving domestic violence, sexual assault, dating violence, or stalking;

"(iii) the risk to the safety of any victim of the harm based on an evidence-based risk assessment;

"(iv) the risk to public safety, including an evidence-based risk assessment of the danger to the public; and

"(v) past participation of any individual who committed the harm in restorative practice programing; and

"(B) denies eligibility to participate in the program for any individual who committed a harm against whom there is—

"(i) a pending felony or misdemeanor prosecution for an offense against any victim of the harm or a dependent of any such victim;

"(ii) a restraining order or a protection order (as defined in section 2266 of title 18, United States Code) that protects any victim of the harm or a dependent of any such victim, unless there is an exception in the restraining order or protective order allowing for participation in a restorative practices program;

"(iii) a pending criminal charge involving or relating to sexual assault, including rape, human trafficking, or child abuse, including child sexual abuse; or

"(iv) a conviction for child sexual abuse against the victim or a sibling of the victim if the victim or sibling of the victim is currently a minor.

"(2) REFERRAL.—With respect to a risk assessment described in paragraph (1)(A)(iii) for which an eligible entity or a subgrantee of an eligible entity determines that a victim or a dependent of a victim are at significant risk of subsequent serious injury, sexual assault, or death, the eligible entity or subgrantee shall refer the victim or dependent to other victim services, instead of restorative practices.

"(f) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—For the purpose of section 40002(b)(2), an individual described in subsection (a)(3)(C) shall be considered a person receiving services.

"(g) RELATION TO CRIMINAL JUSTICE INTERVENTION.—Restorative practices performed with funds awarded under this section are not intended to function as a replacement for criminal justice intervention for a specific harm.

''(h) REPORTS.—

''(1) REPORT TO DIRECTOR.—As a part of the report required to be submitted under section 40002(b)(6), an eligible entity that receives a grant under this section shall annually submit to the Director information relating to the effectiveness of the restorative practices carried out with amounts from the grant, including—

''(A) the number of individuals for whom the eligible entity supported a restorative practice;

''(B) if applicable, the number of individuals who—

''(i) sought restorative practices from the eligible entity; and

''(ii) the eligible entity could not serve;

''(C) if applicable, the number of individuals—

''(i) who sought restorative practice training;

''(ii) who received restorative practice training;

''(iii) who provided restorative practice training; and

''(iv) to whom the eligible entity could not provide restorative practice training;

''(D) a victim evaluation component that is documented through survey or interview, including the satisfaction of victims of a harm with the restorative practice services;

''(E) if applicable, the number of individuals who committed a harm and—

''(i) successfully completed and executed a written course of action plan;

''(ii) failed to successfully complete and execute a written course of action plan; and

''(iii) were involved in a criminal or civil complaint involving domestic violence, dating violence, sexual assault, or stalking against the victims or victims during the course of the restorative practice process; and

''(F) any other qualitative or quantitative information determined by the Director.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and biennially thereafter, the Director shall submit

to Congress a report that summarizes the reports received by the Director under paragraph (1).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director such sums as may be necessary for each of fiscal years 2023 through 2027 to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by inserting after the item relating to section 41601 the following:

''Subtitle R—Restorative Practices

''Sec. 41801. Pilot program on restorative practices.''.

# TITLE II—IMPROVING SERVICES FOR VICTIMS

**SEC. 201. SEXUAL ASSAULT SERVICES PROGRAM.**

Section 41601 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12511) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C)(iii), by inserting ''direct payments,'' before ''and comprehensive''; and

(B) in paragraph (4), by striking ''0.25 percent'' and inserting ''0.5 percent'';

(2) in subsection (c)—

(A) in paragraph (4)—

(i) by striking ''(4) DISTRIBUTION'' and all that follows through ''The Attorney General'' and inserting the following:

''(4) DISTRIBUTION.—The Attorney General''; and

(ii) by striking subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) TECHNICAL ASSISTANCE.—The Attorney General shall provide technical assistance to recipients of grants under this subsection by entering into a cooperative agreement or contract with a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within culturally specific communities.''; and

(3) in subsection (f)—

(A) in paragraph (1), by striking ''$40,000,000 to remain available until expended for each of fiscal years 2014 through 2018'' and inserting ''$100,000,000 to remain

available until expended for each of fiscal years 2023 through 2027''; and

(B) in paragraph (2)(B)—

(i) by striking ''2.5'' and inserting ''8''; and

(ii) by striking the semicolon at the end and inserting ''of which not less than 20 percent shall be available for technical assistance to recipients and potential recipients of grants under subsection (c);''.

**SEC. 202. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.**

Section 40295 of the Violence Against Women Act of 1994 (34 U.S.C. 12341) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) to develop, expand, implement, and improve the quality of sexual assault forensic medical

examination or sexual assault nurse examiner programs.'';

(2) in subsection (b)—

(A) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(B) in paragraph (5)—

(i) by inserting after ''by the lack of access to'' the following: ''quality forensic sexual assault examinations by trained health care providers,''; and

(ii) by striking ''shelters and'' and inserting ''shelters, and''; and

(3) in subsection (e)(1), by striking ''$50,000,000 for each of fiscal years 2014 through 2018'' and inserting ''$100,000,000 for each of fiscal years 2023 through 2027''.

**SEC. 203. GRANTS FOR TRAINING AND SERVICES TO END VIOLENCE AGAINST INDIVIDUALS WITH DISABILITIES AND DEAF PEOPLE.**

Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (34 U.S.C. 20122) is amended—

(1) in the heading—

(A) by striking ''**WOMEN**'' and inserting ''**INDIVIDUALS**''; and

(B) by inserting after ''**DISABILITIES**'' the following: ''**AND DEAF PEOPLE**'';

(2) in subsection (a)(1)—

(A) by striking ''and sexual assault'' and inserting ''sexual assault, and abuse by caregivers''; and

(B) by inserting after ''with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))'' the following: ''and Deaf people'';

(3) in subsection (b)—

(A) by striking ''disabled individuals'' each place it appears and inserting ''individuals with disabilities and Deaf people'';

(B) in paragraph (3), by inserting after ''law enforcement'' the following: ''and other first responders''; and

(C) in paragraph (8), by striking ''providing advocacy and intervention services within'' and inserting ''to enhance the capacity of'';

(4) in subsection (c)(1)(D), by striking ''disabled individuals'' and inserting ''individuals with disabilities and Deaf people''; and

(5) in subsection (e)—

(A) by striking ''$9,000,000'' and inserting ''$15,000,000''; and

(B) by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 204. TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.**

Subtitle H of the Violence Against Women Act of 1994 (34 U.S.C. 12421 et seq.) is amended—

(1) in the subtitle heading, by striking ''**Enhanced Training**'' and inserting ''**Training**''; and

(2) in section 40801 (34 U.S.C. 12421)—

(A) in the section heading, by striking ''**ENHANCED TRAINING**'' and inserting ''**TRAINING**'';

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking ''(b) GRANT PROGRAM.—'' and all that follows through paragraph (1) and inserting the following: ''The Attorney General shall make grants to eligible entities in accordance with the following:'';

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(iii) in paragraph (1), as so redesignated—

(I) by striking ", including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect" each place it appears;

(II) in subparagraph (A)—

(aa) in clause (i)—

(AA) by striking "elder abuse" and inserting "abuse in later life"; and

(BB) by striking "victim advocates, and" and inserting "victim advocates, or"; and

(bb) in clause (iv), by striking "advocates, victim service providers, and courts to better serve victims of abuse in later life" and inserting "leaders, victim advocates, victim service providers, courts, and first respond-

ers to better serve older victims''; and

(III) in subparagraph (B)—

(aa) in clause (i), by striking ''or other community-based organizations in recognizing and addressing instances of abuse in later life'' and inserting ''community-based organizations, or other professionals who may identify or respond to abuse in later life''; and

(bb) in clause (ii), by striking ''elder abuse and'';

(iv) in paragraph (2), as so redesignated—

(I) in subparagraph (A)—

(aa) in clause (iv), by striking ''with demonstrated experience in assisting individuals over 50 years of age''; and

(bb) in clause (v), by striking ''with demonstrated experience in addressing domestic vio-

lence, dating violence, sexual assault, and stalking''; and

(II) in subparagraph (B)(iv), by striking ''in later life;'' and inserting ''50 years of age or over.''; and

(v) in paragraph (4), as so redesignated—

(I) by striking ''$9,000,000'' and inserting ''$10,000,000''; and

(II) by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 205. ABBY HONOLD ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Abby Honold Act''.

(b) AMENDMENT.—Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12291 et seq.) is amended by adding at the end the following:

# "Subtitle Q—Trauma-Informed, Victim-Centered Training for Law Enforcement

**"SEC. 41701. DEMONSTRATION PROGRAM ON TRAUMA-INFORMED, VICTIM-CENTERED TRAINING FOR LAW ENFORCEMENT.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'Attorney General' means the Attorney General, acting through the Director of the Office on Violence Against Women;

''(2) the term 'covered individual' means an individual who interfaces with victims of domestic violence, dating violence, sexual assault, and stalking, including—

''(A) an individual working for or on behalf of an eligible entity;

''(B) an administrator or personnel of a school, university, or other educational program or activity (including a campus police officer or a school resource officer); and

''(C) an emergency services or medical employee;

''(3) the term 'demonstration site', with respect to an eligible entity that receives a grant under this

section, means the area over which the eligible entity has jurisdiction;

''(4) the term 'eligible entity' means a State, local, territorial, or Tribal law enforcement agency; and

''(5) the term 'mandatory partner' means a national, regional, or local victim services organization or agency working in collaboration with a law enforcement agency described in paragraph (4).

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General shall award grants on a competitive basis to eligible entities to collaborate with their mandatory partners to carry out the demonstration program under this section by implementing evidence-based or promising investigative policies and practices to incorporate trauma-informed, victim-centered techniques designed to—

''(A) prevent re-traumatization of the victim;

''(B) ensure that covered individuals use evidence-based practices to respond to and investigate cases of domestic violence, dating violence, sexual assault, and stalking;

''(C) improve communication between victims and law enforcement officers in an effort to increase the likelihood of the successful investigation and prosecution of the reported crime in a manner that protects the victim to the greatest extent possible;

''(D) increase collaboration among stakeholders who are part of the coordinated community response to domestic violence, dating violence, sexual assault, and stalking; and

''(E) evaluate the effectiveness of the training process and content.

''(2) AWARD BASIS.—The Attorney General shall award grants under this section to multiple eligible entities for use in a variety of settings and communities, including—

''(A) urban, suburban, Tribal, remote, and rural areas;

''(B) college campuses; or

''(C) traditionally underserved communities.

''(c) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant to—

''(1) train covered individuals within the demonstration site of the eligible entity to use evidence-

based, trauma-informed, and victim-centered techniques and knowledge of crime victims' rights throughout an investigation into domestic violence, dating violence, sexual assault, or stalking, including by—

"(A) conducting victim interviews in a manner that—

"(i) elicits valuable information about the domestic violence, dating violence, sexual assault, or stalking; and

"(ii) avoids re-traumatization of the victim;

"(B) conducting field investigations that mirror best and promising practices available at the time of the investigation;

"(C) customizing investigative approaches to ensure a culturally and linguistically appropriate approach to the community being served;

"(D) becoming proficient in understanding and responding to complex cases, including cases of domestic violence, dating violence, sexual assault, or stalking—

"(i) facilitated by alcohol or drugs;

"(ii) involving strangulation;

"(iii) committed by a non-stranger;

"(iv) committed by an individual of the same sex as the victim;

"(v) involving a victim with a disability;

"(vi) involving a male victim; or

"(vii) involving a lesbian, gay, bisexual, or transgender (commonly referred to as 'LGBT') victim;

"(E) developing collaborative relationships between—

"(i) law enforcement officers and other members of the response team; and

"(ii) the community being served; and

"(F) developing an understanding of how to define, identify, and correctly classify a report of domestic violence, dating violence, sexual assault, or stalking; and

"(2) promote the efforts of the eligible entity to improve the response of covered individuals to domestic violence, dating violence, sexual assault, and stalking through various communication channels, such as the website of the eligible entity, social media, print materials, and community meetings, in order to ensure that all covered individuals within the demonstration site of the eligible entity are

aware of those efforts and included in trainings, to the extent practicable.

''(d) DEMONSTRATION PROGRAM TRAININGS ON TRAUMA-INFORMED, VICTIM-CENTERED APPROACHES.—

''(1) IDENTIFICATION OF EXISTING TRAININGS.—

''(A) IN GENERAL.—The Attorney General shall identify trainings for law enforcement officers, in existence as of the date on which the Attorney General begins to solicit applications for grants under this section, that—

''(i) employ a trauma-informed, victim-centered approach to domestic violence, dating violence, sexual assault, and stalking; and

''(ii) focus on the fundamentals of—

''(I) trauma responses;

''(II) the impact of trauma on victims of domestic violence, dating violence, sexual assault, and stalking; and

''(III) techniques for effectively investigating domestic violence, dating violence, sexual assault, and stalking.

''(B) SELECTION.—An eligible entity that receives a grant under this section shall select one or more of the approaches employed by a training identified under subparagraph (A) to test within the demonstration site of the eligible entity.

''(2) CONSULTATION.—In carrying out paragraph (1), the Attorney General shall consult with the Director of the Office for Victims of Crime in order to seek input from and cultivate consensus among outside practitioners and other stakeholders through facilitated discussions and focus groups on best practices in the field of trauma-informed, victim-centered care for victims of domestic violence, dating violence, sexual assault, and stalking.

''(e) EVALUATION.—The Attorney General, in consultation with the Director of the National Institute of Justice, shall require each eligible entity that receives a grant under this section to identify a research partner, preferably a local research partner, to—

''(1) design a system for generating and collecting the appropriate data to facilitate an independent process or impact evaluation of the use of the grant funds;

''(2) periodically conduct an evaluation described in paragraph (1); and

''(3) periodically make publicly available, during the grant period—

''(A) preliminary results of the evaluations conducted under paragraph (2); and

''(B) recommendations for improving the use of the grant funds.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $5,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to interfere with the due process rights of any individual.''.

**SEC. 206. LGBT SPECIFIC SERVICES PROGRAM.**

(a) ESTABLISHMENT.—The Attorney General, acting through the Director of the Violence Against Women Office (referred to in this section as the ''Director''), shall make grants to eligible entities to enhance lesbian, gay, bisexual, and transgender (referred to in this section as ''LGBT'') specific services for victims of domestic violence, dating violence, sexual assault and stalking.

(b) PURPOSE OF PROGRAM AND GRANTS .—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to promote the following:

(A) The maintenance and replication of existing successful LGBT specific domestic violence, dating violence, sexual assault, and stalking community-based programs providing services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking.

(B) The development of innovative LGBT specific strategies and projects to enhance access to services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director shall make grants to community-based programs for the purpose of enhancing LGBT specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive LGBT specific responses to domestic violence, dating violence, sexual assault, and stalking, including—

(A) providing or enhancing services for LGBT victims of domestic violence, dating violence, sexual assault, or stalking, including services that address the safety, emotional well-being, economic, housing, legal and workplace needs of LGBT victims;

(B) supporting programs that specifically address underserved LGBT communities, including culturally specific communities, to provide specific resources and support for LGBT underserved victims of domestic violence, dating violence, sexual assault, and stalking;

(C) working in cooperation with the community to develop education and prevention strategies highlighting LGBT specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

(D) conducting outreach activities to ensure that LGBT people who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(E) providing training for victim service providers, governmental agencies, courts, law enforcement and other first responders, and

nonprofit, nongovernmental organizations serving the LGBT community about risk reduction, intervention, prevention, and the nature of domestic violence, dating violence, stalking, and sexual assault;

(F) developing and implementing LGBT specific programming that focuses on victim autonomy, agency, and safety in order to provide resolution and restitution for the victim; and

(G) providing LGBT specific programs for the non-offending LGBT parents of children exposed to domestic violence, dating violence, sexual assault, and stalking.

(3) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective LGBT specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of LGBT specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) ELIGIBLE ENTITIES.—Eligible entities for grants under this section include—

(1) community-based organizations, the primary purpose of which is providing LGBT specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based organizations, the primary purpose of which is providing LGBT specific services that can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking, and that agrees to receive technical assistance from a program with LGBT specific expertise.

(d) REPORTING.—The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to LGBT victims of domestic violence, dating violence, sexual assault, and stalking and the types of LGBT specific programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced access to services and resources for victims of domestic violence, dating

violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(f) NON-EXCLUSIVITY.—Nothing in this section shall be construed to exclude LGBT community-based organizations from applying to other grant programs authorized under this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

# TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS

**SEC. 301. RAPE PREVENTION AND EDUCATION GRANT.**

Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting before the semicolon at the end the following ''or utilization of other communication technologies for purposes related to such a hotline'';

(B) in paragraph (3), by striking ''professionals'' and inserting ''professionals, including school-based professionals, to identify and refer

students who may have experienced or are at risk of experiencing sexual violence''; and

(C) in paragraph (7)—

(i) by striking ''sexual assault'' and inserting ''sexual violence, sexual assault, and sexual harassment''; and

(ii) by inserting ''and Deaf individuals'' before the period at the end;

(2) in subsection (b), by striking ''Indian tribal'' and inserting ''Indian Tribal'';

(3) by redesignating subsection (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting the following new subsection after subsection (b):

''(c) MEANINGFUL INVOLVEMENT OF STATE SEXUAL ASSAULT COALITIONS, CULTURALLY SPECIFIC ORGANIZATIONS, AND UNDERSERVED COMMUNITIES.—In awarding funds to States under this section, the Secretary shall set forth procedures designed to ensure meaningful involvement of sexual assault coalitions, culturally specific organizations, and representatives from underserved communities of the State or territory in the application for, and implementation of, funding.'';

(5) in subsection (d) (as redesignated by paragraph (3))—

(A) in paragraph (1), by striking ''$50,000,000 for each of fiscal years 2014 through 2018'' and inserting ''$100,000,000 for each of fiscal years 2023 through 2027'';

(B) in paragraph (3), by adding at the end the following: ''Not less than 80 percent of the total amount made available under this subsection in each fiscal year shall be awarded in accordance with this paragraph.''; and

(C) by adding at the end the following:

''(4) STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITION ALLOTMENT.—

''(A) IN GENERAL.—Of the total amount appropriated under this subsection for a fiscal year, not less than 15 percent shall be allocated to State, territorial, and Tribal sexual assault coalitions for the purposes of coordinating and providing prevention activities, providing assistance to prevention programs, and collaborating and coordinating with applicable Federal, State, Tribal, and local entities engaged in sexual violence prevention, in accordance with this paragraph.

''(B) ALLOCATIONS.—Of the total amount appropriated under this subsection and allo-

cated to making awards to sexual assault coalitions, as described in subparagraph (A), for a fiscal year—

"(i) not less than 10 percent shall be made available to Tribal sexual assault coalitions; and

"(ii) any remaining amounts shall be made available, in equal amounts, to each State coalition and each territorial coalition.

"(C) CLARIFICATION.—Receipt of an award under this subsection by a sexual assault coalition shall not preclude the coalition from receiving additional grants or administering funds to carry out the purposes described in subsection (a)."; and

(6) by adding at the end the following:

"(f) REPORT.—Not later than 1 year after the date of the enactment of the Violence Against Women Act Reauthorization Act of 2022, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives and the Committee on Appropriations, the Committee on

Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate a report on the activities funded by grants awarded under this section and best practices relating to rape prevention and education.''.

**SEC. 302. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION (CHOOSE) FOR CHILDREN AND YOUTH.**

Section 41201 of the Violence Against Women Act of 1994 (34 U.S.C. 12451) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), in the first sentence, by striking ''target youth who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking'' and inserting ''target youth, including youth in underserved populations, who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking'';

(ii) in subparagraph (B), by striking ''or'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iv) by inserting after subparagraph (C) the following:

''(D) clarify State or local mandatory reporting policies and practices regarding peer-on-peer dating violence, sexual assault, stalking, and sex trafficking; or

''(E) develop, enlarge, or strengthen culturally specific victim services and responses related to, and prevention of, female genital mutilation or cutting.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''stalking, or sex trafficking'' and inserting ''stalking, sex trafficking, or female genital mutilation or cutting'';

(ii) in subparagraph (C), by inserting ''confidential'' before ''support services''; and

(iii) in subparagraph (E), by inserting after ''programming for youth'' the following: '', including youth in underserved populations,''; and

(C) by adding at the end the following:

''(3) CHILDREN EXPOSED TO VIOLENCE AND ABUSE.—To develop, maintain, or enhance programs

designed to prevent future incidents of domestic violence, dating violence, sexual assault, and stalking by preventing, reducing and responding to children's exposure to violence in the home, including by—

"(A) providing services for children exposed to domestic violence, dating violence, sexual assault or stalking, including—

"(i) direct counseling or advocacy; and

"(ii) support for the non-abusing parent; and

"(B) training and coordination for educational, after-school, and childcare programs on how to—

"(i) safely and confidentially identity children and families experiencing domestic violence, dating violence, sexual assault, or stalking; and

"(ii) properly refer children exposed and their families to services and violence prevention programs.

"(4) TEEN DATING VIOLENCE AWARENESS AND PREVENTION.—To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide

education and skills training to young individuals and individuals who influence young individuals, which—

"(A) may include the use evidenced-based, evidence-informed, or innovative strategies and practices focused on youth; and

"(B) shall include—

"(i) age and developmentally-appropriate education on—

"(I) domestic violence;

"(II) dating violence;

"(III) sexual assault;

"(IV) stalking;

"(V) sexual coercion; and

"(VI) healthy relationship skills, in school, in the community, or in health care settings;

"(ii) community-based collaboration and training for individuals with influence on youth, such as parents, teachers, coaches, healthcare providers, faith leaders, older teens, and mentors;

"(iii) education and outreach to change environmental factors contributing

to domestic violence, dating violence, sexual assault, and stalking; and

''(iv) policy development targeted to prevention, including school-based policies and protocols.'';

(2) in subsection (c)—

(A) in paragraph (1)(A)—

(i) by inserting ''organization'' after ''tribal nonprofit''; and

(ii) by inserting ''Native Hawaiian organization, urban Indian organization,'' before ''or population-specific community-based organization''; and

(B) in paragraph (2)(A), by striking ''paragraph (1)'' and inserting ''subparagraph (A) or (B) of paragraph (1)'';

(3) in subsection (d)(3), by striking the period at the end and inserting '', including training on working with youth victims of domestic violence, dating violence, sexual assault, or sex trafficking in underserved populations, if such youth are among those being served.''; and

(4) in subsection (f), by striking ''$15,000,000 for each of fiscal years 2014 through 2018'' and in-

serting ''$30,000,000 for each of fiscal years 2023 through 2027''.

**SEC. 303. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.**

(a) IN GENERAL.—Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20125) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

''(2) To develop, strengthen, and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the use of technology to commit these crimes, and to train campus administrators, campus security personnel, and all participants in the resolution process, including personnel from the Title IX coordinator's office, student conduct office, and campus disciplinary or judicial boards on such

policies, protocols, and services that promote a prompt, fair, and impartial investigation.'';

(B) by amending paragraph (3) to read as follows:

''(3) To provide prevention and education programming about domestic violence, dating violence, sexual assault, and stalking, including technological abuse and reproductive and sexual coercion, that is age-appropriate, culturally relevant, ongoing, delivered in multiple venues on campus, accessible, promotes respectful nonviolent behavior as a social norm, and engages men and boys. Such programming should be developed in partnership or collaboratively with experts in intimate partner and sexual violence prevention and intervention.'';

(C) in paragraph (9), by striking ''and provide'' and inserting '', provide, and disseminate'';

(D) in paragraph (10), by inserting after ''or adapt'' the following: ''and disseminate''; and

(E) by inserting after paragraph (10) the following:

''(11) To train campus health centers and appropriate campus faculty, such as academic advisors

or professionals who deal with students on a daily basis, on how to recognize and respond to domestic violence, dating violence, sexual assault, and stalking, including training health providers on how to provide universal education to all members of the campus community on the impacts of violence on health and unhealthy relationships and how providers can support ongoing outreach efforts.

''(12) To train campus personnel in how to use a victim-centered, trauma-informed interview technique, which means asking questions of a student or a campus employee who is reported to be a victim of sexual assault, domestic violence, dating violence, or stalking, in a manner that is focused on the experience of the reported victim, that does not judge or blame the reported victim for the alleged crime, and that is informed by evidence-based research on trauma response. To the extent practicable, campus personnel shall allow the reported victim to participate in a recorded interview and to receive a copy of the recorded interview.

''(13) To develop and implement restorative practices (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a))).'';

(3) in subsection (c)(3), by striking ''2014 through 2018'' and inserting ''2023 through 2027'';

(4) in subsection (d)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''for all incoming students'' and inserting ''for all students''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) The grantee shall train all participants in the resolution process, including the campus disciplinary board, the title IX coordinator's office, and the student conduct office, to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking.''; and

(B) in paragraph (4)(C), by inserting after ''sex,'' the following: ''sexual orientation, gender identity,''; and

(5) in subsection (e), by striking ''$12,000,000 for each of fiscal years 2014 through 2018'' and inserting ''$15,000,000 for each of fiscal years 2023 through 2027, of which not less than 10 percent shall be made available for grants to historically Black colleges and universities''.

(b) REPORT ON BEST PRACTICES REGARDING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING ON CAMPUSES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report, which shall include—

(1) an evaluation of programs, events, and educational materials related to domestic violence, dating violence, sexual assault, and stalking; and

(2) an assessment of best practices and guidance from the evaluation described in paragraph (1), which shall be made publicly available online to universities and college campuses to use as a resource.

**SEC. 304. STUDY ON STATE COVERAGE OF FORENSIC EXAMINATIONS AND RELATED COSTS FOLLOWING A SEXUAL ASSAULT.**

Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall issue a report to Congress on requirements and funding of States for forensic exams conducted after sexual assaults and any related medical expenses, as applicable, which shall include, with respect to each State—

(1) the total annual cost of conducting forensic exams described in section 2010(b) of part T of title

I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10449(b));

(2) each funding source used to pay for the forensic exams described in section 2010(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10449(b));

(3) a description of any laws or policies of the State to ensure that individuals do not receive bills for all or part of the cost of forensic exams conducted after sexual assaults, consistent with section 2010(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10449(b)), including any oversight to ensure those individuals do not receive bills;

(4) an identification of any best practices implemented by the State to ensure that individuals do not receive bills for forensic exams conducted after sexual assaults;

(5) any requirements under laws of the State relating to payment for medical expenses and ancillary costs relating to a sexual assault, which may include treatment of injuries associated with the assault, imaging (including x-rays, MRIs, and CAT scans), and other emergency medical care required

as a result of the sexual assault for which a victim receives a forensic exam; and

(6) if a law of the State requires the State to pay for the medical expenses described in paragraph (5)—

(A) a detailed list of which medical expenses require coverage;

(B) the total annual cost of medical expenses relating to a sexual assault for which a victim receives a forensic exam outside of the cost of the forensic exam; and

(C) each funding source the State uses to pay for medical expenses relating to a sexual assault for which a victim receives a forensic exam.

# TITLE IV—VIOLENCE REDUCTION PRACTICES

## SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 402 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4) is amended—

(1) in subsection (b), by striking ''violence against women'' and inserting ''violence against adults, youth,''; and

(2) in subsection (c), by striking ''the fiscal years 2014 through 2018'' and inserting ''fiscal years 2023 through 2027''.

**SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION (SMART PREVENTION) GRANTS.**

Section 41303 of the Violence Against Women Act of 1994 (34 U.S.C. 12463) is amended—

(1) in subsection (a), by striking ''taking a comprehensive approach that focuses on youth, children exposed to violence, and men'' and inserting ''focusing on men and youth'';

(2) in subsection (b)—

(A) by striking ''for the following purposes:'' and all that follows through ''(3) ENGAGING MEN AS LEADERS AND MODELS.—To develop'' and inserting ''to develop''; and

(B) by inserting ''and youth'' after ''men'' the first 2 times it appears;

(3) in subsection (d)(3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) include a focus on the unmet needs of underserved populations.'';

(4) in subsection (f), by striking ''$15,000,000 for each of fiscal years 2014 through 2018'' and inserting ''$20,000,000 for each of fiscal years 2023 through 2027''; and

(5) by striking subsection (g).

# TITLE V—STRENGTHENING THE HEALTH CARE SYSTEM'S RESPONSE

## SEC. 501. GRANTS TO STRENGTHEN THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Section 399P of the Public Health Service Act (42 U.S.C. 280g–4) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''community health workers, violence prevention advocates working with health providers,'' after ''health staff,'';

(B) in paragraph (2), by striking ''for medical'' and all that follows through ''stalking; and'' and inserting ''for medical, psychology, dental, social work, nursing, and other health

profession students, interns, residents, fellows, or current health care providers (including midwives and doulas);''; and

(C) in paragraph (3)—

(i) by striking ''response'' and inserting ''capacity'';

(ii) by inserting ''prevent and respond to'' after ''(including behavioral and mental health programs) to''; and

(iii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(4) the development or enhancement and implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among families they serve; and

''(5) the development or enhancement and implementation of comprehensive statewide strategies for health and violence prevention programs to work together to promote primary prevention of domestic violence, dating violence, sexual assault, and stalking.'';

(2) in subsection (b)(1)—

(A) in subparagraph (A)(i)—

(i) by striking ''to identify and provide'' and inserting ''to provide universal education on healthy relationships and provide trauma-informed''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (A)(ii)—

(i) by striking ''culturally competent clinical training components'' and inserting ''training components that center the experiences of, and are developed in collaboration with, culturally specific individuals and American Indians and Alaska Natives, and include community-defined practices such as the use of doulas, midwives, and traditional healers,'';

(ii) by inserting ''(including labor and sex trafficking)'' after ''other forms of violence and abuse''; and

(iii) by striking ''disparities'' and inserting ''inequities'';

(C) in subparagraph (A), by inserting after clause (ii) the following:

''(iii) are designed to be inclusive of the experiences of all individuals, including LGBT individuals, and include training on

improving equity and reducing disparities in access to health care services and prevention resources; and

''(iv) include training on the use of a universal prevention education approach to both prevent and respond to domestic violence, dating violence, sexual assault, or stalking in health care settings;'';

(D) in subparagraph (B), in the matter preceding clause (i), by striking ''response of the health care system'' and inserting ''capacity of the health care system to prevent and respond'';

(E) in subparagraph (B)(i)—

(i) by striking ''identifying and responding to'' inserting ''identifying, responding to, and promoting prevention of'';

(ii) by inserting ''during in-person or virtual visits'' after ''and stalking''; and

(iii) by inserting ''and to maximize victim choice on the use and sharing of their health information'' before the semicolon at the end;

(F) in subparagraph (B)(ii)—

(i) by striking ''on-site access to'' and all that follows through the semicolon at the end and inserting the following: ''services to address the safety, medical, and mental health needs of patients by—

''(I) increasing the capacity of existing health care professionals (including professionals who specialize in trauma or in substance use disorders) in behavioral and mental health care, community health workers, and public health staff to address domestic violence, dating violence, sexual assault, stalking, and children exposed to violence;

''(II) contracting with or hiring advocates for victims of domestic violence or sexual assault to provide such services; or

''(III) providing funding to State domestic and sexual violence coalitions to improve the capacity of such coalitions to coordinate and support health advocates and other health system partnerships;'';

(G) in subparagraph (B)(iii)—

(i) by striking ''of identification'' and inserting ''of prevention'';

(ii) by inserting ''during in-person or virtual visits'' after ''and stalking''; and

(iii) by striking ''and'' at the end;

(H) in subparagraph (B)(iv)—

(i) by inserting ''and promote prevention during in-person or virtual visits,'' after ''or stalking,''; and

(ii) by striking the period at the end and inserting a semicolon;

(I) in subparagraph (B), by adding at the end the following:

''(v) the development, implementation, dissemination, and evaluation of best practices, tools, and training materials, including culturally relevant tools, for mental health, behavioral health, and substance use disorder professionals to identify and respond to domestic violence, sexual violence, stalking, and dating violence; and

''(vi) the development and provision of culturally relevant training and follow-up technical assistance to health care profes-

sionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking from culturally specific communities and promote prevention, using tools and training materials, developed by and for culturally specific communities, with priority given to trainings provided by culturally specific organizations; and''; and

(J) by inserting after subparagraph (B) the following:

''(C) design and implement comprehensive strategies to prevent domestic or sexual violence including through the use of universal education in clinical and public health settings, hospitals, clinics and other health settings.'';

(3) in subsection (b)(2)(A)—

(A) in the subparagraph heading, by striking ''CHILD AND ELDER ABUSE'' and inserting ''CHILD ABUSE AND ABUSE IN LATER LIFE''; and

(B) by striking ''child or elder abuse'' and inserting ''child abuse or abuse in later life'';

(4) in subsection (b)(2)(C)(i), by striking ''elder abuse'' and inserting ''abuse in later life'';

(5) in subsection (b)(2)(C)(ii), by inserting ''programs that promote the prevention of sexual assault as well as'' after ''implementation of'';

(6) in subsection (b)(2)(C)(iii)—

(A) by inserting ''and exposure to violence across generations'' after ''abuse''; and

(B) by striking ''or'' at the end;

(7) in subsection (b)(2)(C)(iv)—

(A) by inserting ''mental health,'' after ''dental,''; and

(B) by striking ''exams.'' and inserting ''exams and certifications;'';

(8) in subsection (b)(2)(C), by inserting after clause (iv) the following:

''(v) providing funding to culturally specific organizations to improve the capacity of such organizations to engage and partner with health care providers to support victims and meet increased referrals from health systems;

''(vi) developing a State-level pilot program to—

"(I) improve the response of substance use disorder treatment programs, harm reduction programs for people who use substances, and systems to domestic violence, dating violence, sexual assault, and stalking;

"(II) improve the capacity of substance use disorder treatment programs, harm reduction programs for people who use substances, and systems to serve survivors of domestic violence, dating violence, sexual assault, and stalking dealing with substance use disorder; and

"(III) improve the capacity of domestic violence, dating violence, sexual assault, and stalking programs to serve survivors who have substance use history; or

"(vii) developing and utilizing existing technical assistance and training resources to improve the capacity of substance use disorder treatment programs and harm reduction programs for people who use substances to address domestic violence, dat-

ing violence, sexual assault, and stalking among patients the programs serve.'';

(9) in subsection (c)(3)(A), by striking ''given to outcome based evaluations.'' and inserting the following: ''given to—

''(i) outcome based evaluations;

''(ii) culturally specific and population specific organizations; and

''(iii) programs developing and implementing community-driven solutions to address domestic violence, dating violence, sexual assault, or stalking.'';

(10) in subsection (c)(3)(B)(i)(III), by inserting '', including a culturally specific organization or community-based organization working to address the social determinants of health,'' after ''nonprofit entity'';

(11) in subsection (c)(3)(C)(ii)—

(A) by striking ''strategies for'' and inserting the following: ''strategies—

''(I) for'';

(B) by inserting ''and generations'' after ''lifespan'';

(C) by striking ''settings;'' and inserting ''settings; and''; and

(D) by adding at the end the following:

''(II) to address primary prevention of domestic violence, dating violence, sexual assault, and stalking over the lifespan and generations, including strategies that address related social determinants of health, economic justice, and equity issues, and that are inclusive of LGBT individuals;'';

(12) in subsection (c)(3)(C)(iii), by striking ''State or tribal law enforcement task forces (where appropriate)'' and inserting ''culturally specific organizations'';

(13) in subsection (c)(3)(C)(iv), by inserting ''(including culturally specific organizations)'' after ''service providers'';

(14) in subsection (d)(2)(A)—

(A) by inserting ''(including mental health or substance abuse agencies)'' after ''of health'';

(B) by striking ''or mental'' and inserting ''or behavioral''; and

(C) by inserting ''and substance use disorder prevention and treatment'' before the semicolon at the end;

(15) in subsection (d)(2)(B)—

(A) by inserting ''behavioral health treatment system,'' after ''hospital,'';

(B) by striking ''or any other community-based'' and inserting ''a community-based''; and

(C) by inserting ''or substance use disorder prevention and treatment, or a community-based organization with a history of partnership with programs in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care or substance use disorder prevention and treatment'' after ''mental health care'';

(16) in subsection (g)—

(A) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(B) by striking ''2014 through 2018'' and inserting ''2023 through 2027''; and

(17) in subsection (h)—

(A) by striking ''herein''; and

(B) by striking ''provided for''.

**SEC. 502. MATERNAL MORTALITY OR MORBIDITY STUDY.**

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with

the Attorney General, the Director of the Indian Health Service, and other stakeholders (including community based organizations), shall conduct a study on the leading causes of pregnancy-associated morbidity and mortality and the extent which domestic violence, dating violence, sexual assault, or stalking throughout the United States contribute to the risk of maternal mortality or morbidity.

(b) REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General, the Director of the Indian Health Service, and other stakeholders (including community based organizations), shall report to Congress on the study conducted under subsection (a), which shall include the following:

(1) An analysis of the extent to which domestic violence, dating violence, sexual assault, or stalking contribute to pregnancy-associated morbidity and mortality.

(2) An analysis of the impact of domestic violence, dating violence, sexual assault, or stalking on access to health care.

(3) A breakdown of individuals particularly impacted by domestic violence, dating violence, sexual assault, or stalking, by race and ethnicity, disability status, and sexual orientation and gender identity.

(4) An analysis of the impact of domestic violence, dating violence, sexual assault, or stalking on Tribal communities and among Indians.

(5) An assessment of the factors that increase risks for infant and maternal mortality or morbidity among victims of domestic violence, dating violence, sexual assault, or stalking.

(6) Recommendations for legislative or policy changes to help reduce infant and maternal mortality rates.

(7) Best practices to reduce pregnancy-related deaths among survivors of domestic violence, dating violence, sexual assault, or stalking.

(8) Any other information on maternal mortality or morbidity the Secretary determines appropriate to include in the report.

**SEC. 503. UNDERSTANDING SEXUAL ASSAULT CARE IN HEALTH SYSTEMS.**

(a) PURPOSE.—It is the purpose of this section to identify areas for improvement in health care delivery systems providing forensic examinations to survivors of sexual assault.

(b) GRANTS.—The Secretary of Health and Human Services (referred to in this section as ''the Secretary'')

shall award grants to States and Indian Tribes to develop and implement State and Tribal surveys to identify—

(1) the availability of, and patient access to, medical forensic examinations;

(2) the training level of the health care providers who perform medical forensic examinations;

(3) the hospitals or clinics that offer medical forensic examinations and whether each hospital or clinic has full-time, part-time, or on-call coverage;

(4) barriers to medical forensic examinations provided through sexual assault care and services;

(5) billing and reimbursement practices for medical forensic examinations;

(6) State and Tribal requirements, minimum standards, and protocols for training sexual assault examiners for sexual assault forensic examiners and for other personnel involved in medical forensic examinations;

(7) the availability of sexual assault forensic examiner training, the frequency of such training, the providers of such training, the State's or Indian Tribe's role in such training, and the processes or procedures in place for continuing education of such examiners; and

(8) the dedicated Federal and State funding available to support sexual assault forensic examiner training.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a State or Indian Tribe shall submit to the Secretary an application through a competitive process to be determined by the Secretary.

(d) PUBLIC DISSEMINATION AND CAMPAIGN.—

(1) PUBLIC AVAILABILITY.—The results of the surveys conducted under grants awarded under this section shall be published by the Secretary on the website of the Department of Health and Human Services on a biennial basis.

(2) CAMPAIGNS.—A State or Indian Tribe that receives a grant under this section shall carry out the following activities:

(A) Make the findings of the survey conducted using amounts received under the grant public, including a map showing health care providers who perform medical forensic examinations, based on the findings from the State and Tribal surveys under subsection (b)(3).

(B) Use the findings to develop a strategic action plan to increase the number of trained medical forensic examiners available in the

State or Tribal community and create policies to increase survivor access to trained examiners.

(C) Use the findings to develop and implement a public awareness campaign that includes the following:

(i) An online toolkit describing how and where sexual assault survivors can obtain assistance and care, including medical forensic examinations, in the State or Tribal community.

(ii) A model standard response protocol for health care providers to implement upon arrival of a patient seeking care for sexual assault.

(iii) A model sexual assault response team protocol incorporating interdisciplinary community coordination between hospitals, emergency departments, hospital administration, local rape crisis programs, law enforcement, prosecuting attorneys, and other health and human service agencies and stakeholders with respect to delivering survivor-centered sexual assault care and medical forensic examinations.

(iv) A notice of applicable laws prohibiting charging or billing survivors of sexual assault for care and services related to sexual assault.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2023 through 2027.

**SEC. 504. NATIONAL REPORT ON SEXUAL ASSAULT SERVICES IN OUR NATION'S HEALTH SYSTEM.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Agency for Healthcare Research and Quality, in consultation with the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Indian Health Service, the Office for Victims of Crime of the Department of Justice, the Office on Women's Health of the Department of Health and Human Services, and the Office of Violence Against Women of the Department of Justice (collectively referred to in this section as the ''Agencies''), shall submit to the Secretary of Health and Human Services (referred to in this section as ''the Secretary'') a report of existing Federal, Indian Tribe, and State practices relating to medical forensic examinations which may

include the findings of the surveys developed under section 503.

(b) CORE COMPETENCIES.—In conducting activities under this section, the Agencies shall address sexual assault forensic examination competencies, including—

(1) providing medical care to sexual assault patients;

(2) demonstrating the ability to conduct a medical forensic examination, including an evaluation for evidence collection;

(3) showing compassion and sensitivity towards survivors of sexual assault;

(4) testifying in Federal, State, local, and Tribal courts; and

(5) other competencies, as the Agencies determine appropriate.

(c) PUBLICATION.—The Agency for Healthcare Research and Quality shall establish, maintain, and publish on the website of the Department of Health and Human Services an online public map of availability of sexual assault forensic examinations. Such maps shall clarify if there is full-time, part-time, or on-call coverage.

(d) REPORT TO CONGRESS.—Not later than 60 days after receiving the report described in subsection (a), the Secretary shall submit to the Committee on Health, Edu-

cation, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and the Committee on Education and Labor of the House of Representatives recommendations for improving sexual assault forensic examination competencies based on the report described in subsection (a).

**SEC. 505. IMPROVING AND STRENGTHENING THE SEXUAL ASSAULT EXAMINER WORKFORCE CLINICAL AND CONTINUING EDUCATION PILOT PROGRAM.**

(a) PURPOSE.—It is the purpose of this section to establish a pilot program to develop, test, and implement training and continuing education that expands and supports the availability of medical forensic examination services for survivors of sexual assault.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as ''the Secretary'') shall establish a National Continuing and Clinical Education Pilot Program for sexual assault forensic examiners, sexual assault nurse examiners, and other individuals who perform medical forensic examinations.

(2) CONSULTATION.—In establishing such program, the Secretary shall consult with the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Indian Health Service, the Office for Victims of Crime of the Department of Justice, the Office on Violence Against Women of the Department of Justice, and the Office on Women's Health of the Department of Health and Human Services, and shall solicit input from regional, national, and Tribal organizations with expertise in forensic nursing, rape trauma or crisis counseling, investigating rape and gender violence cases, survivors' advocacy and support, sexual assault prevention education, rural health, and responding to sexual violence in Tribal communities.

(c) FUNCTIONS.—The pilot program established under subsection (b) shall develop, pilot, implement, and update, as appropriate, continuing and clinical education program modules, webinars, and programs for all hospitals and providers to increase access to medical forensic examination services and address ongoing competency issues in medical forensic examination services, including—

(1) training and continuing education to help support sexual assault forensic examiners practicing in rural or underserved areas;

(2) training to help connect sexual assault survivors who are Indian with sexual assault forensic examiners, including through emergency first aid, referrals, culturally competent support, and forensic evidence collection in rural communities;

(3) replication of successful sexual assault forensic examination programs to help develop and improve the evidence base for medical forensic examinations; and

(4) training to increase the number of medical professionals who are considered sexual assault forensic examiners based on the recommendations of the National Sexual Assault Forensic Examination Training Standards issued by the Office on Violence Against Women of the Department of Justice.

(d) ELIGIBILITY TO PARTICIPATE IN PILOT PROGRAMS.—The Secretary shall ensure that medical forensic examination services provided under the pilot program established under subsection (b), and other medical forensic examiner services under the pilot program are provided by health care providers who are also one of the following:

(1) A physician, including a resident physician.

(2) A nurse practitioner.

(3) A nurse midwife.

(4) A physician assistant.

(5) A certified nurse specialist.

(6) A registered nurse.

(7) A community health practitioner or a community health aide who has completed level III or level IV certification and training requirements.

(e) NATURE OF TRAINING.—The continuing education program established under this section shall incorporate and reflect current best practices and standards on medical forensic examination services consistent with the purpose of this section.

(f) AVAILABILITY.—After termination of the pilot program established under subsection (b)(1), the training and continuing education program established under such program shall be available to all sexual assault forensic examiners and other providers employed by, or any individual providing services through, facilities that receive Federal funding.

(g) EFFECTIVE DATE.—The pilot program established under this section shall terminate on the date that is 2 years after the date of such establishment.

(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2025.

**SEC. 506. EXPANDING ACCESS TO UNIFIED CARE.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program (referred to in this section as the ''program'') to award grants to eligible entities for the clinical training of sexual assault forensic examiners (including registered nurses, nurse practitioners, nurse midwives, clinical nurse specialists, physician assistants, and physicians) to administer medical forensic examinations and treatments to survivors of sexual assault.

(b) PURPOSE.—The purpose of the program is to enable each grant recipient to expand access to medical forensic examination services by providing new providers with the clinical training necessary to establish and maintain competency in such services and to test the provisions of such services at new facilities in expanded health care settings.

(c) GRANTS.—Under the program, the Secretary shall award 3-year grants to eligible entities that meet the requirements established by the Secretary.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

(1) be—

(A) a safety net clinic acting in partnership with a high-volume emergency services provider or a hospital currently providing sexual assault medical forensic examinations performed by sexual assault forensic examiners, that will use grant funds to—

(i) assign rural health care service providers to the high-volume hospitals for clinical practicum hours to qualify such providers as sexual assault forensic examiners; or

(ii) assign practitioners at high-volume hospitals to rural health care services providers to instruct, oversee, and approve clinical practicum hours in the community to be served;

(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of such Code, that provides legal training and technical assistance to Tribal communities and to organizations and agencies serving Indians; or

(C) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of whether the applicant will provide services described in subparagraph (A) or (B) of paragraph (1).

(e) GRANT AMOUNT.—Each grant awarded under this section shall be in an amount not to exceed $400,000 per year. A grant recipient may carry over funds from one fiscal year to the next without obtaining approval from the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2027.

(2) SET-ASIDE.—Of the amount appropriated under this subsection for a fiscal year, the Secretary shall reserve 15 percent of such amount for purposes of making grants to entities that are affiliated with Indian Tribes or Tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or Urban

Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)). Amounts reserved may be used to support referrals and the delivery of emergency first aid, culturally competent support, and forensic evidence collection training.

**SEC. 507. EXPANDING ACCESS TO FORENSICS FOR VICTIMS OF INTERPERSONAL VIOLENCE.**

(a) DEFINITIONS.—In this section:

(1) COMMUNITY HEALTH AIDE; COMMUNITY HEALTH PRACTITIONER.—The terms ''community health aide'' and ''community health practitioner'' have the meanings given such terms for purposes of section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616l).

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given such term by the Secretary, and includes registered nurses, nurse practitioners, nurse midwives, clinical nurse specialists, physician assistants, and physicians.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian Tribe'' and ''Tribal organization'' shall have the meanings given such terms in

section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) INTERPERSONAL VIOLENCE.—The term ''interpersonal violence'' means any form of violence that is emotional and trauma-inducing for victims, families of victims, perpetrators, and communities.

(6) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' has the meaning given such term in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(8) TRAUMA-INFORMED CARE.—The term ''trauma-informed care'' means care received by trauma survivors that is culturally competent in accordance with professional standards of practice and accounting for patients' experiences and preferences in order to eliminate or mitigate triggers that may cause re-traumatization of the patient.

(9) URBAN INDIAN ORGANIZATION.—The term ''Urban Indian organization'' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(b) DEMONSTRATION GRANTS FOR COMPREHENSIVE FORENSIC TRAINING.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a demonstration program to award grants to eligible entities for the clinical training of health care providers to provide generalist forensic services and trauma-informed care to survivors of interpersonal violence of all ages.

(2) PURPOSE.—The purpose of the demonstration program under this subsection is to develop training and curriculum to provide health care providers with the skills to support the provision of forensic assessment and trauma-informed care to individuals, families, and communities that have experienced violence or trauma and to be available to collaborate with members of an inter-professional forensic team.

(3) TERM.—Grants under this subsection shall be for a term of 5 years.

(4) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall—

(A) be an institute of higher education, including a minority serving institution as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q); and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(5) GRANT AMOUNT.—Each grant awarded under this subsection shall be in an amount that does not exceed $400,000 per year. A grant recipient may carry over funds from one fiscal year to the next without obtaining approval from the Secretary.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2023 through 2027.

(B) SET-ASIDE.—Of the amount appropriated under this paragraph for a fiscal year, the Secretary shall reserve 10 percent for purposes of making grants to support training and curricula that addresses the unique needs of Indian Tribes, Tribal organizations, Urban Indian organizations, and Native Hawaiian organizations. Amounts so reserved may be used to sup-

port training, referrals, and the delivery of emergency first aid, culturally competent support, and forensic evidence collection training.

(c) TECHNICAL ASSISTANCE GRANTS AND LEARNING COLLECTIVES.—

(1) IN GENERAL.—The Secretary shall establish a State and Tribal forensic provider technical resource center to provide technical assistance and support collaboration and best practices for health care providers, community health aides, and community health practitioners to improve the quality of, and increase access to, forensic services for all survivors of interpersonal violence. The Secretary may enter into contracts with national experts for purposes of carrying out this subsection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $2,000,000 for each of fiscal years 2023 through 2027.

(d) NATIONAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Office for Victims of Crime of the Department of Justice, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Indian Health Service, the Office on Women's Health of the De-

partment of Health and Human Services, and the Office on Violence Against Women of the Department of Justice shall jointly submit to the Secretary a report on the need for, throughout the States, Indian Tribes, and territories—

(1) access to generalist medical forensic services, evidence collection, and documentation that aids in meeting the needs of health care patients and improves future law enforcement investigation and prosecution; and

(2) data for research to support the response to and prevention of interpersonal violence, improved ability of health care providers to adequately respond to patients who exhibit signs of victimization, and address the unique needs of Tribal communities.

# TITLE VI—SAFE HOMES FOR VICTIMS

## SEC. 601. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)) is amended—

(1) in paragraph (1)(A), by striking ''brother, sister,'' and inserting ''sibling,''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: ", including the direct loan program under such section";

(B) in subparagraph (D), by striking "the program under subtitle A of" and inserting "the programs under";

(C) in subparagraph (I)—

(i) by striking "sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p–2)" and inserting "sections 514, 515, 516, 533, 538, and 542 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, 1490p–2, 1490r)"; and

(ii) by striking "and" at the end;

(D) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(K) the provision of assistance from the Housing Trust Fund established under section 1338 of the Federal Housing Enterprises Fi-

nancial Safety and Soundness Act of 1992 (12 U.S.C. 4501);

''(L) the provision of assistance for housing under the Comprehensive Service Programs for Homeless Veterans program under subchapter II of chapter 20 of title 38, United States Code;

''(M) the provision of assistance for housing and facilities under the grant program for homeless veterans with special needs under section 2061 of title 38, United States Code;

''(N) the provision of assistance for permanent housing under the program for financial assistance for supportive services for very low-income veteran families in permanent housing under section 2044 of title 38, United States Code;

''(O) the provision of transitional housing assistance for victims of domestic violence, dating violence, sexual assault, or stalking under the grant program under chapter 11 of subtitle B; and

''(P) any other Federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted

rents or rental assistance, or more generally providing affordable housing opportunities, as identified by the appropriate agency through regulations, notices, or any other means.''.

**SEC. 602. ENSURING COMPLIANCE AND IMPLEMENTATION; PROHIBITING RETALIATION AGAINST VICTIMS.**

Chapter 2 of subtitle N of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.) is amended by inserting after section 41411 the following:

**''SEC. 41412. COMPLIANCE REVIEWS.**

''(a) REGULAR COMPLIANCE REVIEWS.—

''(1) IN GENERAL.—Each appropriate agency shall establish a process by which to review compliance with the requirements of this subtitle, which shall—

''(A) where possible, be incorporated into other existing compliance review processes of the appropriate agency, in consultation with the Gender-based Violence Prevention Office and Violence Against Women Act Director described in section 41413 and any other relevant officials of the appropriate agency; and

''(B) examine—

"(i) compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault, or stalking;

"(ii) compliance with confidentiality provisions set forth in section 41411(c)(4);

"(iii) compliance with the notification requirements set forth in section 41411(d)(2);

"(iv) compliance with the provisions for accepting documentation set forth in section 41411(c);

"(v) compliance with emergency transfer requirements set forth in section 41411(e); and

"(vi) compliance with the prohibition on retaliation set forth in section 41414.

"(2) FREQUENCY.—Each appropriate agency shall conduct the review described in paragraph (1) on a regular basis, as determined by the appropriate agency.

"(b) REGULATIONS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Violence Against

Women Act Reauthorization Act of 2022, each appropriate agency shall issue regulations in accordance with section 553 of title 5, United States Code, to implement subsection (a) of this section, which shall—

"(A) define standards of compliance under covered housing programs;

"(B) include detailed reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process emergency transfers; and

"(C) include standards for corrective action plans where compliance standards have not been met.

"(2) CONSULTATION.—In developing the regulations under paragraph (1), an appropriate agency shall engage in additional consultation with appropriate stakeholders including, as appropriate—

"(A) individuals and organizations with expertise in the housing needs and experiences of victims of domestic violence, dating violence, sexual assault and stalking; and

"(B) individuals and organizations with expertise in the administration or management of

covered housing programs, including industry stakeholders and public housing agencies.

''(c) PUBLIC DISCLOSURE.—Each appropriate agency shall ensure that an agency-level assessment of the information collected during the compliance review process completed pursuant to this subsection—

''(1) includes an evaluation of each topic identified in subsection (a); and

''(2) is made publicly available.

**''SEC. 41413. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GENDER-BASED VIOLENCE PREVENTION OFFICE AND VIOLENCE AGAINST WOMEN ACT DIRECTOR.**

''(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish a Gender-based Violence Prevention Office with a Violence Against Women Act Director (in this section referred to as the 'Director').

''(b) DUTIES.—The Director shall, among other duties—

''(1) support implementation of this chapter;

''(2) coordinate with Federal agencies on legislation, implementation, and other issues affecting the housing provisions under this subtitle, as well as other issues related to advancing housing protections

for victims of domestic violence, dating violence, sexual assault, and stalking;

''(3) coordinate with State and local governments and agencies, including State housing finance agencies, regarding advancing housing protections and access to housing for victims of domestic violence, dating violence, sexual assault, and stalking;

''(4) ensure that technical assistance and support are provided to each appropriate agency and housing providers regarding implementation of this subtitle, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this subtitle;

''(5) implement internal systems to track, monitor, and address compliance failures; and

''(6) address the housing needs and barriers faced by victims of sexual assault, as well as sexual coercion and sexual harassment by a public housing agency or owner or manager of housing assisted under a covered housing program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2023 through 2027.

**"SEC. 41414. PROHIBITION ON RETALIATION.**

"(a) NON-RETALIATION REQUIREMENT.—No public housing agency or owner or manager of housing assisted under a covered housing program shall discriminate against any person because that person has opposed any act or practice made unlawful by this subtitle, or because that person testified, assisted, or participated in any matter related to this chapter.

"(b) PROHIBITION ON COERCION.—No public housing agency or owner or manager of housing assisted under a covered housing program shall coerce, intimidate, threaten, or interfere with, or retaliate against, any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under this chapter, including—

"(1) intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under this chapter; and

"(2) retaliating against any person because that person has participated in any investigation or action to enforce this chapter.

"(c) IMPLEMENTATION.—The Secretary of Housing and Urban Development and the Attorney General shall

implement and enforce this chapter consistent with, and in a manner that provides, the rights and remedies provided for in title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).''.

**SEC. 603. PROTECTING THE RIGHT TO REPORT CRIME FROM ONE'S HOME.**

Chapter 2 of subtitle N of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.), as amended by this Act, is further amended by inserting after section 41414 the following:

**''SEC. 41415. RIGHT TO REPORT CRIME AND EMERGENCIES FROM ONE'S HOME.**

''(a) DEFINITION.—In this section, the term 'covered governmental entity' means any municipal, county, or State government that receives funding under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(b) RIGHT TO REPORT.—

''(1) IN GENERAL.—Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing—

''(A) shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance; and

''(B) shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities.

''(2) PROHIBITED PENALTIES.—Penalties that are prohibited under paragraph (1) include—

''(A) actual or threatened assessment of monetary or criminal penalties, fines, or fees;

''(B) actual or threatened eviction;

''(C) actual or threatened refusal to rent or renew tenancy;

''(D) actual or threatened refusal to issue an occupancy permit or landlord permit; and

''(E) actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation.

''(c) REPORTING.—Consistent with the process described in section 104(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(b)), covered governmental entities shall—

''(1) report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, home-

owners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and

''(2) certify that they are in compliance with the protections under this subtitle or describe the steps the covered governmental entities will take within 180 days to come into compliance, or to ensure compliance among subgrantees.

''(d) IMPLEMENTATION.—The Secretary of Housing and Urban Development and the Attorney General shall implement and enforce this chapter consistent with, and in a manner that provides, the same rights and remedies as those provided for in title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

''(e) SUBGRANTEES.—For those covered governmental entities that distribute funds to subgrantees, compliance with subsection (c)(1) includes inquiring about the existence of laws and policies adopted by subgrantees that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property.''.

**SEC. 604. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

Section 40299 of the Violence Against Women Act of 1994 (34 U.S.C. 12351) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ''the Director of the Violence Against Women Office'' and inserting ''the Director of the Office on Violence Against Women''; and

(B) by inserting after '', other nonprofit, nongovernmental organizations'' the following: '', population-specific organizations''; and

(2) in subsection (g)—

(A) in paragraph (1), by striking ''2014 through 2018'' and inserting ''2023 through 2027'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2)(B), as so redesignated, by striking ''0.25 percent'' and inserting ''0.5 percent''.

