

SECTION BY SECTION ANALYSIS OF THE FISCAL RESPONSIBILITY ACT OF 2023

This document briefly describes each of the provisions included in the Act.

DIVISION A – LIMIT FEDERAL SPENDING

TITLE I OF DIVISION A – DISCRETIONARY SPENDING LIMITS

Section 101 – Discretionary Spending Limits

Subsection 101(a) – Sets new discretionary spending limits for 2024 and 2025.

This subsection amends section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) for new discretionary spending limits for the revised security category (“defense”) and the revised nonsecurity category (“non-defense”) for fiscal years 2024 and 2025.

Subsection 101(b)(1) – Continuing Disability Reviews and Redeterminations.

This subsection amends section 251(b)(2)(B) of BBEDCA to insert new spending limit adjustments for the continuing disability reviews and redeterminations in the Social Security Administration for 2024 and 2025.

Subsection 101(b)(2) – Health Care Fraud and Abuse Control.

This subsection amends section 251(b)(2)(C) of BBEDCA to insert new spending limit adjustments for the Health Care Fraud and Abuse Control Program in the Department of Health and Human Services for fiscal years 2024 and 2025.

Subsection 101(b)(3) – Disaster Funding.

This subsection amends section 251(b)(2)(D) of BBEDCA to add “for fiscal years 2024 and 2025” and replaces subsection 251(b)(2)(D)(i)(II) to allow the 5 percent calculation to include Stafford Act emergencies over the previous 10 years that were designated by the Congress in statute instead of limiting it solely to appropriations designated as emergency by “both the Congress and the President” pursuant to BBEDCA.

Subsection 101(b)(4) – Reemployment Services and Eligibility Assessments.

This subsection amends section 251(b)(2)(E) of BBEDCA to insert new spending limit adjustments for reemployment services and eligibility assessments in the Department of Labor for fiscal years 2024 and 2025.

Subsection 101(c) – Reports and Orders.

This subsection amends section 254 of BBEDCA by extending the dates that OMB and CBO issues its Sequestration Preview Reports and Final Sequestration Reports to include fiscal years 2024 and 2025. The OMB final sequestration report will determine if there is a breach in the discretionary spending limit for each fiscal year.

Subsection 101(d) – Cost of War Toxic Exposures Fund

This subsection appropriates funding to the Department of Veterans Affairs’ Cost of War Toxic Exposures Fund for fiscal years 2024 and 2025. These funds are for veterans’ health care associated with toxic exposures and medical and other research related to such exposures, as authorized by the Honoring our PACT Act of 2022.

Subsection 101(e) – Appropriation for Department of Commerce Nonrecurring Expenses Fund

This subsection appropriates \$22 billion to the Department of Commerce Nonrecurring Expense Fund for future Government efficiency investments. These funds are directed to be scored as discretionary budget authority. Congress can repurpose these funds to other non-defense accounts as part of the FY 2024 and FY 2025 appropriations process.

Subsection 101(f) – Additional Spending Limits

This subsection establishes discretionary spending limits for fiscal years 2026 through 2029 which will be subject to Congressional enforcement procedures, but, unlike the caps in fiscal years 2024 and 2025, are not subject to an executive branch sequestration.

Section 102 – Special Adjustments for Fiscal Years 2024 and 2025

This section amends section 251 of BBEDCA to include new sections that provide incentives for the Congress and the President to work in a bipartisan fashion to finish full-year appropriations Acts for fiscal years 2024 and 2025 that align with the parameters of the agreement. The section achieves this by resetting the defense and non-defense spending limits set in section 101 of this Act to be lower for the defense and higher for the non-defense categories in the event that any discretionary account is operating under a short-term Continuing Resolution (CR) as of January 1, 2024 or January 1, 2025. These revised spending limits would be in place until all discretionary accounts receive a final, full-year appropriation in each fiscal year. In the event final appropriations are enacted before April 30, the spending limits revert to the original levels. If an agreement is not reached and appropriations are still on a short-term CR on April 30, a sequestration would be ordered to eliminate any breach of the reset discretionary spending limits.

Section 103 – Budgetary Treatment of Previously Enacted Emergency Requirements.

This section clarifies that for the purposes of calculating the discretionary spending limits in fiscal years 2024 and 2025, certain funding designated as emergency between fiscal years 2021 and 2023 will not count towards the purposes of sections 251 of BBEDCA. The emergency designations include those in the Bipartisan Safer Communities Act, the Infrastructure Investment and Jobs Act, and the Environmental Protection Agency Superfund program, which was designated as emergency in section 443(b) in division G of the Consolidated Appropriations Act of 2023.

