

Public Law 118–15
118th Congress

An Act

Making continuing appropriations for fiscal year 2024, and for other purposes.

Sept. 30, 2023
[H.R. 5860]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuing Appropriations Act, 2024 and Other Extensions Act”.

Continuing Appropriations Act, 2024 and Other Extensions Act.

SEC. 2. TABLE OF CONTENTS.

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SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

Applicability.
Apportionments.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328), except section 729, and

including the matter under the headings “Food for Peace Title II Grants” and “McGovern-Dole International Food for Education and Child Nutrition Program Grants” in title I of division M of Public Law 117-328, the matter under the headings “Agricultural Research Service—Buildings and Facilities”, “Food Safety and Inspection Service”, “Rural Housing Service—Rural Community Facilities Program Account” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$25,300,000” for “\$75,300,000”), and “Rural Utilities Service—Rural Water and Waste Disposal Program Account” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$60,000,000” for “\$325,000,000”) in title I of division N of Public Law 117-328, and section 2102 in title I of such division N.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117-328), except section 540, and except section 521(d)(1) shall be applied by substituting “\$122,572,000” for “\$705,768,000”, and including the matter under the headings “Federal Prison System—Buildings and Facilities” and “National Science Foundation—STEM Education” (except all that follows after “2024” in such matter and except that such matter shall be applied by substituting “\$92,000,000” for “\$217,000,000”) in title II of division N of Public Law 117-328, and the second paragraph under each of the headings “National Oceanic and Atmospheric Administration—Operations, Research, and Facilities” (except all that follows after “2024” in such paragraph and except that such paragraph shall be applied by substituting “\$42,000,000” for “\$62,000,000”), “National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction”, “National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration”, and “National Science Foundation—Research and Related Activities” (except all that follows after “2024” in such paragraph and except that such paragraph shall be applied by substituting “\$608,162,000” for “\$818,162,000”) in title II of such division N.

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117-328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117-328), except the first proviso under the heading “SPR Petroleum Account”, and except the second paragraph under the heading “Title 17 Innovative Technology Loan Guarantee Program”, and including the matter under the heading “Energy Programs—Nuclear Energy” in title III of division M of Public Law 117-328 and the second paragraph under each of the headings “Corps of Engineers—Civil—Department of the Army—Construction” and “Corps of Engineers—Civil—Department of the Army—Operation and Maintenance” in title IV of division N of Public Law 117-328.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117-328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117-328), section 2602

of title VI of division N of Public Law 117-328, and title III of division O of Public Law 117-328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117-328), except section 443, and including the second paragraph under each of the headings “Department of the Interior—Departmental Offices—Department-Wide Programs—Wildland Fire Management” and “Related Agencies—Department of Agriculture—Forest Service—Wildland Fire Management” in title VII of division N of Public Law 117-328.

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117-328), section 145 of division A of Public Law 117-180, and the second paragraph under the heading “Administration for Children and Families—Low Income Home Energy Assistance” in title VIII of division N of Public Law 117-328.

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117-328), and section 6 in the matter preceding division A of Public Law 117-328.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117-328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117-328), except section 7069, and including the matter under the headings “Department of State—Administration of Foreign Affairs—Diplomatic Programs” (except all that follows after “2024” in such matter and except that such matter shall be applied by substituting “\$87,054,000” for “\$147,054,000”), “Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$637,902,000” for “\$937,902,000”), “Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe, Eurasia and Central Asia”, “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$915,048,000” for “\$1,535,048,000”), and “International Security Assistance—Department of State—International Narcotics Control and Law Enforcement” (except all that follows after “2024” in such matter and except that such matter shall be applied by substituting “\$74,996,000” for “\$374,996,000”) in title VII of division M of Public Law 117-328.

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117-328), except sections 153 and 420, and including the matter under the headings “Public and Indian Housing— Tenant-Based Rental Assistance” and “Housing Programs—Project-Based Rental Assistance” in title X of division N of Public Law 117-328.

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

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

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

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

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

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

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) November 17, 2023.

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

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

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not

Expiration date.

be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

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

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, except the matter under the heading “Cost of War Toxic Exposures Fund” in title II of division J of Public Law 117-328, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3). Extensions.

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments. Deadline.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a)(1) For each amount incorporated by reference in this Act from amounts provided by division M or N of Public Law 117-328, each section or paragraph of an account providing each such amount, as applicable, shall be applied as if that section or paragraph ended with the following sentence: “The amount provided herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.”

(2) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b)(1) Each amount incorporated by reference in this Act that was specified to meet the terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as additional new budget authority for purposes of section 4004(b)(5) of such concurrent resolution and section 1(g) of such House resolution, is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for purposes of section 251(b)(2)(F) of such Act, respectively.

(2) Each amount incorporated by reference in this Act for “Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations” that was specified to meet the terms of a concurrent resolution on the budget in the Senate and section 1(j)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(j) of such House resolution, is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(E) of such Act, respectively.

(3) Each amount incorporated by reference in this Act for “Department of Health and Human Services—Centers for Medicare & Medicaid Services—Health Care Fraud and Abuse Control Account” that was specified to meet the terms of a concurrent resolution on the budget in the Senate, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(h) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(C) of such Act, respectively.

(4) Each amount incorporated by reference in this Act for “Social Security Administration—Limitation on Administrative Expenses” that was specified to meet the terms of a concurrent resolution on the budget in the Senate, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(i) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(B) of such Act, respectively.

