

H.R. 2617, Consolidated Appropriations Act, 2023

NCSL Legislative Summary

January 9, 2023

The 117th Congress concluded with a bang, passing an Omnibus appropriations package right before breaking for the holidays. President Biden signed into law “H.R. 2617, Consolidated Appropriations Act, 2023” on Dec. 29. This ends a tumultuous fiscal season where we witnessed the president’s budget release to Congress on March 23, 2022—well beyond the mandated date of the first Monday in February. Congressional action fared no better with Congress skipping passage of a budget resolution, appropriations leaders introducing partisan language without ample hearings, and Congress failing to pass all 12 annual stand-alone appropriations bills. Finally, with a federal government shutdown looming, Congress employed two continuing resolutions to give the process more time before passing 4,408 pages of legislation.

The impact on the states was large, as usual. NCSL advocated for inclusion of [several lame-duck priorities](#). Congress included language from the State, Local, Tribal, and Territory Recovery, Infrastructure and Disaster Relief Flexibility Act, reauthorized and funded the Maternal, Infant and Early Child Home Visiting program, and included language supporting Temporary Assistance for Needy Families. NCSL also advocated for the exclusion of permitting proposals that further preempt existing state authority to certify infrastructure projects – which were not included in the Omnibus. However, Congress failed to act on the NCSL priority to pass Secure and Fair Enforcement (SAFE) Banking Act.

States rely on a timely, transparent federal budget process for their own fiscal planning. As we begin the fiscal year 2024 appropriations process, NCSL will continue its advocacy work. This includes on-time introduction of a President’s budget, early passage of a budget resolution, timely release of appropriations language with congressional hearings, and passage of the 12 annual stand-alone appropriations bills instead of an enormous end-of-year package.

Bill Text: The complete bill text for H.R. 2617, Consolidated Appropriations Act, 2023 can be found at [Congress.gov](https://www.congress.gov).

Explanatory Notes: The Senate Appropriations Committee provided information for each of the traditional spending bills contained in H.R.3617 and their explanatory notes, for this information, please [visit their website](#).

Funding Table: [Federal Funds Information for States](#) (FFIS), through its [Jim Martin Table](#), summarizes funding for major grant programs.

NCSL Summary: NCSL’s State-Federal Affairs team has compiled a summary of policy impacts and major budget numbers – information is organized by NCSL Standing Committee:

Budgets and Revenue

- Child Tax Credit and Tax Extenders
- The Securing a Strong Retirement Act – Secure 2.0
- State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act
- State and Local Taxes Deduction

Communications, Financial Services, and Interstate Commerce

- Broadband
- Secure and Fair Enforcement (SAFE) Banking Act

Education

- Career and Technical Education
- Elementary and Secondary Education
- Early Childhood Education
- Higher Education

Health and Human Services

- Child Abuse and Prevention
- Maternal Health
- Medicaid
- Mental Health and Substance Abuse
- Nutrition
- Medical Supply Chains
- Temporary Assistance for Needy Families
- Telehealth
- Veterans
- Workforce

Labor and Economic Development

- Cultural Affairs
- Economic Development
- Housing
- Labor and Employment
- Occupational Licensing
- Trade
- Veterans and Military Affairs

Law, Criminal Justice and Public Safety

- Cybersecurity
- Disaster Relief
- Grants to State and Local Law Enforcement
- Immigration

Natural Resources and Infrastructure

- **Agriculture**
 - **Clean Water and Drinking Water Infrastructure**
 - **Disaster Relief and Migration**
 - **Energy**
 - **Payment in Lieu of Taxes**
 - **Per-and Polyfluoroalkyl Substances Cleanup**
 - **Permitting**
 - **Transportation**
 - **Western Water and Related Resources**
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Budgets and Revenue

NCSL Contact for Budgets and Revenue: [Brian Wanko](#)

