

The vote was taken by electronic device, and there were—yeas 219, nays 209, not voting 4, as follows:

[Roll No. 475]

YEAS—219

Adams	Gomez	Ocasio-Cortez
Aguilar	Gonzalez,	Omar
Allred	Vicente	Pallone
Auchincloss	Gottheimer	Panetta
Axne	Green, Al (TX)	Pappas
Barragán	Grijalva	Pascarella
Bass	Harder (CA)	Payne
Beatty	Hayes	Peltola
Bera	Higgins (NY)	Perlmutter
Beyer	Himes	Peters
Bishop (GA)	Horsford	Phillips
Blumenauer	Houlihan	Pingree
Blunt Rochester	Hoyer	Pocan
Bonamici	Huffman	Porter
Bourdeaux	Jackson Lee	Pressley
Bowman	Jacobs (CA)	Price (NC)
Boyle, Brendan	Jayapal	Quigley
F.	Jeffries	Raskin
Brown (MD)	Johnson (GA)	Rice (NY)
Brown (OH)	Johnson (TX)	Ross
Brownley	Jones	Roybal-Allard
Bush	Kahele	Ruiz
Bustos	Kaptur	Ruppersberger
Butterfield	Keating	Rush
Carbajal	Kelly (IL)	Ryan (NY)
Cárdenas	Khanna	Ryan (OH)
Carter (LA)	Kildee	Sánchez
Cartwright	Kilmer	Sarbanes
Case	Kim (NJ)	Scanlon
Casten	Kind	Schakowsky
Castor (FL)	Kirkpatrick	Schiff
Castro (TX)	Krishnamoorthi	Schneider
Cherfilus-	Kuster	Schrader
McCormick	Lamb	Schrier
Chu	Langevin	Scott (VA)
Cicilline	Larsen (WA)	Scott, David
Clark (MA)	Larson (CT)	Sewell
Clarke (NY)	Lawrence	Sherman
Cleaver	Lawson (FL)	Sherrill
Clyburn	Lee (CA)	Sires
Cohen	Lee (NV)	Slotkin
Connolly	Leger Fernandez	Smith (WA)
Cooper	Levin (CA)	Soto
Correa	Levin (MI)	Spanberger
Costa	Lieu	Speier
Courtney	Lofgren	Stansbury
Craig	Lowenthal	Stanton
Crow	Luria	Stevens
Cuellar	Lynch	Strickland
Davids (KS)	Malinowski	Suozzi
Davis, Danny K.	Maloney,	Swalwell
Dean	Carolyn B.	Takano
DeFazio	Maloney, Sean	Thompson (CA)
DeGette	Manning	Thompson (MS)
DeLauro	Matsui	Titus
DelBene	McBath	Tlaib
Demings	McCollum	Tonko
DeSaulnier	McEachin	Torres (CA)
Deutch	McGovern	Torres (NY)
Dingell	McNerney	Trahan
Doggett	Meeke	Trone
Doyle, Michael	Meng	Underwood
F.	Mfume	Vargas
Escobar	Moore (WI)	Veasey
Eshoo	Morelle	Velázquez
Espallat	Moulton	Wasserman
Evans	Mrvan	Schultz
Fletcher	Murphy (FL)	Waters
Foster	Nadler	Watson Coleman
Frankel, Lois	Napolitano	Welch
Galleo	Neal	Wexton
Garamendi	Neguse	Wild
Garcia (IL)	Newman	Williams (GA)
Garcia (TX)	Norcross	Wilson (FL)
Golden	O'Halleran	Yarmuth

NAYS—209

Aderholt	Bilirakis	Carl
Allen	Bishop (NC)	Carter (GA)
Amodei	Boebert	Carter (TX)
Armstrong	Bost	Cawthorn
Arrington	Brady	Chabot
Babin	Brooks	Cheney
Bacon	Buchanan	Cline
Baird	Buck	Cloud
Balderson	Bucshon	Clyde
Banks	Budd	Cole
Barr	Burchett	Comer
Bentz	Burgess	Conway
Bergman	Calvert	Crawford
Bice (OK)	Cammack	Crenshaw
Biggs	Carey	Curtis

Davidson	Hollingsworth	Owens
Davis, Rodney	Hudson	Palazzo
DesJarlais	Huizenga	Palmer
Diaz-Balart	Issa	Pence
Donalds	Jackson	Perry
Duncan	Jacobs (NY)	Pfluger
Dunn	Johnson (LA)	Posey
Ellzey	Johnson (OH)	Reschenthaler
Emmer	Johnson (SD)	Rice (SC)
Estes	Jordan	Rodgers (WA)
Fallon	Joyce (OH)	Rogers (KY)
Feenstra	Joyce (PA)	Rose
Ferguson	Katko	Rosendale
Finstad	Keller	Rouzer
Fischbach	Kelly (MS)	Roy
Fitzgerald	Kelly (PA)	Rutherford
Fitzpatrick	Kim (CA)	Salazar
Fleischmann	Kustoff	Scalise
Flood	LaHood	Schweikert
Flores	LaMalfa	Scott, Austin
Fox	Lamborn	Sempolinski
Franklin, C.	Latta	Sessions
Scott	LaTurner	Simpson
Fulcher	Lesko	Smith (MO)
Gaetz	Letlow	Smith (NE)
Gallagher	Long	Smith (NJ)
Garbarino	Loudermilk	Smucker
Garcia (CA)	Lucas	Spartz
Gibbs	Luetkemeyer	Staubert
Jimenez	Mace	Steel
Gohmert	Malliotakis	Stefanik
Gonzales, Tony	Mann	Steil
Gonzalez (OH)	Massie	Steube
Good (VA)	Mast	Stewart
Gooden (TX)	McCarthy	Taylor
Gosar	McCaul	Tenney
Granger	McClain	Thompson (PA)
Graves (LA)	McClintock	Tiffany
Graves (MO)	McHenry	Timmons
Green (TN)	McKinley	Turner
Greene (GA)	Meijer	Upton
Griffith	Meuser	Valadao
Grothman	Miller (IL)	Van Drew
Guest	Miller (WV)	Van Dуйne
Guthrie	Miller-Meeks	Wagner
Harris	Moolenaar	Walberg
Harshbarger	Mooney	Waltz
Hartzler	Moore (AL)	Weber (TX)
Hern	Moore (UT)	Webster (FL)
Herrell	Mullin	Wenstrup
Herrera Beutler	Murphy (NC)	Western
Hice (GA)	Nehls	Williams (TX)
Higgins (LA)	Newhouse	Wilson (SC)
Hill	Norman	Wittman
Hinson	Obenolte	Womack

NOT VOTING—4

□ 1110

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bacon (Hartzler)	Crawford	Kind (Beyer)
Beatty (Cicilline)	(Fleischmann)	Kirkpatrick
Bergman	Cuellar (Correa)	(Pallone)
(Moolenaar)	Demings (Dean)	Lawson (FL)
Bilirakis	Diaz-Balart	(Stevens)
(Fleischmann)	(Reschenthaler)	Leger Fernandez
Boyle, Brendan	Donalds	(Cicilline)
F. (Beyer)	(Cammack)	Lynch (Trahan)
Brooks	Doyle, Michael	Mace (Smucker)
(Fleischmann)	F. (Pallone)	Mast (Waltz)
Brown (MD)	Dunn (Cammack)	McEachin
(Trone)	Jimenez	(Beyer)
Brownley	(Malliotakis)	Meng (Escobar)
(Pingree)	Gonzalez,	Mfume (Beyer)
Buchanan	Vicente	Murphy (FL)
(Bucshon)	(Correa)	(Peters)
Budd (McHenry)	Gosar (Weber	Newman (Beyer)
Bustos (Pingree)	(TX))	Ocasio-Cortez
Carter (TX)	Herrera Beutler	(Neguse)
(Weber (TX))	(Meijer)	Payne (Pallone)
Cawthorn	Houlihan	Pfluger (Ellzey)
(Gohmert)	(Wexton)	Porter (Neguse)
Cherfilus-	Jacobs (NY)	Pressley
McCormick	(Sempolinski)	(Trahan)
(Neguse)	Jayapal	Rice (NY)
Chu (Beyer)	(Cicilline)	(Morelle)
Conway	Johnson (TX)	Rice (SC)
(LaMalfa)	(Stevens)	(Meijer)

Ryan (OH)	Sires (Pallone)	Timmons
(Correa)	Soto (Escobar)	(Duncan)
Salazar (Waltz)	Speier (Garcia	Vargas
Sewell (Cicilline)	(TX))	(Garamendi)
Sherman	Steel (Obenolte)	Wilson (FL)
(Garamendi)	Steube	(Cicilline)
Sherrill	(Reschenthaler)	Wilson (SC)
(Pallone)		(Norman)

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1766. An act to enhance cooperation between the Federal Trade Commission and State Attorneys General to combat unfair and deceptive practices, and for other purposes.

H.R. 8982. An act to amend the Harmonized Tariff Schedule of the United States to suspend temporarily rates of duty on imports of certain infant formula base powder used in the manufacturing of infant formula in the United States, and for other purposes.

The message also announced that the Senate has passed bills of the following title in which the concurrence of the House is requested:

S. 3232. An act to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

S. 4254. An act to amend the Lobbying Disclosure Act of 1995 to clarify a provision relating to certain contents of registrations under that Act.

S. 4524. An act to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment.

S. 5059. An act to improve the pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements to account for issues relating to inflation, and for other purposes.

The message also announced that pursuant to Public Law 117-81, the Chair, on behalf of the Republican Leader, appoints the following individuals to serve as members of the Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group:

The Senator from Nebraska (Mrs. Fischer).  
The Senator from West Virginia (Mrs. Capito).

The Senator from South Dakota (Mr. Rounds).

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 8814

Mr. HICE of Georgia. Mr. Speaker, I hereby remove my name as cosponsor from H.R. 8814.

The SPEAKER pro tempore (Mr. COURTNEY). The gentleman's request is accepted.

#### AFFORDABLE INSULIN NOW ACT

Ms. DELAURO. Mr. Speaker, pursuant to House Resolution 1404, I call up the bill (H.R. 6833) to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income

Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023”.

#### **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. References.

Sec. 4. Payment to Widows and Heirs of Deceased Members of Congress.

#### **DIVISION A—CONTINUING APPROPRIATIONS ACT, 2023**

#### **DIVISION B—UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2023**

#### **DIVISION C—OTHER MATTERS**

Title I—Extensions, Technical Corrections, and Other Matters

Title II—Budgetary Effects

#### **DIVISION D—HEALTH AND HUMAN SERVICES EXTENSIONS**

Title I—Medicare and Medicaid

Title II—Human Services

Title III—Public Health

Title IV—Indian Health

#### **DIVISION E—VETERANS AFFAIRS EXTENSIONS**

Title I—Extensions of authorities relating to health care

Title II—Extensions of authorities relating to benefits

Title III—Extensions of authorities relating to homeless veterans

Title IV—Extensions of other authorities

#### **DIVISION F—FDA USER FEE REAUTHORIZATION ACT OF 2022**

#### **DIVISION G—HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE ACT**

#### **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. PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS.**

There is hereby appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, for payment to Dean Swihart, beneficiary of Jacqueline Walorski-Swihart, late a Representative from the State of Indiana, \$174,000.

#### **DIVISION A—CONTINUING APPROPRIATIONS ACT, 2023**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2023, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2022 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2022, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) *The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2022 (division A of Public Law 117–103), except section 783, and except that section 785 shall be applied by substituting “\$125,000,000” for “\$250,000,000”.*

(2) *The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2022 (division B of Public Law 117–103), except section 521(c)(1).*

(3) *The Department of Defense Appropriations Act, 2022 (division C of Public Law 117–103).*

(4) *The Energy and Water Development and Related Agencies Appropriations Act, 2022 (division D of Public Law 117–103).*

(5) *The Financial Services and General Government Appropriations Act, 2022 (division E of Public Law 117–103), except the matter under the heading “Postal Regulatory Commission” in title V.*

(6) *The Department of Homeland Security Appropriations Act, 2022 (division F of Public Law 117–103), except sections 544 and 545, and including title II of division O of Public Law 117–103.*

(7) *The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (division G of Public Law 117–103).*

(8) *The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022 (division H of Public Law 117–103), and section 162 of division A of Public Law 117–43.*

(9) *The Legislative Branch Appropriations Act, 2022 (division I of Public Law 117–103), and section 6 in the matter preceding division A of Public Law 117–103.*

(10) *The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2022 (division J of Public Law 117–103).*

(11) *The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103), except the first proviso of section 7069(e).*

(12) *The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022 (division L of Public Law 117–103).*

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2022 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2022 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2022.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2022.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obli-

gations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2023, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2023 without any provision for such project or activity.

(3) December 16, 2022.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2023 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2022, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2022, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2022 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2022, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act 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)).

SEC. 114. Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to sections 4001(a)(1) and 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 4005(f) of such concurrent resolution, is designated as being an emergency requirement pursuant to section 4001(a)(1) of such concurrent resolution and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as being for disaster relief pursuant to section 1(f) of such House resolution, respectively.

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2022, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 21, 2022, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101; Provided, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2022, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Business—Cooperative Service—Rural Micro-entrepreneur Assistance Program” may be used for the costs of loans, including the cost of modifying such loans, as defined in section 502 of the Congressional Budget Act of 1974, under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s).

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

SEC. 119. Amounts made available by section 101 to the Department of Commerce for “Economic Development Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to maintain agency operations.

SEC. 120. Amounts made available by section 101 for “Department of Commerce—National

Telecommunications and Information Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to ensure continued oversight of public safety communications programs.

SEC. 121. In addition to amounts otherwise provided by section 101, for “Department of Justice—Federal Bureau of Investigation—Salaries and Expenses”, there is appropriated \$15,300,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for investigative activities associated with Afghan resettlement operations: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 122. (a) Notwithstanding sections 101 and 106, through September 30, 2023, the Secretary of Defense may transfer up to \$3,000,000,000 from unobligated balances from amounts made available under the heading “Department of Defense—Operation and Maintenance—Overseas Humanitarian, Disaster, and Civic Aid” in division C of Public Law 117–43 and division B of Public Law 117–70 to any appropriation account under the headings “Department of State and Related Agency—Department of State—Administration of Foreign Affairs”, “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance”, and “Bilateral Economic Assistance—Department of State—United States Emergency Refugee and Migration Assistance Fund” for support of Operation Allies Welcome or any successor operation: Provided, That upon transfer, such funds shall be merged with the appropriation to which such funds are transferred except that such funds may be made available for such purposes notwithstanding any requirement or limitation applicable to the appropriation to which transferred, including sections 2(c)(1) and 2(c)(2) of the Migration and Refugee Assistance Act of 1962 with respect to the United States Emergency Refugee and Migration Assistance Fund and in sections 4(a) and 4(b) of the State Department Basic Authorities Act of 1956 with respect to funds transferred to the Emergencies in the Diplomatic and Consular Service account: Provided further, That section 2215 of title 10, United States Code, shall not apply to a transfer of funds under this subsection: Provided further, That the exercise of the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That any funds transferred pursuant to this subsection that were previously designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget are designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

(b) Not later than November 1, 2022 and prior to any transfer of funds pursuant to subsection (a), the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a written report on Operation Allies Welcome or any successor operation: Provided, That such report shall describe the number and status of Afghans residing at Department of Defense and Department of State-managed facilities and any anticipated future arrivals at such facilities; the strategy and plan, including timeline, for adjudicating and relocating all Afghans residing at Department of Defense or overseas civilian facilities and for the transition of operations and responsibilities under Operation Allies Welcome or any suc-

cessor operation from the Department of Defense to the Department of State during fiscal year 2023; the activities and responsibilities assigned to each Federal agency involved in such strategy and plan; and a spend plan, containing an estimate of the costs, including additional construction and security costs, to be incurred by each such agency for carrying out such strategy and plan, and the sources of funds: Provided further, That prior to the initial obligation of funds transferred to the Department of State pursuant to subsection (a), the Secretary of State shall submit a report to such Committees detailing the roles and responsibilities of Department of State bureaus and offices in Operation Allies Welcome or any successor operation.

SEC. 123. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “three years” for “two years”.

SEC. 124. (a) Of the remaining unobligated balances, as of September 30, 2022, from amounts provided under the heading “Afghanistan Security Forces Fund” in title IX of division C of Public Law 116–260, \$100,000,000 is hereby permanently rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2022, for an additional amount for fiscal year 2022, to remain available until September 30, 2025, for the same purposes and under the same authorities provided under such heading in Public Law 116–260, in addition to other funds as may be available for such purposes.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

SEC. 125. In addition to amounts otherwise provided by section 101, for “Corps of Engineers—Civil—Construction”, there is appropriated \$20,000,000, for an additional amount for fiscal year 2023, to remain available until expended, for necessary expenses related to water and wastewater infrastructure under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 126. (a) During the period covered by this Act, title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of Public Law 117–103, shall be applied by substituting “2023” for “2022” each place it appears.