President.

(c) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

Rescissions.

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

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or	Extension.
(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.	Extension.
(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—	Extension.
(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or	Effective date.
(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.	Effective date.
(c) No later than November 17, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: <i>Provided</i> , That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.	Deadline. List.
SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.	Updates. Effective date.
SEC. 117. Amounts made available by section 101 for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.	
SEC. 118. Amounts made available by section 101 for “Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” may be apportioned at the rate for operations necessary to maintain participation.	
SEC. 119. Amounts made available by section 101 for “Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program” may be apportioned up to the rate for operations necessary to maintain current program caseload in the Commodity Supplemental Food Program.	
SEC. 120. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.	
SEC. 121. Amounts made available by section 101 for “National Telecommunications and Information Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to administer broadband programs.	

Time periods.

SEC. 122. (a) Funds previously made available in the Consolidated Appropriations Act, 2017 (Public Law 115-31) and the Consolidated Appropriations Act, 2018 (Public Law 115-141) under the heading “National Aeronautics and Space Administration—Space Operations” that were available for obligation through fiscal year 2018 and fiscal year 2019, respectively, are to remain available through fiscal year 2024 for the liquidation of valid obligations incurred in fiscal years 2017 through 2019.

Effective date.

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

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 123. For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98-473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “36 years” or “36-year period” shall be deemed a reference to “36 years and 17 days” or “36-year and 17-day period”, respectively.

SEC. 124. Notwithstanding sections 102 and 104, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” may be apportioned up to the rate for operations necessary for “Ohio Replacement Submarine (Full Funding)” in an amount not to exceed \$621,270,000 for the procurement of one Columbia Class Submarine.

SEC. 125. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 126. Notwithstanding section 101, the matter preceding the first proviso under the heading “Office of Personnel Management—Salaries and Expenses” in division E of Public Law 117-328 shall be applied by substituting “\$219,076,000” for “\$190,784,000”.

SEC. 127. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117-328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25-161), as modified as of the date of enactment of this Act.

SEC. 128. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Transfer authority.

SEC. 129. In addition to amounts otherwise provided by section 101, for “Federal Emergency Management Agency—Disaster Relief Fund”, there is appropriated \$16,000,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$2,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for audits and investigations of activities funded under “Federal Emergency Management Agency—Disaster Relief Fund” and \$15,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.):

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 130. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

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

Effective date.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 131. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 132. Amounts made available by section 101 for “Department of the Interior—Department-Wide Programs—Wildland Fire Management” and “Department of Agriculture—Forest Service—Wildland Fire Management” shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117-58 and may be apportioned up to the rate for operations necessary to continue to fund such base salary increase.

SEC. 133. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

Extension.

SEC. 134. Notwithstanding section 101, section 126 of division J of Public Law 117-328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

Extension.

SEC. 135. The authority provided by section 2401 of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117-43) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 136. Notwithstanding section 101, the matter under the heading “Bilateral Economic Assistance—Independent Agencies—Millennium Challenge Corporation” in title III of division K of Public Law 117-328 shall be applied by inserting the following new provisos before the last proviso: *“Provided further*, That the member of the Board described in section 604(c)(3)(B)(ii) of the Millennium Challenge Act of 2003, as amended (22 U.S.C. 7703(c)(3)(B)(ii)), whose term began on September 16, 2019, shall continue to serve in such appointment until March 31, 2024: *Provided further*, That in the event that a new member of the Board described in section 604(c)(3)(B) of such Act (22 U.S.C. 7703(c)(3)(B)) is appointed prior to March 31, 2024, the term of the member of the Board whose term began on September 16, 2019, shall terminate as of the date of such appointment.”.

Termination date.

Termination date.

SEC. 137. Notwithstanding section 101, the matter preceding the first proviso under the heading “Department of Transportation—Federal Aviation Administration—Facilities and Equipment” in title

* I of division L of Public Law 117–328 shall be applied by substituting “\$617,000,000” for “\$570,000,000” and substituting “\$2,174,200,000” for “\$2,221,200,000”.

DIVISION B—OTHER MATTERS**TITLE I—EXTENSIONS AND OTHER MATTERS**

SEC. 2101. EXTENSION OF CERTAIN PROVISIONS OF THE COMPACT OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE FEDERAL PROGRAM AND SERVICES AGREEMENTS WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS. Time periods.

(a) GRANT AND OTHER FINANCIAL ASSISTANCE.—

(1) **IN GENERAL.**—During the period beginning on October 1, 2023, and ending on November 17, 2023, any activities described in sections 211, 212, and 215 of the Compact of Free Association between the Government of the United States of America and the Government of the Federated States of Micronesia set forth in section 201(a) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108-188) shall, with the mutual consent of the Federated States of Micronesia, continue in the manner authorized and required for fiscal year 2023 under the agreements described in paragraphs (4) and (5) of section 462(b) of that Compact.

(2) **FUNDING.**—There is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the activities authorized under paragraph (1) an amount equal to the pro rata portion of the amount appropriated for those activities for fiscal year 2023.