- **Child Tax Credit and Tax Extenders**
 - **Excluded** from the Omnibus were **Child Tax Credit** and **Tax Relief** extender provisions. Extensive negotiations took place between Democrats and Republican centered on extending changes to the Child Tax Credit that expired in January 2022 and extension of certain expired tax cuts included in The Tax Cuts and Jobs Act, passed in December 2017, that expired in 2021. Despite a greenlight by the White House to extend tax relief measures to ensure extension of the Child Tax Credit, Congress was unable to come to a compromise and both measures were left out of the Omnibus package.
 - **The Child Tax Credit failed to be included.** This measure expired in January 2022. The original measure in the American Rescue Plan increased the Child Tax Credit from \$2,000 per child to \$3,000 per child for children over the age of six and from \$2,000 to \$3,600 for children under the age of six and raised the age limit from 16 to 17.
 - **Tax Relief extender provisions failed to be included.** These provisions expired or are to expire. The Tax Cuts and Jobs Act provided for corporate research and development breaks allowing companies to deduct their research expenses over a period of five years, rather than deducting them all at once in the year that the spending happened. Additionally, extensions for corporate deduction of interest expenses and changes to bonus depreciation were sought.
- **The Securing a Strong Retirement Act - Secure 2.0.**
 - **H.R. 2954:** The Securing a Strong Retirement Act, known as Secure 2.0, makes many changes to retirement incentives and laws, including:
 - **Automatic Enrollment** has expanded. Starting in 2025, employees will be automatically enrolled in 401(k) and 403(b) plans with the ability to opt-out.
 - **Emergency Expense Distributions** provides for account owners to take out \$1,000 once per year without a historical 10% tax for early distribution and aligns other distribution rules of 401(K) accounts with 403(b) accounts.
 - **Employer Fund Match for Student Loan Payments** allows employers to match an employee's student loan payment with a contribution to their employee retirement plan.
 - Limits are Increased:
 - **Catch-up contributions** are increased to \$10,00 or 50% more of the regular catch-up amount for 60 to 63-year-olds.

- **Catch-up threshold cap** is increased to \$145,000 allowing those under the limit to increase their contributions if they are 50 or older.
- **Required Minimum Distributions (RMDs)** changes raises age for RMDs from 72 to 73 starting in 2023 and from 73 to 75 starting in 2033 and eliminates RMDs for employer Roth plan accounts such as Roth 401(k).
- **State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (S.3011)**
 - Through an [amendment](#) adopted by the Senate, this measure is included in the Omnibus and provides for funding flexibility for states and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to Coronavirus Relief Fund payments, and for other purposes.
 - **Greater Long-term Impact:** The measure expands the eligible uses of these funds to include infrastructure, disaster relief, housing, community development, and other investments that will have a long-term economic return.
 - **Treasury Flexibility:** The Department of Treasury has more flexibility in how it uses administrative funds to ensure continued programming and technical support to State, Local, Tribal, and Territories
 - **Tribes and Territories:** It also ensures tribes and territories eligible for assistance are given the time and flexibility to do so.
- **State and Local Taxes (SALT) Deduction**
 - **Excluded** from the Omnibus were efforts to change State and Local Taxes Deductions.
 - Per current law, the \$10,000 tax cap is set to expire in 2025.
 - **Opponents** of the \$10,000 cap on SALT deductions [call for its removal](#) as they feel that “states offer tax credits that encourage charitable giving to certain causes, and this rule unnecessarily restricts the ability of states to incentivize charitable donations to nonprofits.”
 - **Proponents** of the cap argue that an increased deduction unfairly benefits the highest earners and the current cap offers more tax neutrality and equality.

Communications, Financial Services, Interstate Commerce

NCSL Contact for Communications, Financial Services, and Interstate Commerce: [Erlinda Doherty](#)

- **Broadband:** \$455 million including \$348 million for the ReConnect program. These funds are in addition to the \$2 billion provided by the Infrastructure Investment and Jobs Act.
- **Secure and Fair Enforcement (SAFE) Banking Act**
 - **Excluded** from the Omnibus despite numerous efforts and support of three of the four most senior leaders in Congress, were provisions of the SAFE Banking Act.
 - **Protecting Banking Institutions:** Provisions would have reversed current laws and allowed banks to provide services to cannabis businesses, protecting banking institutions that chose to offer services to legitimate cannabis-related businesses operating consistent with respective state laws.
 - **Vulnerability:** The conflict between state and federal laws makes businesses in states that have legalized cannabis unable to utilize the country’s banking system, forcing them to operate as cash-only entities. This reliance on cash makes cannabis businesses prime targets for theft, burglary, armed robbery and other property crimes.

- **NCSL Advocacy:** NCSL will continue to urge the next Congress to pass bipartisan legislation that would create a safer environment for cannabis businesses and would allow financial institutions to provide banking services to legitimate state-authorized cannabis-related businesses.

Labor and Economic Development

NCSL Contacts for Labor and Economic Development: Deanna Ross (deanna.ross@ncsl.org) and Jon Jukuri (jon.jukuri@ncsl.org)