(b) During the period covered by this Act, section 103(f)(4)(A) of title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1696) shall be applied by substituting “\$25,650,000” for “\$25,000,000”.

SEC. 127. (a) During the period covered by this Act, section 9106(g)(2) of Public Law 111–11 (Omnibus Public Land Management Act of 2009) shall be applied by substituting “2023” for “2022”.

(b) During the period covered by this Act, section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting “2023” for “2022”.

(c) During the period covered by this Act, section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting “2023” for “2022”.

SEC. 128. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of the Treasury—Alcohol and Tobacco Tax and Trade Bureau—Salaries and Expenses” at a rate for operations of

\$14,929,000, for an additional amount to administer the Craft Beverage Modernization Act import claims program, as required by the Taxpayer Certainty and Disaster Tax Relief Act of 2020, and such amounts may be apportioned up to the rate for operations necessary to establish and implement a new import claims program.

SEC. 129. Notwithstanding section 101, title II of division E of Public Law 117–103 shall be applied by adding the following new heading and appropriation language under the heading “Executive Office of the President and Funds Appropriated to the President”:

“OFFICE OF THE NATIONAL CYBER DIRECTOR

“SALARIES AND EXPENSES

“For necessary expenses of the Office of the National Cyber Director, as authorized by section 1752 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), \$21,000,000, of which not to exceed \$5,000 shall be available for official reception and representation expenses.”.

SEC. 130. Notwithstanding section 101, amounts are provided for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners” at a rate for operations of \$59,565,000.

SEC. 131. In addition to amounts otherwise provided by section 101, for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Court Security”, there is appropriated \$112,500,000, for an additional amount for fiscal year 2023, to remain available until expended, for security improvements at United States courthouses and Federal court facilities: Provided, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until all funds provided by this section have been expended, the Director of the Administrative Office of the United States Courts shall provide, in an appropriate format, quarterly reports on the obligations and expenditures of the funds provided under this section to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 132. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2022 (title IV of division E of Public Law 117–103) at the rate set forth in the Fiscal Year 2023 Local Budget Act of 2022 (D.C. Act 24–486), as modified as of the date of enactment of this Act.

SEC. 133. In addition to amounts otherwise provided by section 101, amounts are provided for “Small Business Administration—Salaries and Expenses” at a rate for operations of \$20,000,000, for an additional amount for costs associated with the establishment and implementation of a Government-wide service-disabled veteran-owned small business certification program within the Small Business Administration, as required by section 36 of the Small Business Act (15 U.S.C. 657f) and section 862 of Public Law 116–283: Provided, That such amounts may be apportioned up to the rate for operations necessary to establish and implement such certification program: Provided further, That such amounts may be obligated in the account and budget structure set forth in H.R. 8294, as passed by the House of Representatives on July 20, 2022.

SEC. 134. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to

accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for guarantees of trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 135. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 136. Notwithstanding sections 101, 104, and 106, to carry out the Hermit’s Peak/Calf Canyon Fire Assistance Act, there is appropriated \$2,500,000,000, to remain available until expended, to the Department of Homeland Security for “Federal Emergency Management Agency—Hermit’s Peak/Calf Canyon Fire Assistance Account”, which shall be derived by transfer from amounts made available under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in title VI of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), of which \$1,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for oversight of activities authorized by the Hermit’s Peak/Calf Canyon Fire Assistance Act: Provided, That no amounts may be derived from amounts made available for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That amounts provided by this section shall be subject to the same authorities and conditions as if such amounts were provided by title III of the Department of Homeland Security Appropriations Act, 2022 (division F of Public Law 117–103): Provided further, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until all funds provided by this section have been expended, the Administrator of the Federal Emergency Management Agency shall provide, in an appropriate format, quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the obligations and expenditures of the funds made available by this section: Provided further, That amounts transferred by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 137. Section 708(b)(13) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)(13)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

SEC. 138. During the period covered by this Act, section 822(a) of the Homeland Security Act of 2002 (6 U.S.C. 383(a)) shall be applied by substituting “2023” for “2022”.

SEC. 139. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

SEC. 140. Section 880(g) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

SEC. 141. Section 210G(i) of the Homeland Security Act of 2002 (6 U.S.C. 124n(i)) shall be applied by substituting the date specified in section 106(3) of this Act for “the date that is 4 years after the date of enactment of this section”.

SEC. 142. Amounts made available by section 101 for “Department of the Interior—National Park Service—National Recreation and Preservation” for heritage partnership programs may be used to provide financial assistance to any national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage route, national heritage canalway, and battlefields national historic district established as of September 1, 2022, notwithstanding any statutory sunset provision terminating the Secretary’s authority to provide assistance to any such area and notwithstanding any limitation on amounts authorized to be appropriated with respect to any such area.

SEC. 143. Amounts made available by section 101 to the Department of the Interior under the heading “Working Capital Fund” may be apportioned up to the rate for operations necessary to implement enterprise cybersecurity safeguards.

SEC. 144. (a) In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Services” at a rate for operations of \$16,721,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2022 and 2023, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Facilities” at a rate for operations of \$1,201,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2022 and 2023, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

SEC. 145. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Mental Health”, there is appropriated \$62,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for carrying out 988 Suicide Lifeline activities and behavioral health crisis services.

SEC. 146. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance”, there is appropriated \$1,000,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): Provided, That of the funds made available by this section, \$500,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2023 was less than \$1,975,000,000: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.



SEC. 147. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance”, there is appropriated \$1,775,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2025, to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and 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: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 148. Notwithstanding section 101, the first paragraph under the heading “Social Security Administration—Limitation on Administrative Expenses” in title IV of division H of Public Law 117–103 shall be applied by substituting “\$13,602,945,000” for “\$13,202,945,000”.

SEC. 149. (a) During the period covered by this Act, subsection (a)(1)(A) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117–43) shall be applied by substituting the date specified in section 106(3) for “September 30, 2022”.

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

SEC. 150. 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 the date specified in section 106(3), in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 151. Notwithstanding section 101, section 126 of division J of Public Law 117–103 shall be applied during the period covered by this Act by substituting “fiscal year 2017 and fiscal year 2018” for “fiscal year 2017”.

SEC. 152. Notwithstanding section 101, amounts are provided for—

(1) “Department of State and Related Agency—Department of State—Administration of Foreign Affairs—Diplomatic Programs” at a rate for operations of \$9,228,789,000;

(2) “Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance” at a rate for operations of \$4,555,460,000;

(3) “Bilateral Economic Assistance—Funds Appropriated to the President—Transition Initiatives” at a rate for operations of \$100,000,000;

(4) “Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe, Eurasia and Central Asia” at a rate for operations of \$850,000,000;

(5) “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance” at a rate for operations of \$3,562,188,000;

(6) “International Security Assistance—Department of State—International Narcotics Control and Law Enforcement” at a rate for operations of \$1,421,004,000; and

(7) “International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program” at a rate for operations of \$6,190,424,000.

SEC. 153. During the period covered by this Act, section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) shall be applied by substituting “2023” for “2022” each place it appears.

SEC. 154. Amounts made available by section 101 to the Department of Housing and Urban Development for “Public and Indian Housing—Native Hawaiian Housing Loan Guarantee Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate demand for commitments to guarantee loans as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b).

SEC. 155. In addition to amounts otherwise provided by section 101, for “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund”, there is appropriated \$2,000,000,000, for an additional amount for fiscal year 2023, to remain available until expended, for the same purposes and under the same terms and conditions as funds appropriated under such heading in title VIII of the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Public Law 117–43), except that such amounts shall be for major disasters that occurred in 2021 or 2022 and the fourth, twentieth, and twenty-first provisos under such heading in such Act shall not apply: Provided, That amounts made available under this section and under such heading in such Act may be used by a grantee to assist utilities as part of a disaster-related eligible activity under section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)): Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 156. Notwithstanding section 106 of this Act, at any time during fiscal year 2023, the Secretary of Housing and Urban Development may transfer up to \$1,300,000 in unobligated balances from amounts made available in prior Acts under the heading “Housing Programs—Project-Based Rental Assistance” to Treasury Appropriation Fund Symbol 86 X 0148 for the liquidation of obligations incurred in fiscal year 2018 in connection with the continued provision of interest reduction payments authorized under section 236 of the National Housing Act (12 U.S.C. 1715z–1).

SEC. 157. (a) The remaining unobligated balances, as of September 30, 2022, from amounts made available for “Department of Transportation—Office of the Secretary—National Infrastructure Investments” in title I of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) are hereby permanently rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection 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, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2020 national infrastructure investments program, in addition to other funds as may be available for such purposes.

(b) The remaining unobligated balances, as of September 30, 2022, from amounts made available to the Department of Transportation in section 105 of division L of the Consolidated Appropriations Act, 2021 (Public Law 116–260) are hereby permanently rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection 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, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2019 national infrastructure investments pro-

gram, in addition to other funds as may be available for such purposes.

(c)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

This division may be cited as the “Continuing Appropriations Act, 2023”.

## **DIVISION B—UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2023**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023, and for other purposes, namely:

### **TITLE I**

#### **DEPARTMENT OF DEFENSE**

##### **MILITARY PERSONNEL**

##### **MILITARY PERSONNEL, ARMY**

For an additional amount for “Military Personnel, Army”, \$110,107,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **MILITARY PERSONNEL, NAVY**

For an additional amount for “Military Personnel, Navy”, \$462,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **MILITARY PERSONNEL, MARINE CORPS**

For an additional amount for “Military Personnel, Marine Corps”, \$600,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **MILITARY PERSONNEL, AIR FORCE**

For an additional amount for “Military Personnel, Air Force”, \$11,582,000, to remain available until September 30, 2023, 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”, \$654,696,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **OPERATION AND MAINTENANCE, NAVY**

For an additional amount for “Operation and Maintenance, Navy”, \$433,035,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **OPERATION AND MAINTENANCE, MARINE CORPS**

For an additional amount for “Operation and Maintenance, Marine Corps”, \$34,984,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **OPERATION AND MAINTENANCE, AIR FORCE**

For an additional amount for “Operation and Maintenance, Air Force”, \$267,084,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **OPERATION AND MAINTENANCE, SPACE FORCE**

For an additional amount for “Operation and Maintenance, Space Force”, \$1,771,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

##### **OPERATION AND MAINTENANCE, DEFENSE-WIDE**

##### **(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$4,713,544,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: Provided, That of the total amount provided under this heading in this Act, \$3,000,000,000, to remain available until September 30, 2024, shall be for the Ukraine Security Assistance Initiative: Provided further,

That such funds for the Ukraine Security Assistance Initiative shall be available to the Secretary of Defense under the same terms and conditions as are provided for in section 8139 of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117-103): Provided further, That of the total amount provided under this heading in this Act, up to \$1,500,000,000, to remain available until September 30, 2024, may be transferred to accounts under the headings “Operation and Maintenance” and “Procurement” for replacement of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to the government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States: Provided further, That funds transferred pursuant to a transfer authority provided under this heading in this Act shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: Provided further, That the transfer authority provided under this heading in this Act is in addition to any other transfer authority provided by law.

#### PROCUREMENT

##### MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$450,000,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$540,000,000, to remain available until September 30, 2025, for expansion of public and private plants, including the land necessary therefor, and procurement and installation of equipment, appliances, and machine tools in such plants, for the purpose of increasing production of critical munitions to replace defense articles provided to the Government of Ukraine or foreign countries that have provided support to Ukraine at the request of the United States.

##### OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$3,890,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

##### OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, \$2,170,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$437,991,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for other expenses.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, \$9,770,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$3,300,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$2,077,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$99,704,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$31,230,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$2,000,000, to remain available until September 30, 2023, to carry out reviews of the activities of the Department of Defense to execute funds appropriated in this title, including assistance provided to Ukraine: Provided, That the Inspector General of the Department of Defense shall provide to the congressional defense committees a briefing not later than 90 days after the date of enactment of this Act.

#### RELATED AGENCIES

##### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for “Intelligence Community Management Account”, \$500,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 1101. Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit a report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate on measures being taken to account for United States defense articles designated for Ukraine since the February 24, 2022, Russian invasion of Ukraine, particularly measures with regard to such articles that require enhanced end-use monitoring; measures to ensure that such articles reach their intended recipients and are used for their intended purposes; and any other measures to promote accountability for the use of such articles: Provided, That such report shall include a description of any occurrences of articles not reaching their intended recipients or used for their intended purposes and a description of any remedies taken: Provided further, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

SEC. 1102. Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter through fiscal year 2023, the Secretary of Defense, in coordination with the Secretary of State, shall provide a written report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate describing United States security assistance provided to Ukraine since the February 24, 2022, Russian invasion of Ukraine, including a comprehensive list of the defense articles and services provided to Ukraine and the associated authority and funding used to provide such ar-

ticles and services: Provided, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

#### TITLE II

##### DEPARTMENT OF ENERGY

##### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY ADMINISTRATION

##### DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation”, \$35,000,000, to remain available until expended, to respond to the situation in Ukraine and for related expenses.

#### TITLE III

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$4,500,000,000, to remain available until September 30, 2024, for assistance for Ukraine: Provided, That funds appropriated under this heading in this Act may be made available notwithstanding any other provision of law that restricts assistance to foreign countries and may be made available as contributions.

##### GENERAL PROVISIONS—THIS TITLE

SEC. 1301. During fiscal year 2023, section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) shall be applied by substituting “\$3,700,000,000” for “\$100,000,000”.

SEC. 1302. (a) Funds appropriated by this title shall be made available for direct financial support for the Government of Ukraine, including for Ukrainian first responders, and may be made available as a cash transfer subject to the requirements of subsection (b): Provided, That such funds shall be provided on a reimbursable basis and matched by sources other than the United States Government, to the maximum extent practicable: Provided further, That the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall ensure third-party monitoring of such funds: Provided further, That at least 15 days prior to the initial obligation of such funds, the Secretary of State, following consultation with the Administrator of the United States Agency for International Development, shall certify and report to the appropriate congressional committees that mechanisms for monitoring and oversight of such funds are in place and functioning and that the Government of Ukraine has in place substantial safeguards to prevent corruption and ensure accountability of such funds: Provided further, That not less than 45 days after the initial obligation of such funds, the Inspectors General of the Department of State and the United States Agency for International Development shall submit a report to the appropriate congressional committees detailing and assessing the mechanisms for monitoring and safeguards described in the previous proviso.

(b) Funds made available to the Government of Ukraine as a cash transfer under subsection (a) shall be subject to a memorandum of understanding between the Governments of the United States and Ukraine that describes how the funds proposed to be made available will be used and the appropriate safeguards to ensure transparency and accountability: Provided, That such assistance shall be maintained in a separate, auditable account and may not be commingled with any other funds.

(c) The Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall report to the appropriate congressional committees on the uses of funds provided for direct financial support to the Government of Ukraine pursuant to subsection (a) not later than 45 days after the date of enactment of this Act and every 45 days thereafter until all such funds

have been expended: Provided, That such report shall include a detailed description of the use of such funds, including categories and amounts, the intended results and the results achieved, a summary of other donor contributions, and a description of the efforts undertaken by the Secretary and Administrator to increase other donor contributions for direct financial support: Provided further, That such report shall also include the metrics established to measure such results.

(d) Funds made available for the purposes of subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate.

#### TITLE IV

##### GENERAL PROVISIONS—THIS ACT

SEC. 1401. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1402. 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. 1403. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2023.

SEC. 1404. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

This division may be cited as the “Ukraine Supplemental Appropriations Act, 2023”.

#### DIVISION C—OTHER MATTERS

##### TITLE I—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

##### SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “September 30, 2022” and inserting “December 16, 2022”.

##### SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS’ FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking “September 30, 2022” and inserting “December 16, 2022”.

##### SEC. 103. UNITED STATES PAROLE COMMISSION EXTENSION.

(a) **SHORT TITLE.**—This section may be cited as the “United States Parole Commission Extension Act of 2022”.

(b) **AMENDMENT OF SENTENCING REFORM ACT OF 1984.**—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “35 years” or “35-year period” shall be deemed a reference to “35 years and 46 days” or “35-year and 46-day period”, respectively.

##### SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND EXPENSES ACCOUNT.

Section 1(b) of Public Law 117–25 (135 Stat. 297) is amended by striking “October 1, 2022” each place it appears and inserting “December 16, 2022”.

