

**HOUSE APPROPRIATIONS COMMITTEE**

June 23, 2022

Fiscal Year 2023 Agriculture, Rural Development,  
Food and Drug Administration and Related Agencies Bill

**Manager's amendment**

**In the bill**

On page 5, line 20, strike "\$38,059,000" and insert "\$9,559,000".

On page 9, line 15, strike "\$1,736,129,000" and insert "\$1,737,629,000".

On page 11, line 17, strike "\$71,305,000" and insert "\$57,305,000".

On page 31, line 9, strike "\$115,000,000" and insert "\$95,000,000".

On page 41, line 24, strike "fourth" and insert "fifth".

On page 68, line 24, strike "\$6,483,171,000" and insert "\$6,484,171,000".

On page 70, line 21, strike "\$1,243,007,000" and insert "\$1,244,007,000".

On page 110, strike lines 12-25 and insert the following:

SEC. 763. There is appropriated to the Department of Agriculture, for an additional amount for "Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary", \$5,000,000, which shall remain available until expended, for necessary expenses, under such terms and conditions determined by the Secretary, related to testing soil, water, or agricultural products for per- and polyfluoroalkyl substances (PFAS) at the request of an agricultural producer, assisting agricultural producers affected by PFAS contamination with costs related to mitigate the impacts to their operation that have resulted from such contamination and indemnifying agricultural producers for the value of unmarketable crops, livestock, and other agricultural products related to PFAS contamination: *Provided*, That the Secretary shall prioritize such assistance to agricultural producers in states and territories that have established a tolerance threshold for PFAS in

a food or agricultural product: *Provided further*, That, not later than 90 days after the end of fiscal year 2023, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure, and include improvements that can be made to U.S. Department of Agriculture programs, either administratively or legislatively, to increase support for agricultural producers impacted by PFAS contamination and to enhance scientific knowledge on PFAS uptake in crops and livestock and PFAS mitigation and remediation methods and disseminate such knowledge to agricultural producers.

On page 111, strike lines 1-14.

On page 111, at the end of the bill before the short title, insert the following new section:

Sec. XXX. Any future compliance date for any provision of the Food and Drug Administration's final rule entitled "Milk and Cream Products and Yogurt Products; Final Rule To Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt" (86 Fed. Reg. 31117, June 11, 2021) for which the agency is exercising enforcement discretion or that is stayed as a result of objections timely filed under 21 U.S.C. 371(e)(2), shall be established no earlier than January 1 of the year that is three years after either:

- a) Final action upon such objection(s) is taken by the Secretary of Health and Human Services; or
- b) The party withdraws such objection(s).

On page 111, at the end of the bill before the short title, insert the following new section:

Sec. \_\_\_. In addition to the amount of reimbursement for administrative and operating expenses available for crop insurance contracts described in subsection (a)(2)(F) of section III of the 2023 Standard Reinsurance Agreement (SRA) that cover agricultural commodities described in section 101 of title I of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note), there is hereby appropriated \$50,000,000, to remain available until expended, to pay, with respect to such contracts for the 2021 reinsurance year, an amount that is equal to the difference between the amount to be paid pursuant to the SRA for the applicable reinsurance year and the amount that would be paid if such contracts were not subject to

a reduction described in subsection (a)(2)(G) of section III of the SRA but subject to a reimbursement rate equal to 17.5 percent of the net book premium.

On page 111, at the end of the bill before the short title, insert the following new section:

Sec. XX. There is appropriated to the Department of Agriculture, for an additional amount for “Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary”, \$10,000,000, which shall remain available until expended, for necessary expenses to address assistance for disasters occurring in calendar year 2022.

### **In the report**

On page 14, in the paragraph entitled “Aflatoxin Research”, after the period insert the following and make conforming changes in the report:

The Committee provides \$1,500,000 to support these efforts.

On page 60, before the paragraph entitled “Healthy Food Financing Initiative”, insert the following new paragraph:

*Colonias and Farmworker Communities.*—The Committee recognizes the challenges facing colonias and farmworker communities and urges the Department to work with other Federal agencies to identify best practices and other ways to further assist colonias communities and farmworkers. The Committee encourages USDA to explore strategies to adopt and address the unique participation challenges faced by rural communities in the border region colonias communities. Further, the Committee encourages the Secretary to support these communities with funds appropriated for the Rural Partnership Network. The Committee requests a briefing on these efforts within 90 days following enactment.

On page 67, after the paragraph entitled “Arts in rural communities”, insert the following new paragraph:

*Business and Industry Guaranteed Loans.*—The Committee recognizes the expanded growth and interest in the Business and Industry

Loan program and encourages the Department to better forecast the needs of the program in fiscal year 2023 and future fiscal years to ensure continued lending activities throughout the year.

On pages 79-80, under the paragraph titled “Barriers to Accessing SNAP”, after the last sentence insert:

The Committee encourages FNS to include in this report the impacts on SNAP benefits of the expiration of the PHE and related SNAP measures, and ways to promote equitable customer service, including through language access, and alternative eligibility system access options such as in person, online, and call center availability.

On page 86, after the paragraph entitled “510(k) Guidance”, insert the following new paragraph:

*2019 ALS Clinical Trial Guidance.*—The Committee understands that FDA recognizes the critical unmet medical need for new, effective treatments for ALS. The burden of ALS for patients, their families and caregivers is devastating and the Committee urges FDA to reaffirm its commitment to its 2019 ALS Clinical Trial Guidance. Further, the Committee requests that FDA report to Congress within 90 days of the passage of this Act detailing the actions that FDA has taken to implement the 2019 ALS Clinical Trial Guidance.

On page 88, before the paragraph entitled “Chemicals in Foods”, insert the following new paragraph:

*Carbohydrates.*—The Committee encourages the FDA to respond to a request from industry to use an alternative methodology related to carbohydrates in certain food and beverage products.

On page 91, before the paragraph entitled “Heparin”, insert the following new paragraph:

*Hand Sanitizer Safety.*—The Committee appreciates FDA's ongoing efforts to remove unsafe hand sanitizer products from the market and recognizes FDA's website provides information and guidance to stakeholders on the risks of open refillable hand sanitizer dispensers.

On page 94, within the paragraph entitled “Olive Oil Standards of Identity” in the last sentence, strike “2021” and insert “2022”.

On page 95, in the paragraph entitled “Orphan Products Grants Program (OPGP)”, strike the second sentence and insert the following:

The Committee notes that this increase brings the total funding level within CDER for OPGP to \$24,000,000. In addition, the Committee notes that funding can be used for ALS clinical trials and investments in regulatory science to speed the approval of ALS treatments.

On page 98, in the paragraph entitled “Shrimp Products”, after the period insert the following and make conforming changes in the report:

The Committee provides an additional \$1,000,000 for this activity.

On page 100, after the paragraph entitled “Tobacco Emissions Testing”, insert the following new paragraph:

*Tobacco Report.*—The Committee requests that FDA, within 90 days, provide a report that identifies the status of each statutory requirement in the Tobacco Control Act which FDA was supposed to implement. For those statutory requirements that have not been implemented, the Committee requests that FDA provide a detailed response explaining the delay and when the requirements will be implemented.