- **Cultural Affairs**
 - **National Endowment for the Arts** and the **National Endowment for the Humanities:** 15% funding increase in funding, each receiving \$27 million.
- **Economic Development**
 - **Assistance to Coal Communities:** \$48 million, an increase of \$6.5 million.
 - **Economic Development Administration:** \$498 million, an increase of \$124.5 million. This includes:
 - **Regional Innovation Program:** \$50 million, an increase of \$5 million, to help create jobs by establishing and expanding region-focused innovative technology business endeavors.
 - **Science, Technology, Engineering and Mathematics (STEM) Apprenticeships:** \$3 million is provided for STEM Apprenticeships to help align the skills of workers and the needs of employers.
 - **EDA's Public Works Program:** \$121 million, an increase of \$5 million, which supports brick-and-mortar projects in distressed communities across the nations.
- **Housing**
 - **Critical Services Support and Housing Assistance:** \$2.7 billion included, a 25% increase, to support critical services and housing assistance for veterans and their families experiencing homelessness.
 - **Family Housing:** \$2 billion for Family Housing in the Department of Veterans Affairs budget, an increase of \$562.8 million. An additional \$30 million to increase oversight of Department of Defense-owned and privatized housing.
 - **Homeless Assistance Programs:** \$2.7 billion, an increase of \$420 million. This funding will enhance the VA's ability to reach homeless veterans.
 - **Homeless Veterans Reintegration Program:** \$65.5 million for the Homeless Veterans Reintegration Program, an increase of \$5 million.
 - **Project-Based Rental Assistance:** \$14.9 billion for Project-based Rental Assistance, an increase of \$967 million, to continue to house more than 1.2 million very low- and low-income households nationwide.
 - **Public Housing Fund:** \$8.5 billion, an increase of \$62.5 million.
 - **Tenant-Based Rental Assistance:** \$27.6 billion, an increase of \$3 billion.
 - **U.S. Interagency Council for Homelessness:** \$3 billion to strengthen the federal coordination of assistance to individuals experiencing or at risk of homelessness.
- **Labor and Employment**
 - **Bureau of International Labor Affairs:** \$116 million, an increase of \$10 million.
 - **Employment Training and Services:** \$4.1 billion for training and employment services, a \$226 million increase from FY22, with an additional \$1.42 billion for a grant program that provides employment assistance to support dislocated worker employment and training activities.
 - **Foreign Labor Certification:** \$84 million, an increase of \$4 million. Funds will help support federal oversight and enforcement of regulations and assist States in reviewing and conducting oversight of processing applications.

- **Registered Apprenticeships:** \$285 million for Registered Apprenticeships, an increase of \$50 million above the FY 2022 enacted level.
- **Unemployment Insurance:** \$3.1 billion, an increase of \$284 million, for the operation of the Unemployment Insurance program. Also includes contingency funding to help States if there is a spike in unemployment claims.
- **Women’s Bureau:** \$23 million, an increase of \$5 million.
- **Workforce Innovation and Opportunity Act (WIOA) Programs:** \$5.9 billion, an increase of \$240 million.
- **Occupational Licensing Provision**
 - **Explanatory Statement:** [Congress state that](#) "The agreement is encouraged by progress made through the Department’s efforts to incentivize states to reduce barriers to entry into licensed occupations and increase license portability to facilitate mobility of workers in such occupations, with an emphasis on transitioning service members, veterans, and military spouses.
 - **Report:** The agreement directs the Department of Labor to submit a report within 180 days of the date of enactment of this act detailing the resources needed to continue providing technical assistance to states and relevant organizations.
- **Trade**
 - **Export-Import Bank (EXIM):** \$125 million, an increase of \$11 million. Provides \$15 million to support EXIM’s China and Transformational Exports Program to help American exporters compete fairly against China-backed competition.
 - **International Trade Administration (ITA):** \$625 million, increase of \$55 million. The total includes full funding for ITA Global Markets to help create jobs here at home by increasing U.S. exports, and continued funding for ITA Enforcement and Compliance to protect U.S. industries against unfair foreign trade practices.
 - **International Trade Commission:** \$122.4 million, increase of \$12.4 million.
 - **Trade Adjustment Assistance (TAA):** A one-year extension of the TAA program was authorized in the bill. TAA is a federal worker assistance program for workers whose jobs are outsourced. NCSL’s Labor and Economic Development Standing Committee has a [policy](#) in support of TAA: “NCSL urges the USTR to collaborate with state legislators as well as governors prior to the onset of trade negotiations about state procurement practices, investment, and services issues. NCSL supports federal efforts to provide Trade Adjustment Assistance (TAA) to affected workers.”
- **Veterans and Military Affairs**
 - **Repair of National Guard Facilities:** \$106.2 million to repair Navy, Army Reserve, and Army National Guard facilities in Florida, Georgia, North Carolina, Puerto Rico, and Virginia that were damaged by Hurricanes Ian and Fiona.
 - **Ukraine Supplemental:** \$27.9 billion as part of the fourth Ukraine supplemental.
 - **Support for military families:** Increases pay by 4.6%, the Basic Allowance for Housing by 11%, the Basic Allowance for Subsistence by 11%. Also, includes \$210 million to reduce food prices at commissaries; and increases funds for school construction to its highest ever level of \$687 million.