#### TITLE II—BUDGETARY EFFECTS

##### SEC. 201. 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 D—HEALTH AND HUMAN SERVICES EXTENSIONS

##### TITLE I—MEDICARE AND MEDICAID

##### SEC. 101. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) **IN GENERAL.**—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “in fiscal year 2023 and subsequent fiscal years” and inserting “during the portion of fiscal year 2023 beginning on December 17, 2022, and ending on September 30, 2023, and in fiscal year 2024 and subsequent fiscal years”;

(2) in subparagraph (C)(i)—

(A) in the matter preceding subclause (I)—

(i) by inserting “or portion of a fiscal year” after “for a fiscal year”; and

(ii) by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”;

(B) in subclause (III), by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”; and

(C) in subclause (IV), by striking “fiscal year 2023” and inserting “the portion of fiscal year 2023 beginning on December 17, 2022, and ending on September 30, 2023, and fiscal year 2024”;

and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by inserting “or during the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”; and

(B) in clause (ii), by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”.

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including the amendments made by, this section by program instruction or otherwise.

##### SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) **IN GENERAL.**—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “October 1, 2022” and inserting “December 17, 2022”; and

(2) in clause (ii)(II), by striking “October 1, 2022” and inserting “December 17, 2022”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXTENSION OF TARGET AMOUNT.**—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “October 1, 2022” and inserting “December 17, 2022”; and

(B) in clause (iv), by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022,” after “through fiscal year 2022”.

(2) **PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.**—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “or fiscal year 2000 through fiscal year 2022,” and inserting “fiscal year 2000 through fiscal year 2022, or the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022”.

##### SEC. 103. EXTENSION OF INCREASED FMPS FOR THE TERRITORIES.

Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended by striking “December 13” each place it appears and inserting “December 16” in each such place.

##### SEC. 104. REDUCTION OF MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$7,500,000,000” and inserting “\$7,308,000,000”.

#### TITLE II—HUMAN SERVICES

##### SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Activities authorized by section 511 of the Social Security Act shall continue through December 16, 2022, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated for such purpose an amount equal to the pro rata portion of the amount appropriated for such activities for fiscal year 2022.

##### SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

Activities authorized by part B of title IV of the Social Security Act shall continue through December 16, 2022, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

#### TITLE III—PUBLIC HEALTH

##### SEC. 301. EXTENSION OF THE PROGRAM TO DEEM CERTAIN HEALTH PROFESSIONAL VOLUNTEERS EMPLOYEES OF THE PUBLIC HEALTH SERVICE UNDER CERTAIN CIRCUMSTANCES.

(a) **IN GENERAL.**—Section 224(q) of the Public Health Service Act (42 U.S.C. 233(q)) is amended by striking paragraph (6).

(b) **TECHNICAL CORRECTIONS.**—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended—

(1) in subsection (g)(1)(H)(iv), by striking “this section.” and inserting “this section.”;

(2) in subsection (k)(3), by inserting “governing board members,” after “officers,”;

(3) in subsection (p)(7)(A)(i), by moving the margin of subclause (II) 2 ems to the left; and

(4) in subsection (q)(5)(A), by striking “and paragraph (6)”.

##### SEC. 302. EXTENSION OF AUTHORIZATION FOR A COMMISSIONED OFFICER OF THE PUBLIC HEALTH SERVICE TO ACCUMULATE EXCESS ANNUAL LEAVE.

For purposes of annual leave accumulated in fiscal year 2022, the authority provided in section 2106 of division C of Public Law 116–159 (42 U.S.C. 210–1 note) shall apply to such leave by substituting “2022” for “2020” in subsections (a) and (d)(2).

#### TITLE IV—INDIAN HEALTH

##### SEC. 401. EXTENSION OF MORATORIUM.

Section 424(a) of title IV of division G of Public Law 113–76 is amended by striking “October 1, 2019” and inserting “December 16, 2022”.

# **DIVISION E—VETERANS AFFAIRS EXTENSIONS**

## **TITLE I—EXTENSIONS OF AUTHORITIES RELATING TO HEALTH CARE**

### **SEC. 101. EXTENSION OF AUTHORITY FOR COL- LECTION OF COPAYMENTS FOR HOS- PITAL CARE AND NURSING HOME CARE.**

Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

### **SEC. 102. EXTENSION OF REQUIREMENT TO PRO- VIDE NURSING HOME CARE TO CER- TAIN VETERANS WITH SERVICE-CON- NECTED DISABILITIES.**

Section 1710A(d) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

### **SEC. 103. EXTENSION OF AUTHORITY TO CON- TINUE DOD-VA HEALTH CARE SHAR- ING INCENTIVE FUND.**

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2023” and inserting “September 30, 2026”.

### **SEC. 104. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPART- MENT OF VETERANS AFFAIRS MED- ICAL FACILITY DEMONSTRATION FUND.**

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as most recently amended by section 715 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1787), is amended by striking “September 30, 2023” and inserting “September 30, 2024”.

### **SEC. 105. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CON- NECTION WITH VETERANS RECEIV- ING CARE FROM VET CENTERS.**

Section 104(a) of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as most recently amended by section 3 of the Department of Veterans Affairs Expiring Authorities Act of 2021 (Public Law 117–42; 135 Stat. 342), is amended by striking “September 30, 2022” and inserting “September 30, 2023”.

## **TITLE II—EXTENSIONS OF AUTHORITIES RELATING TO BENEFITS**

### **SEC. 201. EXTENSION OF AUTHORITY TO TRANS- PORT INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AF- FAIRS FACILITIES.**

Section 111A(a)(2) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

### **SEC. 202. EXTENSION OF AUTHORITY TO MAIN- TAIN REGIONAL OFFICE IN THE RE- PUBLIC OF THE PHILIPPINES.**

Section 315(b) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

### **SEC. 203. EXTENSION OF AUTHORITY FOR RE- PORT ON EQUITABLE RELIEF PRO- VIDED DUE TO ADMINISTRATIVE ERROR.**

Section 503(c) of title 38, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

### **SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE FOR SPECIALLY ADAP- TED HOUSING FOR DISABLED VET- ERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEM- BER.**

Section 2102A(e) of title 38, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

### **SEC. 205. EXTENSION OF SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.**

Section 2108(g) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

# **TITLE III—EXTENSIONS OF AUTHORITIES RELATING TO HOMELESS VETERANS**

## **SEC. 301. EXTENSION OF AUTHORIZATION OF AP- PROPRIATIONS FOR HOMELESS VET- ERANS REINTEGRATION PROGRAMS.**

Section 2021(e)(1)(F) of title 38, United States Code, is amended by striking “2022” and inserting “2024”.

## **SEC. 302. EXTENSION OF AUTHORIZATION OF AP- PROPRIATIONS FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN RE- INTEGRATION GRANT PROGRAM.**

Section 2021A(f)(1) of title 38, United States Code, is amended by striking “2022” and inserting “2024”.

## **SEC. 303. EXTENSION OF AUTHORITY FOR TREAT- MENT AND REHABILITATION FOR SE- RIOUSLY MENTALLY ILL AND HOME- LESS VETERANS.**

(a) GENERAL TREATMENT.—Section 2031(b) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) of such title is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

## **SEC. 304. EXTENSION OF FUNDING FOR FINAN- CIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.**

Section 2044(e)(1)(H) of title 38, United States Code, is amended by striking “and 2022” and inserting “through 2024”.

## **SEC. 305. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VET- ERANS WITH SPECIAL NEEDS.**

Section 2061(d)(1) of title 38, United States Code, is amended by striking “2022” and inserting “2024”.

## **SEC. 306. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOME- LESS VETERANS.**

Section 2066(d) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2026”.

## **TITLE IV—EXTENSIONS OF OTHER AUTHORITIES**

### **SEC. 401. EXTENSION OF AUTHORIZATION OF AP- PROPRIATIONS FOR MONTHLY AS- SISTANCE ALLOWANCE UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.**

Section 322(d)(4) of title 38, United States Code, is amended by striking “2022” and inserting “2026”.

### **SEC. 402. EXTENSION AND AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (g)(1)(B) of section 521A of title 38, United States Code, is amended by striking “and 2022” and inserting “through 2026”.

(b) EXTENSION.—Subsection (l) of such section is amended by striking “2022” and inserting “2026”.

(c) TECHNICAL CORRECTION.—Subsection (g)(1)(A) of such section is amended by striking “, for each of fiscal years 2010 through 2020”.

### **SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.**

Section 544(e) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2026”.

### **SEC. 404. EXTENSION OF VETERANS’ ADVISORY COMMITTEE ON EDUCATION.**

Section 3692(c) of title 38, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2026”.

### **SEC. 405. EXTENSION OF AUTHORITY FOR TRANS- FER OF REAL PROPERTY.**

Section 8118(a)(5) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

# **DIVISION F—FDA USER FEE REAUTHORIZATION ACT OF 2022**

## **SECTION 1. SHORT TITLE.**

This division may be cited as the “FDA User Fee Reauthorization Act of 2022”.

## **SEC. 2. TABLE OF CONTENTS.**

The table of contents for this division is as follows:

## **DIVISION F—FDA USER FEE REAUTHORIZATION ACT OF 2022**

Sec. 1. Short title.

Sec. 2. Table of contents.

## **TITLE I—FEES RELATING TO DRUGS**

Sec. 1001. Short title; finding.

Sec. 1002. Definitions.

Sec. 1003. Authority to assess and use drug fees.

Sec. 1004. Reauthorization; reporting requirements.

Sec. 1005. Sunset dates.

Sec. 1006. Effective date.

Sec. 1007. Savings clause.

## **TITLE II—FEES RELATING TO DEVICES**

Sec. 2001. Short title; finding.

Sec. 2002. Definitions.

Sec. 2003. Authority to assess and use device fees.

Sec. 2004. Reauthorization; reporting requirements.

Sec. 2005. Conformity assessment pilot program.

Sec. 2006. Reauthorization of third-party review program.

Sec. 2007. Sunset dates.

Sec. 2008. Effective date.

Sec. 2009. Savings clause.

## **TITLE III—FEES RELATING TO GENERIC DRUGS**

Sec. 3001. Short title; finding.

Sec. 3002. Authority to assess and use human generic drug fees.

Sec. 3003. Reauthorization; reporting requirements.

Sec. 3004. Sunset dates.

Sec. 3005. Effective date.

Sec. 3006. Savings clause.

## **TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS**

Sec. 4001. Short title; finding.

Sec. 4002. Definitions.

Sec. 4003. Authority to assess and use biosimilar biological product fees.

Sec. 4004. Reauthorization; reporting requirements.

Sec. 4005. Sunset dates.

Sec. 4006. Effective date.

Sec. 4007. Savings clause.

## **TITLE V—REAUTHORIZATION OF OTHER PROVISIONS**

Sec. 5001. Reauthorization of the best pharmaceuticals for children program.

Sec. 5002. Reauthorization of the humanitarian device exemption incentive.

Sec. 5003. Reauthorization of the pediatric device consortia program.

Sec. 5004. Reauthorization of provision pertaining to drugs containing single enantiomers.

Sec. 5005. Reauthorization of the critical path public-private partnership.

Sec. 5006. Reauthorization of orphan drug grants.

Sec. 5007. Reauthorization of certain device inspections.

Sec. 5008. Reauthorization of reporting requirements related to pending generic drug applications and priority review applications.

## **TITLE I—FEES RELATING TO DRUGS**

### **SEC. 1001. SHORT TITLE; FINDING.**

(a) SHORT TITLE.—This title may be cited as the “Prescription Drug User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made by this title



will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

#### SEC. 1002. DEFINITIONS.

(a) **HUMAN DRUG APPLICATION.**—Section 735(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) is amended, in the matter following subparagraph (B), by striking “an allergenic extract product, or” and inserting “does not include an application with respect to an allergenic extract product licensed before October 1, 2022, does not include an application with respect to a standardized allergenic extract product submitted pursuant to a notification to the applicant from the Secretary regarding the existence of a potency test that measures the allergenic activity of an allergenic extract product licensed by the applicant before October 1, 2022, does not include an application with respect to”.

(b) **PRESCRIPTION DRUG PRODUCT.**—Section 735(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(3)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking “(3) The term” and inserting “(3)(A) The term”;

(3) by striking “Such term does not include whole blood” and inserting the following:

“(B) Such term does not include whole blood”;

(4) by striking “an allergenic extract product,” and inserting “an allergenic extract product licensed before October 1, 2022, a standardized allergenic extract product submitted pursuant to a notification to the applicant from the Secretary regarding the existence of a potency test that measures the allergenic activity of an allergenic extract product licensed by the applicant before October 1, 2022,”; and

(5) by adding at the end the following:

“(C)(i) If a written request to place a product in the discontinued section of either of the lists referenced in subparagraph (A)(iii) is submitted to the Secretary on behalf of an applicant, and the request identifies the date the product is, or will be, withdrawn from sale, then for purposes of assessing the prescription drug program fee under section 736(a)(2), the Secretary shall consider such product to have been included in the discontinued section on the later of—

“(I) the date such request was received; or

“(II) if the product will be withdrawn from sale on a future date, such future date when the product is withdrawn from sale.

“(ii) For purposes of this subparagraph, a product shall be considered withdrawn from sale once the applicant has ceased its own distribution of the product, whether or not the applicant has ordered recall of all previously distributed lots of the product, except that a routine, temporary interruption in supply shall not render a product withdrawn from sale.”.

(c) **SKIN-TEST DIAGNOSTIC PRODUCT.**—Section 735 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g) is amended by adding at the end the following:

“(12) The term ‘skin-test diagnostic product’—

“(A) means a product—

“(i) for prick, scratch, intradermal, or subcutaneous administration;

“(ii) expected to produce a limited, local reaction at the site of administration (if positive), rather than a systemic effect;

“(iii) not intended to be a preventive or therapeutic intervention; and

“(iv) intended to detect an immediate- or delayed-type skin hypersensitivity reaction to aid in the diagnosis of—

“(I) an allergy to an antimicrobial agent;

“(II) an allergy that is not to an antimicrobial agent, if the diagnostic product was authorized for marketing prior to October 1, 2022; or

“(III) infection with fungal or mycobacterial pathogens; and

“(B) includes positive and negative controls required to interpret the results of a product described in subparagraph (A).”.

#### SEC. 1003. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) **TYPES OF FEES.**—

(1) **HUMAN DRUG APPLICATION FEE.**—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2018” and inserting “fiscal year 2023”;

(B) in paragraph (1)(A), by striking “(c)(5)” each place it appears and inserting “(c)(6)”;

(C) in paragraph (1)(C), by inserting “prior to approval” after “or was withdrawn”; and

(D) in paragraph (1), by adding at the end the following:

“(H) **EXCEPTION FOR SKIN-TEST DIAGNOSTIC PRODUCTS.**—A human drug application for a skin-test diagnostic product shall not be subject to a fee under subparagraph (A).”.

(2) **PRESCRIPTION DRUG PROGRAM FEE.**—Section 736(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking “Except as provided in subparagraphs (B) and (C)” and inserting the following:

“(i) **PAYMENT OF FEES.**—Except as provided in subparagraphs (B) and (C);

(ii) by striking “subsection (c)(5)” and inserting “subsection (c)(6)”;

(iii) by adding at the end the following:

“(ii) **SPECIAL RULE FOR PREVIOUSLY DISCONTINUED DRUG PRODUCTS.**—If a drug product that is identified in a human drug application approved as of October 1 of a fiscal year is not a prescription drug product as of that date because the drug product is in the discontinued section of a list referenced in section 735(3)(A)(iii), and on any subsequent day during such fiscal year the drug product is a prescription drug product, then except as provided in subparagraphs (B) and (C), each person who is named as the applicant in a human drug application with respect to such product, and who, after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall pay the annual prescription drug program fee established for a fiscal year under subsection (c)(6) for such prescription drug product. Such fee shall be due on the last business day of such fiscal year and shall be paid only once for each such product for a fiscal year in which the fee is payable.”; and

(B) by amending subparagraph (B) to read as follows:

“(B) **EXCEPTION FOR CERTAIN PRESCRIPTION DRUG PRODUCTS.**—A prescription drug program fee shall not be assessed for a prescription drug product under subparagraph (A) if such product is—

“(i) a large volume parenteral product (a sterile aqueous drug product packaged in a single-dose container with a volume greater than or equal to 100 mL, not including powders for reconstitution or pharmacy bulk packages) identified on the list compiled under section 505(j)(7);

“(ii) pharmaceutically equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations (or any successor regulation)) to another product on the list of products compiled under section 505(j)(7) (not including the discontinued section of such list); or

“(iii) a skin-test diagnostic product.”.