(b) **FEDERAL PROGRAMS AND SERVICES.**—During the period beginning on October 1, 2023, and ending on the date on which a new Federal programs and services agreement with the applicable country enters into force, any activities described in sections 131, 132, and 221(a) of the Compact of Free Association between the Government of the United States of America and the Government of the Federated States of Micronesia set forth in section 201(a) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108-188) and sections 131, 132, and 221(a) of the Compact of Free Association between the Government of the United States of America and the Government of the Republic of the Marshall Islands set forth in section 201(b) of that Act shall, with the mutual consent of the Federated States of Micronesia or the Republic of the Marshall Islands, as applicable, continue in the manner authorized and required for fiscal year 2023 under the agreement described in section 462(b)(1) of the Compact of Free Association between the Government of the United States of America and the Government of the Federated States of Micronesia set forth in section 201(a) of that Act and the agreement described in section 462(b)(1) of the Compact of Free Association between the Government of the United States of America and the Government of the Republic of the Marshall Islands set forth in section 201(b) of that Act, respectively.

48 USC 1921 note.

SEC. 2102. EXTENSION OF DEADLINE TO PROMULGATE CERTAIN REGULATIONS.

Section 413(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5373(a)) is amended—

(1) in paragraph (2), by striking “21 months” and inserting “38 months”; and

(2) in paragraph (3), by striking “30 months” and inserting “50 months”.

TITLE II—FAA EXTENSION

Time periods.

Subtitle A—Federal Aviation Programs**SEC. 2201. AIRPORT IMPROVEMENT PROGRAM.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48103(a) of title 49, United States Code, is amended—

(1) in paragraph (5) by striking the “and” at the end;

(2) in paragraph (6) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$842,076,502 for the period beginning on October 1, 2023, and ending on December 31, 2023.”.

(b) **OBLIGATION AUTHORITY.**—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by subsection (a) may be obligated at any time through September 30, 2024, and shall remain available until expended.

(c) **PROGRAM IMPLEMENTATION.**—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2023, and ending on December 31, 2023, the Administrator of the Federal Aviation Administration shall—

(1) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2024 was \$3,350,000,000; and

(2) then reduce by 75 percent—

(A) all funding apportionment amounts calculated under paragraph (1); and

(B) amounts made available pursuant to subsections

(b) and (f)(2) of section 47117 of such title.

(d) **EXTENSION OF PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “September 30, 2023,” and inserting “December 31, 2023.”.

(e) **EXTENSION OF SPECIAL RULE FOR APPORTIONMENTS.**—Section 47114(c)(1)(J) of title 49, United States Code, is amended by striking “2023 to” and inserting “2023, and for the period beginning on October 1, 2023, and ending on December 31, 2023, to”.

SEC. 2202. EXTENSION OF EXPIRING AUTHORITIES; MISCELLANEOUS AUTHORIZATIONS.

(a) **AUTHORITY TO PROVIDE INSURANCE.**—Section 44310(b) of title 49, United States Code, is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(b) UNMANNED AIRCRAFT TEST RANGES.—Section 44803(h) of title 49, United States Code, is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(c) SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.—Section 44807(d) of title 49, United States Code, is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(d) EXTENSION OF AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION AND ENFORCEMENT.—Section 44810(h) of title 49, United States Code, is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(e) COMPETITIVE ACCESS REPORTING REQUIREMENT.—Section 47107(r)(3) of title 49, United States Code, is amended by striking “October 1, 2023” and inserting “January 1, 2024”.

(f) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—Section 47115(i) of title 49, United States Code, is amended by inserting “, and for the period beginning on October 1, 2023, and ending on December 31, 2023” after “fiscal years 2018 through 2023”.

(g) SUPPLEMENTAL DISCRETIONARY FUNDS.—Section 47115(j)(4)(A) of title 49, United States Code, is amended by inserting at the end the following:

“(vi) \$140,401,803 for the period beginning on October 1, 2023, and ending on December 31, 2023.”.

(h) COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.—Section 47141(f) of title 49, United States Code, is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(i) NON-MOVEMENT AREA SURVEILLANCE PILOT PROGRAM.—Section 47143(c) of title 49, United States Code, is amended by striking “October 1, 2023” and inserting “January 1, 2024”.

(j) WEATHER REPORTING PROGRAMS.—Section 48105 of title 49, United States Code, is amended by adding at the end the following:

“(5) \$9,803,278 for the period beginning on October 1, 2023, and ending on December 31, 2023.”.

(k) LEARNING PERIOD.—Section 50905(c)(9) of title 51, United States Code, is amended by striking “October 1, 2023” and inserting “January 1, 2024”.

(l) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 117 Stat. 2518) is amended by inserting “and for the period beginning on October 1, 2023, and ending on December 31, 2023,” after “fiscal years 2018 through 2023”.

(m) FINAL ORDER ESTABLISHING MILEAGE AND ADJUSTMENT ELIGIBILITY.—Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(n) CONTRACT WEATHER OBSERVERS.—Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 641) is amended by striking “October 1, 2023” and inserting “January 1, 2024”.

(o) REMOTE TOWER PILOT PROGRAM.—Section 161(a)(10) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47104 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(p) AIRPORT ACCESS ROADS IN REMOTE LOCATIONS; STORAGE FACILITIES FOR SNOW REMOVAL EQUIPMENT.—Section 162 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47102 note) is amended

49 USC note
prec. 42301.

by inserting “and for the period beginning on October 1, 2023, and ending on December 31, 2023” after “fiscal years 2018 through 2023”.

