

## **Manager's Amendment**

**Sponsor:** Manchin

**Language:** In the bill, insert on page 72, after line 22:

“Sec. 502. None of the funds provided may be used to promulgate, implement, administer, or enforce any regulation issued by the U.S. Consumer Product Safety Commission to ban gas stoves as a class of products.”

**Sponsor:** Van Hollen

**Language:** In the bill, insert on page 174, after line 22,

“Sec. \_\_\_\_ . Of the unobligated balances for major repairs and alterations under the heading “General Services Administration – Real Property Activities – Federal Buildings Fund” from amounts made available in division C of the Consolidated Appropriations Act, 2020 (Public Law 116–93), \$10,000,000 are hereby rescinded.”

On page 10, line 23, delete “\$324,000,000” and insert “334,000,000.

On page 11, line 1, delete “\$186,000,000” and insert “\$191,000,000.

On page 13, line 11, delete “\$35,000,000” and insert “\$40,000,000.

**Sponsor:** Manchin

**Language:** In the report, insert on page 10 after the paragraph titled “Treasury Forfeiture Fund”:

*“Hydrogen Tax Credit.—* The Committee is concerned that the Department of the Treasury is considering imposing additional limitations or restrictions that are not authorized by section 45V of the Internal Revenue Code in order to qualify for the clean hydrogen production tax credit.”

**Sponsor:** Hyde-Smith

**Language:** In the report, insert on page 34, in the first paragraph, after the paragraph entitled, “*Skill-Based Hiring for Federal Contractors*”,

*Clarification of BABAA Treatment of Aggregates.*—The Committee notes that Congress included carefully crafted Build America, Buy America Act (BABAA) provisions in the Infrastructure Investment and Jobs Act (IIJA), P.L. No. 117-58, including Section 70917(c), and that the Office of Management and Budget (OMB) is developing guidance on implementing these provisions. The Committee further notes some stakeholders have expressed concern that OMB requested public comment related to materials excluded from the BABAA construction materials requirements (under Section 70917(c)), and whether, when combined with other raw materials, they could be defined as a manufactured product which would require the cost of components to meet the 55 percent domestic content standard. The Committee notes that certain Section 70917(c) materials (such as stone, sand and gravel) may be used to produce a manufactured product such as the case with precast concrete. These section 70917(c) materials should not be considered manufactured products when used at or combined proximate to the jobsite and intended to form a permanent feature of the infrastructure. The Committee notes the stakeholder input on this matter, and expects OMB will thoroughly review and consider all comments received prior to issuing final standards related to Section 70917(c) materials. Further, the Committee encourages OMB to comply with Section 70917(c) of the IIJA in a manner that is consistent with congressional intent.

**Sponsor:** Moran

**Language:** In the report, insert on page 34, in the first paragraph, after the paragraph entitled, “*Skill-Based Hiring for Federal Contractors*”,

*Digital Infrastructure Service Center (DISC).*—The Committee notes the 2022 Information Technology (IT) Operating Plan developed by the Federal Chief Information Officer (FCIO), OMB, and GSA outlines four key priorities: cybersecurity, IT modernization, digital-first customer experience, and data as a strategic asset. As the Federal government develops new models to carry out IT transformation, strategically align investments, and modernize government, agencies should consider utilizing existing expertise. For example, the USDA’s DISC is a federally owned, 24/7, data center and cloud services provider that offers federal agencies with enterprise class infrastructure. Agencies should consider interagency collaboration in implementing these goals.

**Sponsor:** Rubio

**Language:** In the report, insert on page 34, in the first paragraph, after the paragraph entitled, “*Skill-Based Hiring for Federal Contractors*”,

*Accountability in Federal Acquisitions and Contracting.*—The Committee recognizes the need to obtain information on federal contractors who work on sensitive issues with the U.S. government while also conducting business with foreign adversaries and their affiliates. The GAO shall submit to Congress a report on the extent to which Federal contractors, their first-tier subcontractors, or any related entity, have contracts or other relevant commercial ties with covered entities. The term “covered entity” means the Government of the People’s Republic of China (PRC); the Chinese Communist Party (CCP); the Chinese military; and any entity owned, directed, controlled, financed, or influenced directly or indirectly by the Government of the PRC, the CCP, or the Chinese military. “Covered entity” also includes any entity for which the Government of the PRC, the CCP, or the Chinese military has the ability, through ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide for an entity an important matter; any parent, subsidiary, or affiliate of an entity that makes up the definition of “covered entity”; and any entity substantively involved in PRC economic and industrial policies or military-civil fusion, including by accepting funding, performing services, or receiving subsidies, or with responsibilities for overseeing economic development projects, including Made in China 2025 and the Belt and Road Initiative.

**Sponsor:** Manchin

**Language:** In the report, insert on page 58, after "...National Academy of Sciences.":

"Section 502 is a new provision preventing CPSC from promulgating, implementing, administering, or enforcing any CPSC regulation to ban gas stoves as a class of products."



**Sponsor:** Van Hollen

**Language:** In the report, insert on page 77, under Technology Modernization Fund, after the first paragraph,

The Committee supports the goals of the TMF, but believes the Fund should require full reimbursement over time from funded agencies as envisioned in the Modernizing Government Technology Act of 2017 (MGT) Act so that the fund can be self-sustaining. GSA is directed to report to the Committee no later than 60 days after enactment of this act on the reimbursement level required for each investment that has been funded to date.

