

AMENDMENTS TO THE AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL FY2024

Full Committee Markup
House Appropriations Committee
June 14, 2023

1

Rep. Andy Harris
FY24 – Agriculture
Amendment #1

adopted
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Manager's Amendment

In the bill

On page 6, line 3, strike "\$21,800,000" and insert "\$18,800,000".

On page 28, line 16, strike "\$18,248,000" and insert "\$18,748,000".

On page 32, line 13, strike "\$900,000,000" and insert "\$880,691,000".

On page 39, line 10, strike "\$313,037,000" and insert "\$312,037,648".

On page 45, line 12, strike "\$119,101,000" and insert "\$120,101,362".

On page 49, line 8, strike "\$6,973,000" and insert "\$6,972,570".

On page 55, line 15, strike "\$121,995,757,000" and insert "\$121,996,757,000".

On page 56, line 6, strike "\$1,000,000" and insert "\$2,000,000".

On page 113, at the end of the bill before the Spending Reduction Account, insert the following new sections:

Sec. XXX. In this fiscal year and each fiscal year thereafter, and notwithstanding any other provision of law, none of the funds made available by this or any other Act may be used to implement section 3.7(f) of the Farm Credit Act of 1971 in a manner inconsistent with section 343(a)(13) of the Consolidated Farm and Rural Development Act.

SEC. XXX. (a) For an additional amount for the Office of the Secretary, \$2,000,000, to remain available until expended, for the Secretary of Agriculture to carry out no more than 10 pilot projects, under the terms and conditions determined by the Secretary for a period not to exceed 2 years, that award grants to an Indian tribe; a tribal organization approved by an Indian tribe; a tribal educational agency; a consortium of Indian tribes; or a partnership between an Indian tribe and either a State educational agency, a local educational agency, a tribal educational agency, or the Bureau of Indian Education to operate and implement the school lunch program as authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1769), the summer food service program as established under section 13 of the Richard B. Russell National School Lunch Act, the child and adult care food program as established by section 17 of the Richard B. Russell National School Lunch Act, or the school breakfast program established by the Child Nutrition Act of 1966 (42 U.S.C. 1773) in either a Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); a school (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760 (d)) on or near an Indian reservation; or an early child care and education facility: *Provided*, That to carry out this pilot

program each grant awarded shall be no less than \$10,000 and no more than \$100,000 for each school year and shall not increase state administrative costs or the amount of benefits provided in any program. *Provided further*, That the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) Notwithstanding any other provision of law, a pilot project grant recipient shall be reimbursed for meals served under the school lunch program, the summer food service program, and the child and adult care food program as if the recipient were a State under the Richard B. Russell National School Lunch Act; and under the school breakfast program as if the recipient were a State educational agency.

(c) Not later than 1 year after the conclusion of the pilot program, the Secretary shall submit to Congress a report on the outcomes of the pilot program.

In the report

On page 5, in the paragraph entitled “Highly Pathogenic Avian Influenza (HPAI)”, in the fourth sentence, insert “and turkeys” in the appropriate place.

On page 6, before the paragraph entitled “Loans and Grant Programs”, insert the following new paragraph:

Intermediate Crops.—The Committee is aware of a burgeoning industry of nonfood crops, such as camelina, that can be grown on existing farmland between primary crops to produce feedstock for renewable biofuels and chemicals. These intermediate crops offer similar environmental benefits to cover crops and represent a new source of additive income for agricultural producers. The Committee encourages USDA to consider opportunities to utilize existing programs and resources to support intermediate crop production in the United States.

On page 24, before the header “National Institute of Food and Agriculture”, insert the following new paragraph:

Beltsville Agricultural Research Center (BARC).—The Committee requests that ARS provide a report on the use of funds for the improvement of facilities at BARC. The report should include details on the progress made to repair and improve BARC infrastructure, including buildings and structures, steam pipes and other internal systems, roads and access points, and other facility improvements.

On page 42, before Title II, insert the following new paragraph:

Water Regulations.—The Committee is aware of industry concerns that the Environmental Protection Agency’s (EPA) proposed rule entitled “PFAS National Primary Drinking Water Regulation Rulemaking” may trigger enforcement of FSIS regulations for water used in food manufacturing in ways not contemplated by the current rulemaking. The Committee requests FSIS provide a briefing on the potential impacts of EPA’s proposed rule on regulated food manufacturers.