(q) UAS REMOTE DETECTION AND IDENTIFICATION PILOT PROGRAM.—Section 372(d) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44810 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(r) ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(s) AVIATION CONSUMER ADVOCATE.—Section 424(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(t) ADVISORY COMMITTEE ON AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES.—Section 439(g) of the FAA Reauthorization Act of 2018 (49 U.S.C. 41705 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(u) ENHANCED TRAFFIC SERVICES.—Section 547(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40103 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(v) PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.—Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

SEC. 2203. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (E) by striking “and” at the end;

(B) in subparagraph (F) by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (F) the following:

“(G) \$2,995,027,322 for the period beginning on October 1, 2023, and ending on December 31, 2023.”; and

(2) in paragraph (3) by inserting “and for the period beginning on October 1, 2023, and ending on December 31, 2023” after “fiscal years 2018 through 2023”.

SEC. 2204. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:

“(7) \$740,273,224 for the period beginning on October 1, 2023, and ending on December 31, 2023.”.

SEC. 2205. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) in paragraph (14), by striking “and”;

(2) in paragraph (15) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(16) \$64,098,360 for the period beginning on October 1, 2023, and ending on December 31, 2023.”.

SEC. 2206. SMALL COMMUNITY AIR SERVICE.

(a) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742(a)(2) of title 49, United States Code, is amended by striking “2023” and inserting “2023, and \$89,191,486 for the period beginning on October 1, 2023, and ending on December 31, 2023.”.

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743(e)(2) of title 49, United States Code, is amended by inserting “, and \$2,513,661 for the period beginning on October 1, 2023, and ending on December 31, 2023,” after “fiscal years 2018 through 2023”.

Subtitle B—Aviation Revenue Provisions

SEC. 2211. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A) by striking “October 1, 2023” and inserting “January 1, 2024”; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting “or title II of division B of the Continuing Appropriations Act, 2024 and Other Extensions Act.”.

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking “October 1, 2023” and inserting “January 1, 2024”.

26 USC 9502.

SEC. 2212. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) FUEL TAX.—Section 4043(d) of such Code is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

(2) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking “October 1, 2023” and inserting “January 1, 2024”.

(3) EXEMPTION FROM TICKET TAX.—Section 4261(j) of such Code is amended by striking “September 30, 2023” and inserting “December 31, 2023”.

Subtitle C—Expiring Counter-UAS Authorities

SEC. 2221. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

Section 210G(i) of the Homeland Security Act of 2002 (6 U.S.C. 124n(i)) is amended by striking “on the date that is 4 years after the date of enactment of this section” and inserting “on November 18, 2023”.

TITLE III—HEALTH AND HUMAN SERVICES

Subtitle A—Animal Drug and Animal Generic Drug User Fee Amendments

Animal Drug User Fee Amendments of 2023.

21 USC 301 note.

21 USC 379j–11 note.

CHAPTER 1—FEES RELATING TO ANIMAL DRUGS

SEC. 2301. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This chapter may be cited as the “Animal Drug User Fee Amendments of 2023”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made in this chapter will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 2302. DEFINITIONS.

Section 739 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11) is amended—

(1) in paragraph (3), by striking “national drug code” and inserting “National Drug Code”; and

(2) by amending paragraph (8)(I) to read as follows:

“(I) The activities necessary for implementation of the United States and European Union Mutual Recognition Agreement for Pharmaceutical Good Manufacturing Practice Inspections, and the United States and United Kingdom Mutual Recognition Agreement Sectoral Annex for Pharmaceutical Good Manufacturing Practices, and other mutual recognition agreements, with respect to animal drug products subject to review, including implementation activities prior to and following product approval.”.

SEC. 2303. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

(a) IN GENERAL.—Section 740(a)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(a)(1)(A)(ii)) is amended—

- (1) in subclause (I), by striking “and” at the end;
- (2) in subclause (II), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(III) an application for conditional approval under section 571 of a new animal drug for which an animal drug application submitted under section 512(b)(1) has been previously approved under section 512(d)(1) for another intended use.”

(b) FEE REVENUE AMOUNTS.—Section 740(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(b)(1)) is amended to read as follows:

“(1) IN GENERAL.—Subject to subsections (c), (d), (f), and (g), for each of fiscal years 2024 through 2028, the fees required under subsection (a) shall be established to generate a total revenue amount of \$33,500,000.”

Time periods.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—

(1) ANNUAL FEE SETTING.—Section 740(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(c)(1)) is amended to read as follows:

“(1) ANNUAL FEE SETTING.—Not later than 60 days before the start of each fiscal year beginning after September 30, 2023, the Secretary shall—

Deadline.

“(A) establish for that fiscal year animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection; and

“(B) publish such fee revenue amounts and fees in the Federal Register.”

Federal Register, publication.

(2) INFLATION ADJUSTMENT.—Section 740(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “2020” and inserting “2025”; and

(ii) in clause (iii), by striking “Baltimore” and inserting “Arlington-Alexandria”; and

(B) in subparagraph (B), by striking “2020” and inserting “2025”.

(3) WORKLOAD ADJUSTMENTS.—Section 740(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(c)(3)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking “2020” and inserting “2025”; and

(II) by striking “subparagraphs (B) and (C)” and inserting “subparagraph (B)”;

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

(iii) by striking clause (ii) and inserting the following:

Determination.

Federal Register, publication. Notice.

Time periods.

Federal Register, publication. Notice.

