

HR 2617

Consolidated Appropriations Act, 2023

Congress: 117 (2021–2023, Ended)

Chamber: House

Policy Area: Economics and Public Finance

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Sponsor

Name: Rep. Connolly, Gerald E. [D-VA-11]

Party: Democratic • State: VA • Chamber: House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Hice, Jody B. [R-GA-10]	R · GA		Apr 16, 2021
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Apr 19, 2021

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Sep 27, 2022
Oversight and Government Reform Committee	House	Markup By	May 25, 2021

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

## Related Bills

Bill	Relationship	Last Action
117 HR 5522	Related bill	<b>Dec 30, 2022:</b> Placed on the Union Calendar, Calendar No. 495.
117 SCONRES 51	Related bill	<b>Dec 23, 2022:</b> Pursuant to the provisions of H. Res. 1531, S. Con. Res. 51 is considered passed House. (text: CR H10074-10075)
117 S 5355	Related bill	<b>Dec 22, 2022:</b> Under the order of 12/22/22, not having achieved 60 votes in the affirmative, failed of passage in Senate by Yea-Nay Vote. 22 - 73. Record Vote Number: 407.
117 HR 9618	Related bill	<b>Dec 20, 2022:</b> Referred to the House Committee on Natural Resources.
117 HR 9619	Related bill	<b>Dec 20, 2022:</b> Referred to the House Committee on Natural Resources.
117 S 5325	Related bill	<b>Dec 20, 2022:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
117 HCONRES 124	Related bill	<b>Dec 15, 2022:</b> Received in the Senate.
117 S 5266	Related bill	<b>Dec 15, 2022:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Sponsor introductory remarks on measure: CR S7253-7254)
117 S 5285	Identical bill	<b>Dec 15, 2022:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
117 HRES 1518	Procedurally related	<b>Dec 14, 2022:</b> Motion to reconsider laid on the table Agreed to without objection.
117 S 4759	Related bill	<b>Aug 3, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4720	Related bill	<b>Aug 2, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4659	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4660	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4661	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4662	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4663	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4664	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4670	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4678	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4685	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 S 4686	Related bill	<b>Jul 28, 2022:</b> Read twice and referred to the Committee on Appropriations.
117 HR 8294	Related bill	<b>Jul 26, 2022:</b> Received in the Senate and Read twice and referred to the Committee on Appropriations.
117 HR 8295	Related bill	<b>Jul 5, 2022:</b> Placed on the Union Calendar, Calendar No. 311.
117 HR 8257	Related bill	<b>Jul 1, 2022:</b> Placed on the Union Calendar, Calendar No. 304.
117 HR 8262	Related bill	<b>Jul 1, 2022:</b> Placed on the Union Calendar, Calendar No. 308.
117 HR 8282	Related bill	<b>Jul 1, 2022:</b> Placed on the Union Calendar, Calendar No. 309.
117 HR 8255	Related bill	<b>Jun 30, 2022:</b> Placed on the Union Calendar, Calendar No. 302.
117 HR 8256	Related bill	<b>Jun 30, 2022:</b> Placed on the Union Calendar, Calendar No. 303.
117 HR 8254	Related bill	<b>Jun 28, 2022:</b> Placed on the Union Calendar, Calendar No. 301.
117 HR 8238	Related bill	<b>Jun 27, 2022:</b> Placed on the Union Calendar, Calendar No. 299.
117 HR 8239	Related bill	<b>Jun 27, 2022:</b> Placed on the Union Calendar, Calendar No. 300.
117 HR 8236	Related bill	<b>Jun 24, 2022:</b> Placed on the Union Calendar, Calendar No. 296.
117 HR 8237	Related bill	<b>Jun 24, 2022:</b> Placed on the Union Calendar, Calendar No. 297.
117 S 4431	Related bill	<b>Jun 21, 2022:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 425.