On page 42, before the header “Farm Production and Conservation Business Center”, insert the

following new paragraph:

Farmer Workforce Recruitment.—The Committee recognizes that farmer and workforce shortages in emerging sectors are increasing at an alarming rate and that urban agriculture can be a critical pipeline in recruiting younger people into the agricultural sector and an effective outreach tool to bolster the workforce. The Committee encourages USDA to promote urban, indoor, controlled environment agriculture, and other emerging agricultural practices to secure diverse food production while improving health for Americans and developing the American farmer workforce, support local food supply chains, and bolster and diversify America’s agriculture economy.

On page 71, in the paragraph entitled “Abraham Accords Region”, in the first sentence, strike “in Israel”.

On page 74, before the paragraph entitled “Cancer Immunotherapy Clinical Trials and Combination Treatments”, insert the following new paragraph:

Boxed Warnings in Drug Product Labeling.—The Committee supports efforts to ensure the health and safety of all Americans, especially older adults, through FDA’s use of warning(s), including a boxed warning, in drug product labeling for certain FDA-approved medicines to inform providers, patients, and caregivers of contraindications or serious warnings. Specifically, the Committee notes the risk identified in scientific reports, that older adults with mental health conditions associated with dementia using antipsychotic medicines are at increased risk of death and that FDA has not re-evaluated the need and value of the boxed warning included in the approved labeling of antipsychotic medications since 2008, despite additional scientific evidence, clinical guidance changes and new medicines entering the market. FDA is directed to hold a public workshop and as part of that process review the data regarding risks associated with the use of medicines when the antipsychotic class in older adults with mental health conditions associated with dementia and the appropriateness of the broad application of this boxed warning for all medicines within this class. The Committee requests FDA provide an update on its review and the public workshop outcome to the Committee 12 months after enactment of this Act.

[On page 75, in the paragraph entitled “Clinical Trials”, strike the last two sentences and insert the following two sentences:

The Committee urges the FDA to provide guidance to cancer trial sites, sponsors, and contractors that both define necessary data elements and streamline data entry and verification processes. Such guidance will be foundational in maximizing clinical trial efficiency through a targeted reduction of the administrative burden currently placed upon research staff.]

On page 79, before the paragraph entitled “Human Foods Program Restructuring”, insert the following new paragraph:

Genome Editing in Plant Varieties.—The Committee urges FDA to publish for public comment draft guidance for industry on the use of genome editing in new plant varieties used for foods and strive to modernize and improve the timelines and predictability of the Plant

Biotechnology Consultation Program under FDA's 1992 Statement of Policy - Foods Derived from New Plant Varieties.

On page 80, before the paragraph entitled “Modified Risk Tobacco Products,” insert the following new paragraph:

Modernization of Cosmetics Regulation Act of 2022.—The Committee notes that Congress recently enacted the Modernization of Cosmetics Regulation Act of 2022, which was the first substantial reform of cosmetics laws in many decades. The Committee expects FDA to continue implementing this new law that will provide greater regulatory certainty to industry and improved consumer safety.

On page 83, before the paragraph entitled “Pediatric Cancer”, insert the following new paragraph:

Patient Experience Data— The Committee supports the development of patient experience data to inform clinical research design and regulatory reviews under the patient-focused drug development process. Robust patient perspective insights have been generated by patient communities to ensure FDA has the benefit of this information for critical decisions, including on potential gene therapies for this serious condition. The Committee encourages the FDA to make every effort to incorporate all relevant patient experience data, including from patient advocacy organizations.

On page 87, in the paragraph entitled “Traceability Rule”, strike the entire paragraph and insert the following new paragraph:

Traceability Rule.—The Committee is aware that, in accordance with the FDA Food Safety Modernization Act, FDA issued a final rule establishing additional traceability recordkeeping requirements for certain foods and that the agency was mandated by a federal court ruling to submit a final rule to the Federal Register by November 7, 2022. However, given the complexity of modern food supply chains, the Committee is concerned that implementing this rule may pose a number of challenges for industry. Understanding that the rule’s compliance date is January 20, 2026, the Committee directs FDA to use the interim time to ensure that the rule can be successfully implemented without creating an undue burden on the food industry. The Committee is aware that FDA has taken some steps already, such as creating a web-based tool to determine eligibility for full and partial exemptions, publishing a Small Entity Compliance Guide, and translating examples of different supply chains into multiple languages. However, the Committee directs FDA to conduct additional industry outreach and issue educational materials to further support industry, including by conducting regular stakeholder meetings, providing answers to specific questions about the rule through FDA’s Technical Assistance Network, and holding webinars. The Committee also directs FDA to consider input from industry in developing guidance documents that should clarify the agency’s expectations. FDA is further directed to brief the Committee within 90 days of enactment of this Act on its progress.