“(ii) such adjustment shall be made for each fiscal year that the adjustment determined by the Secretary is greater than 3 percent, except for the first fiscal year that the adjustment is greater than 3 percent; and

“(iii) the Secretary shall publish in the Federal Register notice under paragraph (1) the amount of such adjustment and the supporting methodologies.”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(4) FINAL YEAR ADJUSTMENT.—Section 740(c)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-12(c)(4)) is amended to read as follows:

“(4) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For fiscal year 2025 and each subsequent fiscal year, after the fee revenue amount established under subsection (b) is adjusted in accordance with paragraphs (2) and (3), the Secretary shall—

“(i) increase the fee revenue amount for such fiscal year, if necessary to provide an operating reserve of not less than 12 weeks; or

“(ii) if the Secretary has an operating reserve in excess of the number of weeks specified in subparagraph (C) for that fiscal year, the Secretary shall decrease the fee revenue amount to provide not more than the number of weeks specified in subparagraph (C) for that fiscal year.

“(B) CARRYOVER USER FEES.—For purposes of this paragraph, the operating reserve of carryover user fees for the process for the review of animal drug applications does not include carryover user fees that have not been appropriated.

“(C) NUMBER OF WEEKS OF OPERATING RESERVES.—The number of weeks of operating reserves specified in this subparagraph is—

“(i) 22 weeks for fiscal year 2025;

“(ii) 20 weeks for fiscal year 2026;

“(iii) 18 weeks for fiscal year 2027; and

“(iv) 16 weeks for fiscal year 2028.

“(D) PUBLICATION.—If an adjustment to the operating reserve is made under this paragraph, the Secretary shall publish in the Federal Register notice under paragraph (1) the rationale for the amount of the adjustment and the supporting methodologies.”.

(d) EXEMPTION FROM FEES.—Section 740(d)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-12(d)(4)) is amended to read as follows:

“(4) EXEMPTION FROM FEES.—Fees under paragraphs (2), (3), and (4) of subsection (a) shall not apply with respect to any person who is the named applicant or sponsor of an animal drug application, supplemental animal drug application, or investigational animal drug submission if such application or submission involves the intentional genomic alteration of an animal that is intended to produce a drug, device, or biological product subject to fees under section 736, 738, 744B, or 744H.”.

(e) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 740(g)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(g)(3)) is amended by striking “2019 through 2023” and inserting “2024 through 2028”.

(2) COLLECTION SHORTFALLS.—Section 740(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(g)) is amended—

- (A) in paragraph (3), by striking “and paragraph (5)”; and
- (B) by striking paragraph (5).

SEC. 2304. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 740A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–13) is amended—

- (1) in subsection (a), by striking “2018” and inserting “2023”;
- (2) by striking “2019” each place it appears in subsections (a) and (b) and inserting “2024”; and
- (3) in subsection (d)–
 - (A) in paragraph (1), by striking “2023” and inserting “2028”; and
 - (B) in paragraph (5), by striking “2023” and inserting “2028”.

SEC. 2305. SAVINGS CLAUSE.

Notwithstanding the amendments made by this chapter, part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11 et seq.), as in effect on the day before the date of enactment of this chapter, shall continue to be in effect with respect to animal drug applications and supplemental animal drug applications (as defined in such part as of such day) that on or after October 1, 2018, but before October 1, 2023, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2024.

Extension.
Time period.
21 USC 379j–11
note.

SEC. 2306. EFFECTIVE DATE.

The amendments made by this chapter shall take effect on October 1, 2023, or the date of the enactment of this Act, whichever is later, except that fees under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11 et seq.), as amended by this chapter, shall be assessed for animal drug applications and supplemental animal drug applications received on or after October 1, 2023, regardless of the date of the enactment of this Act.

Assessment.
21 USC 379j–11
note.

SEC. 2307. SUNSET DATES.

(a) AUTHORIZATION.—Sections 739 and 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 21 U.S.C. 379j–11; 379j–12) shall cease to be effective October 1, 2028.

21 USC 379j–11
note.

(b) REPORTING REQUIREMENTS.—Section 740A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–13) shall cease to be effective January 31, 2029.

21 USC 379j–13
note.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2023, subsections (a) and (b) of section 107 of the Animal Drug User Fee Amendments of 2018 (Public Law 115–234) are repealed.

Repeals.
21 USC 379j–12
note.
21 USC 379j–12
note, 379j–13
note.

Animal Generic
Drug User Fee
Amendments of
2023.

21 USC 301 note.

21 USC 379j-21
note.

CHAPTER 2—FEES RELATING TO GENERIC ANIMAL DRUGS

SEC. 2311. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This chapter may be cited as the “Animal Generic Drug User Fee Amendments of 2023”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made in this chapter will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified for purposes of part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 2312. AUTHORITY TO ASSESS AND USE GENERIC NEW ANIMAL DRUG FEES.

(a) GENERIC INVESTIGATIONAL NEW ANIMAL DRUG FILE FEE.—Section 741(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21(a)) is amended by adding at the end the following:

“(4) GENERIC INVESTIGATIONAL NEW ANIMAL DRUG FILE FEE.—

Effective date.

“(A) IN GENERAL.—

“(i) NEW FILE REQUEST.—Each person that submits a request to establish a generic investigational new animal drug file on or after October 1, 2023, shall be assessed a fee as established under subsection (c).

“(ii) NEW SUBMISSION TO ESTABLISHED FILE.—Each person that makes a submission to a generic investigational new animal drug file on or after October 1, 2023, where such file was established prior to October 1, 2023, shall be assessed a fee for the first submission on or after October 1, 2023, as established under subsection (c).