**SEC. 605. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

(a) MCKINNEY-VENTO HOMELESS ASSISTANCE GRANTS.—The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

(1) in section 103 (42 U.S.C. 11302), by amending subsection (b) to read as follows:

''(b) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND OTHER DANGEROUS, TRAUMATIC, OR LIFE-THREATENING CONDITIONS RELATING TO SUCH VIOLENCE.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who—

''(1) is experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized;

''(2) has no other safe residence; and

''(3) lacks the resources to obtain other safe permanent housing.''; and

(2) in section 423(a) (42 U.S.C. 11383(a)), by adding at the end the following:

''(13) Facilitating and coordinating activities to ensure compliance with subsection (e) of section 41411 of the Violence Against Women Act of 1994 (34 U.S.C. 12491) and monitoring compliance with the confidentiality protections of subsection (c)(4) of such section.''.

(b) COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.—Section 41404(i) of the Violence Against Women Act of 1994 (34 U.S.C. 12474(i)) is amended by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

(c) GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.—Section 41405 of the Violence Against Women Act of 1994 (34 U.S.C. 12475) is amended—

(1) in subsection (b)(1), by striking ''the Director of the Violence Against Women Office'' and inserting ''the Director of the Office on Violence Against Women'';

(2) in subsection (c)(2)(D), by inserting after ''linguistically and culturally specific service providers,'' the following: ''population-specific organizations,''; and

(3) in subsection (g), by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

(d) VAWA TRAINING AND TECHNICAL ASSISTANCE GRANTS.—Chapter 2 of subtitle N of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.), as amended by this Act, is further amended by inserting after section 41415 the following:

**''SEC. 41416. TRAINING AND TECHNICAL ASSISTANCE GRANTS.**

''There is authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary for fiscal years 2023 through 2027 to be used for training and technical assistance to support the implementation of this chapter, including technical assistance agreements with entities whose primary purpose and expertise is assisting survivors of sexual assault and domestic violence or providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking.''.

**SEC. 606. STUDY AND REPORT ON HOUSING AND SERVICE NEEDS OF SURVIVORS OF TRAFFICKING AND INDIVIDUALS AT RISK FOR TRAFFICKING.**

(a) DEFINITIONS.—In this section:

(1) SURVIVOR OF A SEVERE FORM OF TRAFFICKING.—The term ''survivor of a severe form of

trafficking'' has the meaning given the term ''victim of a severe form of trafficking'' in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) SURVIVOR OF TRAFFICKING.—The term ''survivor of trafficking'' has the meaning given the term ''victim of trafficking'' in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study assessing the availability and accessibility of housing and services for individuals experiencing homelessness or housing instability who are—

(A) survivors of trafficking, including survivors of a severe form of trafficking; or

(B) at risk of being trafficked.

(2) COORDINATION AND CONSULTATION.—In conducting the study required under paragraph (1), the Secretary shall—

(A) coordinate with—

(i) the Interagency Task Force to Monitor and Combat Trafficking established under section 105 of the Trafficking

Victims Protection Act of 2000 (22 U.S.C. 7103);

(ii) the United States Advisory Council on Human Trafficking;

(iii) the Secretary of Health and Human Services; and

(iv) the Attorney General; and

(B) consult with—

(i) the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States;

(ii) survivors of trafficking;

(iii) direct service providers, including—

(I) organizations serving runaway and homeless youth;

(II) organizations serving survivors of trafficking through community-based programs; and

(III) organizations providing housing services to survivors of trafficking; and

(iv) housing and homelessness assistance providers, including recipients of grants under—

(I) the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.); and

(II) the Emergency Solutions Grants program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.).

(3) CONTENTS.—The study conducted pursuant to paragraph (1) shall include—

(A) with respect to the individuals described in such paragraph—

(i) an evaluation of formal assessments and outreach methods used to identify and assess the housing and service needs of such individuals, including outreach methods—

(I) to ensure effective communication with individuals with disabilities; and

(II) to reach individuals with limited English proficiency;

(ii) a review of the availability and accessibility of homelessness or housing services for such individuals, including the family members of such individuals who are minors involved in foster care systems, that identifies the disability-related needs of such individuals, including the need for housing with accessibility features;

(iii) an analysis of the effect of any policies and procedures of mainstream homelessness or housing services that facilitate or limit the availability of such services and accessibility for such individuals, including those such individuals who are involved in the legal system, as such services are in effect as of the date on which the study is conducted;

(iv) a determination of the best practices in meeting the housing and service needs of such individuals; and

(v) an assessment of barriers to fair housing and housing discrimination against survivors of trafficking who are members of a protected class under the Fair Housing Act (42 U.S.C. 3601 et seq.);

(B) an assessment of the ability of mainstream homelessness or housing services to meet the specialized needs of survivors of trafficking, including trauma responsive approaches specific to labor and sex trafficking survivors; and

(C) an evaluation of the effectiveness of, and infrastructure considerations for, housing and service-delivery models that are specific to survivors of trafficking, including survivors of severe forms of trafficking, including emergency rental assistance models.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains the information described in subparagraphs (A) through (C) of subsection (b)(3); and

(2) make the report submitted pursuant to paragraph (1) available to the public.

# TITLE VII—ECONOMIC SECURITY FOR VICTIMS

**SEC. 701. FINDINGS.**

Congress finds the following:

(1) Over 1 in 3 women experience sexual violence, and 1 in 5 women have survived completed or attempted rape. Such violence has a devastating impact on women's physical and emotional health, financial security, and ability to maintain their jobs, and thus impacts interstate commerce and economic security.

(2) Homicide is one of the leading causes of death for women on the job. Domestic partners or relatives commit 43 percent of workplace homicides against women. One study found that intimate partner violence resulted in 142 homicides among women at work in the United States from 2003 to 2008, a figure which represents 22 percent of the 648 workplace homicides among women during the period. In fact, in 2010, homicides against women at work increased by 13 percent despite continuous declines in overall workplace homicides in recent years.

(3) Violence can have a dramatic impact on the survivor of such violence. Studies indicate that 44 percent of surveyed employed adults experienced the

effect of domestic violence in the workplace, and 64 percent indicated their workplace performance was affected by such violence. Another recent survey found that 78 percent of offenders used workplace resources to express anger, check up on, pressure, or threaten a survivor. Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Nearly 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(4) Studies find that 60 percent of single women lack economic security and 81 percent of households with single mothers live in economic insecurity. Significant barriers that survivors confront include access to housing, transportation, and child care. Ninety-two percent of homeless women have experienced domestic violence, and more than 50 percent of such women cite domestic violence as the direct cause for homelessness. Survivors are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety.

(5) The Centers for Disease Control and Prevention report that survivors of severe intimate part-

ner violence lose nearly 8,000,000 days of paid work, which is the equivalent of more than 32,000 full-time jobs and almost 5,600,000 days of household productivity each year. Therefore, women disproportionately need time off to care for their health or to find safety solutions, such as obtaining a restraining order or finding housing, to avoid or prevent further violence.

(6) Annual costs of intimate partner violence are estimated to be more than $8,300,000,000. According to the Centers for Disease Control and Prevention, the costs of intimate partner violence against women in 1995 exceeded an estimated $5,800,000,000. These costs included nearly $4,100,000,000 in the direct costs of medical and mental health care and nearly $1,800,000,000 in the indirect costs of lost productivity. These statistics are generally considered to be underestimated because the costs associated with the criminal justice system are not included.

(7) Fifty-five percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, and more than 70 percent said domestic violence negatively affects attendance. Seventy-eight percent of human re-

sources professionals consider partner violence a workplace issue. However, more than 70 percent of United States workplaces have no formal program or policy that addresses workplace violence, let alone domestic violence. In fact, only 4 percent of employers provided training on domestic violence.

(8) Harassment is a persistent and significant problem in the workplace in the United States, and the Equal Employment Opportunity Commission found that not less than 25 percent, and as many as 85 percent, of women surveyed report having experienced sexual harassment at work.

(9) For decades, survivors of sexual violence have come forward to seek justice and demand their right to be free from violence, harassment, and other forms of discrimination. These calls for change reached a tipping point after October 2017 as a result of Tarana Burke's work and #MeToo going viral. Thousands of courageous individuals, from Hollywood to the halls of Congress and the military, to restaurants, agricultural fields, and factory floors, shined a light on the pervasive and insidious nature of workplace harassment and sexual assault.

(10) Working people can be subjected to multiple forms of harassment in the workplace at the same time.

(11) According to the Equal Employment Opportunity Commission, approximately 3 out of 4 individuals who experience harassment never talked to a supervisor, manager, or union representative about the harassing conduct.

(12) The impact of domestic violence, dating violence, sexual assault, and stalking on the workplace is a part of the challenge of workplace harassment.

(13) Studies indicate that one of the best predictors of whether a survivor will be able to stay away from his or her abuser is the degree of his or her economic independence. However, domestic violence, dating violence, sexual assault, and stalking often negatively impact a survivor's ability to maintain employment.

(14) Abusers frequently seek to exert financial control over their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting their partners' access to cash or transportation, and sabotaging their partners' child care arrangements.

(15) Economic abuse refers to behaviors that control an intimate partner's ability to acquire, use, and maintain access to money, credit, ownership of assets, or governmental or private financial benefits, including defaulting on joint obligations (such as school loans, credit card debt, mortgages, or rent). Other forms of such abuse may include preventing someone from attending school, threatening to or actually terminating employment, controlling or withholding access to cash, checking, or credit accounts, and attempting to damage or sabotage the creditworthiness of an intimate partner, including forcing an intimate partner to write bad checks, forcing an intimate partner to default on payments related to household needs, such as housing, or forcing an intimate partner into bankruptcy.

(16) This title aims to empower survivors of domestic violence, dating violence, sexual assault, or stalking to be free from violence, hardship, and control, which restrains basic human rights to freedom and safety in the United States.

**SEC. 702. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.**

Section 41501 of the Violence Against Women Act of 1994 (34 U.S.C. 12501) is amended—

(1) in subsection (a)—

(A) by inserting ''and sexual harassment'' after ''domestic and sexual violence''; and

(B) by striking ''employers and labor organizations'' and inserting ''employers, labor organizations, and victim service providers''; and

(2) in subsection (b)(3), by striking ''and stalking'' and inserting ''stalking, and sexual harassment'';

(3) in subsection (c)(1), by inserting ''or sexual harassment'' before the period at the end;

(4) in subsection (c)(2)(A), by inserting ''or sexual harassment'' after ''sexual violence'';

(5) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(6) by inserting after subsection (d) the following:

''(e) PATHWAYS TO OPPORTUNITY PILOT PROJECT.—An eligible nonprofit nongovernmental entity or tribal organization that receives a grant under this section may develop a plan to enhance the capacity of sur-

vivors to obtain and maintain employment, including through the implementation of a demonstration pilot program to be known as 'Pathways to Opportunity', which shall—

''(1) build collaborations between and among victim service providers, workforce development programs, and educational and vocational institutions to provide trauma informed programming to support survivors seeking employment; and

''(2) be centered around culturally specific organizations or organizations that primarily serve populations traditionally marginalized in the workplace.'';

(7) in subsection (f), as so redesignated, by striking ''$1,000,000 for each of fiscal years 2014 through 2018'' and inserting ''$2,000,000 for each of fiscal years 2023 through 2027''.

**SEC. 703. PROVISIONS RELATED TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.**

(a) TANF PERSONNEL TRAINING.—

(1) IN GENERAL.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

''(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO VICTIMS OF SEXUAL

HARASSMENT OR SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

''(A) IN GENERAL.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

''(i) ensure that applicants and potential applicants for assistance under the State program funded under this part are notified of assistance made available by the State to victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking;

''(ii) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are trained in—

''(I) the nature and dynamics of sexual harassment and domestic violence, sexual assault, and stalking;

''(II) State standards and procedures relating to the prevention of, and assistance for, individuals who are victims of sexual harassment or

survivors of domestic violence, sexual assault, or stalking; and

''(III) methods of ascertaining and ensuring the confidentiality of personal information and documentation related to applicants for assistance and their children who have provided notice about their experiences of sexual harassment, domestic violence, sexual assault, or stalking; and

''(iii) ensure that, if a State has elected to establish and enforce standards and procedures regarding the screening for, and identification of, domestic violence, sexual assault, or stalking pursuant to paragraph (7)—

''(I) the State program funded under this part provides information about the options under this part to current and potential beneficiaries; and

''(II) case workers and other agency personnel responsible for administering the State program funded under this part are provided with

training regarding State standards and procedures pursuant to paragraph (7).

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'sexual harassment' means hostile, intimidating, or oppressive behavior based on sex that creates an offensive work environment;

"(ii) the term 'domestic violence' has the meaning given such term in paragraph (7); and

"(iii) the terms 'sexual assault' and 'stalking' have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291).".

(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, each State shall submit the certification required under paragraph (8) of subsection (a) of section 402 of the Social Security Act (42 U.S.C. 602), as added by paragraph (1), in the form of an amendment to the State's plan submitted under such section. A State shall not be regarded as failing to comply with the

requirement of such paragraph (8) before the date that is 1 year after the date of enactment of this Act.

(b) NATIONAL GRANT PROGRAM FOR DEVELOPING A MODEL TRAINING PROGRAM FOR TANF PERSONNEL TRAINING.—

(1) GRANTS AUTHORIZED.—

(A) MODEL TRAINING PROGRAM.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall—

(i) develop and disseminate a model training program (and related materials) for the training required under section 402(a)(8) of the Social Security Act, and if the State so elects, section 402(a)(7) of such Act; and

(ii) provide technical assistance with respect to such model training program to eligible States (as defined in section 402 of the Social Security Act).

(B) GRANTS.—In developing the model training program under subparagraph (A)(i), the Secretary may award grants and contracts

and may develop such program in cooperation with an eligible partner.

(2) ELIGIBLE PARTNER DEFINED.—For purposes of paragraph (1), the term ''eligible partner'' means an entity that is—

(A) a State or tribal domestic violence coalition or sexual assault coalition; or

(B) a State or local victim service provider with recognized expertise in the dynamics of domestic violence, sexual assault, or stalking whose primary mission is to provide services to survivors of domestic violence, sexual assault, or stalking, including a rape crisis center or domestic violence program.

(3) REPORT.—

(A) REPORT TO CONGRESS.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the program established under this subsection.

(B) REPORT AVAILABLE TO PUBLIC.—The Secretary shall establish procedures for the dissemination to the public of the report submitted

under subparagraph (A) not later than 10 days after the submission of such report to Congress under such subparagraph. Such procedures shall include the use of the internet to disseminate such report.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section for each of fiscal years 2023 through 2027.

**SEC. 704. STUDY AND REPORTS ON BARRIERS TO SURVIVORS' ECONOMIC SECURITY ACCESS.**

(a) STUDY.—The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall conduct a study on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security, including the impact of the COVID–19 pandemic on such victims' ability to maintain economic security, as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall submit a report to Congress on the study conducted under subsection (a).

(c) CONTENTS.—The study and reports under this section shall include—

(1) identification of geographic areas in which State laws, regulations, and practices have a strong impact on the ability of survivors of domestic violence, dating violence, sexual assault, or stalking to exercise—

(A) any rights under this title (including any amendments made by this title) without compromising personal safety or the safety of others, including family members and excluding the abuser; and

(B) other components of economic security, including financial empowerment, affordable housing, transportation, health care access, credit history, and quality education and training opportunities;

(2) identification of geographic areas with shortages in resources for such survivors, with an accompanying analysis of the extent and impact of such shortage;

(3) analysis of the unique barriers faced by such survivors living in rural communities;

(4) analysis of factors related to industries, workplace settings, employer practices, trends, and

other elements that impact the ability of such survivors to exercise any rights under this Act (including any amendments made by this Act) without compromising personal safety or the safety of others, including family members;

(5) the recommendations of the Secretary of Health and Human Services and the Secretary of Labor with respect to resources, oversight, and enforcement tools to ensure successful implementation of the provisions of this Act in order to support the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking;

(6) best practices for States, employers, health carriers, insurers, and other private entities in addressing issues related to domestic violence, dating violence, sexual assault, or stalking; and

(7) barriers that impede victims' ability to pursue legal action, including legal costs and filing fees, and complexities of the jurisdiction of law enforcement agencies.

**SEC. 705. GAO STUDY.**

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on

Health, Education, Labor, and Pensions of the Senate a report that examines, with respect to survivors of domestic violence, dating violence, sexual assault, or stalking who are, or were, enrolled at institutions of higher education and borrowed a loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for which the survivors have not repaid the total interest and principal due, each of the following:

(1) The implications of domestic violence, dating violence, sexual assault, or stalking on a borrower's ability to repay their Federal student loans.

(2) The adequacy of policies and procedures regarding Federal student loan deferment, forbearance, and grace periods when a survivor has to suspend or terminate the survivor's enrollment at an institution of higher education due to domestic violence, dating violence, sexual assault, or stalking.

(3) The adequacy of institutional policies and practices regarding retention or transfer of credits when a survivor has to suspend or terminate the survivor's enrollment at an institution of higher education due to domestic violence, dating violence, sexual assault, or stalking.

(4) The availability or any options for a survivor of domestic violence, dating violence, sexual as-

sault, or stalking who attended an institution of higher education that committed unfair, deceptive, or abusive acts or practices, or otherwise substantially misrepresented information to students, to be able to seek a defense to repayment of the survivor's Federal student loan.

(5) The limitations faced by a survivor of domestic violence, dating violence, sexual assault, or stalking to obtain any relief or restitution on the survivor's Federal student loan debt due to the use of forced arbitration, gag orders, or bans on class actions.

# TITLE VIII—SAFETY FOR INDIAN WOMEN

## Subtitle A—Tools to Enhance Public Safety for Indian Tribes

### SEC. 801. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) American Indians and Alaska Natives are—

(A) 2.5 times as likely to experience violent crimes; and

(B) at least 2 times more likely to experience rape or sexual assault crimes;

(2) more than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime;

(3) the vast majority of American Indian and Alaska Native victims of violence—96 percent of women victims and 89 percent of male victims—have experienced sexual violence by a non-Indian perpetrator at least once in their lifetime;

(4) Indian Tribes exercising special domestic violence criminal jurisdiction over non-Indians pursuant to section 204 of Public Law 90–284 (25 U.S.C. 1304) (commonly known as the ''Indian Civil Rights Act of 1968''), restored by section 904 of the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 120), have reported significant success holding violent offenders accountable for crimes of domestic violence, dating violence, and civil protection order violations;

(5) Tribal prosecutors for Indian Tribes exercising special domestic violence criminal jurisdiction report that the majority of domestic violence cases involve children either as witnesses or victims, and the Department of Justice reports that American Indian and Alaska Native children suffer exposure to

violence at one of the highest rates in the United States;

(6) childhood exposure to violence can have immediate and long-term effects, including increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system;

(7) according to the Centers for Disease Control and Prevention, homicide is—

(A) the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age; and

(B) the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age;

(8) in some areas of the United States, Native American women are murdered at rates more than 10 times the national average;

(9) according to a 2017 report by the Department of Justice, 66 percent of criminal prosecutions for crimes in Indian country that United States Attorneys declined to prosecute involved assault, murder, or sexual assault;

(10) investigation into cases of missing or murdered Indigenous women is made difficult for Tribal law enforcement agencies due to a lack of resources, including a lack of—

(A) necessary personnel, training, equipment, or funding;

(B) interagency cooperation;

(C) appropriate laws in place; and

(D) access to Federal law enforcement databases;

(11) domestic violence calls are among the most dangerous calls that law enforcement receives;

(12) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant impact on public safety in Indian communities;

(B) according to Tribal justice officials, has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among Tribal, Federal, and State law enforcement officials;

(13) restoring and enhancing Tribal capacity to address violence against women provides for greater

local control, safety, accountability, and transparency;

(14) Indian Tribes with restrictive settlement Acts, such as Indian Tribes in the State of Maine, and Indian Tribes located in States with concurrent authority to prosecute crimes in Indian country under the amendments made by the Act of August 15, 1953 (67 Stat. 590, chapter 506), face unique public safety challenges; and

(15) Native Hawaiians experience a disproportionately high rate of human trafficking, with 64 percent of human trafficking victims in the State of Hawai'i identifying as at least part Native Hawaiian.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agencies with respect to responding to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, crimes against children, and assault against Tribal law enforcement officers;

(2) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies;

(3) to empower Tribal governments and Native American communities, including urban Indian communities and Native Hawaiian communities, with the resources and information necessary to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing or murdered Native Americans; and

(4) to increase the collection of data related to missing or murdered Native Americans and the sharing of information among Federal, State, Tribal, and local officials responsible for responding to and investigating crimes impacting Indian Tribes and Native American communities, including urban Indian communities and Native Hawaiian communities, especially crimes relating to cases of missing or murdered Native Americans.

**SEC. 802. TRIBAL ACCESS PROGRAM.**

(a) ACCESS TO NATIONAL CRIME INFORMATION DATABASES BY INDIAN TRIBES.—Section 233(b) of the Tribal Law and Order Act of 2010 (34 U.S.C. 41107) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Attorney General shall ensure that—

''(A) tribal law enforcement officials that meet applicable Federal or State requirements shall be permitted access to national crime information databases; and

''(B) technical assistance and training is provided to Bureau of Indian Affairs and tribal law enforcement agencies to gain access to, and the ability to use and input information into, the National Crime Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code.''; and

(2) in paragraph (3), by striking ''with criminal jurisdiction over Indian country''.

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 534(d) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated) by striking ''The Attorney General'' and inserting the following:

''(1) IN GENERAL.—The Attorney General''; and

(3) by adding at the end the following:

''(2) TRIBAL ACCESS PROGRAM.—

''(A) IN GENERAL.—The Attorney General shall establish a program, to be known as the 'Tribal Access Program', to enhance the ability of tribal governments and their authorized agencies to access, enter information into, and obtain information from national criminal information databases under this section.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Tribal Access Program under subparagraph (A) $6,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

''(3) INFORMATION SHARING.—To the extent otherwise permitted by law, any report issued as a result of the analysis of information entered into national criminal information databases or obtained from Federal criminal databases shall be shared with each Indian tribe of jurisdiction, including Indian tribes located in the State of Maine.''.

(c) IDENTIFICATION RECORDS.—The second paragraph of the matter under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF IN-

VESTIGATION'' of the Department of Justice Appropriation Act, 1973 (34 U.S.C. 41101) is amended—

(1) by inserting ''or Tribal'' after ''if authorized by State''; and

(2) by inserting '', Tribal,'' before ''and local governments''.

**SEC. 803. BUREAU OF PRISONS TRIBAL PRISONER PROGRAM.**

Section 234(c) of the Tribal Law and Order Act of 2010 (25 U.S.C. 1302 note; Public Law 111–211) is amended—

(1) in the subsection heading, by striking ''PILOT'';

(2) by striking ''pilot'' each place it appears;

(3) in paragraph (1), by striking ''Not later than 120 days after the date of enactment of this title'' and inserting ''Not later than 120 days after the date of enactment of the Violence Against Women Act Reauthorization Act of 2022'';

(4) in paragraph (2)(B), by striking ''2 or more years'' and inserting ''1 or more years''; and

(5) by striking paragraphs (5) and (6).

**SEC. 804. TRIBAL JURISDICTION OVER COVERED CRIMES.**

Section 204 of Public Law 90–284 (25 U.S.C. 1304) (commonly known as the ''Indian Civil Rights Act of 1968'') is amended—

(1) in the section heading, by striking ''**CRIMES OF DOMESTIC VIOLENCE**'' and inserting ''**COVERED CRIMES**'';

(2) by striking ''special domestic violence criminal jurisdiction'' each place it appears and inserting ''special Tribal criminal jurisdiction'';

(3) in subsection (a)—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (6), (7), (8), (10), (11), (14), and (15), respectively;

(B) by inserting before paragraph (6) (as so redesignated) the following:

''(1) ASSAULT OF TRIBAL JUSTICE PERSONNEL.—The term 'assault of Tribal justice personnel' means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves the use, attempted use, or threatened use of physical force against an individual authorized to act for, or on behalf of, that Indian tribe or serving that Indian tribe during, or because of, the performance or duties of that individual in—

''(A) preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime;

''(B) adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime;

''(C) detaining, providing supervision for, or providing services for persons charged with a covered crime; or

''(D) incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime.

''(2) CHILD.—The term 'child' means a person who has not attained the lesser of—

''(A) the age of 18; and

''(B) except in the case of sexual abuse, the age specified by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.

''(3) CHILD VIOLENCE.—The term 'child violence' means the use, threatened use, or attempted use of violence against a child proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.

''(4) COERCION; COMMERCIAL SEX ACT.—The terms 'coercion' and 'commercial sex act' have the meanings given the terms in section 1591(e) of title 18, United States Code.

''(5) COVERED CRIME.—The term 'covered crime' means—

''(A) assault of Tribal justice personnel;

''(B) child violence;

''(C) dating violence;

''(D) domestic violence;

''(E) obstruction of justice;

''(F) sexual violence;

''(G) sex trafficking;

''(H) stalking; and

''(I) a violation of a protection order.'';

(C) in paragraph (6) (as so redesignated), by striking ''violence committed'' and inserting ''any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that is committed'';

(D) by striking paragraph (7) (as so redesignated) and inserting the following:

''(7) DOMESTIC VIOLENCE.—The term 'domestic violence' means any violation of the criminal law

of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that is committed by—

''(A) a current or former spouse or intimate partner of the victim;

''(B) a person with whom the victim shares a child in common;

''(C) a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner; or

''(D) a person similarly situated to a spouse of the victim under the domestic- or family-violence laws of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.'';

(E) by inserting after paragraph (8) (as so redesignated) the following:

''(9) OBSTRUCTION OF JUSTICE.—The term 'obstruction of justice' means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves interfering with the administration or due process of the laws of the Indian tribe, including any Tribal criminal proceeding or investigation of a crime.'';

(F) by inserting after paragraph (11) (as so redesignated) the following:

''(12) SEX TRAFFICKING.—The term 'sex trafficking' means conduct within the meaning of section 1591(a) of title 18, United States Code.

''(13) SEXUAL VIOLENCE.—The term 'sexual violence' means any nonconsensual sexual act or contact proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs, including in any case in which the victim lacks the capacity to consent to the act.'';

(G) in paragraph (14) (as so redesignated), in the paragraph heading, by striking ''SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION'' and inserting ''SPECIAL TRIBAL CRIMINAL JURISDICTION''; and

(H) by adding at the end the following:

''(16) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that would cause a reasonable person—

''(A) to fear for the person's safety or the safety of others; or

''(B) to suffer substantial emotional distress.

''(17) VIOLATION OF A PROTECTION ORDER.—The term 'violation of a protection order' means an act that—

''(A) occurs in the Indian country of a participating tribe; and

''(B) violates a provision of a protection order that—

''(i) prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person;

''(ii) was issued against the defendant;

''(iii) is enforceable by the participating tribe; and

''(iv) is consistent with section 2265(b) of title 18, United States Code.'';

(4) in subsection (b)(1), by inserting after ''the powers of self-government of a participating tribe''

the following: ", including any participating tribes in the State of Maine,";

(5) in subsection (b)(4)—

(A) in the paragraph heading, by striking "EXCEPTIONS" and inserting "EXCEPTION IF VICTIM AND DEFENDANT ARE BOTH NON-INDIANS";

(B) in subparagraph (A)(i), by inserting ", other than obstruction of justice or assault of Tribal justice personnel," after "over an alleged offense";

(C) by striking subparagraph (B);

(D) in subparagraph (A)—

(i) by striking the subparagraph designation and heading and all that follows through "A participating" in clause (i) and inserting the following:

"(A) IN GENERAL.—A participating"; and

(ii) by redesignating clause (ii) as subparagraph (B) and indenting appropriately; and

(E) in subparagraph (B) (as so redesignated), by striking "subparagraph" and inserting "paragraph";

(6) by striking subsection (c) and inserting the following:

''(c) CRIMINAL CONDUCT.—A participating tribe may exercise special Tribal criminal jurisdiction over a defendant for a covered crime that occurs in the Indian country of the participating tribe.'';

(7) in subsection (e), by striking paragraph (3); and

(8) by striking subsections (f), (g), and (h) and inserting the following:

''(f) PETITIONS FOR WRITS OF HABEAS CORPUS.—

''(1) IN GENERAL.—After a defendant has been sentenced by a participating tribe, the defendant may file a petition for a writ of habeas corpus in a court of the United States under section 203.

''(2) REQUIREMENT.—An application for a writ of habeas corpus on behalf of a person in custody pursuant to an order of a Tribal court shall not be granted unless —

''(A) the applicant has exhausted the remedies available in the Tribal court system;

''(B) there is an absence of an available Tribal corrective process; or

''(C) circumstances exist that render the Tribal corrective process ineffective to protect the rights of the applicant.

''(g) NOTICE; HABEAS CORPUS PETITIONS.—A participating tribe that has ordered the detention of any person has a duty to timely notify in writing such person of their rights and privileges under this section and under section 203.

''(h) REIMBURSEMENT AND GRANTS TO TRIBAL GOVERNMENTS.—

''(1) REIMBURSEMENT.—

''(A) IN GENERAL.—The Attorney General may reimburse Tribal government authorities (or an authorized designee of a Tribal government) for expenses incurred in exercising special Tribal criminal jurisdiction.

''(B) ELIGIBLE EXPENSES.—Eligible expenses for reimbursement under subparagraph (A) shall include expenses and costs incurred in, relating to, or associated with—

''(i) investigating, making arrests relating to, making apprehensions for, or prosecuting covered crimes (including costs involving the purchasing, collecting, and

processing of sexual assault forensic materials);

''(ii) detaining, providing supervision of, or providing services for persons charged with covered crimes (including costs associated with providing health care);

''(iii) providing indigent defense services for 1 or more persons charged with 1 or more covered crimes; and

''(iv) incarcerating, supervising, or providing treatment, rehabilitation, or reentry services for 1 or more persons charged with 1 or more covered crimes.

''(C) PROCEDURE.—

''(i) IN GENERAL.—Reimbursements authorized under subparagraph (A) shall be in accordance with rules promulgated by the Attorney General, after consultation with Indian tribes, and within 1 year after the date of enactment of the Violence Against Women Act Reauthorization Act of 2022.

"(ii) MAXIMUM REIMBURSEMENT.—The rules promulgated by the Attorney General under clause (i)—

"(I) shall set a maximum allowable reimbursement to any Tribal government (or an authorized designee of any Tribal government) in a 1-year period; and

"(II) may allow the Attorney General—

"(aa) to establish conditions under which a Tribal government (or an authorized designee of a Tribal government) may seek a waiver to the maximum allowable reimbursement requirement established under subclause (I); and

"(bb) to waive the maximum allowable reimbursement requirements established under subclause (I) for a Tribal government (or an authorized designee of a Tribal government) if the conditions established by the At-

torney General under item (aa) are met by that Tribal government (or authorized designee).

"(iii) TIMELINESS OF REIMBURSEMENTS.—To the maximum extent practicable, the Attorney General shall—

"(I) not later than 90 days after the date on which the Attorney General receives a qualifying reimbursement request from a Tribal government (or an authorized designee of a Tribal government)—

"(aa) reimburse the Tribal government (or authorized designee); or

"(bb) notify the Tribal government (or authorized designee) of the reason by which the Attorney General was unable to issue the reimbursement; and

"(II) not later than 30 days after the date on which a Tribal government (or an authorized designee of a Tribal government) reaches the annual maximum allowable reimburse-

ment for the Tribal government (or an authorized designee) established by the Attorney General under clause (ii)(I), notify the Tribal government (or authorized designee) that the Tribal government has reached its annual maximum allowable reimbursement.

''(D) ELIGIBILITY FOR PARTICIPATING TRIBES IN ALASKA.—A Tribal government (or an authorized designee of a Tribal Government) of an Indian tribe designated as a participating Tribe under subtitle B of title VIII of the Violence Against Women Act Reauthorization Act of 2022 shall be eligible for reimbursement, in accordance with this paragraph, of expenses incurred in exercising special Tribal criminal jurisdiction under that subtitle.

''(2) GRANTS.—The Attorney General may award grants to Tribal governments (or authorized designees of Tribal governments), including a Tribal government (or an authorized designee of a Tribal government) of an Indian tribe designated as a participating Tribe under subtitle B of title VIII of the

Violence Against Women Act Reauthorization Act of 2022—

"(A) to strengthen Tribal criminal justice systems to assist Indian tribes in exercising special Tribal criminal jurisdiction, including for—

"(i) law enforcement (including the capacity of law enforcement, court personnel, or other non-law enforcement entities that have no Federal or State arrest authority agencies but have been designated by an Indian tribe as responsible for maintaining public safety within the territorial jurisdiction of the Indian tribe, to enter information into and obtain information from national crime information databases);

"(ii) prosecution;

"(iii) trial and appellate courts (including facilities maintenance, renovation, and rehabilitation);

"(iv) supervision systems;

"(v) detention and corrections (including facilities maintenance, renovation, and rehabilitation);

"(vi) treatment, rehabilitation, and reentry programs and services;

"(vii) culturally appropriate services and assistance for victims and their families; and

"(viii) criminal codes and rules of criminal procedure, appellate procedure, and evidence;

"(B) to provide indigent criminal defendants with licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes covered crimes;

"(C) to ensure that, in criminal proceedings in which a participating tribe exercises special Tribal criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and

"(D) to accord victims of covered crimes rights that are similar to the rights of a crime victim described in section 3771(a) of title 18, United States Code, consistent with Tribal law and custom.

"(i) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not sup-

plant any other Federal, State, or local government amounts made available to carry out activities described in this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2023 through 2027—

''(A) to carry out subsection (h); and

''(B) to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes.

''(2) LIMITATIONS.—Of the total amount made available under paragraph (1) for each fiscal year, not more than 40 percent shall be used for reimbursements under subsection (h)(1).''.

# Subtitle B—Alaska Tribal Public Safety Empowerment

**SEC. 811. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) according to the report of the Indian Law and Order Commission established by section 15 of the Indian Law Enforcement Reform Act (25 U.S.C. 2812), Alaska Native women—

(A) are overrepresented in the domestic violence victim population by 250 percent;

(B) in the State of Alaska, comprise—

(i) 19 percent of the population of the State; but

(ii) 47 percent of reported rape victims in the State; and

(C) as compared to the populations of other Indian Tribes, suffer the highest rates of domestic and sexual violence;

(2) most Alaska Native villages are located in remote areas that—

(A) are often inaccessible by road; and

(B) have no local law enforcement presence;

(3) the Commission referred to in paragraph (1)—

(A) determined that the Alaska Department of Public Safety—

(i) has primary responsibility for law enforcement in rural Alaska; but

(ii) provides only 1 to 1.4 field officers per 1,000,000 acres; and

(B) recommended that ''devolving authority to Alaska Native communities is essential for addressing local crime. Their governments are best positioned to effectively arrest, pros-

ecute, and punish, and they should have the authority to do so-or to work out voluntary agreements with each other, and with local governments and the State on mutually beneficial terms''; and

(4) the unique legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian women.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies; and

(2) to empower Indian Tribes to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing or murdered Alaska Natives through the exercise of special Tribal criminal jurisdiction.

**SEC. 812. DEFINITIONS.**

In this subtitle:

(1) ASSAULT OF TRIBAL JUSTICE PERSONNEL; COVERED CRIME; OBSTRUCTION OF JUSTICE; PROTECTION ORDER; VIOLATION OF A PROTECTION ORDER.—

(A) IN GENERAL.—The terms ''assault of Tribal justice personnel'', ''covered crime'', ''obstruction of justice'', ''protection order'', and ''violation of a protection order'' have the meanings given the terms in section 204(a) of Public Law 90–284 (25 U.S.C. 1304(a)) (commonly known as the ''Indian Civil Rights Act of 1968'').

(B) APPLICATION.—For purposes of the application of the definitions of ''assault of Tribal justice personnel'', ''obstruction of justice'', and ''violation of a protection order'', and for purposes of the application of the defined terms contained in the definition of ''covered crime'', under section 204(a) of Public Law 90–284 (25 U.S.C. 1304(a)) (commonly known as the ''Indian Civil Rights Act of 1968'') to the pilot program, the Attorney General shall modify any reference to ''Indian country'' to mean the Village of a participating Tribe.

(2) INDIAN; INDIAN COURT; INDIAN TRIBE; POWERS OF SELF-GOVERNMENT.—The terms ''Indian'', ''Indian court'', ''Indian tribe'', and ''powers of self-government'' have the meanings given the terms in section 201 of Public Law 90–284 (25

U.S.C. 1301) (commonly known as the ''Indian Civil Rights Act of 1968'').

(3) PARTICIPATING TRIBE.— The term ''participating Tribe'' means an Indian tribe that is designated under section 813(d)(1) as a participating Tribe to exercise special Tribal criminal jurisdiction.

(4) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established by section 813(d)(1).

(5) SPECIAL TRIBAL CRIMINAL JURISDICTION.—The term ''special Tribal criminal jurisdiction'' means the criminal jurisdiction that a participating Tribe may exercise under this subtitle but could not otherwise exercise.

(6) STATE.—The term ''State'' means the State of Alaska.

(7) VILLAGE.—The term ''Village'' means the Alaska Native Village Statistical Area covering all or any portion of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), as depicted on the applicable Tribal Statistical Area Program Verification map of the Bureau of the Census.

**SEC. 813. TRIBAL JURISDICTION IN ALASKA.**

(a) IN GENERAL.—Subject to title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the ''Indian Civil Rights Act of 1968''), Congress recognizes and affirms the inherent authority of any Indian tribe occupying a Village in the State to exercise criminal and civil jurisdiction over all Indians present in the Village.

(b) TRIBAL CIVIL JURISDICTION TO ENFORCE PROTECTION ORDERS.—

(1) IN GENERAL.—A court of any Indian tribe in the State shall have full civil jurisdiction to issue and enforce protection orders involving any person in matters—

(A) arising within the Village of the Indian tribe; or

(B) otherwise within the authority of the Indian tribe.

(2) INCLUSIONS.—The full civil jurisdiction to issue and enforce protection orders under paragraph (1) includes the authority to enforce protection orders through—

(A) civil contempt proceedings;

(B) exclusion of violators from the Village of the Indian tribe; and

(C) other appropriate mechanisms.

(c) SPECIAL TRIBAL CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed under subsection (a), the powers of self-government of a participating Tribe include the inherent power of the participating Tribe, which is hereby recognized and affirmed, to exercise special Tribal criminal jurisdiction over a defendant for a covered crime that occurs in the Village of the participating Tribe.

(2) CONCURRENT JURISDICTION.—The exercise of special Tribal criminal jurisdiction by a participating Tribe shall be concurrent with the jurisdiction of the United States, the State, or both.

(3) EXCEPTION IF VICTIM AND DEFENDANT ARE BOTH NON-INDIANS.—

(A) IN GENERAL.—A participating Tribe may not exercise special Tribal criminal jurisdiction over an alleged offense of a covered crime, other than obstruction of justice or assault of Tribal justice personnel, if neither the defendant nor the alleged victim is an Indian.

(B) DEFINITION OF VICTIM.—In this paragraph and with respect to a criminal proceeding in which a participating Tribe exercises special Tribal criminal jurisdiction based on a violation

of a protection order, the term ''victim'' means a person specifically protected by the protection order that the defendant allegedly violated.

(d) PILOT PROGRAM FOR SPECIAL TRIBAL CRIMINAL JURISDICTION OVER PERSONS WHO ARE NOT INDIANS.—

(1) ESTABLISHMENT.—Subject to title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the ''Indian Civil Rights Act of 1968''), there is established a pilot program under which the Attorney General, subject to paragraph (5), shall designate not more than 5 Indian tribes per calendar year as participating Tribes to exercise the special Tribal criminal jurisdiction described in paragraph (6) over all persons present in the Village of the Indian tribe.

(2) PROCEDURE.—At any time during the 1-year period beginning on the date of enactment of this Act, and annually thereafter, an Indian tribe may request the Attorney General to designate the Indian tribe as a participating Tribe under paragraph (1).

(3) DESIGNATION OF PARTICIPATING TRIBES.—

(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of the Inte-

rior and affected Indian tribes, shall establish a process to designate Indian tribes to participate in the pilot program, which process shall—

(i) require that preference shall be given to Indian tribes occupying Villages—

(I) the populations of which are predominantly Indian; and

(II) that lack a permanent State law enforcement physical presence;

(ii) require that for each Indian tribe requesting to be designated as a participating Tribe, the Attorney General makes a determination that the criminal justice system of the Indian tribe has adequate safeguards in place to protect defendants' rights, consistent with section 204(d) of Public Law 90–284 (25 U.S.C. 1304(d)) (commonly known as the ''Indian Civil Rights Act of 1968''); and

(iii) be subject to such other criteria as the Attorney General considers to be appropriate to achieve the purposes of this subtitle.

(B) DESIGNATION.—The Attorney General shall designate Indian tribes to participate in

the pilot program under paragraph (1) using the process established under subparagraph (A).

(4) INTERTRIBAL PARTICIPATION.—

(A) IN GENERAL.—2 or more participating Tribes (or the Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) of the participating Tribe, if the Tribal organization is exercising delegated authority from the participating Tribe)—

(i) may elect to participate jointly in the pilot program by providing shared resources to carry out the purposes of the pilot program; and

(ii) on making an election pursuant to clause (i), shall be considered to be a single participating Tribe for purposes of the maximum number of participating Tribes under paragraphs (1) and (5).

(B) ADDITIONAL PARTICIPATING TRIBES.—

(i) IN GENERAL.—Additional participating Tribes may elect to join an established intertribal partnership under sub-

paragraph (A) at any time after the intertribal partnership is established.

(ii) APPLICATION.—An intertribal partnership that additional participating Tribes elect to join pursuant to clause (i) shall be considered to be a single participating Tribe for purposes of the maximum number of participating Tribes under paragraphs (1) and (5).

(5) MAXIMUM NUMBER OF PARTICIPATING TRIBES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General may designate not more than 30 Indian tribes to participate in the pilot program.

(B) EXCEPTION.—The limitation under subparagraph (A) shall not apply if the Attorney General submits to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, and publishes in the Federal Register, a written notice of the intention to designate additional Indian tribes as participating Tribes, including the rationale for the designa-

tion, by not later than the date that is 180 days before the date of designation.

(6) DESCRIPTION OF JURISDICTION.—Congress recognizes and affirms that an Indian tribe selected to participate in the pilot program as a participating Tribe may exercise, subject to paragraph (7), special Tribal criminal jurisdiction with respect to covered crimes.

(7) RIGHTS OF DEFENDANTS.—In exercising special Tribal criminal jurisdiction under the pilot program, a participating Tribe shall provide to each defendant all rights described in section 204(d) of Public Law 90–284 (25 U.S.C. 1304(d)) (commonly known as the ''Indian Civil Rights Act of 1968'').

(e) SENTENCES.—In a criminal proceeding in which an Indian court of a participating Tribe, in exercising special Tribal criminal jurisdiction with respect to a covered crime, imposes a sentence of imprisonment of more than 1 year on a defendant pursuant to section 202(b) of Public Law 90–284 (25 U.S.C. 1302(b)) (commonly known as the ''Indian Civil Rights Act of 1968''), the Indian court may require the defendant—

(1) to serve a sentence—

(A) in a Tribal correctional center that has been approved by the Bureau of Indian Affairs

for long-term incarceration, in accordance with guidelines set by the Bureau of Indian Affairs;

(B) at the expense of the United States, in the nearest appropriate Federal facility pursuant to the Bureau of Prisons Tribal Prisoner Program established under section 234(c)(1) of the Tribal Law and Order Act of 2010 (25 U.S.C. 1302 note; Public Law 111–211); or

(C) at the expense of the participating Tribe and, subject to section 204(f)(1) of Public Law 90–284 (25 U.S.C. 1304(f)(1)) (commonly known as the ''Indian Civil Rights Act of 1968''), reimbursable by the Attorney General, in a detention or correctional center approved by the State or a local government of the State pursuant to a memorandum of agreement between the participating Tribe and the State or local government of the State; or

(2) to serve another alternative form of punishment, as determined by the Indian court pursuant to Tribal law.

(f) MEMORANDA OF AGREEMENT.—The Attorney General and the Secretary of the Interior may enter into such memoranda of agreement with participating Tribes and the State as are necessary and appropriate—

(1) to coordinate respective law enforcement activities;

(2) to share equipment and other resources;

(3) to establish cross-deputization arrangements;

(4) to coordinate appropriate training activities; and

(5) to address any other matters that will facilitate the successful implementation of the pilot program, including intergovernmental agreements regarding—

(A) the incarceration of convicted persons; and

(B) cooperation in the investigation and prosecution of crimes.

(g) ALASKA TRIBAL PUBLIC SAFETY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Interior, affected Indian tribes, and the State, shall establish a committee, to be known as the ''Alaska Tribal Public Safety Advisory Committee'' (referred to in this subsection as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall consist of 1 or more representatives from—

(A) participating Tribes and Indian tribes aspiring to participate in the pilot program;

(B) Federal, Tribal, State, and local law enforcement; and

(C) Tribal nonprofit organizations providing victim services.

(3) DUTIES.—The Committee shall focus on—

(A) improving the justice systems, crime prevention, and victim services of Indian tribes and the State; and

(B) increasing coordination and communication among Federal, Tribal, State, and local law enforcement agencies.

(4) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for the period of fiscal years 2023 through 2027, to remain available until expended.

(h) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Interior and affected Indian tribes, shall submit to Congress a report describing the results of the pilot program, including an explanation of any modifications to law necessary to facilitate improved law enforcement in Villages.

(i) APPLICABILITY.—Nothing in this subtitle—

(1) limits, alters, expands, or diminishes the civil or criminal jurisdiction of the United States, the State, any subdivision of the State, or any Indian tribe in the State;

(2) creates or eliminates any Federal or State criminal jurisdiction over a Village; or

(3) affects the authority of the United States or any authority delegated by the United States to the State to investigate and prosecute a criminal violation in a Village.

# TITLE IX—OFFICE ON VIOLENCE AGAINST WOMEN

## SEC. 901. ESTABLISHMENT OF OFFICE ON VIOLENCE AGAINST WOMEN.

(a) ESTABLISHMENT OF OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10442) is amended—

(1) in the section heading, by striking ''**VIOLENCE AGAINST WOMEN OFFICE**'' and inserting ''**OFFICE ON VIOLENCE AGAINST WOMEN**'';

(2) in subsection (a), by striking ''a Violence Against Women Office'' and inserting ''an Office on Violence Against Women'';

(3) in subsection (b), by inserting '', not subsumed by any other office'' after ''within the Department of Justice''; and

(4) in subsection (c)(2), by striking ''authorized or undertaken under the'' and all that follows and inserting ''authorized or undertaken under—

''(A) the Violence Against Women Act of 1994 (title IV of Public Law 103–322);

''(B) the Violence Against Women Act of 2000 (division B of Public Law 106–386);

''(C) the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960);

''(D) the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54); and

''(E) the Violence Against Women Act Reauthorization Act of 2022.''.

(b) DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10443) is amended—

(1) in the section heading, by striking ''**VIOLENCE AGAINST WOMEN OFFICE**'' and inserting ''**OFFICE ON VIOLENCE AGAINST WOMEN**'';

(2) in subsection (a)—

(A) by striking ''the Violence Against Women Office'' and inserting ''the Office on Violence Against Women''; and

(B) by striking ''in this title referred to'' and inserting ''in this part referred to'';

(3) in subsection (b)(2)—

(A) by striking ''or the Violence'' and inserting '', the Violence''; and

(B) by striking the period at the end and inserting ", the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960), the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54), or the Violence Against Women Act Reauthorization Act of 2022.".

(c) DUTIES AND FUNCTIONS OF DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2004 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10444) is amended—

(1) in the section heading, by striking "**VIOLENCE AGAINST WOMEN OFFICE**" and inserting "**OFFICE ON VIOLENCE AGAINST WOMEN**";

(2) in paragraph (5), in the matter preceding subparagraph (A)—

(A) by striking "and the Violence" and inserting ", the Violence"; and

(B) by striking ", including with" and inserting ", the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960), the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54),

and the Violence Against Women Act Reauthorization Act of 2022, including with''; and

(3) in paragraph (6)(B), by inserting ''synchronize Federal definitions and protocols,'' before ''and improve coordination''.

(d) STAFF OF OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2005 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10445) is amended in the section heading, by striking ''**VIOLENCE AGAINST WOMEN OFFICE**'' and inserting ''**OFFICE ON VIOLENCE AGAINST WOMEN**''.

(e) CONFORMING AMENDMENT.—Section 121(a)(1) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20124(a)(1)) is amended by striking ''the Violence Against Women Office'' and inserting ''the Office on Violence Against Women''.

**SEC. 902. SENIOR POLICY ADVISOR FOR CULTURALLY SPECIFIC COMMUNITIES OF THE OFFICE ON VIOLENCE AGAINST WOMEN.**

Part T of the Omnibus Crime Control and Safe Streets Act (34 U.S.C. 10441 et seq.), as amended by section 101, is further amended by adding at the end the following:

**"SEC. 2018. SENIOR POLICY ADVISOR FOR CULTURALLY SPECIFIC COMMUNITIES.**

''(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Senior Policy Advisor for Culturally Specific Communities.

''(b) DUTIES.—The Senior Policy Advisor for Culturally Specific Communities, under the guidance and authority of the Director, shall—

''(1) advise on the administration of grants related to culturally specific services and contracts with culturally specific organizations;

''(2) coordinate development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;

''(3) advise the Director on policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;

''(4) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;

''(5) ensure that appropriate technical assistance, developed and provided by entities with expertise in culturally specific communities, is made available to grantees and potential grantees proposing to serve culturally specific communities;

''(6) ensure access to grants and technical assistance for culturally specific organizations; and

''(7) analyze the distribution of grant funding in order to identify barriers for culturally specific organizations.

''(c) QUALIFICATIONS.—Not later than 120 days after the date of enactment of this section, the Director shall hire for the position established under subsection (a) an individual with personal, lived, and work experience from a culturally specific community, and a demonstrated history and expertise addressing domestic violence or sexual assault in a nongovernmental agency.''.

# TITLE X—IMPROVING CONDITIONS FOR WOMEN IN FEDERAL CUSTODY

## SEC. 1001. IMPROVING THE TREATMENT OF PRIMARY CARETAKER PARENTS AND OTHER INDIVIDUALS IN FEDERAL PRISONS.

(a) SHORT TITLE.—This section may be cited as the ''Ramona Brant Improvement of Conditions for Women in Federal Custody Act''.

(b) AMENDMENT.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

### ''§ 4051. Treatment of primary caretaker parents and other individuals

''(a) DEFINITIONS.—In this section—

''(1) the term 'correctional officer' means a correctional officer of the Bureau of Prisons;

''(2) the term 'covered institution' means a Federal penal or correctional institution;

''(3) the term 'Director' means the Director of the Bureau of Prisons;

''(4) the term 'post-partum recovery' means the first 12-week period of post-partum recovery after giving birth;

''(5) the term 'primary caretaker parent' has the meaning given the term in section 31903 of the Family Unity Demonstration Project Act (34 U.S.C. 12242);

''(6) the term 'prisoner' means an individual who is incarcerated in a Federal penal or correctional institution, including a vulnerable person; and

''(7) the term 'vulnerable person' means an individual who—

''(A) is under 21 years of age or over 60 years of age;

''(B) is pregnant;

''(C) is victim or witness of a crime;

''(D) has filed a nonfrivolous civil rights claim in Federal or State court; or

''(E) during the period of incarceration, has been determined to have experienced or to be experiencing severe trauma or to be the victim of gender-based violence—

''(i) by any court or administrative judicial proceeding;

''(ii) by any corrections official;

''(iii) by the individual's attorney or legal service provider; or

''(iv) by the individual.

''(b) GEOGRAPHIC PLACEMENT.—

''(1) ESTABLISHMENT OF OFFICE.—The Director shall establish within the Bureau of Prisons an office that determines the placement of prisoners.

''(2) PLACEMENT OF PRISONERS.—In determining the placement of a prisoner, the office established under paragraph (1) shall—

''(A) if the prisoner has children, consider placing the prisoner as close to the children as possible; and

''(B) consider any other factor that the office determines to be appropriate.

''(c) PROHIBITION ON PLACEMENT OF PREGNANT PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY IN SEGREGATED HOUSING UNITS.—

''(1) PLACEMENT IN SEGREGATED HOUSING UNITS.—A covered institution may not place a prisoner who is pregnant or in post-partum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to the prisoner or others.

''(2) RESTRICTIONS.—Any placement of a prisoner described in paragraph (1) in a segregated housing unit shall be limited and temporary.

''(d) INTAKE AND ASSESSMENTS.—The Director shall assess the need for family-focused programming at intake, such as questions about children, gauge interest in parenting resources, and concerns about their child or caregiving, and administer ongoing assessment to better inform, identify, and make recommendations about the mother's parental role and familial needs.

''(e) PARENTING CLASSES.—The Director shall provide voluntary parenting classes to each prisoner who is a primary caretaker parent, and such classes shall be made available to prisoners with limited English proficiency in compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(f) TRAUMA SCREENING.—The Director shall provide training, including cultural competency training, to each correctional officer and each employee of the Bureau of Prisons who regularly interacts with prisoners, including each instructor and health care professional, to enable those correctional officers and employees to—

''(1) identify a prisoner who may have a mental or physical health need relating to trauma the prisoner has experienced; and

''(2) refer a prisoner described in paragraph (1) to the proper health care professional for diagnosis and treatment.

''(g) FAMILY NEEDS TRAINING.—The Director shall provide training to correctional officers and employees of the Bureau of Prisons who engage with prisoners' families on—

''(1) how to interact with children in an age-appropriate manner, and the children's caregivers;

''(2) basic childhood and adolescent development information; and

''(3) basic customer service skills.

''(h) INMATE HEALTH.—

''(1) HEALTH CARE ACCESS.—The Director shall ensure that all prisoners receive adequate health care.

''(2) HYGIENIC PRODUCTS.—The Director shall make essential hygienic products, including shampoo, toothpaste, toothbrushes, and any other hygienic product that the Director determines appropriate, available without charge to prisoners. The Director shall make rules—

''(A) on the distribution and accessibility of sanitary products to prisoners, to ensure each prisoner who requires these products receives a quantity the prisoner deems sufficient; and

"(B) providing that no visitor is prohibited from visiting a prisoner due to the visitor's use of sanitary products.

"(3) GYNECOLOGIST ACCESS.—The Director shall ensure that all prisoners have access to a gynecologist as appropriate.

"(4) RELATION TO OTHER LAWS.—Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.).".

(c) SUBSTANCE ABUSE TREATMENT.—Section 3621(e) of title 18, United States Code, is amended by adding at the end the following:

"(7) ELIGIBILITY OF PRIMARY CARETAKER PARENTS AND PREGNANT WOMEN.—The Director of the Bureau of Prisons may not prohibit an eligible prisoner who is a primary caretaker parent (as defined in section 4051) or pregnant from participating in a program of residential substance abuse treatment provided under paragraph (1) on the basis of a failure by the eligible prisoner, before being committed to the custody of the Bureau of Prisons, to disclose to any official of the Bureau of Prisons that the prisoner had a substance abuse problem on or before the date on which the eligible prisoner was

committed to the custody of the Bureau of Prisons.''.

(d) IMPLEMENTATION DATE.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Bureau of Prisons shall implement this section and the amendments made by this section.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a progress report on the implementation of this section and the amendments made by this section.

(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4051. Treatment of primary caretaker parents and other individuals.''.

**SEC. 1002. HEALTH AND SAFETY OF PREGNANT WOMEN AND MOTHERS.**

(a) SHORT TITLE.—This section may be cited as the ''Stop Infant Mortality and Recidivism Reduction Act'' or the ''SIMARRA Act''.

(b) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the Director of the Bu-

reau of Prisons (in this section referred to as the ''Director'') shall establish a pilot program (in this section referred to as the ''Program'') in accordance with this section to permit women incarcerated in Federal prisons and the children born to such women during incarceration to reside together while the inmate serves a term of imprisonment.

(c) PURPOSES.—The purposes of this section are to—

(1) prevent infant mortality among infants born to incarcerated mothers and greatly reduce the trauma and stress experienced by pregnant inmates;

(2) reduce the recidivism rates of federally incarcerated women and mothers, and enhance public safety by improving the effectiveness of the Federal prison system for women as a population with special needs;

(3) utilize a female offender risk and needs assessment to encourage a more effective and efficient Federal prison system;

(4) utilize a validated post-sentencing risk and needs assessment system that relies on dynamic factors to provide Federal prison officials with information regarding needs of Federal pregnant offenders and enhance public safety;

(5) perform regular outcome evaluations of the effectiveness of programs and interventions for federally incarcerated pregnant women and mothers to assure that such programs and interventions are evidence-based and to suggest changes, deletions, and expansions based on the results of such evaluations; and

(6) assist the Department of Justice to address the underlying cost structure of the Federal prison system and ensure that the Department can continue to run parenting programming safely and securely without compromising the scope or quality of the Department's critical health, safety and law enforcement missions.

(d) DUTIES OF THE DIRECTOR OF BUREAU OF PRISONS.—

(1) IN GENERAL.—The Director shall carry out this section in consultation with—

(A) the Director of the Administrative Office of the United States Courts;

(B) the Director of the Office of Probation and Pretrial Services; and

(C) the Director of the National Institute of Justice.

(2) DUTIES.—The Director shall, in accordance with paragraph (3), and in addition to the mandates under section 3631 of title 18, United States Code—

(A) evaluate the female offender risk and needs assessment for its ability to address the particular health and sensitivities of federally incarcerated pregnant women and mothers in accordance with this subsection;

(B) develop recommendations regarding recidivism reduction programs and productive activities in accordance with subsection (c);

(C) conduct ongoing research and data analysis on—

(i) the best practices relating to the use of offender risk and needs assessment tools for female offenders with a particular emphasis on how those tools address the health and sensitivities of federally incarcerated pregnant women and mothers;

(ii) potential improvements to risk and needs assessment tools for female offenders to address the health and sensitivities of federally incarcerated pregnant women and mothers; and

(iii) which recidivism reduction programs are the most effective—

(I) for federally incarcerated pregnant women and mothers classified at different recidivism risk levels; and

(II) for addressing the specific needs of federally incarcerated pregnant women and mothers;

(D) on a biennial basis, review any findings related to evaluations conducted under subparagraph (A) and the recommendations developed under subparagraph (B), using the research conducted under subparagraph (C), to determine whether any revisions or updates should be made to female offender risk and needs assessment systems, and if so, make such revisions or updates;

(E) hold periodic meetings with the individuals listed in paragraph (1) at intervals to be determined by the Director;

(F) develop tools to communicate parenting program availability and eligibility criteria to each employee of the Bureau of Prisons and each pregnant inmate to ensure that each

pregnant inmate in the custody of a Bureau of Prisons facility understands the resources available to such inmate; and

(G) report to Congress in accordance with subsection (h).

