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H. R. 2617

One Hundred Seventeenth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the third day of January, two thousand and twenty-two

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2023, and for providing emergency assistance for the situation in Ukraine, and for other purposes.

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 "Consolidated Appropriations Act, 2023".

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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.

SEC. 705. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this title shall be considered to be numismatic items.

SEC. 706. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this title.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 704 shall be deposited into the United States Mint Public Enterprise Fund.

TITLE VIII—CONGRESSIONAL OVERSIGHT COMMISSION

SEC. 801. TERMINATION OF CONGRESSIONAL OVERSIGHT COMMISSION.

Section 4020(f) of the CARES Act (15 U.S.C. 9055(f)) is amended by striking "September 30, 2025" and inserting "June 30, 2023".

TITLE IX—FLOOD INSURANCE

SEC. 901. REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "September 30, 2022" and inserting "September 30, 2023".

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 2022" and inserting "September 30, 2023".

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on September 30, 2022.

DIVISION BB—CONSUMER PROTECTION AND COMMERCE

TITLE I—MANUFACTURING.GOV

SEC. 101. MANUFACTURING.GOV HUB.

(a) DEFINITION.—In this section, the term "Secretary" means the Secretary of Commerce.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Chief Information Officer of the Department of Commerce, shall modify the manufacturing.gov website by establishing a section of the website to be known as the "manufacturing.gov hub".

(c) FUNCTIONS.—The manufacturing.gov hub established under subsection (b) shall—

(1) serve as the primary hub for information relating to every Federal manufacturing program, including the programs identified in the report of the Government Accountability Office entitled "U.S. Manufacturing" (GAO 17–240), published on March 28, 2017;

(2) provide the contact information of relevant program offices carrying out the Federal manufacturing programs described in paragraph (1);

(3) provide an avenue for public input and feedback relating to—

(A) the functionality of the website of the Department of Commerce;

(B) the Federal manufacturing programs described in paragraph (1); and

(C) any other manufacturing-related challenges experienced by manufacturers in the United States;

(4) establish web pages within the hub that shall focus on—

(A) technology and research and development;

(B) trade;

(C) workforce development and training;

(D) industrial commons and supply chains; and

(E) small and medium manufacturers; and

(5) use machine learning to—

(A) identify frequently asked questions; and

(B) disseminate to the public answers to the questions identified under subparagraph (A).

(d) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

TITLE II—STURDY

SEC. 201. CONSUMER PRODUCT SAFETY STANDARD TO PROTECT AGAINST TIP-OVER OF CLOTHING STORAGE UNITS.

(a) CLOTHING STORAGE UNIT DEFINED.—In this section, the term "clothing storage unit" means any free-standing furniture item manufactured in the United States or imported for use in the United States that is intended for the storage of clothing, typical of bedroom furniture.

(b) CPSC DETERMINATION OF SCOPE.—The Consumer Product Safety Commission shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section based on tip-over data as reasonably necessary to protect children up to 72 months of age from injury or death.

(c) CONSUMER PRODUCT SAFETY STANDARD REQUIRED.—

(1) IN GENERAL.—Except as provided in subsection (f)(1), not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for clothing storage units; and

(B) in accordance with section 553 of title 5, United States Code, and paragraph (2), promulgate a final consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury, that shall take effect 180 days after the date of promulgation or such a later date as the Commission determines appropriate.

(2) REQUIREMENTS.—The standard promulgated under paragraph (1) shall protect children from tip-over-related death or injury with—

(A) tests that simulate the weight of children up to 60 pounds;

(B) objective, repeatable, reproducible, and measurable tests or series of tests that simulate real-world use and account for impacts on clothing storage unit stability that may result from placement on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force;

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) TESTING CLARIFICATION.—Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.

(4) TREATMENT OF STANDARD.—A consumer product safety standard promulgated under paragraph (1) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(d) ADOPTION OF VOLUNTARY STANDARD.—

(1) IN GENERAL.—If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 90 days after the date on which such determination is made and in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Such standard shall take effect 120 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing standard for clothing storage units to protect children from tip-over-related death or injury.

(2) REQUIREMENTS.—The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) protects children up to 72 months of age from tip-over-related death or injury;

(B) meets the requirements described in subsection (c)(2);

(C) is, or will be, published not later than 60 days after the date of enactment of this Act; and

(D) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this section.

(3) NOTICE REQUIRED TO BE PUBLISHED IN THE FEDERAL REGISTER.—The Commission shall publish a notice in the Federal Register upon beginning the promulgation of a rule under this subsection.

(e) REVISION OF VOLUNTARY STANDARD.—

(1) NOTICE TO COMMISSION.—If the performance requirements of a voluntary standard adopted under subsection (d) are subsequently revised, the organization that revised the performance requirements of such standard shall notify the Commission of such revision after final approval.

(2) TREATMENT OF REVISION.—Not later than 90 days after the date on which the Commission is notified of revised performance requirements of a voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), the Commission shall determine whether the revised performance requirements meet the requirements of subsection (d)(2)(B), and if so, modify, in accordance with section 553 of title 5, United States Code, the standard promulgated under subsection (d) to include the revised performance requirements that the Commission determines meet such requirements. The modified standard shall take effect after 180 days or such later date as the Commission deems appropriate.

(f) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Beginning 5 years after the date of enactment of this Act, subsequent to the publication of a consumer product safety standard under this section, the Commission may, at any time, initiate rulemaking, in accordance with section 553 of title 5, United States Code, to modify the requirements of such standard or to include additional provisions if the Commission makes a determination that such modifications or additions are reasonably necessary to protect children from tip-over-related death or injury.

(2) PETITION FOR REVISION OF RULE.—

(A) IN GENERAL.—If the Commission receives a petition for a new or revised test that permits incorporated safety features (excluding tip restraints) to work as intended, if the features cannot be overridden by consumers in normal use and provide an equivalent or greater level of safety as the tests developed under subsection (c)(2) or the performance requirements described in subsection (d)(2)(B), as applicable, the Commission shall determine within 120 days—

(i) whether the petition meets the requirements for petitions set forth in section 1051.5 of title 16, Code of Federal Regulations, or any successor regulation implementing section 9(i) of the Consumer Product Safety Act (15 U.S.C. 2058(i)); and

(ii) whether the petition demonstrates that the test could reasonably meet the requirements of subsection (c)(2)(B), and if so, the Commission shall determine by recorded vote, within 60 days after the determination, whether to initiate rulemaking, in accordance with section 553 of title 5, United States Code, to revise a consumer product safety standard promulgated under this section to include the new or revised test.

(B) DEMONSTRATION OF COMPLIANCE.—Compliance with the testing requirements of a standard revised under subparagraph (A) may be demonstrated either through the performance of a new or revised test under subparagraph (A) or the performance of the tests otherwise required under a standard promulgated under this section.

(3) TREATMENT OF RULES.—Any rule promulgated under this subsection, including any modification or revision made under this subsection, shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

TITLE III—INFORM CONSUMERS

SEC. 301. COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace's platform to provide, not later than 10 days after qualifying as a high-volume third party seller on the platform, the following information to the online marketplace:

(i) BANK ACCOUNT.—

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subclause (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information within 3 business days from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual's name.