Law, Criminal Justice, and Public Safety

NCSL Contacts for Law, Criminal Justice and Public Safety: [Susan Frederick](#) and [Nicole Ezeh](#)

- **Cybersecurity**
 - **Energy Security, and Emergency Response:** Provides \$200 million, an increase of \$14 million above the FY year 2022 level. This funding will be used to secure the nation’s energy infrastructure against all hazards, reduce the risks of and impacts from cybersecurity events, and assist with restoration activities.

- **Cybersecurity and Infrastructure Security Agency (CISA):** Provides \$2.4 billion for CISA, a \$200 million decrease from FY22.
- **Disaster Relief**
 - **Federal Emergency Management Agency (FEMA):** \$25.7 billion for FEMA, \$1.5 billion above the FY 2022 enacted level. This includes:
 - **Disaster response and recovery efforts:** \$20 billion.
 - **Federal Assistance:** \$3.9 billion, including:
 - **Emergency Management Performance Grants:** \$355 million, level funding.
 - **State Homeland Security Grant Program:** \$520 million, a decrease of \$125 million.
- **Grants to State and Local Law Enforcement**
 - **Edward Byrne Memorial Justice Assistance Grant:** \$770.8 million, increase of \$95.5 million.
 - **Community Oriented Policing Services Programs:** \$662.9 million, increase of \$151 million.
 - **Second Chance Act Programs:** \$125 million, increase of \$10 million.
 - **State Criminal Alien Assistance Program:** \$234 million, level funding. This is a reimbursement program to states.
 - **Student, Teachers, and Officers Preventing School Violence Act:** \$135 million, level funding.
 - **Violence Against Women Act Prevention and Prosecution Programs:** \$700 million, increase of \$125 million.
- **Immigration**
 - **Customs and Border Protection and Immigration and Customs Enforcement:** \$1.9 billion in additional support for CBP and ICE to manage the high volume of migrants arriving at the southern border.
 - **U.S. Customs and Border Protection (CBP):** \$16.7 billion for CBP, \$1.8 billion above the fiscal year 2022 enacted level.
 - **U.S. Immigration and Customs Enforcement (ICE):** \$8.42 billion for ICE, \$161.1 million above the fiscal year 2022 enacted level.
 - **U.S. Citizenship and Immigration Services:** \$268 million for USCIS, including: \$109.6 million for the E-Verify program and \$133.4 million for refugee processing.

Education

NCSL Contact for Education: [Austin Reid](#)

- **Early Childhood Education**
 - **Child Care and Development Block Grants:** \$7.7 billion, increase of \$2 billion.
 - **Head Start:** \$12 billion for Head Start (increase of \$960 million).
- **Elementary and Secondary Education**
 - **Individuals with Disabilities Education Act Part B and C grants to states:** \$15.15 billion, increase of \$904 million.
 - **Title I Grants:** \$18.4 billion to school districts, increase of \$850 million.
 - **Title II teacher professional development state grants:** \$2.2 billion, increase of \$20 million.
 - **Title IV Student Support and Academic Enrichment Grants:** \$1.4 billion, increase of \$100 million.
- **Higher Education**
 - **Federal TRIO programs:** \$1.2 billion, increase of \$54 million.

- **Historically Black Colleges and Universities, Minority Serving Institutions, and Tribal Colleges and Universities -** \$1 billion in grants and programs of support.
- **Pell Grant:** Increases maximum award to \$7,395 for 2023-2024, increase of \$500 million.
- **Career and Technical Education**
 - **Perkins career and technical education state grants:** \$1.4 billion, increase of \$50 million.

Health and Human Services

NCSL Contact for Health and Human Services: [Lauren Kallins](#)

- **Child Abuse Prevention**
 - **Child Abuse Prevention and Treatment Act (CAPTA):** reauthorized CAPTA state grants reauthorized at \$105M, increase of \$10 million.
 - **Community Based Child Abuse Prevention (CBCAP):** \$71 million for CBCAP programs, increase of \$5 million.
- **Maternal Health**
 - **Maternal and Child Health Block Grant:** increased funding.
 - **Maternal Mental Health Hotline:** increased funding.
 - **State Maternal Health Innovation Grants:** increased funding.
 - **The Maternal, Infant, and Early Childhood Home Visiting** provides grants to states, tribes, territories, and nonprofits to develop and implement evidence-based, voluntary home visitation programs, is reauthorized through fiscal 2027 and includes a \$100 million increase in base funding starting in FY 2023. Additional federal phased-in funding is available starting in fiscal year 2024 which requires a 25% state match. The bill also doubles the tribal set-aside (from 3% to 6%) starting in FYr 2023 and provides dedicated funding (2% set-aside) for workforce support, retention, and case management.
- **Medicaid**
 - **Children’s Health Insurance Program (CHIP) funding extended:** extends funding for CHIP for two years through fiscal year 2029.
 - **Continuous coverage for kids:** requires children to be provided with 12 months of continuous coverage in Medicaid and CHIP effective Jan. 1, 2024.
 - **End of continuous eligibility requirement:** continuous eligibility requirement established during the COVID-19 public health emergency will end in 2023 and Medicaid redeterminations will begin on April 1, 2023, extending over a 12-month period.
 - **Federal Medical Assistance Percentage (FMAP) for Territories extended:** extends Puerto Rico’s FMAP of 76% through fiscal year 2027 and permanently extends the 83% match for American Samoa, the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.
 - **Phase out of Federal Medical Assistance Percentage:** For states that meet certain requirements related to the redetermination process, the enhanced Federal Medical Assistance Percentage (FMAP) will phase out over 2023, remaining at 6.2% in the first quarter, 5% in the second quarter, 2.5% in the third quarter and 1.5% in the fourth quarter.
 - **Postpartum coverage-permanent state option:** makes permanent a state option to allow states to provide 12 months of continuous coverage during the postpartum period in Medicaid or CHIP.
 - **Money Follows the Person (MFP) extended:** extends the MFP Rebalancing demonstration, as well as the protections against spousal impoverishment for recipients of home and community-based services through 2027.
- **Mental Health and Substance Use**
 - **Increased appropriations for FY 2023 – 2027**
 - **Community Mental Health Services Block Grants,** increase of \$150 million.