Bill	Relationship	Last Action
<a href="#">117 S 1486</a>	Related bill	<b>Sep 30, 2021:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 141.
<a href="#">117 HR 3405</a>	Related bill	<b>Aug 2, 2021:</b> Referred to the Subcommittee on Health.
<a href="#">117 HR 1065</a>	Related bill	<b>May 17, 2021:</b> Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

## Consolidated Appropriations Act, 2023

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

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

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

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

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

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

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

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

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

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

## TITLE I--AGRICULTURAL PROGRAMS

This title provides appropriations for the following agricultural programs and services

- the Office of the Secretary;
- Executive Operations;
- the Office of the Chief Information Officer;
- the Office of the Chief Financial Officer;
- the Office of the Assistant Secretary for Civil Rights;
- the Office of Civil Rights;
- Agriculture Buildings and Facilities;
- Hazardous Materials Management;
- the Office of Safety, Security, and Protection;
- the Office of Inspector General;
- the Office of the General Counsel;

the Office of Ethics;

- the Office of the Under Secretary for Research, Education, and Economics;
- the Economic Research Service;
- the National Agricultural Statistics Service;
- the Agricultural Research Service;
- the National Institute of Food and Agriculture;
- the Office of the Under Secretary for Marketing and Regulatory Programs;
- the Animal and Plant Health Inspection Service;
- the Agricultural Marketing Service;
- the Office of the Under Secretary for Food Safety; and
- the Food Safety and Inspection Service.

## TITLE II--FARM PRODUCTION AND CONSERVATION PROGRAMS

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

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

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

## TITLE III--RURAL DEVELOPMENT PROGRAMS

This title provides appropriations for rural development programs, including

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

## TITLE IV--DOMESTIC FOOD PROGRAMS

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

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

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

## TITLE V--FOREIGN ASSISTANCE AND RELATED PROGRAMS

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

It also provides appropriations to the Foreign Agricultural Service for

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

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

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

## TITLE VII--GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Sec. 726) This section prohibits funds provided by this division from being used for the variety requirements of the final USDA rule titled *Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)* until USDA amends the definition of *variety* to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule.

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

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

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

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

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

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



audited

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

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

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

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

(Sec. 734) This section prohibits funds provided for the rural water, waste water, waste disposal, and solid waste management programs authorized by the Consolidated Farm and Rural Development Act from being used for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States. The section also (1) specifies exceptions and waiver procedures, and (2) allows USDA to retain specified funds for management and oversight of the requirements of this section.

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

(Sec. 736) This section requires at least 10% of the funds provided by this division for direct loans and grants under specified programs to be allocated for assistance in persistent poverty counties. A *persistent poverty county* is a county that has had at least 20% of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007-2011 American Community Survey 5-year average, or any U.S. territory or possession.

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

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

(Sec. 739) This section provides appropriations to the National Institute of Food and Agriculture for a pilot program to

provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

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

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

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

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

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

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

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

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

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

(Sec. 749) This section specifies that funds made available under Title II of the Food for Peace Act may only be used to provide assistance to recipient nations if adequate monitoring and controls are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

(Sec. 750) This section requires certain Agricultural Research Service facilities to be inspected by the Animal and Plant

Health Inspection Service for compliance with the Animal Welfare Act and its regulations and standards.

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

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

(Sec. 753) This section provides appropriations for USDA to carry out a pilot program that assists rural hospitals to improve long-term operations and financial health by providing technical assistance through analysis of current hospital management practices.

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

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

(Sec. 756) This section prohibits funds from being used to implement any activities related to the permitting of non-recording of observed violations of the Animal Welfare Act or its regulations on official inspection reports.

(Sec. 757) This section provides appropriations for cotton classing activities, including facility and equipment upgrades.

(Sec. 758) This section prohibits USDA funds from being used to move any staff office or any agency from the mission area in which it was located on August 1, 2018, to any other mission area or office within USDA unless specific legislation affirming the move is enacted.

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

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

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

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

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

(Sec. 764) This section provides appropriations for the Wetland Mitigation Banking Program, which provides grants to

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

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

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

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

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

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

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

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

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

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

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

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

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

marketing characteristics to USDA's Agricultural Marketing Service.

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

(Sec. 778) This section requires USDA to consider a city or town to be a rural area for the purposes of eligibility for a guaranteed loan funded through the Rural Community Facilities Program Account if the project to be funded received a prior loan from the account in FY2021.