“(B) PAYMENT.—

“(i) NEW FILE REQUEST.—The fee required by subparagraph (A)(i) shall be due upon submission of the request to establish the generic investigational new animal drug file.

“(ii) NEW SUBMISSION TO ESTABLISHED FILE.—The fee required by subparagraph (A)(ii) shall be due upon the first submission to the generic investigational new animal drug file.

“(C) EXCEPTIONS.—

“(i) TERMINATING AN EXISTING GENERIC INVESTIGATIONAL NEW ANIMAL DRUG FILE.—If a person makes a submission to the generic investigational new animal drug file to terminate that file, the person shall not be subject to a fee under subparagraph (A)(ii) for that submission.

“(ii) TRANSFERRING AN EXISTING GENERIC INVESTIGATIONAL NEW ANIMAL DRUG FILE.—If a person makes

a submission to the generic investigational new animal drug file to transfer that file to a different generic new animal drug sponsor, the person shall not be subject to a fee under subparagraph (A)(ii) for that submission.”.

(b) **FEE REVENUE AMOUNTS.**—Section 741(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21(b)) is amended—

(1) in paragraph (1)—

(A) by striking “2019 through 2023” and inserting “2024 through 2028”; and

(B) by striking “\$18,336,340” and inserting “\$25,000,000”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “25 percent” and inserting “20 percent”; and

(ii) by inserting before the semicolon at the end the following: “and fees under subsection (a)(4) (relating to generic investigational new animal drug files)”;

(B) in subparagraph (B), by striking “37.5 percent” and inserting “40 percent”; and

(C) in subparagraph (C), by striking “37.5 percent” and inserting “40 percent”.

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

(1) **ANNUAL FEE SETTING.**—Section 741(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21(c)(1)) is amended to read as follows:

“(1) **ANNUAL FEE SETTING.**—The Secretary shall establish, not later than 60 days before the start of each fiscal year beginning after September 30, 2023, for that fiscal year—

Deadlines.

“(A) abbreviated application fees that are based on the revenue amounts established under subsection (b), the adjustments provided under this subsection, and the amount of fees anticipated to be collected under subsection (a)(4) during that fiscal year;

“(B) generic new animal drug sponsor fees, and generic new animal drug product fees, based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection; and

“(C) a generic investigational new animal drug file fee of \$50,000 for each request or submission described in subsection (a)(4)(A).”.

(2) **INFLATION ADJUSTMENT.**—Section 741(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “2020” and inserting “2025”; and

(ii) in clause (iii), by striking “Baltimore” and

inserting “Arlington-Alexandria”; and

(B) in subparagraph (B), by striking “2020” and inserting “2025”.

(3) **WORKLOAD ADJUSTMENT.**—Section 741(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21(c)(3)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “2020” and inserting “2025”;

(ii) in clause (i)—

(I) by striking “and investigational generic new animal drug protocol submissions” and inserting “investigational generic new animal drug protocol submissions, requests to establish a generic investigational new animal drug file, and generic investigational new animal drug meeting requests”; and

(II) by striking “; and” and inserting a semicolon;

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

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

“(ii) if the workload adjustment calculated by the Secretary under clause (i) exceeds 25 percent, the Secretary shall use 25 percent for the adjustment; and”;

(B) in subparagraph (B), by striking “2021 through 2023” and inserting “2026 through 2028”.

(4) FINAL YEAR ADJUSTMENT.—Section 741(c)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21(c)(4)) is amended—

(A) by striking “2023” each place it appears and inserting “2028”; and

(B) by striking “2024” and inserting “2029”.

(d) FEE WAIVER OR REDUCTION; EXEMPTION FROM FEES.—Subsection (d) of section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21) is amended to read as follows:

“(d) FEE WAIVER OR REDUCTION.—The Secretary shall grant a waiver from, or a reduction of, one or more fees assessed under subsection (a) where the Secretary finds that the generic new animal drug is intended solely to provide for a minor use or minor species indication.”.

(e) EFFECT OF FAILURE TO PAY FEES.—Section 741(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21(e)) is amended by striking “The Secretary may discontinue” and inserting “A request to establish a generic investigational new animal drug file that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for action by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue”.

(f) ASSESSMENT OF FEES.—Section 741(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j- 21(f)(2)) is amended by striking “sponsors, and generic new animal drug products at any time” and inserting “products, generic new animal drug sponsors, and generic investigational new animal drug files at any time”.

(g) CREDITING AND AVAILABILITY OF FEES.—Section 741(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21(g)) is amended—

(1) in paragraph (3), by striking “2019 through 2023” and inserting “2024 through 2028”;

(2) by striking the second paragraph (4) (relating to Offset), as added by section 202 of the Animal Generic Drug User Fee Amendments of 2013 (Public Law 113-14); and

(3) by adding at the end the following:

“(5) RECOVERY OF COLLECTION SHORTFALLS.—The amount of fees otherwise authorized to be collected under this section shall be increased—

“(A) for fiscal year 2026, by the amount, if any, by which the amount collected under this section and appropriated for fiscal year 2024 falls below the amount of fees authorized for fiscal year 2024 under paragraph (3);

“(B) for fiscal year 2027, by the amount, if any, by which the amount collected under this section and appropriated for fiscal year 2025 falls below the amount of fees authorized for fiscal year 2025 under paragraph (3); and

“(C) for fiscal year 2028, by the amount, if any, by which the amount collected under this section and appropriated for fiscal years 2026 and 2027 (including estimated collections for fiscal year 2027) falls below the amount of fees authorized for such fiscal years under paragraph (3).”.