- **Infant and childhood mental health grants**, an increase of \$5 million.
 - **State and Tribal Youth Suicide Prevention and Early Intervention Program**, increase of \$10 million.
 - **State Opioid Response Grants and Tribal Opioid Response Grants**, increase of \$50 million.
 - **Substance Abuse Prevention and Treatment Block Grant** (*to be renamed as the Substance Use Prevention, Treatment, and Recovery Services Block Grant*), increase of \$100 million.
 - **Suicide and behavioral health crisis prevention: (988 and Behavioral Health Crisis Services)**, increase of \$390 million.
- **New initiatives**
 - **American Indians, Alaska Natives, and Native Hawaiians:** \$80 million annually for mental health services and resources.
 - **Mobile crisis response teams:** \$10 million for a new pilot grant program to enhance or create mobile crisis response teams that would respond to individuals in crisis, rather than law enforcement. Teams could make referrals for continued care or crisis calls from the 911 system to the 988 National Suicide Prevention Lifeline.
 - **Pregnant and postpartum women:** \$10 million for Health and Human Services Department (HHS) to maintain a 24/7 national hotline for mental health and substance use disorder resources for pregnant and postpartum women and their families.
 - **Regional mental health needs:** \$599 million for priority mental health needs of regions of national significance through grants, contracts, or cooperative agreements with states, tribes or health facilities.
- **Nutrition**
 - **Electronic Benefits Transfer (EBT) fraud prevention:** authorizes USDA and states to replace EBT benefits that are determined by a state agency to have been stolen through card skimming, cloning, or other fraudulent methods from Oct. 1, 2022, through Sept. 30, 2024.
 - **EBT summer benefit permanent:** becomes permanent beginning summer 2024, providing over 30 million children from low-income families more money (\$40/month) for food during the summer months.
 - **State option for summer school lunch in rural areas:** requires USDA to establish before summer 2023 a state option to provide school lunch program meals to children for non-congregate consumption in a rural area with no congregate meal service to children including flexibility for 10 days of meals at a time and alternative food delivery methods (ex./grab and go, mobile delivery, backpack programs, or shipping meals).
 - **SNAP emergency supplemental food allotments ending:** Emergency food allotments that were added to the Supplemental Nutrition Assistance Program (SNAP) during the COVID-19 pandemic, will end after February 2023 (will no longer be tied to the end of the public health emergency).
 - **Senior Nutrition Programs:** increased funding.
 - **Medical Supply Chains:** authorizes \$3.5 billion annually for fiscal 2023 and 2024 for HHS to create a pilot grant program to support states in maintaining medical supply stockpiles to respond to a public health emergency.
 - **Temporary Assistance to Needy Families:** Program extended through Sept. 30, 2023.
 - **Telehealth**
 - **Expansion:** extends and expands telehealth flexibilities through Dec. 31, 2024 (instead of 151 days after the end of the COVID-19 PHE) in the following areas:
 - Originating site can now include any site at which the patient is located, including the patient’s home.
 - Practitioners eligible to furnish telehealth services can now include occupational therapists, physical therapists, speech-language pathologists and audiologists.
 - Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) can now furnish telehealth services.
 - The six-month in-person requirement for mental health services furnished through telehealth, including the in-person requirements for FQHCs and RHCs is now delayed.