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

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

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

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

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

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

## TITLE I--DEPARTMENT OF COMMERCE

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

This title provides appropriations to the Department of Commerce for

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

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

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

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

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

The title provides appropriations for Departmental Management for

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

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

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

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

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

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

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

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

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

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

(Sec. 109) This section permits NOAA to work with federal and nonfederal agencies and governments by entering into

agreements; using land, services, equipment, personnel, and facilities provided by the entities; or receiving and expending funds made available on a consensual basis.

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

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

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

## TITLE II--DEPARTMENT OF JUSTICE

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

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

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

In addition, the title provides appropriations for

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

The title provides appropriations for Legal Activities, including

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

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

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

The title provides appropriations to DOJ for

- the National Security Division;
- Interagency Law Enforcement;

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

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

The title provides appropriations to the Office of Justice Programs for

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

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

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

(Sec. 202) This section prohibits funds provided by this title from being used to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest.

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

(Sec. 204) This section specifies that (1) Section 203 of this title does not remove the obligation of the Bureau of Prisons to provide escort services to an inmate receiving an abortion outside of a federal facility, and (2) nothing in this section diminishes the effect of Section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

(Sec. 205) This section sets forth authorities and restrictions for transferring and reprogramming DOJ funds provided by this division.

(Sec. 206) This section prohibits the FBI or the Marshals Service from using funds provided by this title to transport prisoners classified as maximum or high security, other than to a facility certified by the Bureau of Prisons as appropriately secure.

(Sec. 207) This section prohibits federal prisons from using funds provided by this division to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes. Exceptions are included for inmate training, religious, or educational programs.

(Sec. 208) This section prohibits funds provided by this title from being used for a new or enhanced information technology program with estimated development costs exceeding \$100 million unless the Deputy Attorney General and the Department Investment Review Board certify to Congress that the program (1) has appropriate program management controls and contractor oversight mechanisms in place, and (2) is compatible with DOJ enterprise architecture.

(Sec. 209) This section requires DOJ to follow reprogramming procedures for (1) any deviation from the amounts



designated for specific activities in this division or the explanatory statement, and (2) for any use of deobligated balances of funds provided by this title in previous years.

(Sec. 210) This section prohibits funds provided by this division from being used for a public-private competition for work performed by employees of the Bureau of Prisons or Federal Prison Industries, Incorporated.

(Sec. 211) This section prohibits U.S. Attorneys from being assigned dual or additional responsibilities that exempt them from statutory residency requirements.

(Sec. 212) This section permits specified grant and reimbursement program funds made available to the Office of Justice Programs to be used for providing training and technical assistance. It also permits specified funds to be used by the National Institute of Justice and the Bureau of Justice Statistics for research, evaluation, or statistical purposes.

(Sec. 213) This section allows DOJ to waive matching requirements for (1) adult and juvenile offender state and local reentry demonstration projects, and (2) grants authorized under the Prison Rape Elimination Act of 2003 for activities to protect inmates and safeguard communities.

(Sec. 214) This section waives the requirement that DOJ reserve certain funds provided for offender incarceration for payments for incarceration on tribal lands.

(Sec. 215) This section prohibits funds, other than funds for the National Instant Criminal Background Check System established under the Brady Handgun Violence Prevention Act, from being used to transfer an operable firearm to a known or suspected agent of a drug cartel if law enforcement personnel do not continuously monitor or control the firearm.

(Sec. 216) This section establishes limitations and requirements for the obligation of specified funds from the Department of Justice Working Capital Fund and the Assets Forfeiture Fund.

(Sec. 217) This section permits funds provided by this division for the Office of Justice Programs to be used to participate in Performance Partnership Pilots for disconnected youth.

(Sec. 218) This section requires DOJ to submit quarterly reports to Congress on the Crime Victims Fund, the Working Capital Fund, the Three Percent Fund, and the Asset Forfeiture Fund.