(3) METHODS.—In carrying out the duties under paragraph (2), the Director shall—

(A) consult relevant stakeholders; and

(B) make decisions using data that is based on available statistical and empirical evidence.

(e) ELIGIBILITY.—An inmate may apply to participate in the Program if the inmate—

(1) is pregnant at the beginning of or during the term of imprisonment; and

(2) is in the custody or control of the Bureau of Prisons.

(f) PROGRAM TERMS.—

(1) TERM OF PARTICIPATION.—To correspond with the purposes and goals of the Program to promote bonding during the critical stages of child development, an eligible inmate selected for the Program may participate in the Program, subject to subsection (g), until the earliest of—

(A) the date that the inmate's term of imprisonment terminates; or

(B) the date the infant fails to meet any medical criteria established by the Director.

(2) INMATE REQUIREMENTS.—For the duration of an inmate's participation in the Program, the inmate shall agree to—

(A) take substantive steps towards acting in the role of a parent or guardian to any child of that inmate;

(B) participate in any recommended educational or counseling opportunities, including topics such as child development, parenting skills, domestic violence, vocational training, or substance abuse, as appropriate;

(C) abide by any court decision regarding the legal or physical custody of the child; and

(D) specify a person who has agreed to take at least temporary custody of the child if the inmate's participation in the Program terminates before the inmate's release.

(g) CONTINUITY OF CARE.—The Director shall take appropriate actions to prevent detachment or disruption of either an inmate's or infant's health and bonding-based well-being due to termination of the Program.

(h) REPORTING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and once each year thereafter for 5 years, the Director shall submit a progress report to the Congress with regards to implementing the Program.

(2) FINAL REPORT.—Not later than 6 months after the termination of the Program, the Director shall issue a final report to the Congress that contains a detailed statement of the Director's findings and conclusions, including recommendations for legislation, administrative actions, and regulations the Director considers appropriate.

**SEC. 1003. RESEARCH AND REPORT ON WOMEN IN FEDERAL INCARCERATION.**

Not later than 18 months after the date of enactment of this Act, and thereafter, every other year, the National Institute of Justice, in consultation with the Bureau of Justice Statistics and the Bureau of Prisons (including the Women and Special Population Branch) shall prepare a report on the status of women in Federal incarceration. Depending on the topic to be addressed, and the facility, data shall be collected from Bureau of Prisons personnel and a sample that is representative of the population of incarcerated women. The report shall include—

(1) with regard to Federal facilities wherein women are incarcerated—

(A) responses by such women to questions from the Adverse Childhood Experience (ACES) questionnaire;

(B) demographic data of such women;

(C) data on the number of women who are incarcerated and placed in Federal and private facilities more than 200 miles from their place of residence;

(D) responses by such women to questions about the extent of exposure to sexual victimization, sexual violence and domestic violence (both inside and outside of incarceration);

(E) the number of such women pregnant at the time that they entered incarceration;

(F) the number of such women who have children age 18 or under, and if so, how many; and

(G) the crimes for which such women are incarcerated and the length of their sentence and to the extent practicable, any information on the connection between the crime of which they were convicted and their experience of do-

mestic violence, dating violence, sexual assault, or stalking; and

(2) with regard to all Federal facilities where persons are incarcerated—

(A) a list of best practices with respect to women's incarceration and transition, including staff led programs, services, and management practices (including making sanitary products readily available and easily accessible, and access to and provision of healthcare);

(B) the availability of trauma treatment at each facility (including number of beds, and number of trained staff);

(C) rates of serious mental illness broken down by gender and security level and a list of residential programs available by site; and

(D) the availability of vocational education and a list of vocational programs provided by each facility.

**SEC. 1004. REENTRY PLANNING AND SERVICES FOR INCARCERATED WOMEN.**

(a) IN GENERAL.—The Attorney General, in coordination with the Director of the Office of Probation and Pretrial Services and the Director of the Bureau of Prisons (including the Women and Special Population

Branch), shall collaborate on a model of gender responsive transition for incarcerated women, including the development of a national standard on prevention with respect to domestic and sexual violence.

(b) REQUIRED CONSULTATION.—In developing the model required under subsection (a), the Attorney General shall consult with such experts within the Federal government (including the Office on Violence Against Women of the Department of Justice), within Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), within Native Hawaiian organizations (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)), and in the victim service provider community (including sexual and domestic violence and homelessness, job training and job placement service providers) as are necessary to the completion of a comprehensive plan.

(c) CONTENTS.—The model required under subsection (a) shall address, at a minimum—

(1) the development by the Bureau of Prisons of a contract for gender collaborative services; and

(2) identification by re-entry affairs coordinators and responsive planning for the needs of re-entering women with respect to—

(A) housing, including risk of homelessness;

(B) previous exposure to and risk for domestic and sexual violence;

(C) the need for parenting classes, assistance securing childcare, or assistance in seeking or securing jobs that afford flexibility (as might be necessary in the re-entry, parenting or other contexts);

(D) other support tailored to the needs of Indigenous women, including American Indian, Alaska Native, and Native Hawaiian women; and

(E) the need to ensure a family-focused reentry, by—

(i) including incarcerated mothers, their children, and their caregivers to create family reentry planning and programming; and

(ii) informing reentry information to visiting families.

**SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.**

To carry out this title, there are authorized to be appropriated $8,000,000 for each of fiscal years 2023 through 2027.

# TITLE XI—LAW ENFORCEMENT TOOLS TO ENHANCE PUBLIC SAFETY

**SEC. 1101. NICS DENIAL NOTIFICATION ACT OF 2022.**

(a) SHORT TITLE.—This section may be cited as the ''NICS Denial Notification Act of 2022''.

(b) LOCAL LAW ENFORCEMENT AUTHORITY DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'local law enforcement authority' means a bureau, office, department or other authority of a State or local government or Tribe that has jurisdiction to investigate a violation or potential violation of, or enforce, a State, local, or Tribal law.''.

(c) AMENDMENT.—Chapter 44 of title 18, United States Code, is amended by inserting after section 925A the following:

**''§ 925B. Reporting of background check denials to State authorities**

''(a) IN GENERAL.—If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) (referred to in this section as 'NICS') provides a notice pursuant to section 922(t) that the receipt of a fire-

arm by a person would violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall, in accordance with subsection (b) of this section—

''(1) report to the local law enforcement authority of the State or Tribe where the person sought to acquire the firearm and, if different, the local law enforcement authorities of the State or Tribe of residence of the person—

''(A) that the notice was provided;

''(B) the Federal, State, local or Tribal prohibition;

''(C) the date and time the notice was provided;

''(D) the location of the licensee where the firearm was sought to be transferred; and

''(E) the identity of the person; and

''(2) where practicable, report the incident to State and local prosecutors or Tribal prosecutors in the jurisdiction where the firearm transfer was sought.

''(b) REQUIREMENTS FOR REPORT.—A report is made in accordance with this subsection if the report is made under subsection (a) within 24 hours after the NICS denies a firearm transfer in accordance with section 922(t)

of title 18, United States Code, except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.

''(c) AMENDMENT OF REPORT.—If a report is made in accordance with subsection (b) and, after such report is made, the Federal Bureau of Investigation determines that the receipt of a firearm by a person for whom the report was made would not violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall notify any law enforcement authority and any prosecutor to whom the report was made of that determination.

''(d) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that made the original denial determination with respect to the transfer of the firearm.''.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 925A the following:

''925B. Reporting of background check denials to State authorities.''.

**SEC. 1102. ANNUAL REPORT TO CONGRESS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, as amended by section 1101, is amended by inserting after section 925B the following:

**"§ 925C. Annual report to Congress**

''Not later than 1 year after the date of enactment of this section, and annually thereafter, the Attorney General shall submit to Congress a report detailing the following, broken down by Federal judicial district:

''(1) With respect to each category of persons prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm who are so denied a firearm—

''(A) the number of denials;

''(B) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

''(C) the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm;

''(D) the number of denials overturned through the appeals process of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);

''(E) the number of denials with respect to which an investigation was opened by a field di-

vision of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

"(F) the number of persons charged with a Federal criminal offense in connection with a denial; and

"(G) the number of convictions obtained by Federal authorities in connection with a denial.

"(2) The number of background check notices reported pursuant to section 925B (including the number of the notices that would have been so reported but for section 925B(c))."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, as amended by section 1101, is amended by inserting after the item relating to section 925B the following:

"925C. Annual report to Congress.".

**SEC. 1103. SPECIAL ASSISTANT U.S. ATTORNEYS AND CROSS-DEPUTIZED ATTORNEYS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, as amended by section 1102, is further amended by inserting after section 925C the following:

**"§ 925D. Special assistant U.S. attorneys and cross-deputized attorneys**

''(a) IN GENERAL.—In order to improve the enforcement of paragraphs (8) and (9) of section 922(g), the Attorney General may—

''(1) appoint, in accordance with section 543 of title 28, qualified State, Tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs; and

''(2) deputize State, Tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs.

''(b) IMPROVE INTIMATE PARTNER AND PUBLIC SAFETY.—The Attorney General shall—

''(1) identify not fewer than 75 jurisdictions among States, territories and Tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8) and (9) of section 922(g) and where local authorities lack the resources to address such violence;

''(2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates; and

''(3) establish, in order to receive and expedite requests for assistance from State, Tribal, territorial, and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact within—

''(A) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

''(B) each District Office of the United States Attorneys.

''(c) QUALIFIED DEFINED.—For purposes of this section, the term 'qualified' means, with respect to an attorney, that the attorney is a licensed attorney in good standing with any relevant licensing authority.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 925C the following:

''925D. Special assistant U.S. attorneys and cross-deputized attorneys.''.

**SEC. 1104. UNLAWFUL ACTS.**

(a) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE DEFINED.—Section 921(a)(33)(A)(i) of title 18, United States Code, is amended by striking ''or Tribal law'' and inserting '', Tribal, or local law''.

(b) TRANSFERS.— Section 922(t) of title 18, United States Code, is amended-

(1) in paragraph (1)(B)(ii), by inserting '', or State, local, or Tribal law'' after ''subsection (g) or (n) of this section'';

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', local or Tribal'' after ''State'';

(3) in paragraph (4), by inserting ''local, or Tribal'' after ''State''; and

(4) in paragraph (5), by inserting ''local, or Tribal'' after ''State''.

**SEC. 1105. REVIEW ON CRIMINAL OFFENSES AFFECTING NATIVE HAWAIIANS.**

(a) NATIVE HAWAIIAN DEFINED.—In this section, the term ''Native Hawaiian'' has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4221).

(b) REVIEW OF RELEVANT FEDERAL CRIME PREVENTION, VICTIM SERVICE, AND CRIMINAL JUSTICE PROGRAMS SERVING NATIVE HAWAIIANS.—

(1) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing the following:

(A) The results and findings of the comprehensive review required to be conducted under paragraph (2).

(B) The amount of Federal funding received by Native Hawaiian-serving organizations from relevant Federal programs, including the percentage of each such amount of funding received by Native Hawaiian-serving organizations relative to the total amount of funding dispersed for each relevant Federal program.

(C) Recommendations and legislative proposals to—

(i) improve how relevant Federal programs address the needs of Native Hawaiians;

(ii) improve responses to and investigation of incidences of missing or murdered Native Hawaiians;

(iii) reduce the likelihood that a Native Hawaiian may become involved in the criminal justice system; and

(iv) address any other relevant matters deemed necessary by the Attorney General.

(2) COMPREHENSIVE REVIEW.—The Attorney General shall conduct a comprehensive review of relevant Federal programs.

(3) RELEVANT FEDERAL PROGRAM.—In this subsection, the term ''relevant Federal program'' means any—

(A) law enforcement or other crime prevention program targeting criminal offenses that affect Native Hawaiians, including child sexual exploitation, child abuse, intimate partner violence, human trafficking, missing or murdered individuals, and substance abuse;

(B) any program that provide services to victims of criminal offenses affecting Native Hawaiians, including child sexual exploitation, child abuse, intimate partner violence, human trafficking, and substance abuse; and

(C) any criminal justice system program or service available to and used by Native Hawaiians in various jurisdictions, including diversion programs, in-prison education programs, and reentry services.

(c) REPORT ON NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, acting through the National Institute of Justice, in coordination with the Bureau of Justice Statistics, shall prepare a report on the interaction of Native Hawaiians with the criminal justice system.

(2) CONTENTS OF REPORT.—The report required under this subsection shall include—

(A) known statistics related to the percentage of persons who are Native Hawaiians out of the total of—

(i) all persons arrested;

(ii) all persons detained in Federal, State, and local jails;

(iii) all persons subject to pretrial supervision;

(iv) all persons subject to post-conviction supervision;

(v) all persons incarcerated in Federal and State prisons; and

(vi) all persons subject to post-release supervision;

(B) an explanation of why the statistics described in subparagraph (A) may not be comprehensive;

(C) recommendations on how data collection related to the statistics described in subparagraph (A) could be improved;

(D) a description of any culturally relevant programs available to Native Hawaiians who interact with the Federal criminal justice system; and

(E) a summary of any available data on the number of Native Hawaiians who are incarcerated and placed in Federal and private correctional facilities more than 200 miles from their place of residence.

# TITLE XII—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE

**SEC. 1201. SHORT TITLE.**

This title may be cited as the ''Closing the Law Enforcement Consent Loophole Act of 2022''.

**SEC. 1202. PENALTIES FOR CIVIL RIGHTS OFFENSES INVOLVING SEXUAL MISCONDUCT.**

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**"§ 250. Penalties for civil rights offenses involving sexual misconduct**

''(a) OFFENSE.—It shall be unlawful for any person to, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631), engage in, or cause another to engage in, sexual misconduct.

''(b) PENALTIES.—Any person who violates subsection (a) shall be—

''(1) in the case of an offense involving aggravated sexual abuse, as defined in section 2241, or if the offense involved sexual abuse, as defined in section 2242, or if the offense involved an attempt to commit such aggravated sexual abuse or sexual abuse, fined under this title and imprisoned for any term of years or for life;

''(2) in the case of an offense involving abusive sexual contact of a child who has not attained the age of 16, of the type prohibited by section 2244(a)(5), fined under this title and imprisoned for any term of years or for life;

''(3) in the case of an offense involving a sexual act, as defined in section 2246, with another person without the other person's permission, and it does not amount to sexual abuse or aggravated sexual abuse, be fined under this title and imprisoned for not more than 40 years;

''(4) in the case of an offense involving abusive sexual contact of the type prohibited by subsection (a)(1) or (b) of section 2244, but excluding abusive sexual contact through the clothing—

''(A) fined under this title and imprisoned for not more than 10 years; and

''(B) if the offense involves a child who has not attained the age of 12 years, imprisoned for not more than 30 years;

''(5) in the case of an offense involving abusive sexual contact of the type prohibited by section 2244(a)(2)—

''(A) fined under this title and imprisoned for not more than 3 years; and

''(B) if the offense involves a child under the age of 12, imprisoned for not more than 20 years; and

''(6) in the case of an offense involving abusive sexual contact through the clothing of the type pro-

hibited by subsection (a)(3), (a)(4), or (b) of section 2244—

"(A) fined under this title and imprisoned for not more than 2 years; and

"(B) if the offense involves a child under the age of 12, imprisoned for not more than 10 years.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

"250. Penalties for civil rights offenses involving sexual misconduct.".

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2)(B), by inserting "or" after the semicolon; and

(3) by inserting after paragraph (2) the following:

"(3) engages in a sexual act with another person without that other person's consent, to include doing so through coercion;".

(c) SEXUAL ABUSE OF A MINOR, A WARD, OR AN INDIVIDUAL IN FEDERAL CUSTODY.—

(1) IN GENERAL.—Section 2243 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting ''**Sexual abuse of a minor, a ward, or an individual in Federal custody**'';

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by adding after subsection (b) the following:

''(c) OF AN INDIVIDUAL IN FEDERAL CUSTODY.—Whoever, while acting in their capacity as a Federal law enforcement officer, knowingly engages in a sexual act with an individual who is under arrest, under supervision, in detention, or in Federal custody, shall be fined under this title, imprisoned not more than 15 years, or both.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 109A of title 18, United States Code, is amended by striking the item relating to section 2243 and inserting the following:

''2243. Sexual abuse of a minor, a ward, or an individual in Federal custody.''.

(d) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(6) subsection (c) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;'';

(e) DEFINITION.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (6) the following:

''(7) the term 'Federal law enforcement officer' has the meaning given the term in section 115.''.

**SEC. 1203. INCENTIVES FOR STATES.**

(a) AUTHORITY TO MAKE GRANTS.—The Attorney General is authorized to make grants to States that have in effect a law that—

(1) makes it a criminal offense for any person acting under color of law of the State to knowingly engage in a sexual act with an individual who is

under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(b) REPORTING REQUIREMENT.—A State that receives a grant under this section shall submit to the Attorney General, on an annual basis, information on—

(1) the number of reports made to law enforcement agencies in that State regarding persons engaging in a sexual act while acting under color of law during the previous year; and

(2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

(c) APPLICATION.—A State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (a).

(d) GRANT AMOUNT.—The amount of a grant to a State under this section shall be in an amount that is not greater than 10 percent of the average of the total amount

of funding of the 3 most recent awards that the State received under the following grant programs:

(1) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the ''STOP Violence Against Women Formula Grant Program'').

(2) Section 41601 of the Violence Against Women Act of 1994 (34 U.S.C. 12511) (commonly referred to as the ''Sexual Assault Services Program'').

(e) GRANT TERM.—

(1) IN GENERAL.—The Attorney General shall provide an increase in the amount provided to a State under the grant programs described in subsection (d) for a 2-year period.

(2) RENEWAL.—A State that receives a grant under this section may submit an application for a renewal of such grant at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(3) LIMIT.—A State may not receive a grant under this section for more than 4 years.

(f) USES OF FUNDS.—A State that receives a grant under this section shall use—

(1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and

(2) 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of subsection (d).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027.

(h) DEFINITION.—For purposes of this section, the term ''State'' means each of the several States and the District of Columbia, Indian Tribes, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

**SEC. 1204. REPORTS TO CONGRESS.**

(a) REPORT BY ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress and make publicly available on the Department of Justice website a report containing—

(1) the information required to be reported to the Attorney General under section 1203(b); and

(2) information on—

(A) the number of reports made, during the previous year, to Federal law enforcement

agencies regarding persons engaging in a sexual act while acting under color of law; and

(B) the disposition of each case in which sexual misconduct by a person acting under color of law was reported.

(b) REPORT BY GAO.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall submit to Congress a report on any violations of section 2243(c) of title 18, United States Code, as amended by section 1302, committed during the 1-year period covered by the report.

(c) REPORT BY ATTORNEY GENERAL ON CONFLICTS BETWEEN STATE'S MARRIAGE-AGE AND AGE-BASED SEX OFFENSES.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report that examines inconsistencies between State laws on marriage-age and State laws on age-based sex offenses and, in particular, States with laws that—

(1) provide an exception to definitions of age-based sex offenses (including statutory rape), or a defense to prosecution for such offenses, based on the marriage of the perpetrator to the victim; or

(2) allow marriages between parties at ages, or with age differences between them, such that sexual acts between those parties outside of marriage would constitute an age-based sex offense (including statutory rape).

**SEC. 1205. DEFINITION.**

In this title, the term ''sexual act'' has the meaning given the term in section 2246 of title 18, United States Code.

# TITLE XIII—OTHER MATTERS

**SEC. 1301. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.**

Section 40603 of the Violence Against Women Act of 1994 (34 U.S.C. 12402) is amended by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 1302. FEDERAL VICTIM AND WITNESS COORDINATORS REAUTHORIZATION.**

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended to read as follows:

**''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM AND WITNESS COORDINATORS.**

''There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim and witness coordinators for the prosecution of sex

crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2023 through 2027.''.

**SEC. 1303. CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS REAUTHORIZATION.**

Section 224(a) of the Crime Control Act of 1990 (34 U.S.C. 20334(a)) is amended by striking ''subtitle'' and all that follows and inserting ''subtitle $2,300,000 for each of fiscal years 2023 through 2027''.

**SEC. 1304. SEX OFFENDER MANAGEMENT.**

Section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12311(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027.''.

**SEC. 1305. COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**

Section 219(a) of the Crime Control Act of 1990 (34 U.S.C. 20324(a)) is amended by striking ''2014 through 2018'' and inserting ''2023 through 2027''.

**SEC. 1306. REVIEW OF LINK BETWEEN SUBSTANCE USE AND VICTIMS OF DOMESTIC VIOLENCE DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall complete a review and submit to Congress a report on whether being a victim of domestic violence, dating violence, sexual assault, or stalking increases the likelihood of having a substance use disorder.

**SEC. 1307. INTERAGENCY WORKING GROUP TO STUDY FEDERAL EFFORTS TO COLLECT DATA ON SEXUAL VIOLENCE.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish an interagency working group to study Federal efforts to collect data on sexual violence and to make recommendations on the harmonization of such efforts.

(b) COMPOSITION.—The Working Group shall be comprised of at least one representative from each of the following agencies, who shall be selected by the head of that agency:

(1) The Centers for Disease Control and Prevention.

(2) The Department of Education.

(3) The Department of Health and Human Services.

(4) The Department of Justice.

(5) The Equal Employment Opportunity Commission.

(c) DUTIES.—The Working Group shall consider the following:

(1) What activity constitutes different acts of sexual violence.

(2) Whether reports that use the same terms for acts of sexual violence are collecting the same data on these acts.

(3) Whether the context which led to an act of sexual violence should impact how that act is accounted for in reports.

(4) Whether the data collected is presented in a way that allows the general public to understand what acts of sexual violence are included in each measurement.

(5) Steps that agencies that compile reports relating to sexual violence can take to avoid double counting incidents of sexual violence.

(d) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Working

Group shall publish and submit to Congress a report on the following:

(1) The activities of the Working Group.

(2) Recommendations to harmonize Federal efforts to collect data on sexual violence.

(3) Actions Federal agencies can take to implement the recommendations described in paragraph (2).

(4) Recommendations, if any, for congressional action to implement the recommendations described in paragraph (2).

(e) TERMINATION.—The Working Group shall terminate 30 days after the date on which the report is submitted pursuant to subsection (d).

(f) DEFINITIONS.—In this section:

(1) HARMONIZE.—The term ''harmonize'' includes efforts to coordinate sexual violence data collection to produce complementary information, as appropriate, without compromising programmatic needs.

(2) SEXUAL VIOLENCE.—The term ''sexual violence'' includes an unwanted sexual act (including both contact and non-contact) about which the Federal Government collects information.

(3) WORKING GROUP.—The term ''Working Group'' means the interagency working group established under subsection (a).

**SEC. 1308. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE; ASSISTANCE FOR MICROBUSINESSES.**

Section 41501(b) of the Violence Against Women Act of 1994 (34 U.S.C. 12501(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''companies and public entities'' and inserting ''companies, public entities''; and

(B) by inserting '', and employers with fewer than 20 employees'' after ''State and local governments''; and

(2) in paragraph (3), by inserting before the period at the end the following: '', which materials shall include a website with resources for employers with fewer than 20 employees, including live training materials''.

**SEC. 1309. CIVIL ACTION RELATING TO DISCLOSURE OF INTIMATE IMAGES.**

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL PORNOGRAPHIC CONTENT.—The term ''commercial pornographic content'' means any material that is subject to the record keeping requirements under section 2257 of title 18, United States Code.

(2) CONSENT.—The term ''consent'' means an affirmative, conscious, and voluntary authorization made by the individual free from force, fraud, misrepresentation, or coercion.

(3) DEPICTED INDIVIDUAL.—The term ''depicted individual'' means an individual whose body appears in whole or in part in an intimate visual depiction and who is identifiable by virtue of the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, or from information displayed in connection with the visual depiction.

(4) DISCLOSE.—The term ''disclose'' means to transfer, publish, distribute, or make accessible.

(5) INTIMATE VISUAL DEPICTION.—The term ''intimate visual depiction''—

(A) means a visual depiction, as that term is defined in section 2256(5) of title 18, United States Code, that depicts—

(i) the uncovered genitals, pubic area, anus, or post-pubescent female nipple of an identifiable individual; or

(ii) the display or transfer of bodily sexual fluids—

(I) on to any part of the body of an identifiable individual;

(II) from the body of an identifiable individual; or

(III) an identifiable individual engaging in sexually explicit conduct and

(B) includes any visual depictions described in subparagraph (A) produced while the identifiable individual was in a public place only if the individual did not—

(i) voluntarily display the content depicted; or

(ii) consent to the sexual conduct depicted.

(6) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given the term in subparagraphs (A) and (B) of section 2256(2) of title 18, United States Code.

(b) CIVIL ACTION.—

(1) RIGHT OF ACTION.—

(A) IN GENERAL.—Except as provided in paragraph (4), an individual whose intimate visual depiction is disclosed, in or affecting interstate or foreign commerce or using any means or facility of interstate or foreign commerce, without the consent of the individual, where such disclosure was made by a person who knows that, or recklessly disregards whether, the individual has not consented to such disclosure, may bring a civil action against that person in an appropriate district court of the United States for relief as set forth in paragraph (3).

(B) RIGHTS ON BEHALF OF CERTAIN INDIVIDUALS.—In the case of an individual who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the individual or representative of the identifiable individual's estate, another family member, or any other person appointed as suitable by the court, may assume the identifiable individual's' rights under this section, but in no event shall the defendant be named as such representative or guardian.

(2) CONSENT.—For purposes of an action under paragraph (1)—

(A) the fact that the individual consented to the creation of the depiction shall not establish that the person consented to its distribution; and

(B) the fact that the individual disclosed the intimate visual depiction to someone else shall not establish that the person consented to the further disclosure of the intimate visual depiction by the person alleged to have violated paragraph (1).

(3) RELIEF.—

(A) IN GENERAL.—In a civil action filed under this section—

(i) an individual may recover the actual damages sustained by the individual or liquidated damages in the amount of $150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred; and

(ii) the court may, in addition to any other relief available at law, order equitable relief, including a temporary restrain-

ing order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the visual depiction.

(B) PRESERVATION OF ANONYMITY.—In ordering relief under subparagraph (A), the court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym.

(4) EXCEPTIONS.—An identifiable individual may not bring an action for relief under this section relating to—

(A) an intimate image that is commercial pornographic content, unless that content was produced by force, fraud, misrepresentation, or coercion of the depicted individual;

(B) a disclosure made in good faith—

(i) to a law enforcement officer or agency;

(ii) as part of a legal proceeding;

(iii) as part of medical education, diagnosis, or treatment; or

(iv) in the reporting or investigation of—

(I) unlawful content; or

(II) unsolicited or unwelcome conduct;

(C) a matter of public concern or public interest; or

(D) a disclosure reasonably intended to assist the identifiable individual.

**SEC. 1310. CHOOSE RESPECT ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Choose Respect Act''.

(b) DESIGNATION.—

(1) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

**''§ 146. Choose Respect Day**

''(a) DESIGNATION.—October 1 is Choose Respect Day.

''(b) RECOGNITION.—All private citizens, organizations, and Federal, State, and local governmental and legislative entities are encouraged to recognize Choose Respect Day through proclamations, activities, and educational efforts in furtherance of changing the culture around the tolerance of violence against women.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title

36, United States Code, is amended by adding at the end the following:

"146. Choose Respect Day.".

(c) MEDIA CAMPAIGN.—

(1) DEFINITIONS.—In this subsection:

(A) DIRECTOR.—The term "Director" means the Director of the Office on Violence Against Women.

(B) NATIONAL MEDIA CAMPAIGN.—The term "national media campaign" means the national "Choose Respect" media campaign described in paragraph (2).

(2) MEDIA CAMPAIGN.—The Director shall, to the extent feasible and appropriate, conduct a national "Choose Respect" media campaign in accordance with this section for the purposes of—

(A) preventing and discouraging violence against women, including domestic violence, dating violence, sexual assault, and stalking by targeting the attitudes, perceptions, and beliefs of individuals who have or are likely to commit such crimes;

(B) encouraging victims of the crimes described in subparagraph (A) to seek help through the means determined to be most effec-

tive by the most current evidence available, including seeking legal representation; and

(C) informing the public about the help available to victims of the crimes described in subparagraph (A).

(3) USE OF FUNDS.—

(A) IN GENERAL.—Amounts made available to carry out this section for the national media campaign may only be used for the following:

(i) The purchase of media time and space, including the strategic planning for, tracking, and accounting of, such purchases.

(ii) Creative and talent costs, consistent with subparagraph (B).

(iii) Advertising production costs, which may include television, radio, internet, social media, and other commercial marketing venues.

(iv) Testing and evaluation of advertising.

(v) Evaluation of the effectiveness of the national media campaign.

(vi) Costs of contracts to carry out activities authorized by this subsection.

(vii) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations and culturally specific organizations, and government organizations related to the national media campaign.

(viii) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, corporate sponsorship and participation, and professional sports associations and military branch participation.

(ix) Operational and management expenses.

(B) SPECIFIC REQUIREMENTS.—

(i) CREATIVE SERVICES.—In using amounts for creative and talent costs under subparagraph (A), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

(ii) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under subparagraph (A)(iv), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. The Director may waive this requirement for advertisements using not more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and not more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the ad-

vertisements will not be widely utilized in the national media campaign.

(iii) CONSULTATION.—For the planning of the campaign under paragraph (2), the Director may consult with—

(I) the Office for Victims of Crime, the Administration on Children, Youth and Families, and other related Federal Government entities;

(II) State, local, and Indian Tribal governments;

(III) the prevention of domestic violence, dating violence, sexual assault, or stalking, including national and local non-profits; and

(IV) communications professionals.

(iv) EVALUATION OF EFFECTIVENESS OF NATIONAL MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the national media campaign under subparagraph (A)(v), the Attorney General shall—

(I) designate an independent entity to evaluate by April 20 of each

year the effectiveness of the national media campaign based on data from any relevant studies or publications, as determined by the Attorney General, including tracking and evaluation data collected according to marketing and advertising industry standards; and

(II) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to changes in attitude or behaviors among the target audience with respect to violence against women and such other measures of evaluation as the Attorney General determines are appropriate.

(4) ADVERTISING.—In carrying out this subsection, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

(5) RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

(A) IN GENERAL.—The Director shall determine the overall purposes and strategy of the national media campaign.

(B) DIRECTOR.—

(i) IN GENERAL.—The Director shall approve—

(I) the strategy of the national media campaign;

(II) all advertising and promotional material used in the national media campaign; and

(III) the plan for the purchase of advertising time and space for the national media campaign.

(ii) IMPLEMENTATION.—The Director shall be responsible for implementing a focused national media campaign to meet the purposes described in paragraph (2) and shall ensure—

(I) information disseminated through the campaign is accurate and scientifically valid; and

(II) the campaign is designed using strategies demonstrated to be the most effective at achieving the

goals and requirements of paragraph (2), which may include—

(aa) a media campaign, as described in paragraph (3);

(bb) local, regional, or population specific messaging;

(cc) the development of websites to publicize and disseminate information;

(dd) conducting outreach and providing educational resources for women;

(ee) collaborating with law enforcement agencies; and

(ff) providing support for school-based public health education classes to improve teen knowledge about the effects of violence against women.

(6) PROHIBITIONS.—None of the amounts made available under paragraph (3) may be obligated or expended for any of the following:

(A) To supplant current antiviolence against women campaigns by community-based coalitions.

(B) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

(C) For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

(D) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to schedule C of subpart C of title 5, Code of Federal Regulations.

(E) To fund advertising that does not contain a primary message intended to reduce or prevent violence against women.

(F) To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

(7) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

(A) audits and reviews of costs of the national media campaign pursuant to section 4706 of title 41, United States Code; and

(B) an audit to determine whether the costs of the national media campaign are allowable under chapter 43 of title 41, United States Code.

(8) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

(A) the strategy of the national media campaign and whether specific objectives of the national media campaign were accomplished;

(B) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

(C) plans to purchase advertising time and space;

(D) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

(E) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

(F) the results of any financial audit of the national media campaign;

(G) a description of any evidence used to develop the national media campaign;

(H) specific policies and steps implemented to ensure compliance with this subsection;

(I) a detailed accounting of the amount of funds obligated during the previous fiscal year for carrying out the national media campaign, including each recipient of funds, the purpose of each expenditure, the amount of each expenditure, any available outcome information, and any other information necessary to provide a complete accounting of the funds expended; and

(J) a review and evaluation of the effectiveness of the national media campaign strategy for the previous year.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to carry out this section $5,000,000 for each

of fiscal years 2023 through 2027, to remain available until expended.

**SEC. 1311. TECHNICAL CORRECTION TO VICTIMS OF CRIME ACT.**

Section 1403(a)(1) of the Victims of Crime Act of 1984 (34 U.S.C. 20102(a)(1)) is amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

**SEC. 1312. ELIMINATING THE MARRIAGE DEFENSE TO STATUTORY RAPE.**

Section 2243(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) In a'' and inserting ''In a''; and

(2) by striking paragraph (2).

**SEC. 1313. SENIOR POLICY ADVISOR ON CULTURALLY SPECIFIC COMMUNITIES WITHIN THE OFFICE OF JUSTICE PROGRAMS.**

(a) ESTABLISHMENT; DUTIES.—There shall be a Senior Policy Advisor on Culturally Specific Communities within the Office of Justice Programs who shall, under the guidance and authority of the Assistant Attorney General of the Office of Justice Programs—

(1) advise on the administration of grants related to culturally specific (as defined in section 40002(a) of the Violence Against Women Act of

1994 (34 U.S.C. 12291(a))) services and contracts with culturally specific organizations;

(2) coordinate development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), in culturally specific communities;

(3) advise the Assistant Attorney General for the Office of Justice Programs concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;

(4) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;

(5) ensure that appropriate technical assistance, developed and provided by entities having expertise in culturally specific communities, is made available

to grantees and potential grantees proposing to serve culturally specific communities; and

(6) ensure access to grants and technical assistance for culturally specific organizations and analyze the distribution of funding in order to identify barriers for culturally specific organizations.

(b) QUALIFICATIONS.—The Senior Policy Advisor on Culturally Specific Communities shall be an individual with—

(1) personal, lived, and work experience from a culturally specific community; and

(2) a demonstrated history of and expertise in addressing domestic violence or sexual assault in a nongovernmental agency.

(c) INITIAL APPOINTMENT.—Not later than 120 days after the date of enactment of this Act, the Assistant Attorney General of the Office of Justice Programs shall appoint an individual as Senior Policy Advisor on Culturally Specific Communities.

**SEC. 1314. TASK FORCE ON SEXUAL VIOLENCE IN EDUCATION.**

(a) TASK FORCE ON SEXUAL VIOLENCE IN EDUCATION.—Not later than September 1, 2022, the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall establish a joint

interagency task force to be known as the ''Task Force on Sexual Violence in Education'' that shall—

(1) provide pertinent information to the Secretary of Education, the Attorney General, Congress, and the public with respect to campus sexual violence prevention, investigations, and responses, including the creation of consistent, public complaint processes for violations of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f));

(2) provide recommendations to educational institutions for establishing sexual assault prevention and response teams;

(3) develop recommendations for educational institutions on providing survivor resources, including health care, sexual assault kits, sexual assault nurse examiners, culturally responsive and inclusive standards of care, trauma-informed services, and access to confidential advocacy and support services;

(4) develop recommendations in conjunction with student groups for best practices for responses to and prevention of sexual violence and dating violence for educational institutions, taking into consideration an institution's size and resources;

(5) develop recommendations for educational institutions on sex education, as appropriate, training for school staff, and various equitable discipline models;

(6) develop recommendations on culturally responsive and inclusive approaches to supporting survivors, which include consideration of race, ethnicity, national origin, religion, immigrant status, lesbian, gay, bisexual, or transgender (commonly referred to as ''LGBT'') status, ability, disability, socio-economic status, exposure to trauma, and other compounding factors;

(7) solicit periodic input from a diverse group of survivors, trauma specialists, advocates from national, State, and local anti-sexual violence advocacy organizations, institutions of higher education, and other public stakeholders;

(8) assess the Department of Education's ability under section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) to levy intermediate fines for noncompliance with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the advisability of additional remedies for such noncompliance, in addition to the remedies already available under Federal law; and

(9) create a plan described in subsection (c).

(b) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of a component of any Federal agency for which appropriations are authorized under the Violence Against Women Act of 1994 (34 U.S.C. 13925 et seq.), or any amendments made by that Act, may detail an officer or employee of such component to the Task Force on Sexual Violence in Education or to the Secretary of Education to assist the Task Force with the duties described in subsection (a), as jointly agreed to by the head of such component and the Task Force.

(2) TERMS OF DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than 3 years; and

(B) on a reimbursable or nonreimbursable basis.

(c) ADDITIONAL PLAN.—Not later than 90 days after the date on which the Task Force on Sexual Violence in Education is established under subsection (a), the Task Force shall submit to Congress recommendations for recruiting, retaining, and training a highly-qualified workforce employed by the Department of Education to carry

out investigation of complaints alleging a violation of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)), and enforcement of such title IX (20 U.S.C. 1681 et seq.) or such section 485(f) (20 U.S.C. 1092(f)), with respect to sexual violence in education, which shall include—

(1) an assessment to identify gaps or challenges in carrying out such investigation and enforcement, which may include surveying the current investigative workforce to solicit feedback on areas in need of improvement;

(2) an examination of issues of recruiting, retention, and the professional development of the current investigative workforce, including the possibility of providing retention bonuses or other forms of compensation for the purpose of ensuring the Department of Education has the capacity, in both personnel and skills, needed to properly perform its mission and provide adequate oversight of educational institutions;

(3) an assessment of the benefits of outreach and training with both law enforcement agencies and educational institutions with respect to such workforce;

(4) an examination of best practices for making educational institutions aware of the most effective campus sexual violence prevention, investigation, and response practices and identifying areas where more research should be conducted; and

(5) strategies for addressing such other matters as the Secretary of Education considers necessary to sexual violence prevention, investigation, and responses.

(d) ANNUAL REPORTING.—The Task Force on Sexual Violence in Education shall submit to Congress, and make publicly available, an annual report of its activities and any update of the plan required under subsection (c), including—

(1) the number of complaints received regarding sexual violence at educational institutions;

(2) the number of open investigations of sexual violence at educational institutions;

(3) the number of such complaints that continued to resolution;

(4) the number of such complaints resolved using informal resolution;

(5) the average time to complete such an investigation;

(6) the number of such investigations initiated based on complaints; and

(7) the number of such investigations initiated by the Department of Education.

(e) DEFINITIONS.—In this section:

(1) EDUCATIONAL INSTITUTION.—The term ''educational institution'' includes an institution of higher education, an elementary school, or a secondary school.

(2) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

**SEC. 1315. BREE'S LAW.**

(a) SHORT TITLE.—This section may be cited as ''Bree's Law''.

(b) TEEN DATING VIOLENCE PREVENTION.—Section 1708 of the Public Health Service Act (42 U.S.C. 300u-7) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) CERTAIN DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—In carrying out subsection (b)(3), the Secretary may make grants to carry out demonstration projects for the purpose of improving adolescent health, including—

''(A) projects to train health care providers in providing services to adolescents; and

''(B) projects to reduce the incidence of violence among adolescents, particularly violence related to teen dating, which shall include projects to develop and implement educational program to increase abuse awareness and prevention.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated $8,000,000 for each of fiscal years 2023 through 2027.''; and

(2) by adding at the end the following:

''(g) INTERAGENCY WORK GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish the Federal Interagency Work Group on Teen Dating Violence (referred to in this section as the 'Work Group').

''(2) IN GENERAL.—

''(A) COMPOSITION.—Not later than 120 days after the date of enactment of Bree's Law, the Secretary shall appoint representatives to the Work Group from the Administration for Children and Families, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Department of Education, the Department of Justice, and other Federal agencies as determined appropriate by the Secretary.

''(B) CONSULTATION.—The Work Group shall consult with—

''(i) experts at the State, Tribal, and local levels with relevant backgrounds in reducing and preventing the incidence of teen dating violence;

''(ii) victims of teen dating violence; and

''(iii) family members of teens who were killed by a dating partner.

''(3) DUTIES.—The Work Group shall—

''(A) examine all Federal efforts directed towards reducing and preventing teen dating violence;

''(B) identify strategies, resources, and supports to improve State, Tribal, and local responses to the incidence of teen dating violence;

''(C) make recommendations to Congress for improving Federal programs and efforts and coordination across such programs and efforts to reduce and prevent teen dating violence; and

''(D) make recommendations for educating middle and high school students on teen dating violence.

''(4) ANNUAL REPORT TO SECRETARY.—The Work Group shall annually prepare and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, a report on the activities carried out by the Work Group under subsection (c), including recommendations to reduce and prevent teen dating violence.''.

**SEC. 1316. FAIRNESS FOR RAPE KIT BACKLOG SURVIVORS ACT OF 2022.**

(a) SHORT TITLE.—This section may be cited as the ''Fairness for Rape Kit Backlog Survivors Act of 2022''.

(b) CRIME VICTIM COMPENSATION.—Section 1403(b) of the Victims of Crime Act of 1984 (34 U.S.C. 20102(b)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) beginning not later than 3 years after the date of enactment of this paragraph, such program—

''(A) provides a waiver for any application filing deadline imposed by the program for a crime victim if—

''(i) the crime victim is otherwise eligible for compensation; and

''(ii) the delay in filing the application was a result of a delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense; and

''(B) does not require the crime victim to undergo an appeals process to have the applica-

tion of the crime victim considered for a filing deadline waiver under subparagraph (A); and''.

**SEC. 1317. STUDY RELATING TO STATE ACTIONS TO PROHIBIT AIDING AND ABETTING SEXUAL MISCONDUCT IN SCHOOLS.**

Not later than 30 days after the date of enactment of this Act, the Secretary of Education shall publish in the Federal Register the findings of the Department of Education's study, as described in the notice published in the Federal Register entitled ''Agency Information Collection Activities; Comment Request; Study of State Policies to Prohibit Aiding and Abetting Sexual Misconduct in Schools'' (84 Fed. Reg. 57708 (October 28, 2019)), reviewing State actions to prohibit, in accordance with section 8546 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7926), the aiding and abetting of sexual misconduct in schools.

**SEC. 1318. SUPPORTING ACCESS TO NURSE EXAMS ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Supporting Access to Nurse Exams Act'' or the ''SANE Act''.

(b) DEFINITIONS.—Section 304 of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes—

''(A) a State, Tribal, or local government or hospital;

''(B) a sexual assault examination program, including—

''(i) a SANE program;

''(ii) a SAFE program;

''(iii) a SART program;

''(iv) medical personnel, including a doctor or nurse, involved in treating victims of sexual assault; and

''(v) a victim service provider involved in treating victims of sexual assault;

''(C) a State sexual assault coalition;

''(D) a health care facility, including a hospital that provides sexual assault forensic examinations by a qualified or certified SANE or SAFE;

''(E) a sexual assault examination program that provides SANE or SAFE training; and

''(F) a community-based program that provides sexual assault forensic examinations, including pediatric forensic exams in a multidisci-

plinary setting, by a qualified or certified SANE or SAFE outside of a traditional health care setting.

''(2) HEALTH CARE FACILITY.—The term 'health care facility' means any State, local, Tribal, community, free, nonprofit, academic, or private medical facility, including a hospital, that provides emergency medical care to patients.

''(3) MEDICAL FORENSIC EXAMINATION; MFE.—The term 'medical forensic examination' or 'MFE' means an examination of a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

''(A) gathering information from the patient for the medical forensic history;

''(B) an examination;

''(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

''(D) documentation of findings;

''(E) providing information, treatment, and referrals for sexually transmitted infections,

pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

"(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

"(4) PEDIATRIC SANE AND SAFE.—The term 'pediatric SANE and SAFE' means a SANE or SAFE who is trained to conduct sexual assault forensic examinations on children and youth between the ages of 0 and 18.

"(5) QUALIFIED PERSONNEL.—The term 'qualified personnel' includes a registered or advanced practice nurse, physician, doctor of osteopathy, or physician assistant who has specialized training conducting medical forensic examinations.

"(6) QUALIFIED SANE AND SAFE TRAINING PROGRAM.—The term 'qualified SANE and SAFE training program' means a program that—

"(A) is qualified to prepare current and future sexual assault nurse examiners to be profession-ready and meet the applicable State and National certification and licensure requirements, through didactic, clinical, preceptor, or

capstone programs that include longer-term training;

''(B) provides that preparation under a health care model that uses trauma-informed techniques; and

''(C) is approved as meeting the most recent National Training Standards for Sexual Assault Medical Forensic Examiners.

''(7) RURAL AREA.—The term 'rural area' has the meaning given the term in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(9) SEXUAL ASSAULT.—The term 'sexual assault' means any nonconsensual sexual act or sexual contact proscribed by Federal, Tribal, or State law, including when the individual lacks capacity to consent.

''(10) SEXUAL ASSAULT FORENSIC EXAMINER; SAFE.—The term 'sexual assault forensic examiner' or 'SAFE' means an individual who has specialized forensic training in treating sexual assault survivors and conducting medical forensic examinations.

''(11) SEXUAL ASSAULT FORENSIC EXAMINATION.—The term 'sexual assault forensic examination' means an examination of a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

''(A) gathering information from the patient for the medical forensic history;

''(B) an examination;

''(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

''(D) documentation of findings;

''(E) providing information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

''(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

''(12) SEXUAL ASSAULT NURSE EXAMINER; SANE.—The term 'sexual assault nurse examiner' or

'SANE' means a registered or advanced practice nurse who has specialized training conducting medical forensic examinations.

''(13) SEXUAL ASSAULT RESPONSE TEAM; SART.—The term 'sexual assault response team' or 'SART' means a multidisciplinary team that—

''(A) provides a specialized and immediate response to survivors of sexual assault; and

''(B) may include health care personnel, law enforcement representatives, community-based survivor advocates, prosecutors, and forensic scientists.

''(14) STATE.—The term 'State' means any State of the United States, the District of Columbia, and any territory or possession of the United States.

''(15) TRAUMA-INFORMED.—The term 'trauma-informed' means, with respect to services or training, services or training that—

''(A) use a patient-centered approach to providing services or care;

''(B) promote the dignity, strength, and empowerment of patients who have experienced trauma; and

"(C) incorporate evidence-based practices based on knowledge about the impact of trauma on patients' lives.

"(16) UNDERSERVED POPULATIONS.—The term 'underserved populations' has the meaning given the term in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291).".

(c) SEXUAL ASSAULT NURSE EXAMINER GRANTS.—Section 304 of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723) is amended by inserting after subsection (a), as amended by subsection (b) of this section, the following:

"(b) SEXUAL ASSAULT NURSE EXAMINER TRAINING PROGRAM GRANTS.—

"(1) AUTHORIZATION FOR GRANTS.—The Attorney General, in consultation with the Secretary, shall make grants to eligible entities for the following purposes:

"(A) To establish qualified regional SANE training programs—

"(i) to provide clinical education for SANE students;

"(ii) to provide salaries for full and part-time SANE instructors, including those specializing in pediatrics and work-

ing in a multidisciplinary team setting, to help with the clinical training of SANEs; and

"(iii) to provide access to simulation laboratories and other resources necessary for clinical education.

"(B) To provide full and part time salaries for SANEs and SAFEs, including pediatric SANEs and SAFEs.

"(C) To increase access to SANEs and SAFEs by otherwise providing training, education, or technical assistance relating to the collection, preservation, analysis, and use of DNA samples and DNA evidence by SANEs, SAFEs, and other qualified personnel.

"(2) PREFERENCE FOR GRANTS.—In reviewing applications for grants under this section, the Attorney General shall give preference to any eligible entity that certifies in the grant application that the entity will coordinate with a rape crisis center or the State sexual assault coalition to facilitate sexual assault advocacy to support sexual assault survivors and use the grant funds to—

"(A) establish qualified SANE training programs in localities with a high volume of fo-

rensic trauma cases, including adult and child sexual assault, domestic violence, elder abuse, sex trafficking, and strangulation cases;

''(B) increase the local and regional availability of full and part time sexual assault nurse examiners in a rural area, Tribal area, an area with a health professional shortage, or for an underserved population, including efforts to provide culturally competent services; or

''(C) establish or sustain sexual assault mobile teams or units or otherwise enhance SANE and SAFE access through telehealth.''.

(d) DIRECTIVE.—Section 304 of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (b), as added by subsection (c) of this section, the following:

''(c) DIRECTIVE TO THE ATTORNEY GENERAL.—

''(1) IN GENERAL.—Not later than the beginning of fiscal year 2022, the Attorney General shall coordinate with the Secretary to inform health care facilities, including Federally qualified health centers

and hospitals, colleges and universities, and other appropriate health-related entities about—

"(A) the availability of grant funding under this section; and

"(B) the role of sexual assault nurse examiners, both adult and pediatric, and available resources of the Department of Justice and the Department of Health and Human Services to train or employ sexual assault nurses examiners to address the needs of communities dealing with sexual assault, domestic violence, sex trafficking, elder abuse, strangulation, and, in particular, the need for pediatric SANEs, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents.

"(2) REQUIREMENT.—In carrying out paragraph (1), the Attorney General shall collaborate with nongovernmental organizations representing SANEs.

"(d) PUBLIC INFORMATION ON ACCESS TO SEXUAL ASSAULT FORENSIC EXAMINATIONS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Supporting Access to Nurse Exams Act, the Attorney General, in con-

sultation with the Secretary, shall establish, and update annually, a public website on the access to forensic nurse examiners.

''(2) CONTENTS.—The website required under paragraph (1) shall with specificity describe, by State—

''(A) funding opportunities for SANE training and continuing education; and

''(B) the availability of sexual assault advocates at locations providing sexual assault forensic exams.

''(3) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Supporting Access to Nurse Exams Act, the Attorney General, in consultation with the Secretary, shall submit to the Committee on the Judiciary of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on—

''(A) the availability of, and patient access to, trained SANEs and other providers who perform MFEs or sexual assault forensic examinations;

"(B) the health care facilities, including hospitals or clinics, that offer SANEs and sexual assault forensic examinations and whether each health care facility, including a hospital or clinic, has full-time, part-time, or on-call coverage;

"(C) regional, provider, or other barriers to access for SANE care and services, including MFEs and sexual assault forensic examinations;

"(D) State requirements, minimum standards, and protocols for training SANEs, including trauma-informed and culturally competent training standards;

"(E) State requirements, minimum standards, and protocols for training emergency services personnel involved in MFEs and sexual assault forensic examinations;

"(F) the availability of sexual assault nurse examiner training, frequency of when training is convened, the providers of such training, the State's role in such training, and what process or procedures are in place for continuing education of such examiners;

"(G) the dedicated Federal and State funding to support SANE training;

''(H) funding opportunities for SANE training and continuing education;

''(I) the availability of sexual assault advocates at locations providing MFEs and sexual assault forensic exams; and

''(J) the total annual cost of conducting sexual assault forensic exams described in section 2010(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10449(b)).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of section 304 of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723), as redesignated by subsection (d) of this section, is amended to read as follows:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of fiscal years 2023 through 2027 to carry out this section.''.

# TITLE XIV—CYBERCRIME ENFORCEMENT

## SEC. 1401. LOCAL LAW ENFORCEMENT GRANTS FOR ENFORCEMENT OF CYBERCRIMES.

(a) DEFINITIONS.—In this section:

(1) COMPUTER.—The term ''computer'' includes a computer network and an interactive electronic device.

(2) CYBERCRIME AGAINST INDIVIDUALS.—The term ''cybercrime against individuals''—

(A) means a criminal offense applicable in the area under the jurisdiction of the relevant State, Indian Tribe, or unit of local government that involves the use of a computer to harass, threaten, stalk, extort, coerce, cause fear to, or intimidate an individual, or without consent distribute intimate images of an adult, except that use of a computer need not be an element of such an offense; and

(B) does not include the use of a computer to cause harm to a commercial entity, government agency, or non-natural person.

(3) INDIAN TRIBE; STATE; TRIBAL GOVERNMENT; UNIT OF LOCAL GOVERNMENT.—The terms ''Indian Tribe'', ''State'', ''Tribal government'', and ''unit of local government'' have the meanings given such terms in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), as amended by this Act.

(b) AUTHORIZATION OF GRANT PROGRAM.—Subject to the availability of appropriations, the Attorney General shall award grants under this section to States, Indian Tribes, and units of local government for the prevention, enforcement, and prosecution of cybercrimes against individuals.

(c) APPLICATION.—

(1) IN GENERAL.—To request a grant under this section, the chief executive officer of a State, Tribal government, or unit of local government shall submit an application to the Attorney General not later than 90 days after the date on which funds to carry out this section are appropriated for a fiscal year, in such form as the Attorney General may require.

(2) CONTENTS.—An application submitted under paragraph (1) shall include the following:

(A) A certification that Federal funds made available under this section will not be used to supplant State, Tribal, or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(B) An assurance that, not later than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State, Tribe, or unit of local government (or to an organization designated by that governing body).

(C) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

(i) the application (or amendment) was made public; and

(ii) an opportunity to comment on the application (or amendment) was provided to citizens, to neighborhood or community-based organizations, and to victim service providers, to the extent applicable law or established procedure makes such an opportunity available;

(D) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(E) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

(i) the programs to be funded by the grant meet all the requirements of this section;

(ii) all the information contained in the application is correct;

(iii) there has been appropriate coordination with affected agencies; and

(iv) the applicant will comply with all provisions of this section and all other applicable Federal laws.

(F) A certification that the State, Tribe, or in the case of a unit of local government, the State in which the unit of local government is located, has in effect criminal laws which prohibit cybercrimes against individuals.

(G) A certification that any equipment described in subsection (d)(8) purchased using grant funds awarded under this section will be used primarily for investigations and forensic

analysis of evidence in matters involving cybercrimes against individuals.

(d) USE OF FUNDS.—Grants awarded under this section may be used only for programs that provide—

(1) training for State, Tribal, or local law enforcement personnel relating to cybercrimes against individuals, including—

(A) training such personnel to identify and protect victims of cybercrimes against individuals, provided that the training is developed in collaboration with victim service providers;

(B) training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals;

(C) training such personnel to identify and investigate cybercrimes against individuals;

(D) training such personnel to enforce and utilize the laws that prohibit cybercrimes against individuals;

(E) training such personnel to utilize technology to assist in the investigation of cybercrimes against individuals and enforcement of laws that prohibit such crimes; and

(F) the payment of overtime incurred as a result of such training;

(2) training for State, Tribal, or local prosecutors, judges, and judicial personnel relating to cybercrimes against individuals, including—

(A) training such personnel to identify, investigate, prosecute, or adjudicate cybercrimes against individuals;

(B) training such personnel to utilize laws that prohibit cybercrimes against individuals;

(C) training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals; and

(D) training such personnel to utilize technology to assist in the prosecution or adjudication of acts of cybercrimes against individuals, including the use of technology to protect victims of such crimes;

(3) training for State, Tribal, or local emergency dispatch personnel relating to cybercrimes against individuals, including—

(A) training such personnel to identify and protect victims of cybercrimes against individuals;

(B) training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals;

(C) training such personnel to utilize technology to assist in the identification of and response to cybercrimes against individuals; and

(D) the payment of overtime incurred as a result of such training;

(4) assistance to State, Tribal, or local law enforcement agencies in enforcing laws that prohibit cybercrimes against individuals, including expenses incurred in performing enforcement operations, such as overtime payments;

(5) assistance to State, Tribal, or local law enforcement agencies in educating the public in order to prevent, deter, and identify violations of laws that prohibit cybercrimes against individuals;

(6) assistance to State, Tribal, or local law enforcement agencies to support the placement of victim assistants to serve as liaisons between victims of cybercrimes against individuals and personnel of law enforcement agencies;

(7) assistance to State, Tribal, or local law enforcement agencies to establish task forces that op-

erate solely to conduct investigations, forensic analyses of evidence, and prosecutions in matters involving cybercrimes against individuals;

(8) assistance to State, Tribal, or local law enforcement agencies and prosecutors in acquiring computers, computer equipment, and other equipment necessary to conduct investigations and forensic analysis of evidence in matters involving cybercrimes against individuals, including expenses incurred in the training, maintenance, or acquisition of technical updates necessary for the use of such equipment for the duration of a reasonable period of use of such equipment;

(9) assistance in the facilitation and promotion of sharing, with State, Tribal, and local law enforcement agencies and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving laws that prohibit cybercrimes against individuals, including the use of multijurisdictional task forces; or

(10) assistance to State, Tribal, and local law enforcement and prosecutors in processing interstate extradition requests for violations of laws involving cybercrimes against individuals, including expenses

incurred in the extradition of an offender from one State to another.

(e) REPORTS TO THE ATTORNEY GENERAL.—On the date that is 1 year after the date on which a State, Indian Tribe, or unit of local government receives a grant under this section, and annually thereafter, the chief executive officer of the State, Tribal government, or unit of local government shall submit to the Attorney General a report which contains—

(1) a summary of the activities carried out during the previous year with any grant received under this section by such State, Indian Tribe, or unit of local government;

(2) an evaluation of the results of such activities; and

(3) such other information as the Attorney General may reasonably require.

(f) REPORTS TO CONGRESS.—Not later than November 1 of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the reports submitted under subsection (e).

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2027.

(2) LIMITATION.—Of the amount made available under paragraph (1) in any fiscal year, not more than 5 percent may be used for evaluation, monitoring, technical assistance, salaries, and administrative expenses.

**SEC. 1402. NATIONAL RESOURCE CENTER GRANT.**

(a) DEFINITIONS.—In this section:

(1) CYBERCRIME AGAINST INDIVIDUALS.—The term ''cybercrime against individuals'' has the meaning given such term in section 1401.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit private organization that—

(A) focuses on cybercrimes against individuals;

(B) provides documentation to the Attorney General demonstrating experience working directly on issues of cybercrimes against individuals; and

(C) includes on the organization's advisory board representatives who—

(i) have a documented history of working directly on issues of cybercrimes against individuals;

(ii) have a history of working directly with victims of cybercrimes against individuals; and

(iii) are geographically and culturally diverse.