(b) **FEE REVENUE AMOUNTS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 736(b) of the Federal Food, Drug, and Cosmetic

Act (21 U.S.C. 379h(b)) is amended to read as follows:

“(1) **IN GENERAL.**—For each of the fiscal years 2023 through 2027, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection that is equal to the sum of—

“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

“(C) the dollar amount equal to the strategic hiring and retention adjustment for the fiscal year (as determined under subsection (c)(2));

“(D) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(3));

“(E) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(4));

“(F) the dollar amount equal to the additional direct cost adjustment for the fiscal year (as determined under subsection (c)(5)); and

“(G) additional dollar amounts for each fiscal year as follows:

“(i) \$65,773,693 for fiscal year 2023.

“(ii) \$25,097,671 for fiscal year 2024.

“(iii) \$14,154,169 for fiscal year 2025.

“(iv) \$4,864,860 for fiscal year 2026.

“(v) \$1,314,620 for fiscal year 2027.”.

(2) **ANNUAL BASE REVENUE.**—Paragraph (3) of section 736(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(b)) is amended to read as follows:

“(3) **ANNUAL BASE REVENUE.**—For purposes of paragraph (1), the dollar amount of the annual base revenue for a fiscal year shall be—

“(A) for fiscal year 2023, \$1,151,522,958; and

“(B) for fiscal years 2024 through 2027, the dollar amount of the total revenue amount established under paragraph (1) for the previous fiscal year, not including any adjustments made under subsection (c)(4) or (c)(5).”.

(c) **ADJUSTMENTS; ANNUAL FEE SETTING.**—

(1) **INFLATION ADJUSTMENT.**—Section 736(c)(1)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)(1)(B)(ii)) is amended by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”.

(2) **STRATEGIC HIRING AND RETENTION ADJUSTMENT.**—Section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) **STRATEGIC HIRING AND RETENTION ADJUSTMENT.**—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), the Secretary shall further increase the fee revenue and fees by the following amounts:

“(A) For fiscal year 2023, \$9,000,000.

“(B) For each of fiscal years 2024 through 2027, \$4,000,000.”.

(3) **CAPACITY PLANNING ADJUSTMENT.**—Paragraph (3), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended to read as follows:

“(3) **CAPACITY PLANNING ADJUSTMENT.**—

“(A) **IN GENERAL.**—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted in accordance with paragraphs (1) and (2), such revenue shall be adjusted further for such fiscal year, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for the process for the review of human drug applications.

“(B) **METHODOLOGY.**—For purposes of this paragraph, the Secretary shall employ the capacity planning methodology utilized by the

Secretary in setting fees for fiscal year 2021, as described in the notice titled ‘Prescription Drug User Fee Rates for Fiscal Year 2021’ published in the Federal Register on August 3, 2020 (85 Fed. Reg. 46651). The workload categories used in applying such methodology in forecasting shall include only the activities described in that notice and, as feasible, additional activities that are directly related to the direct review of applications and supplements, including additional formal meeting types, the direct review of postmarketing commitments and requirements, the direct review of risk evaluation and mitigation strategies, and the direct review of annual reports for approved prescription drug products. Subject to the exceptions in the preceding sentence, the Secretary shall not include as workload categories in applying such methodology in forecasting any non-core review activities, including those activities that the Secretary referenced for potential future use in such notice but did not utilize in setting fees for fiscal year 2021.

“(C) LIMITATION.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year), (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year), and (b)(1)(C) (the dollar amount of the strategic hiring and retention adjustment for the fiscal year).

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (6) of the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.”.

(4) OPERATING RESERVE ADJUSTMENT.—Paragraph (4), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

(A) by amending subparagraph (A) to read as follows:

“(A) INCREASE.—For fiscal year 2023 and subsequent fiscal years, the Secretary shall, in addition to adjustments under paragraphs (1), (2), and (3), further increase the fee revenue and fees if such an adjustment is necessary to provide for operating reserves of carryover user fees for the process for the review of human drug applications for each fiscal year in at least the following amounts:

“(i) For fiscal year 2023, at least 8 weeks of operating reserves.

“(ii) For fiscal year 2024, at least 9 weeks of operating reserves.

“(iii) For fiscal year 2025 and subsequent fiscal years, at least 10 weeks of operating reserves.”; and

(B) in subparagraph (C), by striking “paragraph (5)” and inserting “paragraph (6)”.

(5) ADDITIONAL DIRECT COST ADJUSTMENT.—Paragraph (5), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended to read as follows:

“(5) ADDITIONAL DIRECT COST ADJUSTMENT.—

“(A) INCREASE.—The Secretary shall, in addition to adjustments under paragraphs (1), (2), (3), and (4), further increase the fee revenue and fees—

“(i) for fiscal year 2023, by \$44,386,150; and

“(ii) for each of fiscal years 2024 through 2027, by the amount set forth in clauses (i) through (iv) of subparagraph (B), as applicable, multiplied by the Consumer Price Index for urban consumers (Washington-Arlington-Alexandria, DC-VA-MD-WV; Not Seasonally Adjusted; All Items; Annual Index) for the most recent year of available data, divided by such Index for 2021.

“(B) APPLICABLE AMOUNTS.—The amounts referred to in subparagraph (A)(ii) are the following:

“(i) For fiscal year 2024, \$60,967,993.

“(ii) For fiscal year 2025, \$35,799,314.

“(iii) For fiscal year 2026, \$35,799,314.

“(iv) For fiscal year 2027, \$35,799,314.”.

(6) ANNUAL FEE SETTING.—Paragraph (6), as redesignated, of section 736(c) of the Federal

Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended by striking “September 30, 2017” and inserting “September 30, 2022”.

(d) CREDITING AND AVAILABILITY OF FEES.—Section 736(g)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)(3)) is amended by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”.

(e) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, EXEMPTIONS, AND RETURNS; DISPUTES CONCERNING FEES.—Section 736(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(i)) is amended to read as follows:

“(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, EXEMPTIONS, AND RETURNS; DISPUTES CONCERNING FEES.—To qualify for consideration for a waiver or reduction under subsection (d), an exemption under subsection (k), or the return of any fee paid under this section, including if the fee is claimed to have been paid in error, a person shall—

“(1) not later than 180 days after such fee is due, submit to the Secretary a written request justifying such waiver, reduction, exemption, or return; and

“(2) include in the request any legal authorities under which the request is made.”.

(f) ORPHAN DRUGS.—Section 736(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(k)) is amended—

(1) in paragraph (1)(B), by striking “during the previous year” and inserting “as determined under paragraph (2)”;

(2) by amending paragraph (2) to read as follows:

“(2) EVIDENCE OF QUALIFICATION.—An exemption under paragraph (1) applies with respect to a drug only if the applicant involved submits a certification that the applicant’s gross annual revenues did not exceed \$50,000,000 for the last calendar year ending prior to the fiscal year for which the exemption is requested. Such certification shall be supported by—

“(A) tax returns submitted to the United States Internal Revenue Service; or

“(B) as necessary, other appropriate financial information.”.

#### SEC. 1004. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) is amended—

(1) in subsection (a)(1), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(2) by striking “Prescription Drug User Fee Amendments of 2017” each place it appears and inserting “Prescription Drug User Fee Amendments of 2022”;

(3) in subsection (a)(3)(A), by striking “Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter” and inserting “Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part”;

(4) in subsection (a)(4), by striking “Beginning with fiscal year 2020, the” and inserting “The”;

(5) in subsection (b), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(6) in subsection (c), by striking “Beginning with fiscal year 2018, for” and inserting “For”;

and

(7) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(B) in paragraph (5), by striking “January 15, 2022” and inserting “January 15, 2027”.

#### SEC. 1005. SUNSET DATES.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21

U.S.C. 379h–2) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 104 of the FDA Reauthorization Act of 2017 (Public Law 115–52) are repealed.

#### SEC. 1006. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall be assessed for all human drug applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

#### SEC. 1007. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

### TITLE II—FEES RELATING TO DEVICES

#### SEC. 2001. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Medical Device User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

#### SEC. 2002. DEFINITIONS.

Section 737 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by striking “and premarket notification submissions” and inserting “premarket notification submissions, and de novo classification requests”;

(B) in subparagraph (D), by striking “and submissions” and inserting “submissions, and de novo classification requests”;

(C) in subparagraph (F), by striking “and premarket notification submissions” and inserting “premarket notification submissions, and de novo classification requests”;

(D) in each of subparagraphs (G) and (H), by striking “or submissions” and inserting “submissions, or requests”;

(E) in subparagraph (K), by striking “or premarket notification submissions” and inserting “premarket notification submissions, or de novo classification requests”; and

(2) in paragraph (11), by striking “2016” and inserting “2021”.

#### SEC. 2003. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2018” and inserting “fiscal year 2023”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “October 1, 2017” and inserting “October 1, 2022”;

(ii) in clause (iii), by striking “75 percent” and inserting “80 percent”; and  
 (iii) in clause (viii), by striking “3.4 percent” and inserting “4.5 percent”;  
 (B) in subparagraph (B)(iii), by striking “or premarket notification submission” and inserting “premarket notification submission, or de novo classification request”; and

(C) in subparagraph (C), by striking “or periodic reporting concerning a class III device” and inserting “periodic reporting concerning a class III device, or de novo classification request”;  
 (b) FEE AMOUNTS.—Section 738(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(bb)) is amended—

(1) in paragraph (1), by striking “2018 through 2022” and inserting “2023 through 2027”;  
 (2) by amending paragraph (2) to read as follows:  
 “(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

“Fee Type	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027
Premarket Application .....	\$425,000	\$435,000	\$445,000	\$455,000	\$470,000
Establishment Registration .....	\$6,250	\$6,875	\$7,100	\$7,575	\$8,465”;
					and

(3) by amending paragraph (3) to read as follows:

“(3) TOTAL REVENUE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

“(A) \$312,606,000 for fiscal year 2023.  
 “(B) \$335,750,000 for fiscal year 2024.  
 “(C) \$350,746,400 for fiscal year 2025.  
 “(D) \$366,486,300 for fiscal year 2026.  
 “(E) \$418,343,000 for fiscal year 2027.”

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(c)) is amended—

(1) in paragraph (1), by striking “2017” and inserting “2022”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “2018” and inserting “2023”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “fiscal year 2018” and inserting “fiscal year 2023”;

(ii) in clause (ii), by striking “fiscal year 2016” and inserting “fiscal year 2022”;

(C) in subparagraph (C), by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”;

(D) in subparagraph (D), in the matter preceding clause (i), by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”;

(3) in paragraph (3), by striking “2018 through 2022” and inserting “2023 through 2027”;

(4) by redesignating paragraphs (4) and (5) as paragraphs (7) and (8), respectively; and

(5) by inserting after paragraph (3) the following:

“(4) PERFORMANCE IMPROVEMENT ADJUSTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2025 through 2027, after the adjustments under paragraphs (2) and (3), the base establishment registration fee amounts for such fiscal year shall be increased to reflect changes in the resource needs of the Secretary due to improved review performance goals for the process for the review of device applications identified in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022, as the Secretary determines necessary to achieve an increase in total fee collections for such fiscal year equal to the following amounts, as applicable:  
 “(i) For fiscal year 2025, the product of—  
 “(I) the amount determined under subparagraph (B)(i)(I); and  
 “(II) the applicable inflation adjustment under paragraph (2)(B) for such fiscal year.  
 “(ii) For fiscal year 2026, the product of—  
 “(I) the sum of the amounts determined under subparagraphs (B)(i)(II), (B)(ii)(I), and (B)(iii)(I); and  
 “(II) the applicable inflation adjustment under paragraph (2)(B) for such fiscal year.  
 “(iii) For fiscal year 2027, the product of—  
 “(I) the sum of the amounts determined under subparagraphs (B)(i)(III), (B)(ii)(II), and (B)(iii)(II); and

“(II) the applicable inflation adjustment under paragraph (2)(B) for such fiscal year.

“(B) AMOUNTS.—

“(i) PRESUBMISSION AMOUNT.—For purposes of subparagraph (A), with respect to the Presubmission Written Feedback goal, the amounts determined under this subparagraph are as follows:

“(I) For fiscal year 2025, \$15,396,600 if such goal for fiscal year 2023 is met.

“(II) For fiscal year 2026:

“(aa) \$15,396,600 if such goal for fiscal year 2023 is met and such goal for fiscal year 2024 is not met.

“(bb) \$36,792,200 if such goal for fiscal year 2024 is met.

“(III) For fiscal year 2027:

“(aa) \$15,396,600 if such goal for fiscal year 2023 is met and such goal for each of fiscal years 2024 and 2025 is not met.

“(bb) \$36,792,200 if such goal for fiscal year 2024 is met and such goal for fiscal year 2025 is not met.

“(cc) \$40,572,600 if such goal for fiscal year 2025 is met.

“(ii) DE NOVO CLASSIFICATION REQUEST AMOUNT.—For purposes of subparagraph (A), with respect to the De Novo Decision goal, the amounts determined under this subparagraph are as follows:

“(I) For fiscal year 2026, \$6,323,500 if such goal for fiscal year 2023 is met.

“(II) For fiscal year 2027:

“(aa) \$6,323,500 if such goal for fiscal year 2023 is met and such goal for fiscal year 2024 is not met.

“(bb) \$11,765,400 if such goal for fiscal year 2024 is met.

“(iii) PREMARKET NOTIFICATION AND PREMARKET APPROVAL AMOUNT.—For purposes of subparagraph (A), with respect to the 510(k) decision goal, 510(k) Shared Outcome Total Time to Decision goal, PMA decision goal, and PMA Shared Outcome Total Time to Decision goal, the amounts determined under this subparagraph are as follows:

“(I) For fiscal year 2026, \$1,020,000 if the 4 goals for fiscal year 2023 are met.

“(II) For fiscal year 2027:

“(aa) \$1,020,000 if the 4 goals for fiscal year 2023 are met and one or more of the 4 goals for fiscal year 2024 are not met.

“(bb) \$3,906,000 if the 4 goals for fiscal year 2024 are met.

“(C) PERFORMANCE CALCULATION.—For purposes of this paragraph, performance of the following goals shall be determined as specified in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022 and based on data available, as follows:

“(i) The performance of the Presubmission Written Feedback goal shall be based on data available as of—

“(I) for fiscal year 2023, March 31, 2024;

“(II) for fiscal year 2024, March 31, 2025; and

“(III) for fiscal year 2025, March 31, 2026.

“(ii) The performance of the De Novo Decision goal, 510(k) decision goal, 510(k) Shared Outcome Total Time to Decision goal, PMA decision goal, and PMA Shared Outcome Total Time to

Decision goal shall be based on data available as of—

“(I) for fiscal year 2023, March 31, 2025; and  
 “(II) for fiscal year 2024, March 31, 2026.

“(D) GOALS DEFINED.—For purposes of this paragraph, the terms ‘Presubmission Written Feedback goal’, ‘De Novo Decision goal’, ‘510(k) decision goal’, ‘510(k) Shared Outcome Total Time to Decision goal’, ‘PMA decision goal’, and ‘PMA Shared Outcome Total Time to Decision goal’ refer to the goals identified by the same names in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022.

“(5) HIRING ADJUSTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2025 through 2027, after the adjustments under paragraphs (2), (3), and (4), if applicable, if the number of hires to support the process for the review of device applications falls below the thresholds specified in subparagraph (B) for the applicable fiscal years, the base establishment registration fee amounts shall be decreased as the Secretary determines necessary to achieve a reduction in total fee collections equal to the hiring adjustment amount under subparagraph (C).

“(B) THRESHOLDS.—The thresholds specified in this subparagraph are as follows:

“(i) For fiscal year 2025, the threshold is 123 hires for fiscal year 2023.

“(ii) For fiscal year 2026, the threshold is 38 hires for fiscal year 2024.

“(iii) For fiscal year 2027, the threshold is—

“(I) 22 hires for fiscal year 2025 if the base establishment registration fees are not increased by the amount determined under paragraph (4)(A)(i); or  
 “(II) 75 hires for fiscal year 2025 if such fees are so increased.

“(C) HIRING ADJUSTMENT AMOUNT.—The hiring adjustment amount for fiscal year 2025 and each subsequent fiscal year is the product of—

“(i) the number of hires by which the hiring goal specified in subparagraph (D) for the fiscal year before the prior fiscal year was not met;  
 “(ii) \$72,877; and

“(iii) the applicable inflation adjustment under paragraph (2)(B) for the fiscal year for which the hiring goal was not met.