(Sec. 219) This section expands the authority for DOJ to pay humanitarian expenses incurred by or for an employee (or a member of the employee's immediate family) as a result of a serious illness, a serious injury, or death that occurred while the employee was on duty.

(Sec. 220) This section prohibits funds provided by this division from being used for live tissue training unless the Attorney General issues a written, non-delegable determination that such training is medically necessary and cannot be replicated by alternatives.

(Sec. 221) This section designates the FBI facilities at Redstone Arsenal, Alabama, as the Richard Shelby Center for Innovation and Advanced Training.

### TITLE III--SCIENCE

*Science Appropriations Act, 2023*

This title provides appropriations to (1) the Office of Science and Technology Policy, and (2) the National Space Council.

The title provides appropriations to the National Aeronautics and Space Administration (NASA) for

- Science;
- Aeronautics;
- Space Technology;
- Exploration;
- Space Operations;
- Science, Technology, Engineering, and Mathematics Engagement;
- Safety, Security, and Mission Services;
- Construction and Environmental Compliance and Restoration; and
- the Office of Inspector General.

The title includes several administrative provisions for NASA that establish requirements and procedures for the availability of funds for an announced prize, the reprogramming and transfer of funds provided by this division, and NASA's spending plan.

The title also includes administration provisions that

- limit the amount of funds made available for the Construction and Environmental Compliance and Restoration account that may be used to fund projects funded under previous years' appropriations;
- permit NASA to combine funds from several specified accounts to jointly fund projects and activities for engaging students in Science, Technology, Engineering, and Mathematics (STEM) and increasing STEM research capacities of universities, including Minority Serving Institutions; and
- expand the allowable uses of the NASA Working Capital Fund (WCF) to include funding information technology modernization activities and allow specified funds to be transferred to the WCF for this purpose.

The title provides appropriations to the National Science Foundation (NSF) for

- Research and Related Activities,
- Major Research Equipment and Facilities Construction,
- STEM Education,
- Agency Operations and Award Management,
- the Office of the National Science Board, and
- the Office of Inspector General.

The title establishes authorities and procedures for reprogramming or transferring funds provided by this division to the NSF.

The title establishes congressional notification requirements regarding any planned divestment through transfer, decommissioning, termination, or deconstruction of any NSF-owned facilities or any NSF capital assets (including land, structures, and equipment) valued greater than \$2.5 million.

The title also establishes the NSF Nonrecurring Expenses Fund. Certain unobligated funds that would otherwise expire may be deposited into the fund and, subject to the approval of OMB, may be used for information and business technology system modernization and facilities infrastructure improvements, including nonrecurring maintenance,

necessary for the operation of the NSF or its funded research facilities.

#### TITLE IV--RELATED AGENCIES

This title provides appropriations for related agencies, including

- the Commission on Civil Rights,
- the Equal Employment Opportunity Commission,
- the U.S. International Trade Commission,
- the Legal Services Corporation,
- the Marine Mammal Commission,
- the Office of the U.S. Trade Representative, and
- the State Justice Institute.

The title also specifies restrictions, terms, and conditions for the use of funds by the Legal Services Corporation.

#### TITLE V--GENERAL PROVISIONS

(Sec. 501) This section prohibits funds provided by this division from being used for publicity or propaganda purposes that are not authorized by Congress.

(Sec. 502) This section prohibits funds provided by this division from remaining available for obligation beyond the current fiscal year, unless this is expressly permitted in the division.

(Sec. 503) This section limits expenditures for consulting services to contracts where the expenditures are a matter of public record and available for public inspection, unless otherwise provided by law or executive order.

(Sec. 504) This section provides that if any provision of this division or the application of the provision is held invalid, the remainder of the division is not affected.

(Sec. 505) This section establishes restrictions and requirements for the reprogramming of funds provided by this division.

(Sec. 506) This section prohibits funds provided by this division from being used to award contracts or subcontracts to a person who has been found to have intentionally affixed a Made in America label to any product that was not made in America. It also requires promotional items purchased using funds provided by this division to be manufactured, produced, or assembled in the United States or its territories or possessions, to the extent it is practicable.