(b) AUTHORIZATION OF GRANT PROGRAM.—Subject to the availability of appropriations, the Attorney General shall award a grant under this section to an eligible entity for the purpose of the establishment and maintenance of a National Resource Center on Cybercrimes Against Individuals to provide resource information, training, and technical assistance to improve the capacity of individuals, organizations, governmental entities, and communities to prevent, enforce, and prosecute cybercrimes against individuals.

(c) APPLICATION.—

(1) IN GENERAL.—To request a grant under this section, an eligible entity shall submit an application to the Attorney General not later than 90 days after the date on which funds to carry out this section are appropriated for fiscal year 2022 in such form as the Attorney General may require.

(2) CONTENTS.—An application submitted under paragraph (1) shall include the following:

(A) An assurance that, for each fiscal year covered by the application, the applicant will maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(B) A certification, made in a form acceptable to the Attorney General, that—

(i) the programs funded by the grant meet all the requirements of this section;

(ii) all the information contained in the application is correct; and

(iii) the applicant will comply with all provisions of this section and all other applicable Federal laws.

(d) USE OF FUNDS.—The eligible entity awarded a grant under this section shall use such amounts for the establishment and maintenance of a National Resource Center on Cybercrimes Against Individuals, which shall—

(1) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, community-based organizations, and other professionals and interested

parties related to cybercrimes against individuals, including programs and research related to victims;

(2) maintain a resource library which shall collect, prepare, analyze, and disseminate information and statistics related to—

(A) the incidence of cybercrimes against individuals;

(B) the enforcement and prosecution of laws relating to cybercrimes against individuals; and

(C) the provision of supportive services and resources for victims, including victims from underserved populations, of cybercrimes against individuals; and

(3) conduct research related to—

(A) the causes of cybercrimes against individuals;

(B) the effect of cybercrimes against individuals on victims of such crimes; and

(C) model solutions to prevent or deter cybercrimes against individuals or to enforce the laws relating to cybercrimes against individuals.

(e) DURATION OF GRANT.—

(1) IN GENERAL.—A grant awarded under this section shall be awarded for a period of 5 years.

(2) RENEWAL.—A grant under this section may be renewed for additional 5-year periods if the Attorney General determines that the funds made available to the recipient were used in a manner described in subsection (d), and if the recipient resubmits an application described in subsection (c) in such form, and at such time, as the Attorney General may reasonably require.

(f) SUBGRANTS.—The eligible entity awarded a grant under this section may make subgrants to other nonprofit private organizations with relevant subject matter expertise in order to establish and maintain the National Resource Center on Cybercrimes Against Individuals in accordance with subsection (d).

(g) REPORTS TO THE ATTORNEY GENERAL.—On the date that is 1 year after the date on which an eligible entity receives a grant under this section, and annually thereafter for the duration of the grant period, the entity shall submit to the Attorney General a report which contains—

(1) a summary of the activities carried out under the grant program during the previous year;

(2) an evaluation of the results of such activities; and

(3) such other information as the Attorney General may reasonably require.

(h) REPORTS TO CONGRESS.—Not later than November 1 of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the reports submitted under subsection (g).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2023 through 2027.

**SEC. 1403. NATIONAL STRATEGY, CLASSIFICATION, AND REPORTING ON CYBERCRIME.**

(a) DEFINITIONS.—In this section:

(1) COMPUTER.—The term ''computer'' includes a computer network and any interactive electronic device.

(2) CYBERCRIME AGAINST INDIVIDUALS.—The term ''cybercrime against individuals'' has the meaning given the term in section 1401.

(b) NATIONAL STRATEGY.—The Attorney General shall develop a national strategy to—

(1) reduce the incidence of cybercrimes against individuals;

(2) coordinate investigations of cybercrimes against individuals by Federal law enforcement agencies;

(3) increase the number of Federal prosecutions of cybercrimes against individuals; and

(4) develop an evaluation process that measures rates of cybercrime victimization and prosecutorial rates among Tribal and culturally specific communities.

(c) CLASSIFICATION OF CYBERCRIMES AGAINST INDIVIDUALS FOR PURPOSES OF CRIME REPORTS.—In accordance with the authority of the Attorney General under section 534 of title 28, United States Code, the Director of the Federal Bureau of Investigation shall—

(1) design and create within the Uniform Crime Reports a category for offenses that constitute cybercrimes against individuals;

(2) to the extent feasible, within the category established under paragraph (1), establish subcategories for each type of cybercrime against individuals that is an offense under Federal or State law;

(3) classify the category established under paragraph (1) as a Part I crime in the Uniform Crime Reports; and

(4) classify each type of cybercrime against individuals that is an offense under Federal or State law as a Group A offense for the purpose of the National Incident-Based Reporting System.

(d) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the information reported in the Uniform Crime Reports and the National Incident-Based Reporting System relating to cybercrimes against individuals, including an evaluation of the implementation process for the national strategy developed under subsection (b) and outcome measurements on its impact on Tribal and culturally specific communities.

# TITLE XV—KEEPING CHILDREN SAFE FROM FAMILY VIOLENCE

**SEC. 1501. SHORT TITLE.**

This title may be cited as the ''Keeping Children Safe From Family Violence Act'' or ''Kayden's Law''.

**SEC. 1502. FINDINGS.**

Congress finds the following:

(1) Approximately 1 in 15 children is exposed to domestic violence each year.

(2) Most child abuse is perpetrated in the family and by a parent. Intimate partner violence and child abuse overlap in the same families at rates between 30 and 60 percent. A child's risk of abuse in-

creases after a perpetrator of intimate partner violence separates from a domestic partner, even when the perpetrator has not previously directly abused the child. Children who have witnessed intimate partner violence are approximately 4 times more likely to experience direct child maltreatment than children who have not witnessed intimate partner violence.

(3) More than 75 percent of child sexual abuse is perpetrated by a family member or a person known to the child. Data of the Department of Justice shows that family members are 49 percent, or almost half, of the perpetrators of crimes against child sex assault victims younger than 6 years of age.

(4) Research suggests a child's exposure to a batterer is among the strongest indicators of risk of incest victimization. One study found that female children with fathers who are batterers of their mothers were 6.5 times more likely to experience father-daughter incest than female children who do not have abusive fathers.

(5) Child abuse is a major public health issue in the United States. Total lifetime financial costs associated with just 1 year of confirmed cases of

child maltreatment, including child physical abuse, sexual abuse, psychological abuse, and neglect, result in $124,000,000,000 in annual costs to the economy of the United States, or approximately 1 percent of the gross domestic product of the United States.

(6) Empirical research indicates that courts regularly discount allegations of child physical and sexual abuse when those allegations are raised in child custody cases. Courts believed less than ¼ of claims that a father has committed child physical or sexual abuse. With respect to cases in which an allegedly abusive parent claimed the mother ''alienated'' the child, courts believed only 1 out of 51 claims of sexual molestation by a father. Independent research indicates that child sexual abuse allegations are credible between 50 and 70 percent of the time.

(7) Empirical research shows that alleged or known abusive parents are often granted custody or unprotected parenting time by courts. Approximately ⅓ of parents alleged to have committed child abuse took primary custody from the protective parent reporting the abuse, placing children at ongoing risk.

(8) Researchers have documented nearly 800 child murders in the United States since 2008 com-

mitted by a divorcing or separating parent. More than 100 of these child murders are known to have occurred after a court ordered the child to have contact with the dangerous parent over the objection of a safe parent or caregiver.

(9) Scientifically unsound theories that treat abuse allegations of mothers as likely false attempts to undermine fathers are frequently applied in family court to minimize or deny reports of abuse of parents and children. Many experts who testify against abuse allegations lack expertise in the relevant type of alleged abuse, relying instead on unsound and unproven theories.

(10) Judges presiding over custody cases involving allegations of child abuse, child sexual abuse, and domestic violence are rarely required to receive training on these subjects, and most States have not established standards for such training.

**SEC. 1503. PURPOSES.**

The purposes of this title are to—

(1) increase the priority given to child safety in any State court divorce, separation, visitation, paternity, child support, civil protection order, or family custody court proceeding affecting the custody and

care of children, excluding child protective, abuse, or neglect proceedings and juvenile justice proceedings;

(2) strengthen the abilities of courts to—

(A) recognize and adjudicate domestic violence and child abuse allegations based on valid, admissible evidence; and

(B) enter orders that protect and minimize the risk of harm to children; and

(3) ensure that professional personnel involved in cases containing domestic violence or child abuse allegations receive trauma-informed and culturally appropriate training on the dynamics, signs, and impact of domestic violence and child abuse, including child sexual abuse.

**SEC. 1504. INCREASED FUNDING FOR STOP GRANTS.**

Section 2007 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10446) is amended by adding at the end the following:

''(k) GRANT INCREASES FOR STATES WITH CERTAIN CHILD CUSTODY PROCEEDING LAWS AND STANDARDS.—

''(1) DEFINITIONS.—In this subsection:

''(A) CHILD CUSTODY PROCEEDING.—The term 'child custody proceeding'—

''(i) means a private family court proceeding in State or local court that, with

respect to a child, involves the care or custody of the child in a private divorce, separation, visitation, paternity, child support, legal or physical custody, or civil protection order proceeding between the parents of the child; and

"(ii) does not include—

"(I) any child protective, abuse, or neglect proceeding;

"(II) a juvenile justice proceeding; or

"(III) any child placement proceeding in which a State, local, or Tribal government, a designee of such a government, or any contracted child welfare agency or child protective services agency of such a government is a party to the proceeding.

"(B) ELIGIBLE STATE.—The term 'eligible State' means a State that—

"(i) receives a grant under subsection (a); and

"(ii) has in effect—

"(I) each law described in paragraph (3);

''(II) the standards described in paragraph (4); and

''(III) the training program described in paragraph (5).

''(C) REUNIFICATION TREATMENT.—The term 'reunification treatment' means a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child.

''(2) INCREASE.—

''(A) IN GENERAL.—The Attorney General shall increase the amount of a grant awarded under subsection (a) to an eligible State that submits an application under paragraph (6) by an amount that is not more than 10 percent of the average of the total amount of funding provided to the State under subsection (a) under the 3 most recent awards to the State.

''(B) TERM OF INCREASE.—An increase of a grant under subparagraph (A) shall be for 1 fiscal year.

''(C) RENEWAL.—An eligible State that receives an increase under subparagraph (A) may submit an application for renewal of the in-

crease at such time, in such manner, and containing such information as the Attorney General may reasonably require.

''(D) LIMIT.—An eligible State may not receive an increase under subparagraph (A) for more than 4 fiscal years.

''(3) LAWS.—The laws described in this paragraph are the following:

''(A) A law that ensures that, with respect to a child custody proceeding in which a parent has been alleged to have committed domestic violence or child abuse, including child sexual abuse—

''(i) expert evidence from a court-appointed or outside professional relating to the alleged abuse may be admitted only if the professional possesses demonstrated expertise and clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature; and

''(ii) in making a finding regarding any allegation of domestic violence or child abuse, including child sexual abuse, in addition to any other relevant admissible evi-

dence, evidence of past sexual or physical abuse committed by the accused parent shall be considered, including—

''(I) any past or current protection or restraining orders against the accused parent;

''(II) sexual violence abuse protection orders against the accused parent;

''(III) arrests of the accused parent for domestic violence, sexual violence, or child abuse; or

''(IV) convictions of the accused parent for domestic violence, sexual violence, or child abuse.

''(B) A law that ensures that, during a child custody proceeding—

''(i) a court may not, solely in order to improve a deficient relationship with the other parent of a child, remove the child from a parent or litigating party—

''(I) who is competent, protective, and not physically or sexually abusive; and

"(II) with whom the child is bonded or to whom the child is attached;

"(ii) a court may not, solely in order to improve a deficient relationship with the other parent of a child, restrict contact between the child and a parent or litigating party—

"(I) who is competent, protective, and not physically or sexually abusive; and

"(II) with whom the child is bonded or to whom the child is attached;

"(iii) a court may not order a reunification treatment, unless there is generally accepted and scientifically valid proof of the safety, effectiveness, and therapeutic value of the reunification treatment;

"(iv) a court may not order a reunification treatment that is predicated on cutting off a child from a parent with whom the child is bonded or to whom the child is attached; and

''(v) any order to remediate the resistance of a child to have contact with a violent or abusive parent primarily addresses the behavior of that parent or the contributions of that parent to the resistance of the child before ordering the other parent of the child to take steps to potentially improve the relationship of the child with the parent with whom the child resists contact.

''(C) A law that requires judges and magistrates who hear child custody proceedings and other relevant court personnel involved in child custody proceedings, including guardians ad litem, best interest attorneys, counsel for children, custody evaluators, masters, and mediators to complete, with respect to the training program described in paragraph (5)—

''(i) not less than 20 hours of initial training; and

''(ii) not less than 15 hours of ongoing training every 5 years.

''(4) UNIFORM REQUIRED STANDARDS.—The standards described in this paragraph are uniform required standards that—

''(A) apply to any neutral professional appointed by a court during a child custody proceeding to express an opinion relating to abuse, trauma, or the behaviors of victims and perpetrators of abuse and trauma; and

''(B) require that a professional described in subparagraph (A) possess demonstrated expertise and clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature.

''(5) TRAINING AND EDUCATION PROGRAM.—The training program described in this paragraph is an ongoing training and education program that—

''(A) focuses solely on domestic and sexual violence and child abuse, including—

''(i) child sexual abuse;

''(ii) physical abuse;

''(iii) emotional abuse;

''(iv) coercive control;

''(v) implicit and explicit bias, including biases relating to parents with disabilities;

''(vi) trauma;

''(vii) long- and short-term impacts of domestic violence and child abuse on children; and

''(viii) victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence;

''(B) is provided by—

''(i) a professional with substantial experience in assisting survivors of domestic violence or child abuse, including a victim service provider (as defined in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291)); and

''(ii) if possible, a survivor of domestic violence or child physical or sexual abuse;

''(C) relies on evidence-based and peer-reviewed research by recognized experts in the types of abuse described in subparagraph (A);

''(D) does not include theories, concepts, or belief systems unsupported by the research described in subparagraph (C); and

''(E) is designed to improve the ability of courts to—

''(i) recognize and respond to child physical abuse, child sexual abuse, domes-

tic violence, and trauma in all family victims, particularly children; and

''(ii) make appropriate custody decisions that—

''(I) prioritize child safety and well-being; and

''(II) are culturally sensitive and appropriate for diverse communities.

''(6) APPLICATION.—

''(A) IN GENERAL.—An eligible State desiring a grant increase under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

''(B) CONTENTS.—An application submitted by an eligible State under subparagraph (A) shall include information relating to—

''(i) the laws described paragraph (3);

''(ii) the standards described in paragraph (4); and

''(iii) the training program described in paragraph (5).

''(7) USE OF FUNDS.—An eligible State that receives a grant increase under paragraph (2)(A) shall

use the total amount of the increase for the purposes described in subparagraph (C) or (D) of subsection (c)(4).

''(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as discouraging States from adopting additional provisions to increase safe outcomes for children. Additional protective provisions are encouraged.

''(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2023 through 2027.''.

**SEC. 1505. SEXUAL ASSAULT SURVIVORS' RIGHTS.**

Section 3772(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) be informed of the status and location of a sexual assault evidence collection kit.''.

**SEC. 1506. GRANTS TO STATE AND TRIBAL COURTS TO IMPLEMENT PROTECTION ORDER PILOT PROGRAMS.**

Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461 et seq.) is amended—

(1) by redesignating sections 2103, 2104, and 2105 as sections 2104, 2105, and 2106, respectively; and

(2) by inserting after section 2102 the following:

**"SEC. 2103. GRANTS TO STATE AND TRIBAL COURTS TO IMPLEMENT PROTECTION ORDER PILOT PROGRAMS.**

''(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State or Tribal court that is part of a multidisciplinary partnership that includes, to the extent practicable—

''(1) a State, Tribal, or local law enforcement agency;

''(2) a State, Tribal, or local prosecutor's office;

''(3) a victim service provider or State or Tribal domestic violence coalition;

''(4) a provider of culturally specific services;

''(5) a nonprofit program or government agency with demonstrated experience in providing legal as-

sistance or legal advice to victims of domestic violence and sexual assault;

''(6) the bar association of the applicable State or Indian Tribe;

''(7) the State or Tribal association of court clerks;

''(8) a State, Tribal, or local association of criminal defense attorneys;

''(9) not fewer than 2 individuals with expertise in the design and management of court case management systems and systems of integration;

''(10) not fewer than 2 State or Tribal court judges with experience in—

''(A) the field of domestic violence; and

''(B) issuing protective orders; and

''(11) a judge assigned to the criminal docket of the State or Tribal court.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General shall make grants to eligible entities to carry out the activities described in subsection (c) of this section.

''(2) NUMBER.—The Attorney General may award not more than 10 grants under paragraph (1).

''(3) AMOUNT.—The amount of a grant awarded under paragraph (1) may be not more than $1,500,000.

''(c) MANDATORY ACTIVITIES.—

''(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds, in consultation with the partners of the eligible entity described in subsection (a), to—

''(A) develop and implement a program for properly and legally serving protection orders through electronic communication methods to—

''(i) modernize the service process and make the process more effective and efficient;

''(ii) provide for improved safety of victims; and

''(iii) make protection orders enforceable as quickly as possible;

''(B) develop best practices relating to the service of protection orders through electronic communication methods;

''(C) ensure that the program developed under subparagraph (A) complies with due process requirements and any other procedures required by law or by a court; and

''(D) implement any technology necessary to carry out the program developed under subparagraph (A), such as technology to verify and track the receipt of a protection order by the intended party.

''(2) TIMELINE.—An eligible entity that receives a grant under this section shall—

''(A) implement the program required under paragraph (1)(A) not later than 2 years after the date on which the eligible entity receives the grant; and

''(B) carry out the program required under paragraph (1)(A) for not fewer than 3 years.

''(d) DIVERSITY OF RECIPIENTS.—The Attorney General shall award grants under this section to eligible entities in a variety of areas and situations, including, to the extent practicable—

''(1) a State court that serves a population of not fewer than 1,000,000 individuals;

''(2) a State court that—

''(A) serves a State that is among the 7 States with the lowest population density in the United States; and

''(B) has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;

''(3) a State court that—

''(A) serves a State that is among the 7 States with the highest population density in the United States; and

''(B) has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;

''(4) a court that uses an integrated, statewide case management system;

''(5) a court that uses a standalone case management system;

''(6) a Tribal court; and

''(7) a court that primarily serves a culturally specific and underserved population.

''(e) APPLICATION.—

''(1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit to the Attorney General an application that includes—

''(A) a description of the process that the eligible entity uses for service of protection orders at the time of submission of the application;

''(B) to the extent practicable, statistics relating to protection orders during the 3 calendar years preceding the date of submission of the application, including rates of—

''(i) successful service; and

''(ii) enforcement;

''(C) an initial list of the entities serving as the partners of the eligible entity described in subsection (a); and

''(D) any other information the Attorney General may reasonably require.

''(2) NO OTHER APPLICATION REQUIRED.—An eligible entity shall not be required to submit an application under section 2102 to receive a grant under this section.

''(f) REPORT TO ATTORNEY GENERAL.—

''(1) INITIAL REPORT.—Not later than 2 years after the date on which an eligible entity receives a grant under this section, the eligible entity shall submit to the Attorney General a report that details the plan of the eligible entity for implementation of the program under subsection (c).

''(2) SUBSEQUENT REPORTS.—

''(A) IN GENERAL.—Not later than 1 year after the date on which an eligible entity imple-

ments a program under subsection (c), and not later than 2 years thereafter, the eligible entity shall submit to the Attorney General a report that describes the program, including, with respect to the program—

"(i) the viability;

"(ii) the cost;

"(iii) service statistics;

"(iv) the challenges;

"(v) an analysis of the technology used to fulfill the goals of the program;

"(vi) an analysis of any legal or due process issues resulting from the electronic service method described in subsection (c)(1)(A); and

"(vii) best practices for implementing such a program in other similarly situated locations.

"(B) CONTENTS OF FINAL REPORT.—An eligible entity shall include in the second report submitted under subparagraph (A) recommendations for—

"(i) future nationwide implementation of the program implemented by the eligible entity; and

"(ii) usage of electronic service, similar to the service used by the eligible entity, for other commonly used court orders, including with respect to viability and cost.

"(g) NO REGULATIONS OR GUIDELINES REQUIRED.—Notwithstanding section 2105, the Attorney General shall not be required to publish regulations or guidelines implementing this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years 2023 through 2027.".

**SEC. 1507. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.**

(a) IN GENERAL.—The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, the Secretary of Health and Human Services, and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking, shall develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding postsecondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

(b) DEVELOPMENT OF SURVEY TOOL.—In developing the survey tool required under subsection (a), the Secretary of Education shall—

(1) use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(2) consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including victims from culturally specific populations and victims with disabilities, regarding the development and design of such survey tool and the methodology for administration of such survey tool; and

(3) ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

(c) ELEMENTS.—

(1) IN GENERAL.—The survey tool developed pursuant to this section shall be fair and unbiased, be scientifically valid and reliable, meet the highest standards of survey research, and notify the participant that anonymized results of the survey may be published.

(2) SURVEY QUESTIONS.—Survey questions included in the survey tool developed pursuant to this section shall—

(A) be designed to gather information on student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including the experiences of victims of such incidents;

(B) use trauma-informed language to prevent re-traumatization; and

(C) include—

(i) questions that give students the option to report their demographic information;

(ii) questions designed to determine the incidence and prevalence of domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(iii) questions regarding whether students know about institutional policies and procedures related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(iv) questions designed to determine, if victims reported domestic violence, dat-

ing violence, sexual assault, sexual harassment, or stalking—

(I) to whom the incident was reported and what response the victim may have received;

(II) whether the victim was informed of, or referred to, national, State, local, Tribal, or on-campus resources; and

(III) whether the entity to whom the victim reported the incident conducted an investigation and the duration and final resolution of such an investigation;

(v) questions regarding contextual factors, such as whether force, incapacitation, or coercion was involved;

(vi) questions to determine whether an accused individual was a student at the institution;

(vii) questions to determine whether a victim reported an incident to Federal, State, local, Tribal, or campus law enforcement;

(viii) questions to determine why the victim chose to report or not report an incident to the institution or State, local, or campus law enforcement;

(ix) questions to determine the impact of domestic violence, dating violence, sexual assault, sexual harassment, and stalking on the victim's education, including diminished grades, dropped classes, leaves of absence, and negative financial consequences (such as costs associated with loss in paid tuition due to leaves of absence, loss in scholarship awards due to diminished grades, loss of foreign-student visas, and costs associated with counseling, medical services, or housing changes);

(x) questions to determine the impact and effectiveness of prevention and awareness programs and complaints processes;

(xi) questions to determine attitudes toward sexual violence and harassment, including the willingness of individuals to intervene as a bystander to sex-based (including against lesbian, gay, bisexual, or transgender (commonly referred to as

"LGBT") individuals), race-based, national origin-based, and disability-based discrimination, harassment, assault, domestic violence, dating violence, sexual assault, sexual harassment, and stalking; and

(xii) other questions, as determined by the Secretary of Education.

(3) ADDITIONAL ELEMENTS.—In addition to the standardized questions developed by the Secretary of Education under paragraph (2), subject to the review and approval of the Secretary of Education, an institution of higher education may request additional information from students that would increase the understanding of the institution of school climate factors unique to the campuses affiliated with the institution.

(4) RESPONSES.—The responses to the survey questions described in paragraph (2) shall—

(A) be submitted confidentially;

(B) not be included in crime statistics; and

(C) in the case of such responses being included in a report, not include personally identifiable information.

(d) ADMINISTRATION OF SURVEY.—

(1) FEDERAL ADMINISTRATION.—The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, and the Secretary of Health and Human Services, shall develop a mechanism by which institutions of higher education may, with respect to the survey tool developed pursuant to this section—

(A) administer such survey tool; and

(B) modify such survey tool to include additional elements or requirements, as determined by the institution, subject to the review and approval of the Secretary of Education.

(2) COSTS.—The Secretary of Education may not require an institution of higher education to pay to modify the survey tool in accordance with paragraph (1)(B).

(3) ACCESSIBILITY.—The Secretary of Education shall ensure that the survey tool is administered in such a way as to be readily accessible to and usable by individuals with disabilities.

(4) INSTITUTIONAL ADMINISTRATION.—Beginning not later than 1 year after the date on which the Secretary of Education makes available to institutions the mechanism described in paragraph (1),

and every 2 years thereafter, each institution of higher education that receives Federal educational assistance shall administer the survey tool developed pursuant to this section.

(e) COMPLETED SURVEYS.—The Secretary of Education shall require each institution of higher education that administers the survey tool developed pursuant to this section to ensure, to the maximum extent practicable, that an adequate, random, and representative sample size of students (as determined by the Secretary) enrolled at the institution complete the survey tool developed pursuant to this section.

(f) REPORT.—

(1) IN GENERAL.—Beginning not later than 2 years after the date of enactment of this Act, the Secretary of Education shall—

(A) prepare a biennial report on the information gained from the standardized elements of the survey under this section and publish such report in an accessible format on the website of the Department of Education, including as part of any online consumer tool offered or supported by the Department of Education that provides information to students regarding specific postsecondary educational insti-

tutions, such as the College Scorecard or any successor or similar tool; and

(B) submit such report to Congress.

(2) INCLUSIONS AND EXCLUSIONS.—The report required to be prepared under paragraph (1)—

(A) shall include campus-level data for each institution and attributed by name of each campus in a manner that permits comparisons across institutions and campuses; and

(B) shall not publish any individual survey responses.

(g) PUBLICATION.—Each institution of higher education shall publish, in a manner that is readily accessible and usable by individuals, including individuals with disabilities—

(1) the campus-level results of the standardized elements of the survey under this section on the website of the institution and in the biennial report required under subsection (f) for the campuses affiliated with the institution; and

(2) the campus-level results of the additional elements modifying the survey by the institution, if any, on the website of the institution.

**SEC. 1508. STUDY ON CHILD CUSTODY IN DOMESTIC VIOLENCE CASES.**

The Attorney General, in consultation with the Secretary of Health and Human Services, shall conduct a study that shall—

(1) provide a review of State laws, regulations, and practices on how child neglect and custody situations are handled in domestic violence situations; and

(2) include a list of recommendations on how to restructure State laws, regulations, and practices to better protect victims of domestic violence and their children.

# DIVISION X—INTELLIGENCE AUTHORIZATION FOR FISCAL YEAR 2022

**SEC. 1. SHORT TITLE.**

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2022''.

**SEC. 2. DEFINITIONS.**

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence and the Subcommittee on Defense

of the Committee on Appropriations of the House of Representatives; and

(B) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

**SEC. 3. EXPLANATORY STATEMENT.**

The explanatory statement regarding this division, printed in the House section of the Congressional Record by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives and in the Senate section of the Congressional Record by the Chairman of the Select Committee on Intelligence of the Senate, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

# TITLE I—INTELLIGENCE ACTIVITIES

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2022 for the conduct of the intelligence and

intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

(17) The Space Force.

**SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (17) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

**SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2022 the sum of $587,100,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2022 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

# TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2022.

# TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

### SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

**SEC. 303. PROHIBITION ON COLLECTION AND MAINTENANCE OF INFORMATION OF UNITED STATES PERSONS BY INTELLIGENCE COMMUNITY BASED ON FIRST AMENDMENT-PROTECTED ACTIVITIES.**

Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 105B the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**''SEC. 105C. PROHIBITION ON COLLECTION AND MAINTENANCE OF INFORMATION OF UNITED STATES PERSONS BASED ON FIRST AMENDMENT-PROTECTED ACTIVITIES.**

''No element of the intelligence community may collect or maintain information concerning a United States person (as defined in section 105A) solely for the purpose of monitoring an activity protected by the first amendment to the Constitution of the United States.''.

**SEC. 304. AUTHORIZATION OF SUPPORT BY DIRECTOR OF NATIONAL INTELLIGENCE FOR CERTAIN ACTIVITIES RELATING TO INTELLIGENCE COMMUNITY WORKFORCE.**

Title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) is amended by inserting after section 1024 the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**''SEC. 1025. AUTHORIZATION OF SUPPORT BY DIRECTOR OF NATIONAL INTELLIGENCE FOR CERTAIN WORKFORCE ACTIVITIES.**

''(a) AUTHORIZATION.—The Director may, with or without reimbursement, obligate or expend amounts authorized to be appropriated or otherwise made available for the Office of the Director of National Intelligence for covered workforce activities for the purpose of supporting a covered workforce activity of an element of the intelligence community.

''(b) NOTIFICATION.—Not later than 30 days after the date on which the Director exercises the authority in subsection (a), the Director shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate written notification of such exercise.

''(c) COVERED WORKFORCE ACTIVITY DEFINED.—In this section, the term 'covered workforce activity' means an activity relating to—

''(1) recruitment or retention of the intelligence community workforce; or

''(2) diversity, equality, inclusion, or accessibility, with respect to such workforce.''.

**SEC. 305. REQUIREMENTS RELATING TO CONSTRUCTION OF FACILITIES TO BE USED PRIMARILY BY INTELLIGENCE COMMUNITY.**

Section 602(a) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3304(a)) is amended—

(1) in paragraph (1), by striking ''$5,000,000'' and inserting ''$6,000,000''; and

(2) in paragraph (2), by striking ''$5,000,000'' and inserting ''$6,000,000''.

**SEC. 306. AUTHORITY FOR TRANSPORTATION OF FEDERALLY OWNED CANINES ASSOCIATED WITH FORCE PROTECTION DUTIES OF INTELLIGENCE COMMUNITY.**

Section 1344(a)(2)(B) of title 31, United States Code, is amended by inserting '', or transportation of federally owned canines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003))'' after ''duties''.

**SEC. 307. PUBLICATION OF UNCLASSIFIED APPENDICES FROM REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS.**

Section 6720(c) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for

Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3316a(c)) is amended by adding at the end the following:

''(4) PUBLICATION.—The Director of National Intelligence shall make available to the public each unclassified appendix submitted with a report under paragraph (1) pursuant to paragraph (2).''.

**SEC. 308. REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.**

(a) MODIFICATIONS TO REQUIREMENT.—

(1) IN GENERAL.—Section 304 of the National Security Act of 1947 (50 U.S.C. 3073a) is amended to read as follows:

**''SEC. 304. REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.**

''(a) TEMPORARY RESTRICTION.—

''(1) COVERED POST-SERVICE POSITION.—Except as provided by paragraph (2), an employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position during the 30-month period following the date on which the employee ceases to occupy a covered intelligence position.

''(2) WAIVER.—

''(A) AUTHORITY.—On a case-by-case basis, the Director of National Intelligence may temporarily waive the restriction in paragraph (1) with respect to an employee or former employee who is subject to that restriction if—

''(i) the employee or former employee submits to the Director a written application for such waiver in such form and manner as the Director determines appropriate; and

''(ii) the Director determines that such waiver is necessary to advance the national security interests of the United States.

''(B) PERIOD OF WAIVER.—A waiver issued under subparagraph (A) shall apply for a period not exceeding 5 years. The Director may renew such a waiver.

''(C) REVOCATION.—The Director may revoke a waiver issued under subparagraph (A) to an employee or former employee, effective on the date that is 60 days after the date on which the Director provides the employee or former employee written notice of such revocation.

''(D) TOLLING.—The 30-month restriction in paragraph (1) shall be tolled for an employee or former employee during the period beginning on the date on which a waiver is issued under subparagraph (A) and ending on the date on which the waiver expires or on the effective date of a revocation under subparagraph (C), as the case may be.

''(E) NOTIFICATION.—Not later than 30 days after the date on which the Director issues a waiver under subparagraph (A) or a revocation of a waiver under subparagraph (C), the Director shall submit to the congressional intelligence committees written notification of the waiver or revocation, as the case may be. Such notification shall include the following:

''(i) With respect to a waiver issued to an employee or former employee—

''(I) the details of the application, including the covered intelligence position held or formerly held by the employee or former employee;

''(II) the nature of the activities of the employee or former employee

after ceasing to occupy a covered intelligence position;

''(III) a description of the national security interests that will be advanced by reason of issuing such waiver; and

''(IV) the specific reasons why the Director determines that issuing such waiver will advance such interests.

''(ii) With respect to a revocation of a waiver issued to an employee or former employee—

''(I) the details of the waiver, including any renewals of such waiver, and the dates of such waiver and renewals; and

''(II) the specific reasons why the Director determined that such revocation is warranted.

''(b) COVERED POST-SERVICE EMPLOYMENT REPORTING.—

''(1) REQUIREMENT.—During the period described in paragraph (2), an employee who ceases to occupy a covered intelligence position shall—

''(A) report covered post-service employment to the head of the element of the intelligence community that employed such employee in such covered intelligence position upon accepting such covered post-service employment; and

''(B) annually (or more frequently if the head of such element considers it appropriate) report covered post-service employment to the head of such element.

''(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date on which an employee ceases to occupy a covered intelligence position and ending on the date that is—

''(A) 5 years after the employee ceases to occupy such position, plus

''(B) the number of months for which the employee is issued a waiver under subsection (a)(2).

''(3) REGULATIONS.—The head of each element of the intelligence community shall issue regulations requiring, as a condition of employment, each employee of such element occupying a covered intelligence position to sign a written agreement requir-

ing the regular reporting of covered post-service employment to the head of such element pursuant to paragraph (1).

''(c) PENALTIES.—

''(1) CRIMINAL PENALTIES.—A former employee who knowingly and willfully violates subsection (a) or who knowingly and willfully fails to make a required report under subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both. Each report under subsection (b) shall be subject to section 1001 of title 18, United States Code.

''(2) SECURITY CLEARANCES.—The head of an element of the intelligence community shall revoke the security clearance of a former employee if the former employee knowingly and willfully fails to make a required report under subsection (b) or knowingly and willfully makes a false report under such subsection.

''(d) PROVISION OF INFORMATION.—

''(1) TRAINING.—The head of each element of the intelligence community shall regularly provide training on the reporting requirements under subsection (b) to employees of that element who occupy a covered intelligence position.

''(2) WRITTEN NOTICE.—The head of each element of the intelligence community shall provide written notice of the reporting requirements under subsection (b) to an employee when the employee ceases to occupy a covered intelligence position.

''(e) ANNUAL REPORTS.—

''(1) REQUIREMENT.—Not later than March 31 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on covered post-service employment occurring during the year covered by the report.

''(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

''(A) The number of former employees who occupy a covered post-service position, broken down by—

''(i) the name of the employer;

''(ii) the foreign government, including by the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed; and

''(iii) the nature of the services provided as part of the covered post-service employment.

''(B) A certification by the Director that—

''(i) each element of the intelligence community maintains adequate systems and processes for ensuring that former employees are submitting reports required under subsection (b);

''(ii) to the knowledge of the heads of the elements of the intelligence community, all former employees who occupy a covered post-service position are in compliance with this section;

''(iii) the services provided by former employees who occupy a covered post-service position do not—

''(I) pose a current or future threat to the national security of the United States; or

''(II) pose a counterintelligence risk; and

''(iv) the Director and the heads of such elements are not aware of any credible information or reporting that any former employee who occupies a covered post-service position has engaged in activities that violate Federal law, infringe upon

the privacy rights of United States persons, or constitute abuses of human rights.

''(3) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(f) NOTIFICATION.—In addition to the annual reports under subsection (e), if a head of an element of the intelligence community determines that the services provided by a former employee who occupies a covered post-service position pose a threat or risk described in clause (iii) of paragraph (2)(B) of such subsection, or include activities described in clause (iv) of such paragraph, the head shall notify the congressional intelligence committees of such determination by not later than 7 days after making such determination. The notification shall include the following:

''(1) The name of the former employee.

''(2) The name of the employer.

''(3) The foreign government, including the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed.

''(4) As applicable, a description of—

''(A) the risk to national security, the counterintelligence risk, or both; and

''(B) the activities that may violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

''(g) DEFINITIONS.—In this section:

''(1) COVERED INTELLIGENCE POSITION.—The term 'covered intelligence position' means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

''(2) COVERED POST-SERVICE EMPLOYMENT.—The term 'covered post-service employment' means direct or indirect employment by, representation of, or any provision of advice or services relating to national security, intelligence, the military, or internal security to, the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.

''(3) COVERED POST-SERVICE POSITION.—The term 'covered post-service position' means a position of employment described in paragraph (2).

''(4) EMPLOYEE.—The term 'employee', with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the intelligence community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element.

''(5) FORMER EMPLOYEE.—The term 'former employee' means an individual—

''(A) who was an employee occupying a covered intelligence position; and

''(B) who is subject to the requirements under subsection (a) or (b).

''(6) GOVERNMENT OF A FOREIGN COUNTRY.—The term 'government of a foreign country' has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).''.

(2) APPLICATION.—Such section 304, as amended by paragraph (1), shall apply with respect to employees who occupy covered intelligence posi-

tions (as defined in such section) on or after the date of the enactment of this Act.

(3) REVISED REGULATIONS.—

(A) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall submit to the congressional intelligence committees new or updated regulations issued under such section 304, as amended by paragraph (1).

(B) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

(i) a written certification for each head of an element of the intelligence community who has issued the updated regulations under such section 304, as amended by paragraph (1); and

(ii) for each head of an element of the intelligence community who has not issued such updated regulations, an explanation for the failure to issue such updated regulations.

(4) INITIAL REPORT.—In the first report submitted by the Director of National Intelligence under subsection (e) of such section 304, as amended by paragraph (1), the Director shall include an assessment of the licensing requirements under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and recommendations with respect to strengthening the activities regulated under such section 304.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such Act is amended by striking the item relating to section 304 and inserting the following new item:

"Sec. 304. Requirements for certain employment activities by former intelligence officers and employees.".

**SEC. 309. DEVELOPMENT OF DEFINITIONS FOR CERTAIN TERMS RELATING TO INTELLIGENCE.**

(a) DEVELOPMENT.—Not later than September 30, 2023, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, in consultation with the heads of the elements of the intelligence community, shall jointly develop and publish definitions for the following terms:

(1) Acoustic intelligence.

(2) All-source intelligence.

(3) Communications intelligence.

(4) Critical intelligence.

(5) Cyber-threat intelligence.

(6) Electronic intelligence.

(7) Explosive ordnance intelligence.

(8) General military intelligence.

(9) Imagery intelligence.

(10) Geospatial intelligence.

(11) Instrumentation signals intelligence.

(12) Intelligence-related activity.

(13) Joint intelligence.

(14) Measurement and signature intelligence.

(15) Medical intelligence.

(16) Open-source intelligence.

(17) Operational intelligence.

(18) Scientific and technical intelligence.

(19) Signals intelligence.

(20) Strategic intelligence.

(21) Tactical intelligence.

(22) Target intelligence.

(23) Technical intelligence.

(24) Such others terms as may be jointly determined necessary by the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security.

(b) APPLICATION TO ACTIVITIES OF INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall

ensure that the definitions developed under subsection (a) are used uniformly across activities of the intelligence community with respect to the corresponding terms specified in such subsection.

(c) NOTICE OF MODIFICATIONS.—The Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the appropriate congressional committees notification of any modification by the Director and Under Secretary to a definition of a term specified in subsection (a) following the initial publication of the definition under such subsection.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Committees on Armed Services of the House of Representatives and the Senate.

**SEC. 310. DIRECTOR OF NATIONAL INTELLIGENCE DECLASSIFICATION REVIEW OF INFORMATION RELATING TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**

(a) DECLASSIFICATION REVIEW REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordi-

nation with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and the heads of such other elements of the intelligence community as the Director of National Intelligence considers appropriate, commence a declassification review (which the Director of National Intelligence shall complete by not later than 120 days after the date of the enactment of this Act) to determine what, if any, additional information relating to the terrorist attacks of September 11, 2001, can be appropriately declassified and shared with the public.

(b) INFORMATION COVERED.—The information reviewed under subsection (a) shall include the following:

(1) Information relating to the direction, facilitation, and other support provided to the individuals who carried out the terrorist attacks of September 11, 2001.

(2) Information from Operation Encore and the PENTTBOM investigation of the Federal Bureau of Investigation.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the findings of the Director with

respect to the declassification review conducted under subsection (a).

**SEC. 311. PERFORMANCE MEASURES REGARDING TIMELINESS FOR PERSONNEL MOBILITY.**

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a policy for measuring the total time it takes to transfer personnel with security clearances and eligibility for access to information commonly referred to as ''sensitive compartmented information'' from one element of the intelligence community to another, or from one contract to another in the case of a contractor.

(b) REQUIREMENTS.—The policy issued under subsection (a) shall—

(1) to the degree practicable, cover all personnel who are moving to positions that require a security clearance and access to sensitive compartmented information;

(2) cover the period from the first time an element of the intelligence community or company submits a request to an element of the intelligence community for the transfer of the employment of an individual with a clearance access or eligibility determination to another element of the intelligence com-

munity, to the time the individual is authorized by that receiving element to start to work in the new position; and

(3) include analysis of all appropriate phases of the process, including polygraph, suitability determination, fitness determination, human resources review, transfer of the sensitive compartmented information access, and contract actions.

(c) UPDATED POLICIES.—

(1) MODIFICATIONS.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall issue modifications to such policies as the Director determines were issued before the issuance of the policy under such subsection and are relevant to such updated policy, as the Director considers appropriate.

(2) RECOMMENDATIONS.—Not later than 1 year after the date on which the Director issues the policy under subsection (a), the Director shall submit to the appropriate congressional committees recommendations for legislative action to update metrics specified elsewhere in statute to measure parts of the process that support transfers described in subsection (a).

(d) ANNUAL REPORTS.—Not later than 180 days after issuing the policy required by subsection (a) and not less frequently than once each year thereafter until the date that is 3 years after the date of such issuance, the Director shall submit to the appropriate congressional committees a report on the implementation of such policy. Such report shall address performance by department or agency and by clearance type in meeting such policy.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

# TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

## Subtitle A—Office of the Director of National Intelligence

### SEC. 401. NATIONAL COUNTERPROLIFERATION AND BIOSECURITY CENTER.

(a) REDESIGNATION OF CENTER.—Section 119A of the National Security Act of 1947 (50 U.S.C. 3057) is amended by striking ''National Counter Proliferation Center'' each place it appears and inserting ''National Counterproliferation and Biosecurity Center''.

(b) ESTABLISHMENT AND HEAD.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''government tools to prevent'' and inserting ''government tools to—

''(A) prevent'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(B) lead integration and mission management of all intelligence activities pertaining to biosecurity and foreign biological threats.''; and

(2) by adding at the end the following new paragraph:

''(4) The Director of the National Counterproliferation and Biosecurity Center shall serve as the principal coordinator for the intelligence community, and as the principal advisor to the Director of National Intelligence, with respect to biosecurity and foreign biological threats.''.

(c) MISSIONS AND OBJECTIVES.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) in the matter preceding subparagraph (A), as so redesignated, by striking ''In establishing'' and inserting the following:

''(1) COUNTERPROLIFERATION.—In establishing''; and

(3) by adding at the end the following new paragraph:

''(2) BIOSECURITY.—In establishing the National Counterproliferation and Biosecurity Center, the President shall address the following missions and objectives to ensure that the Center serves as the lead for the intelligence community for the inte-

gration, mission management, and coordination of intelligence activities pertaining to biosecurity and foreign biological threats, regardless of origin:

"(A) Ensuring that the elements of the intelligence community provide timely and effective warnings to the President and the Director of National Intelligence regarding emerging foreign biological threats, including diseases with pandemic potential.

"(B) Overseeing and coordinating the collection and analysis of intelligence on biosecurity and foreign biological threats in support of the intelligence needs of the Federal departments and agencies responsible for public health, including by conveying collection priorities to elements of the intelligence community.

"(C) Coordinating intelligence support to the Federal departments and agencies responsible for public health, including by ensuring that intelligence pertaining to biosecurity and foreign biological threats is disseminated among appropriately cleared personnel of such departments and agencies.

"(D) Coordinating with the Federal departments and agencies responsible for public

health to encourage information sharing with the intelligence community.

''(E) Identifying gaps in the capabilities of the intelligence community regarding biosecurity and countering foreign biological threats and providing to the Director of National Intelligence recommended solutions for such gaps, including by encouraging research and development of new capabilities to counter foreign biological threats.''.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''counter proliferation'' each place it appears and inserting ''counterproliferation''; and

(2) in the section heading, by striking ''COUNTER PROLIFERATION'' and inserting ''COUNTERPROLIFERATION AND BIOSECURITY'' (and conforming the table of sections at the beginning of such Act accordingly).

(e) REFERENCES.—Any reference in any law, regulation, guidance, instruction, or other document of the United States Government to the National Counter Proliferation Center shall be deemed to refer to the National Counterproliferation and Biosecurity Center.

**SEC. 402. CLARIFICATION OF CERTAIN RESPONSIBILITIES OF DIRECTOR OF NATIONAL INTELLIGENCE.**

Section 102A(f)(8) of the National Security Act of 1947 (50 U.S.C. 3024(f)(8)) is amended by striking ''such other functions'' and inserting ''such other intelligence-related functions''.

**SEC. 403. RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING FEDERAL BUREAU OF INVESTIGATION.**

Section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended—

(1) in subsection (c)(5), by adding at the end the following new subparagraph:

''(D) Consistent with subparagraph (C), the Director of National Intelligence shall ensure that the programs and activities that are part of the National Intelligence Program, including those of the Federal Bureau of Investigation, are structured and executed in a manner than enables budget traceability.''; and

(2) in subsection (p)—

(A) by striking the heading and inserting ''CERTAIN RESPONSIBILITIES OF DIRECTOR OF NATIONAL INTELLIGENCE RELATING TO NATIONAL INTELLIGENCE PROGRAM'';

(B) by striking ''Subject to'' and inserting ''(1) Subject to''; and

(C) by adding at the end the following new paragraph:

''(2) Consistent with subsection (c)(5)(C), the Director of National Intelligence shall, after consultation with the Director of the Federal Bureau of Investigation, ensure that the programs and activities of the Federal Bureau of Investigation that are part of the National Intelligence Program are executed in a manner that conforms with the requirements of the national intelligence strategy under section 108A of this Act and the National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any successor mechanism established for the prioritization of such programs and activities).''.

**SEC. 404. CLIMATE SECURITY ADVISORY COUNCIL.**

(a) REPORTS.—Subsection (d) of section 120 of the National Security Act of 1947 (50 U.S.C. 3060) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) REQUIREMENT.—Not later''; and

(2) by adding at the end the following new paragraph:

''(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include a description of any obstacles or gaps relating to—

''(A) the Council fulfilling its duties and responsibilities under subsection (c); or

''(B) the responsiveness of the intelligence community to the climate security needs and priorities of the policymaking elements of the Federal Government.''.

(b) EXTENSION OF SUNSET; TECHNICAL AMENDMENTS.—Such section 120 is amended—

(1) in subsection (b)(1)(B)(v), by inserting ''and Security'' after ''for Intelligence'';

(2) by redesignating the second subsection (e) as subsection (f); and

(3) in subsection (e), by striking ''the date that is 4 years after the date of the enactment of this section'' and inserting ''December 31, 2025''.

**SEC. 405. REMOVAL OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY FROM LEVEL IV OF THE EXECUTIVE SCHEDULE.**

Section 5315 of title 5, United States Code, is amended by striking ''Chief Information Officer of the Intelligence Community.''.

# Subtitle B—Other Elements

**SEC. 411. ESTABLISHMENT OF CHAPLAIN CORPS OF THE CENTRAL INTELLIGENCE AGENCY.**

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following:

**"SEC. 26. CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.**

''(a) ESTABLISHMENT OF CHAPLAIN CORPS.—There is in the Agency a Chaplain Corps for the provision of spiritual or religious pastoral services.

''(b) CHIEF OF CHAPLAINS.—The head of the Chaplain Corps shall be the Chief of Chaplains, who shall be appointed by the Director.

''(c) STAFF AND ADMINISTRATION.—

''(1) STAFF.—The Director may appoint and fix the compensation of such staff of the Chaplain Corps as the Director considers appropriate, except that the Director may not—

''(A) appoint more than 10 full-time equivalent positions; or

''(B) provide basic pay to any member of the staff of the Chaplain Corps at an annual rate of basic pay in excess of the maximum rate of basic pay for grade GS–15 as provided in section 5332 of title 5, United States Code.

''(2) ADMINISTRATION.—The Director may—

''(A) reimburse members of the staff of the Chaplain Corps for work-related travel expenses;

''(B) provide security clearances to such members;

''(C) furnish such physical workspace at the headquarters building of the Agency as the Director considers appropriate; and

''(D) certify that all Chaplains meet common standards for professional chaplaincy and board certification by a national chaplaincy and pastoral care organization or equivalent.''.

**SEC. 412. MODIFICATION OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.**

Section 4092(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) in the case of employees appointed pursuant to paragraph (1)(G), to any of 2 posi-

tions of administration or management designated by the Director of the National Geospatial-Intelligence Agency for purposes of this subparagraph; and''.

**SEC. 413. SUPPORT FOR AND OVERSIGHT OF UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.**

(a) AVAILABILITY OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—The Director of National Intelligence and the Secretary of Defense shall jointly require that each element of the intelligence community and component of the Department of Defense with data relating to unidentified aerial phenomena makes such data available immediately to the Unidentified Aerial Phenomena Task Force, or successor entity, and to the National Air and Space Intelligence Center.

(b) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than quarterly thereafter, the Unidentified Aerial Phenomena Task Force, or successor entity, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on the findings of the Unidentified Aerial Phenomena Task Force, or successor entity.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, at a minimum, the following:

(A) All reported unidentified aerial phenomena-related events that occurred during the period covered by the report.

(B) All reported unidentified aerial phenomena-related events that occurred during a period other than the period covered by the report but were not included in an earlier report.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The congressional intelligence committees.

(B) The Committees on Armed Services of the House of Representatives and the Senate.

(2) UNIDENTIFIED AERIAL PHENOMENA TASK FORCE.—The term ''Unidentified Aerial Phenomena Task Force'' means the task force established by the Department of Defense on August 4, 2020, to be led by the Department of the Navy, under the Office of

the Under Secretary of Defense for Intelligence and Security.

**SEC. 414. LIMITATION ON PROCUREMENT BY FEDERAL BUREAU OF INVESTIGATION OF PEOPLE'S REPUBLIC OF CHINA PRODUCTS AND SERVICES.**

(a) SECURITY ASSESSMENT.—The Director of the Federal Bureau of Investigation may not procure a People's Republic of China product or service unless, before such procurement—

(1) the Federal Bureau of Investigation conducts a security assessment of such product or service, including with respect to any physical, counterintelligence, or cyber vulnerabilities;

(2) there is included in the process of conducting such security assessment a formal mechanism through which input shall be submitted by the Counterintelligence Division and Cyber Division of the Federal Bureau of Investigation regarding such security assessment, including with respect to any such vulnerabilities; and

(3) the Director (or a designee of the Director) approves a recommendation, based on the results of such security assessment, to procure such product or service.

(b) SUBMISSION.—Not later than 30 days after the date on which the Director (or a designee of the Director, as applicable) approves a recommendation pursuant to subsection (a)(3), the Director shall submit to the appropriate congressional committees the recommendation and a copy of the security assessment upon which the recommendation was based.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees; and

(B) the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(2) PEOPLE'S REPUBLIC OF CHINA PRODUCT OR SERVICE.—The term ''People's Republic of China product or service'' means an information or communication technology product manufactured in China, Hong Kong, or Macau, or a product or service provided by an entity that is fully or partially owned or controlled by, or otherwise connected to, the government of China.

**SEC. 415. COUNTERINTELLIGENCE UNITS AT NON-INTELLIGENCE COMMUNITY FEDERAL DEPARTMENTS AND AGENCIES.**

(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation shall establish counterintelligence units in the departments and agencies described in subsection (b). Such units shall be composed of officers of the Counterintelligence Division of the Federal Bureau of Investigation.

(b) DEPARTMENTS AND AGENCIES DESCRIBED.—The departments and agencies described in this subsection are the following departments and agencies of the United States Government:

(1) The Department of Agriculture.

(2) Any other department or agency that the Director, in coordination with the Director of National Intelligence, determines appropriate.

(c) DUTIES.—The Director of the Federal Bureau of Investigation shall ensure that each counterintelligence unit established under subsection (a) in a department or agency described in subsection (b) carries out the following duties:

(1) Conducts assessments, in coordination with the leadership of the department or agency, to determine the counterintelligence posture of the department or agency, including any components thereof.

(2) Informs and consults with the leadership of the department or agency, including any components thereof, and provides recommendations with respect to any counterintelligence threats identified by the intelligence community.

(3) Provides such administrative and technical support as is necessary to develop, in coordination with the leadership of the department or agency, a plan to eliminate or reduce the threats described in paragraph (2).

(4) Serves as the primary point of contact for the department or agency with respect to counterintelligence for the intelligence community.

(d) INTELLIGENCE COMMUNITY SUPPORT.—The heads of the elements of the intelligence community shall ensure that relevant counterintelligence information is provided to counterintelligence units established under subsection (a) in a manner that is consistent with the need to protect sources and methods.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of such other departments and agencies of the Federal Government as the Director determines appropriate, shall submit to the appropriate congressional committees a report detailing op-

tions for the intelligence community to improve intelligence support to the Department of Agriculture and the Department of Commerce. The report shall be submitted in unclassified form, but may include a classified annex.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

**SEC. 416. PILOT PROGRAM ON RECRUITMENT AND RETENTION IN OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF THE TREASURY.**

(a) PILOT PROGRAM REQUIRED.—The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury shall carry out a pilot program to assess the feasibility and advisability of using adjustments of rates of pay to recruit and retain staff for high-demand positions in the Office of Intelligence and Analysis of the Department of the Treasury.

(b) DURATION.—The Assistant Secretary shall carry out the pilot program required by subsection (a) during the 4-year period beginning on the date of the enactment of this Act.

(c) ADDITIONAL PAY.—Under the pilot program required by subsection (a), the Assistant Secretary shall, notwithstanding any provision of title 5, United States Code, governing the rates of pay or classification of employees in the executive branch, prescribe the rate of basic pay for financial and cyber intelligence analyst positions designated under subsection (d) at rates—

(1) not greater than 130 percent of the maximum basic rate of pay and locality pay for which such positions would otherwise be eligible; and

(2) not greater than the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(d) DESIGNATED POSITIONS.—

(1) IN GENERAL.—Subject to paragraph (2), under the pilot program required by subsection (a), the Assistant Secretary shall designate not fewer than 5 percent of the total number of positions in the Office, including positions to be filled by new hires, as financial or cyber intelligence analyst posi-

tions eligible for the additional pay under subsection (c).

(2) CURRENT EMPLOYEES.—The Assistant Secretary may designate under paragraph (1) a position filled by an employee who was employed in that position on the day before the date of the enactment of this Act only if the employee was in the top one-third of performance rankings for the position within the Office for the duration of the 2-year period ending on the date of the enactment of this Act.

(e) BRIEFING ON THE PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter for the duration of the period specified in subsection (b), the Assistant Secretary shall provide to the appropriate congressional committees and the Director of National Intelligence a briefing on the pilot program required by subsection (a).

(f) REPORT ON THE PILOT PROGRAM.—Not later than 180 days before the last day of the period specified in subsection (b), the Assistant Secretary shall submit to the appropriate congressional committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Director of National

Intelligence a report on the effectiveness of the pilot program required by subsection (a) and recommendations as to whether such pilot program should be extended, modified, or ended.

(g) RECOMMENDATIONS OF DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 3 years after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees recommendations as to—

(1) which, if any, other elements of the intelligence community would benefit from a program similar to the pilot program required by subsection (a); and

(2) what, if any, modifications the Director would recommend for such elements.

(h) RETENTION OF PRESCRIBED RATES OF PAY AFTER TERMINATION OF PILOT PROGRAM.—After the conclusion of the period specified in subsection (b), the Assistant Secretary may continue to pay a person, who received pay during such period pursuant to a rate of basic pay prescribed under subsection (c), at a rate of basic pay not to exceed the rate of basic pay that was in effect for the person pursuant to such subsection on the day before the last day of such period, until such time as the applicable rate of basic pay for the person under the General

Schedule exceeds the rate of basic pay that was so in effect under subsection (c).

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Subcommittees on Financial Services and General Government of the Committees on Appropriations of the House of Representatives and the Senate.

**SEC. 417. DESIGNATION OF SENATOR ROY BLUNT GEOSPATIAL LEARNING CENTER.**

(a) DESIGNATION.—The Geospatial Learning Center in the Next NGA West facility in St. Louis, Missouri, shall after the date of the enactment of this Act be known and designated as the ''Senator Roy Blunt Geospatial Learning Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Geospatial Learning Center in the Next NGA West facility referred to in subsection (a) shall be deemed to be a reference to the ''Senator Roy Blunt Geospatial Learning Center''.

# TITLE V—MATTERS RELATING TO OVERSIGHT

**SEC. 501. HARMONIZATION OF WHISTLEBLOWER PROTECTIONS.**

(a) PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.—

(1) THREATS RELATING TO PERSONNEL ACTIONS.—

(A) AGENCY EMPLOYEES.—Section 1104(b) of the National Security Act of 1947 (50 U.S.C. 3234(b)) is amended, in the matter preceding paragraph (1)—

(i) by striking ''Any employee of an agency'' and inserting ''Any employee of a covered intelligence community element or an agency''; and

(ii) by inserting '', or threaten to take or fail to take,'' after ''take or fail to take''.

(B) CONTRACTOR EMPLOYEES.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)) is amended, in the matter preceding subparagraph (A), by inserting '', or threaten to take or fail to take,'' after ''take or fail to take''.

(2) PROTECTION FOR CONTRACTOR EMPLOYEES AGAINST REPRISAL FROM AGENCY EMPLOYEES.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as amended by paragraph (1)(B) of this subsection, is further amended, in the matter preceding subparagraph (A), by inserting ''of an agency or'' after ''Any employee''.

(3) ENFORCEMENT.—Subsection (d) of section 1104 of such Act (50 U.S.C. 3234) is amended to read as follows:

''(d) ENFORCEMENT.—The President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5, United States Code.''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

(1) ENFORCEMENT.—Section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

''(8) ENFORCEMENT.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5, United States Code.''.

(2) TOLLING OF DEADLINE FOR APPEAL OF PROHIBITED REPRISAL.—Section 3001(j)(4) of such Act (50 U.S.C. 3341(j)(4)) is amended—

(A) in subparagraph (A), by inserting ''(except as provided by subparagraph (D))'' after ''within 90 days''; and

(B) by adding at the end the following new subparagraph:

''(D) TOLLING.—The time requirement established by subparagraph (A) for an employee or former employee to appeal the decision of an agency may be tolled if the employee or former employee presents substantial credible evidence showing why the employee or former employee did not timely initiate the appeal and why the enforcement of the time requirement would be unfair, such as evidence showing that the employee or former employee—

''(i) did not receive notice of the decision; or

''(ii) could not timely initiate the appeal because of factors beyond the control of the employee or former employee.''.