TITLE II OF DIVISION A – BUDGET ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES

Section 111 – Authority for Fiscal Year 2024 Budget Resolution in the House of Representatives

This section establishes a budget enforcement mechanism for the House of Representatives.

Section 112 – Limitation on Advance Appropriations in the House of Representatives

This section establishes limitation on advance appropriations in the House of Representatives. Further, it establishes exceptions for fiscal year 2025 “accounts identified for advance appropriations” limited in an aggregate that does not exceed \$28,852,000,000 in new budget authority; for “veterans accounts identified for advance appropriations”; and for “Indian health accounts identified for advance appropriations” in aggregate to not exceed the total budget authority provided for such accounts in fiscal year 2024.

Section 113 – Exercise of Rulemaking Powers

This section establishes the budget enforcement mechanism in the rules of the House of Representatives.

TITLE III OF DIVISION A – BUDGET ENFORCEMENT IN THE SENATE

Section 121 – Authority for Fiscal Year 2024 Budget Resolution in the Senate

This section establishes a budget enforcement mechanism for the Senate for fiscal year 2024.

Section 122– Authority for Fiscal Year 2025 Budget Resolution in the Senate

This section establishes a budget enforcement mechanism for the Senate for fiscal year 2025.

Section 123 – Limitation on Advance Appropriations in the Senate

This section establishes limitation on advance appropriations in the Senate. Further, it establishes exceptions for fiscal year 2025 and 226 for “accounts identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000; for the Corporation for Public Broadcasting; for the Department of Veterans Affairs for Medical Services, Medical Support and Compliance, Veterans Medical Community Care, and Medical Facilities accounts of the Veterans Health Administration; and for the Department of Health and Human Services for Indian Health Services and Indian Health Facilities accounts.

Section 124 – Exercise of Rulemaking Powers

This section establishes the budget enforcement mechanism in the rules of the Senate.

DIVISION B – SAVE TAXPAYER DOLLARS

TITLE I OF DIVISION B – RESCISSION OF UNOBLIGATED FUNDS

Section 1 – This section clarifies that all rescissions are applied as of the date of enactment of the title.

Section 2 –

(1-6) – These subsections rescind unobligated balances of funds provided in the COVID supplementals to the Public Health and Social Services Emergency Fund, with the exception of \$2.9 billion.

(7-9) – These subsections rescind unobligated balances of funds provided in the COVID supplementals to the Centers for Disease Control and Prevention – CDC-Wide Activities and Program Support account, with the exception of \$818 million.

(10) – This subsection rescinds unobligated balances from the National Institutes of Health – National Institute of Allergy and Infectious Diseases account.

(11) – This subsection rescinds unobligated balances from the Centers for Medicare & Medicaid Services – Program Management account.

(12-13) – These subsections rescind unobligated American Rescue Plan (ARP) balances from the Centers for Disease Control and Prevention.

(14) – This subsection rescinds unobligated ARP balances from the National Institute of Health for Research and Antiviral Development, with the exception of \$69 million.

(15-17) – These subsections rescind unobligated ARP balances from the Centers for Disease Control and Prevention, with the exception of \$8 billion.

(18-30) – These subsections rescind unobligated ARP balances from the Health Resources and Services Administration.

(31) – This subsection rescinds unobligated ARP balances for Defense Production Act activities at the Department of Health and Human Services, with the exception of \$793 million.

(32) – This subsection rescinds unobligated balances from the Health Resources and Services Administration.

(33) – This subsection rescinds unobligated balances for making payments to health care providers for expenses related to COVID-19.

(34) - This subsection rescinds unobligated balances for Medicaid State Grants and Demonstrations.

(35) – This subsection rescinds unobligated balances for Quality Improvement Organizations.

Sections 3-4 – These sections rescind unobligated balances from the Office of the Secretary at the Department of Agriculture.

Section 5-8 – These sections rescind unobligated balances from various programs at the Department of Agriculture.

Section 9 – This section rescinds unobligated ARP balances from the Food Supply Chain and Agriculture Pandemic Response Program at the Department of Agriculture.

Section 10 – This section rescinds \$200 million in unobligated balances from the Economic Stabilization Fund at the Department of the Treasury.