(Sec. 507) This section requires Commerce, DOJ, the NSF, and NASA to provide quarterly reports to Congress regarding the status of balances of appropriations at the account level.

(Sec. 508) This section requires costs incurred by agencies for personnel actions due to funding reductions in this division to be absorbed within the budgetary resources available to the department or agency. It also (1) provides transfer authority between appropriations accounts to carry out this provision, subject to reprogramming procedures; and (2) specifies that this section applies to Commerce actions taken for the care and protection of loan collateral or grant property.

(Sec. 509) This section prohibits funds provided by this division from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products,

except for restrictions which are not applied equally to all products of the same type.

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

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

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

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

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

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

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

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

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

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

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

(Sec. 520) This section prohibits contracts or grant awards above \$5 million unless the prospective contractor or grantee

certifies that the organization has filed all federal tax returns for the last three years, has not been convicted of a criminal offense under the Internal Revenue Code, and has no unpaid federal tax assessment.

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

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

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

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

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

(Sec. 526) This section prohibits NASA, the Office of Science and Technology Policy, or the National Space Council from using funds provided by this division to (1) engage in certain bilateral activities with China or a Chinese-owned company unless the activities have been specifically authorized by a law enacted after the enactment of this act, or (2) host official Chinese visitors at facilities belonging to or utilized by NASA.

The limitations above do not apply if the agency certifies to Congress that the activities (1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and (2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

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

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

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

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

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

(Sec. 532) This section requires Commerce, NASA, NSF, and the Office of Science and Technology Policy to report

quarterly to Congress on official travel of employees to China.

(Sec. 533) This section requires at least 10% of the funds provided by this division for specified programs to be allocated for assistance in persistent poverty counties. A *persistent poverty county* is a county that has had at least 20% of its population living in poverty over the past 30 years, as measured by the 1993 Small Area Income and Poverty Estimates, the 2000 decennial census, and the most recent Small Area Income and Poverty Estimates, or any U.S. territory or possession.

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

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

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

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

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

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

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

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

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

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

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

## *Department of Defense Appropriations Act, 2023*

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

### TITLE I--MILITARY PERSONNEL

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

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

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

### TITLE II--OPERATION AND MAINTENANCE

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

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

It also provides appropriations for

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

### TITLE III--PROCUREMENT

This title provides appropriations for procurement, including for

- Aircraft;
- Missiles;
- Weapons and Tracked Combat Vehicles;
- Ammunition;
- Spacecraft, Rockets, and Related Equipment;
- Shipbuilding and Conversion;

Defense-Wide Procurement;

- Defense Production Act Purchases; and
- National Guard and Reserve Equipment.

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

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

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

It also provides appropriations for Operational Test and Evaluation.

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

This title provides appropriations for the Defense Working Capital Funds.

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

This title provides appropriations for other DOD programs, including

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

#### TITLE VII--RELATED AGENCIES

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

#### TITLE VIII--GENERAL PROVISIONS

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(Sec. 8017) This section prohibits funds provided by this division