On page 101, strike the Community Project Funding table and insert updated version incorporating technical and conforming changes.

#2

Rep. Bishop
FY24 – Agriculture
Amendment #1

**AMENDMENT TO AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL
OFFERED BY MR. BISHOP**

In the bill:

Strike section 733.

Strike section 748.

Not Adopted
27-34

#3

Rep. Andy Harris
FY24 – Agriculture

Amendment #2

Adopted
33-26

Republican En Bloc

In the bill

On page 91, line 25, strike “\$3,250,000,000” and insert “\$1,000,000,000”.

On page 99, strike section 741 and insert the following:

Sec. XXX. There is rescinded the unobligated balances of amounts made available under section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note).

On page 104, strike section 752 and insert the following:

SEC. XXX. (a) Subject to subsection (c), none of the funds made available by this Act may be used to finalize, issue, implement, administer, or enforce any rule, regulation, or order that, pursuant to any revisions to the whole grain requirements under section 246.10 of title 7, Code of Federal Regulations, required by such rule, regulation, or order, would reduce the availability of WIC-eligible breakfast cereals, including the rule entitled “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions to the WIC Food Packages” published by the Department of Agriculture in the Federal Register on November 21, 2022 (87 Fed. Reg. 71090).

(b) The Secretary of Agriculture shall carry out a study—

- (1) on the revisions of such whole grain requirements pursuant to such rule; and
- (2) that is representative of all States.

(c) If the study required under subsection (b) demonstrates that such revisions will not limit consumption due to marketplace availability or reduce the redemption of WIC-authorized breakfast cereal, beginning on the date on which the Secretary publishes the results of such study, the limitation under subsection (a) shall not apply.

On page 113, at the end of the bill before the Spending Reduction Account, insert the following new sections:

Sec. XXX. None of the funds made available by this Act may be used by the Secretary of Agriculture, the Commissioner of Food and Drugs, the Chairman of the Commodity Futures Trading Commission, or the Chairman of the Farm Credit Administration to fly or display a flag

over a facility of the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration other than the flag of the United States; the flag of a State, territory, or the District of Columbia; the flag of an Indian Tribal Government; the official flag of a U.S. Department or agency; or the POW/MIA flag.

Sec. XXX. (a) In general.—Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined.—As used in subsection (a), a discriminatory action means any action taken by the Federal Government to—

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification.—The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

Sec. XXX. None of the funds made available by this Act may be used by the Food and Drug Administration to issue, promote, or advance any new guideline or regulation applicable to food manufacturers for *Listeria monocytogenes* (Lm) until the Food and Drug Administration, based on the available new science, incorporates into the Compliance Policy Guide (CPG), Guidance for FDA Staff, Sec. 555.320, a tolerance for *Listeria monocytogenes* in low-risk foods, meaning foods that do not support the growth of *Listeria monocytogenes*.

In the report

On page 43, before the paragraph entitled “Staffing”, insert the following new paragraph:

Property Damage.—The Committee directs the Secretary to submit a report to the Committee on how USDA may reimburse landowners along the United States’ southern border for property damages related to migrant trespassing. Such damage shall include livestock loss and damage; crop loss and damage; damage to fences; damage to physical structures; and property loss and damage.

On page 49, after the paragraph entitled “National Resource Inventory”, insert the following new paragraph:

NRCS/Conservation Operations.—The Committee recognizes that conservation of wildlife habitat on private lands is essential for the recovery of many threatened and endangered species. While Federal programs that provide direct conservation assistance can be important contributors to species recovery efforts, such programs might not be available to, or appropriate for, all private landowners. Private landowners interested in habitat conservation must be empowered with access to the full range of conservation resources that exist across the Federal government, state and local governments, non-profit organizations, and private entities. The Committee encourages NRCS to provide grants to, or enter into cooperative agreements with, non-profit organizations with expertise and experience in amalgamating and providing public access to information and resources pertaining to the conservation of wildlife habitat on private lands.

On page 64, before the paragraph entitled “Summer Food Service Program”, insert the following new paragraph:

Local School Wellness Policies.—Any difficulty in having access to healthy food amongst youth can cause significant issues, including a higher risk of obesity and eating disorders. The Committee requests a report within 120 days of the enactment of this Act on FNS’ progress to inform State Education Agencies that obesity and eating disorder information can be included in local school wellness policies.