(h) DEFINITIONS.—Section 741(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21(k)) is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (13), respectively;

(2) by inserting after paragraph (7) the following:

“(8) GENERIC INVESTIGATIONAL NEW ANIMAL DRUG MEETING REQUEST.—The term ‘generic investigational new animal drug meeting request’ means a request submitted by a generic new animal drug sponsor to meet with the Secretary to discuss an investigational submission for a generic new animal drug.”.

(3) in paragraph (11) (as so redesignated), by adding at the end the following:

“(I) The activities necessary for exploration and implementation of the United States and European Union Mutual Recognition Agreement for Pharmaceutical Good Manufacturing Practice Inspections, and the United States and United Kingdom Mutual Recognition Agreement Sectoral Annex for Pharmaceutical Good Manufacturing Practices, and other mutual recognition agreements, with respect to generic new animal drug products subject to review, including implementation activities prior to and following product approval.”; and

(4) by inserting after paragraph (11) (as so redesignated) the following:

“(12) REQUEST TO ESTABLISH A GENERIC INVESTIGATIONAL NEW ANIMAL DRUG FILE.—The term ‘request to establish a generic investigational new animal drug file’ means the submission to the Secretary of a request to establish a generic investigational new animal drug file to contain investigational submissions for a generic new animal drug.”.

SEC. 2313. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 742 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-22) is amended—

(1) in subsection (a), by striking “2018” and inserting “2023”;

(2) by striking “2019” each place it appears in subsections (a) and (b) and inserting “2024”; and

(3) in subsection (d), by striking “2023” each place it appears and inserting “2028”.

Extension.
Time period.
21 USC 379j–21
note.

Assessment.
21 USC 379j–21
note.

21 USC 379j–21
note.

21 USC 379j–22
note.

Repeals.
21 USC 379j–21
note.
21 USC 379j–21
note, 379j–22
note.
Time periods.

SEC. 2314. SAVINGS CLAUSE.

Notwithstanding the amendments made by this chapter, part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21 et seq.), as in effect on the day before the date of enactment of this chapter, shall continue to be in effect with respect to abbreviated applications for a generic new animal drug and supplemental abbreviated applications for a generic new animal drug (as defined in such part as of such day) that on or after October 1, 2018, but before October 1, 2023, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2024.

SEC. 2315. EFFECTIVE DATE.

The amendments made by this chapter shall take effect on October 1, 2023, or the date of the enactment of this Act, whichever is later, except that fees under part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21 et seq.), as amended by this chapter, shall be assessed for abbreviated applications for a generic new animal drug and supplemental abbreviated applications for a generic new animal drug received on or after October 1, 2023, regardless of the date of enactment of this Act.

SEC. 2316. SUNSET DATES.

(a) AUTHORIZATION.—Section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21) shall cease to be effective October 1, 2028.

(b) REPORTING REQUIREMENTS.—Section 742 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–22) shall cease to be effective January 31, 2029.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2023, subsections (a) and (b) of section 206 of the Animal Generic Drug User Fee Amendments of 2018 (Public Law 115–234) are repealed.

Subtitle B—Public Health Extenders

SEC. 2321. EXTENSION FOR COMMUNITY HEALTH CENTERS, NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)) is amended—

(1) by striking “and \$126,500,000” and inserting “\$126,500,000”; and

(2) by inserting “and \$16,635,616 for the period beginning on October 1, 2023, and ending on November 17, 2023,” before “to remain available”.

(b) EXTENSION FOR COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended—

(1) by striking “and \$4,000,000,000” and inserting “, \$4,000,000,000”; and

(2) by inserting “, and \$526,027,397 for the period beginning on October 1, 2023, and ending on November 17, 2023” before the semicolon.

(c) EXTENSION FOR THE NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(I) \$40,767,123 for the period beginning on October 1, 2023, and ending on November 17, 2023.”

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section shall be subject to the requirements contained in Public Law 117-328 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b et seq.).

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 3014(h)(4) of title 18, United States Code, is amended—

(1) by striking “Other Extensions Act,” and inserting “Other Extensions Act”; and

(2) by striking “and section 301(d) of division BB of the Consolidated Appropriations Act, 2021.” and inserting “section 301(d) of division BB of the Consolidated Appropriations Act, 2021, and section 2321(d) of the Continuing Appropriations Act, 2024 and Other Extensions Act”.

SEC. 2322. EXTENSION OF SPECIAL DIABETES PROGRAMS.

(a) EXTENSION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(E) \$19,726,027 for the period beginning on October 1, 2023, and ending on November 17, 2023, to remain available until expended.”.

(b) EXTENDING FUNDING FOR SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(E) \$19,726,027 for the period beginning on October 1, 2023, and ending on November 17, 2023, to remain available until expended.”.

Subtitle C—Necessary Authorities To Respond to Threats

SEC. 2331. EXTENSION OF AUTHORITY TO MAKE CERTAIN APPOINTMENTS OF NATIONAL DISASTER MEDICAL SYSTEM PERSONNEL.

Section 2812(c)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh-11(c)(4)(B)) is amended by striking “September 30, 2023” and inserting “November 17, 2023”.