- Coverage and payment for audio-only telehealth services is now permitted.
- Telehealth services can now be used to meet the face-to-face recertification requirement for hospice care.
- **Veterans**
 - All World War II veterans are eligible for hospital care, medical services, and nursing home care from the Veterans Affairs Department.
 - Requires VA to hire more employees offering mental health services.
- **Workforce**
 - **Public Health Loan Repayment:** reauthorizes the Public Health Workforce Loan Repayment Program offering loan repayment in exchange for individuals working in a state, local, territorial, or tribal health department.
 - **Public Health Workforce:** increased funding to CDC for public health workforce initiatives.
 - **Conrad 30 Program:** extends the Conrad 30 program which allows states to request J-1 visa waivers for foreign-born physicians who have completed a U.S. residency training program to work in federally designated shortage and underserved areas, until Sept. 30, 2023.
 - **Behavioral Health:** increased funding for Title VII Health Professions Education and Training, Substance Use Treatment and Recovery Loan Repayment Program and other Behavioral Health Workforce Education and Training programs.

Natural Resources and Infrastructure

NCSL Contact for Natural Resources and Infrastructure: [Kristen Hildreth](#)

While the funding for the programs within NRI's purview are outlined below, we want to note that this is the second Fiscal Year package with congressionally directed spending, or earmarks, since the practice has been revived. To quickly lay that out, there were a significant number of earmarks across the Omnibus, particularly in the Natural Resources and Infrastructure sphere. Lawmakers approved 780 EPA earmarks, 193 Army Corps of Engineers earmarks, 152 Department of Energy earmarks and 132 Interior Department earmarks. The Department of Energy received 152 earmarks and the Department of Interior programs saw 134 earmarks.

- **Agriculture**
 - **Agricultural Research:** \$3.7 billion to support research programs in the agricultural sector to support investments in new technologies and varieties to improve the productivity, sustainability and quality of American agriculture.
 - **Animal & Plant Health:** \$1.17 billion, a minor increase, to help to protect the nation's animal and plant resources from invasive species and diseases and has funding dedicated to addressing chronic wasting disease and avian influenza, to name a few.
 - **Conservation:** Continues the trends within the Inflation Reduction Act, supporting agriculture conservation programs within the Natural Resources Conservation Service, and through the allocation of \$77 million for watershed rehabilitation and flood prevention projects. Relatedly, the bill included several conservation measures including:
 - [The Growing Climate Solutions Act](#) which sets guidelines for USDA to create a new program, form an advisory committee, and set up technical advisers for farmers and create a list of carbon credit or environmental credit programs that meet USDA protocols. The program would create guidelines allowing farmers and ranchers to prevent, reduce or mitigate greenhouse gas emissions including land or soil carbon sequestration.
 - [The SUSTAINS Act](#) which would allow private sector funds to supplement existing funding for farm bill conservation programs, which are continuously oversubscribed.

- **Market Opportunities:** \$237 million via the Agricultural Marketing Service to facilitate the movement of agriculture products and various open market opportunities.
- **Disaster Funding & Emergency Relief:** \$3.7 billion to extend USDA’s Emergency Relief Program to assist producers who suffered losses due to certain natural disasters in 2022, with \$500 million of that directed towards livestock farmers who have accrued losses due to wildfire or drought.
- **Per-and Polyfluoroalkyl Substances:** \$5 million for USDA for testing for per- and polyfluoroalkyl substances (PFAS) in soil, water or agriculture products and for providing relief to farmers and ranchers whose operations are contaminated. Farmers and ranchers operating in states that have “established a tolerance threshold for PFAS in a food or agricultural product” will be prioritized. Ninety days after the end of the next fiscal year, USDA must also produce a report to Congress to make recommendations on additional assistance and research.
- **Notable Excluded Provisions:** While Congress included a long-standing rider which would prohibit the use of USDA funding for the inspection of horses under the Federal Meat Inspection Act and the Federal Agriculture Improvement and Reform Act, a number of other agricultural items were left out of the omnibus. Those not included were farm worker labor reforms, and legislation to reform cattle markets and the appointment of a special investigator at USDA to investigate possible anti-competitive behavior in the meatpacking sector. That said, the provisions may end up in the Farm Bill which is set to expire Sept. 30, 2023.
- **Endangered Species, and Other Fish and Wildlife Programs:**
 - \$1.77 billion for the U.S. Fish and Wildlife Service with the National Wildlife Refuge System along with Fish and Aquatic Conservation receiving the most substantial increases.
 - \$148 million for the Wild Horse and Burro Program.
 - \$34 million via the Bureau of Land Management for threatened and endangered species.
 - Additionally, Congress has once again included a prohibition on the federal government from listing the greater sage grouse for Endangered Species Act appropriation.
- **Food Safety:** \$1.15 billion to fund food safety and inspection programs to ensure safe food for American families – the funding supports nearly 8,000 meat, poultry and egg inspection personnel across 6,400 facilities within the U.S.
- **Rural Development:** \$4 billion to support rural development initiatives which includes housing, housing, business, and utility assistance. To note—the bill includes \$1.47 billion for rural water and waste program loans, and over \$500 million in water and waste grants for drinking water and waste disposal systems.
- **Environmental Provisions**
 - **Carbon Capture & Class VI wells:** \$5 million for continued work on a program related to Class VI wells for the geologic sequestration of carbon dioxide. The Infrastructure Investment and Jobs Act of 2021 provided \$25 million across FY 22-26 for the program and provided states \$50 million across the same period to establish their own Class VI permitting programs. Class VI program implementation has been delegated by EPA to only two states so far—North Dakota and Wyoming. Louisiana’s Class VI primacy application is under review at EPA in the “completeness determination” phase of the application process. Arizona and West Virginia are listed as being in the “pre-application” phase. For more information visit EPA’s webpage here.
 - **Clean and Drinking Water Infrastructure**
 - **New Water Infrastructure Grant Programs:** \$16 million for new infrastructure assistance grant programs, including the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability program, the Indian Reservation Drinking Water Program, Stormwater Infrastructure Technology, and Enhanced Aquifer Use and Recharge.