## Actions Timeline

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- **Dec 29, 2022:** Signed by President.
- **Dec 29, 2022:** Became Public Law No: 117-328.
- **Dec 28, 2022:** Presented to President.
- **Dec 23, 2022:** Message on Senate action sent to the House.
- **Dec 23, 2022:** Pursuant to the provisions of H. Res. 1531, Ms. DeLauro moved to agree to the Senate amendment to the House amendment to the Senate amendment to H.R. 2617.
- **Dec 23, 2022:** DEBATE - The House proceeded with one hour of debate on the motion to agree to the Senate amendment to the House amendment to the Senate amendment to H.R. 2617.
- **Dec 23, 2022:** The previous question was ordered pursuant to the rule.
- **Dec 23, 2022:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment to the House amendment to the Senate amendment Agreed to by the Yeas and Nays: 225 - 201, 1 Present (Roll no. 549).
- **Dec 23, 2022:** On motion that the House agree to the Senate amendment to the House amendment to the Senate amendment Agreed to by the Yeas and Nays: 225 - 201, 1 Present (Roll no. 549).
- **Dec 23, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 22, 2022:** Considered by Senate (Message from the House considered). (consideration: CR S10062-10077)
- **Dec 22, 2022:** Motion by Senator Schumer to refer to Senate Committee on Appropriations the House message to accompany H.R. 2617 with instructions to report back forthwith with the following amendment (SA 6572) withdrawn in Senate by Unanimous Consent. (CR S10075)
- **Dec 22, 2022:** Resolving differences -- Senate actions: Senate concurred in the House amendment to Senate amendment SA 4 to H.R. 2617 with an amendment (SA 6552), under the order of 12/22/22, having achieved 60 votes in the affirmative, by Yea-Nay Vote. 68 - 29. Record Vote Number: 421.
- **Dec 22, 2022:** Senate concurred in the House amendment to Senate amendment SA 4 to H.R. 2617 with an amendment (SA 6552), under the order of 12/22/22, having achieved 60 votes in the affirmative, by Yea-Nay Vote. 68 - 29. Record Vote Number: 421.
- **Dec 21, 2022:** Considered by Senate (Message from the House considered). (consideration: CR S9719, S9735, S9739-9740, S9759)
- **Dec 21, 2022:** Cloture motion on the motion to concur in the House amendment to Senate amendment SA 4 to H.R. 2617 with an amendment (SA 6552) presented in Senate. (CR S9759)
- **Dec 20, 2022:** Motion to proceed to consideration of the House message to accompany H.R. 2617 agreed to in Senate by Yea-Nay Vote. 70 - 25. Record Vote Number: 403.
- **Dec 20, 2022:** Measure laid before Senate by motion.
- **Dec 20, 2022:** Motion by Senator Schumer to concur in the House amendment to Senate amendment SA 4 to H.R. 2617 with an amendment (SA 6552) made in Senate.
- **Dec 20, 2022:** Motion by Senator Schumer to refer to Senate Committee on Appropriations the House message to accompany H.R. 2617 with instructions to report back forthwith with the following amendment (SA 6572) made in Senate.
- **Dec 15, 2022:** Message on House action received in Senate and at desk: House amendment to Senate amendment 4.
- **Dec 14, 2022:** Resolving differences -- House actions: House agreed to Senate amendments numbered 1, 2, 3, and 5, and the House agreed to Senate amendment numbered 4 with an amendment pursuant to H. Res. 1518(consideration: CR H9745-9752; text: CR H9790-9803)
- **Dec 14, 2022:** House agreed to Senate amendments numbered 1, 2, 3, and 5, and the House agreed to Senate amendment numbered 4 with an amendment pursuant to H. Res. 1518 (consideration: CR H9745-9752; text: CR H9790-9803)
- **Nov 16, 2022:** Message on Senate action sent to the House.
- **Nov 15, 2022:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.
- **Nov 15, 2022:** Passed Senate with amendments by Unanimous Consent. (consideration: CR S6704; text: CR S6704)
- **Sep 27, 2022:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Peters with amendments. With written report No. 117-164.
- **Sep 27, 2022:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 506.
- **Nov 3, 2021:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported without amendment favorably.
- **Sep 29, 2021:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and

Governmental Affairs.

- **Sep 28, 2021:** Considered as unfinished business. (consideration: CR H5497-5498)
- **Sep 28, 2021:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 414 - 10 (Roll no. 304).(text: CR 7/26/2021 H3880)
- **Sep 28, 2021:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 414 - 10 (Roll no. 304). (text: CR 7/26/2021 H3880)
- **Sep 28, 2021:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 26, 2021:** Ms. Norton moved to suspend the rules and pass the bill, as amended.
- **Jul 26, 2021:** Considered under suspension of the rules. (consideration: CR H3880-3881)
- **Jul 26, 2021:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2617.
- **Jul 26, 2021:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **May 25, 2021:** Committee Consideration and Mark-up Session Held.
- **May 25, 2021:** Ordered to be Reported in the Nature of a Substitute (Amended) by Voice Vote.
- **Apr 16, 2021:** Introduced in House
- **Apr 16, 2021:** Referred to the House Committee on Oversight and Reform.