“(D) HIRING GOALS.—The hiring goals for each of fiscal years 2023 through 2025 are as follows:

“(i) For fiscal year 2023, 144 hires.

“(ii) For fiscal year 2024, 42 hires.

“(iii) For fiscal year 2025:

“(I) 24 hires if the base establishment registration fees are not increased by the amount determined under paragraph (4)(A)(i).

“(II) 83 hires if the base establishment registration fees are increased by the amount determined under paragraph (4)(A)(i).

“(E) NUMBER OF HIRES.—For purposes of this paragraph, the number of hires for a fiscal year shall be determined by the Secretary as set forth in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022.

“(6) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2023 through 2027, after the adjustments under

paragraphs (2), (3), (4), and (5), if applicable, if the Secretary has operating reserves of carry-over user fees for the process for the review of device applications in excess of the designated amount in subparagraph (B), the Secretary shall decrease the base establishment registration fee amounts to provide for not more than such designated amount of operating reserves.

“(B) DESIGNATED AMOUNT.—Subject to subparagraph (C), for each fiscal year, the designated amount in this subparagraph is equal to the sum of—

“(i) 13 weeks of operating reserves of carry-over user fees; and

“(ii) 1 month of operating reserves maintained pursuant to paragraph (8).

“(C) EXCLUDED AMOUNT.—For the period of fiscal years 2023 through 2026, a total amount equal to \$118,000,000 shall not be considered part of the designated amount under subparagraph (B) and shall not be subject to the decrease under subparagraph (A).”.

(d) CONDITIONS.—Section 738(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(g)) is amended—

(1) in paragraph (1)(A), by striking “\$320,825,000” and inserting “\$398,566,000”; and

(2) in paragraph (2), by inserting “de novo classification requests,” after “class III device,”.

(e) CREDITING AND AVAILABILITY OF FEES.—Section 738(h)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(h)(3)) is amended to read as follows:

“(3) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—For each of fiscal years 2023 through 2027, there is authorized to be appropriated for fees under this section an amount equal to the revenue amount determined under subparagraph (B), less the amount of reductions determined under subparagraph (C).

“(B) REVENUE AMOUNT.—For purposes of this paragraph, the revenue amount for each fiscal year is the sum of—

“(i) the total revenue amount under subsection (b)(3) for the fiscal year, as adjusted under paragraphs (2) and (3) of subsection (c); and

“(ii) the performance improvement adjustment amount for the fiscal year under subsection (c)(4), if applicable.

“(C) AMOUNT OF REDUCTIONS.—For purposes of this paragraph, the amount of reductions for each fiscal year is the sum of—

“(i) the hiring adjustment amount for the fiscal year under subsection (c)(5), if applicable; and

“(ii) the operating reserve adjustment amount for the fiscal year under subsection (c)(6), if applicable.”.

#### SEC. 2004. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) PERFORMANCE REPORTS.—Section 738A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1(a)) is amended—

(1) by striking “fiscal year 2018” each place it appears and inserting “fiscal year 2023”; and

(2) by striking “Medical Device User Fee Amendments of 2017” each place it appears and inserting “Medical Device User Fee Amendments of 2022”;

(3) in paragraph (1)—

(A) in subparagraph (A), by redesignating the second clause (iv) (relating to analysis) as clause (v); and

(B) in subparagraph (A)(iv), by striking “fiscal year 2020” and inserting “fiscal year 2023”; and

(4) in paragraph (4), by striking “2018 through 2022” and inserting “2023 through 2027”.

(b) REAUTHORIZATION.—Section 738A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1(b)) is amended—

(1) in paragraph (1), by striking “2022” and inserting “2027”; and

(2) in paragraph (5), by striking “2022” and inserting “2027”.

#### SEC. 2005. CONFORMITY ASSESSMENT PILOT PROGRAM.

Section 514(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(d)) is amended to read as follows:

“(d) ACCREDITATION SCHEME FOR CONFORMITY ASSESSMENT.—

“(1) IN GENERAL.—The Secretary shall establish a program under which—

“(A) testing laboratories meeting criteria specified in guidance by the Secretary may be accredited, by accreditation bodies meeting criteria specified in guidance by the Secretary, to conduct testing to support the assessment of the conformity of a device to certain standards recognized under this section; and

“(B) subject to paragraph (2), results from tests conducted to support the assessment of conformity of devices as described in subparagraph (A) conducted by testing laboratories accredited pursuant to this subsection shall be accepted by the Secretary for purposes of demonstrating such conformity unless the Secretary finds that certain results of such tests should not be so accepted.

“(2) SECRETARIAL REVIEW OF ACCREDITED LABORATORY RESULTS.—The Secretary may—

“(A) review the results of tests conducted by testing laboratories accredited pursuant to this subsection, including by conducting periodic audits of such results or of the processes of accredited bodies or testing laboratories; and

“(B) following such review, take additional measures under this Act, as the Secretary determines appropriate, such as—

“(i) suspension or withdrawal of accreditation of a testing laboratory or recognition of an accreditation body under paragraph (1)(A); or

“(ii) requesting additional information with respect to a device; and

“(C) if the Secretary becomes aware of information materially bearing on the safety or effectiveness of a device for which an assessment of conformity was supported by testing conducted by a testing laboratory accredited under this subsection, take such additional measures under this Act, as the Secretary determines appropriate, such as—

“(i) suspension or withdrawal of accreditation of a testing laboratory or recognition of an accreditation body under paragraph (1)(A); or

“(ii) requesting additional information with regard to such device.

“(3) REPORT.—The Secretary shall make available on the internet website of the Food and Drug Administration an annual report on the progress of the program under this subsection.”.

#### SEC. 2006. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(c)) is amended by striking “October 1” and inserting “December 17”.

#### SEC. 2007. SUNSET DATES.

(a) AUTHORIZATION.—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i; 379j) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 738A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISIONS.—Effective October 1, 2022, subsections (a) and (b) of section 210 of the FDA Reauthorization Act of 2017 (Public Law 115-52) are repealed.

#### SEC. 2008. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.) shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2022, regardless of the date of the enactment of this Act.

#### SEC. 2009. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, but before October 1, 2022, were received by the Food and Drug Administration with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

### TITLE III—FEES RELATING TO GENERIC DRUGS

#### SEC. 3001. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Generic Drug User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made by this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

#### SEC. 3002. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

(a) TYPES OF FEES.—Section 744B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2018” and inserting “2023”; and

(2) in paragraph (2)(C), by striking “2018 through 2022” and inserting “2023 through 2027”;

(3) in paragraph (3)(B), by striking “2018 through 2022” and inserting “2023 through 2027”;

(4) in paragraph (4)(D), by striking “2018 through 2022” and inserting “2023 through 2027”; and

(5) in paragraph (5)(D), by striking “2018 through 2022” and inserting “2023 through 2027”.

(b) FEE REVENUE AMOUNTS.—Section 744B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the heading, by striking “2018” and inserting “2023”; and

(ii) by striking “2018” and inserting “2023”; and

(iii) by striking “\$493,600,000” and inserting “\$582,500,000”; and

(B) by amending subparagraph (B) to read as follows:

“(B) FISCAL YEARS 2024 THROUGH 2027.—

“(i) IN GENERAL.—For each of the fiscal years 2024 through 2027, fees under paragraphs (2) through (5) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to the base revenue amount for the fiscal year under clause (ii), as adjusted pursuant to subsection (c).

“(ii) BASE REVENUE AMOUNT.—The base revenue amount for a fiscal year referred to in clause (i) is equal to the total revenue amount established under this paragraph for the previous fiscal year, not including any adjustments made for such previous fiscal year under subsection (c)(3).”;

(2) in paragraph (2)—

(A) in subparagraph (C), by striking “one-third the amount” and inserting “twenty-four percent”;

(B) in subparagraph (D), by striking “Seven percent” and inserting “Six percent”; and

(C) in subparagraph (E)(i), by striking “Thirty-five percent” and inserting “Thirty-six percent”.

(c) ADJUSTMENTS.—Section 744B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “2019” and inserting “2024”; and

(ii) by striking “to equal the product of the total revenues established in such notice for the prior fiscal year multiplied” and inserting “to equal the base revenue amount for the fiscal year (as specified in subsection (b)(1)(B)(ii) multiplied”; and

(B) in subparagraph (C), by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”; and

(2) by striking paragraph (2) and inserting the following:

“(2) CAPACITY PLANNING ADJUSTMENT.—

“(A) IN GENERAL.—Beginning with fiscal year 2024, the Secretary shall, in addition to the adjustment under paragraph (1), further increase the fee revenue and fees under this section for a fiscal year, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for human generic drug activities.

“(B) CAPACITY PLANNING METHODOLOGY.—The Secretary shall establish a capacity planning methodology for purposes of this paragraph, which shall—

“(i) be derived from the methodology and recommendations made in the report titled ‘Independent Evaluation of the GDUFA Resource Capacity Planning Adjustment Methodology: Evaluation and Recommendations’ announced in the Federal Register on August 3, 2020 (85 Fed. Reg. 46658); and

“(ii) incorporate approaches and attributes determined appropriate by the Secretary, including approaches and attributes made in such report, except that in incorporating such approaches and attributes the workload categories used in forecasting resources shall only be the workload categories specified in section VIII.B.2.e. of the letters described in section 3001(b) of the Generic Drug User Fee Amendments of 2022.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsection (b)(1)(B)(ii) (the base revenue amount for the fiscal year) and paragraph (1) (the dollar amount of the inflation adjustment for the fiscal year).

“(ii) ADDITIONAL LIMITATION.—An adjustment under this paragraph shall not exceed 3 percent of the sum described in clause (i) for the fiscal year, except that such limitation shall be 4 percent if—

“(I) for purposes of a fiscal year 2024 adjustment, the Secretary determines that during the period from April 1, 2021, through March 31, 2023—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,000; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as that term is defined in section XI of the letters described in section 3001(b) of the Generic Drug User Fee Amendments of 2022);

“(II) for purposes of a fiscal year 2025 adjustment, the Secretary determines that during the period from April 1, 2022, through March 31, 2024—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,300; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as so defined);

“(III) for purposes of a fiscal year 2026 adjustment, the Secretary determines that during the

period from April 1, 2023, through March 31, 2025—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,300; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as so defined); and

“(IV) for purposes of a fiscal year 2027 adjustment, the Secretary determines that during the period from April 1, 2024, through March 31, 2026—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,300; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as so defined).

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice referred to in subsection (a) the fee revenue and fees resulting from the adjustment and the methodology under this paragraph.

“(3) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For fiscal year 2024 and each subsequent fiscal year, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees under this section for such fiscal year if such an adjustment is necessary to provide operating reserves of carryover user fees for human generic drug activities for not more than the number of weeks specified in subparagraph (B) with respect to that fiscal year.

“(B) NUMBER OF WEEKS.—The number of weeks specified in this subparagraph is—

“(i) 8 weeks for fiscal year 2024;

“(ii) 9 weeks for fiscal year 2025; and

“(iii) 10 weeks for each of fiscal year 2026 and 2027.

“(C) DECREASE.—If the Secretary has carry-over balances for human generic drug activities in excess of 12 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease the fee revenue and fees referred to in such subparagraph to provide for not more than 12 weeks of such operating reserves.

“(D) RATIONALE FOR ADJUSTMENT.—If an adjustment under this paragraph is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under subsection (a) publishing the fee revenue and fees for the fiscal year involved.”

(d) ANNUAL FEE SETTING.—Section 744B(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(d)(1)) is amended—

(1) in the paragraph heading, by striking “2018 THROUGH 2022” and inserting “2023 THROUGH 2027”; and

(2) by striking “more than 60 days before the first day of each of fiscal years 2018 through 2022” and inserting “later than 60 days before the first day of each of fiscal years 2023 through 2027”.

(e) EFFECT OF FAILURE TO PAY FEES.—The heading of paragraph (3) of section 744B(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(g)) is amended by striking “AND PRIOR APPROVAL SUPPLEMENT FEE”.

(f) CREDITING AND AVAILABILITY OF FEES.—Section 744B(i)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(i)(3)) is amended by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”.

#### SEC. 3003. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-43) is amended—

(1) in subsection (a)(1), by striking “Beginning with fiscal year 2018, not” and inserting “Not”; and

(2) by striking “Generic Drug User Fee Amendments of 2017” each place it appears and inserting “Generic Drug User Fee Amendments of 2022”;

(3) in subsection (a)(2), by striking “Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter” and inserting “Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part”;

(4) in subsection (a)(3), by striking “Beginning with fiscal year 2020, the” and inserting “The”;

(5) in subsection (b), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(6) in subsection (c), by striking “Beginning with fiscal year 2018, for” and inserting “For”; and

(7) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(B) in paragraph (5), by striking “January 15, 2022” and inserting “January 15, 2027”.

#### SEC. 3004. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744A and 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41; 379j-42) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-43) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 305 of the FDA Reauthorization Act of 2017 (Public Law 115-52) are repealed.

#### SEC. 3005. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.) shall be assessed for all abbreviated new drug applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

#### SEC. 3006. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to abbreviated new drug applications (as defined in such part as of such day) that were received by the Food and Drug Administration within the meaning of section 505(j)(5)(A) of such Act (21 U.S.C. 355(j)(5)(A)), prior approval supplements that were submitted, and drug master files for Type II active pharmaceutical ingredients that were first referenced on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

### TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

#### SEC. 4001. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Biosimilar User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made by this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

#### SEC. 4002. DEFINITIONS.

(a) ADJUSTMENT FACTOR.—Section 744G(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51(1)) is amended to read as follows:



“(1) The term ‘adjustment factor’ applicable to a fiscal year is the Consumer Price Index for urban consumers (Washington-Arlington-Alexandria, DC-VA-MD-WV; Not Seasonally Adjusted; All items) for September of the preceding fiscal year divided by such Index for September 2011.”.

(b) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—Section 744G(4)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51(4)(B)(iii)) is amended—

(1) by striking subclause (II) (relating to an allergenic extract product); and

(2) by redesignating subclauses (III) and (IV) as subclauses (I) and (II), respectively.

**SEC. 4003. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.**

(a) TYPES OF FEES.—

(1) IN GENERAL.—The matter preceding paragraph (1) in section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)) is amended by striking “fiscal year 2018” and inserting “fiscal year 2023”.

(2) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—Clauses (iv)(I) and (v)(II) of section 744H(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(A)) are each amended by striking “5 days” and inserting “7 days”.

(3) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—Section 744H(a)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(B)) is amended—

(A) in clause (i), by inserting before the period at the end the following: “, except that, in the case that such product (including, where applicable, ownership of the relevant investigational new drug application) is transferred to a licensee, assignee, or successor of such person, and written notice of such transfer is provided to the Secretary, such licensee, assignee, or successor shall pay the annual biosimilar biological product development fee”;

(B) in clause (iii)—

(i) in subclause (I), by striking “or” at the end;

(ii) in subclause (II), by striking the period at the end and inserting “; or”;

(iii) by adding at the end the following:

“(III) been administratively removed from the biosimilar biological product development program for the product under subparagraph (E)(v).”; and

(C) in clause (iv), by striking “is accepted for filing on or after October 1 of such fiscal year” and inserting “is subsequently accepted for filing”.

(4) REACTIVATION FEE.—Section 744H(a)(1)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(D)) is amended to read as follows:

“(D) REACTIVATION FEE.—

“(i) IN GENERAL.—A person that has discontinued participation in the biosimilar biological product development program for a product under subparagraph (C), or who has been administratively removed from such program for a product under subparagraph (E)(v), shall, if the person seeks to resume participation in such program, pay all annual biosimilar biological product development fees previously assessed for such product and still owed and a fee (referred to in this section as ‘reactivation fee’) by the earlier of the following:

“(I) Not later than 7 days after the Secretary grants a request by such person for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued or the date of administrative removal, as applicable).

“(II) Upon the date of submission (after the date on which such participation was discontinued or the date of administrative removal, as applicable) by such person of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

“(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B), except that, in the case that such product (including, where applicable, ownership of the relevant investigational new drug application) is transferred to a licensee, assignee, or successor of such person, and written notice of such transfer is provided to the Secretary, such licensee, assignee, or successor shall pay the annual biosimilar biological product development fee.”.

(5) EFFECT OF FAILURE TO PAY FEES.—Section 744H(a)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(E)) is amended by adding at the end the following:

“(v) ADMINISTRATIVE REMOVAL FROM THE BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT PROGRAM.—If a person has failed to pay an annual biosimilar biological product development fee for a product as required under subparagraph (B) for a period of 2 consecutive fiscal years, the Secretary may administratively remove such person from the biosimilar biological product development program for the product. At least 30 days prior to administratively removing a person from the biosimilar biological product development program for a product under this clause, the Secretary shall provide written notice to such person of the intended administrative removal.”.