- **Public Water System Supervision (PWSS):** \$121.5 million, an increase of \$8.5 million. Of this, \$12 million is to support states, territories, and tribes in addressing PFAS and other contaminants of emerging as they carry out their PWSS programs.
- **State Revolving Funds (SRF):** \$2.76 billion for the Clean and Drinking Water State Revolving Funds (CWSRF) which provide low-cost financing to states to upgrade drinking water and sewer systems and comply with federal clean water and public health laws. However, \$1.47 billion of that is slated to be set aside for more than 700 earmarked projects. According to the Council of Infrastructure Financing Authorities, the 2023 earmarks result in a 47% cut to the SRFs compared to pre-Bipartisan Infrastructure Law funding—47% for the CWSRF and 46% for the DWSRF.
- **Water Infrastructure Finance and Innovation Act:** \$68 million, an increase of \$4.5 million. This includes \$5 million for the SRF programs.
- **Environmental Justice:** \$108 million, an increase of \$8 million for Environmental Justice initiatives within the agency.
- **Environmental Remediation:** \$100 million for brownfields restoration and provides a minimal increase of \$50 million for the Superfund program, providing a total of \$1.3 billion to oversee cleanup at the nation’s most contaminated sites.
- **Geographic Programs:** \$681 million, a \$94.5 million increase, to include funding for the Great Lakes, Chesapeake Bay and the Long Island Sound
- **Disaster Resilience and Mitigation**
 - **Wildland Fire Management:** the bill includes several provisions related to wildland fire management and fuel reduction across several federal agencies, with wildfire management, mitigation and suppression efforts receiving a total of \$4.4 billion, \$550 more than in FY 2022. That number breaks down to the following:
 - **Hazardous Fuels Reduction:** the bill increased funding for hazardous fuels reduction by \$19.6 million for the U.S. Forest Service and provided \$247 million for hazardous fuels management to the Office of Wildland Fire within DOI.
 - **Wildfire Emergency Management:** The Disaster Supplemental also included \$2.056 billion to cover capacity needs related to wildfire emergency management and to provide for repair and reconstruction needs associated with recent wildfires, hurricanes, and other natural disasters.
 - **Wildland Fire Cap Adjustment:** The Omnibus provided \$2.21 billion in adjustment funding for the wildland fire cap via the U.S. Forest Service
 - **Workforce:** \$91.8 million invested in the wildland fire workforce. Relatedly, \$340 million was also provided to the Wildland Suppression Operations Reserve Fund.
- **Energy**
 - **Cybersecurity:** \$200 million for cybersecurity, energy security and emergency response to secure energy infrastructure against all hazards and reduce the risks and impacts from cybersecurity events.
 - **Energy Efficiency & Renewables:** Provides the Office of Energy Efficiency and Renewable Energy \$3.56 billion - the highest amount ever received. Funding will be used to support EERE’s efforts from vehicle technologies, hydrogen research and development, other renewable energy and renewable grid integration, to name a few. Of this there is a significant amount of funding for states, including:
 - \$471 million for state and community energy programs to support the Weatherization Assistance Program, State Energy Program, and more.
 - **Energy and Mineral Development and Recovery:**
 - \$1.49 billion for the Bureau of Land Management with funds to expand program capacity and support energy and mineral development on public lands.