(c) CORRECTION OF DEFINITION OF AGENCY.—Section 3001(a)(1)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(1)(B)) is amended by striking ''and'' and inserting ''or''.

(d) ESTABLISHING CONSISTENCY WITH RESPECT TO PROTECTIONS FOR DISCLOSURES OF MISMANAGEMENT.—

(1) SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—Section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)) is amended—

(A) in subparagraph (A)(ii), by striking ''gross mismanagement'' and inserting ''mismanagement''; and

(B) in subparagraph (B)(ii), by striking ''gross mismanagement'' and inserting ''mismanagement''.

(2) PERSONNEL ACTIONS AGAINST CONTRACTOR EMPLOYEES.—Section 1104(c)(1)(B) of the National Security Act of 1947 (50 U.S.C.

3234(c)(1)(B)) is amended by striking ''gross mismanagement'' and inserting ''mismanagement''.

(e) PROTECTED DISCLOSURES TO SUPERVISORS.—

(1) PERSONNEL ACTIONS.—

(A) DISCLOSURES BY AGENCY EMPLOYEES TO SUPERVISORS.—Section 1104(b) of the National Security Act of 1947 (50 U.S.C. 3234(b)), as amended by subsection (a)(1)(A), is further amended, in the matter preceding paragraph (1), by inserting ''a supervisor in the employee's direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including'' before ''the head of the employing agency''.

(B) DISCLOSURES BY CONTRACTOR EMPLOYEES TO SUPERVISORS.—Section 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as amended by subsection (a), is further amended, in the matter preceding subparagraph (A), by inserting ''a supervisor in the contractor employee's direct chain of command, or a supervisor of the contracting agency with responsibility for the subject matter of the disclosure,

up to and including'' before ''the head of the contracting agency''.

(2) SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—Section 3001(j)(1)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(A)) is amended, in the matter preceding clause (i), by inserting ''a supervisor in the employee's direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including'' before ''the head of the employing agency''.

(f) ESTABLISHING PARITY FOR PROTECTED DISCLOSURES.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is further amended—

(1) in subsection (b), as amended by subsections (a)(1)(A) and (e)(1)(A)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) in the matter preceding subparagraph (A), as redesignated and moved by subparagraph (A) of this paragraph, by striking ''for a

lawful disclosure'' and inserting the following: ''for—

''(1) any lawful disclosure''; and

(C) by adding at the end the following:

''(2) any lawful disclosure that complies with—

''(A) subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(B) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

''(C) subparagraphs (A), (D), and (I) of section 103H(k)(5); or

''(3) if the actions do not result in the employee unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(B) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A); or

''(C) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.''; and

(2) in subsection (c)(1), as amended by subsections (a), (d)(2), and (e)(1)(B)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) in the matter preceding clause (i), as redesignated and moved by subparagraph (A) of this paragraph, by striking ''for a lawful disclosure'' and inserting the following: ''for—

''(A) any lawful disclosure''; and

(C) by adding at the end the following:

''(B) any lawful disclosure that complies with—

''(i) subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

''(iii) subparagraphs (A), (D), and (I) of section 103H(k)(5); or

''(C) if the actions do not result in the contractor employee unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

''(i) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(ii) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or

''(iii) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.''.

(g) CLARIFICATION RELATING TO PROTECTED DISCLOSURES.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is further amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) RULE OF CONSTRUCTION.—Consistent with the protection of intelligence sources and methods, nothing in subsection (b) or (c) shall be construed to authorize—

''(1) the withholding of information from Congress; or

''(2) the taking of any personnel action against an employee who lawfully discloses information to Congress.

''(e) DISCLOSURES.—A disclosure shall not be excluded from this section because—

''(1) the disclosure was made to an individual, including a supervisor, who participated in an activity that the employee reasonably believed to be covered under subsection (b)(1)(B) or the contractor employee reasonably believed to be covered under subsection (c)(1)(A)(ii);

''(2) the disclosure revealed information that had been previously disclosed;

''(3) the disclosure was not made in writing;

''(4) the disclosure was made while the employee was off duty;

''(5) of the amount of time which has passed since the occurrence of the events described in the disclosure; or

''(6) the disclosure was made during the normal course of duties of an employee or contractor employee.''.

(h) CORRECTION RELATING TO NORMAL COURSE DISCLOSURES.—Section 3001(j)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(3)) is amended—

(1) by striking ''DISCLOSURES.—'' and all that follows through ''because—'' and inserting ''DISCLOSURES.—A disclosure shall not be excluded from paragraph (1) because—'';

(2) by striking subparagraph (B);

(3) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(4) in subparagraph (D), as so redesignated, by striking ''or'' at the end;

(5) in subparagraph (E), as redesignated by paragraph (3), by striking the period at the end and inserting ''; or''; and

(6) by adding at the end the following:

''(F) the disclosure was made during the normal course of duties of an employee.''.

(i) CLARIFICATION RELATING TO RULE OF CONSTRUCTION.—Section 3001(j)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(2)) is amended by inserting ''or clearance action'' after ''personnel action''.

(j) CLARIFICATION RELATING TO PROHIBITED PRACTICES.—Section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)), as amended by this section, is further amended by striking ''over'' and inserting ''to take, direct others to take, recommend, or approve''.

(k) TECHNICAL CORRECTION.—Section 3001(j)(1)(C)(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(C)(i)) is amended by striking ''(h)'' and inserting ''(g)''.

(l) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report assessing the extent to which protections provided under Presidential Policy Directive 19 (relating to protecting whistleblowers with access to classified information) have been codified in statutes.

**SEC. 502. AUTHORITIES REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.**

(a) AUTHORITY OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY TO DETERMINE MATTERS OF URGENT CONCERN.—Section 103H(k)(5)(G) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)(G)) is amended—

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) in the matter preceding subclause (I), as redesignated by paragraph (1), by inserting ''(i)'' before ''In this''; and

(3) by adding at the end the following new clause:

''(ii) Within the executive branch, the Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.''.

(b) AUTHORITY OF INSPECTORS GENERAL TO DETERMINE MATTERS OF URGENT CONCERN.—Subsection (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by redesignating paragraphs (A), (B), and (C) as clauses (i), (ii), and

(iii), respectively (and indenting such clauses accordingly);

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively (and indenting such subparagraphs accordingly);

(3) in the matter preceding subparagraph (A), as redesignated by paragraph (2), by inserting ''(1)'' before ''In this''; and

(4) by adding at the end the following new paragraph:

''(2) Within the executive branch, an Inspector General to whom any complaint or information is reported under this section shall have sole authority to determine whether the complaint or information is a matter of urgent concern under this section.''.

(c) AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY TO DETERMINE MATTERS OF URGENT CONCERN.—Section 17(d)(5)(G) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended—

(1) in clause (i), by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively (and indenting such items accordingly);

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively (and indenting such subclauses accordingly);

(3) in the matter preceding clause (I), as redesignated by subparagraph (B), by inserting ''(i)'' before ''In this''; and

(4) by adding at the end the following new clause:

''(ii) Within the executive branch, the Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.''.

**SEC. 503. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF FUNDING FOR INTELLIGENCE ACTIVITIES.**

Paragraph (1) of section 504(a) of the National Security Act of 1947 (50 U.S.C. 3094(a)) is amended to read as follows:

''(1) those funds were specifically authorized by Congress for use for such intelligence or intelligence-related activities; or''.

**SEC. 504. CONGRESSIONAL OVERSIGHT OF CONTROLLED ACCESS PROGRAMS.**

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by in-

serting after section 501 the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**"SEC. 501A. CONGRESSIONAL OVERSIGHT OF CONTROLLED ACCESS PROGRAMS.**

''(a) PERIODIC BRIEFINGS.—

''(1) REQUIREMENT.—Not less frequently than semiannually or upon request by one of the appropriate congressional committees or a member of congressional leadership, the Director of National Intelligence shall provide to such committees and congressional leadership a briefing on each controlled access program in effect.

''(2) CONTENTS.—Each briefing provided under paragraph (1) shall include, at a minimum, the following:

''(A) A description of the activity of the controlled access programs during the period covered by the briefing.

''(B) Documentation with respect to how the controlled access programs have achieved outcomes consistent with requirements documented by the Director and, as applicable, the Secretary of Defense.

''(b) LIMITATION ON ESTABLISHMENT.—A head of an element of the intelligence community may not establish a controlled access program, or a compartment or subcompartment therein, until the head notifies the appropriate congressional committees and congressional leadership of such controlled access program, compartment, or subcompartment, as the case may be.

''(c) ANNUAL REPORTS.—

''(1) REQUIREMENT.—On an annual basis, the head of each element of the intelligence community shall submit to the appropriate congressional committees and congressional leadership a report on controlled access programs administered by the head.

''(2) MATTERS INCLUDED.—Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

''(A) A list of all compartments and subcompartments of controlled access programs active as of the date of the report.

''(B) A list of all compartments and subcompartments of controlled access programs terminated during the period covered by the report.

''(C) With respect to the report submitted by the Director of National Intelligence, in addition to the matters specified in clauses (A) and (B)—

''(i) a certification regarding whether the creation, validation, or substantial modification, including termination, for all existing and proposed controlled access programs, and the compartments and subcompartments within each, are substantiated and justified based on the information required by clause (ii); and

''(ii) for each certification—

''(I) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment, and subcompartment;

''(II) the identification of a control officer for each controlled access program; and

''(III) a statement of protection requirements for each controlled access program.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the congressional intelligence committees;

''(B) the Committee on Appropriations of the Senate; and

''(C) the Committee on Appropriations of the House of Representatives.

''(2) CONGRESSIONAL LEADERSHIP.—The term 'congressional leadership' means—

''(A) the majority leader of the Senate;

''(B) the minority leader of the Senate;

''(C) the Speaker of the House of Representatives; and

''(D) the minority leader of the House of Representatives.

''(3) CONTROLLED ACCESS PROGRAM.—The term 'controlled access program' means a program created or managed pursuant to Intelligence Community Directive 906, or successor directive.''.

(b) FIRST REPORTS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the head of each element of the intelligence community shall

submit to the appropriate congressional committees and congressional leadership a report on all controlled access programs of the element in effect.

(2) MATTERS ADDRESSED.—Each report under paragraph (1) shall address, for each controlled access program covered by the report, the following:

(A) Date of initial operational capability.

(B) Rationale.

(C) Annual level of funding.

(D) Current operational use.

(c) BRIEFING.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the appropriate congressional committees and congressional leadership a briefing on all controlled access programs established during the 3-year period preceding such date of enactment that have not been previously briefed to such committees and leadership.

(2) LIMITATION.—If the Director does not carry out paragraph (1) by the date specified in that paragraph, no funds may be obligated or expended by an element of the intelligence community to carry out a controlled access program described in that

paragraph, or a compartment or subcompartment therein, until the head of that element has provided to the appropriate congressional committees and congressional leadership a briefing on the controlled access program.

(d) DEFINITIONS.—In this section, the terms ''appropriate congressional committees'', ''congressional leadership'', and ''controlled access programs'' have the meanings given those terms in section 501A of the National Security Act of 1947, as added by subsection (a).

(e) CONFORMING REPEAL.—Section 608 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 131 Stat. 833; 50 U.S.C. 3315) is amended by striking subsection (b).

**SEC. 505. ANNUAL REPORTS ON DOMESTIC ACTIVITIES OF INTELLIGENCE COMMUNITY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Bureau of Investigation and the Department of Homeland Security conduct vital work in enforcing the rule of law and safeguarding the people of the United States from harm;

(2) the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) sought to facilitate greater information

sharing between law enforcement and intelligence communities for the purpose of thwarting attacks on the homeland from international terrorist organizations;

(3) National Intelligence Program funds should be expended only in support of intelligence activities with a foreign nexus, consistent with the definition of ''intelligence'' provided by Congress in section 3 of the National Security Act of 1947 (50 U.S.C. 3003); and

(4) the intelligence community should not engage in the collection, assessment, or analysis of information that pertains exclusively to United States persons absent a foreign nexus.

(b) REQUIREMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), is amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**''SEC. 513. ANNUAL REPORTS ON THE DOMESTIC ACTIVITIES OF THE INTELLIGENCE COMMUNITY.**

''(a) REPORTS.—Not later than January 31 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report—

''(1) identifying all domestic activities undertaken by each element of the intelligence community during the prior fiscal year; and

''(2) for each activity identified under paragraph (1), a statement of the legal authority authorizing such activity to be undertaken.

''(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.''.

(c) FIRST REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees the first report required under section 513 of the National Security Act of 1947, as added by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Subcommittees on Commerce, Justice, Science, and Related Agencies and the Subcommittees on Homeland Security of the Committees on Appropriations of the House of Representatives and the Senate.

**SEC. 506. REPORTS RELATING TO INSPECTOR GENERAL OF DEFENSE INTELLIGENCE AGENCY.**

(a) REPORT ON RESPONSES BY INSPECTOR GENERAL TO SUBSTANTIATED ALLEGATIONS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the appropriate congressional committees a report on allegations of reprisal or abuse of authority determined to be substantiated by the Inspector General of the Defense Intelligence Agency during the 5-year period preceding the date of the enactment of this Act.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include, with respect to each allegation determined to be substantiated during the 5-year period specified in such paragraph, a description of the following:

(A) Details of each substantiated allegation.

(B) The rank or grade of the individuals involved in the allegation.

(C) Any disciplinary action recommended by the Inspector General in response to the allegation, or, if the Inspector General recommended no disciplinary action be taken in re-

sponse, any justification for such recommendation.

(D) Any disciplinary action taken by the relevant manager of the Defense Intelligence Agency in response to the allegation.

(E) Whether the relevant manager reduced, or declined to take, a disciplinary action recommended by the Inspector General in response to the allegation.

(F) Any justification from the relevant manager regarding the decision to take, reduce, or decline to take, a disciplinary action recommended by the Inspector General in response to the allegation.

(G) The process by which Defense Intelligence Agency management reviews and makes decisions regarding disciplinary actions in response to substantiated allegations, including—

(i) the criteria applied by management in making the decision to take, reduce, or decline to take, a disciplinary action;

(ii) a description of which managers have the authority to make such decisions, including the rank or grade of the managers; and

(iii) a description of any formal or informal appeals processes available with respect to such decisions.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REPORT ON PROCESSES FOR ENSURING INDEPENDENCE OF INSPECTOR GENERAL.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the appropriate congressional committees and the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) a report on the processes of the Defense Intelligence Agency for ensuring the independence of the position of the Inspector General of the Defense Intelligence Agency.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include a description of the following:

(A) The selection criteria used by the Director in the appointment of the Inspector General.

(B) The methods used by the Director to ensure the independence of the position of the Inspector General, including—

(i) the process for vetting candidates for such position for independence from leadership of the Defense Intelligence Agency and from officials occupying positions in the Defense Intelligence Senior Executive Service; and

(ii) the process for evaluating such candidates for conflicts of interest.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) ASSESSMENT BY COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—

(1) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Council of the Inspectors General on Integrity and Efficiency shall—

(A) conduct an assessment of the effectiveness of the selection criteria and methods specified in subsection (b)(2) with respect to the position of the Inspector General of the Defense Intelligence Agency; and

(B) submit to the appropriate congressional committees a report containing the results of such assessment.

(2) FORM.—The report under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Committees on Armed Services of the House of Representatives and the Senate.

# TITLE VI—ANOMALOUS HEALTH INCIDENTS AND OTHER HEALTH CARE MATTERS

## SEC. 601. COMPENSATION AND PROFESSIONAL STANDARDS FOR CERTAIN MEDICAL OFFICERS OF CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.), as amended by section 411, is further amended by adding at the end the following new section:

**"SEC. 27. COMPENSATION AND PROFESSIONAL STANDARDS FOR CERTAIN MEDICAL OFFICERS.**

''(a) OFFICE OF MEDICAL SERVICES.—There is in the Agency an Office of Medical Services.

''(b) COMPENSATION.—Beginning not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2022, each medical officer of the Office of Medical Services who meets the qualifications under subsection (c) shall be compensated during a pay period pursuant to a pay range that is equal to the pay range published in the Federal Register pursuant to section 7431(e)(1)(C) of title 38, United States Code (for the corresponding pay period), for a physician in the Veterans Health Administration in the District of Columbia region with a medical subspecialty that is the equivalent of the medical subspecialty of the officer.

''(c) CLINICAL PRACTICE QUALIFICATIONS.—A medical officer meets the qualifications under this subsection if the officer provides direct care services to patients in connection with the official duties of the officer and—

''(1) maintains current, active, full, and unrestricted licensure or registration as a physician from a State, the District of Columbia, or a commonwealth or territory of the United States;

''(2) holds active board certification and maintains accreditation in an American Board of Medical Specialties direct care clinical specialty; and

''(3) except as provided in subsection (d), maintains a minimum of 96 hours per year of clinical practice in an accredited clinic or hospital facility that is not affiliated with the Central Intelligence Agency.

''(d) EXCEPTION FOR OVERSEAS SERVICE.—If a medical officer is a medical officer located in a duty station outside of the United States pursuant to a permanent change of station and greater than 50 percent of the official duties of the officer in such duty station involve direct patient care, the officer, in lieu of performing the minimum hours under subsection (c)(3) on an annual basis, may count up to 480 hours of clinical practice performed as specified in such subsection prior to such change of station, to fulfill in advance the requirement under such subsection for up to 3 years.

''(e) CLINICAL PRACTICE HOURS.—The head of the Office of Medical Services shall make available to medical officers excused absence time to allow for the maintenance of clinical practice hours in accordance with subsection (c)(3).''.

**SEC. 602. MEDICAL ADVISORY BOARD OF CENTRAL INTELLIGENCE AGENCY.**

(a) ESTABLISHMENT.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.), as amended by section 601, is further amended by adding at the end the following new section:

**"SEC. 28. MEDICAL ADVISORY BOARD.**

''(a) ESTABLISHMENT.—The Director shall establish within the Agency a medical advisory board (in this section referred to as the 'Board').

''(b) DUTIES.—The Board shall—

''(1) conduct a study on the Office of Medical Services of the Agency, and submit reports regarding such study, in accordance with subsection (c); and

''(2) upon request, provide advice and guidance in connection with any independent review of the Office conducted by an inspector general.

''(c) STUDY.—

''(1) OBJECTIVES.—In conducting the study under subsection (b)(1), the Board shall seek to—

''(A) contribute to the modernization and reform of the Office of Medical Services;

''(B) ensure that the activities of the Office are of the highest professional quality; and

''(C) ensure that all medical care provided by the Office is provided in accordance with the highest professional medical standards.

''(2) REPORTS.—The Board shall submit to the congressional intelligence committees, in writing—

''(A) interim reports on the study; and

''(B) a final report on the study, which shall—

''(i) set forth in detail the findings of the study and the recommendations of the Board, based on such findings and taking into consideration the objectives under paragraph (1), regarding any changes to the activities of the Office of Medical Services; and

''(ii) include, as applicable, any additional or dissenting views submitted by a member of the Board.

''(d) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 9 members, appointed as follows:

''(A) 1 member appointed by the Speaker of the House of Representatives.

"(B) 1 member appointed by the minority leader of the House of Representatives.

"(C) 1 member appointed by the majority leader of the Senate.

"(D) 1 member appointed by the minority leader of the Senate.

"(E) 1 member appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.

"(F) 1 member appointed by the ranking minority member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(G) 1 member appointed by the Chairman of the Select Committee on Intelligence of the Senate.

"(H) 1 member appointed by the Vice Chairman of the Select Committee on Intelligence of the Senate.

"(I) 1 member appointed by the Director of National Intelligence.

"(2) CHAIRPERSON.—During the first meeting under subsection (e)(1), the members of the Board shall elect a Chairperson of the Board. In addition to meeting the criteria under paragraph (3), the

Chairperson may not be an employee, or former employee, of the Agency.

''(3) CRITERIA.—The members appointed under paragraph (1) shall meet the following criteria:

''(A) Each member shall be a recognized expert in at least 1 medical field, as demonstrated by appropriate credentials.

''(B) Each member shall possess significant and diverse medical experience, including clinical experience.

''(C) Each member shall be eligible to hold an appropriate security clearance.

''(4) TERMS.—

''(A) IN GENERAL.—Each member, including the Chairperson, shall be appointed or elected, as applicable, for the life of the Board.

''(B) VACANCIES.—Any vacancy in the Board occurring prior to the expiration of the term under subparagraph (A) shall be filled in the manner in which the original appointment or election was made.

''(5) COMPENSATION AND TRAVEL EXPENSES.—

''(A) COMPENSATION.—Except as provided in subparagraph (B), each member of the

Board, including the Chairperson, may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties under subsection (b).

''(B) EXCEPTION FOR FEDERAL EMPLOYEES.—Members of the Board, including the Chairperson, who are officers or employees of the United States shall receive no additional pay by reason of the service of the member on the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board, including the Chairperson, while away from the home or regular places of business of the member in the performance of services for the Board, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

''(6) DETAILEES.—

''(A) IN GENERAL.—Upon request of the Board, the Director of National Intelligence may detail to the Board, without reimbursement from the Board, any of the personnel of the Office of the Director of National Intelligence to assist in carrying out the duties under subsection (b). Any such detailed personnel shall retain the rights, status, and privileges of the regular employment of the personnel without interruption.

''(B) CLEARANCE.—Any personnel detailed to the Board under subparagraph (A) shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

''(e) MEETINGS.—

''(1) BOARD MEETINGS.—The Board shall meet not less frequently than on a quarterly basis.

''(2) MEETINGS WITH CONGRESS.—The Board shall meet with the congressional intelligence committees on a biannual basis.

''(f) INFORMATION ACCESS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Board may secure directly from any department or agency of the United States Govern-

ment information necessary to enable it to carry out the duties under subsection (b) and, upon request of the Chairperson of the Board, the head of that department or agency shall furnish such information to the Board.

''(2) EXCEPTION.—The Director (without delegation) may deny a request for information made by the Board pursuant to paragraph (1), regardless of the agency from which such information is requested.

''(3) NOTIFICATION REQUIREMENT.—If the Director denies a request under paragraph (2), not later than 15 days after the date of such denial, the Director shall submit to the congressional intelligence committees a written notification of such denial.

''(4) BRIEFINGS.—The Director shall ensure that the Board receives comprehensive briefings on all activities of the Office of Medical Services, including by promptly scheduling such briefings at the request of the Board.

''(g) TERMINATION.—The Board shall terminate on the date that is 5 years after the date of the first meeting of the Board.

''(h) DEFINITIONS.—In this section, the terms 'congressional intelligence committees' and 'intelligence community' have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).''.

(b) DEADLINE FOR APPOINTMENTS; FIRST MEETINGS.—

(1) DEADLINE FOR APPOINTMENTS.—Each member of the medical advisory board established under section 28 of the Central Intelligence Agency Act of 1949 (as added by subsection (a)), including the Chairperson, shall be appointed or elected, as applicable, in accordance with subsection (d) of such section by not later than 45 days after the date of the enactment of this Act.

(2) FIRST BOARD MEETING.—Not later than 30 days after the first date on which at least 5 members of the Board described in paragraph (1) hold the security clearance and are able to access information in accordance with subsection (d)(3)(C) of such section 28, the Board shall meet. During such meeting, the Director of the Central Intelligence Agency shall provide to the Board a comprehensive briefing on all aspects of the Office of Medical Services of the Central Intelligence Agency.

(3) FIRST MEETING WITH CONGRESS.—Not later than 30 days after the date of the briefing under paragraph (2), the Board described in such paragraph shall meet with the staff members of the congressional intelligence committees to discuss topics for the Board to examine in carrying out the duties under subsection (b) of such section 28.

**SEC. 603. CLARIFICATION OF EFFECT OF CERTAIN BENEFITS RELATING TO INJURIES TO THE BRAIN.**

(a) PERSONNEL OF CENTRAL INTELLIGENCE AGENCY.—Section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) is amended by adding at the end the following new paragraph:

''(5) NO EFFECT ON OTHER BENEFITS.—Payments made under paragraph (2) are supplemental to any other benefit furnished by the United States Government for which a covered dependent, covered employee, or covered individual is entitled, and the receipt of such payments may not affect the eligibility of such a person to any other benefit furnished by the United States Government.''.

(b) PERSONNEL OF DEPARTMENT OF STATE.—Section 901(i) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)) is

amended by adding at the end the following new paragraph:

''(5) NO EFFECT ON OTHER BENEFITS.—Payments made under paragraph (2) are supplemental to any other benefit furnished by the United States Government for which a covered dependent, dependent of a former employee, covered employee, former employee, or covered individual is entitled, and the receipt of such payments may not affect the eligibility of such a person to any other benefit furnished by the United States Government.''.

**SEC. 604. ACCESS TO CERTAIN FACILITIES OF UNITED STATES GOVERNMENT FOR ASSESSMENT OF ANOMALOUS HEALTH CONDITIONS.**

(a) ASSESSMENT.—The Director of National Intelligence shall ensure that the elements of the intelligence community provide to individuals described in subsection (c) who are experiencing symptoms of anomalous health conditions timely access for medical assessment to facilities of the United States Government with expertise in traumatic brain injury.

(b) PROCESS FOR ASSESSMENT AND TREATMENT.—In carrying out subsection (a), the Director of National Intelligence shall coordinate with the Secretary of Defense and the heads of such Federal agencies as the Director

considers appropriate to ensure that, by not later than 60 days after the date of the enactment of this Act, there is a process to provide the individuals described in subsection (c) with timely access to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate medical treatment facility for assessment as described in subsection (a) and, if necessary, treatment.

(c) INDIVIDUALS DESCRIBED.—The individuals described in this subsection are employees of elements of the intelligence community and the dependents or other immediate family members of such employees.

**SEC. 605. REPORT ON PROTOCOLS FOR CERTAIN INTELLIGENCE COMMUNITY EMPLOYEES AND DEPENDENTS.**

(a) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the President shall develop, for uniform implementation across the elements of the intelligence community, each of the protocols described in subsections (c) through (f). Such protocols shall be subject to review and revision on a periodic basis, and any implementation of such protocols shall be conducted in accordance with applicable laws and current clinical and professional practices of the interagency medical community.

(b) PRIVACY.—No data collected pursuant to any protocol under this section may be used for research or analytical purposes without the written consent of the individual from whom such data was collected with respect to such use.

(c) PROTOCOL ON BASELINE MEDICAL TESTING.—The protocol described in this subsection is a protocol for conducting voluntary baseline medical testing of covered employees, covered individuals, and the dependents of covered employees who are included on the overseas travel orders of the covered employee. Such protocol shall set forth the required elements of such baseline medical testing, such as—

(1) standard lab collection and testing of relevant biofluids;

(2) the conduct of relevant visual and auditory examinations;

(3) the conduct of Acquired Brain Injury Tool assessments, or other relevant assessments for balance, eye motion, and cognition;

(4) the assessment of relevant medical histories; and

(5) the conduct of any other standard relevant medical or neurological examinations, testing, or assessments.

(d) PROTOCOLS ON POST-INCIDENT MEDICAL TESTING.—The protocols described in this subsection are protocols to enable voluntary medical testing and the coordination of treatment for covered employees, covered individuals, and the dependents of covered employees, following a reported anomalous health incident, such as—

(1) a protocol that sets forth elements, similar to the elements described in subsection (c), of such testing;

(2) a protocol pertaining to the voluntary testing and treatment for victims of anomalous health incidents who are children;

(3) a protocol for ensuring that all victims of anomalous health incidents receive access to prompt and consistent medical treatment, including from medical professionals holding appropriate security clearances and medical professionals with expertise in child care;

(4) a protocol for ensuring that all victims of anomalous health incidents are offered options for psychological treatment for the effects of such incidents; and

(5) a protocol for ensuring that any testing, evaluation, or collection of biofluids or other samples following a reported anomalous health incident may

be compared against the baseline for the victim of the anomalous health incident, to the extent the individual participated in the baseline medical testing, consistent with subsections (b) and (c).

(e) PROTOCOL ON INFORMATION COLLECTION, STORAGE, AND SAFEGUARDING.—The protocol described in this subsection is a protocol for the collection, storage, and safeguarding of information acquired as a result of the protocols described in subsections (c) and (d).

(f) PROTOCOL ON REPORTING MECHANISMS.—The protocol described in this subsection is a protocol for the reporting of matters relating to anomalous health incidents by covered employees, covered individuals, and the dependents of covered employees, including the development of a system for the adjudication of complaints regarding medical treatment received by such covered employees, covered individuals, and dependents of covered employees.

(g) REPORT AND BRIEFINGS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the protocols described in subsections (c) through (f).

(2) ELEMENTS.—Such report shall include the following elements:

(A) A copy of each protocol under this section.

(B) A description of the following:

(i) Any interagency agreements, authorities, or policies required to effectively implement the protocols under this section.

(ii) Any new facilities, medical equipment, tools, training, or other resources required to effectively implement such protocols.

(C) A timeline for the implementation of the protocols under this section, including a proposal for the prioritization of implementation with respect to various categories of covered employees and the dependents of covered employees.

(3) BRIEFING.—Not later than 60 days following the date of submission of the report under paragraph (1), and biannually thereafter, the Director shall provide to the appropriate congressional committees a briefing regarding the implementation of the protocols under this section.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees; and

(B) the Committees on Armed Services of the House of Representatives and the Senate.

(2) COVERED EMPLOYEE.—The term ''covered employee'' means an individual who is an employee, assignee, or detailee of an element of the intelligence community.

(3) COVERED INDIVIDUAL.—The term ''covered individual'' means a contractor to an element of the intelligence community.

(4) DEPENDENT OF A COVERED EMPLOYEE.—The term ''dependent of a covered employee'' means, with respect to a covered employee, a family member (including a child), as defined by the Director of National Intelligence.

(5) VICTIM OF AN ANOMALOUS HEALTH INCIDENT.—The term ''victim of an anomalous health incident'' means a covered employee, covered individual, or dependent of a covered employee, who is, or is suspected to have been, affected by an anomalous health incident.

**SEC. 606. INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY INSPECTION OF OFFICE OF MEDICAL SERVICES.**

(a) INSPECTION.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Central Intelligence Agency, in coordination with, and with the support of, the Inspector General of the Intelligence Community, shall submit to the congressional intelligence committees a report containing an inspection of the responsibilities, authorities, resources, and performance of the Office of Medical Services of the Central Intelligence Agency (in this section referred to as the ''Office'').

(b) MATTERS INCLUDED.—The inspection under subsection (a) shall include the following:

(1) A detailed description of the responsibilities and authorities of the Office, as set forth in Federal law and any applicable regulation, policy, or other document of the Central Intelligence Agency.

(2) A detailed description of the budgetary, human, and other resources available to the Office, including with respect to employees and any other personnel.

(3) An assessment of the ability of the Office to consistently discharge the responsibilities of the Office, with an emphasis on the provision of medical

treatment and care by personnel of the Office, including with respect to—

(A) the roles of personnel of the Office, and of senior officials of the Agency outside of the Office, in determining what medical evaluation, treatment, and care should be provided in a particular case, including the provision of specialty care by medical personnel outside of the Office;

(B) whether personnel of the Office consistently provide appropriate and high-quality medical treatment and care in accordance with standards set independently by the professional medical community;

(C) whether the Office has sufficient human and other resources, including personnel with specialized background, qualifications, or expertise, to consistently provide high-quality medical treatment and care in accordance with standards set independently by the professional medical community;

(D) whether personnel of the Office, including personnel claiming specialized medical backgrounds and expertise, are required by the Agency to maintain current board certifications

or other certifications and licenses, and the extent to which the Office verifies such certifications and licenses;

(E) the extent to which the Office makes consistent and effective use of the specialized medical background, qualifications, and expertise of the personnel of the Office in providing medical treatment and care;

(F) an assessment of whether personnel of the Office who provide medical treatment and care, or who make decisions with respect to such treatment or care, are required to have extensive clinical or other experience in directly treating patients, including in areas requiring specialized background, qualifications, or expertise;

(G) any factors that have frustrated or delayed the provision of medical treatment and care by personnel of the Office in significant cases; and

(H) any factors that have frustrated or could frustrate prompt detection, effective oversight, and swift remediation of problems within the Office, including such factors that frustrate

or delay the provision of medical treatment and care in significant cases.

(c) INDEPENDENT ADVICE.—In conducting the inspection under subsection (a), the Inspector General may obtain the advice of the medical advisory board established under section 28 of the Central Intelligence Agency Act of 1949 (as added by section 602).

(d) FORM.—The report under subsection (a) shall be submitted in an unclassified form to the extent practicable, consistent with the protection of intelligence sources and methods, but may include a classified annex.

# TITLE VII—MATTERS RELATING TO FOREIGN COUNTRIES

## Subtitle A—Matters Relating to China

### SEC. 701. UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.

Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) A listing of all known Chinese talent recruitment programs operating in the United States as of the date of the report.''.

**SEC. 702. ASSESSMENT OF GENOMIC COLLECTION BY CHINA.**

(a) ASSESSMENT SUBMITTED TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of other entities of the United States Government the Director determines appropriate, shall submit to the congressional intelligence committees an assessment of the plans, intentions, capabilities, and resources of China devoted to biotechnology, and the objectives underlying those plans, intentions, capabilities, and resources.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) a detailed analysis of efforts undertaken by China to acquire foreign-origin biotechnology, research and development, and genetic information, including technology owned by United States companies, research by United

States institutions, and the genetic information of United States citizens;

(B) identification of China-based organizations conducting or directing efforts described in subparagraph (A), including information about the ties between those organizations and the Chinese government, the Chinese Communist Party, or the People's Liberation Army; and

(C) a detailed analysis of the resources of the intelligence community devoted to biotechnology, including synthetic biology and genomic-related issues, and a plan to improve understanding of these issues and ensure the intelligence community has the requisite expertise.

(3) FORM.—The assessment under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) ASSESSMENT SUBMITTED TO CERTAIN OTHER COMMITTEES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of other entities of the United States Gov-

ernment the Director determines appropriate, shall submit to the appropriate congressional committees an assessment of the plans, intentions, capabilities, and resources of China devoted to biotechnology, and the objectives underlying those plans, intentions, capabilities, and resources.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include the elements described in subparagraphs (A) and (B) of subsection (a)(2).

(3) FORM.—The assessment under paragraph (1) shall be submitted in unclassified form.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 703. REPORT ON THREAT POSED BY EMERGING CHINESE TECHNOLOGY COMPANIES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Assistant Secretary of the Treasury for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, and consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on the threat to the economic and security interests of the United States posed by emerging Chinese technology companies.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An assessment of the threat to the economic and security interests of the United States posed by emerging Chinese technology companies, including with respect to—

(A) the practices of such companies and the relationships of such companies to the government of China and the Chinese Communist Party;

(B) the extent to which such companies benefit from government financing or contracting vehicles outside of China;

(C) the extent to which such companies facilitate the targeting of dissidents and other vulnerable populations;

(D) the market penetration of such companies among allies and strategic partners of the United States;

(E) the security of the communications, data, and commercial interests of consumer and commercial end-users of the products of such companies; and

(F) the privacy interests of such consumers and commercial end-users.

(2) An assessment of the ability of the United States to counter any such threat, including with respect to different tools that could counter such a threat.

(c) FORM.—The report under subsection (a) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees;

(B) the Committees on Armed Services of the House of Representatives and the Senate;

(C) the Subcommittees on Commerce, Justice, Science, and Related Agencies and the Subcommittees on Financial Services and General Government of the Committees on Appropriations of the House of Representatives and the Senate; and

(D) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) EMERGING CHINESE TECHNOLOGY COMPANIES.—The term ''emerging Chinese technology companies'' means a Chinese technology company, including a company listed on the Science and Technology Innovation Board of the Shanghai Stock Exchange, that the Assistant Secretary of the Treasury for Intelligence and Analysis determines poses a significant threat to the national security of the United States.

**SEC. 704. REPORT AND BRIEFING ON COOPERATION BETWEEN CHINA AND UNITED ARAB EMIRATES.**

(a) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Director of National

Intelligence, in consultation with the heads of elements of the intelligence community that the Director determines appropriate, and consistent with the protection of intelligence sources and methods, shall provide to the appropriate congressional committees a briefing, and submit to the appropriate congressional committees a report, containing the following:

(1) Details on the cooperation between China and the United Arab Emirates regarding defense, security, technology, and other strategically sensitive matters that implicate the national security interests of the United States.

(2) The most recent (as of the date of the report or briefing, as the case may be) quarterly assessment by the intelligence community of measures that the United Arab Emirates has implemented to safeguard technology of the United States and the reliability of any assurances by the United Arab Emirates (with respect to both current assurances and assurances being considered as of such date).

(3) A certification by the Director regarding whether such assurances described in paragraph (2) are viable and sufficient to protect technology of the United States from being transferred to China or other third parties.

(b) FORM.—The report under subsection (a) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 705. REPORT ON CREATION OF OFFICIAL DIGITAL CURRENCY BY CHINA.**

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President, consistent with the protection of intelligence sources and methods, shall transmit to the appropriate congressional committees a report on the short-, medium-, and long-term national security risks associated with the creation and use of the official digital renminbi of China, including—

(1) risks arising from potential surveillance of transactions;

(2) risks relating to security and illicit finance; and

(3) risks relating to economic coercion and social control by China.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 706. REPORT ON INFLUENCE OF CHINA THROUGH BELT AND ROAD INITIATIVE PROJECTS WITH OTHER COUNTRIES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on recent projects negotiated by China with other countries as part of the Belt

and Road Initiative of China. The Director shall include in the report information about the types of such projects, costs of such projects, and the potential national security implications of such projects.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

**SEC. 707. REPORT ON EFFORTS OF CHINESE COMMUNIST PARTY TO ERODE FREEDOM AND AUTONOMY IN HONG KONG.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on efforts of the Chinese Communist Party to stifle political freedoms in Hong Kong, influence or manipulate the judiciary of Hong

Kong, destroy freedom of the press and speech in Hong Kong, and take actions to otherwise undermine the democratic processes of Hong Kong.

(b) CONTENTS.—The report submitted under subsection (a) shall include an assessment of the implications of the efforts of the Chinese Communist Party described in such subsection for international business, investors, academic institutions, and other individuals operating in Hong Kong.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

**SEC. 708. REPORT ON TARGETING OF RENEWABLE SECTORS BY CHINA.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report assessing the efforts and advancements of China in the wind power, solar power, and electric vehicle battery production sectors (or key components of such sectors).

(b) CONTENTS.—The report under subsection (b) shall include the following:

(1) An assessment of how China is targeting rare earth minerals and the effect of such targeting on the sectors described in subsection (a).

(2) Details of the use by the Chinese Communist Party of state-sanctioned forced labor schemes, including forced labor and the transfer of Uyghurs and other ethnic groups, and other human rights abuses in such sectors.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives.

# Subtitle B—Matters Relating to Other Countries

**SEC. 711. NATIONAL INTELLIGENCE ESTIMATE ON SECURITY SITUATION IN AFGHANISTAN AND RELATED REGION.**

(a) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall produce a National Intelligence Estimate on the situation in Afghanistan and the covered region.

(b) MATTERS.—The National Intelligence Estimate produced under subsection (a) shall include, with respect to the 2-year period beginning on the date on which the Estimate is produced, an assessment of the following:

(1) The presence in Afghanistan (including financial contributions to the Taliban, political relations with the Taliban, military presence in the covered region, economic presence in the covered region, and diplomatic presence in the covered region) of China, Iran, Pakistan, Russia, and any other foreign country determined relevant by the Director, respec-

tively, and an assessment of the potential risks, or benefits, of any such presence, contributions, or relations.

(2) Any change in the threat to the United States homeland or United States entities abroad as a result of the withdrawal of the Armed Forces from Afghanistan on August 31, 2021, including an assessment of the risk of al-Qaeda or any affiliates thereof, the Islamic State of Iraq and ash Sham-Khorasan or any affiliates thereof, or any other similar international terrorist group, using Afghanistan as a safe haven for launching attacks on the United States and its interests abroad.

(3) The political composition and sustainability of the governing body of Afghanistan, including an assessment of the ability of the United States Government to influence the policies of such governing body on the following:

(A) Counterterrorism.

(B) Counternarcotics.

(C) Human rights (particularly regarding women and girls and traditionally targeted ethnic groups).

(D) The treatment and safe transit of Afghans holding special immigrant visa status

under section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) and other Afghans who, during the period beginning in 2001, assisted efforts of the United States in Afghanistan or the covered region.

(4) The effect on the covered region, and Europe, of refugees leaving Afghanistan.

(5) The commitments of the Taliban relating to counterterrorism, including an assessment of—

(A) whether such commitments required under the agreement entered into between the United States Government and the Taliban in February 2020, have been tested, or will be tested during the 2-year period covered by the Estimate, and what such commitments entail;

(B) whether any additional commitments relating to counterterrorism agreed to by the Taliban pursuant to subsequent negotiations with the United States Government following February 2020, have been tested, or will be tested during the 2-year period covered by the Estimate, and, if applicable, what such commitments entail;

(C) any benchmarks against which the Taliban are to be evaluated with respect to commitments relating to counterterrorism; and

(D) the intentions and capabilities of the Taliban with respect to counterterrorism (as such term is understood by the United States and by the Taliban, respectively), including the relations of the Taliban with al-Qaeda or any affiliates thereof, the Islamic State of Iraq and ash Sham-Khorasan or any affiliates thereof, or any other similar international terrorist group.

(c) SUBMISSION TO CONGRESS.—

(1) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees the National Intelligence Estimate produced under subsection (a). In so submitting the Estimate to the congressional intelligence committees, the Director shall include all intelligence reporting underlying the Estimate.

(2) FORM.—The National Intelligence Estimate shall be submitted under paragraph (1) in classified form.

(d) PUBLIC VERSION.—Consistent with the protection of intelligence sources and methods, at the same time

as the Director submits to the appropriate congressional committees the National Intelligence Estimate under subsection (c), the Director shall make publicly available on the internet website of the Director an unclassified version of the key findings of the National Intelligence Estimate.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees; and

(B) the Committees on Armed Services of the House of Representatives and the Senate.

(2) COVERED REGION.—The term ''covered region'' includes the following countries:

(A) China.

(B) The Gulf Cooperation Council countries, including Qatar, Saudi Arabia, the United Arab Emirates.

(C) India.

(D) Iran.

(E) Pakistan.

(F) Tajikistan.

(G) Turkey.

(H) Turkmenistan.

(I) Uzbekistan.

(3) UNITED STATES ENTITY.—The term ''United States entity'' means a citizen of the United States, an embassy or consulate of the United States, or an installation, facility, or personnel of the United States Government.

**SEC. 712. REPORT ON INTELLIGENCE COLLECTION POSTURE AND OTHER MATTERS RELATING TO AFGHANISTAN AND RELATED REGION.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of elements of the intelligence community determined relevant by the Director, shall submit to the congressional intelligence committees a report on the collection posture of the intelligence community and other matters relating to Afghanistan and the covered region.

(b) MATTERS.—The report under subsection (a) shall include the following:

(1) A detailed description of the collection posture of the intelligence community with respect to Afghanistan, including with respect to the following:

(A) The countering of terrorism threats that are directed at the United States homeland or United States entities abroad.

(B) The finances of the Taliban, including financial and nonfinancial contributions to the Taliban from foreign countries (particularly from China, Iran, Russia, and any other foreign country in the Arab Gulf region (or elsewhere) determined relevant by the Director, respectively).

(C) The detection, and prevention of, any increased threat to the United States homeland or United States entities abroad as a result of the withdrawal of the United States Armed Forces from Afghanistan on August 31, 2021, including any such increased threat resulting from al-Qaeda or any affiliates thereof, the Islamic State of Iraq and ash Sham-Khorasan or any affiliates thereof, or any other similar international terrorist group, using Afghanistan as a safe harbor.

(2) A detailed description of any plans, strategies, or efforts to improve the collection posture described in paragraph (1)(A), including by filling any gaps identified pursuant to such paragraph.

(3) An assessment of the effect of publicly documenting abuses engaged in by the Taliban, and a description of the efforts of the intelligence commu-

nity to support other departments and agencies in the Federal Government with respect to the collection and documentation of such abuses.

(4) An assessment of the relationship between the intelligence community and countries in the covered region, including an assessment of the following:

(A) Intelligence and information sharing with such countries.

(B) Any change in the collection posture of the intelligence community with respect to the nuclear activities of such countries as a result of the withdrawal of the United States Armed Forces from Afghanistan on August 31, 2021.

(C) The collection posture of the intelligence community with respect to the presence of such countries in Afghanistan (including financial contributions to the Taliban, political relations with the Taliban, military presence in Afghanistan, economic presence in Afghanistan, and diplomatic presence in Afghanistan) and the understanding of the intelligence community regarding the potential risks, or benefits, of any such presence, contributions, or relations.

(D) The ability of the intelligence community to use the airspace of any such countries.

(5) An assessment of any financial contributions to the Taliban from foreign countries (particularly from China, Iran, Russia, and any other foreign country in the Arab Gulf region (or elsewhere) determined relevant by the Director, respectively) made during the year preceding the withdrawal of the United States Armed Forces from Afghanistan on August 31, 2021.

(c) FORM.—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

(d) BIANNUAL UPDATES.—On a biannual basis during the 5-year period following the date of the submission of the report under subsection (a), the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined relevant by the Director, shall submit to the congressional intelligence committees an update to such report.

(e) DEFINITIONS.—In this section:

(1) COVERED REGION.—The term ''covered region'' includes the following countries:

(A) China.

(B) The Gulf Cooperation Council countries, including Qatar, Saudi Arabia, the United Arab Emirates.

(C) India.

(D) Iran.

(E) Pakistan.

(F) Tajikistan.

(G) Turkey.

(H) Turkmenistan.

(I) Uzbekistan.

(2) UNITED STATES ENTITY.—The term ''United States entity'' means a citizen of the United States, an embassy or consulate of the United States, or an installation, facility, or personnel of the United States Government.

**SEC. 713. REPORT ON PROPAGATION OF EXTREMIST IDEOLOGIES FROM SAUDI ARABIA.**

(a) REPORT.—Not later than May 30, 2022, the Director of National Intelligence, in consultation with other relevant Federal departments and agencies, and consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on the threat of extremist ideologies propagated from Saudi Arabia and the failure of the Government of Saudi Arabia to prevent the propagation of such

ideologies. Such report shall include a detailed description of—

(1) the role of governmental and nongovernmental entities and individuals of Saudi Arabia in promoting, funding, and exporting ideologies, including so-called ''Wahhabist ideology'', that inspire extremism or extremist groups in other countries; and

(2) the practical and strategic consequences for vital national security interests of the United States as a result of such promotion, funding, or export.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 714. REPORT ON LIKELIHOOD OF MILITARY ACTION BY COUNTRIES OF THE SOUTH CAUCASUS.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report assessing the likelihood of a South Caucasus country taking military action against another country (including in Nagorno-Karabakh or any other disputed territory). Such report shall include an indication of the strategic balance in the region, including with respect to the offensive military capabilities of each South Caucasus country.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) SOUTH CAUCASUS COUNTRY.—The term ''South Caucasus country'' means any of the following:

(A) Armenia.

(B) Azerbaijan.

(C) Georgia.

**SEC. 715. REPORT ON NORD STREAM II COMPANIES AND INTELLIGENCE TIES.**

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, and in consultation with the heads of other departments and agencies of the United States Government as the Director determines appropriate, shall submit to the appropriate congressional committees a report on Nord Stream II efforts, including—

(1) an unclassified list of all companies supporting the Nord Stream II project; and

(2) an updated assessment of current or former ties between Nord Stream's Chief Executive Officer and Russian, East German, or other hostile intelligence agencies.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 716. ASSESSMENT OF ORGANIZATION OF DEFENSIVE INNOVATION AND RESEARCH ACTIVITIES.**

(a) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, and in consultation with the heads of other departments and agencies of the United States

Government as the Director determines appropriate, shall submit to the appropriate congressional committees an assessment of the activities and objectives of the Organization of Defensive Innovation and Research. The Director shall include in the assessment information about the composition of the organization, the relationship of the personnel of the organization to any research on weapons of mass destruction, and any sources of financial and material support that such organization receives, including from the Government of Iran.

(b) FORM.—The assessment under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 717. REPORT ON EFFECTS OF ECONOMIC SANCTIONS BY UNITED STATES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the appropriate congressional committees a report on the effects of economic sanctions imposed by the United States.

(b) MATTERS INCLUDED.—The report under subsection (a) shall—

(1) cover entities, individuals, and governments that the Director, in consultation with the Assistant Secretary of the Treasury for Intelligence and Analysis, determines appropriate as case studies for the purposes of the report, including with respect to China and Iran; and

(2) include—

(A) an assessment of whether economic sanctions imposed by the United States on entities, individuals, or governments have constrained, modified, or otherwise affected the ability of the individuals, entities, or governments to continue the activities for which they were sanctioned; and

(B) an assessment of the effectiveness of imposing additional sanctions.

(c) FORM.—The report under subsection (a) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Subcommittees on Financial Services and General Government of the Committees on Appropriations of the House of Representatives and the Senate;

(3) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

# TITLE VIII—REPORTS AND OTHER MATTERS

## Subtitle A—Matters Relating to Personnel

### SEC. 801. PERIODIC REPORT ON POSITIONS IN INTELLIGENCE COMMUNITY THAT CAN BE CONDUCTED WITHOUT ACCESS TO CLASSIFIED INFORMATION, NETWORKS, OR FACILITIES.

Section 6610 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3352e) is amended—

(1) by striking ''this Act and not less frequently than once every 5 years thereafter,'' and inserting ''this Act, and biennially thereafter,''; and

(2) by adding at the end the following new sentence: ''Such report shall take into account the potential effect of maintaining continuity of operations during a covered national emergency (as defined by section 303 of the Intelligence Authorization Act for Fiscal Year 2021 (division W of Public Law 116–260)) and the assessed needs of the intelligence community to maintain such continuity of operations.''.

**SEC. 802. IMPROVEMENTS TO ANNUAL REPORT ON DEMOGRAPHIC DATA OF EMPLOYEES OF INTELLIGENCE COMMUNITY.**

Section 5704(c) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334b(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''After making available a report under subsection (b), the Director of National Intelligence shall annually provide a report'' and inserting ''Not later than March 31 of each year, the Director of National Intelligence shall provide a report''; and

(2) by striking paragraph (1) and inserting the following new paragraph:

''(1) demographic data and information on the status of diversity and inclusion efforts of the intelligence community, including demographic data relating to—

''(A) the average years of service;

''(B) the average number of years of service for each level in the General Schedule, Senior Executive Service, Senior Intelligence Service, or equivalent; and

''(C) career categories;''.

**SEC. 803. PLAN FOR AUTHORITY TO ENTER INTO CONTRACTS WITH PROVIDERS OF SERVICES RELATING TO SENSITIVE COMPARTMENTED INFORMATION FACILITIES.**

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a plan for providing elements of the intelligence community with the authority to enter into contracts with providers of services relating to sensitive compartmented information facilities for the providers to facilitate the use of such facilities by businesses and organizations performing work, at multiple security levels, in such facilities pursuant to contracts with the element.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) An explanation of how the Director of National Intelligence will leverage the contracting methodology of the National Reconnaissance Office for leasing sensitive compartmented information facilities, or space therein, to businesses and organizations.

(2) Policy and budget guidance to incentivize the heads of the elements of the intelligence community to implement such plan.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the Committees on Armed Services of the House of Representatives and the Senate.

**SEC. 804. STUDY ON UTILITY OF EXPANDED PERSONNEL MANAGEMENT AUTHORITY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Director of National Intelligence shall jointly submit to the appropriate congressional committees a study on the utility of providing elements of the intelligence community of the Department of Defense, other than the National Geospatial-Intelligence Agency, personnel management authority to attract experts in science and engineering under section 4092 of title 10, United States Code.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the congressional defense committees.

**SEC. 805. REPORT ON PROSPECTIVE ABILITY TO ADMINISTER COVID–19 VACCINES AND OTHER MEDICAL INTERVENTIONS TO CERTAIN INTELLIGENCE COMMUNITY PERSONNEL.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, in consultation with the elements of the intelligence community and relevant public health agencies of the United States, shall jointly develop and submit to the appropriate congressional committees a report on the prospective ability of the intelligence community to administer COVID–19 vaccines, and such other medical interventions as may be relevant in the case of a future covered national emergency, to covered personnel (particularly with respect to essential covered personnel and covered personnel deployed outside of the United States).

(b) MATTERS INCLUDED.—The report under subsection (a) shall include an assessment of the following:

(1) The prospective ability of the elements of the intelligence community to administer COVID–19 vaccines (including subsequent booster shots for COVID–19), to covered personnel, and whether additional authorities or resources are necessary for, or may otherwise facilitate, such administration.

(2) The potential risks and benefits of granting the additional authorities or resources described in paragraph (1) to the Director, the Under Secretary, or both.

(3) With respect to potential future covered national emergencies, including future outbreaks of an infectious pandemic disease or similar public health emergencies, the following:

(A) The ability of the intelligence community to ensure the timely administration of medical interventions to covered personnel during the covered national emergency.

(B) Whether additional authorities or resources are necessary to ensure, or may otherwise facilitate, such timely administration, including with respect to the ability of the Director or Under Secretary to provide an alternative means of access to covered personnel with reduced access to the interventions provided by the respective element.

(C) The potential risks and benefits of granting the additional authorities or resources described in subparagraph (B) to the Director, the Under Secretary, or both.

(4) A summary of the findings of the survey under subsection (c).

(c) SURVEY.—Not later than 120 days after the date of the enactment of this Act, and prior to submitting the report under subsection (a), the Director and the Under Secretary shall jointly conduct a survey to determine the process by which each element of the intelligence community has administered COVID–19 vaccines to covered personnel, to inform continued medical care relating to COVID–19 and future responses to covered national emergencies. Such survey shall address, with respect to each element, the following:

(1) The timeline of the element with respect to the administration of COVID–19 vaccines prior to the date of the enactment of this Act.

(2) The process by which the element determined when covered personnel would become eligible to receive the COVID–19 vaccine (including if certain categories of such personnel became eligible before others).

(3) A general approximation of the percentage of covered personnel of the element that received the COVID–19 vaccine from the element versus through an alternative means (such as a private sector entity, foreign government, State, or local government),

particularly with respect to covered personnel deployed outside of the United States.

(4) Any challenges encountered by the element with respect to the administration of COVID–19 vaccines prior to the date of the enactment of this Act.

(5) Any other feedback determined relevant for purposes of the survey.

(d) PRIVACY CONSIDERATIONS.—In carrying out the report and survey requirements under this section, the Director, the Under Secretary, and the heads of the elements of the intelligence community shall ensure, to the extent practicable, the preservation of medical privacy and the anonymity of data.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees; and

(B) the Committees on Armed Services of the House of Representatives and the Senate.

(2) COVERED NATIONAL EMERGENCY.—The term ''covered national emergency'' has the meaning given such term in section 303 of the Intelligence

Authorization Act for Fiscal Year 2021 (50 U.S.C. 3316b).

(3) COVERED PERSONNEL.—The term ''covered personnel'' means personnel who are—

(A) employees of, or otherwise detailed or assigned to, an element of the intelligence community; or

(B) funded under the National Intelligence Program or the Military Intelligence Program.

(4) ESSENTIAL COVERED PERSONNEL.—The term ''essential covered personnel'' means covered personnel deemed essential to—

(A) continuity of operations of the intelligence community;

(B) continuity of operations of the United States Government; or

(C) other purposes related to the national security of the United States.

(5) NATIONAL INTELLIGENCE PROGRAM.—The term ''National Intelligence Program'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

**SEC. 806. FEDERAL POLICY ON SHARING OF COVERED INSIDER THREAT INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES IN THE TRUSTED WORKFORCE.**

(a) POLICY REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of Defense, the Director of the Office of Management and Budget, and the Attorney General, shall issue a policy for the Federal Government on sharing covered insider threat information pertaining to contractor employees.

(b) CONSENT REQUIREMENT.—The Director shall ensure that the policy issued under subsection (a) requires, as a condition of obtaining and maintaining a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered insider threat information with the senior official responsible for the insider threat program of the contracting agency. The Director may include in such policy restrictions on the further disclosure of such information.

(c) CONSULTATION.—On a quarterly basis during the period in which the Director is developing the policy under subsection (a), the Director shall consult with Congress and industry partners with respect to such development.

(d) REVIEW.—

(1) SUBMISSION.—Not later than 1 year after the date of the issuance of the policy under subsection (a), the Director of National Intelligence and the Secretary of Defense shall jointly submit to Congress and make available to such industry partners as the Director and the Secretary consider appropriate a review of the policy.

(2) CONTENTS.—The review under paragraph (1) shall include the following:

(A) An assessment of the utility and effectiveness of the policy issued under subsection (a).

(B) Such recommendations as the Director and the Secretary determine appropriate with respect to legislative or administrative action relevant to such policy.

(e) DEFINITIONS.—In this section:

(1) COVERED INSIDER THREAT INFORMATION.—The term ''covered insider threat information''—

(A) means information that—

(i) is relevant with respect to adjudications relating to determinations of eligibility for access to classified information;

(ii) an agency or department of the Federal Government has vetted and verified; and

(iii) according to Director of National Intelligence policy, is considered relevant to the ability of a contractor employee to protect against insider threats as required by section 117.7(d) of title 32, Code of Federal Regulations, or successor regulation; and

(B) includes pertinent information considered in the counter-threat assessment, as authorized by a provision of Federal law or Executive Order.

(2) CONTRACTOR EMPLOYEE.—The term ''contractor employee'' means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a department or agency of the Federal Government.

**SEC. 807. GOVERNANCE OF TRUSTED WORKFORCE 2.0 INITIATIVE.**

(a) GOVERNANCE.—The Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in

coordination with the Deputy Director for Management in the Office of Management and Budget, acting as the chairman of the Performance Accountability Council, and the Under Secretary of Defense for Intelligence and Security shall jointly—

(1) not later than 180 days after the date of the enactment of this Act, publish, in the Federal Register as appropriate, a policy with guidelines and standards for Federal Government agencies and industry partners to implement the Trusted Workforce 2.0 initiative;

(2) not later than 2 years after the date of the enactment of this Act and not less frequently than once every 6 months thereafter, submit to Congress a report on the timing, delivery, and adoption of Federal Government agencies' policies, products, and services to implement the Trusted Workforce 2.0 initiative, including those associated with the National Background Investigation Service; and

(3) not later than 90 days after the date of the enactment of this Act, submit to Congress performance management metrics for the implementation of the Trusted Workforce 2.0 initiative, including performance metrics regarding timeliness, cost, and measures of effectiveness.