(6) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—Section 744H(a)(2)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(2)(D)) is amended by inserting after “or was withdrawn” the following: “prior to approval”.

(7) BIOSIMILAR BIOLOGICAL PRODUCT PROGRAM FEE.—Section 744H(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking “and” at the end; and

(ii) by redesignating clause (ii) as clause (iii);

and

(iii) by inserting after clause (i) the following:

“(ii) may be dispensed only under prescription pursuant to section 503(b); and”;

(B) by adding at the end the following:

“(E) MOVEMENT TO DISCONTINUED LIST.—

“(i) DATE OF INCLUSION.—If a written request to place a product on the list referenced in subparagraph (A) of discontinued biosimilar biological products is submitted to the Secretary on behalf of an applicant, and the request identifies the date the product is, or will be, withdrawn from sale, then for purposes of assessing the biosimilar biological product program fee, the Secretary shall consider such product to have been included on such list on the later of—

“(I) the date such request was received; or

“(II) if the product will be withdrawn from sale on a future date, such future date when the product is withdrawn from sale.

“(ii) TREATMENT AS WITHDRAWN FROM SALE.—For purposes of clause (i), a product shall be considered withdrawn from sale once the applicant has ceased its own distribution of the product, whether or not the applicant has ordered recall of all previously distributed lots of the product, except that a routine, temporary interruption in supply shall not render a product withdrawn from sale.

“(iii) SPECIAL RULE FOR PRODUCTS REMOVED FROM DISCONTINUED LIST.—If a biosimilar biological product that is identified in a biosimilar biological product application approved as of October 1 of a fiscal year appears, as of October 1 of such fiscal year, on the list referenced in subparagraph (A) of discontinued biosimilar biological products, and on any subsequent day during such fiscal year the biosimilar biological product does not appear on such list, except as provided in subparagraph (D), each person who is named as the applicant in a biosimilar biological product application with respect to such

product shall pay the annual biosimilar biological product program fee established for a fiscal year under subsection (c)(5) for such biosimilar biological product. Notwithstanding subparagraph (B), such fee shall be due on the last business day of such fiscal year and shall be paid only once for each such product for each fiscal year.”.

(8) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—Section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)) is amended by striking paragraph (4).

(b) FEE REVENUE AMOUNTS.—Subsection (b) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively;

(3) by amending paragraph (1) (as so redesignated) to read as follows:

“(1) IN GENERAL.—For each of the fiscal years 2023 through 2027, fees under subsection (a) shall, except as provided in subsection (c), be established to generate a total revenue amount equal to the sum of—

“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

“(C) the dollar amount equal to the strategic hiring and retention adjustment (as determined under subsection (c)(2));

“(D) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(3));

“(E) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(4));

“(F) for fiscal year 2023 an additional amount of \$4,428,886; and

“(G) for fiscal year 2024 an additional amount of \$320,569.”;

(4) in paragraph (2) (as so redesignated)—

(A) in the paragraph heading, by striking “; LIMITATIONS ON FEE AMOUNTS”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(5) by amending paragraph (3) (as so redesignated) to read as follows:

“(3) ANNUAL BASE REVENUE.—For purposes of paragraph (1), the dollar amount of the annual base revenue for a fiscal year shall be—

“(A) for fiscal year 2023, \$43,376,922; and

“(B) for fiscal years 2024 through 2027, the dollar amount of the total revenue amount established under paragraph (1) for the previous fiscal year, excluding any adjustments to such revenue amount under subsection (c)(4).”.

(c) ADJUSTMENTS; ANNUAL FEE SETTING.—Section 744H(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “subsection (b)(2)(B)” and inserting “subsection (b)(1)(B)”;

(ii) in clause (i), by striking “subsection (b)” and inserting “subsection (b)(1)(A)”;

(B) in subparagraph (B)(ii), by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”;

(2) by striking paragraphs (2) through (4) and inserting the following:

“(2) STRATEGIC HIRING AND RETENTION ADJUSTMENT.—For each fiscal year, after the annual base revenue under subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), the Secretary shall further increase the fee revenue and fees by \$150,000.

“(3) CAPACITY PLANNING ADJUSTMENT.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall, in addition to the adjustments under paragraphs (1) and (2), further adjust the fee revenue and fees under this section for a fiscal year to reflect changes in the resource capacity needs of the Secretary for the process for

the review of biosimilar biological product applications.

“(B) **METHODOLOGY.**—For purposes of this paragraph, the Secretary shall employ the capacity planning methodology utilized by the Secretary in setting fees for fiscal year 2021, as described in the notice titled ‘Biosimilar User Fee Rates for Fiscal Year 2021’ published in the Federal Register on August 4, 2020 (85 Fed. Reg. 47220). The workload categories used in applying such methodology in forecasting shall include only the activities described in that notice and, as feasible, additional activities that are directly related to the direct review of biosimilar biological product applications and supplements, including additional formal meeting types, the direct review of postmarketing commitments and requirements, the direct review of risk evaluation and mitigation strategies, and the direct review of annual reports for approved biosimilar biological products. Subject to the exceptions in the preceding sentence, the Secretary shall not include as workload categories in applying such methodology in forecasting any non-core review activities, including those activities that the Secretary referenced for potential future use in such notice but did not utilize in setting fees for fiscal year 2021.

“(C) **LIMITATIONS.**—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year), (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year), and (b)(1)(C) (the dollar amount of the strategic hiring and retention adjustment).

“(D) **PUBLICATION IN FEDERAL REGISTER.**—The Secretary shall publish in the Federal Register notice under paragraph (5) the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.

“(4) **OPERATING RESERVE ADJUSTMENT.**—

“(A) **INCREASE.**—For fiscal year 2023 and subsequent fiscal years, the Secretary shall, in addition to adjustments under paragraphs (1), (2), and (3), further increase the fee revenue and fees if such an adjustment is necessary to provide for at least 10 weeks of operating reserves of carryover user fees for the process for the review of biosimilar biological product applications.

“(B) **DECREASE.**—

“(i) **FISCAL YEAR 2023.**—For fiscal year 2023, if the Secretary has carryover balances for such process in excess of 33 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 33 weeks of such operating reserves.

“(ii) **FISCAL YEAR 2024.**—For fiscal year 2024, if the Secretary has carryover balances for such process in excess of 27 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 27 weeks of such operating reserves.

“(iii) **FISCAL YEAR 2025 AND SUBSEQUENT FISCAL YEARS.**—For fiscal year 2025 and subsequent fiscal years, if the Secretary has carryover balances for such process in excess of 21 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 21 weeks of such operating reserves.

“(C) **FEDERAL REGISTER NOTICE.**—If an adjustment under subparagraph (A) or (B) is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (5)(B) establishing fee revenue and fees for the fiscal year involved.”; and

(3) in paragraph (5), in the matter preceding subparagraph (A), by striking “2018” and inserting “2023”.

(d) **CREDITING AND AVAILABILITY OF FEES.**—Subsection (f)(3) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(f)(3)) is amended by striking “2018 through 2022” and inserting “2023 through 2027”.

(e) **WRITTEN REQUESTS FOR WAIVERS AND RETURNS; DISPUTES CONCERNING FEES.**—Section 744H(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(h)) is amended to read as follows:

“(h) **WRITTEN REQUESTS FOR WAIVERS AND RETURNS; DISPUTES CONCERNING FEES.**—To qualify for consideration for a waiver under subsection (d), or for the return of any fee paid under this section, including if the fee is claimed to have been paid in error, a person shall submit to the Secretary a written request justifying such waiver or return and, except as otherwise specified in this section, such written request shall be submitted to the Secretary not later than 180 days after such fee is due. A request submitted under this paragraph shall include any legal authorities under which the request is made.”.

#### **SEC. 4004. REAUTHORIZATION; REPORTING REQUIREMENTS.**

Section 744I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-53) is amended—

(1) in subsection (a)(1), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(2) by striking “Biosimilar User Fee Amendments of 2017” each place it appears and inserting “Biosimilar User Fee Amendments of 2022”;

(3) in subsection (a)(2), by striking “Beginning with fiscal year 2018, the” and inserting “The”;

(4) in subsection (a)(3)(A), by striking “Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter” and inserting “Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part”;

(5) in subsection (b), by striking “Not later than 120 days after the end of fiscal year 2018 and each subsequent fiscal year for which fees are collected under this part” and inserting “Not later than 120 days after the end of each fiscal year for which fees are collected under this part”;

(6) in subsection (c), by striking “Beginning with fiscal year 2018, and for” and inserting “For”;

(7) in subsection (f)—  
(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(B) in paragraph (3), by striking “January 15, 2022” and inserting “January 15, 2027”.

#### **SEC. 4005. SUNSET DATES.**

(a) **AUTHORIZATION.**—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51, 379j-52) shall cease to be effective October 1, 2027.

(b) **REPORTING REQUIREMENTS.**—Section 744I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-53) shall cease to be effective January 31, 2028.

(c) **PREVIOUS SUNSET PROVISION.**—Effective October 1, 2022, subsections (a) and (b) of section 405 of the FDA Reauthorization Act of 2017 (Public Law 115-52) are repealed.

#### **SEC. 4006. EFFECTIVE DATE.**

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51 et seq.) shall be assessed for all biosimilar biological product applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

#### **SEC. 4007. SAVINGS CLAUSE.**

Notwithstanding the amendments made by this title, part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51 et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to biosimilar biological product applications and sup-

plements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

### **TITLE V—REAUTHORIZATION OF OTHER PROVISIONS**

#### **SEC. 5001. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.**

Section 4091(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking “\$25,000,000 for each of fiscal years 2018 through 2022” and inserting “\$5,273,973 for the period beginning on October 1, 2022 and ending on December 16, 2022”.

#### **SEC. 5002. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE.**

Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking “October 1” and inserting “December 17”.

#### **SEC. 5003. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.**

Section 305(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110-85; 42 U.S.C. 282 note) is amended by striking “\$5,250,000 for each of fiscal years 2018 through 2022” and inserting “\$1,107,534 for the period beginning on October 1, 2022, and ending on December 16, 2022”.

#### **SEC. 5004. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.**

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking “October 1” and inserting “December 17”.

#### **SEC. 5005. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.**

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-5(f)) is amended by striking “\$6,000,000 for each of fiscal years 2018 through 2022” and inserting “\$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022”.

#### **SEC. 5006. REAUTHORIZATION OF ORPHAN DRUG GRANTS.**

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “\$30,000,000 for each of fiscal years 2018 through 2022” and inserting “\$6,328,767 for the period beginning on October 1, 2022, and ending on December 16, 2022”.

#### **SEC. 5007. REAUTHORIZATION OF CERTAIN DEVICE INSPECTIONS.**

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking “October 1” and inserting “December 17”.

#### **SEC. 5008. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.**

Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115-52) is amended, in the matter preceding paragraph (1), by striking “October 1” and inserting “December 16”.

### **DIVISION G—HERMIT'S PEAK/CALF CANYON FIRE ASSISTANCE ACT**

#### **SEC. 101. SHORT TITLE.**

This division may be cited as the “Hermit's Peak/Calf Canyon Fire Assistance Act”.

#### **SEC. 102. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) on April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn on Federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area that was also suffering from severe drought after many years of insufficient precipitation;

(2) on April 6, 2022, the prescribed burn, which became known as the “Hermit’s Peak Fire”, exceeded the containment capabilities of the Forest Service, was declared a wildfire, and spread to other Federal and non-Federal land;

(3) on April 19, 2022, the Calf Canyon Fire, also in San Miguel County, New Mexico, began burning on Federal land and was later identified as the result of a pile burn in January 2022 that remained dormant under the surface before reemerging;

(4) on April 27, 2022, the Hermit’s Peak Fire and the Calf Canyon Fire merged, and both fires were reported as the Hermit’s Peak Fire or the Hermit’s Peak/Calf Canyon Fire, which shall be referred to hereafter as the Hermit’s Peak/Calf Canyon Fire;

(5) by May 2, 2022, the fire had grown in size and caused evacuations in multiple villages and communities in San Miguel County and Mora County, including in the San Miguel county jail, the State’s psychiatric hospital, the United World College, and New Mexico Highlands University;

(6) on May 4, 2022, the President issued a major disaster declaration for the counties of Colfax, Mora, and San Miguel, New Mexico;

(7) on May 20, 2022, U.S. Forest Service Chief Randy Moore ordered a 90-day review of prescribed burn policies to reduce the risk of wildfires and ensure the safety of the communities involved;

(8) the U.S. Forest Service has assumed responsibility for the Hermit’s Peak/Calf Canyon Fire;

(9) the fire resulted in the loss of Federal, State, local, Tribal, and private property; and

(10) the United States should compensate the victims of the Hermit’s Peak/Calf Canyon Fire.

(b) PURPOSES.—The purposes of this Act are—  
(1) to compensate victims of the Hermit’s Peak/Calf Canyon Fire, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

#### SEC. 103. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means—

(A) the Administrator of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 104(a)(3), the Manager.

(2) HERMIT’S PEAK/CALF CANYON FIRE.—The term “Hermit’s Peak/Calf Canyon Fire” means—

(A) the fire resulting from the initiation by the Forest Service of a prescribed burn in the Santa Fe National Forest in San Miguel County, New Mexico, on April 6, 2022;

(B) the pile burn holdover resulting from the prescribed burn by the Forest Service, which reemerged on April 19, 2022; and

(C) the merger of the two fires described in subparagraphs (A) and (B), reported as the Hermit’s Peak Fire or the Hermit’s Peak Fire/Calf Canyon Fire.

(3) INDIAN TRIBE.—The term “Indian Tribe” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(4) INJURED PERSON.—The term “injured person” means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian Tribe, corporation, Tribal corporation, partnership, company, association, county, township, city, State, school district, or other non-Federal entity (including a legal representative) that suffered injury resulting from the Hermit’s Peak/Calf Canyon Fire.

(5) INJURY.—The term “injury” has the same meaning as the term “injury or loss of property, or personal injury or death” as used in section 1346(b)(1) of title 28, United States Code.

(6) MANAGER.—The term “Manager” means an Independent Claims Manager appointed under section 104(a)(3).

(7) OFFICE.—The term “Office” means the Office of Hermit’s Peak/Calf Canyon Fire Claims established by section 104(a)(2).

(8) TRIBAL ENTITY.—The term “Tribal entity” includes any Indian Tribe, tribal organization, Indian-controlled organization serving Indians, Native Hawaiian organization, or Alaska Native entity, as such terms are defined or used in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221).

#### SEC. 104. COMPENSATION FOR VICTIMS OF HERMIT’S PEAK/CALF CANYON FIRE.

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be eligible to receive from the United States compensation for injury suffered by the injured person as a result of the Hermit’s Peak/Calf Canyon Fire, subject to the availability of appropriations and subject to the Administrator making the determinations required under subsection (d).

(2) OFFICE OF HERMIT’S PEAK/CALF CANYON FIRE CLAIMS.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office of Hermit’s Peak/Calf Canyon Fire Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this Act.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Administrator for carrying out this section;

(ii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service; and

(iii) may reimburse other Federal agencies for claims processing support and assistance.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Administrator may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Administrator under this Act.

(4) DETAIL.—Upon the request of the Administrator, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Federal Emergency Management Agency to assist the Agency in carrying out the duties under this Act.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Administrator a written claim for 1 or more injuries suffered by the injured person in accordance with such requirements as the Administrator determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—In accordance with subsection (d), the Administrator shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this Act, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) EXTENT OF DAMAGES.—Any payment under this Act—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—

(i) PAYMENT.—Not later than 180 days after the date on which a claim is submitted under this Act, the Administrator shall determine and fix the amount, if any, to be paid for the claim.

(ii) PRIORITY.—The Administrator, to the maximum extent practicable, shall pay subrogation claims submitted under this Act only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this Act, the Administrator shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the Hermit’s Peak/Calf Canyon Fire;

(iii) whether the person or persons are otherwise eligible to receive any amount determined under clause (iv); and

(iv) whether sufficient funds are available for payment and, if so, the amount, if any, to be allowed and paid under this Act.

(C) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of, and paying, a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Administrator may make 1 or more advance or partial payments, subject to the determination required under paragraph (1)(B), before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this Act, but further payment on the claim is subsequently denied by the Administrator, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Administrator determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) RIGHTS OF INSURER OR OTHER THIRD PARTY.—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this Act or any other law.

(4) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure, including irrigation infrastructure such as acequia systems;

(iv) a cost resulting from lost subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Hermit’s Peak/Calf Canyon Fire;

(v) a cost of reforestation or revegetation on Tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Administrator determines to be appropriate for inclusion as loss of property.