- \$220 million for the Bureau of Ocean Energy Management, of which \$42.8 million is for the Renewable Energy Program.
 - \$290 million for the Office of Surface Mining, with Abandoned Mine Land State Grants funded at \$135 million, an increase of \$12.5 million above the FY 22 enacted level. Relatedly, the bill includes the STREAM Act which would allow states to set aside 30% a year of what they receive from the Bipartisan Infrastructure Law’s \$11.3 billion coal mine reclamation fund to address acid mine drainage.
 - \$900 million is allocated for the Land and Water Conservation Fund—the maximum allocation, made possible by the 2020 passage of the Great American Outdoors Act. LWCF supports land acquisition and state recreation.
 - **Fossil Energy & Carbon Management:** \$890 million, an increase of \$65 million, is allocated to advance carbon capture and storage, and to mitigate hard-to-decarbonize sectors.
 - Carbon Capture Pilot Program: a new pilot procurement program for the purchase of CO2 that has been removed from either the atmosphere or the upper hydrosphere has been called for, and DOE was given then flexibility to pull from existing authorizations to craft such a program.
 - **Grid Deployment:** \$59.5 million is provided to DOE’s new Grid Deployment Office which has a focus on developing more electric transmission resources to support a lower carbon power grid. Of that, \$16 million would go towards aiding the development of power grid infrastructure, while \$2 million would help plan interregional powerlines across multiple states. \$16.5 million would support state-level efforts to expand, improve, or establish new grid regions or regional transmission organizations.
 - **Low Income Home Energy Assistance Program (LIHEAP):** \$5 billion was allocated for LIHEAP which assists eligible low-income households with their heating and cooling energy costs, bill payment assistance, energy crisis assistance, weatherization and energy-related home repairs.
 - **Nuclear Energy:** \$1.8 billion for nuclear energy, with a significant amount of funding for advanced reactor demonstration projects, small modular reactors and to support the high-assay low-enriched uranium program for advanced reactor fuel development.
 - **Research & Development:** \$470 million to Advanced Research Projects Agency–Energy to help support innovative, advanced research and development projects helping to develop next-generation energy technologies.
 - **Strategic Petroleum Reserve (SPR):** \$207 million for the SPR, and cancels over 140 million barrels of congressionally mandated sales from the SPR from FY 2024 to FY 2027 as Department of Energy looks to replenish the nation's emergency supplies.
- **Payment in Lieu of Taxes (PILT):** the bill also includes annual mandatory funding for Payments in Lieu of Taxes. PILT funding is provided to communities in 49 states and territories to compensate for lost tax revenues due to federal land ownership in their jurisdiction.
 - **Per-and-Polyfluoroalkyl Substances (PFAS) Cleanup:** \$200 million, through the Department of Defense, to conduct PFAS cleanup which was in addition to the funding in the National Defense Authorization Act which included \$30 million additional dollars for PFAS remediation and disposal, \$15 million for on-site remediation technologies, and \$20 million for aqueous film-forming foam replacement and cleanup.
 - **Permitting**
 - **Exclusion of Permitting:** While it was speculated that permitting reform might have been included within the Omnibus following its exclusion within the National Defense Authorization Act, no agreement was reached and the Omnibus passed without the inclusion of permitting reform legislation. That said, NCSL supports an overarching goal of streamlining federal regulatory review processes but had significant concerns with core provisions of the permitting proposals in Congress which would further preempt existing state authority to

certify infrastructure projects. NCSL will continue to advocate on behalf of states as conversations surrounding permitting reform continue in the 118th Congress.

- **Transportation**

- **Aviation & Air Safety:** \$19 billion for the Federal Aviation Administration of which \$1.6 billion is included for aviation safety and \$558.6 million for Airport Improvement Grants and associated projects.
- **Federal Highway Administration (FHWA):** \$59.5 billion was provided for FHWA via the Highway Trust Fund and an additional \$3.4 billion was included from the general fund.
- **Harbor Maintenance and Water Ways**
 - **Harbor Maintenance Trust Fund:** \$2.3 billion, an increase of \$270 million, and in accordance with budgetary adjustments made by the CARES Act and the Water Resources Development Act of 2020.
 - **Operation & Maintenance:** \$5.07 billion to perform operation and maintenance of the nation's waterways, which includes dredging, repair, and operation of structures and other facilities.
 - **Construction:** \$2.106 billion for construction related purposes, of which \$300 million was provided via emergency funds.
- **National Infrastructure Investment:** \$800 million provided for RAISE/TIGER/BUILD grants.
- **Transit:** \$16.97 billion for the Federal Transit Administration which includes \$13.6 billion for Transit Formula Grants, \$2.6 billion for the Capital Investment Grants program to create new transit routes, and \$542 million for Transit Infrastructure Grants and projects to assist in the purchasing of low and no emission busses and improving ferry systems.

- **Western Water & Related Resources**

- **Bureau of Reclamation:** \$1.787 billion was provided for water and related resources to support rural water projects, water supply and conservation projects, and water recycling and desalination.
- **Upper Colorado River Basin:** Several bills related to the unfolding drought in the Western U.S. were included in the omnibus as well including [one](#) which would authorize the Upper Colorado River Basin System Conservation Pilot Program, which is designed to pay users with rights to the river's waters to temporarily forego their allocations.

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