(b) INDEPENDENT STUDY ON TRUSTED WORKFORCE 2.0.—

(1) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall enter into an agreement with an entity that is not part of the Federal Government to conduct a study on the effectiveness of the initiatives of the Federal Government known as Trusted Workforce 1.25, 1.5, and 2.0.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) An assessment of how effective such initiatives are or will be in determining who should or should not have access to classified information.

(B) A comparison of the effectiveness of such initiatives with the system of periodic reinvestigations that was in effect on the day before the date of the enactment of this Act.

(C) Identification of what is lost from the suspension of universal periodic reinvestigations in favor of a system of continuous vetting.

(D) An assessment of the relative effectiveness of Trusted Workforce 1.25, Trusted Workforce 1.5, and Trusted Workforce 2.0.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit a report on the findings from the study conducted under paragraph (1) to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives.

# Subtitle B—Matters Relating to Organizations and Capabilities

### SEC. 811. PLAN TO ESTABLISH INTEGRATED COMMERCIAL GEOSPATIAL INTELLIGENCE DATA PROGRAM OFFICE.

(a) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office and the Director of the National Geospatial-Intelligence Agency, in consultation with the Director of National Intelligence, shall jointly develop and submit to the appropriate congressional committees a plan to establish an integrated commercial geospatial intelligence data program office.

(b) CONTENTS.—The plan under subsection (a) shall include the following:

(1) An explanation of how the Director of the National Reconnaissance Office will elevate the commercial space program office within the organizational structure of the National Reconnaissance Office.

(2) An explanation of how the Director of the National Reconnaissance Office and the Director of the National Geospatial-Intelligence Agency will integrate the commercial space program office within the National Reconnaissance Office to include empowered functional manager personnel to ensure imagery purchases are responsive to functional manager-provided requirements and priorities.

(3) An explanation of—

(A) an approach that will rapidly leverage innovative commercial geospatial intelligence data capabilities to meet new intelligence challenges and inform operational requirements;

(B) how the Directors will annually evaluate new commercially available capabilities and provide opportunities for new entrants; and

(C) how the Directors will synchronize the procurement of commercial geospatial intel-

ligence data and commercial geospatial intelligence analytic services, respectively.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate; and

(3) the Committee on Armed Services of the House of Representatives.

**SEC. 812. CENTRAL INTELLIGENCE AGENCY ACQUISITION INNOVATION CENTER REPORT, STRATEGY, AND PLAN.**

(a) REQUIREMENT FOR REPORT AND STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees—

(1) a report stating the mission and purpose of the Acquisition Innovation Center of the Agency; and

(2) a strategy for incorporating the Acquisition Innovation Center into the standard operating procedures and procurement and acquisition practices of the Agency.

(b) REQUIREMENT FOR IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Director shall, using the findings of the Director with respect to the report submitted under subsection (a)(1), submit to the congressional intelligence committees an implementation plan that addresses—

(1) how the Director will ensure the contracting officers of the Agency and the technical representatives of the Acquisition Innovation Center for the contracting officers have access to the technical expertise required to inform requirements development, technology maturity assessments, and monitoring of acquisitions;

(2) how the plan specifically applies to technical industries, including telecommunications, software, aerospace, and large-scale construction; and

(3) projections for resources necessary to support the Acquisition Innovation Center, including staff, training, and contracting support tools.

**SEC. 813. REPORT ON UNITED STATES SOUTHERN COMMAND INTELLIGENCE CAPABILITIES.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such other Federal Government entities as the Director

considers relevant, and consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report detailing the status of the intelligence collection, analysis, and operational capabilities of the United States Southern Command to support Latin America-based missions.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the congressional defense committees.

**SEC. 814. REPORT ON PROJECT MAVEN TRANSITION.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency, in consultation with such other Federal Government entities as the Director considers appropriate, shall submit to the appropriate congressional committees a report on the transition of Project Maven to operational mission support.

(b) PLAN OF ACTION AND MILESTONES.—The report required by subsection (a) shall include a detailed plan of action and milestones that identifies—

(1) the milestones and decision points leading up to the transition of successful geospatial intelligence capabilities developed under Project Maven to the National Geospatial-Intelligence Agency; and

(2) the metrics of success regarding the transition described in paragraph (1) and mission support provided to the National Geospatial-Intelligence Agency for each of fiscal years 2022 and 2023.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the congressional defense committees.

**SEC. 815. REPORT ON FUTURE STRUCTURE AND RESPONSIBILITIES OF FOREIGN MALIGN INFLUENCE CENTER.**

(a) ASSESSMENT AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct an assessment as to the future structure, responsibilities, and organizational placement of the Foreign Malign Influence Center; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to the assessment conducted under paragraph (1).

(b) ELEMENTS.—The assessment conducted under subsection (a)(1) shall include—

(1) an assessment of whether the statutory functions of the Foreign Malign Influence Center are optimized to the needs of the intelligence community and policymakers;

(2) a description of potential changes to the statutory functions of the Foreign Malign Influence Center that might further advance the counter-foreign malign influence mission of the Center and the intelligence community, including whether the Director of the Foreign Malign Influence Center should continue to report directly to the Director of Na-

tional Intelligence and whether the Foreign Malign Influence Center should remain a separate, stand-alone center; and

(3) an assessment of the risks, benefits, and feasibility of predominantly staffing the Foreign Malign Influence Center with detailees from other agencies, including from outside the intelligence community.

# Subtitle C—Other Matters

**SEC. 821. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL THREATS.**

(a) REQUIREMENT.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**"SEC. 1111. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL THREATS.**

"(a) REPORTS.—On a biennial basis until the date that is 10 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2022, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on the activities, prioritization, and responsibilities of the intelligence community with respect to foreign biological

threats emanating from the territory of, or sponsored by, a covered country.

''(b) MATTERS INCLUDED.—Each report under subsection (a) shall include, with respect to foreign biological threats emanating from the territory of, or sponsored by, a covered country, the following:

''(1) A detailed description of all activities relating to such threats undertaken by each element of the intelligence community, and an assessment of any gaps in such activities.

''(2) A detailed description of all duties and responsibilities relating to such threats explicitly authorized or otherwise assigned, exclusively or jointly, to each element of the intelligence community, and an assessment of any identified gaps in such duties or responsibilities.

''(3) A description of the coordination among the relevant elements of the intelligence community with respect to the activities specified in paragraph (1) and the duties and responsibilities specified in paragraph (2).

''(4) An inventory of the strategies, plans, policies, and interagency agreements of the intelligence community relating to the collection, monitoring,

analysis, mitigation, and attribution of such threats, and an assessment of any identified gaps therein.

''(5) A description of the coordination and interactions among the relevant elements of the intelligence community and non-intelligence community partners.

''(6) An assessment of foreign malign influence efforts relating to such threats, including any foreign academics engaged in such efforts, and a description of how the intelligence community contributes to efforts by non-intelligence community partners to counter such foreign malign influence.

''(c) FORM.—Each report submitted under subsection (a) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

''(d) DEFINITIONS.—In this section:

''(1) COVERED COUNTRY.—The term 'covered country' means—

''(A) China;

''(B) Iran;

''(C) North Korea;

''(D) Russia; and

''(E) any other foreign country—

''(i) from which the Director of National Intelligence determines a biological threat emanates; or

''(ii) that the Director determines has a known history of, or has been assessed as having conditions present for, infectious disease outbreaks or epidemics.

''(2) FOREIGN BIOLOGICAL THREAT.—The term 'foreign biological threat' means biological warfare, bioterrorism, naturally occurring infectious diseases, or accidental exposures to biological materials, without regard to whether the threat originates from a state actor, a non-state actor, natural conditions, or an undetermined source.

''(3) FOREIGN MALIGN INFLUENCE.—The term 'foreign malign influence' has the meaning given such term in section 119C(e) of this Act.

''(4) NON-INTELLIGENCE COMMUNITY PARTNER.—The term 'non-intelligence community partner' means a Federal department or agency that is not an element of the intelligence community.''.

(b) FIRST REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees the first report required under section

1111 of the National Security Act of 1947, as added by subsection (a).

**SEC. 822. ANNUAL REPORTS ON CERTAIN CYBER VULNERABILITIES PROCURED BY INTELLIGENCE COMMUNITY AND FOREIGN COMMERCIAL PROVIDERS OF CYBER VULNERABILITIES.**

(a) REQUIREMENT.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 821, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**"SEC. 1112. ANNUAL REPORTS ON CERTAIN CYBER VULNERABILITIES PROCURED BY INTELLIGENCE COMMUNITY AND FOREIGN COMMERCIAL PROVIDERS OF CYBER VULNERABILITIES.**

''(a) ANNUAL REPORTS.—On an annual basis through 2026, the Director of the Central Intelligence Agency and the Director of the National Security Agency, in coordination with the Director of National Intelligence, shall jointly submit to the congressional intelligence committees a report containing information on foreign commercial providers and the cyber vulnerabilities procured by

the intelligence community through foreign commercial providers.

''(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the period covered by the report, the following:

''(1) A description of each cyber vulnerability procured through a foreign commercial provider, including—

''(A) a description of the vulnerability;

''(B) the date of the procurement;

''(C) whether the procurement consisted of only that vulnerability or included other vulnerabilities;

''(D) the cost of the procurement;

''(E) the identity of the commercial provider and, if the commercial provider was not the original supplier of the vulnerability, a description of the original supplier;

''(F) the country of origin of the vulnerability; and

''(G) an assessment of the ability of the intelligence community to use the vulnerability, including whether such use will be operational or for research and development, and the approximate timeline for such use.

''(2) An assessment of foreign commercial providers that—

''(A) pose a significant threat to the national security of the United States; or

''(B) have provided cyber vulnerabilities to any foreign government that—

''(i) has used the cyber vulnerabilities to target United States persons, the United States Government, journalists, or dissidents; or

''(ii) has an established pattern or practice of violating human rights or suppressing dissent.

''(3) An assessment of whether the intelligence community has conducted business with the foreign commercial providers identified under paragraph (2) during the 5-year period preceding the date of the report.

''(c) FORM.—Each report under subsection (a) may be submitted in classified form.

''(d) DEFINITIONS.—In this section:

''(1) COMMERCIAL PROVIDER.—The term 'commercial provider' means any person that sells, or acts as a broker, for a cyber vulnerability.

''(2) CYBER VULNERABILITY.—The term 'cyber vulnerability' means any tool, exploit, vulnerability, or code that is intended to compromise a device, network, or system, including such a tool, exploit, vulnerability, or code procured by the intelligence community for purposes of research and development.''.

(b) FIRST REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency and the Director of the National Security Agency shall jointly submit the first report required under section 1112 of the National Security Act of 1947, as added by subsection (a).

**SEC. 823. PERIODIC REPORTS ON TECHNOLOGY STRATEGY OF INTELLIGENCE COMMUNITY.**

(a) PERIODIC REPORTS REQUIRED.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 822, is further amended by adding at the end the following new section (and conforming the table of contents at the beginning of such Act accordingly):

**''SEC. 1113. PERIODIC REPORTS ON TECHNOLOGY STRATEGY OF INTELLIGENCE COMMUNITY.**

''(a) REPORTS.—On a basis that is not less frequent than once every 4 years, the Director of National Intelligence, in coordination with the Director of the Office of

Science and Technology Policy, the Secretary of Commerce, and the heads of such other agencies as the Director considers appropriate, shall submit to the congressional intelligence committees a comprehensive report on the technology strategy of the intelligence community, which shall be designed to support the maintenance of the leadership of the United States in critical and emerging technologies essential to the national security of the United States.

''(b) ELEMENTS.—Each report submitted under subsection (a) shall include the following:

''(1) An assessment of technologies critical to the national security of the United States, particularly those technologies with respect to which foreign countries that are adversarial to the United States have or are poised to match or surpass the technology leadership of the United States.

''(2) A review of current technology policies of the intelligence community, including long-term goals.

''(3) An identification of sectors and supply chains the Director determines to be of the greatest strategic importance to national security.

''(4) An identification of opportunities to protect the leadership of the United States, and the al-

lies and partners of the United States, in critical technologies, including through targeted export controls, investment screening, and counterintelligence activities.

''(5) An identification of research and development areas the Director determines critical to the national security of the United States, including areas in which the private sector does not focus.

''(6) Recommendations for growing talent in key critical and emerging technologies and enhancing the ability of the intelligence community to recruit and retain individuals with critical skills relating to such technologies.

''(7) An identification of opportunities to improve the leadership of the United States in critical technologies, including opportunities to develop international partnerships to reinforce domestic policy actions, develop new markets, engage in collaborative research, and maintain an international environment that reflects the values of the United States and protects the interests of the United States.

''(8) A technology annex to establish an approach for the identification, prioritization, development, and fielding of emerging technologies critical to the mission of the intelligence community.

''(9) Such other information as the Director determines may be necessary to inform Congress on matters relating to the technology strategy of the intelligence community and related implications for the national security of the United States.

''(c) FORM OF ANNEX.—Each annex submitted under subsection (b)(8) may be submitted in classified form.''.

(b) FIRST REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees the first report required under section 1113 of the National Security Act of 1947, as added by subsection (a).

**SEC. 824. INTELLIGENCE ASSESSMENT AND REPORTS ON FOREIGN RACIALLY MOTIVATED VIOLENT EXTREMISTS.**

(a) INTELLIGENCE ASSESSMENT.—

(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the Director of the National Counterterrorism Center, in coordination with the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis,

and in consultation with other relevant Federal departments and agencies, shall submit to the appropriate congressional committees an intelligence assessment on significant threats to the United States associated with foreign racially motivated violent extremist organizations.

(2) ELEMENTS.—The assessment under paragraph (1) shall include the following:

(A) A list of foreign racially motivated violent extremist organizations that pose a significant threat to the national security of the United States.

(B) With respect to each such organization—

(i) an overview of the membership, ideology, and activities;

(ii) a description of any transnational links to the United States or United States persons;

(iii) a description of the leadership, plans, intentions, and capabilities;

(iv) whether (and if so, to what extent) foreign governments or their proxies provide any manner of support to such or-

ganizations, including a list of each such foreign government or proxy;

(v) a description of the composition and characteristics of the members and support networks, including whether (and if so, to what extent) the members are also a part of a military, security service, or police;

(vi) a description of financing and other forms of material support;

(vii) an assessment of trends and patterns relative to communications, travel, and training (including whether and to what extent the organization is engaged in or facilitating military or paramilitary training);

(viii) an assessment of the radicalization and recruitment, including an analysis of the extremist messaging motivating members and supporters; and

(ix) whether (and if so, to what extent) foreign governments have sufficient laws and policies to counter threats to the United States associated with the organization, including best practices and gaps.

(C) An assessment of the status and extent of information sharing, intelligence partnerships, foreign police cooperation, and mutual legal assistance between the United States and foreign governments relative to countering threats to the United States associated with foreign racially motivated violent extremist organizations.

(D) An assessment of intelligence gaps and recommendations on how to remedy such gaps.

(E) An opportunity analysis regarding countering such threats, including, at a minimum, with respect to mitigating and disrupting the transnational nexus.

(3) STANDARDS.—The intelligence assessment under paragraph (1) shall be conducted in a manner that meets the analytic integrity and tradecraft standards of the intelligence community.

(4) FORM.—The intelligence assessment under paragraph (1) shall be submitted in unclassified form, but may include a classified annex in electronic form that is fully indexed and searchable. In carrying out this paragraph, the officials responsible for submitting such assessment shall ensure that the assessment is unclassified to the extent practicable.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 150 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the Director of the National Counterterrorism Center, in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, the Secretary of Homeland Security, and in a manner consistent with the authorities and responsibilities of such Secretary or Director, shall submit to the appropriate congressional committees a report on the use of Federal laws, regulations, and policies by the Federal Government to counter significant threats to the United States and United States persons associated with foreign racially motivated violent extremist organizations.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An identification, description, and assessment of the use and efficacy of, Federal laws, regulations, and policies used by the Federal Government to address significant threats to the United States and United States persons associated with foreign racially motivated vio-

lent extremist organizations, including pursuant to—

(i) section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and section 119 of the National Security Act of 1949 (50 U.S.C. 3056), particularly with respect to the coordination and integration of all instruments of national power;

(ii) Executive Order 12333 (50 U.S.C. 3001 note), as amended;

(iii) the designation of foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(iv) the designation of specially designated terrorists, specially designated global terrorists, or specially designated nationals and blocked persons, pursuant to Executive Orders 13886, 13372, and 13224 and parts 594, 595, 596, and 597 of title 31, Code of Federal Regulations;

(v) National Security Presidential Memorandums 7 and 9, particularly with respect to the sharing of terrorism infor-

mation and screening and vetting activities; and

(vi) any other applicable Federal laws, regulations, or policies.

(B) An assessment of whether (and if so, to what extent and why) such Federal laws, regulations, and policies are sufficient to counter such threats, including a description of any gaps and specific examples to illustrate such gaps.

(C) Recommendations regarding how to remedy the gaps under subparagraph (B).

(3) PRIVACY AND CIVIL LIBERTIES ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Privacy and Civil Liberties Oversight Board, in consultation with the civil liberties and privacy officers of the Federal departments and agencies the Board determines appropriate, shall submit to the appropriate congressional committees a report containing—

(A) an assessment of the impacts on the privacy and civil liberties of United States persons concerning the use or recommended use of any Federal laws, regulations, and policies specified in paragraph (2); and

(B) recommendations on options to develop protections to mitigate such impacts.

(4) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex in electronic form that is fully indexed and searchable. In carrying out this paragraph, the officials responsible for submitting such report shall ensure that the report is unclassified to the extent practicable.

(5) SEPARATE SUBMISSION.—The Director shall submit to the appropriate congressional committees the report under paragraph (1) as a separate report from the report submitted under section 826(a)(2).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees;

(B) the Subcommittees on Financial Services and General Government, the Subcommittees on Homeland Security, and the Subcommittees on State, Foreign Operations, and Related Programs of the Committees on Appro-

priations of the House of Representatives and the Senate; and

(C) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) TERRORISM INFORMATION.—The term ''terrorism information'' has the meaning given that term in section 1016(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a)).

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

**SEC. 825. NATIONAL INTELLIGENCE ESTIMATE ON ESCALATION AND DE-ESCALATION OF GRAY ZONE ACTIVITIES IN GREAT POWER COMPETITION.**

(a) FINDINGS.—Congress finds the following:

(1) The conventional power of the United States has driven foreign adversaries to a level of competition that does not always depend on military confrontation with the United States.

(2) Rather than challenging the United States in a manner that could provoke a kinetic military response, foreign adversaries of the United States have

turned to carrying out gray zone activities to advance the interests of such adversaries, weaken the power of the United States, and erode the norms that underpin the United States-led international order.

(3) Gray zone activity falls on a spectrum of attribution and deniability that ranges from covert adversary operations, to detectible covert adversary operations, to unattributable adversary operations, to deniable adversary operations, to open adversary operations.

(4) To adequately address such a shift to gray zone activity, the United States must understand what actions tend to either escalate or de-escalate such activity by its adversaries.

(5) The laws, principles, and values of the United States are strategic advantages in great power competition with authoritarian foreign adversaries that carry out gray zone activities, because such laws, principles, and values increase the appeal of the governance model of the United States, and the United States-led international order, to states and peoples around the world.

(6) The international security environment has demonstrated numerous examples of gray zone ac-

tivities carried out by foreign adversaries, including the following activities of foreign adversaries:

(A) Information operations, such as efforts by Russia to influence the 2020 United States Federal elections (as described in the March 15, 2021, intelligence community assessment of the Office of the Director of National Intelligence made publicly available on March 15, 2021).

(B) Adversary political coercion operations, such as the wielding of energy by Russia, particularly in the context of Ukrainian gas pipelines, to coerce its neighbors into compliance with its policies.

(C) Adversary economic coercion operations, such as the threat, and use, by China of economic retaliation to coerce sovereign countries into compliance with its policies or to blunt any criticism of its violations of the rules-based international order and its perpetration of severe human rights abuses.

(D) Cyber operations, such as the use by China of cyber tools to conduct industrial espionage.

(E) Provision of support to proxy forces, such as the support provided by Iran to Hezbollah and Shia militia groups.

(F) Provocation by armed forces controlled by the government of the foreign adversary through measures that do not rise to the level of an armed attack, such as the use of the China Coast Guard and maritime militia by China to harass the fishing vessels of other countries in the South China Sea.

(G) Alleged uses of lethal force on foreign soil, such as the 2018 poisoning of Sergei Skripal in London by Russia.

(H) The potential use by an adversary of technology that causes anomalous health incidents among United States Government personnel.

(b) NATIONAL INTELLIGENCE ESTIMATE.—

(1) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall produce a National Intelligence Estimate on how foreign adversaries use gray zone activities to advance interests, what responses by the United States (or the allies or partners of the United States) would tend to result in the escalation

or de-escalation of such gray zone activities by foreign adversaries, and any opportunities for the United States to minimize the extent to which foreign adversaries use gray zone activities in furtherance of great power competition.

(2) MATTERS INCLUDED.—To the extent determined appropriate by the National Intelligence Council, the National Intelligence Estimate produced under paragraph (1) may include an assessment of the following topics:

(A) Any potential or actual lethal or harmful gray zone activities carried out against the United States by foreign adversaries, including against United States Government employees and United States persons, whether located within or outside of the United States.

(B) To the extent such activities have occurred, or are predicted to occur—

(i) opportunities to reduce or deter any such activities; and

(ii) any actions of the United States Government that would tend to result in the escalation or de-escalation of such activities.

(C) Any incidents in which foreign adversaries could have used, but ultimately did not use, gray zone activities to advance the interests of such adversaries, including an assessment as to why the foreign adversary ultimately did not use gray zone activities.

(D) The effect of lowering the United States Government threshold for the public attribution of detectible covert adversary operations, unattributable adversary operations, and deniable adversary operations.

(E) The effect of lowering the United States Government threshold for responding to detectible covert adversary operations, unattributable adversary operations, and deniable adversary operations.

(F) The extent to which the governments of foreign adversaries exercise control over any proxies or parastate actors used by such governments in carrying out gray zone activities.

(G) The extent to which gray zone activities carried out by foreign adversaries affect the private sector of the United States.

(H) The international norms that provide the greatest deterrence to gray zone activities

carried out by foreign adversaries, and opportunities for strengthening those norms.

(I) The effect, if any, of the strengthening of democratic governance abroad on the resilience of United States allies and partners to gray zone activities.

(J) Opportunities to strengthen the resilience of United States allies and partners to gray zone activities, and associated tactics, carried out by foreign adversaries.

(K) Opportunities for the United States to improve the detection of, and early warning for, such activities and tactics.

(L) Opportunities for the United States to galvanize international support in responding to such activities and tactics.

(3) SUBMISSION TO CONGRESS.—

(A) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate the National Intelligence Estimate produced under paragraph (1). In so submitting the Estimate to the congressional intel-

ligence committees, the Director shall include all intelligence reporting underlying the Estimate.

(B) NOTICE REGARDING SUBMISSION.—If at any time before the deadline specified in subparagraph (A), the Director determines that the National Intelligence Estimate produced under paragraph (1) cannot be submitted by such deadline, the Director shall (before such deadline) submit to the committees specified in subparagraph (A) a report setting forth the reasons why the National Intelligence Estimate cannot be submitted by such deadline and an estimated date for the submission of the National Intelligence Estimate.

(C) FORM.—Any report under subparagraph (B) shall be submitted in unclassified form.

(4) PUBLIC VERSION.—Consistent with the protection of intelligence sources and methods, at the same time as the Director submits to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate the National Intelligence Estimate under paragraph (1), the Director shall make pub-

licly available on the internet website of the Director an unclassified version of the key findings of the National Intelligence Estimate.

(5) DEFINITIONS.—In this subsection:

(A) GRAY ZONE ACTIVITY.—The term ''gray zone activity'' means an activity to advance the national interests of a State that—

(i) falls between ordinary statecraft and open warfare;

(ii) is carried out with an intent to maximize the advancement of interests of the state without provoking a kinetic military response by the United States; and

(iii) falls on a spectrum that ranges from covert adversary operations, to detectible covert adversary operations, to unattributable adversary operations, to deniable adversary operations, to open adversary operations.

(B) COVERT ADVERSARY OPERATION.—The term ''covert adversary operation'' means an operation by an adversary that—

(i) the adversary intends to remain below the threshold at which the United States detects the operation; and

(ii) does stay below such threshold.

(C) DETECTIBLE COVERT ADVERSARY OPERATION.—The term ''detectible covert adversary operation'' means an operation by an adversary that—

(i) the adversary intends to remain below the threshold at which the United States detects the operation; but

(ii) is ultimately detected by the United States at a level below the level at which the United States will publicly attribute the operation to the adversary.

(D) UNATTRIBUTABLE ADVERSARY OPERATION.—The term ''unattributable adversary operation'' means an operation by an adversary that the adversary intends to be detected by the United States, but remains below the threshold at which the United States will publicly attribute the operation to the adversary.

(E) DENIABLE ADVERSARY OPERATION.—The term ''deniable adversary operation'' means an operation by an adversary that—

(i) the adversary intends to be detected and publicly or privately attributed by the United States; and

(ii) the adversary intends to deny, to limit the response by the United States, and any allies of the United States.

(F) OPEN ADVERSARY OPERATION.—The term ''open adversary operation'' means an operation by an adversary that the adversary openly acknowledges as attributable to the adversary.

(c) REQUIREMENT TO DEVELOP LEXICON.—

(1) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall develop a lexicon of common terms (and corresponding definitions for such terms) for concepts associated with gray zone activities.

(2) CONSIDERATIONS.—In developing the lexicon under paragraph (1), the National Intelligence Council shall include in the lexicon each term (and the corresponding definition for each term) specified in subsection (b)(5), unless the National Intelligence Council determines that an alternative term (or alternative definition)—

(A) more accurately describes a concept associated with gray zone activities; or

(B) is preferable for any other reason.

(3) REPORT.—

(A) PUBLICATION.—The Director of National Intelligence shall publish a report containing the lexicon developed under paragraph (1).

(B) FORM.—The report under subparagraph (A) shall be published in unclassified form.

**SEC. 826. ASSESSMENT OF ROLE OF FOREIGN GROUPS IN DOMESTIC VIOLENT EXTREMISM.**

(a) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall—

(1) complete an assessment to identify the role of foreign groups, including entities, adversaries, governments, or other groups, in domestic violent extremist activities in the United States; and

(2) submit to the appropriate congressional committees a report containing the findings of the Director with respect to the assessment.

(b) FORM.—The report under subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

(c) SEPARATE SUBMISSION.—The Director shall submit to the appropriate congressional committees the report

under subsection (a)(2) as a separate report from the report submitted under section 824(b)(1).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

**SEC. 827. REPORT ON POTENTIAL INCLUSION WITHIN INTELLIGENCE COMMUNITY OF THE OFFICE OF NATIONAL SECURITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of Health and Human Services, shall submit to the appropriate congressional committees a report on the potential advantages and disadvantages of adding the Office of National Security of the Department of Health and Human Services as a new element of the intelligence community.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An assessment of the following:

(A) The likelihood that the addition of the Office of National Security as a new element of the intelligence community would increase connectivity between other elements of the intelligence community working on health security topics and the Department of Health and Human Services.

(B) The likelihood that such addition would increase the flow of raw intelligence and finished intelligence products to officials of the Department of Health and Human Services.

(C) The likelihood that such addition would facilitate the flow of information relating to health security topics to intelligence analysts of various other elements of the intelligence community working on such topics.

(D) The extent to which such addition would clearly demonstrate to both the national security community and the public health community that health security is national security.

(E) Any anticipated impediments to such addition relating to additional budgetary oversight by the executive branch or Congress.

(F) Any other significant advantages or disadvantages of such addition, as identified by either the Director of National Intelligence or the Secretary of Health and Human Services.

(2) A joint recommendation by the Director of National Intelligence and the Secretary of Health and Human Services as to whether to add the Office of National Security as a new element of the intelligence community.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(3) the Subcommittees on Labor, Health and Human Services, Education, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

**SEC. 828. REPORT ON EFFORTS TO BUILD AN INTEGRATED HYBRID SPACE ARCHITECTURE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually for 2 years thereafter, the Director of National Intelligence, in coordination with the Under Secretary of Defense for Intelligence and Security and the Director of the National Reconnaissance Office, shall submit to the appropriate congressional committees a report on the efforts of the intelligence community to build an integrated hybrid space architecture that combines national and commercial capabilities and large and small satellites.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of how the integrated hybrid space architecture approach is being realized in the overhead architecture of the National Reconnaissance Office.

(2) An assessment of the benefits to the mission of the National Reconnaissance Office and the cost of integrating capabilities from smaller, proliferated satellites and data from commercial satellites with the national technical means architecture.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees; and

(2) the congressional defense committees.

**SEC. 829. REPORT ON CERTAIN ACTIONS TAKEN BY INTELLIGENCE COMMUNITY WITH RESPECT TO HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW.**

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Secretary of Defense, and the Director of the Defense Intelligence Agency, and consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on certain actions taken by the intelligence community with respect to human rights and international humanitarian law.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A detailed explanation of whether, and to what extent, each element of the intelligence commu-

nity has provided intelligence products relating to the efforts of the Secretary of State and the Secretary of Treasury regarding the categorization, determinations on eligibility for assistance and training, and general understanding, of covered entities that commit, engage, or are otherwise complicit in, violations of human rights or international humanitarian law.

(2) A detailed explanation of whether, and to what extent, each element of the intelligence community has provided intelligence products relating to any of the following:

(A) Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94; 8 U.S.C. 1182 note).

(B) The visa restriction policy of the Department of State announced on February 26, 2021, and commonly referred to as the ''Khashoggi Ban''.

(C) The annual report requirement of the Department of Defense under section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (131 Stat. 1572).

(D) The Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

(3) A detailed explanation of the following processes:

(A) The process of each element of the intelligence community for monitoring covered entities for derogatory human rights or international humanitarian law information.

(B) The process of each element of the intelligence community for determining the credibility of derogatory human rights or international humanitarian law information.

(C) The process of each element of the intelligence community for determining what further action is appropriate if derogatory human rights or international humanitarian law information is determined to be credible.

(4) An unredacted copy of each policy or similar document that describes a process specified in paragraph (3).

(5) A detailed explanation of whether, with respect to each element of the intelligence community, the head of the element has changed or restricted any activities of the element in response to deroga-

tory human rights or international humanitarian law information.

(6) Examples of any changes or restrictions specified in paragraph (5) taken by the head of the element of the intelligence community during the two years preceding the date of the submission of the report.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(D) the Subcommittees on Financial Services and General Government and the Subcommittees on State, Foreign Operations, and

Related Programs of the Committees on Appropriations of the House of Representatives and the Senate.

(2) COVERED ENTITY.—The term ''covered entity''—

(A) means an individual, unit, or foreign government that—

(i) has a cooperative relationship with the United States Government; or

(ii) is the target of an intelligence collection activity carried out by the United States Government; but

(B) does not include an employee of the United States Government.

(3) DEROGATORY HUMAN RIGHTS OR INTERNATIONAL HUMANITARIAN LAW INFORMATION.—The term ''derogatory human rights or international humanitarian law information'' means information tending to suggest that a covered entity committed, participated, or was otherwise complicit in, a violation of human rights or international humanitarian law, regardless of the credibility of such information, the source of the information, or the level of classification of the information.

(4) VIOLATION OF HUMAN RIGHTS OR INTERNATIONAL HUMANITARIAN LAW.—The term ''violation of human rights or international humanitarian law'' includes a violation of any authority or obligation of the United States Government related to human rights or international humanitarian law, without regard to whether such authority or obligation is codified in a provision of law, regulation, or policy.

**SEC. 830. REPORT ON RARE EARTH ELEMENTS.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Defense Intelligence Agency, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, and any other head of an element of the intelligence community that the Director of National Intelligence determines relevant, shall submit to the congressional intelligence committees a report on rare earth elements.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An assessment coordinated by the National Intelligence Council of—

(A) long-term trends in the global rare earth element industry;

(B) the national security, economic, and industrial risks to the United States, and to the partners and allies of the United States, with respect to relying on foreign countries, including China, for rare earth mining and the processing or production of rare earth elements;

(C) the intentions of foreign governments, including the government of China, with respect to limiting, reducing, or ending access of the United States or the partners and allies of the United States to—

(i) rare earth elements; or

(ii) any aspect of the rare earth mining, processing, or production chain; and

(D) opportunities for the United States, and for the partners and allies of the United States, to assure continued access to—

(i) rare earth elements; and

(ii) the rare earth mining, processing, or production chain.

(2) A description of—

(A) any relevant procurement, use, and supply chain needs of the intelligence community with respect to rare earth elements;

(B) any relevant planning or efforts by the intelligence community to assure secured access to rare earth elements;

(C) any assessed vulnerabilities or risks to the intelligence community with respect to rare earth elements;

(D) any relevant planning or efforts by the intelligence community to coordinate with departments and agencies of the United States Government that are not elements of the intelligence community on securing the rare earth element supply chain; and

(E) any previous or anticipated efforts by the Supply Chain and Counterintelligence Risk Management Task Force established under section 6306 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3370) with respect to rare earth elements.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) RARE EARTH ELEMENTS DEFINED.—In this section, the term ''rare earth elements'' includes products

that contain rare earth elements, including rare earth magnets.

**SEC. 831. REPORT ON ASSESSMENT OF ALL-SOURCE CYBER INTELLIGENCE INFORMATION.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in coordination with the Inspector General of the National Security Agency and the Inspector General of the Central Intelligence Agency, shall submit to the congressional intelligence committees a report on the effectiveness of the intelligence community with respect to the integration and dissemination of all-source intelligence relating to foreign cyber threats.

(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) An assessment of the effectiveness of the all-source cyber intelligence integration capabilities of the intelligence community, including the identification of capability gaps relating to the integration of all-source intelligence, or any deficiencies associated with the timely dissemination of such intelligence.

(2) An assessment of the effectiveness of the intelligence community in analyzing and reporting on

cyber supply chain risks, including with respect to interagency coordination and the leadership of the Office of the Director of National Intelligence.

**SEC. 832. BRIEFING ON TRAININGS RELATING TO BLOCKCHAIN TECHNOLOGY.**

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees a briefing on the feasibility and benefits of providing training described in subsection (b).

(b) TRAINING DESCRIBED.—Training described in this subsection is training that meets the following criteria:

(1) The training is on cryptocurrency, blockchain technology, or both subjects.

(2) The training may be provided through partnerships with universities or private sector entities.

**SEC. 833. REPORT ON TRENDS IN TECHNOLOGIES OF STRATEGIC IMPORTANCE TO UNITED STATES.**

(a) IN GENERAL.—Not less frequently than once every 2 years until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, shall submit to the congressional intelligence com-

mittees a report assessing commercial and foreign trends in technologies the Director considers of strategic importance to the national and economic security of the United States.

(b) CONTENTS.—Each report under subsection (a) shall include the following:

(1) A list of the top technology focus areas the Director determines to be of the greatest strategic importance to the United States.

(2) A list of the top technology focus areas in which the Director determines foreign countries that are adversarial to the United States are poised to match or surpass the technological leadership of the United States.

(c) FORM.—Each report under subsection (a)—

(1) may be submitted in the form of a National Intelligence Estimate; and

(2) shall be submitted in classified form, but may include an unclassified summary.

**SEC. 834. PLAN FOR ARTIFICIAL INTELLIGENCE DIGITAL ECOSYSTEM.**

(a) PLAN.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall coordinate with the heads of other elements

of the intelligence community and, in conjunction with the heads of those elements, shall—

(1) develop a plan for the development and resourcing of a modern digital ecosystem that embraces state-of-the-art tools and modern processes to enable development, testing, fielding, and continuous updating of artificial intelligence-powered applications at speed and scale from headquarters to the tactical edge; and

(2) submit to the congressional intelligence committees the plan developed under paragraph (1).

(b) CONTENTS OF PLAN.—At a minimum, the plan required by subsection (a) shall include the following:

(1) Policies to enable elements of the intelligence community to adopt a hoteling model to allow trusted small- and medium-sized artificial intelligence companies access to classified facilities on a flexible basis.

(2) Policies for an open architecture and an evolving reference design and guidance for needed technical investments in the proposed ecosystem that address issues, including common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(3) Policies to ensure, to the extent possible, interoperability, and the reduction of duplication, of artificial intelligence capabilities developed or acquired by elements of the intelligence community.

(4) A governance structure, together with associated policies and guidance, to drive the implementation of the reference throughout the intelligence community on a federated basis.

(5) Community standards for the use of artificial intelligence and associated data, as appropriate.

(6) Recommendations to ensure that use of artificial intelligence and associated data by the Federal Government related to United States persons comport with rights relating to freedom of expression, equal protection, privacy, and due process.

(c) FORM.—The plan submitted under subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 835. REPORTS ON INTELLIGENCE SUPPORT FOR AND CAPACITY OF THE SERGEANTS AT ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND THE UNITED STATES CAPITOL POLICE.**

(a) REPORT ON INTELLIGENCE SUPPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, shall submit to the congressional intelligence committees, the Subcommittees on Commerce, Justice, Science, and Related Agencies and the Subcommittees on Homeland Security of the Committees on Appropriations of the House of Representatives and the Senate, and congressional leadership a report on intelligence support provided to the Sergeants at Arms and the United States Capitol Police.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the following:

(A) Policies related to the Sergeants at Arms and the United States Capitol Police as customers of intelligence.

(B) How the intelligence community, the Federal Bureau of Investigation, and the Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency, are structured, staffed, and resourced to provide intelligence support to the Sergeants at Arms and the United States Capitol Police.

(C) The classified electronic and telephony interoperability of the intelligence community, the Federal Bureau of Investigation, and the Department of Homeland Security with the Sergeants at Arms and the United States Capitol Police.

(D) Any expedited security clearances provided for the Sergeants at Arms and the United States Capitol Police.

(E) Counterterrorism intelligence and other intelligence relevant to the physical security of Congress that are provided to the Sergeants at Arms and the United States Capitol Police, including—

(i) strategic analysis and real-time warning; and

(ii) access to classified systems for transmitting and posting intelligence.

(F) Cyber intelligence relevant to the protection of cyber networks of Congress and the personal devices and accounts of Members and employees of Congress, including—

(i) strategic and real-time warnings, such as malware signatures and other indications of attack; and

(ii) access to classified systems for transmitting and posting intelligence.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees and congressional leadership a report on the capacity of the Sergeants at Arms and the United States Capitol Police to access and use intelligence and threat information relevant to the physical and cyber security of Congress.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An assessment of the extent to which the Sergeants at Arms and the United States Capitol Police have the resources, including facilities, cleared personnel, and necessary training, and authorities to adequately access, analyze, manage, and use intelligence and threat

information necessary to defend the physical and cyber security of Congress.

(B) The extent to which the Sergeants at Arms and the United States Capitol Police communicate and coordinate threat data with each other and with other local law enforcement entities.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Rules and Administration, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(C) the Committee on Homeland Security, the Committee on House Administration, the Committee on the Judiciary, and the Com-

mittee on Appropriations of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) SERGEANTS AT ARMS.—The term ''Sergeants at Arms'' means the Sergeant at Arms and Doorkeeper of the Senate, the Sergeant at Arms of the House of Representatives, and the Chief Administrative Officer of the House of Representatives.

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

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''Cyber Incident Reporting for Critical Infrastructure Act of 2022''.

**SEC. 102. DEFINITIONS.**

In this division:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT; INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ''covered cyber incident'', ''covered entity'', ''cyber incident'', ''information system'', ''ransom payment'', ''ransomware attack'', and ''security vulnerability'' have the meanings given those terms in section 2240 of the Homeland Security Act of 2002, as added by section 103 of this division.

(2) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

**SEC. 103. CYBER INCIDENT REPORTING.**

(a) CYBER INCIDENT REPORTING.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2209(c) (6 U.S.C. 659(c))—

(A) in paragraph (11), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined

in section 2240) submitted by covered entities (as defined in section 2240) and reports related to ransom payments (as defined in section 2240) submitted by covered entities (as defined in section 2240) in furtherance of the activities specified in sections 2202(e), 2203, and 2241, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.''; and

(2) by adding at the end the following:

# ''Subtitle D—Cyber Incident Reporting

**''SEC. 2240. DEFINITIONS.**

''In this subtitle:

''(1) CENTER.—The term 'Center' means the center established under section 2209.

''(2) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institute of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document relating thereto.

''(3) COUNCIL.—The term 'Council' means the Cyber Incident Reporting Council described in section 2246.

''(4) COVERED CYBER INCIDENT.—The term 'covered cyber incident' means a substantial cyber incident experienced by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 2242(b).

''(5) COVERED ENTITY.—The term 'covered entity' means an entity in a critical infrastructure sector, as defined in Presidential Policy Directive 21, that satisfies the definition established by the Director in the final rule issued pursuant to section 2242(b).

''(6) CYBER INCIDENT.—The term 'cyber incident'—

''(A) has the meaning given the term 'incident' in section 2209; and

''(B) does not include an occurrence that imminently, but not actually, jeopardizes—

''(i) information on information systems; or

''(ii) information systems.

''(7) CYBER THREAT.—The term 'cyber threat' has the meaning given the term 'cybersecurity threat' in section 2201.

''(8) CYBER THREAT INDICATOR; CYBERSECURITY PURPOSE; DEFENSIVE MEASURE; FEDERAL ENTITY; SECURITY VULNERABILITY.—The terms 'cyber threat indicator', 'cybersecurity purpose', 'defensive measure', 'Federal entity', and 'security vulnerability' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

''(9) INCIDENT; SHARING.—The terms 'incident' and 'sharing' have the meanings given those terms in section 2209.

''(10) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' has the meaning given the term in section 2222.

''(11) INFORMATION SYSTEM.—The term 'information system'—

''(A) has the meaning given the term in section 3502 of title 44, United States Code; and

''(B) includes industrial control systems, such as supervisory control and data acquisition

systems, distributed control systems, and programmable logic controllers.

''(12) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

''(13) RANSOM PAYMENT.—The term 'ransom payment' means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

''(14) RANSOMWARE ATTACK.—The term 'ransomware attack'—

''(A) means an incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, avail-

ability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

''(B) does not include any such event where the demand for payment is—

''(i) not genuine; or

''(ii) made in good faith by an entity in response to a specific request by the owner or operator of the information system.

''(15) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2201.

''(16) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cyber incident, or a group of related cyber incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

''(17) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means an incident within the supply chain of an information system that an

adversary can leverage or does leverage to jeopardize the confidentiality, integrity, or availability of the information system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

''(18) VIRTUAL CURRENCY.—The term 'virtual currency' means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

''(19) VIRTUAL CURRENCY ADDRESS.—The term 'virtual currency address' means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.

**''SEC. 2241. CYBER INCIDENT REVIEW.**

''(a) ACTIVITIES.—The Center shall—

''(1) receive, aggregate, analyze, and secure, using processes consistent with the processes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other cybersecurity purposes, including to assess potential impact of cyber incidents on public health and safety

and to enhance situational awareness of cyber threats across critical infrastructure sectors;

''(2) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

''(3) leverage information gathered about cyber incidents to—

''(A) enhance the quality and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, sector coordinating councils, Information Sharing and Analysis Organizations, State, local, Tribal, and territorial governments, technology providers, critical infrastructure owners and operators, cybersecurity and cyber incident response firms, and security researchers; and

''(B) provide appropriate entities, including sector coordinating councils, Information Sharing and Analysis Organizations, State, local, Tribal, and territorial governments, technology providers, cybersecurity and cyber incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incident campaigns and trends, including,

to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2245;

''(4) establish mechanisms to receive feedback from stakeholders on how the Agency can most effectively receive covered cyber incident reports, ransom payment reports, and other voluntarily provided information, and how the Agency can most effectively support private sector cybersecurity;

''(5) facilitate the timely sharing, on a voluntary basis, between relevant critical infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to ongoing cyber threats or security vulnerabilities and identify and disseminate ways to prevent or mitigate similar cyber incidents in the future;

''(6) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that together satisfy such definition, conduct a review of the details surrounding the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(7) with respect to covered cyber incident reports under section 2242(a) and 2243 involving an ongoing cyber threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defensive measures, to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

''(8) publish quarterly unclassified, public reports that describe aggregated, anonymized observations, findings, and recommendations based on covered cyber incident reports, which may be based on the unclassified information contained in the briefings required under subsection (c);

''(9) proactively identify opportunities, consistent with the protections in section 2245, to leverage and utilize data on cyber incidents in a manner that enables and strengthens cybersecurity research carried out by academic institutions and other private sector organizations, to the greatest extent practicable; and

''(10) in accordance with section 2245 and subsection (b) of this section, as soon as possible but not later than 24 hours after receiving a covered cyber incident report, ransom payment report, volun-

tarily submitted information pursuant to section 2243, or information received pursuant to a request for information or subpoena under section 2244, make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

''(b) INTERAGENCY SHARING.—The President or a designee of the President—

''(1) may establish a specific time requirement for sharing information under subsection (a)(10); and

''(2) shall determine the appropriate Federal agencies under subsection (a)(10).

''(c) PERIODIC BRIEFING.—Not later than 60 days after the effective date of the final rule required under section 2242(b), and on the first day of each month thereafter, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of National Intelligence, shall provide to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a briefing that characterizes the

national cyber threat landscape, including the threat facing Federal agencies and covered entities, and applicable intelligence and law enforcement information, covered cyber incidents, and ransomware attacks, as of the date of the briefing, which shall—

''(1) include the total number of reports submitted under sections 2242 and 2243 during the preceding month, including a breakdown of required and voluntary reports;

''(2) include any identified trends in covered cyber incidents and ransomware attacks over the course of the preceding month and as compared to previous reports, including any trends related to the information collected in the reports submitted under sections 2242 and 2243, including—

''(A) the infrastructure, tactics, and techniques malicious cyber actors commonly use; and

''(B) intelligence gaps that have impeded, or currently are impeding, the ability to counter covered cyber incidents and ransomware threats;

''(3) include a summary of the known uses of the information in reports submitted under sections 2242 and 2243; and

''(4) include an unclassified portion, but may include a classified component.

**''SEC. 2242. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.**

''(a) IN GENERAL.—

''(1) COVERED CYBER INCIDENT REPORTS.—

''(A) IN GENERAL.—A covered entity that experiences a covered cyber incident shall report the covered cyber incident to the Agency not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

''(B) LIMITATION.—The Director may not require reporting under subparagraph (A) any earlier than 72 hours after the covered entity reasonably believes that a covered cyber incident has occurred.

''(2) RANSOM PAYMENT REPORTS.—

''(A) IN GENERAL.—A covered entity that makes a ransom payment as the result of a ransomware attack against the covered entity shall report the payment to the Agency not later than 24 hours after the ransom payment has been made.

"(B) APPLICATION.—The requirements under subparagraph (A) shall apply even if the ransomware attack is not a covered cyber incident subject to the reporting requirements under paragraph (1).

"(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Agency an update or supplement to a previously submitted covered cyber incident report if substantial new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report required under paragraph (1), until such date that such covered entity notifies the Agency that the covered cyber incident at issue has concluded and has been fully mitigated and resolved.

"(4) PRESERVATION OF INFORMATION.—Any covered entity subject to requirements of paragraph (1), (2), or (3) shall preserve data relevant to the covered cyber incident or ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

"(5) EXCEPTIONS.—

"(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered

entity is the victim of a covered cyber incident and makes a ransom payment prior to the 72 hour requirement under paragraph (1), such that the reporting requirements under paragraphs (1) and (2) both apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(B) SUBSTANTIALLY SIMILAR REPORTED INFORMATION.—

''(i) IN GENERAL.—Subject to the limitation described in clause (ii), where the Agency has an agreement in place that satisfies the requirements of section 104(a) of the Cyber Incident Reporting for Critical Infrastructure Act of 2022, the requirements under paragraphs (1), (2), and (3) shall not apply to a covered entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

''(ii) LIMITATION.—The exemption in clause (i) shall take effect with respect to

a covered entity once an agency agreement and sharing mechanism is in place between the Agency and the respective Federal agency, pursuant to section 104(a) of the Cyber Incident Reporting for Critical Infrastructure Act of 2022.

''(iii) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed to—

''(I) exempt a covered entity from the reporting requirements under paragraph (3) unless the supplemental report also meets the requirements of clauses (i) and (ii) of this paragraph;

''(II) prevent the Agency from contacting an entity submitting information to another Federal agency that is provided to the Agency pursuant to section 104 of the Cyber Incident Reporting for Critical Infrastructure Act of 2022; or

''(III) prevent an entity from communicating with the Agency.

''(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2) and (3) shall not apply to a covered entity or the functions of a covered entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

''(6) MANNER, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), and (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

''(7) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

''(b) RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 24 months after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies, the Department of Jus-

tice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

''(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

''(3) SUBSEQUENT RULEMAKINGS.—

''(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

''(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

''(c) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

''(1) A clear description of the types of entities that constitute covered entities, based on—

''(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

''(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

''(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure.

''(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

''(A) at a minimum, require the occurrence of—

''(i) a cyber incident that leads to substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;

''(ii) a disruption of business or industrial operations, including due to a denial of service attack, ransomware attack, or

exploitation of a zero day vulnerability, against

''(I) an information system or network; or

''(II) an operational technology system or process; or

''(iii) unauthorized access or disruption of business or industrial operations due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise;

''(B) consider—

''(i) the sophistication or novelty of the tactics used to perpetrate such a cyber incident, as well as the type, volume, and sensitivity of the data at issue;

''(ii) the number of individuals directly or indirectly affected or potentially affected by such a cyber incident; and

''(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distrib-

uted control systems, and programmable logic controllers; and

''(C) exclude—

''(i) any event where the cyber incident is perpetrated in good faith by an entity in response to a specific request by the owner or operator of the information system; and

''(ii) the threat of disruption as extortion, as described in section 2240(14)(A).

''(3) A requirement that, if a covered cyber incident or a ransom payment occurs following an exempted threat described in paragraph (2)(C)(ii), the covered entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.

''(4) A clear description of the specific required contents of a report pursuant to subsection (a)(1), which shall include the following information, to the extent applicable and available, with respect to a covered cyber incident:

''(A) A description of the covered cyber incident, including—

''(i) identification and a description of the function of the affected information

systems, networks, or devices that were, or are reasonably believed to have been, affected by such cyber incident;

''(ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;

''(iii) the estimated date range of such incident; and

''(iv) the impact to the operations of the covered entity.

''(B) Where applicable, a description of the vulnerabilities exploited and the security defenses that were in place, as well as the tactics, techniques, and procedures used to perpetrate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such cyber incident.

''(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been,

accessed or acquired by an unauthorized person.

''(E) The name and other information that clearly identifies the covered entity impacted by the covered cyber incident, including, as applicable, the State of incorporation or formation of the covered entity, trade names, legal names, or other identifiers.

''(F) Contact information, such as telephone number or electronic mail address, that the Agency may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

''(5) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment:

''(A) A description of the ransomware attack, including the estimated date range of the attack.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetrate the ransomware attack.

''(C) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.

''(D) The name and other information that clearly identifies the covered entity that made the ransom payment or on whose behalf the payment was made.

''(E) Contact information, such as telephone number or electronic mail address, that the Agency may use to contact the covered entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, that covered entity to assist with compliance with the requirements of this subtitle.

''(F) The date of the ransom payment.

"(G) The ransom payment demand, including the type of virtual currency or other commodity requested, if applicable.

"(H) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or physical address the funds were requested to be sent to, if applicable.

"(I) The amount of the ransom payment.

"(6) A clear description of the types of data required to be preserved pursuant to subsection (a)(4), the period of time for which the data is required to be preserved, and allowable uses, processes, and procedures.

"(7) Deadlines and criteria for submitting supplemental reports to the Agency required under subsection (a)(3), which shall—

"(A) be established by the Director in consultation with the Council;

"(B) consider any existing regulatory reporting requirements similar in scope, purpose, and timing to the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing

and contents of any such reports to the maximum extent practicable;

"(C) balance the need for situational awareness with the ability of the covered entity to conduct cyber incident response and investigations; and

"(D) provide a clear description of what constitutes substantial new or different information.

"(8) Procedures for—

"(A) entities, including third parties pursuant to subsection (d)(1), to submit reports required by paragraphs (1), (2), and (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;

"(B) the Agency to carry out—

"(i) the enforcement provisions of section 2244, including with respect to the issuance, service, withdrawal, referral process, and enforcement of subpoenas, appeals and due process procedures;

"(ii) other available enforcement mechanisms including acquisition, suspension and debarment procedures; and

"(iii) other aspects of noncompliance;

"(C) implementing the exceptions provided in subsection (a)(5); and

"(D) protecting privacy and civil liberties consistent with processes adopted pursuant to section 105(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)) and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or information that identifies a specific individual that is not directly related to a cybersecurity threat.

"(9) Other procedural measures directly necessary to implement subsection (a).

"(d) THIRD PARTY REPORT SUBMISSION AND RANSOM PAYMENT.—

"(1) REPORT SUBMISSION.—A covered entity that is required to submit a covered cyber incident report or a ransom payment report may use a third party, such as an incident response company, insurance provider, service provider, Information Sharing and Analysis Organization, or law firm, to submit the required report under subsection (a).

''(2) RANSOM PAYMENT.—If a covered entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a)(2).

''(3) DUTY TO REPORT.—Third-party reporting under this subparagraph does not relieve a covered entity from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

''(4) RESPONSIBILITY TO ADVISE.—Any third party used by a covered entity that knowingly makes a ransom payment on behalf of a covered entity impacted by a ransomware attack shall advise the impacted covered entity of the responsibilities of the impacted covered entity regarding reporting ransom payments under this section.

''(e) OUTREACH TO COVERED ENTITIES.—

''(1) IN GENERAL.—The Agency shall conduct an outreach and education campaign to inform likely covered entities, entities that offer or advertise as a service to customers to make or facilitate ransom payments on behalf of covered entities impacted by ransomware attacks and other appropriate entities

of the requirements of paragraphs (1), (2), and (3) of subsection (a).

''(2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

''(A) An overview of the final rule issued pursuant to subsection (b).

''(B) An overview of mechanisms to submit to the Agency covered cyber incident reports, ransom payment reports, and information relating to the disclosure, retention, and use of covered cyber incident reports and ransom payment reports under this section.

''(C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

''(D) An overview of the steps taken under section 2244 when a covered entity is not in compliance with the reporting requirements under subsection (a).

''(E) Specific outreach to cybersecurity vendors, cyber incident response providers, cybersecurity insurance entities, and other entities that may support covered entities.

''(F) An overview of the privacy and civil liberties requirements in this subtitle.

''(3) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Agency may coordinate with—

''(A) the Critical Infrastructure Partnership Advisory Council established under section 871;

''(B) Information Sharing and Analysis Organizations;

''(C) trade associations;

''(D) information sharing and analysis centers;

''(E) sector coordinating councils; and

''(F) any other entity as determined appropriate by the Director.

''(f) EXEMPTION.—Sections 3506(c), 3507, 3508, and 3509 of title 44, United States Code, shall not apply to any action to carry out this section.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall affect the authorities of the Federal Government to implement the requirements of Executive Order 14028 (86 Fed. Reg. 26633; relating to improving the nation's cybersecurity), including changes to the Federal Acquisi-

tion Regulations and remedies to include suspension and debarment.

''(h) SAVINGS PROVISION.—Nothing in this section shall be construed to supersede or to abrogate, modify, or otherwise limit the authority that is vested in any officer or any agency of the United States Government to regulate or take action with respect to the cybersecurity of an entity.

**''SEC. 2243. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.**

''(a) IN GENERAL.—Entities may voluntarily report cyber incidents or ransom payments to the Agency that are not required under paragraph (1), (2), or (3) of section 2242(a), but may enhance the situational awareness of cyber threats.

''(b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Covered entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2242(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

''(c) APPLICATION OF PROTECTIONS.—The protections under section 2245 applicable to reports made under section 2242 shall apply in the same manner and to the

same extent to reports and information submitted under subsections (a) and (b).

**"SEC. 2244. NONCOMPLIANCE WITH REQUIRED REPORTING.**

"(a) PURPOSE.—In the event that a covered entity that is required to submit a report under section 2242(a) fails to comply with the requirement to report, the Director may obtain information about the cyber incident or ransom payment by engaging the covered entity directly to request information about the cyber incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the covered entity, pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred.

"(b) INITIAL REQUEST FOR INFORMATION.—

"(1) IN GENERAL.—If the Director has reason to believe, whether through public reporting or other information in the possession of the Federal Government, including through analysis performed pursuant to paragraph (1) or (2) of section 2241(a), that a covered entity has experienced a covered cyber incident or made a ransom payment but failed to report such cyber incident or payment to the Agency in accordance with section 2242(a), the Director may request additional information from the covered

entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

''(2) TREATMENT.—Information provided to the Agency in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2242.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made the request for information in subsection (b), the Director has received no response from the covered entity from which such information was requested, or received an inadequate response, the Director may issue to such covered entity a subpoena to compel disclosure of information the Director deems necessary to determine whether a covered cyber incident or ransom payment has occurred and obtain the information required to be reported pursuant to section 2242 and any implementing regulations, and assess potential impacts to national security, economic security, or public health and safety.

''(2) CIVIL ACTION.—

''(A) IN GENERAL.—If a covered entity fails to comply with a subpoena, the Director may refer the matter to the Attorney General

to bring a civil action in a district court of the United States to enforce such subpoena.

''(B) VENUE.—An action under this paragraph may be brought in the judicial district in which the covered entity against which the action is brought resides, is found, or does business.

''(C) CONTEMPT OF COURT.—A court may punish a failure to comply with a subpoena issued under this subsection as contempt of court.

''(3) NON-DELEGATION.—The authority of the Director to issue a subpoena under this subsection may not be delegated.

''(4) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued electronically pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

"(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued electronically pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

"(d) PROVISION OF CERTAIN INFORMATION TO ATTORNEY GENERAL.—

"(1) IN GENERAL.—Notwithstanding section 2245(a)(5) and paragraph (b)(2) of this section, if the Director determines, based on the information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to the cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Director may provide such information to the Attorney General or the head of the appropriate Federal regulatory agency, who may use such information for a regulatory enforcement action or criminal prosecution.