Sections 11-12 – These sections rescind unobligated balances from the Air Carrier Worker Support Program at the Department of the Treasury.

Section 13 – This section rescinds unobligated balances from the Emergency Capital Investment Fund at the Department of the Treasury, with the exception of \$284.5 million.

Section 14 – This section rescinds \$150 million in unobligated ARP balances from the State Small Business Credit Initiative at the Department of the Treasury.

Section 15 – This section rescinds unobligated balances from the Air Carrier Worker Support Program at the Department of the Treasury.

Section 16 – This section rescinds unobligated ARP balances for Operating Expenses at AmeriCorps.

Sections 17-19 – These sections rescind unobligated ARP balances for the Education Stabilization Program at the Department of Education.

Section 20 – This section rescinds unobligated balances for Highway Infrastructure Programs at the Department of Transportation.

Section 21 – This section rescinds unobligated ARP balances for the Aviation Manufacturing Jobs Protection Program at the Department of Transportation.

Sections 22-23 – These sections rescind unobligated balances from Disaster Loan Program at the Small Business Administration.

Section 24 – This section rescinds \$1 billion in unobligated balances from the State Unemployment Insurance and Employment Services Operations Program at the Department of Labor.

Section 25-30 – These sections rescind unobligated balances for programs at the Department of Housing and Urban Development, including Tenant-based Rental Assistance, Native American Programs, Housing for Persons with Disabilities, Project-based Rental Assistance, Housing for the Elderly, and Fair Housing Activities.

Section 31 - This section rescinds unobligated balances from the Office of the Secretary at the Department of Transportation.

Section 32 – This section rescinds unobligated balances from the Essential Air Service and Rural Airport Improvement Fund at the Department of Transportation.

Section 33 – This section rescinds unobligated balances from the Federal Aviation Administration at the Department of Transportation for Grants-In-Aid for Airports.

Section 34 – This section rescinds unobligated ARP balances for National Railroad Passenger Corporation grants at the Department of Transportation.

Section 35 – This section rescinds unobligated ARP balances for the Relief for Airports Program at the Department of Transportation.

Section 36 – This section rescinds unobligated balances for Emergency Rental Assistance at the Department of the Treasury.

Section 37 – This section rescinds unobligated ARP balances from various programs at the Department of Treasury.

Section 38 – This section rescinds unobligated ARP balances from the Cybersecurity and Infrastructure Security Agency.

Section 39 – This section rescinds unobligated balances from the Justice Information Sharing Technology Program at the Department of Justice.

Section 40 – This section rescinds \$61.4 million in unobligated balances from the Defense Production Act Purchases account at the Department of Defense.

Section 41-42 – These sections rescind unobligated balances for various programs at the Department of State.

Section 43 – This section rescinds unobligated balances for International Disaster Assistance.

Section 44 – This section rescinds unobligated balances for Sudan claims at the Department of State.

Section 45 – This section rescinds unobligated balances from the Economic Support Fund at the Department of State.

Section 46 – This section rescinds unobligated balances for salaries and expenses at the Federal Communications Commission.

Section 47 – This section rescinds unobligated balances for Emergency EIDL Grants at the Small Business Administration.

Section 48 – This section rescinds unobligated balances for Minority Business Development at the Department of Commerce.

Section 49 – This section rescinds unobligated balances the Entrepreneurial Develop Program at the Small Business Administration.

Section 50 – This section rescinds unobligated balances from the Connecting Minority Communities Fund at the Department of Commerce.

Section 51 – This section rescinds unobligated balances for broadband connectivity activities at the Department of Commerce.

Section 52 – This section rescinds unobligated ARP balances from the Restaurant Revitalization Fund at the Small Business Administration.

Section 53-58 – These sections rescind unobligated balances for programs at the Administration for Children and Families at the Department of Health and Human Services.

Section 59 – This section rescinds unobligated balances for Native American Programs at the Department of Housing and Urban Development.

Section 60 – This section rescinds unobligated balances for the Distance Learning, Tele-medicine, and Broadband Program at the Department of Agriculture.

Section 61 – This section rescinds unobligated balances for Specialty Crop Block Grants at the Department of Agriculture.

Section 62 – This section rescinds unobligated ARP balances for the rural development grants at the Department of Agriculture.

Section 63 – This section rescinds unobligated ARP balances for the Rural Housing Insurance Program at the Department of Agriculture.

Section 64 – This section rescinds unobligated balances from the Science account at the Department of Energy.