SEC. 2332. TEMPORARY REASSIGNMENT OF STATE AND LOCAL PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.

Section 319(e)(8) of the Public Health Service Act (42 U.S.C. 247d(e)(8)) is amended by striking “September 30, 2023” and inserting “November 17, 2023”.

SEC. 2333. EXTENSION OF NATIONAL ADVISORY COMMITTEES.

(a) **NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.**—Section 2811A(g) of the Public Health Service Act (42 U.S.C. 300hh-10b(g)) is amended by striking “September 30, 2023” and inserting “November 17, 2023”.

(b) **NATIONAL ADVISORY COMMITTEE ON SENIORS AND DISASTERS.**—Section 2811B(g)(1) of the Public Health Service Act (42 U.S.C. 300hh-10c(g)(1)) is amended by striking “September 30, 2023” and inserting “November 17, 2023”.

(c) **NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES AND DISASTERS.**—Section 2811C(g)(1) of the Public Health Service Act (42 U.S.C. 300hh-10d(g)(1)) is amended by striking “September 30, 2023” and inserting “November 17, 2023”.

Subtitle D—Medicaid

Time periods.

SEC. 2341. DSH DELAY.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r-4(f)(7)(A)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “For each of fiscal years 2024 through 2027” and inserting “For the period beginning November 18, 2023, and ending September 30, 2024, and for each of fiscal years 2025 through 2027”; and

(B) in subclauses (I) and (II), by inserting “or period” after “the fiscal year” each place it appears; and

(2) in clause (ii), by striking “for each of fiscal years 2024 through 2027” and inserting “for the period beginning November 18, 2023, and ending September 30, 2024, and for each of fiscal years 2025 through 2027.”.

SEC. 2342. MIF REDUCTION.

Section 1941(b)(3)(A) of the Social Security Act (42 U.S.C. 1396w-1(b)(3)(A)) is amended by striking “\$7,000,000,000” and inserting “\$6,357,117,810”.

Time periods.

Subtitle E—Human Services

SEC. 2351. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

Activities authorized by part B of title IV of the Social Security Act shall continue through November 17, 2023, in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 2352. SEXUAL RISK AVOIDANCE EDUCATION EXTENSION.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a)—
(A) in paragraph (1)—
(i) in the matter preceding subparagraph (A)—
(I) by inserting “and for the period beginning on October 1, 2023, and ending on November 17, 2023” after “2023”; and
(II) by inserting “(or, with respect to such period, for fiscal year 2024)” after “for the fiscal year”; and
(ii) in subparagraph (A), by inserting “or period” after “fiscal year” each place it appears; and
(B) in paragraph (2)—
(i) in subparagraph (A), by inserting “and with respect to fiscal year 2024, for the period described in paragraph (1)” after “2023”; and
(ii) in subparagraph (B)(i), by inserting “(or, with respect to fiscal year 2024, for the period described in paragraph (1))” after “for the fiscal year”; and
(2) in subsection (f)—
(A) in paragraph (1), by inserting “, and for the period beginning on October 1, 2023, and ending on November 17, 2023, an amount equal to the pro rata portion of the amount appropriated for the corresponding period for fiscal year 2023” after “2023”; and
(B) in paragraph (2), by inserting “and for the period described in paragraph (1),” after “2023.”.

SEC. 2353. PERSONAL RESPONSIBILITY EDUCATION EXTENSION.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)—
(A) in paragraph (1)—
(i) in subparagraph (A)—
(I) in the matter preceding clause (i), by inserting “and for the period beginning on October 1, 2023, and ending on November 17, 2023” after “2023”; and
(II) in clause (i), by inserting “or period” after “for the fiscal year”;
(ii) in subparagraph (B)(i), by inserting the following after the period: “The previous sentence shall not apply with respect to State allotments under this paragraph for the period beginning on October 1, 2023, and ending on November 17, 2023.”; and
(iii) in subparagraph (C)(i)—
(I) by inserting “or the period described in subparagraph (A)” after “for a fiscal year”; and
(II) by inserting “or period” after “the fiscal year”;
(B) in paragraph (3)—
(i) by inserting “or the period described in paragraph (1)(A)” after “for a fiscal year”; and
(ii) by inserting “or period” after “such fiscal year”; and
(C) in paragraph (4)—

- (i) by inserting “and for the period described in paragraph (1)(A)” after “fiscal years 2010 through 2023”;
- (ii) by inserting “and for the period so described” after “fiscal years 2012 through 2023”; and
- (iii) by inserting “or the period so described” after “for a fiscal year”;

(2) in subsection (c)—

- (A) in each of paragraphs (1) and (2), by striking “From” and inserting “Subject to paragraph (3), from”; and
- (B) by adding at the end the following:

“(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply with respect to any amount appropriated under subsection (f) for the period described in subsection (a)(1)(A).”; and

(3) in subsection (f), by inserting “, and for the period beginning on October 1, 2023, and ending on November 17, 2023, an amount equal to the pro rata portion of the amount appropriated for the corresponding period for fiscal year 2023” after “2023”.

TITLE IV—BUDGETARY EFFECTS

SEC. 2401. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

- (1) for purposes of section 251 of such Act;
- (2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved September 30, 2023.

LEGISLATIVE HISTORY—H.R. 5860:
CONGRESSIONAL RECORD, Vol. 169 (2023):
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