"(2) CONSULTATION.—The Director may consult with the Attorney General or the head of the appropriate Federal regulatory agency when making the determination under paragraph (1).

''(e) CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into consideration—

''(1) the complexity in determining if a covered cyber incident has occurred; and

''(2) prior interaction with the Agency or awareness of the covered entity of the policies and procedures of the Agency for reporting covered cyber incidents and ransom payments.

''(f) EXCLUSIONS.—This section shall not apply to a State, local, Tribal, or territorial government entity.

''(g) REPORT TO CONGRESS.—The Director shall submit to Congress an annual report on the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b);

''(2) issued a subpoena pursuant to subsection (c); or

''(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

''(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required under subsection (g) on the website of the Agency, which shall include, at a minimum, the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b); or

''(2) issued a subpoena pursuant to subsection (c).

''(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information contained in a report required to be published under subsection (h) be anonymized before the report is published.

**''SEC. 2245. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.**

''(a) DISCLOSURE, RETENTION, AND USE.—

''(1) AUTHORIZED ACTIVITIES.—Information provided to the Agency pursuant to section 2242 or 2243 may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

''(A) a cybersecurity purpose;

''(B) the purpose of identifying—

''(i) a cyber threat, including the source of the cyber threat; or

''(ii) a security vulnerability;

''(C) the purpose of responding to, or otherwise preventing or mitigating, a specific

threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

''(D) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

''(E) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a cyber incident reported pursuant to section 2242 or 2243 or any of the offenses listed in section 105(d)(5)(A)(v) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

''(2) AGENCY ACTIONS AFTER RECEIPT.—

''(A) RAPID, CONFIDENTIAL SHARING OF CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to this section, the Agency shall immediately review the report to determine whether the cyber incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where

applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, anonymized cyber threat indicators and defensive measures.

''(B) PRINCIPLES FOR SHARING SECURITY VULNERABILITIES.—With respect to information in a covered cyber incident or ransom payment report regarding a security vulnerability referred to in paragraph (1)(B)(ii), the Director shall develop principles that govern the timing and manner in which information relating to security vulnerabilities may be shared, consistent with common industry best practices and United States and international standards.

''(3) PRIVACY AND CIVIL LIBERTIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Agency pursuant to section 2242 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes to be developed for the protection of personal information consistent with processes adopted pursuant to section 105 of the Cybersecurity Act of 2015 (6 U.S.C. 1504) and in a manner that protects per-

sonal information from unauthorized use or unauthorized disclosure.

''(4) DIGITAL SECURITY.—The Agency shall ensure that reports submitted to the Agency pursuant to section 2242, and any information contained in those reports, are collected, stored, and protected at a minimum in accordance with the requirements for moderate impact Federal information systems, as described in Federal Information Processing Standards Publication 199, or any successor document.

''(5) PROHIBITION ON USE OF INFORMATION IN REGULATORY ACTIONS.—

''(A) IN GENERAL.—A Federal, State, local, or Tribal government shall not use information about a covered cyber incident or ransom payment obtained solely through reporting directly to the Agency in accordance with this subtitle to regulate, including through an enforcement action, the activities of the covered entity or entity that made a ransom payment, unless the government entity expressly allows entities to submit reports to the Agency to meet regulatory reporting obligations of the entity.

''(B) CLARIFICATION.—A report submitted to the Agency pursuant to section 2242 or 2243

may, consistent with Federal or State regulatory authority specifically relating to the prevention and mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such systems.

''(b) PROTECTIONS FOR REPORTING ENTITIES AND INFORMATION.—Reports describing covered cyber incidents or ransom payments submitted to the Agency by entities in accordance with section 2242, as well as voluntarily-submitted cyber incident reports submitted to the Agency pursuant to section 2243, shall—

''(1) be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity;

''(2) be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the 'Freedom of Information Act'), as well as any provision of State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records;

''(3) be considered not to constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection; and

''(4) not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

''(c) LIABILITY PROTECTIONS.—

''(1) IN GENERAL.—No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 2242(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2242(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2244(c)(2).

''(2) SCOPE.—The liability protections provided in this subsection shall only apply to or affect litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Agency.

''(3) RESTRICTIONS.—Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this subtitle or any communication, document, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to dis-

covery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this subtitle shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

''(d) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2242 available to critical infrastructure owners and operators and the general public.

''(e) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the 'Stored Communications Act').

**''SEC. 2246. CYBER INCIDENT REPORTING COUNCIL.**

''(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall lead an intergovernmental Cyber Incident

Reporting Council, in consultation with the Director of the Office of Management and Budget, the Attorney General, the National Cyber Director, Sector Risk Management Agencies, and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to provide any additional regulatory authority to any Federal entity.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subtitle 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.''.

**SEC. 104. FEDERAL SHARING OF INCIDENT REPORTS.**

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that

receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Agency as soon as possible, but not later than 24 hours after receiving the report, unless a shorter period is required by an agreement made between the Department of Homeland Security (including the Cybersecurity and Infrastructure Security Agency) and the recipient Federal agency. The Director shall share and coordinate each report pursuant to section 2241(b) of the Homeland Security Act of 2002, as added by section 103 of this division.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) and section 2245(d) of the Homeland Security Act of 2002, as added by section 103 of this division, may not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure or provision of information within the executive branch.

(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection require-

ments than this division or the amendments made by this division.

(4) EFFECTIVE DATE.—This subsection shall take effect on the effective date of the final rule issued pursuant to section 2242(b) of the Homeland Security Act of 2002, as added by section 103 of this division.

(5) AGENCY AGREEMENTS.—

(A) IN GENERAL.—The Agency and any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives incident reports from entities, including due to ransomware attacks, shall, as appropriate, enter into a documented agreement to establish policies, processes, procedures, and mechanisms to ensure reports are shared with the Agency pursuant to paragraph (1).

(B) AVAILABILITY.—To the maximum extent practicable, each documented agreement required under subparagraph (A) shall be made publicly available.

(C) REQUIREMENT.—The documented agreements required by subparagraph (A) shall require reports be shared from Federal agencies

with the Agency in such time as to meet the overall timeline for covered entity reporting of covered cyber incidents and ransom payments established in section 2242 of the Homeland Security Act of 2002, as added by section 103 of this division.

(b) HARMONIZING REPORTING REQUIREMENTS.—The Secretary of Homeland Security, acting through the Director, shall, in consultation with the Cyber Incident Reporting Council described in section 2246 of the Homeland Security Act of 2002, as added by section 103 of this division, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with appropriate Federal partners and regulatory authorities that receive reports relating to incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements between such authorities to permit the sharing of such reports, consistent with applicable law and policy, without im-

pacting the ability of the Agency to gain timely situational awareness of a covered cyber incident or ransom payment.

**SEC. 105. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.**

(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning pilot program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerability.

(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

(2) utilize existing authorities to identify information systems that contain the security vulnerabilities identified in paragraph (1).

(c) ENTITY NOTIFICATION.—

(1) IDENTIFICATION.—If the Director is able to identify the entity at risk that owns or operates a

vulnerable information system identified in subsection (b), the Director may notify the owner of the information system.

(2) NO IDENTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures under that section.

(3) REQUIRED INFORMATION.—A notification made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

(d) PRIORITIZATION OF NOTIFICATIONS.—To the extent practicable, the Director shall prioritize covered entities for identification and notification activities under the pilot program established under this section.

(e) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of a notice of a security vulnerability made pursuant to subsection (c).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.

**SEC. 106. RANSOMWARE THREAT MITIGATION ACTIVITIES.**

(a) JOINT RANSOMWARE TASK FORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware Task Force to coordinate an ongoing nationwide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

(2) COMPOSITION.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing au-

thorities of each participating Federal agency, shall coordinate across the Federal Government the following activities:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors.

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing input into the Joint Ransomware Task Force.

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, in order to facilitate—

(i) prioritization for Federal action by appropriate Federal agencies; and

(ii) identify metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances.

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(H) Any other activities determined appropriate by the Joint Ransomware Task Force to mitigate the threat of ransomware attacks.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

**SEC. 107. CONGRESSIONAL REPORTING.**

(a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not later than 30 days after the date on which the Director issues the final rule under section 2242(b) of the Homeland Security Act of 2002, as added by section 103 of this division, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes how the Director engaged stakeholders in the development of the final rule.

(b) REPORT ON OPPORTUNITIES TO STRENGTHEN SECURITY RESEARCH.—Not later than 1 year after the

date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) has carried out activities under section 2241(a)(9) of the Homeland Security Act of 2002, as added by section 103 of this division, by proactively identifying opportunities to use cyber incident data to inform and enable cybersecurity research within the academic and private sector.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 105, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report, which may include a classified annex, on the effectiveness of the pilot program, which shall include a discussion of the following:

(1) The effectiveness of the notifications under section 105(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerable devices or systems mitigated under the pilot program by the Agency during the preceding year.

(d) REPORT ON HARMONIZATION OF REPORTING REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of Homeland Security convenes the Cyber Incident Reporting Council described in section 2246 of the Homeland Security Act of 2002, as added by section 103 of this division, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the Director intends to take to facilitate harmonizing the duplicative reporting requirements; and

(D) any proposed legislative changes necessary to address the duplicative reporting.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.

(e) GAO REPORTS.—

(1) IMPLEMENTATION OF THIS DIVISION.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this division and the amendments made by this division.

(2) EXEMPTIONS TO REPORTING.—Not later than 1 year after the date on which the Director issues the final rule required under section 2242(b) of the Homeland Security Act of 2002, as added by section 103 of this division, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of

the Senate and the Committee on Homeland Security of the House of Representatives a report on the exemptions to reporting under paragraphs (2) and (5) of section 2242(a) of the Homeland Security Act of 2002, as added by section 103 of this division, which shall include—

(A) to the extent practicable, an evaluation of the quantity of cyber incidents not reported to the Federal Government;

(B) an evaluation of the impact on impacted entities, homeland security, and the national economy due to cyber incidents, ransomware attacks, and ransom payments, including a discussion on the scope of impact of cyber incidents that were not reported to the Federal Government;

(C) an evaluation of the burden, financial and otherwise, on entities required to report cyber incidents under this division, including an analysis of entities that meet the definition of a small business concern under section 3 of the Small Business Act (15 U.S.C. 632); and

(D) a description of the consequences and effects of limiting covered cyber incident and

ransom payment reporting to only covered entities.

(f) REPORT ON EFFECTIVENESS OF ENFORCEMENT MECHANISMS.—Not later than 1 year after the date on which the Director issues the final rule required under section 2242(b) of the Homeland Security Act of 2002, as added by section 103 of this division, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the enforcement mechanisms within section 2244 of the Homeland Security Act of 2002, as added by section 103 of this division.

# DIVISION Z—ISRAEL RELATIONS NORMALIZATION ACT OF 2022

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''Israel Relations Normalization Act of 2022''.

**SEC. 102. FINDINGS.**

Congress makes the following findings:

(1) Support for peace between Israel and its neighbors has longstanding bipartisan support in Congress.

(2) For decades, Congress has promoted Israel's acceptance among Arab and other relevant

countries and regions by passing numerous laws opposing efforts to boycott, isolate, and stigmatize America's ally, Israel.

(3) The recent peace and normalization agreements between Israel and several Arab states—the United Arab Emirates, Bahrain, Sudan, and Morocco—have the potential to fundamentally transform the security, diplomatic, and economic environment in the Middle East and North Africa and advance vital United States national security interests.

(4) These historic agreements could help advance peace between and among Israel, the Arab states, and other relevant countries and regions, further diplomatic openings, and enhance efforts towards a negotiated solution to the Israeli-Palestinian conflict resulting in two states—a democratic Jewish state of Israel and a viable, democratic Palestinian state—living side by side in peace, security, and mutual recognition.

(5) These agreements build upon the decades-long leadership of the United States Government in helping Israel broker peace treaties with Egypt and Jordan and promoting peace talks between Israel and Syria, Lebanon, and the Palestinians.

(6) These agreements also build on decades of private diplomatic and security engagement between Israel and countries in the region.

(7) These normalization and peace agreements could begin to transform the region by spurring economic growth, investment, and tourism, enhancing technological innovation, promoting security cooperation, bolstering water security and sustainable development, advancing understanding, and forging closer people-to-people relations.

**SEC. 103. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**

In this division, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 104. STATEMENT OF POLICY.**

It is the policy of the United States—

(1) to expand and strengthen the Abraham Accords to encourage other nations to normalize relations with Israel and ensure that existing agreements reap tangible security and economic benefits for the citizens of those countries;

(2) to develop and implement a regional strategy to encourage economic cooperation between and

among Israel, Arab states, and the Palestinians to enhance the prospects for peace, respect for human rights, transparent governance, and for cooperation to address water scarcity, climate solutions, health care, sustainable development, and other areas that result in benefits for residents of those countries and regions;

(3) to develop and implement a regional security strategy that recognizes the shared threat posed by Iran and violent extremist organizations, ensures sufficient United States deterrence in the region, builds partner capacity to address shared threats, and explores multilateral security arrangements built around like-minded partners;

(4) to support and encourage government-to-government and grassroots initiatives aimed at normalizing ties with the state of Israel and promoting people-to-people contact between Israelis, Arabs, and residents of other relevant countries and regions, including by expanding and enhancing the Abraham Accords;

(5) to support a negotiated solution to the Israeli-Palestinian conflict resulting in two states living side by side in peace, security, and mutual recognition;

(6) to implement the Nita M. Lowey Middle East Partnership for Peace Act (title VIII of division K of Public Law 116–260), which will support economic development and peacebuilding efforts among Israelis and Palestinians, in a manner which encourages regional allies to become international donors to these efforts;

(7) to oppose efforts to delegitimize the state of Israel and legal barriers to normalization with Israel; and

(8) to work to combat anti-Semitism and support normalization with Israel, including by countering anti-Semitic narratives on social media and state media and pressing for curricula reform in education.

**SEC. 105. UNITED STATES STRATEGY TO STRENGTHEN AND EXPAND THE ABRAHAM ACCORDS AND OTHER RELATED NORMALIZATION AGREEMENTS WITH ISRAEL.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate Federal departments and agencies, shall develop and submit to the

appropriate congressional committees a strategy on expanding and strengthening the Abraham Accords.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) An assessment of future staffing and resourcing requirements of entities within the Department of State, the United States Agency for International Development, and other appropriate Federal departments and agencies with responsibility to coordinate United States efforts to expand and strengthen the Abraham Accords.

(2) An assessment of opportunities to further promote bilateral and multilateral cooperation between Israel, Arab states, and other relevant countries and in the economic, social, cultural, scientific, technical, educational, and health fields and an assessment of roadblocks to increased cooperation.

(3) An assessment of bilateral and multilateral security cooperation between Israel, the United States, Arab states, and other relevant countries and regions that have normalized relations with Israel, including an assessment of potential roadblocks to increased security cooperation, interoperability, and information sharing.

(4) An assessment of the likelihood of additional Arab and other relevant countries and regions to normalize relations with Israel.

(5) An assessment of opportunities created by normalization agreements with Israel to advance prospects for peace between Israelis and Palestinians

(6) A detailed description of how the United States Government will leverage diplomatic lines of effort and resources from other stakeholders (including from foreign governments, international donors, and multilateral institutions) to encourage normalization, economic development, and people-to-people programming.

(7) Identification of existing investment funds that support Israel-Arab state cooperation and recommendations for how such funds could be used to support normalization and increase prosperity for all relevant stakeholders.

(8) A proposal for how the United States Government and others can utilize the scholars and Arabic language resources of the United States Holocaust Museum to counter Holocaust denial and anti-Semitism.

(9) An assessment for creating an Abrahamic Center for Pluralism to prepare educational mate-

rials, convene international seminars, promote tolerance and pluralism, and bring together scholars as a means of advancing religious tolerance and countering political and religious extremism.

(10) Recommendations to improve Department of State cooperation and coordination, particularly between the Special Envoy to Monitor Anti-Semitism and the Ambassador at Large for International Religious Freedom, and the Office of International Religious Freedom, to combat racism, xenophobia, Islamophobia, and anti-Semitism, which hinder improvement of relations between Israel, Arab states, and other relevant countries and regions.

(11) An assessment on the value and feasibility of Federal support for inter-parliamentary exchange programs for Members of Congress, Knesset, and parliamentarians from Arab and other relevant countries and regions, including through existing Federal programs that support such exchanges.

(c) FORM.—The report required under subsection (a) shall be in unclassified form but may contain a classified annex.

**SEC. 106. BREAKING DOWN BARRIERS TO NORMALIZATION WITH ISRAEL.**

(a) SHORT TITLE.—This section may be cited as the ''Strengthening Reporting of Actions Taken Against the Normalization of Relations with Israel Act of 2022''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Arab League, an organization comprising 22 Middle Eastern and African countries and entities, has maintained an official boycott of Israeli companies and Israeli-made goods since the founding of Israel in 1948.

(2) Longstanding United States policy has encouraged Arab League states to normalize their relations with Israel and has long prioritized funding cooperative programs that promote normalization between Arab League States and Israel, including the Middle East Regional Cooperation program, which promotes Arab-Israeli scientific cooperation.

(3) While some Arab League governments are signaling enhanced cooperation with the state of Israel on the government-to-government level, most continue to persecute their own citizens who establish people-to-people relations with Israelis in non-governmental fora, through a combination of judicial and extrajudicial retribution.

(4) Some Arab League states maintain draconian anti-normalization laws that punish their citizens for people-to-people relations with Israelis, with punishments, including imprisonment, revocation of citizenship, and execution. Extrajudicial punishments by these and other Arab states include summary imprisonment, accusations of ''treason'' in government-controlled media, and professional blacklisting.

(5) Anti-normalization laws, together with the other forms of retribution, effectively condemn these societies to mutual estrangement and, by extension, reduce the possibility of conciliation and compromise.

(6) Former Israeli President Shimon Peres said in 2008 at the United Nations that Israel agrees with the Arab Peace Initiative that a military solution to the conflict ''will not achieve peace or provide security for the parties''.

(7) Despite the risk of retaliatory action, a rising tide of Arab civic actors advocate direct engagement with Israeli citizens and residents. These include the Arab Council for Regional Integration, a group of 32 public figures from 15 Arab countries who oppose the boycott of Israel on the grounds that

the boycott has denied Arabs the benefits of partnership with Israelis, has blocked Arabs from helping to bridge the Israeli-Palestinian divide, and inspired divisive intra-Arab boycotts among diverse sects and ethnic groups.

(8) On February 11, 2020, a delegation of the Arab Council to the French National Assembly in Paris testified to the harmful effects of ''anti-normalization laws'', called on the Assembly to enact a law instructing the relevant French authorities to issue an annual report on instances of Arab government retribution for any of their citizens or residents who call for peace with Israel or engage in direct civil relations with Israeli citizens, and requested democratic legislatures to help defend the region's civil peacemakers.

(9) On May 11, 2020, 85 leaders in France published an endorsement of the Arab Council's proposal, calling on France and other democratic governments to ''protect Arabs who engage in dialogue with Israeli citizens'' and proposing ''the creation of a study group in the National Assembly as well as in the Senate whose mission would be to ensure a legal and technical monitoring of the obstacles which Arab proponents of dialogue with Israelis face''.

(10) Arab-Israeli cooperation provides significant symbiotic benefit to the security and economic prosperity of the region.

(c) ADDITIONAL REPORTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State shall submit to the appropriate congressional committees a report on the status of efforts to promote normalization of relations with Israel and other countries .

(2) ELEMENTS.—The report required under paragraph (1) shall include the following information:

(A) The status of ''anti-normalization laws'' in countries comprising the Arab League, including efforts within each country to sharpen existing laws, enact new or additional ''anti-normalization legislation'', or repeal such laws.

(B) Instances of the use of state-owned or state-operated media outlets to promote anti-Semitic propaganda, the prosecution of citizens or residents of Arab countries for calling for peace with Israel, visiting the state of Israel, or engaging Israeli citizens in any way.

(C) Instances of extrajudicial retribution by Arab governments or government-controlled institutions against citizens or residents of Arab countries for any of the same actions referred to in subparagraph (B).

**SEC. 107. SUNSET.**

This division shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

# DIVISION AA—TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM

**SEC. 101. SHORT TITLE.**

This division may be cited as the Trans-Sahara Counterterrorism Partnership Program Act of 2022.

**SEC. 102. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) terrorist and violent extremist organizations, such as Al Qaeda in the Islamic Maghreb, Boko Haram, the Islamic State of West Africa, and other affiliated groups, have killed tens of thousands of innocent civilians, displaced populations, destabilized local and national governments, and caused mass human suffering in the affected communities;

(2) poor governance, political and economic marginalization, and lack of accountability for human rights abuses by security forces are drivers of extremism;

(3) it is in the national security interest of the United States—

(A) to combat the spread of terrorism and violent extremism; and

(B) to build the capacity of partner countries to combat such threats in Africa;

(4) terrorist and violent extremist organizations exploit vulnerable and marginalized communities suffering from poverty, lack of economic opportunity (particularly among youth populations), corruption, and weak governance; and

(5) a comprehensive, coordinated, interagency approach is needed to develop an effective strategy—

(A) to address the security challenges in the Sahel-Maghreb;

(B) to appropriately allocate resources and de-conflict programs; and

(C) to maximize the effectiveness of United States defense, diplomatic, and development capabilities.

**SEC. 103. STATEMENT OF POLICY.**

It is the policy of the United States to assist countries in North Africa and West Africa, and other allies and partners that are active in those regions, in combating terrorism and violent extremism through a coordinated, interagency approach with a consistent strategy that appropriately balances security activities with diplomatic and development efforts to address the political, socioeconomic, governance, and development challenges in North Africa and West Africa that contribute to terrorism and violent extremism.

**SEC. 104. TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.**

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Select Committee on Intelligence of the Senate;

(5) the Committee on Foreign Affairs of the House of Representatives;

(6) the Committee on Armed Services of the House of Representatives;

(7) the Committee on Appropriations of the House of Representatives; and

(8) the Permanent Select Committee on Intelligence of the House of Representatives.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—The President shall establish a partnership program, which shall be known as the ''Trans-Sahara Counterterrorism Partnership Program'' (referred to in this section as the ''Program''), to coordinate the programs, projects, and activities of the Program in countries in North Africa and West Africa that are conducted—

(A) to improve governance and the capacities of countries in North Africa and West Africa to deliver basic services, particularly to at-risk communities, as a means of countering terrorism and violent extremism by enhancing state legitimacy and authority and countering corruption;

(B) to address the factors that make people and communities vulnerable to recruitment by terrorist and violent extremist organizations, including economic vulnerability and mistrust of

government and government security forces, through activities such as—

(i) supporting strategies that increase youth employment opportunities;

(ii) promoting girls' education and women's political participation;

(iii) strengthening local governance and civil society capacity;

(iv) improving government transparency and accountability;

(v) fighting corruption;

(vi) improving access to economic opportunities; and

(vii) other development activities necessary to support community resilience;

(C) to strengthen the rule of law in such countries, including by enhancing the capability of the judicial institutions to independently, transparently, and credibly deter, investigate, and prosecute acts of terrorism and violent extremism;

(D) to improve the ability of military and law enforcement entities in partner countries—

(i) to detect, disrupt, respond to, and prosecute violent extremist and terrorist

activity, while respecting human rights; and

(ii) to cooperate with the United States and other partner countries on counterterrorism and counter-extremism efforts;

(E) to enhance the border security capacity of partner countries, including the ability to monitor, detain, and interdict terrorists;

(F) to identify, monitor, disrupt, and counter the human capital and financing pipelines of terrorism; or

(G) to support the free expression and operations of independent, local-language media, particularly in rural areas, while countering the media operations and recruitment propaganda of terrorist and violent extremist organizations.

(2) ASSISTANCE FRAMEWORK.—Program activities shall—

(A) be carried out in countries in which the President—

(i) determines that there is an adequate level of partner country commitment; and

(ii) has considered partner country needs, absorptive capacity, sustainment capacity, and efforts of other donors in the sector;

(B) have clearly defined outcomes;

(C) be closely coordinated among relevant participating departments and agencies;

(D) have specific plans with robust indicators to regularly monitor and evaluate outcomes and impact;

(E) complement and enhance efforts to promote democratic governance, the rule of law, human rights, and economic growth;

(F) in the case of train and equip programs, complement longer-term security sector institution-building; and

(G) have mechanisms in place to track resources and routinely monitor and evaluate the efficacy of relevant programs.

(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before obligating amounts for an activity conducted pursuant to the Program under paragraph (1), the Secretary of State shall notify the appropriate congressional committees, in accordance

with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), of—

(A) the foreign country and entity, as applicable, whose capabilities are to be enhanced in accordance with the purposes described in paragraph (1);

(B) the amount, type, and purpose of support to be provided;

(C) the absorptive capacity of the foreign country to effectively implement the assistance to be provided;

(D) the extent to which state security forces of the foreign country have been implicated in gross violations of human rights and the risk that obligated funds may be used to perpetrate further abuses;

(E) the anticipated implementation timeline for the activity; and

(F) the plans to sustain any military or security equipment provided beyond the completion date of such activity, if applicable, and the estimated cost and source of funds to support such sustainment.

(4) EXCEPTION.—The requirement under paragraph (1) does not apply to activities conducted by

the Department of Defense pursuant to title 10, United States Code.

(c) INTERNATIONAL COORDINATION.—Efforts carried out under this section—

(1) shall take into account partner country counterterrorism, counter-extremism, and development strategies;

(2) shall be aligned with such strategies, to the extent practicable; and

(3) shall be coordinated with counterterrorism and counter-extremism activities and programs in the areas of defense, diplomacy, and development carried out by other like-minded donors and international organizations in the relevant country.

(d) STRATEGIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President and other relevant Federal Government agencies, shall submit the strategies described in paragraphs (2) and (3) to the appropriate congressional committees.

(2) COMPREHENSIVE, 5-YEAR STRATEGY FOR THE SAHEL-MAGHREB.—The President shall develop a comprehensive, 5-year strategy for the Sahel-Maghreb, including details related to interagency ef-

forts conducted pursuant to the Program in the areas of security, diplomacy, and development to advance the national security, economic, and humanitarian interests of the United States, including—

(A) efforts to ensure coordination with multilateral and bilateral partners, such as the Joint Force of the Group of Five of the Sahel, and with other relevant assistance frameworks;

(B) a public diplomacy strategy and actions to ensure that populations in the Sahel-Maghreb are aware of the development activities of the United States Government, especially in countries with a significant United States Government presence or engagement through train and equip programs;

(C) activities aimed at supporting democratic institutions and countering violent extremism with measurable goals and transparent benchmarks;

(D) plans to help each partner country address humanitarian and development needs and to help prevent, respond to, and mitigate intercommunal violence;

(E) a comprehensive plan to support security sector reform in each partner country that

includes a detailed section on programs and activities being undertaken by relevant stakeholders and other international actors operating in the sector; and

(F) a specific strategy for Mali that includes plans for sustained, high-level diplomatic engagement with stakeholders, including countries in Europe and the Middle East with interests in the Sahel-Maghreb, regional governments, relevant multilateral organizations, signatory groups of the Agreement for Peace and Reconciliation in Mali, done in Algiers July 24, 2014, and civil society actors.

(3) COMPREHENSIVE 5-YEAR STRATEGY FOR PROGRAM COUNTERTERRORISM EFFORTS.—The President shall develop a comprehensive 5-year strategy for the Program that includes—

(A) a clear statement of the objectives of United States counterterrorism efforts in North Africa and West Africa with respect to the use of assistance to combat terrorism and counter violent extremism, including efforts—

(i) to build military and civilian law enforcement capacity;

(ii) to strengthen the rule of law;

(iii) to promote responsive and accountable governance; and

(iv) to address the root causes of terrorism and violent extremism;

(B) a plan for coordinating programs through the Program pursuant to subsection (b)(1), including identifying the agency or bureau of the Department of State, as applicable, that will be responsible for leading and coordinating each such program;

(C) a plan to monitor, evaluate, and share data and learning about the Program in accordance with monitoring and evaluation provisions under sections 3 and 4 of the Foreign Aid Transparency and Accountability Act of 2016 (22 U.S.C. 2394c note and 2394c); and

(D) a plan for ensuring coordination and compliance with related requirements in United States law, including the Global Fragility Act of 2019 (22 U.S.C. 9801 et seq.).

(4) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall consult with the appropriate congressional committees regarding the progress

made towards developing the strategies required under paragraphs (2) and (3).

(e) SUPPORTING MATERIAL IN ANNUAL BUDGET REQUEST.—

(1) IN GENERAL.—The Secretary of State shall include a description of the requirements, activities, and planned allocation of amounts requested by the Program in the budget materials submitted to Congress in support of the President's annual budget request pursuant to section 1105 of title 31, United States Code, for each fiscal year beginning after the date of the enactment of this Act and annually thereafter for the following 5 years.

(2) EXCEPTION.—The requirement under paragraph (1) shall not apply to activities of the Department of Defense conducted pursuant to authorities under title 10, United States Code.

(f) MONITORING AND EVALUATION OF PROGRAMS AND ACTIVITIES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the President shall submit a report to the appropriate congressional committees that describes—

(1) the progress made in meeting the objectives of the strategies required under paragraphs (2) and

(3) of subsection (d), including any lessons learned in carrying out Program activities and any recommendations for improving such programs and activities;

(2) the efforts taken to coordinate, de-conflict, and streamline Program activities to maximize resource effectiveness;

(3) the extent to which each partner country has demonstrated the ability to absorb the equipment or training provided in the previous year under the Program, and as applicable, the ability to maintain and appropriately utilize such equipment;

(4) the extent to which each partner country is investing its own resources to advance the goals described in subsection (b)(1) or is demonstrating a commitment and willingness to cooperate with the United States to advance such goals;

(5) the actions taken by the government of each partner country receiving assistance under the Program to combat corruption, improve transparency and accountability, and promote other forms of democratic governance;

(6) the extent to which state security forces in each partner country have been implicated in gross violations of human rights during the reporting pe-

riod, including how such gross violations of human rights have been addressed and or will be addressed through Program activities;

(7) the assistance provided in each of the 3 preceding fiscal years under the Program, broken down by partner country, including the type, statutory authorization, and purpose of assistance provided to the country; and

(8) any changes or updates to the Comprehensive 5-Year Strategy for the Program required under subsection (d)(3) necessitated by the findings in this annual report.

(g) REPORTING REQUIREMENT RELATED TO AUDIT OF BUREAU OF AFRICAN AFFAIRS MONITORING AND COORDINATION OF THE TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP PROGRAM.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until the earlier of the date on which all 13 recommendations in the September 2020 Department of State Office of Inspector General audit entitled ''Audit of the Department of State Bureau of African Affairs Monitoring and Coordination of the Trans-Sahara Counterterrorism Partnership Program'' (AUD–MERO–20–42) are closed or the date that is 3 years after the date of the enactment of this Act, the Secretary of State

shall submit a report to the appropriate congressional committees that identifies—

(1) which of the 13 recommendations in AUD–MERO–20–42 have not been closed;

(2) a description of progress made since the last report toward closing each recommendation identified under paragraph (1);

(3) additional resources needed, including assessment of staffing capacity, if any, to complete action required to close each recommendation identified under paragraph (1); and

(4) the anticipated timeline for completion of action required to close each recommendation identified under paragraph (1), including application of all recommendations into all existing security assistance programs managed by the Department of State under the Program.

(h) PROGRAM ADMINISTRATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that describes plans for conducting a written review of a representative sample of each of the security assistance programs administered by the Bureau of African Affairs that—

(1) identifies potential waste, fraud, abuse, inefficiencies, or deficiencies; and

(2) includes an analysis of staff capacity, including human resource needs, available resources, procedural guidance, and monitoring and evaluation processes to ensure that the Bureau of African Affairs is managing programs efficiently and effectively.

(i) FORM.—The strategies required under paragraphs (2) and (3) of subsection (d) and the report required under subsection (f) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 105. RULE OF CONSTRUCTION.**

Nothing in this division may be construed as authorizing the use of military force.

# DIVISION BB—EB–5 REFORM AND INTEGRITY ACT OF 2022

**SEC. 101. SHORT TITLE.**

This division may be cited as the ''EB–5 Reform and Integrity Act of 2022''.

**SEC. 102. EB–5 VISA REFORMS.**

(a) EMPLOYMENT CREATION.—Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''(C), and'' and inserting ''(C) and which is expected to remain invested for not less than 2 years; and''; and

(B) in clause (ii)—

(i) by striking ''and create'' and inserting ''by creating''; and

(ii) by inserting '', United States nationals,'' after ''citizens'';

(2) by amending subparagraph (B) to read as follows:

''(B) DESIGNATIONS AND RESERVED VISAS.—

''(i) RESERVED VISAS.—

''(I) IN GENERAL.—Of the visas made available under this paragraph in each fiscal year—

''(aa) 20 percent shall be reserved for qualified immigrants who invest in a rural area;

''(bb) 10 percent shall be reserved for qualified immigrants who invest in an area designated by the Secretary of Homeland

Security under clause (ii) as a high unemployment area; and

"(cc) 2 percent shall be reserved for qualified immigrants who invest in infrastructure projects.

"(II) UNUSED VISAS.—

"(aa) CARRYOVER.—At the end of each fiscal year, any unused visas reserved for qualified immigrants investing in each of the categories described in items (aa) through (cc) of subclause (I) shall remain available within the same category for the immediately succeeding fiscal year.

"(bb) GENERAL AVAILABILITY.—Visas described in items (aa) through (cc) of subclause (I) that are not issued by the end of the succeeding fiscal year referred to in item (aa) shall be made available to qualified immigrants described under subparagraph (A).

''(ii) DESIGNATION OF HIGH UNEMPLOYMENT AREA.—

''(I) IN GENERAL.—The Secretary of Homeland Security, or a designee of the Secretary who is an employee of the Department of Homeland Security, may designate, as a high unemployment area, a census tract, or contiguous census tracts, in which—

''(aa) the new commercial enterprise is principally doing business; and

''(bb) the weighted average of the unemployment rate for the census tracts, based on the labor force employment measure for each applicable census tract and any adjacent tract included under subclause (III), is not less than 150 percent of the national average unemployment rate.

''(II) PROHIBITION ON DESIGNATION BY ANY OTHER OFFICIAL.—A targeted employment area may not be

designated as a high unemployment area by—

"(aa) a Federal official other than the Secretary of Homeland Security or a designee of the Secretary; or

"(bb) any official of a State or local government.

"(III) INCLUSION.—In making a designation under subclause (I), the Secretary of Homeland Security may include a census tract directly adjacent to a census tract or contiguous census tracts described in that subclause.

"(IV) DURATION.—

"(aa) IN GENERAL.—A designation under this clause shall be in effect for the 2-year period beginning on—

"(AA) the date on which an application under subparagraph (F) is filed; or

"(BB) in the case of an alien who is not subject to

subparagraph (F), at the time of investment.

''(bb) RENEWAL.—A designation under this clause may be renewed for 1 or more additional 2-year periods if the applicable area continues to meet the criteria described in subclause (I).

''(V) ADDITIONAL INVESTMENT NOT REQUIRED.—An immigrant investor who has invested the amount of capital required by subparagraph (C) in a targeted employment area designated as a high unemployment area during the period in which the area is so designated shall not be required to increase the amount of investment due to the expiration of the designation.

''(iii) INFRASTRUCTURE PROJECTS.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall determine whether a specific capital investment project meets the definition

of 'infrastructure project' set forth in subparagraph (D)(iv).

"(II) PROHIBITION ON DESIGNATION BY ANY OTHER OFFICIAL.—A determination under subclause (I) may not be made by—

"(aa) a Federal official other than the Secretary of Homeland Security or a designee of the Secretary; or

"(bb) any official of a State or local government.";

(3) in subparagraph (C)—

(A) in clause (i), by striking "$1,000,000" and all that follows through "previous sentence" and inserting "$1,050,000";

(B) by amending clause (ii) to read as follows:

"(ii) ADJUSTMENT FOR TARGETED EMPLOYMENT AREAS AND INFRASTRUCTURE PROJECTS.—The amount of capital required under subparagraph (A) for an investment in a targeted employment area or in an infrastructure project shall be $800,000.";

(C) by redesignating clause (iii) as clause (iv);

(D) by inserting after clause (ii) the following:

"(iii) AUTOMATIC ADJUSTMENT IN MINIMUM INVESTMENT AMOUNT.—

"(I) IN GENERAL.—Beginning on January 1, 2027, and every 5 years thereafter, the amount in clause (i) shall automatically adjust for petitions filed on or after the effective date of each adjustment, based on the cumulative annual percentage change in the unadjusted consumer price index for all urban consumers (all items; U.S. city average) reported by the Bureau of Labor Statistics between January 1, 2022, and the date of adjustment. The qualifying investment amounts shall be rounded down to the nearest $50,000. The Secretary of Homeland Security shall update such amounts by publication of a technical amendment in the Federal Register.

''(II) Beginning on January 1, 2027, and every 5 years thereafter, the amount in clause (ii) shall automatically adjust for petitions filed on or after the effective date of each adjustment, to be equal to 75 percent of the standard investment amount under subclause (I).''; and

(E) in clause (iv), as redesignated, in the undesignated matter following subclause (II)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) by inserting '', as adjusted under clause (iii)'' before the period at the end; and

(4) by amending subparagraph (D) to read as follows:

''(D) DEFINITIONS.—In this paragraph:

''(i) AFFILIATED JOB-CREATING ENTITY.—The term 'affiliated job-creating entity' means any job-creating entity that is controlled, managed, or owned by any of the people involved with the regional center

or new commercial enterprise under section 203(b)(5)(H)(v).

"(ii) CAPITAL.—The term 'capital'—

"(I) means cash and all real, personal, or mixed tangible assets owned and controlled by the alien investor, or held in trust for the benefit of the alien and to which the alien has unrestricted access;

"(II) shall be valued at fair market value in United States dollars, in accordance with Generally Accepted Accounting Principles or other standard accounting practice adopted by the Securities and Exchange Commission, at the time it is invested under this paragraph;

"(III) does not include—

"(aa) assets directly or indirectly acquired by unlawful means, including any cash proceeds of indebtedness secured by such assets;

"(bb) capital invested in exchange for a note, bond, convert-

ible debt, obligation, or any other debt arrangement between the alien investor and the new commercial enterprise;

"(cc) capital invested with a guaranteed rate of return on the amount invested by the alien investor; or

"(dd) except as provided in subclause (IV), capital invested that is subject to any agreement between the alien investor and the new commercial enterprise that provides the investor with a contractual right to repayment, such as a mandatory redemption at a certain time or upon the occurrence of a certain event, or a put or sell-back option held by the alien investor, even if such contractual right is contingent on the success of the new commercial enterprise, such as having sufficient available cash flow; and

"(IV) includes capital invested that—

"(aa) is subject to a buy back option that may be exercised solely at the discretion of the new commercial enterprise; and

"(bb) results in the alien investor withdrawing his or her petition unless the alien investor has fulfilled his or her sustainment period and other requirements under this paragraph.

"(iii) CERTIFIER.—The term 'certifier' means a person in a position of substantive authority for the management or operations of a regional center, new commercial enterprise, affiliated job-creating entity, or issuer of securities, such as a principal executive officer or principal financial officer, with knowledge of such entities' policies and procedures related to compliance with the requirements under this paragraph.

''(iv) INFRASTRUCTURE PROJECT.—The term 'infrastructure project' means a capital investment project in a filed or approved business plan, which is administered by a governmental entity (such as a Federal, State, or local agency or authority) that is the job-creating entity contracting with a regional center or new commercial enterprise to receive capital investment under the regional center program described in subparagraph (E) from alien investors or the new commercial enterprise as financing for maintaining, improving, or constructing a public works project.

''(v) JOB-CREATING ENTITY.—The term 'job-creating entity' means any organization formed in the United States for the ongoing conduct of lawful business, including sole proprietorship, partnership (whether limited or general), corporation, limited liability company, business trust, or other entity, which may be publicly or privately owned, including an entity consisting of a holding company and its wholly owned subsidiaries or affiliates (provided

that each subsidiary or affiliate is engaged in an activity formed for the ongoing conduct of a lawful business) that receives, or is established to receive, capital investment from alien investors or a new commercial enterprise under the regional center program described in this subparagraph and which is responsible for creating jobs to satisfy the requirement under subparagraph (A)(ii).

''(vi) NEW COMMERCIAL ENTERPRISE.—The term 'new commercial enterprise' means any for-profit organization formed in the United States for the ongoing conduct of lawful business, including sole proprietorship, partnership (whether limited or general), holding company and its wholly owned subsidiaries (provided that each subsidiary is engaged in a for-profit activity formed for the ongoing conduct of a lawful business), joint venture, corporation, business trust, limited liability company, or other entity (which may be publicly or privately owned) that receives,

or is established to receive, capital investment from investors under this paragraph.

''(vii) RURAL AREA.—The term 'rural area' means any area other than an area within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States).

''(viii) TARGETED EMPLOYMENT AREA.—The term 'targeted employment area' means, at the time of investment, a rural area or an area designated by the Secretary of Homeland Security under subparagraph (B)(ii) as a high unemployment area.''.

(b) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(5) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—An alien who has reached 21 years of age and has been admitted under subsection

(d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under subsection (b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A or subsection (b)(5)(M), shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under subsection (b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien reaches 21 years of age.''.

(c) ENHANCED PAY SCALE FOR CERTAIN FEDERAL EMPLOYEES ADMINISTERING THE EMPLOYMENT CREATION PROGRAM.—The Secretary of Homeland Security may establish, fix the compensation of, and appoint individuals to designated critical, technical, and professional positions needed to administer sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(d) CONCURRENT FILING OF EB–5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section

245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (k), in the matter preceding paragraph (1), by striking ''or (3)'' and inserting ''(3), or (5)''; and

(2) by adding at the end the following:

''(n) If the approval of a petition for classification under section 203(b)(5) would make a visa immediately available to the alien beneficiary, the alien beneficiary's application for adjustment of status under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 103. REAUTHORIZATION AND REFORM OF THE REGIONAL CENTER PROGRAM.**

(a) REPEAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is repealed.

(b) AUTHORIZATION.—

(1) IN GENERAL.—Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by adding at the end the following:

"(E) REGIONAL CENTER PROGRAM.—

"(i) IN GENERAL.—Visas under this subparagraph shall be made available through September 30, 2027, to qualified immigrants (and the eligible spouses and children of such immigrants) pooling their investments with 1 or more qualified immigrants participating in a program implementing this paragraph that involves a regional center in the United States, which has been designated by the Secretary of Homeland Security on the basis of a proposal for the promotion of economic growth, including prospective job creation and increased domestic capital investment.

"(ii) PROCESSING.—In processing petitions under section 204(a)(1)(H) for classification under this paragraph, the Secretary of Homeland Security—

"(I) shall prioritize the processing and adjudication of petitions for rural areas;

''(II) may process petitions in a manner and order established by the Secretary; and

''(III) shall deem such petitions to include records previously filed with the Secretary pursuant to subparagraph (F) if the alien petitioner certifies that such records are incorporated by reference into the alien's petition.

''(iii) ESTABLISHMENT OF A REGIONAL CENTER.—A regional center shall operate within a defined, contiguous, and limited geographic area, which shall be described in the proposal and be consistent with the purpose of concentrating pooled investment within such area. The proposal to establish a regional center shall demonstrate that the pooled investment will have a substantive economic impact on such geographic area, and shall include—

''(I) reasonable predictions, supported by economically and statistically valid and transparent forecasting tools, concerning the amount

of investment that will be pooled, the kinds of commercial enterprises that will receive such investments, details of the jobs that will be created directly or indirectly as a result of such investments, and other positive economic effects such investments will have;

''(II) a description of the policies and procedures in place reasonably designed to monitor new commercial enterprises and any associated job-creating entity to seek to ensure compliance with—

''(aa) all applicable laws, regulations, and Executive orders of the United States, including immigration laws, criminal laws, and securities laws; and

''(bb) all securities laws of each State in which securities offerings will be conducted, investment advice will be rendered, or the offerors or offerees reside;

''(III) attestations and information confirming that all persons involved with the regional center meet the requirements under clauses (i) and (ii) of subparagraph (H);

''(IV) a description of the policies and procedures in place that are reasonably designed to ensure program compliance; and

''(V) the identities of all natural persons involved in the regional center, as described in subparagraph (H)(v).

''(iv) INDIRECT JOB CREATION.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall permit aliens seeking admission under this subparagraph to satisfy only up to 90 percent of the requirement under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph. An employee of the new commercial enterprise or job-cre-

ating entity may be considered to hold a job that has been directly created.

''(II) CONSTRUCTION ACTIVITY LASTING LESS THAN 2 YEARS.—If the jobs estimated to be created are created by construction activity lasting less than 2 years, the Secretary shall permit aliens seeking admission under this subparagraph to satisfy only up to 75 percent of the requirement under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph.

''(v) COMPLIANCE.—

''(I) IN GENERAL.—In determining compliance with subparagraph (A)(ii), the Secretary of Homeland Security shall permit aliens seeking admission under this subparagraph to rely on economically and statistically valid methodologies for determining the number of jobs created by the program, including—

"(aa) jobs estimated to have been created directly, which may be verified using such methodologies; and

"(bb) consistent with this subparagraph, jobs estimated to have been directly or indirectly created through capital expenditures, revenues generated from increased exports, improved regional productivity, job creation, and increased domestic capital investment resulting from the program.

"(II) JOB AND INVESTMENT REQUIREMENTS.—

"(aa) RELOCATED JOBS.—In determining compliance with the job creation requirement under subparagraph (A)(ii), the Secretary of Homeland Security may include jobs estimated to be created under a methodology that attributes jobs to prospective tenants occupying commercial real

estate created or improved by capital investments if the number of such jobs estimated to be created has been determined by an economically and statistically valid methodology and such jobs are not existing jobs that have been relocated.

''(bb) PUBLICLY AVAILABLE BONDS.—The Secretary of Homeland Security shall prescribe regulations to ensure that alien investor capital may not be utilized, by a new commercial enterprise or otherwise, to purchase municipal bonds or any other bonds, if such bonds are available to the general public, either as part of a primary offering or from a secondary market.

''(cc) CONSTRUCTION ACTIVITY JOBS.—If the number of direct jobs estimated to be created has been determined by an economically and statistically valid

methodology, and such direct jobs are created by construction activity lasting less than 2 years, the number of such jobs that may be considered direct jobs for purposes of clause (iv) shall be calculated by multiplying the total number of such jobs estimated to be created by the fraction of the 2-year period that the construction activity lasts.

''(vi) AMENDMENTS.—The Secretary of Homeland Security shall—

''(I) require a regional center—

''(aa) to notify the Secretary, not later than 120 days before the implementation of significant proposed changes to its organizational structure, ownership, or administration, including the sale of such center, or other arrangements which would result in individuals not previously subject to the requirements under subparagraph (H) becoming in-

volved with the regional center; or

''(bb) if exigent circumstances are present, to provide the notice described in item (aa) to the Secretary not later than 5 business days after a change described in such item; and

''(II) adjudicate business plans under subparagraph (F) and petitions under section 204(a)(1)(H) during any notice period as long as the amendment to the business or petition does not negatively impact program eligibility.

''(vii) RECORD KEEPING AND AUDITS.—

''(I) RECORD KEEPING.—Each regional center shall make and preserve, during the 5-year period beginning on the last day of the Federal fiscal year in which any transactions occurred, books, ledgers, records, and other documentation from the regional

center, new commercial enterprise, or job-creating entity used to support—

"(aa) any claims, evidence, or certifications contained in the regional center's annual statements under subparagraph (G); and

"(bb) associated petitions by aliens seeking classification under this section or removal of conditions under section 216A.

"(II) AUDITS.—The Secretary shall audit each regional center not less frequently than once every 5 years. Each such audit shall include a review of any documentation required to be maintained under subclause (I) for the preceding 5 years and a review of the flow of alien investor capital into any capital investment project. To the extent multiple regional centers are located at a single site, the Secretary may audit multiple regional centers in a single site visit.

"(III) TERMINATION.—The Secretary shall terminate the designation of a regional center that fails to consent to an audit under subclause (II) or deliberately attempts to impede such an audit.

"(F) BUSINESS PLANS FOR REGIONAL CENTER INVESTMENTS.—

"(i) APPLICATION FOR APPROVAL OF AN INVESTMENT IN A COMMERCIAL ENTERPRISE.—A regional center shall file an application with the Secretary of Homeland Security for each particular investment offering through an associated new commercial enterprise before any alien files a petition for classification under this paragraph by reason of investment in that offering. The application shall include—

"(I) a comprehensive business plan for a specific capital investment project;

"(II) a credible economic analysis regarding estimated job creation that is based upon economically and statis-

tically valid and transparent methodologies;

''(III) any documents filed with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77a et seq.) or with the securities regulator of any State, as required by law;

''(IV) any investment and offering documents, including subscription, investment, partnership, and operating agreements, private placement memoranda, term sheets, biographies of management, officers, directors, and any person with similar responsibilities, the description of the business plan to be provided to potential alien investors, and marketing materials used, or drafts prepared for use, in connection with the offering, which shall contain references, as appropriate, to—

''(aa) all material investment risks associated with the

new commercial enterprise and the job-creating entity;

''(bb) any conflicts of interest that currently exist or may arise among the regional center, the new commercial enterprise, the job-creating entity, or the principals, attorneys, or individuals responsible for recruitment or promotion of such entities;

''(cc) any pending material litigation or bankruptcy, or material adverse judgments or bankruptcy orders issued during the most recent 10-year period, in the United States or in another country, affecting the regional center, the new commercial enterprise, any associated job-creating entity, or any other enterprise in which any principal of any of the aforementioned entities held majority ownership at the time; and

''(dd)(AA) any fees, ongoing interest, or other compensation

paid, or to be paid by the regional center, the new commercial enterprise, or any issuer of securities intended to be offered to alien investors, to agents, finders, or broker dealers involved in the offering of securities to alien investors in connection with the investment;

''(BB) a description of the services performed, or that will be performed, by such person to entitle the person to such fees, interest, or compensation; and

''(CC) the name and contact information of any such person, if known at the time of filing;

''(V) a description of the policies and procedures, such as those related to internal and external due diligence, reasonably designed to cause the regional center and any issuer of securities intended to be offered to alien investors in connection with the relevant capital investment project, to comply,

as applicable, with the securities laws of the United States and the laws of the applicable States in connection with the offer, purchase, or sale of its securities; and

''(VI) a certification from the regional center, and any issuer of securities intended to be offered to alien investors in connection with the relevant capital investment project, that their respective agents and employees, and any parties associated with the regional center and such issuer of securities affiliated with the regional center are in compliance with the securities laws of the United States and the laws of the applicable States in connection with the offer, purchase, or sale of its securities, to the best of the certifier's knowledge, after a due diligence investigation.

''(ii) EFFECT OF APPROVAL OF A BUSINESS PLAN FOR AN INVESTMENT IN A REGIONAL CENTER'S COMMERCIAL ENTERPRISE.—The approval of an application

under this subparagraph, including an approval before the date of the enactment of this subparagraph, shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by immigrants investing in the same offering described in such application, and of petitions by the same immigrants filed under section 216A unless—

''(I) the applicant engaged in fraud, misrepresentation, or criminal misuse;

''(II) such approval would threaten public safety or national security;

''(III) there has been a material change that affects eligibility;

''(IV) the discovery of other evidence affecting program eligibility was not disclosed by the applicant during the adjudication process; or

''(V) the previous adjudication involved a material mistake of law or fact.

''(iii) AMENDMENTS.—

"(I) APPROVAL.—The Secretary of Homeland Security may establish procedures by which a regional center may seek approval of an amendment to an approved application under this subparagraph that reflects changes specified by the Secretary to any information, documents, or other aspects of the investment offering described in such approved application not later than 30 days after any such changes.

"(II) INCORPORATION.—Upon the approval of a timely filed amendment to an approved application, any changes reflected in such amendment may be incorporated into and considered in determining program eligibility through adjudication of—

"(aa) pending petitions from immigrants investing in the offering described in the approved application who are seeking classification under this paragraph; and

''(bb) petitions by immigrants described in item (aa) that are filed under section 216A.

''(iv) SITE VISITS.—The Secretary of Homeland Security shall—

''(I) perform site visits to regional centers not earlier than 24 hours after providing notice of such site visit; and

''(II) perform at least 1 site visit to, as applicable, each new commercial enterprise or job-creating entity, or the business locations where any jobs that are claimed as being created.

''(v) PARAMETERS FOR CAPITAL REDEPLOYMENT.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall prescribe regulations, in accordance with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), that allow a new commercial enterprise to

redeploy investment funds anywhere within the United States or its territories for the purpose of maintaining the investors' capital at risk if—

"(aa) the new commercial enterprise has executed the business plan for a capital investment project in good faith without a material change;

"(bb) the new commercial enterprise has created a sufficient number of new full time positions to satisfy the job creation requirements of the program for all investors in the new commercial enterprise, either directly or indirectly, as evidenced by the methodologies set forth in this Act;

"(cc) the job creating entity has repaid the capital initially deployed in conformity with the initial investment contemplated by the business plan; and

"(dd) the capital, after repayment by the job creating entity, remains at risk and it is not redeployed in passive investments, such as stocks or bonds.

"(II) TERMINATION.—The Secretary of Homeland Security shall terminate the designation of a regional center if the Secretary determines that a new commercial enterprise has violated any of the requirements under subclause (I) in the redeployment of funds invested in such regional center.

"(G) REGIONAL CENTER ANNUAL STATEMENTS.—

"(i) IN GENERAL.—Each regional center designated under subparagraph (E) shall submit an annual statement, in a manner prescribed by the Secretary of Homeland Security. Each such statement shall include—

"(I) a certification stating that, to the best of the certifier's knowledge, after a due diligence investiga-

tion, the regional center is in compliance with clauses (i) and (ii) of subparagraph (H);

''(II) a certification described in subparagraph (I)(ii)(II);

''(III) a certification stating that, to the best of the certifier's knowledge, after a due diligence investigation, the regional center is in compliance with subparagraph (K)(iii);

''(IV) a description of any pending material litigation or bankruptcy proceedings, or material litigation or bankruptcy proceedings resolved during the preceding fiscal year, involving the regional center, the new commercial enterprise, or any affiliated job-creating entity;

''(V) an accounting of all individual alien investor capital invested in the regional center, new commercial enterprise, and job-creating entity;

''(VI) for each new commercial enterprise associated with the regional center—

"(aa) an accounting of the aggregate capital invested in the new commercial enterprise and any job-creating entity by alien investors under this paragraph for each capital investment project being undertaken by the new commercial enterprise;

"(bb) a description of how the capital described in item (aa) is being used to execute each capital investment project in the filed business plan or plans;

"(cc) evidence that 100 percent of the capital described in item (aa) has been committed to each capital investment project;

"(dd) detailed evidence of the progress made toward the completion of each capital investment project;

"(ee) an accounting of the aggregate direct jobs created or preserved;

"(ff) to the best of the regional center's knowledge, for all fees, including administrative fees, loan monitoring fees, loan management fees, commissions and similar transaction-based compensation, collected from alien investors by the regional center, the new commercial enterprise, any affiliated job-creating entity, any affiliated issuer of securities intended to be offered to alien investors, or any promoter, finder, broker-dealer, or other entity engaged by any of the aforementioned entities to locate individual investors—

"(AA) a description of all fees collected;

"(BB) an accounting of the entities that received such fees; and

"(CC) the purpose for which such fees were collected;

"(gg) any documentation referred to in subparagraph (F)(i)(IV) if there has been a material change during the preceding fiscal year; and

"(hh) a certification by the regional center that the information provided under items (aa) through (gg) is accurate, to the best of the certifier's knowledge, after a due diligence investigation; and

"(VII) a description of the regional center's policies and procedures that are designed to enable the regional center to comply with applicable Federal labor laws.

"(ii) AMENDMENT OF ANNUAL STATEMENTS.—The Secretary of Homeland Security—

"(I) shall require the regional center to amend or supplement an annual statement required under clause (i) if the Secretary determines that such statement is deficient; and

"(II) may require the regional center to amend or supplement such annual statement if the Director determines that such an amendment or supplement is appropriate.

"(iii) SANCTIONS.—

"(I) EFFECT OF VIOLATION.—The Director shall sanction any regional center entity in accordance with subclause (II) if the regional center fails to submit an annual statement or if the Director determines that the regional center—

"(aa) knowingly submitted or caused to be submitted a statement, certification, or any information submitted pursuant to this subparagraph that contained an untrue statement of material fact; or

"(bb) is conducting itself in a manner inconsistent with its designation under subparagraph (E), including any willful, undisclosed, and material deviation by

new commercial enterprises from any filed business plan for such new commercial enterprises.

''(II) AUTHORIZED SANCTIONS.—The Director shall establish a graduated set of sanctions based on the severity of the violations referred to in subclause (I), including—

''(aa) fines equal to not more than 10 percent of the total capital invested by alien investors in the regional center's new commercial enterprises or job-creating entities directly involved in such violations, the payment of which shall not in any circumstance utilize any of such alien investors' capital investments, and which shall be deposited into the EB–5 Integrity Fund established under subparagraph (J);

''(bb) temporary suspension from participation in the program described in subparagraph

(E), which may be lifted by the Director if the individual or entity cures the alleged violation after being provided such an opportunity by the Director;

"(cc) permanent bar from participation in the program described in subparagraph (E) for 1 or more individuals or business entities associated with the regional center, new commercial enterprise, or job-creating entity; and

"(dd) termination of regional center designation.

"(iv) AVAILABILITY OF ANNUAL STATEMENTS TO INVESTORS.—Not later than 30 days after a request from an alien investor, a regional center shall make available to such alien investor a copy of the filed annual statement and any amendments filed to such statement, which shall be redacted to exclude any information unrelated to such alien investor or the new

commercial enterprise or job creating entity into which the alien investor invested.