(B) **BUSINESS LOSS.**—A claim that is paid for injury under this Act may include damages resulting from the Hermit's Peak/Calf Canyon Fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory, including natural resources.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Loss of business net income.

(vi) Any other loss that the Administrator determines to be appropriate for inclusion as business loss.

(C) **FINANCIAL LOSS.**—A claim that is paid for injury under this Act may include damages resulting from the Hermit's Peak/Calf Canyon Fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Administrator, to reduce the risk of wildfire, flood, or other natural disaster in the counties impacted by the Hermit's Peak/Calf Canyon Fire to risk levels prevailing in those counties before the Hermit's Peak/Calf Canyon Fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 31, 2024, if, as a result of the Hermit's Peak/Calf Canyon Fire, a person that was not required to purchase flood insurance before the Hermit's Peak/Calf Canyon Fire is required to purchase flood insurance.

(ix) A disaster assistance loan received from the Small Business Administration.

(x) Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(e) **ACCEPTANCE OF AWARD.**—The acceptance by a claimant of any payment under this Act, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant, with respect to all claims arising out of or relating to the same subject matter; and

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), or any other Federal or State law, arising out of or relating to the same subject matter.

(f) **REGULATIONS AND PUBLIC INFORMATION.**—

(1) **REGULATIONS.**—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Administrator shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this Act.

(2) **PUBLIC INFORMATION.**—

(A) **IN GENERAL.**—At the time at which the Administrator promulgates regulations under paragraph (1), the Administrator shall publish, online and in print, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) **DISSEMINATION THROUGH OTHER MEDIA.**—The Administrator shall disseminate the explanation published under subparagraph (A) through websites, blogs, social media, brochures, pamphlets, radio, television, and other media

that the Administrator determines are likely to reach prospective claimants.

(g) **CONSULTATION.**—In administering this Act, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and Tribal authorities, as determined to be necessary by the Administrator, to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) **ELECTION OF REMEDY.**—

(1) **IN GENERAL.**—An injured person may elect to seek compensation from the United States for 1 or more injuries resulting from the Hermit's Peak/Calf Canyon Fire by—

(A) submitting a claim under this Act;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"); or

(C) bringing an authorized civil action under any other provision of law.

(2) **EFFECT OF ELECTION.**—In accordance with subsection (e), an election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Hermit's Peak/Calf Canyon Fire that are suffered by the claimant upon acceptance of an award.

(3) **ARBITRATION.**—

(A) **IN GENERAL.**—Not later than 45 days after the date of enactment of this Act, the Administrator shall establish by regulation procedures under which a dispute regarding a claim submitted under this Act may be settled by arbitration.

(B) **ARBITRATION AS REMEDY.**—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this Act may elect to settle the claim through arbitration.

(C) **BINDING EFFECT.**—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) **NO EFFECT ON ENTITLEMENTS.**—The value of compensation that may be provided under this Act shall not be considered income or resources for any purpose under any Federal, State, or local laws, including laws relating to taxation, welfare, and public assistance programs, and no State or political subdivision thereof shall decrease any assistance otherwise provided to an injured person because of the receipt of benefits under this Act.

(i) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Any claimant aggrieved by a final decision of the Administrator under this Act may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) **RECORD.**—The court shall hear a civil action under paragraph (1) on the record made before the Administrator.

(3) **STANDARD.**—The decision of the Administrator incorporating the findings of the Administrator shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) **ATTORNEY'S AND AGENT'S FEES.**—

(1) **IN GENERAL.**—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this Act, fees in excess of the limitations established under section 2678 of title 28, United States Code.

(2) **VIOLATION.**—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) **WAIVER OF REQUIREMENT FOR MATCHING FUNDS.**—

(1) **STATE AND LOCAL PROJECT.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, a State or local project that is determined by the Administrator to be carried out in response to the Hermit's Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit's Peak/Calf Canyon Fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(B) **FEDERAL SHARE.**—The Federal share of the costs of a project described in subparagraph (A) shall be 100 percent.

(2) **OTHER NEEDS PROGRAM ASSISTANCE.**—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), for any emergency or major disaster declared by the President under that Act for the Hermit's Peak/Calf Canyon Fire, the Federal share of assistance provided under that section shall be 100 percent.

(3) **AGRICULTURAL PROGRAM ASSISTANCE.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, a State, local, or individual project that is determined by the Secretary of Agriculture to be carried out in response to the Hermit's Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit's Peak/Calf Canyon Fire shall not be subject to any requirement for State, local, or individual matching funds to pay the cost of the project under the Federal program.

(B) **FEDERAL SHARE.**—The Federal share of the costs of a project described in subparagraph (A) shall be 100 percent.

(l) **APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.**—Section 3711(a) of title 31, United States Code, shall not apply to any payment under this Act, unless—

(1) there is evidence of civil or criminal fraud, misrepresentation, presentation of a false claim; or

(2) a claimant was not eligible under subsection (d)(2) of this Act to any partial payment.

(m) **INDIAN COMPENSATION.**—Notwithstanding any other provision of law, in the case of an Indian Tribe, a Tribal entity, or a member of an Indian Tribe that submits a claim under this Act—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian Tribe, Tribal entity, or member of an Indian Tribe shall be entitled to proceed under this Act in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Hermit's Peak/Calf Canyon Fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Hermit's Peak/Calf Canyon Fire.

(n) **REPORT.**—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Administrator shall submit to Congress a report that describes the claims submitted under this Act during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this Act.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this Act.

MOTION TO CONCUR

Ms. DELAURO. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Ms. DELAURO of Connecticut moves that the House concur in the Senate amendment to H.R. 6833.

The SPEAKER pro tempore. Pursuant to House Resolution 1404, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from Texas (Ms. GRANGER) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut.

GENERAL LEAVE

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendment to H.R. 6833.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, which extends funding for Federal programs and services through December 16.

With a 72-25 vote, the United States Senate approved this legislation with the support of all Democrats and 22 Republicans, including Senators SHELBY and MCCONNELL.

Before I begin, I want to acknowledge the millions of people in Florida, Puerto Rico, Alaska, and elsewhere reeling from recent disasters, stranded without power and other necessary resources, and mourning the loss of loved ones. This institution will stand with communities across America as they rebuild and recover.

With the many challenges facing our Nation and the world, including devastating natural disasters and the high cost of living, we cannot wait any longer to pass this bill.

This bill guarantees that we have the means to continue the important work we are doing to help middle class and working families with the cost of living, support vulnerable Americans by keeping roofs over the heads of millions of families and food on their tables, uphold our commitment to our veterans, and strengthen our national security. But this is not enough, and this solution is only a short-term one.

The Appropriations Committee and House Democrats worked to clear all 12 government funding bills out of committee and pass six on the floor of the House this summer. These are transformational bills needed to meet the moment and tackle our Nation's biggest challenges.

The legislation before us allows additional time for bipartisan, bicameral negotiations to enact final 2023 funding bills.

The bill also includes \$12.35 billion in necessary emergency funding to support the Ukrainian people and global democracy in the face of Russia's grievous invasion of Ukraine. This body came together twice earlier this year to deliver on our commitment to the courageous people of Ukraine, but most of those resources have already been disbursed or committed.

For that reason, this bill includes necessary security assistance for Ukraine, including \$3 billion for the Ukraine Security Assistance Initiative to keep weapons and ammunition flowing without interruption, and \$1.5 billion to replenish U.S. stocks of equipment sent through drawdown authority.

We also help Ukraine protect its democracy by supporting the continuity of its democratic government and delivery of citizen services with \$4.5 billion. This contribution ensures we continue upholding our moral responsibility to support the people of Ukraine in the face of a vicious invasion that continues to demand decisive action from us.

The bill also includes safeguards over these funds, such as a requirement of third-party monitoring and a certification by the Secretary of State that protects against corruption.

With \$2 million for the DOD Inspector General to monitor funds and provide Congress with a report inventorying security assistance, we ensure weapons are used for their intended purpose by their intended recipients.

At the same time, this bill responds to the devastation that recent natural disasters and extreme weather events have left behind. As the climate crisis wreaks havoc on communities all over our Nation, this legislation provides significant support for disaster response and recovery efforts.

Included in this is a critical \$20 million in funding to complete previously authorized Army Corps of Engineers projects that will help address the water crisis in Jackson, Mississippi, and upgrade its water and wastewater infrastructure.

In the wealthiest Nation in the world, the bare minimum every person deserves is drinking water that is clean and safe, and this bill gets us one step closer to that minimum.

By fully funding the Disaster Relief Fund, this bill responds to Hurricane Ian in Florida; to the crisis left behind in Puerto Rico after the devastating Hurricane Fiona; and to the severe storm, flooding, and landslides in Alaska, helping with recovery and disaster relief efforts.

We also provide \$1 billion in funding for the Low Income Home Energy Assistance Program to help lower-income families cover the rising energy costs of home heating and cooling; including \$2.5 billion to address the largest wildfire in New Mexico, in their history, that started from prescribed burns on Federal land; and support these and

other communities all over the Nation, including Kentucky, California, Louisiana, and Texas, by providing \$2 billion to help address unmet housing, infrastructure, and economic recovery needs in communities recovering from recent wildfires, major storms, droughts, floods, and extreme heat.

While this legislation provides a bridge to an omnibus, it is not perfect. I am saddened that the continuing resolution does not fully meet some of our country's most urgent needs, including the ongoing COVID-19 pandemic and monkey pox outbreak. I will continue working to provide the resources to combat these public health crises and support the areas in need of additional resources to recover from natural disasters.

Despite these shortcomings, the investments included in this bill are urgent and necessary to avoid disruptions to vital Federal agencies, to help communities get back on their feet, and to ensure we have the time needed to negotiate a final funding agreement that meets the needs of hardworking people.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. GRANGER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in opposition to the Senate amendment to H.R. 6833, a short-term continuing resolution extending government funding through December 16. I oppose this CR for several reasons.

First, we should be here addressing the border crisis, the energy crisis, and the inflation crisis. This bill does nothing to fix any of these issues. In fact, this bill actually bails out the Biden administration for their failures and provides additional appropriations to put a Band-Aid on some of these problems for a few more months.

For example, this bill includes nearly \$2 billion in funding for children and families flooding the border. Providing more funding without changing the policies that led to this crisis will only encourage more migrants to come.

Second, it is unfortunate this bill will be rushed through the House today with just hours to spare to avoid a government shutdown. The American people continue to wonder why Congress can't get its job done until the very last minute and why we don't have more time to review legislation.

For these reasons, I urge my colleagues to vote "no." I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the chair of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the chairwoman for yielding.

I rise to support this continuing resolution that will keep our Federal Government open and deliver the vital services that impact us all.

Look no further than Southwest Florida, in my home State, where Hurricane Ian inflicted tragic human loss



and massive property damage. While we pray for those who endured Ian's wrath and those who still face it, let's pass this continuing resolution and offer more than well wishes.

Thankfully, President Biden declared a major disaster, unleashing extensive Federal aid and assistance for the counties hit by Ian. But this CR will allow FEMA and other Federal partners to keep assistance flowing to Florida in our time of need, while also aiding those hurting in Puerto Rico, Alaska, New Mexico, and Mississippi.

We cannot leave communities behind that are still picking up the pieces from disastrous floods, wildfires, and hurricanes, and even basic water system failures. This Federal funding bill comes to their rescue by helping to meet long-term housing, infrastructure, and recovery needs.

This CR also extends funding for vital Federal education, health, housing, and public safety programs. It keeps up school, job training, and child nutritional investments, and it keeps funds flowing to address badly needed affordable housing problems which plague so many families in Florida.

Anyone who understands the housing struggles that millions of Americans face cannot possibly ignore the relief that this CR offers. This legislation also keeps America's security intact, while also supporting those brave veterans who defended us.

This CR also confronts Russia's fake elections to annex parts of Ukraine, whose families urgently need our support to defend global democracy and turn back a murderous communist tyrant.

I am pleased that this continuing resolution before us reflects that vanishing breed of bipartisan, bicameral, negotiated compromise.

I hope our colleagues on the other side of the aisle respect that and honor the trust that Americans hand us to maintain an orderly economy and state of affairs. This CR provides that basic test of governance.

Americans want our government funding bills to help reduce their cost of living, support their families, create good jobs, and combat climate change. This continuing funding legislation gives us the time we need to ensure our 2023 bills will do exactly that.

Let's keep America running so Congress can complete America's critical fiscal work.

Ms. GRANGER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CLINE), a member of the Appropriations Committee.

Mr. CLINE. Mr. Speaker, I rise on behalf of the people of the Sixth District of Virginia who are contacting my office right now expressing their outrage at this failed, do-nothing Democratic majority who has brought us to the brink of a government shutdown. They are furious, furious because Democrats control the House, the Senate, the White House, and still, here we are at the point where we have to keep the

government running, and instead of confronting these crises that are leading us to this shutdown, this Democratic majority is kicking the can down the road until after the elections in November.

The American people are furious at a broken, business-as-usual Washington that refuses to confront the crises. In fact, it exacerbates the crises created by President Biden and the Democratic majority.

This continuing resolution we are voting on today, once again, makes clear that the Democrats' business-as-usual Washington must end.

Just look at some of these policies that Democrats have stuffed in this bill, thrown taxpayer dollars at Biden's wide-open border crisis, the raging inflation crisis, and the skyrocketing energy crisis.

\$57.5 billion for DHS to continue wide-open border and amnesty policies that have allowed illegal migrants to pour across our southern border and drug cartels to smuggle deadly fentanyl into our communities under Secretary Mayorkas' failed leadership.

\$10.8 billion for the FBI that the Biden administration has weaponized against Americans who disagree with its policies, including parents concerned about their kids in schools.

\$12.6 billion for the IRS, on top of the \$80 billion that Democrats just gave to hire 87,000 new agents to spy into the bank accounts of Americans and conduct more audits on small businesses.

\$728 billion to a Department of Defense that is more focused on promoting the radical left's woke ideology than protecting our national security here at home and abroad.

\$3.8 billion for a Low Income Housing Energy Assistance Program that pays for the increased energy costs for those that live in anti-fracking States like New York, without addressing the real cause of the energy crisis, which is the Democrats' socialist Green New Deal agenda.

Americans are hurting and their paychecks are declining in value, but Democrats continue to fund these out-of-touch policies, and that is why I am voting "no."

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. GRANGER. Mr. Speaker, I yield an additional 1 minute to the gentleman from Virginia.

Mr. CLINE. Mr. Speaker, Americans are hurting. Their paychecks are declining in value, but Democrats continue to fund these out-of-touch policies with billions of taxpayer dollars from hardworking Americans. That is why I am voting "no." I hope my colleagues will join me.

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), the chairman of the Energy and Commerce Committee.

□ 1130

Mr. PALLONE. Mr. Speaker, I thank the chairwoman of the Committee on

Appropriations for all she has done to get us to the point where we are able to pass this continuing resolution today.

In June, House Democrats and Republicans came together to pass, by an overwhelming supermajority, a sweeping package of reforms at the Food and Drug Administration. That bipartisan legislation would strengthen the integrity of the accelerated approval program, foster innovation, improve clinical trial diversity, and reauthorize the agency's medical product user fee programs. Those user fee programs help fund FDA reviews for safety and efficacy of drugs and medical devices.

While the House concluded its work in June, the Senate failed to act. As soon as we passed our legislation through the House, I reached out to Ranking Member RODGERS and the Democratic and Republican leaders of the Senate HELP Committee to begin bipartisan, bicameral conversations to come to an agreement on a package of mutually agreeable FDA reforms.

After weeks of negotiations, our talks hit a temporary roadblock with Senator BURR, the Republican ranking member of the Senate HELP Committee, but we stayed at the table, and eventually, the negotiations were fruitful. We were able to come together to find common ground across several meaningful policy areas.

Unfortunately, despite this progress, Senate Minority Leader MCCONNELL decided to stand in the way of enacting bipartisan policies to improve public health. Senator MCCONNELL threatened to hold up government funding if our FDA reforms were included in the continuing resolution we are debating today.

While I am pleased that we are reauthorizing user fees, which will prevent layoffs at the agency and allow the FDA to continue its mission, I will continue pushing for the widely supported improvements at the agency.

I have secured commitments from Senators MURRAY and BURR, as well as Ranking Member RODGERS, to continue working to finalize a package of FDA reforms before the continuing resolution expires in December, and I look forward to taking meaningful action in the near future. For now, I encourage Members to support continuing the work at the FDA by voting in favor of the continuing resolution.