**Sponsor:** Hoeven

**Language:** In the report, insert on page 82, after the paragraph about National Personnel Records Center,

*Museums and Libraries.*—The Committee encourages NARA to work with the Institute of Museum and Library Services for the purposes of enhancing presidential museums and libraries for presidents that served before the enactment of the Presidential Libraries Act of 1955.

**Sponsor:** Murkowski

Language: In the report, insert on page 82, in the first paragraph, after "...meaningful access to those records.",

"The Committee expects that all Sand Point records are not only digitized, but that the digitized records are fully described, indexed, and posted online in an easily accessible and searchable format, both in the NARA Catalog and on the Alaska Digitization Project website, including those previously digitized by Family Search."

**Sponsor:** Hyde-Smith

**Language:** In the report, insert on page 88, in the first paragraph, after the paragraph entitled, “In-Person Work”,

*Personnel Flexibilities for Veterinarians.*—The Committee notes that the struggle to recruit and retain veterinarians at the US Department of Agriculture’s (USDA) Food Safety and Inspection Service (FSIS) and Animal and Plant Health Inspection Service (APHIS) is a grave food security, public health, and national security concern. The Committee directs OPM to work with USDA to analyze options for hiring and personnel flexibilities for federal veterinarians, including the potential use for special pay rates, and encourages the agencies to work together, and with other agencies as appropriate, to improve the recruitment and retention of federal veterinarians.

**Sponsor:** Manchin

**Language:** In the report, insert on page 88, after the paragraph titled “*USA Hire Platform*”,

*FBI Police Cost Estimate.*—The Committee recognizes the difficulty of designating the members of the FBI police as law enforcement officers, but is appreciative of the work of the Bureau in recent years to find a solution to this issue. OPM is directed to coordinate with the Director of the FBI to develop cost estimates associated with making the rates of pay, salary schedule, pay provisions and other retirement benefits to members of the FBI Police, equivalent to the rates of basic pay, salary schedule, pay provisions, and other retirement benefits applicable to other federal law enforcement divisions that perform similar duties and have similar scope of work as the FBI Police.

**Sponsor:** Rubio

**Language:** In the report, on page 94, in the first paragraph, after the paragraph entitled, “Recent Rulemakings and the People’s Republic of China” insert,

*“Critical Supply Chains.—The Committee encourages the Commission to include factors related to domestic capital investment, the job quality of nonsupervisory workers in the United States, and the re-shoring to the United States of critical supply chains in any current or future rules regarding increased disclosure.”*

**Sponsor:** Rubio

**Language:** In the report, on page 94, in the first paragraph, after the paragraph entitled, “Recent Rulemakings and the People’s Republic of China” insert:

“*PRC Auditor Independence.*—The Committee is concerned about Beijing’s direction for state-owned firms to drop more independent, “big four” auditors, as well as the reported blocking of economic databases required to access financial data about Chinese and Hong Kong-based companies.”

**Sponsor:** Rubio

**Language:** In the report, insert on page 97, after the paragraph titled “*Native Hawaiian Organizations*”,

*Eligibility for SBA Assistance.*—SBA provides capital and assistance to American small businesses using taxpayer funds. Under SBA’s authorizing statute, only businesses principally located and domiciled in the United States are eligible for SBA assistance. Section 2(i) of the Small Business Act specifically prohibits the use of funds for individuals not lawfully in the US. Small businesses must have majority ownership by American citizens or legal permanent residents. Agency regulations at 13 CFR 120.100 set forth the primary eligibility requirements for all small business applicants. No later than 270 days after enactment of this act, GAO is directed to provide a report to the Committee on the number of small businesses that receive aid, counsel, or assistance from the Small Business Administration and are: (1) organized under the laws of, headquartered in, or have their principal place of business, in the People’s Republic of China; (2) have more than 25 percent voting stock owned by affiliates that are citizens of the People’s Republic of China; (3) owned, directed, controlled, financed, or influenced directly or indirectly by an entity that is organized under the laws of, headquartered in, or have their principal place of business, in the People’s Republic of China; or (4) owned, directed, controlled, financed, or influenced directly or indirectly by the Government of the People’s Republic of China, the Chinese Communist Party (CCP), or the Chinese military, including any entity for which the Government of the People’s Republic of China, the CCP, or the Chinese military has the ability, through ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide for an entity an important matter; and (5) an entity substantively involved in People’s Republic of China economic and industrial policies or military-civil fusion, including by accepting funding, performing services, or receiving subsidies, or with responsibilities for overseeing economic development projects, including Made in China 2025 and the Belt and Road Initiative.



**Sponsor:** Reed, Shaheen

**Language:** In the report, insert on page 97, in the paragraph entitled “District Office Staffing Levels,” after “...source of advice for small businesses.”,

SBA is encouraged to ensure each state has no fewer than seven full-time equivalent staffers across its district offices, and shall speedily fill vacant positions below that level.

And strike: “No later than 90 days after enactment of this act, SBA is directed to provide a report to the Committee on the staffing and budget level for each district office during the previous fiscal year and shall brief the Committee on the report.”

**Sponsor:** Van Hollen

**Language:** In the report, on page 110, replace:

“*Six-Day Delivery*.—The Committee includes provisions in the bill to ensure that mail for overseas voting and mail for the blind shall continue to be free; that 6-day delivery and rural delivery of mail shall continue without reduction; and that none of the funds provided be used to consolidate or close small rural and other small post offices in fiscal year 2024.”

with

“*Rural Post Offices*.—The Committee includes provisions in the bill to ensure that mail for overseas voting and mail for the blind shall continue to be free; and that none of the funds provided be used to consolidate or close small rural and other small post offices in fiscal year 2024.”