''(H) BONA FIDES OF PERSONS INVOLVED WITH REGIONAL CENTER PROGRAM.—

''(i) IN GENERAL.—The Secretary of Homeland Security may not permit any person to be involved with any regional center, new commercial enterprise, or job-creating entity if—

''(I) the person has been found to have committed—

''(aa) a criminal or civil offense involving fraud or deceit within the previous 10 years;

''(bb) a civil offense involving fraud or deceit that resulted in a liability in excess of $1,000,000; or

''(cc) a crime for which the person was convicted and sentenced to a term of imprisonment of more than 1 year;

''(II) the person is subject to a final order, for the duration of any penalty imposed by such order, of a

State securities commission (or an agency or officer of a State performing similar functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing similar functions), an appropriate Federal banking agency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, a financial self-regulatory organization recognized by the Securities and Exchange Commission, or the National Credit Union Administration, which is based on a violation of any law or regulation that—

''(aa) prohibits fraudulent, manipulative, or deceptive conduct; or

''(bb) bars the person from—

''(AA) association with an entity regulated by such

commission, authority, agency, or officer;

"(BB) appearing before such commission, authority, agency, or officer;

"(CC) engaging in the business of securities, insurance, or banking; or

"(DD) engaging in savings association or credit union activities;

"(III) the Secretary determines that the person is engaged in, has ever been engaged in, or seeks to engage in—

"(aa) any illicit trafficking in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act);

"(bb) any activity relating to espionage, sabotage, or theft of intellectual property;

"(cc) any activity related to money laundering (as described

in section 1956 or 1957 of title 18, United States Code);

"(dd) any terrorist activity (as defined in section 212(a)(3)(B));

"(ee) any activity constituting or facilitating human trafficking or a human rights offense;

"(ff) any activity described in section 212(a)(3)(E); or

"(gg) the violation of any statute, regulation, or Executive order regarding foreign financial transactions or foreign asset control; or

"(IV) the person—

"(aa) is, or during the preceding 10 years has been, included on the Department of Justice's List of Currently Disciplined Practitioners; or

"(bb) during the preceding 10 years, has received a reprimand or has otherwise been

publicly disciplined for conduct related to fraud or deceit by a State bar association of which the person is or was a member.

"(ii) FOREIGN INVOLVEMENT IN REGIONAL CENTER PROGRAM.—

"(I) LAWFUL STATUS REQUIRED.—A person may not be involved with a regional center unless the person—

"(aa) is a national of the United States or an individual who has been lawfully admitted for permanent residence (as such terms are defined in paragraphs (20) and (22) of section 101(a)); and

"(bb) is not the subject of rescission or removal proceedings.

"(II) FOREIGN GOVERNMENTS.—No agency, official, or other similar entity or representative of a foreign government entity may provide capital to, or be directly or indirectly involved

with the ownership or administration of, a regional center, a new commercial enterprise, or a job-creating entity, except that a foreign or domestic investment fund or other investment vehicle that is wholly or partially owned, directly or indirectly, by a bona fide foreign sovereign wealth fund or a foreign state-owned enterprise otherwise permitted to do business in the United States may be involved with the ownership, but not the administration, of a job-creating entity that is not an affiliated job-creating entity.

''(III) RULEMAKING.—Not later than 270 days after the date of the enactment of the EB–5 Reform and Integrity Act of 2022, the Secretary shall issue regulations implementing subparagraphs (I) and (II).

''(iii) INFORMATION REQUIRED.—The Secretary of Homeland Security—

''(I) shall require such attestations and information, including the

submission of fingerprints or other biometrics to the Federal Bureau of Investigation with respect to a regional center, a new commercial enterprise, and any affiliated job creating entity, and persons involved with such entities (as described in clause (v)), as may be necessary to determine whether such entities are in compliance with clauses (i) and (ii);

''(II) shall perform such criminal record checks and other background and database checks with respect to a regional center, a new commercial enterprise, and any affiliated job-creating entity, and persons involved with such entities (as described in clause (v)), as may be necessary to determine whether such entities are in compliance with clauses (i) and (ii); and

''(III) may, at the Secretary's discretion, require the information described to in subclause (I) and may perform the checks described in sub-

clause (II) with respect to any job creating entity and persons involved with such entity if there is a reasonable basis to believe such entity or person is not in compliance with clauses (i) and (ii).

''(iv) TERMINATION.—

''(I) IN GENERAL.—The Secretary of Homeland Security may suspend or terminate the designation of any regional center, or the participation under the program of any new commercial enterprise or job-creating entity under this paragraph if the Secretary determines that such entity—

''(aa) knowingly involved a person with such entity in violation of clause (i) or (ii) by failing, within 14 days of acquiring such knowledge—

''(AA) to take commercially reasonable efforts to discontinue the prohibited person's involvement; or

"(BB) to provide notice to the Secretary;

"(bb) failed to provide an attestation or information requested by the Secretary under clause (iii)(I); or

"(cc) knowingly provided any false attestation or information under clause (iii)(I).

"(II) LIMITATION.—The Secretary's authorized sanctions under subclause (I) shall be limited to entities that have engaged in any activity described in subclause (I).

"(III) INFORMATION.—

"(aa) NOTIFICATION.—The Secretary, after performing the criminal record checks and other background checks described in clause (iii), shall notify a regional center, new commercial enterprise, or job-creating entity whether any person involved with such entities is not in compliance with clause (i) or (ii), unless the

information that provides the basis for the determination is classified or disclosure is otherwise prohibited under law.

''(bb) EFFECT OF FAILURE TO RESPOND.—If the regional center, new commercial enterprise, or job-creating entity fails to discontinue the prohibited person's involvement with the regional center, new commercial enterprise, or job-creating entity, as applicable, within 30 days after receiving such notification, such entity shall be deemed to have knowledge under subclause (I)(aa) that the involvement of such person with the entity is in violation of clause (i) or (ii).

''(v) PERSONS INVOLVED WITH A REGIONAL CENTER, NEW COMMERCIAL ENTERPRISE, OR JOB-CREATING ENTITY.—For the purposes of this paragraph, unless otherwise determined by the Secretary of Homeland Security, a person is involved

with a regional center, a new commercial enterprise, any affiliated job-creating entity, as applicable, if the person is, directly or indirectly, in a position of substantive authority to make operational or managerial decisions over pooling, securitization, investment, release, acceptance, or control or use of any funding that was procured under the program described in subparagraph (E). An individual may be in a position of substantive authority if the person serves as a principal, a representative, an administrator, an owner, an officer, a board member, a manager, an executive, a general partner, a fiduciary, an agent, or in a similar position at the regional center, new commercial enterprise, or job-creating entity, respectively.

''(I) COMPLIANCE WITH SECURITIES LAWS.—

''(i) JURISDICTION.—

''(I) IN GENERAL.—The United States has jurisdiction, including subject matter jurisdiction, over the purchase or sale of any security offered

or sold, or any investment advice provided, by any regional center or any party associated with a regional center for purposes of the securities laws.

''(II) COMPLIANCE WITH REGULATION S.—For purposes of section 5 of the Securities Act of 1933 (15 U.S.C. 77e), a regional center or any party associated with a regional center is not precluded from offering or selling a security pursuant to Regulation S (17 C.F.R. 230.901 et seq.) to the extent that such offering or selling otherwise complies with that regulation.

''(III) SAVINGS PROVISION.—Subclause (I) is not intended to modify any existing rules or regulations of the Securities and Exchange Commission related to the application of section 15(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78o(a)) to foreign brokers or dealers.

''(ii) REGIONAL CENTER CERTIFICATIONS REQUIRED.—

"(I) INITIAL CERTIFICATION.—The Secretary of Homeland Security may not approve an application for regional center designation or regional center amendment unless the regional center certifies that, to the best of the certifier's knowledge, after a due diligence investigation, the regional center is in compliance with and has policies and procedures, including those related to internal and external due diligence, reasonably designed to confirm, as applicable, that all parties associated with the regional center are and will remain in compliance with the securities laws of the United States and of any State in which—

"(aa) the offer, purchase, or sale of securities was conducted;

"(bb) the issuer of securities was located; or

"(cc) the investment advice was provided by the regional center or parties associated with the regional center.

"(II) REISSUE.—A regional center shall annually reissue a certification described in subclause (I), in accordance with subparagraph (G), to certify compliance with clause (iii) by stating that—

"(aa) the certification is made by a certifier;

"(bb) to the best of the certifier's knowledge, after a due diligence investigation, all such offers, purchases, and sales of securities or the provision of investment advice complied with the securities laws of the United States and the securities laws of any State in which—

"(AA) the offer, purchase, or sale of securities was conducted;

"(BB) the issuer of securities was located; or

"(CC) the investment advice was provided; and

"(cc) records, data, and information related to such offers, purchases, and sales have been maintained.

"(III) EFFECT OF NONCOMPLIANCE.—If a regional center, through its due diligence, discovered during the previous fiscal year that the regional center or any party associated with the regional center was not in compliance with the securities laws of the United States or the securities laws of any State in which the securities activities were conducted by any party associated with the regional center, the certifier shall—

"(aa) describe the activities that led to noncompliance;

"(bb) describe the actions taken to remedy the noncompliance; and

"(cc) certify that the regional center and all parties associated with the regional center are currently in compliance, to

the best of the certifier's knowledge, after a due diligence investigation.

''(iii) OVERSIGHT REQUIRED.—Each regional center shall—

''(I) use commercially reasonable efforts to monitor and supervise compliance with the securities laws in relations to all offers, purchases, and sales of, and investment advice relating to, securities made by parties associated with the regional center;

''(II) maintain records, data, and information relating to all such offers, purchases, sales, and investment advice during the 5-year period beginning on the date of their creation; and

''(III) make the records, data, and information described in subclause (II) available to the Secretary or to the Securities and Exchange Commission upon request.

''(iv) SUSPENSION OR TERMINATION.—In addition to any other authority provided to the Secretary under this

paragraph, the Secretary, in the Secretary's discretion, may suspend or terminate the designation of any regional center or impose other sanctions against the regional center if the regional center, or any parties associated with the regional center that the regional center knew or reasonably should have known—

"(I) are permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction in connection with the offer, purchase, or sale of a security or the provision of investment advice;

"(II) are subject to any final order of the Securities and Exchange Commission or a State securities regulator that—

"(aa) bars such person from association with an entity regulated by the Securities and Exchange Commission or a State securities regulator; or

"(bb) constitutes a final order based on a finding of an in-

tentional violation or a violation related to fraud or deceit in connection with the offer, purchase, or sale of, or investment advice relating to, a security; or

''(III) submitted, or caused to be submitted, a certification described in clause (ii) that contained an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

''(v) DEFINED TERM.—In this subparagraph, the term 'parties associated with a regional center' means—

''(I) the regional center;

''(II) any new commercial enterprise or affiliated job-creating entity or issuer of securities associated with the regional center;

''(III) the regional center's and new commercial enterprise's owners, officers, directors, managers, partners,

agents, employees, promoters and attorneys, or similar position, as determined by the Secretary; and

''(IV) any person under the control of the regional center, new commercial enterprise, or issuer of securities associated with the regional center who is responsible for the marketing, offering, or sale of any security offered in connection with the capital investment project.

''(vi) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to impair or limit the authority of the Securities and Exchange Commission under the Federal securities laws or any State securities regulator under State securities laws.

''(J) EB–5 INTEGRITY FUND.—

''(i) ESTABLISHMENT.—There is established in the United States Treasury a special fund, which shall be known as the 'EB–5 Integrity Fund' (referred to in this subparagraph as the 'Fund'). Amounts deposited into the Fund shall be available to the Secretary of Homeland Security until

expended for the purposes set forth in clause (iii).

"(ii) FEES.—

"(I) ANNUAL FEE.—On October 1, 2022, and each October 1 thereafter, the Secretary of Homeland Security shall collect for the Fund an annual fee—

"(aa) except as provided in item (bb), of $20,000 from each regional center designated under subparagraph (E); and

"(bb) of $10,000 from each such regional center with 20 or fewer total investors in the preceding fiscal year in its new commercial enterprises.

"(II) PETITION FEE.—Beginning on October 1, 2022, the Secretary shall collect a fee of $1,000 for the Fund with each petition filed under section 204(a)(1)(H) for classification under subparagraph (E). The fee under this subclause is in addition to the fee that the Secretary is author-

ized to establish and collect for each petition to recover the costs of adjudication and naturalization services under section 286(m).

"(III) INCREASES.—The Secretary may increase the amounts under this clause by prescribing such regulations as may be necessary to ensure that amounts in the Fund are sufficient to carry out the purposes set forth in clause (iii).

"(iii) PERMISSIBLE USES OF FUND.—The Secretary shall—

"(I) use not less than ⅓ of the amounts deposited into the Fund for investigations based outside of the United States, including—

"(aa) monitoring and investigating program-related events and promotional activities; and

"(bb) ensuring an alien investor's compliance with subparagraph (L); and

"(II) use amounts deposited into the Fund—

"(aa) to detect and investigate fraud or other crimes;

"(bb) to determine whether regional centers, new commercial enterprises, job-creating entities, and alien investors (and their alien spouses and alien children) comply with the immigration laws;

"(cc) to conduct audits and site visits; and

"(dd) as the Secretary determines to be necessary, including monitoring compliance with the requirements under section 107 of the EB–5 Reform and Integrity Act of 2022.

"(iv) FAILURE TO PAY FEE.—The Secretary of Homeland Security shall—

"(I) impose a reasonable penalty, which shall be deposited into the Fund, if any regional center does not pay the fee required under clause (ii) within 30 days after the date on which such fee is due; and

"(II) terminate the designation of any regional center that does not pay the fee required under clause (ii) within 90 days after the date on which such fee is due.

"(v) REPORT.—The Secretary shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes how amounts in the Fund were expended during the previous fiscal year.

"(K) DIRECT AND THIRD-PARTY PROMOTERS.—

"(i) RULES AND STANDARDS.—Direct and third-party promoters (including migration agents) of a regional center, any new commercial enterprise, an affiliated job-creating entity, or an issuer of securities intended to be offered to alien investors in connection with a particular capital investment project shall comply with the rules and standards prescribed by the Secretary of Homeland Security and any applicable Federal or State securities laws, to

oversee promotion of any offering of securities related to the EB–5 Program, including—

''(I) registration with U.S. Citizenship and Immigration Services, which—

''(aa) includes identifying and contact information for such promoter and confirmation of the existence of the written agreement required under clause (iii); and

''(bb) may be made publicly available at the discretion of the Secretary;

''(II) certification by each promoter that such promoter is not ineligible under subparagraph (H)(i);

''(III) guidelines for accurately representing the visa process to foreign investors; and

''(IV) guidelines describing permissible fee arrangements under applicable securities and immigration laws.

''(ii) EFFECT OF VIOLATION.—If the Secretary determines that a direct or third-party promoter has violated clause (i), the Secretary shall suspend or permanently bar such individual from participation in the program described in subparagraph (E).

''(iii) COMPLIANCE.—Each regional center, new commercial enterprise, and affiliated job-creating entity shall maintain a written agreement between or among such entities and each direct or third-party promoter operating on behalf of such entities that outlines the rules and standards prescribed under clause (i).

''(iv) DISCLOSURE.—Each petition filed under section 204(a)(1)(H) shall include a disclosure, signed by the investor, that reflects all fees, ongoing interest, and other compensation paid to any person that the regional center or new commercial enterprise knows has received, or will receive, in connection with the investment, including compensation to agents, finders, or broker dealers involved in the offering,

to the extent not already specifically identified in the business plan filed under subparagraph (F).

"(L) SOURCE OF FUNDS.—

"(i) IN GENERAL.—An alien investor shall demonstrate that the capital required under subparagraph (A) and any funds used to pay administrative costs and fees associated with the alien's investment were obtained from a lawful source and through lawful means.

"(ii) REQUIRED INFORMATION.—The Secretary of Homeland Security shall require that an alien investor's petition under this paragraph contain, as applicable—

"(I) business and tax records, or similar records, including—

"(aa) foreign business registration records;

"(bb) corporate or partnership tax returns (or tax returns of any other entity in any form filed in any country or subdivision of such country), and per-

sonal tax returns, including income, franchise, property (whether real, personal, or intangible), or any other tax returns of any kind, filed during the past 7 years (or another period to be determined by the Secretary to ensure that the investment is obtained from a lawful source of funds) with any taxing jurisdiction within or outside the United States by or on behalf of the alien investor; and

''(cc) any other evidence identifying any other source of capital or administrative fees;

''(II) evidence related to monetary judgments against the alien investor, including certified copies of any judgments, and evidence of all pending governmental civil or criminal actions, governmental administrative proceedings, and any private civil actions (pending or otherwise) involving possible monetary judgments against

the alien investor from any court within or outside the United States; and

''(III) the identity of all persons who transfer into the United States, on behalf of the investor, any funds that are used to meet the capital requirement under subparagraph (A).

''(iii) GIFT AND LOAN RESTRICTIONS.—

''(I) IN GENERAL.—Gifted and borrowed funds may not be counted toward the minimum capital investment requirement under subparagraph (C) unless such funds—

''(aa) were gifted or loaned to the alien investor in good faith; and

''(bb) were not gifted or loaned to circumvent any limitations imposed on permissible sources of capital under this subparagraph, including but not limited to proceeds from illegal activity.

"(II) RECORDS REQUIREMENT.—If funds invested under subparagraph (A) are gifted or loaned to the alien investor, the Secretary shall require that the alien investor's petition under this paragraph includes the records described in subclauses (I) and (II) of clause (ii) from the donor or, if other than a bank, the lender.

"(M) TREATMENT OF GOOD FAITH INVESTORS FOLLOWING PROGRAM NONCOMPLIANCE.—

"(i) TERMINATION OR DEBARMENT OF EB–5 ENTITY.—Except as provided in clause (vi), upon the termination or debarment, as applicable, from the program under this paragraph of a regional center, a new commercial enterprise, or a job-creating entity—

"(I) an otherwise qualified petition under section 204(a)(1)(H) or the conditional permanent residence of an alien who has been admitted to the United States pursuant to section 216A(a)(1) based on an investment in

a terminated regional center, new commercial enterprise, or job-creating entity shall remain valid or continue to be authorized, as applicable, consistent with this subparagraph; and

''(II) the Secretary of Homeland Security shall notify the alien beneficiaries of such petitions of such termination or debarment.

''(ii) NEW REGIONAL CENTER OR INVESTMENT.—The petition under section 204(a)(1)(H) of an alien described in clause (i) and the conditional permanent resident status of an alien described in clause (i) shall be terminated 180 days after notification of the termination from the program under this paragraph of a regional center, a new commercial enterprise, or a job creating entity (but not sooner than 180 days after the date of the enactment of the EB–5 Reform and Integrity Act of 2022) unless—

''(I) in the case of the termination of a regional center—

"(aa) the new commercial enterprise associates with an approved regional center, regardless of the approved geographical boundaries of such regional center's designation; or

"(bb) such alien makes a qualifying investment in another new commercial enterprise; or

"(II) in the case of the debarment of a new commercial enterprise or job-creating entity, such alien—

"(aa) associates with a new commercial enterprise in good standing; and

"(bb) invests additional investment capital solely to the extent necessary to satisfy remaining job creation requirements under subparagraph (A)(ii).

"(iii) AMENDMENTS.—

"(I) FILING REQUIREMENT.—The Secretary shall permit a petition described in clause (i)(I) to be amended to allow such petition to meet the

applicable eligibility requirements under clause (ii), or to notify the Secretary that a pending or approved petition continues to meet the eligibility requirements described in clause (ii) notwithstanding termination or debarment described in clause (i) if such amendment is filed not later than 180 days after the Secretary provides notification of termination or debarment of a regional center, a new commercial enterprise, or a job-creating entity, as applicable.

''(II) DETERMINATION OF ELIGIBILITY.—For purposes of determining eligibility under subclause (I)—

''(aa) the Secretary shall permit amendments to the business plan, without such facts underlying the amendment being deemed a material change; and

''(bb) may deem any funds obtained or recovered by an alien investor, directly or indirectly, from claims against third parties,

including insurance proceeds, or any additional investment capital provided by the alien, to be such alien's investment capital for the purposes of subparagraph (A) if such investment otherwise complies with the requirements under this paragraph and section 216A.

''(iv) REMOVAL OF CONDITIONS.—Aliens described in subclauses (I)(bb) and (II) of clause (ii) shall be eligible to have their conditions removed pursuant to section 216A beginning on the date that is 2 years after the date of the subsequent investment.

''(v) REMEDIES.—For petitions approved under clause (ii), including following an amendment filed under clause (iii), the Secretary—

''(I) shall retain the immigrant visa priority date related to the original petition and prevent age-out of derivative beneficiaries; and

"(II) may hold such petition in abeyance and extend any applicable deadlines under this paragraph.

"(vi) EXCEPTION.—If the Secretary has reason to believe that an alien was a knowing participant in the conduct that led to the termination of a regional center, new commercial enterprise, or job-creating entity described in clause (i)—

"(I) the alien shall not be accorded any benefit under this subparagraph; and

"(II) the Secretary shall—

"(aa) notify the alien of such belief; and

"(bb) subject to section 216A(b)(2), shall deny or initiate proceedings to revoke the approval of such alien's petition, application, or benefit (and that of any spouse or child, if applicable) described in this paragraph.

"(N) THREATS TO THE NATIONAL INTEREST.—

''(i) DENIAL OR REVOCATION.—The Secretary of Homeland Security shall deny or revoke the approval of a petition, application, or benefit described in this paragraph, including the documents described in clause (ii), if the Secretary determines, in the Secretary's discretion, that the approval of such petition, application, or benefit is contrary to the national interest of the United States for reasons relating to threats to public safety or national security.

''(ii) DOCUMENTS.—The documents described in this clause are—

''(I) a certification, designation, or amendment to the designation of a regional center;

''(II) a petition seeking classification of an alien as an alien investor under this paragraph;

''(III) a petition to remove conditions under section 216A;

''(IV) an application for approval of a business plan in a new commer-

cial enterprise under subparagraph (F); or

''(V) a document evidencing conditional permanent resident status that was issued to an alien pursuant to section 216A.

''(iii) DEBARMENT.—If a regional center, new commercial enterprise, or job-creating entity has its designation or participation in the program under this paragraph terminated for reasons relating to public safety or national security, any person associated with such regional center, new commercial enterprise, or job-creating entity, including an alien investor, shall be permanently barred from future participation in the program under this paragraph if the Secretary of Homeland Security, in the Secretary's discretion, determines, by a preponderance of the evidence, that such person was a knowing participant in the conduct that led to the termination.

''(iv) NOTICE.—If the Secretary of Homeland Security determines that the approval of a petition, application, or benefit

described in this paragraph should be denied or revoked pursuant to clause (i), the Secretary shall—

"(I) notify the relevant individual, regional center, or commercial entity of such determination;

"(II) deny or revoke such petition, application, or benefit or terminate the permanent resident status of the alien (and the alien spouse and alien children of such immigrant), as of the date of such determination; and

"(III) provide any United States-owned regional center, new commercial enterprise, or job creating entity an explanation for such determination unless the relevant information is classified or disclosure is otherwise prohibited under law.

"(v) JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no

court shall have jurisdiction to review a denial or revocation under this subparagraph. Nothing in this clause may be construed as precluding review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with section 242.

''(O) FRAUD, MISREPRESENTATION, AND CRIMINAL MISUSE.—

''(i) DENIAL OR REVOCATION.—Subject to subparagraph (M), the Secretary of Homeland Security shall deny or revoke the approval of a petition, application, or benefit described in this paragraph, including the documents described in subparagraph (N)(ii), if the Secretary determines, in the Secretary's discretion, that such petition, application, or benefit was predicated on or involved fraud, deceit, intentional material misrepresentation, or criminal misuse.

''(ii) DEBARMENT.—If a regional center, new commercial enterprise, or job-creating entity has its designation or participation in the program under this para-

graph terminated for reasons relating to fraud, intentional material misrepresentation, or criminal misuse, any person associated with such regional center, new commercial enterprise, or job-creating entity, including an alien investor, shall be permanently barred from future participation in the program if the Secretary determines, in the Secretary's discretion, by a preponderance of the evidence, that such person was a knowing participant in the conduct that led to the termination.

''(iii) NOTICE.—If the Secretary determines that the approval of a petition, application, or benefit described in this paragraph should be denied or revoked pursuant to clause (i), the Secretary shall—

''(I) notify the relevant individual, regional center, or commercial entity of such determination; and

''(II) deny or revoke such petition, application, or benefit or terminate the permanent resident status of the alien (and the alien spouse and

alien children of such immigrant), in accordance with clause (i), as of the date of such determination.

''(P) ADMINISTRATIVE APPELLATE REVIEW.—

''(i) IN GENERAL.—The Director of U.S. Citizenship and Immigration Services shall provide an opportunity for an administrative appellate review by the Administrative Appeals Office of U.S. Citizenship and Immigration Services of any determination made under this paragraph, including—

''(I) an application for regional center designation or regional center amendment;

''(II) an application for approval of a business plan filed under subparagraph (F);

''(III) a petition by an alien investor for status as an immigrant under this paragraph;

''(IV) the termination or suspension of any benefit accorded under this paragraph; and

"(V) any sanction imposed by the Secretary under this paragraph.

"(ii) JUDICIAL REVIEW.—Subject to subparagraph (N)(v) and section 242(a)(2), and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a determination under this paragraph until the regional center, its associated entities, or the alien investor has exhausted all administrative appeals.

"(Q) FUND ADMINISTRATION.—

"(i) IN GENERAL.—Each new commercial enterprise shall deposit and maintain the capital investment of each alien investor in a separate account, including amounts held in escrow.

"(ii) USE OF FUNDS.—Amounts in a separate account may only—

"(I) be transferred to another separate account or a job creating entity;

"(II) otherwise be deployed into the capital investment project for which the funds were intended; or

"(III) be transferred to the alien investor who contributed the funds as a refund of that investor's capital investment, if otherwise permitted under this paragraph.

"(iii) DEPLOYMENT OF FUNDS INTO AN AFFILIATED JOB-CREATING ENTITY.—If amounts are transferred to an affiliated job-creating entity pursuant to clause (ii)(I)—

"(I) the affiliated job-creating entity shall maintain such amounts in a separate account until they are deployed into the capital investment project for which they were intended; and

"(II) not later than 30 days after such amounts are deployed pursuant to subclause (I), the affiliated job-creating entity shall provide written notice to the fund administrator retained pursuant to clause (iv) that a

construction consultant or other individual authorized by the Secretary has verified that such amounts have been deployed into the project.

''(iv) FUND ADMINISTRATOR.—Except as provided in clause (v), the new commercial enterprise shall retain a fund administrator to fulfill the requirements under this subparagraph. The fund administrator—

''(I) shall be independent of, and not directly related to, the new commercial enterprise, the regional center associated with the new commercial enterprise, the job creating entity, or any of the principals or managers of such entities;

''(II) shall be licensed, active, and in good standing as—

''(aa) a certified public accountant;

''(bb) an attorney;

''(cc) a broker-dealer or investment adviser registered with the Securities and Exchange Commission; or

''(dd) an individual or company that otherwise meets such requirements as may be established by the Secretary;

''(III) shall monitor and track any transfer of amounts from the separate account;

''(IV) shall serve as a cosignatory on all separate accounts;

''(V) before any transfer of amounts from a separate account, shall—

''(aa) verify that the transfer complies with all governing documents, including organizational, operational, and investment documents; and

''(bb) approve such transfer with a written or electronic signature;

''(VI) shall periodically provide each alien investor with information about the activity of the account in which the investor's capital investment is held, including—

"(aa) the name and location of the bank or financial institution at which the account is maintained;

"(bb) the history of the account; and

"(cc) any additional information required by the Secretary; and

"(VII) shall make and preserve, during the 5-year period beginning on the last day of the Federal fiscal year in which any transactions occurred, books, ledgers, records, and other documentation necessary to comply with this clause, which shall be provided to the Secretary upon request.

"(v) WAIVER.—

"(I) WAIVER PERMITTED.—The Secretary of Homeland Security, after consultation with the Securities and Exchange Commission, may waive the requirements under clause (iv) for any new commercial enterprise or affiliated job-creating entity that is con-

trolled by or under common control of an investment adviser or broker-dealer that is registered with the Securities and Exchange Commission if the Secretary, in the Secretary's discretion, determines that the Securities and Exchange Commission provides comparable protections and transparency for alien investors as the protections and transparency provided under clause (iv).

''(II) WAIVER REQUIRED.—The Secretary of Homeland Security shall waive the requirements under clause (iv) for any new commercial enterprise that commissions an annual independent financial audit of such new commercial enterprise or job creating entity conducted in accordance with Generally Accepted Auditing Standards, which audit shall be provided to the Secretary and all investors in the new commercial enterprise.

"(vi) DEFINED TERM.—In this subparagraph, the term 'separate account' means an account that—

"(I) is maintained in the United States by a new commercial enterprise or job creating entity at a federally regulated bank or at another financial institution (as defined in section 20 of title 18, United States Code) in the United States;

"(II) is insured; and

"(III) contains only the pooled investment funds of alien investors in a new commercial enterprise with respect to a single capital investment project.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(c) REQUIRED CHECKS.—

(1) IN GENERAL.—Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), as amended by subsection (b), is further amended by adding at the end the following:

"(R) REQUIRED CHECKS.—Any petition filed by an alien under section 204(a)(1)(H) may not be approved under this paragraph unless the Secretary of Homeland Security has searched for the alien and any associated employer of such alien on the Specially Designated Nationals List of the Department of the Treasury Office of Foreign Assets Control.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

**SEC. 104. CONDITIONAL PERMANENT RESIDENT STATUS FOR ALIEN INVESTORS, SPOUSES, AND CHILDREN.**

(a) IN GENERAL.—Section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) is amended—

(1) by striking "Attorney General" each place such term appears (except in subsection (d)(2)(C)) and inserting "Secretary of Homeland Security";

(2) by striking "entrepreneur" each place such term appears and inserting "investor";

(3) in subsection (a), by amending paragraph (1) to read as follows:

"(1) CONDITIONAL BASIS FOR STATUS.—An alien investor, alien spouse, and alien child shall be

considered, at the time of obtaining status as an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.'';

(4) in subsection (b)—

(A) in the subsection heading, by striking ''ENTREPRENEURSHIP'' and inserting ''INVESTMENT''; and

(B) by amending paragraph (1)(B) to read as follows:

''(B) the alien did not invest the requisite capital; or'';

(5) in subsection (c)—

(A) in the subsection heading, by striking ''OF TIMELY PETITION AND INTERVIEW'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''In order'' and inserting ''Except as provided in paragraph (3)(D), in order'';

(ii) in subparagraph (A)—

(I) by striking ''must'' and inserting ''shall''; and

(II) by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (B)—

(I) by striking ''must'' and inserting ''shall'';

(II) by striking ''Service'' and inserting ''Department of Homeland Security''; and

(III) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) the Secretary shall have performed a site visit to the relevant corporate office or business location described in section 203(b)(5)(F)(iv).''; and

(C) in paragraph (3)—

(i) in subparagraph (A), in the undesignated matter following clause (ii), by striking ''the'' before ''such filing''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) REMOVAL OR EXTENSION OF CONDITIONAL BASIS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary determines that the facts and information con-

tained in a petition submitted under paragraph (1)(A) are true, including demonstrating that the alien complied with subsection (d)(1)(B)(i), the Secretary shall—

''(I) notify the alien involved of such determination; and

''(II) remove the conditional basis of the alien's status effective as of the second anniversary of the alien's lawful admission for permanent residence.

''(ii) EXCEPTION.—If the petition demonstrates that the facts and information are true and that the alien is in compliance with subsection (d)(1)(B)(ii)—

''(I) the Secretary, in the Secretary's discretion, may provide a 1-year extension of the alien's conditional status; and

''(II)(aa) if the alien files a petition not later than 30 days after the third anniversary of the alien's lawful admission for permanent residence demonstrating that the alien complied

with subsection (d)(1)(B)(i), the Secretary shall remove the conditional basis of the alien's status effective as of such third anniversary; or

''(bb) if the alien does not file the petition described in item (aa), the conditional status shall terminate at the end of such additional year.'';

(6) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) invested the requisite capital;'';

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B)(i) created the employment required under section 203(b)(5)(A)(ii); or

''(ii) is actively in the process of creating the employment required under section 203(b)(5)(A)(ii) and will create such employment before the third anniversary of the alien's lawful admission for permanent residence, pro-

vided that such alien's capital will remain invested during such time; and'';

(B) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) NINETY-DAY PERIOD BEFORE SECOND ANNIVERSARY.—

''(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (B), a petition under subsection (c)(1)(A) shall be filed during the 90-day period immediately preceding the second anniversary of the alien investor's lawful admission for permanent residence.

''(ii) EXCEPTION.—Aliens described in subclauses (I)(bb) and (II) of section 203(b)(5)(M)(ii) shall file a petition under subsection (c)(1)(A) during the 90-day period before the second anniversary of the subsequent investment.''; and

(C) in paragraph (3)—

(i) by striking ''The interview'' and inserting the following:

''(A) IN GENERAL.—The interview'';

(ii) by striking ''Service'' and inserting ''Department of Homeland Security''; and

(iii) by striking the last sentence and inserting the following:

''(B) WAIVER.—The Secretary of Homeland Security, in the Secretary's discretion, may waive the deadline for an interview under subsection (c)(1)(B) or the requirement for such an interview according to criteria developed by U.S. Citizenship and Immigration Services, in consultation with its Fraud Detection and National Security Directorate and U.S. Immigration and Customs Enforcement, provided that such criteria do not include a reduction of case processing times or the allocation of adjudicatory resources. A waiver may not be granted under this subparagraph if the alien to be interviewed—

''(i) invested in a regional center, new commercial enterprise, or job-creating entity that was sanctioned under section 203(b)(5); or

"(ii) is in a class of aliens determined by the Secretary to be threats to public safety or national security."; and

(7) in subsection (f)(3), by striking "a limited partnership" and inserting "any entity formed for the purpose of doing for-profit business".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—

(A) SITE VISITS.—The amendment made by subsection (a)(5)(B)(iv) shall take effect on the date that is 2 years after the date of the enactment of this Act.

(B) PETITION BENEFICIARIES.—The amendments made by subsection (a) shall not apply to the beneficiary of a petition that is filed under section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) if the underlying petition was filed under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)) before the date of the enactment of this Act.

**SEC. 105. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

(a) FILING ORDER AND ELIGIBILITY.—Section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) is amended to read as follows:

''(H)(i) Any alien seeking classification under section 203(b)(5) may file a petition for such classification with the Secretary of Homeland Security. An alien seeking to pool his or her investment with 1 or more additional aliens seeking classification under section 203(b)(5) shall file for such classification in accordance with section 203(b)(5)(E), or before the date of the enactment of the EB–5 Reform and Integrity Act of 2022, in accordance with section 203(b)(5). An alien petitioning for classification under section 203(b)(5)(E) may file a petition with the Secretary after a regional center has filed an application for approval of an investment under section 203(b)(5)(F).

''(ii) A petitioner described in clause (i) shall establish eligibility at the time he or she files a petition for classification under section 203(b)(5). A petitioner who was eligible for such classification at the time of such filing shall be deemed eligible for such classification at the time such petition is adjudicated, subject to the approval of the petitioner's associated application under section 203(b)(5)(F), if applicable.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY TO PETITIONS.—Section 204(a)(1)(H)(i) of the Immigration and Nationality Act, as added by subsection (a), shall apply to any petition for classification pursuant to section 203(b)(5)(E) of such Act (8 U.S.C. 1153(b)(5)(E)) that is filed with the Secretary of Homeland Security on or after the date of the enactment of this Act.

(c) ADJUDICATION OF PETITIONS.—The Secretary of Homeland Security shall continue to adjudicate petitions and benefits under sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b) during the implementation of this Act and the amendments made by this Act.

**SEC. 106. TIMELY PROCESSING.**

(a) FEE STUDY.—Not later than 1 year after the date of the enactment of this Act, the Director of U.S. Citizenship and Immigration Services shall complete a study of fees charged in the administration of the program described in sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(b) ADJUSTMENT OF FEES TO ACHIEVE EFFICIENT PROCESSING.—Notwithstanding section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), and except as provided under subsection (c), the Director, not later than 60 days after the completion of the study under subsection (a), shall set fees for services provided under sections 203(b)(5) and 216A of such Act (8 U.S.C. 1153(b)(5) and 1186b) at a level sufficient to ensure the full recovery only of the costs of providing such services, including the cost of attaining the goal of completing adjudications, on average, not later than—

(1) 180 days after receiving a proposal for the establishment of a regional center described in section 203(b)(5)(E) of such Act;

(2) 180 days after receiving an application for approval of an investment in a new commercial enterprise described in section 203(b)(5)(F) of such Act;

(3) 90 days after receiving an application for approval of an investment in a new commercial enterprise described in section 203(b)(5)(F) of such Act that is located in a targeted employment area (as defined in section 203(b)(5)(D) of such Act);

(4) 240 days after receiving a petition from an alien desiring to be classified under section 203(b)(5)(E) of such Act;

(5) 120 days after receiving a petition from an alien desiring to be classified under section 203(b)(5)(E) of such Act with respect to an investment in a targeted employment area (as defined in section 203(b)(5)(D) of such Act); and

(6) 240 days after receiving a petition from an alien for removal of conditions described in section 216A(c) of such Act.

(c) ADDITIONAL FEES.—Fees in excess of the fee levels described in subsection (b) may be charged only—

(1) in an amount that is equal to the amount paid by all other classes of fee-paying applicants for immigration-related benefits, to contribute to the coverage or reduction of the costs of processing or adjudicating classes of immigration benefit applications that Congress, or the Secretary of Homeland Security in the case of asylum applications, has authorized to be processed or adjudicated at no cost or at a reduced cost to the applicant; and

(2) in an amount that is not greater than 1 percent of the fee for filing a petition under section 203(b)(5) of the Immigration and Nationality Act (8

U.S.C. 1153(b)(5)), to make improvements to the information technology systems used by the Secretary of Homeland Security to process, adjudicate, and archive applications and petitions under such section, including the conversion to electronic format of documents filed by petitioners and applicants for benefits under such section.

(d) EXEMPTION FROM PAPERWORK REDUCTION ACT.—During the 1-year period beginning on the date of the enactment of this Act, the requirements under chapter 35 of title 44, United States Code, shall not apply to any collection of information required under this division, any amendment made by this division, or any rule promulgated by the Secretary of Homeland Security to implement this division or the amendments made by this division, to the extent that the Secretary determines that compliance with such requirements would impede the expeditious implementation of this division or the amendments made by this division.

(e) RULE OF CONSTRUCTION REGARDING ADJUDICATION DELAYS.—Nothing in this division may be construed to limit the authority of the Secretary of Homeland Security to suspend the adjudication of any application or petition under section 203(b)(5) or 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b)

pending the completion of a national security or law enforcement investigation relating to such application or petition.

(f) RULE OF CONSTRUCTION REGARDING MODIFICATION OF FEES.—Nothing in this section may be construed to require any modification of fees before the completion of—

(1) the fee study described in subsection (a); or

(2) regulations promulgated by the Secretary of Homeland Security, in accordance with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), to carry out subsections (b) and (c).

**SEC. 107. TRANSPARENCY.**

(a) IN GENERAL.—Employees of the Department of Homeland Security, including the Secretary of Homeland Security, the Secretary's counselors, the Assistant Secretary for the Private Sector, the Director of U.S. Citizenship and Immigration Services, counselors to such Director, and the Chief of the Immigrant Investor Programs Office (or any successor to such Office) at U.S. Citizenship and Immigration Services, shall act impartially and may not give preferential treatment to any entity, organization, or individual in connection with any aspect of the

immigrant visa program described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) IMPROPER ACTIVITIES.—Activities that constitute preferential treatment under subsection (a) shall include—

(1) working on, or in any way attempting to influence, in a manner not available to or accorded to all other petitioners, applicants, and seekers of benefits under the immigrant visa program referred to in subsection (a), the standard processing of an application, petition, or benefit for—

(A) a regional center;

(B) a new commercial enterprise;

(C) a job-creating entity; or

(D) any person or entity associated with such regional center, new commercial enterprise, or job-creating entity; and

(2) meeting or communicating with persons associated with the entities listed in paragraph (1), at the request of such persons, in a manner not available to or accorded to all other petitioners, applicants, and seekers of benefits under such immigrant visa program.

(c) REPORTING OF COMMUNICATIONS.—

(1) WRITTEN COMMUNICATION.—Employees of the Department of Homeland Security, including the officials listed in subsection (a), shall include, in the record of proceeding for a case under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), actual or electronic copies of all case-specific written communication, including emails from government and private accounts, with non-Department persons or entities advocating for regional center applications or individual petitions under such section that are pending on or after the date of the enactment of this Act (other than routine communications with other agencies of the Federal Government regarding the case, including communications involving background checks and litigation defense).

(2) ORAL COMMUNICATION.—If substantive oral communication, including telephonic communication, virtual communication, or in-person meetings, takes place between officials of the Department of Homeland Security and non-Department persons or entities advocating for regional center applications or individual petitions under section 203(b)(5) of such Act that are pending on or after the date of the en-

actment of this Act (except communications exempted under paragraph (1))—

(A) the conversation shall be recorded; or

(B) detailed minutes of the session shall be taken and included in the record of proceeding.

(3) NOTIFICATION.—

(A) IN GENERAL.—If the Secretary, in the course of written or oral communication described in this subsection, receives evidence about a specific case from anyone other than an affected party or his or her representative (excluding Federal Government or law enforcement sources), such information may not be made part of the record of proceeding and may not be considered in adjudicative proceedings unless—

(i) the affected party has been given notice of such evidence; and

(ii) if such evidence is derogatory, the affected party has been given an opportunity to respond to the evidence.

(B) INFORMATION FROM LAW ENFORCEMENT, INTELLIGENCE AGENCIES, OR CONFIDENTIAL SOURCES.—

(i) LAW ENFORCEMENT OR INTELLIGENCE AGENCIES.—Evidence received from law enforcement or intelligence agencies may not be made part of the record of proceeding without the consent of the relevant agency or law enforcement entity.

(ii) WHISTLEBLOWERS, CONFIDENTIAL SOURCES, OR INTELLIGENCE AGENCIES.—Evidence received from whistleblowers, other confidential sources, or the intelligence community that is included in the record of proceeding and considered in adjudicative proceedings shall be handled in a manner that does not reveal the identity of the whistleblower or confidential source, or reveal classified information.

(d) CONSIDERATION OF EVIDENCE.—

(1) IN GENERAL.—No case-specific communication with persons or entities that are not part of the Department of Homeland Security may be considered in the adjudication of an application or petition under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) unless the communication is included in the record of proceeding of the case.

(2) WAIVER.—The Secretary of Homeland Security may waive the requirement under paragraph (1) only in the interests of national security or for investigative or law enforcement purposes.

(e) CHANNELS OF COMMUNICATION.—

(1) EMAIL ADDRESS OR EQUIVALENT.—The Director of U.S. Citizenship and Immigration Services shall maintain an email account (or equivalent means of communication) for persons or entities—

(A) with inquiries regarding specific petitions or applications under the immigrant visa program described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)); or

(B) seeking information that is not case-specific about the immigrant visa program described in such section 203(b)(5).

(2) COMMUNICATION ONLY THROUGH APPROPRIATE CHANNELS OR OFFICES.—

(A) ANNOUNCEMENT OF APPROPRIATE CHANNELS OF COMMUNICATION.—Not later than 40 days after the date of the enactment of this Act, the Director of U.S. Citizenship and Immigration Services shall announce that the only channels or offices by which industry

stakeholders, petitioners, applicants, and seekers of benefits under the immigrant visa program described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) may communicate with the Department of Homeland Security regarding specific cases under such section (except for communication made by applicants and petitioners pursuant to regular adjudicatory procedures), or information that is not case-specific about the visa program applicable to certain cases under such section, are through—

(i) the email address or equivalent channel described in paragraph (1);

(ii) the National Customer Service Center, or any successor to such Center; or

(iii) the Office of Public Engagement, Immigrant Investor Program Office, including the Stakeholder Engagement Branch, or any successors to those Offices or that Branch.

(B) DIRECTION OF INCOMING COMMUNICATIONS.—

(i) IN GENERAL.—Employees of the Department of Homeland Security shall di-

rect communications described in subparagraph (A) to the channels of communication or offices listed in clauses (i) through (iii) of subparagraph (A).

(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to prevent—

(I) any person from communicating with the Ombudsman of U.S. Citizenship and Immigration Services regarding the immigrant investor program under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)); or

(II) the Ombudsman from resolving problems regarding such immigrant investor program pursuant to the authority granted under section 452 of the Homeland Security Act of 2002 (6 U.S.C. 272).

(C) LOG.—

(i) IN GENERAL.—The Director of U.S. Citizenship and Immigration Services shall maintain a written or electronic log of—

(I) all communications described in subparagraph (A) and communications from Members of Congress, which shall reference the date, time, and subject of the communication, and the identity of the Department official, if any, to whom the inquiry was forwarded;

(II) with respect to written communications described in subsection (c)(1), the date on which the communication was received, the identities of the sender and addressee, and the subject of the communication; and

(III) with respect to oral communications described in subsection (c)(2), the date on which the communication occurred, the participants in the conversation or meeting, and the subject of the communication.

(ii) TRANSPARENCY.—The log of communications described in clause (i) shall be made publicly available in accordance with section 552 of title 5, United States Code

(commonly known as the ''Freedom of Information Act'').

(3) PUBLICATION OF INFORMATION.—Not later than 30 days after a person or entity inquiring about a specific case or generally about the immigrant visa program described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) receives, as a result of a communication with an official of the Department of Homeland Security, generally applicable information that is not case-specific about program requirements or administration that has not been made publicly available by the Department, the Director of U.S. Citizenship and Immigration Services shall publish such information on the U.S. Citizenship and Immigration Services website as an update to the relevant Frequently Asked Questions page or by some other comparable mechanism.

(f) PENALTY.—

(1) IN GENERAL.—Any person who intentionally violates the prohibition on preferential treatment under this section or intentionally violates the reporting requirements under subsection (c) shall be disciplined in accordance with paragraph (2).

(2) SANCTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a graduated set of sanctions based on the severity of the violation referred to in paragraph (1), which may include, in addition to any criminal or civil penalties that may be imposed, written reprimand, suspension, demotion, or removal.

(g) RULE OF CONSTRUCTION REGARDING CLASSIFIED INFORMATION.—Nothing in this section may be construed to modify any law, regulation, or policy regarding the handling or disclosure of classified information.

(h) RULE OF CONSTRUCTION REGARDING PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to create or authorize a private right of action to challenge a decision of an employee of the Department of Homeland Security.

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date of the enactment of this Act.

**SEC. 108. PROTECTION FROM EXPIRED LEGISLATION.**

Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), as amended by sections 102 and 103 of this division, is further amended by adding at the end the following:

"(S) PROTECTION FROM EXPIRED LEGISLATION.—Notwithstanding the expiration of legislation authorizing the regional center program under subparagraph (E), the Secretary of Homeland Security—

"(i) shall continue processing petitions under sections 204(a)(1)(H) and 216A based on an investment in a new commercial enterprise associated with a regional center that were filed on or before September 30, 2026;

"(ii) may not deny a petition described in clause (i) based on the expiration of such legislation; and

"(iii) may not suspend or terminate the allocation of visas to the beneficiaries of approved petitions described in clause (i).".

# DIVISION CC—BURIAL EQUITY FOR GUARDS AND RESERVES ACT

**SEC. 101. SHORT TITLE.**

This division may be cited as the "Burial Equity for Guards and Reserves Act".

**SEC. 102. PROHIBITIONS ON RESTRICTING INTERMENT OF CERTAIN INDIVIDUALS IN CERTAIN STATE VETERANS' CEMETERIES.**

(a) GRANTS.—Section 2408 of title 38, United States Code, is amended—

(1) in subsection (d)(2), by striking ''The Secretary may'' and inserting ''Except as provided in subsection (i), the Secretary may'';

(2) by redesignating subsection (i) as subsection (k); and

(3) by inserting after subsection (h) the following new subsections:

''(i)(1) The Secretary may not establish a condition for a grant under this section that restricts the ability of a State receiving such a grant to inter in a veterans' cemetery owned by that State any individual described in paragraph (2) solely by reason of the ineligibility of such individual for burial in an open national cemetery under the control of the National Cemetery Administration under section 2402(a) of this title.

''(2) An individual described in this paragraph is the following:

''(A) Any member of a reserve component of the Armed Forces who was discharged or released from service under conditions other than dishonorable or whose death occurs under conditions other

than dishonorable while a member of such a reserve component.

''(B) Any member of the Army National Guard or the Air National Guard who was discharged or released from service under conditions other than dishonorable or whose death occurs under conditions other than dishonorable while a member of the Army National Guard or the Air National Guard.

''(C) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under conditions other than dishonorable while a member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force.

''(D) Any spouse of any member described in subparagraphs (A) through (C).

''(E) Any minor child or unmarried adult child (as such terms are defined in section 2402(a) of this title) of any member described in subparagraphs (A) through (C).

''(j) The Secretary may not deny an application for a grant under this section solely on the basis that the State receiving such grant may use funds from such grant to expand, improve, operate, or maintain a veterans' cemetery in which interment of individuals described in subsection (i)(2) is allowed.''.

(b) PROHIBITION ON ENFORCING CERTAIN CONDITIONS ON GRANTS FOR STATE VETERANS' CEMETERIES.—The Secretary of Veterans Affairs may not enforce a condition on a grant described in subsection (i)(1) of section 2408 of title 38, United States Code, as added by subsection (a), that was established before the date of the enactment of this Act.

(c) PLOT ALLOWANCES.—Section 2303 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) the Secretary shall pay to the relevant State, agency, political subdivision, or tribal organization, as the case may be, the sum of $700 (as increased from time to time under subsection (c)) as a plot or interment allowance for such veteran if the veteran is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that—

''(A) is used solely for the interment of persons who are—

''(i) eligible for burial in a national cemetery;

''(ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable; or

''(iii) described in section 2408(i)(2) of this title; and

''(B) is—

''(i) owned by a State or by an agency or political subdivision of a State; or

''(ii) on trust land owned by, or held in trust for, a tribal organization.''; and

(B) in paragraph (2), by inserting ''tribal organization,'' after ''of a State,''; and

(2) by adding at the end the following new subsection:

''(e) In this section, the terms 'tribal organization' and 'trust land' have the meanings given those terms in section 3765 of this title.''.

# DIVISION DD—AUTHORIZATION OF APPROPRIATIONS FOR HIGH TECHNOLOGY PILOT PROGRAM

## SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIGH TECHNOLOGY PILOT PROGRAM.

Subsection (g) of section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note), as amended by section 4302 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315), is amended to read as follows:

''(g) AUTHORIZATION OF APPROPRIATIONS.—Funds shall be made available to carry out the pilot program under this section from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits, in the following amounts for a fiscal year in which the Secretary carries out the pilot program:

''(1) For fiscal year 2019, $15,000,000.

''(2) For fiscal year 2020, $15,000,000.

''(3) For fiscal year 2021, $45,000,000.

''(4) For fiscal year 2022, $125,000,000.

''(5) For fiscal year 2023, $45,000,000.

''(6) For fiscal year 2024, $45,000,000.''.

# DIVISION EE—EXTENSION OF VISA WAIVER PROGRAM FEES

**SEC. 101. EXTENSION OF VISA WAIVER PROGRAM FEES.**

Section 217(h)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by striking ''September 30, 2027'' and inserting ''October 31, 2028''.

# DIVISION FF—AVAILABILITY OF TRAVEL PROMOTION FUND FOR BRAND USA

**SEC. 101. AVAILABILITY OF TRAVEL PROMOTION FUND FOR BRAND USA.**

(a) SHORT TITLE.—This section may be cited as the ''Restoring Brand USA Act''.

(b) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, subject to subsections (c) and (d), and notwithstanding any other provision of law, shall make available, from unobligated balances remaining available from fees collected before October 1, 2020, and credited to Travel Promotion Fund established under subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)), $250,000,000 for the Corporation for Travel Promotion (commonly known as ''Brand USA'').

(c) INAPPLICABILITY OF CERTAIN REQUIREMENTS AND LIMITATIONS.—The limitations in subsection (d)(2)(B) of the Travel Promotion Act of 2009 shall not apply to amounts made available under subsection (b), and the requirements in subsection (d)(3) of such Act shall not apply to more than $50,000,000 of the amounts so available.

(d) USE OF FUNDS.—Brand USA may only use funds provided under subsection (b) to promote travel from countries whose citizens and nationals are permitted to enter the United States.

(e) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, Brand USA shall submit to Congress a plan for obligating and expending the amounts described in subsection (b).

# DIVISION GG—COOPERATIVE PROJECT AGREEMENT

### SEC. 101. AUTHORITY TO ENTER INTO COOPERATIVE PROJECT AGREEMENT.

Notwithstanding section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)), the President may sign the cooperative project agreement notified to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in congressional notification 04-22 received on March 5,

2022. Notwithstanding section 27(g) of such Act (22 U.S.C. 2767(g)), any defense articles that result from a cooperative project agreement shall be subject to the requirements of section 36 of such Act (22 U.S.C. 2776).

# DIVISION HH—OTHER MATTERS

# TITLE I—CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS

### SEC. 101. COVERED PERIODS FOR AFFECTED FOREIGN INSTITUTIONS.

Section 3510(e) of the Coronavirus Aid, Relief, and Economic Security Act (20 U.S.C. 1001 note) is amended—

(1) in paragraph (1)(B)(ii), by striking ''2022'' and inserting ''2023''; and

(2) in paragraph (2), by striking ''subparagraph (B)(i)'' and inserting ''paragraph (1)(B)(i)''.

# TITLE II—NASA ENHANCED-USE LEASING EXTENSION ACT OF 2022

### SEC. 201. SHORT TITLE.

This title may be cited as the ''NASA Enhanced-Use Leasing Extension Act of 2022''.

### SEC. 202. FINDINGS.

Congress finds the following:

(1) NASA uses enhanced-use leasing to enter into agreements with private sector entities, State and local governments, academic institutions, and other Federal agencies for lease of non-excess, underutilized NASA properties and facilities.

(2) NASA uses enhanced-use leasing authority to support responsible management of its real property, including to improve the use of underutilized property for activities that are compatible with NASA's mission and to reduce facility operating and maintenance costs.

(3) In fiscal year 2019, under its enhanced-use lease authority, NASA leased 65 real properties.

(4) In fiscal year 2019, NASA's use of enhanced-use leasing resulted in the collection of $10,843,025.77 in net revenue.

(5) In fiscal year 2019, NASA used a portion of its enhanced-use leasing revenues for repairs of facility control systems such as lighting and heating, ventilation, and air conditioning.

(6) NASA's use of enhanced-use leasing authority can contribute to reducing the rate of increase of the Agency's overall deferred maintenance cost.

**SEC. 203. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF NON-EXCESS PROPERTY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.**

Section 20145(g) of title 51, United States Code, is amended by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

# TITLE III—CARES ACT SEMIANNUAL TESTIMONY

**SEC. 301. CONGRESSIONAL TESTIMONY.**

Section 4026(c) of division A of the CARES Act (15 U.S.C. 9060(c)) is amended—

(1) by striking ''quarterly'' and inserting ''semiannual''; and

(2) by adding at the end the following: ''This subsection shall have no force or effect after December 31, 2027.''.

# TITLE IV—HIDDEN FIGURES CONGRESSIONAL GOLD MEDAL

**SEC. 401. HIDDEN FIGURES CONGRESSIONAL GOLD MEDAL.**

Section 3(c) of Hidden Figures Congressional Gold Medal Act (Public Law 116–68; 133 Stat. 1129) is amended by adding at the end the following:

''(3) TRANSFER TO KATHERINE GOBLE MOORE.—The gold medal awarded in honor of Kath-

erine Johnson under subsection (a)(1) shall be given to her daughter, Katherine Goble Moore.''.

# TITLE V—CONGRESSIONAL OVERSIGHT OF SENSITIVE PROGRAMS NOT COVERED BY OTHER PROVISIONS OF LAW

## SEC. 501. CONGRESSIONAL OVERSIGHT OF SENSITIVE PROGRAMS NOT COVERED BY OTHER PROVISIONS OF LAW.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than February 1 of each year, the head of each covered element shall submit to congressional leadership a report on each covered program carried out by that covered element.

(2) CONTENTS.—Each such report shall set forth—

(A) the total amount requested by the covered element for covered programs within the budget submitted under section 1105 of title 31 for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a covered program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for—

(I) the current fiscal year;

(II) the fiscal year for which the budget is submitted; and

(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—

(1) IN GENERAL.—Not later than February 1 of each year, the head of each covered element shall submit to congressional leadership a report that, with respect to each new covered program of that covered element, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) CONTENTS.—A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification, as applicable, of existing programs or technologies that are similar to the technology, or that have a mission similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) NEW COVERED PROGRAM DEFINED.—In this subsection, the term ''new covered program'' means a covered program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—

(1) IN GENERAL.—Whenever a change in the classification of a covered program of a covered element is planned to be made or whenever classified information concerning a covered program of a covered element is to be declassified and made public, the head of the covered element shall submit to congressional leadership a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or

declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) PERIOD FOR SUBMITTAL.—Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) EXCEPTION.—If the head of the covered element determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a covered program of the covered element, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered element as a covered program, the head of

the covered element shall promptly notify congressional leadership of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) INITIATION OF PROGRAMS.—A covered program may not be initiated by a covered element until—

(1) congressional leadership is notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(f) LIMITATION ON USE OF FUNDS.—No funds may be obligated or expended by any covered element to carry out a covered program until the head of the covered element has briefed congressional leadership on the covered program.

(g) DEFINITIONS.—In this section:

(1) COVERED ELEMENT.—The term ''covered element'' means any element or portion of the Federal Government that is not—

(A) a covered department or agency as defined in section 1152(g) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 3348(g));

(B) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10, United States Code);

(C) the National Nuclear Security Administration (which is required to submit reports on special access programs under section 3236 of the National Nuclear Security Administration Act (50 U.S.C. 2426); or

(D) an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(2) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) COVERED PROGRAM.—The term ''covered program'' means any special access program or similarly protected program established under the authority of Executive Order 12356 (50 U.S.C. 3161 note; relating to prescribing a uniform system for

classifying, declassifying, and safeguarding national security information), or any successor Executive order, or any similar sensitive program established anywhere in the Federal Government, including one established at the direction of the President.

# TITLE VI—FIREFIGHTER PAY

**SEC. 601. FIREFIGHTER PAY.**

Section 1701 of division B of the Extending Government Funding and Delivering Emergency Assistance Act (5 U.S.C. 5547 note) is amended—

(1) by inserting ''or 2022'' after ''during 2021'' each place it appears;

(2) in subsection (a)(1), by inserting ''and any services during 2022 that generate payments payable in 2023'' after ''payable in 2022''; and

(3) in subsection (b), by inserting ''or 2022'' after ''in 2021''.