On page 76, in the paragraph entitled, “Device Authority” strike the first sentence and replace with the following:

The Committee recognizes the FDA’s ability to restrict certain uses of a device under certain circumstances but directs the agency to do so in a manner that does not interfere with any court-approved treatment.

On page 86, before the paragraph entitled “Sodium”, insert the following new paragraph:

SmartTots.—The Committee is concerned that FDA’s Strategies for Mitigating Anesthesia-Related Neuro-Toxicity in Tots, or SmartTots, initiative is no longer active. The Committee is concerned about pediatric anesthesia neurotoxicity and encourages FDA to renew this plan to make surgery, anesthesia, and sedation safer for infants and young children. The Committee directs FDA to report to Congress on any additional resources needed to continue this effort.

4

Rep. DeLauro
FY24 – Agriculture
Amendment #1

**AMENDMENT TO AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL
OFFERED BY MS. DELAURO**

In the bill:

Strike section 722.

Not
Ad opted 27-32

#5

**AMENDMENT TO AGRICULTURE AND RURAL
DEVELOPMENT APPROPRIATIONS BILL
OFFERED BY MR. NEWHOUSE OF WASHINGTON**

Adopted
34-26

Strike section 765 and insert the following:

1 SEC. 765. The Secretary of Agriculture shall take
2 such actions as may be necessary to prohibit the purchase
3 of agricultural land located in the United State by non-
4 resident aliens, foreign businesses, or any agent, trustee,
5 or fiduciary associated with Russia, North Korea, Iran,
6 or the Communist Party of China.

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#6

Rep. Norma J. Torres
FY24 – Agriculture
Amendment #6

**AMENDMENT TO AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL
OFFERED BY MS. NORMA J. TORRES OF CALIFORNIA**

In the bill:

Strike section 761 (related to the FDA mifepristone rider).

Not Adopted
27-33

7

Rep. Debbie Wasserman Schultz
FY24 – Agriculture
Amendment #1

**AMENDMENT TO AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL
OFFERED BY MS. WASSERMAN SCHULTZ**

In the bill:

Strike section 768.

Strike section 769.

Not
Adopted
25-35

#8

Rep. Barbara Lee
FY24 - Ag
Amendment #1

**AGRICULTURE AND RURAL DEVELOPMENT
APPROPRIATIONS BILL
OFFERED BY MS. LEE OF CALIFORNIA**

Page 105, beginning on line 23, strike section 757.

Page 109, beginning on line 12, strike section 764.

Not
Adopted
26-32

#9

Withdraw

Rep. Lauren Underwood
FY24 – AgFDA

REVISED Underwood Amendment #1

**REVISED Amendment to the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, 2024
Offered by Ms. Underwood of Illinois**

On page 54, line 13, strike “\$6,000,000,000” and insert “\$6,300,000,000”.

On page 54, line 20, strike “the amount of a cash-value voucher to \$11 for child participants, \$13 for pregnant and postpartum women, and \$15 for fully and partially breastfeeding women and adjusted for inflation beginning in fiscal year 2025” and insert “the amount of a cash-value voucher for women and children participants to an amount recommended by the National Academies of Science, Engineering and Medicine and adjusted for inflation.”

One page 90, strike Sec. 731.

10

Rep. Andy Harris
FY24 – Agriculture
REVISED Amendment #3

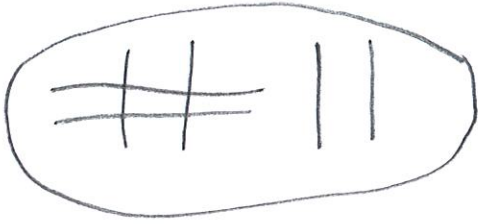
Dr. Harris offers an amendment to the amendment offered by Ms. Underwood of Illinois.

Strike everything after “insert” and insert:

““\$6,500,000,000”.

On page 87, line 5, following “(a)(1)” insert “and (a)(2)” and strike “\$500,000,000” and insert “\$1,000,000,000”.”

Adopted
33-27



Rep. Harris
FY24 – AG
Amendment #4

**Amendment to the Agriculture, Rural Development, Food and Drug
Administration Appropriations Bill, 2024
Offered by Dr. Harris of Maryland**

On page 113, before “Spending Reduction Account” insert the following:

Sec. XXX. The Secretary of Agriculture may not use unobligated balances available under section 22002(a)(1) of Public Law 117-169, after the application of the rescission under section 772 of this Act, to award grants under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