Ms. GRANGER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Speaker, the preamble to the Constitution states that its purpose is, in part, to "secure the blessings of liberty to ourselves and our posterity." Are we doing that today?

This legislation represents Congress at its worst. We are voting to let government funding expire on December 16, just days after dozens of Democrats are fired by the voters on November 8. But before this Congress adjourns and new courageous conservatives are sworn in, Congress wants to stick it to the American people one more time.

The funding for 2023 and beyond should reflect the will of the people and how they vote on November 8 when they reject the policies under which they are suffering today.

No Republican in the Senate should have, and no Republican in this House, and even those on the other side, should give one more cent to a government that doesn't care about our border but wants to send \$12 billion more to secure the border of Ukraine.

We should not fund a government that is allowing an invasion across our southern border and is giving hundreds of millions of dollars to the countries that are facilitating that just south of our border.

We should be cutting our spending and not increasing inflation by more massive spending, as reflected in this package today.

We should support American energy production, not subsidize unreliable energy and Biden's gas price hike.

We should not be funding the hiring of 87,000 new IRS agents to go after regular, hardworking Americans.

We should end the vaccine mandate and the COVID China virus emergency and not fund an administration that wants to fire healthcare workers because they don't get a vaccine.

All Republicans should oppose this CR, not give one more vote for one more cent for this tyrannical government that is hurting all Americans.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I rise today in support of this continuing resolution.

In addition to averting a disastrous government shutdown, this legislation provides critical funding to continue our support for Ukraine, resettle Afghan refugees, support communities impacted by natural disasters, and help low-income families heat their homes this winter.

However, we still have work to do as this package lacks funding to support our public health response to COVID-19 and monkeypox, also known as MPV.

Our public health workforce is depleted and exhausted from battling the COVID-19 pandemic over the last 2 years. They cannot stop the spread of these outbreaks without additional Federal support.

Both viruses disproportionately impact low-income communities and communities of color. Congressional inaction will deepen these disparities.

Mr. Speaker, I urge my colleagues to vote today to avert a government shutdown and then join us in working on long-term funding bills that address these public health crises and the other priorities of the American people.

I want to end by thanking the extraordinary chairwoman of the Committee on Appropriations, ROSA DELAURO, for her leadership in negotiating today's legislation and thanking her for all she has done.

Ms. GRANGER. Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman for her leadership.

I am very glad to say that there is something that responsibility calls you to do: save lives. This CR indicates that we will not shut the government down in the face of disasters around the world. We will not freeze out low-income families by not providing them with the home energy assistance program. And, yes, we will ensure that agencies like housing and health and public safety, to reduce the crime across America, to respond to the needs of our police officers and victims of crime, will not shut down.

But, yes, we will also recognize that we are good neighbors. In Pakistan, 33 million people have been displaced because of catastrophic floods of Biblical proportions. Mothers are about to deliver babies, 70,000 of them, and we can help them as USAID goes and does its work internationally.

I am glad that we are putting a stop sign on closing the government down. I wish our friends on the other side would join us.

Finally, I want us to give more money to the hostage section of the Department of State because people like Brittney Griner are in cages in Russia, and we have to get our hostages out. Americans are looking for America to stand by their side.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. DELAURO. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I thank the chairwoman very much and again applaud her persistence in helping the American people.

As I finish, on the issue of Brittney Griner, introducing this to many of our colleagues that don't know, she is a hostage in Putin's Russia. Playing basketball there was her only crime, if you will. There she is, in a cage in Russia, a hostage since February.

We have a department that works on this issue inside the Department of State. I want to implore them and make sure they have the resources for the many Americans who are innocently held by countries around the world. It is a tragedy and a shame that we have a circumstance where Americans cannot travel. I am grateful for that support.

I am also grateful to acknowledge, if you will, the Disaster Relief Fund for our domestic crises. As I said earlier, a man was interviewed in Florida and said: I have lost everything, my house and everything in it.

There are a million people with no access to power, so this is a crucial and important CR. Puerto Rico is in need. It is a crucial and important CR. We always stand to hand out to our friends around the Nation and around the world. That is the United States of

America. That is why we are passing the CR.

Mr. Speaker, I rise in support of the Senate amendment to H.R. 6833: the Continuing Resolution to fund the federal government through December 16, 2022.

I commend our colleagues in the Senate and the House for crafting this bipartisan, bicameral agreement that keeps the federal government fully operational without any interruption.

The agreement that led to this Continuing Resolution reflects our commitment to the policies on which Americans rely.

It reassures the American people that our government will continue to deliver all services while negotiations continue on funding federal agencies, programs, activities, and services for the remainder of Fiscal Year 2023.

Passing this continuing resolution might appear to be a basic ministerial act; but it is actually much more than that and highly consequential.

Throughout my 27 years of service in Congress, I have never lost sight of my principal responsibilities to my constituents and to the American people.

Paramount among them are two priorities: to do everything we can to keep our country and our people safe, and to provide the vitally necessary services and activities that preserve and enhance quality-of-life standards for all Americans.

Keeping our country safe includes protecting Americans from:

- domestic terrorism and violent extremism,
- public health pandemics,
- aggression from adversarial countries and non-country actors,
- environmental hazards to our air and water,
- food and drug contamination,
- racially based hate crimes, and
- gun violence, which we advanced this summer by enacting the Bipartisan Safer Communities Act.

Maintaining vital services includes providing:

- health care and public health programs,
- food stamps and SNAP funding,
- clean air and water standards,
- weather forecasting to enable resilience against natural disasters and FEMA funding to help rebuild lives and communities after they strike,

- child nutrition and immunizations,
- education programs and funding,
- economic and business support programs that help create jobs and entrepreneurial opportunities,
- workplace safety protections and safeguards for employee rights,
- prosecution of crimes and protections of civil rights,

- housing assistance and homelessness prevention assistance,
- broadband and other communication services,

- medical research and healthcare innovation,
- American leadership in the world community, and

myriad other services and programs that are synonymous with service to all Americans, especially those who are most in need of a helping hand to uplift themselves and thrive.

Both of these goals—keeping Americans safe and providing vital services—require that the federal government and all of its programs remain fully operational at all times without any interruption, especially a disruption due to political discord.

It is incumbent upon Congress to pass appropriations bills that enable the federal government to fulfill its diverse mandates.

With 535 members of the House and Senate, is essential that we negotiate, compromise, and reach agreements to ensure that the government will deliver for the American people on all activities that we are entrusted to perform.

Failure is not an option because the consequences on peoples' lives and livelihoods would be far too great to bear.

Failure would debilitate our economy, eliminate jobs, and devastate family finances.

Failure would mean that:

the health of Americans would suffer,  
more people would become homeless,  
production of food would be limited and its safety put at risk,

public safety would be impaired,  
rebuilding from natural disasters would grind to a halt,

veterans and Social Security recipients would not receive their checks, and

the global stature of the United States would be diminished, among many other unacceptable outcomes.

These are just some of the reasons why I support passage of this Continuing Resolution. It is imperative that we keep the federal government open and fully functional over the next few months as we continue to craft appropriations legislation that will fuel the federal government for the remainder of this fiscal year.

During this time, we will be able to craft language to improve government operations, address urgent needs, and accelerate forward-looking initiatives that will strengthen our country, ensure equity, and enhance opportunity for all Americans.

Yet, some needs are already well recognized. That is why I am particularly pleased that this bill not only continues funding for government programs and services at their current rate, but also includes funding for critically necessary activities, and extends programs that would have expired.

Some of the many provisions in the bill that would achieve these aims and which I fully support are the:

\$1 billion in aid to Jackson Mississippi to help them resolve their water crisis,

\$1 billion in Low Income Home Energy Assistance Program support to help low income families afford heat during the upcoming cold weather months,

funding for victims of natural disasters that is needed to help them restore their homes and rebuild their lives,

maintenance of social security customer service systems,

\$2 billion for the Community Development Block Grant Disaster Recovery program, extension of child and family services programs,

extension of veterans' health care and housing supports,

fortification of cybersecurity by funding the newly created Office of the National Cyber Director,

enhancement of the Judiciary's court security program,

extension of the national flood insurance program,

funding of the FDA to continue its activities, and

\$12.35 billion in aid to Ukraine that will enable them to combat Russia's hegemony.

Mr. Speaker, this continuing resolution is crucial for the sustenance and resilience of the American people.

I urge all my colleagues to support the Continuing Resolution so that we can keep the government operating while we negotiate a comprehensive bill to maintain programs, services, and activities through the remainder of this fiscal year.

Ms. GRANGER. Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, there are many good things about this CR. One of the best is that it won't shut down the government.

It is shocking to me that our Republican colleagues seem to want to shut down the government, with all of these services and necessary things it does for the people of the United States.

This CR does many good things. I want to focus on one of them, the 87,000 extra new agents to be hired for enforcement by the Internal Revenue Service. That is an excellent thing because what will they do? They will go after the rich people.

By the terms of the statute, by the terms of the CR, they cannot be used for enforcement of taxes against anybody earning less than \$400,000, so we are not talking about the middle class.

The rich people in this country are cheating. They are cheating tremendously. They are cheating to the tune of tens of billions of dollars because they know they can get away with it and because there is no manpower or womanpower to enforce the law. This will give us the manpower to enforce the law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. DELAURO. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. NADLER. Mr. Speaker, this will give us the manpower to enforce the law and to make sure that the rich pay their fair share, and, therefore, there can be more services for the middle class and for low-income people in this country, which is exactly what the government is for.

This is one of the best things it does. Mr. Speaker, I urge everyone to vote for the CR, in particular, because of the 87,000 extra agents that the Internal Revenue Service will have to enforce taxes against rich tax cheats.

Ms. GRANGER. Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

We need this bill. We need this bill to continue negotiating final 2023 funding bills.

With the bill before us, what is in this bill, and why is it so onerous to some?

We provide relief to working families, our schools, our children, small businesses, and communities across this Nation.

We support the people of Ukraine. We support them in what is the fight for

their lives, for their democracy, and for world democracy against Russian aggression.

We protect communities everywhere in need of safe water. We help to rebuild them from crushing natural disasters.

This bill will make a very real difference in the lives of Americans everywhere, and I am proud to support it.

Mr. Speaker, I urge all of my colleagues to join me in supporting these bills, and I reserve the balance of my time.

Ms. GRANGER. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, as I said before, we all know we must pass the CR to keep the government open. But this bill is a wasted opportunity.

Mr. Speaker, I urge my colleagues to vote against this bill, and I yield back the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, first I want to thank Chair DELAURO for her diligent work to bring this CR to the floor in order to fund the essential services of the federal government at a time when our Nation needs stable governance.

As Chair of the House Energy and Water Appropriations Subcommittee, I am pleased that this bill provides \$20 million in emergency funding to the Corps of Engineers for previously authorized water and wastewater infrastructure improvements, which can be used in Jackson, Mississippi.

I also appreciate the inclusion of \$1 billion for the Low-Income Home Energy Assistance Program to help address pressure on low-income households' pocketbooks due to inflation caused by pandemic-related supply chain backups and global energy disruption due to Russia's war on Ukraine.

As Co-Chair of the bipartisan Congressional Ukraine Caucus, I am grateful for the inclusion of a new U.S. funding package that will deliver urgently-needed weapons, equipment, aid, and support to America's friend and ally Ukraine in her valiant battle for Liberty against Putin's tyranny.

We have more work ahead of us to pass the full slate of appropriations bills—including our Energy and Water bill to invest in American progress, American jobs, American families, and the future of American communities.

Today, we take a responsible step forward to keep the government open—and we continue our work to deliver for the American people.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1404, the previous question is ordered.

The question is on the motion by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. GRANGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1145

## FAIRNESS FOR 9/11 FAMILIES ACT

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 1404, I call up the bill (H.R. 8987) to amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1404, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-68 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

*H.R. 8987*

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

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Fairness for 9/11 Families Act”.*

## SEC. 2. APPROPRIATIONS.

(a) *IN GENERAL.*—Section 404(d)(4)(C) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(d)(4)(C)) is amended by adding at the end the following:

“(iv) *AUTHORIZATION.*—

“(I) *IN GENERAL.*—The Special Master shall authorize lump sum catch-up payments in amounts equal to the amounts described in subclauses (I), (II), and (III) of clause (iii).

“(II) *APPROPRIATIONS.*—

“(aa) *IN GENERAL.*—There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to carry out this clause, to remain available until expended.

“(bb) *LIMITATION.*—Amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.”.

(b) *RESCISSION.*—Of the unobligated balances of amounts made available under the heading “Small Business Administration—Business Loans Program Account, CARES Act”, for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), \$2,982,000,000 are hereby rescinded.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

The gentleman from New York (Mr. NADLER) and the gentleman from Ohio (Mr. JORDAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

## GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 8987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Fairness for 9/11 Families Act would provide a catch-up payment to thousands of 9/11 victims, spouses, and dependents who were unfairly excluded from the U.S. Victims of State Sponsored Terrorism Fund when it was first established in 2015.

While no amount of money can ever make up for the incalculable loss that they suffered on September 11, this legislation would ensure that they are fairly compensated for their claims against those responsible for one of our Nation's darkest days.

In 2015, Congress created the United States Victims of State Sponsored Terrorism Fund to provide compensation for individuals with terrorism judgments against designated state sponsors of terrorism.

At the time, those who had received payments from the September 11th Victim Compensation Fund—primarily victims, spouses, and children—were precluded from receiving funds from the VSSTF.

Their exclusion from the fund led to a perverse result by which other family members who were not eligible for payments under the VCF could receive compensation from the VSSTF—in some cases, substantially more than what was paid out under the VCF—while victims, spouses, and children were excluded from the fund, despite also having claims.

Congress corrected this injustice in 2019, and a year later it tasked the Government Accountability Office with calculating a lump-sum catch-up payment that would bring those who initially had been wrongly excluded from the VSSTF into parity with those individuals who had been included in the fund when it was first created.

The Fairness for 9/11 Families Act fully funds these catch-up payments, offset by funds no longer needed to implement the Paycheck Protection Program. I thank Senators MENENDEZ and SCHUMER for their partnership on this legislation and for all of their efforts to provide justice and support to 9/11 families over the years.

I also thank the many victims and family members whose advocacy and determination were essential to bringing this legislation forward. Although nothing can make up for 20 years of missed birthdays, anniversaries, and memories for those who lost loved ones on September 11, I hope that these funds can provide some measure of comfort and justice to the people whose lives were changed forever that day.

As we pass this legislation, we must not forget the survivors and first responders who continue to suffer the health effects of the 9/11 attacks. As I always have, I will continue to fight to ensure that these people have the care they need. We can, and we must, look after everyone who was affected that fateful day.

Mr. Speaker, I urge all Members to support the Fairness for 9/11 Families Act, and I reserve the balance of my time.

Mr. JORDAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the families of the 9/11 victims have our deepest sympathies. They have spent the last 20 years seeking justice through a maze of red tape.

Due to errors made with how funds to compensate victims were structured, a disparity emerged between the compensation received by differently situated 9/11 families. This legislation would help remedy that inequity.

Behind the scenes, we have been working to solve this problem for years. Unfortunately, the Democrats have not been particularly interested. During the last few years of trying to resolve this matter, the Judiciary Committee has not held a single hearing or markup to evaluate the problems with victims funds or how to best address the problem.

In fact, according to a GAO study required by Congress, the shortfall owed to 9/11 families amounts to \$2.7 billion. The proposal before us takes from COVID relief money that Congress appropriated for small businesses to make 9/11 families whole.

There are potential solutions to this problem that we should have put forward earlier. Unfortunately, because Chairman NADLER has declined to allow the Judiciary Committee to consider these other possibilities, we are left with just the bill before us today.

I do think it is important to recognize that we are here today thanks to the hard work of the gentlewoman from New York (Ms. MALLIOTAKIS) and the gentleman from New Jersey (Mr. SMITH). I know Congresswoman MALLIOTAKIS and Congressman SMITH have been working tirelessly on this during this entire Congress. It would have been nice to have their bill before our committee for some debate. We never would have gotten to a place of finding a solution for these victims without their tireless efforts.

Mr. Speaker, I urge a “yes” vote and reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for work that is long overdue, and the Senators in the other body, as well.

I lived through 9/11, as many of us who have served in this Congress did. I lived through the terror, the horror, the horrific scenes that were unspeakable and unbelievable. I lived through them with the same sense of this could not be America.

I was in this building as the planes hit the Pentagon. We did not get the direct information about the World Trade Center, but as we were screamed at to get out and flee, as we ran without knowledge, I could see the billowing smoke, as the plane had already hit the Pentagon.

Never in our lives since World War II and Pearl Harbor had I seen or heard about, if you will, such atrocities and