Section 65 – This section rescinds unobligated ARP balances from the Fish and Wildlife Service at the Department of the Interior.

Section 66 – This section rescinds unobligated ARP balances from the Bureau of Indian Affairs at the Department of the Interior.

Section 67-71 – These sections rescind unobligated balances for programs at the Department of Education, including Program Administration, the Institute of Education Sciences, Student Aid Administration, and Indian Education.

Section 72 – This section rescinds unobligated ARP balances from the Environmental Protection Agency, with the exception of \$22 million.

Section 73 – This section rescinds unobligated ARP balances from the Department of Labor for Worker Protection Activities, with the exception of amounts allocated to the Office of the Solicitor and Office of Inspector General.

Section 74 – This section rescinds unobligated balances for the Short Time Compensation Program at the Department of Labor.

Section 75 – This section rescinds unobligated balances from Federal Citizen Services Fund at the General Services Administration.

Section 76 – This section rescinds unobligated ARP balances for Grants and Administration at the National Endowment for the Arts.

Section 77 – This section rescinds unobligated ARP balances for Grants and Administration at the National Endowment for the Humanities.

Section 78 – This section rescinds unobligated ARP balances for Grants and Administration at the Institute for Museum and Library Services.

Section 79 -80 –These sections rescind unobligated balances for Extended Benefit Payments and Administration from the Railroad Retirement Board.

Section 81 – This section rescinds unobligated ARP balances from the Federal Trade Commission.

TITLE II OF DIVISION B – FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION

Section 251 – Rescission of Certain Balances Made Available to the Internal Revenue Service

This section rescinds approximately \$1.4 billion of unobligated balances provided to the Internal Revenue Service in the Inflation Reduction Act.

TITLE III OF DIVISION B – STATUTORY ADMINISTRATIVE PAY-AS-YOU-GO

Sec. 261 – Short title

This section provides that this title may be cited as the “Administrative Pay-As-You-Go Act of

2023.”

Sec. 262 – Definitions

This section defines terms used in this title.

Sec. 263 – Requirements for Administrative Actions that Affect Direct Spending

This section provides that agencies must provide certain information to the Director of the Office of Management and Budget (OMB) before finalizing “administrative actions” that qualify as “rules” under the Congressional Review Act, 5 U.S.C. § 804(3). Section 263’s requirements are subject to waiver by the OMB Director under section 265, and certain administrative actions are exempt from this title under section 266 based on their direct spending costs.

Section 263(a) governs “discretionary administrative actions,” *i.e.*, rules not required by law. Before an agency may finalize a discretionary action that affects direct spending, the agency must submit a written notice to the Director of the Office of Management and Budget (OMB) that includes an estimate of the action’s budgetary effects. If the administrative action would increase direct spending relative to baselines identified in section 262(7), the agency’s notice must include a proposal to take one or more administrative actions that would reduce direct spending by an equal or greater amount. The OMB Director must review the notice to determine whether it includes such a proposal, and must return the notice to the agency for resubmission if it does not.

Section 263(b) provides that, if an agency determines that an administrative action increasing direct spending is required by law, the agency’s general counsel must provide a written opinion to the OMB Director explaining that conclusion. The agency also must provide the OMB Director with a projection of the amount of direct spending under the least costly option that the agency reasonably can identify for implementing the applicable legal requirement, and must consult with the OMB Director regarding implementation.

Section 263(c) provides that budgetary projections under this title must be conducted in accordance with OMB Circular A-11.

Sec. 264 – Issuance of Administrative Guidance

This section requires the OMB Director to issue guidance regarding implementation of this title within 90 days of its enactment.

Sec. 265 – Waiver

This section authorizes the OMB Director to waive the requirements of section 263 if the Director concludes that the waiver either is necessary for the delivery of essential services or is necessary for effective program delivery. Any waiver determination must be published in the Federal Register.

Sec. 266 – Exemption

This section provides that the title does not apply to administrative actions with direct spending cost less than specified thresholds.

Sec. 267 – Judicial Review

This section provides that no determination, finding, action, or omission under this title shall be subject to judicial review.

Sec. 268 – Sunset

This section provides that this title expires on December 31, 2024.

Sec. 269 – GAO Report.

This section requires the Government Accountability Office (GAO) to issue a report on implementation of this title within 180 days of its enactment.

Sec. 270 – Congressional Review Act Compliance Assessment.

This section amends 5 U.S.C. § 801(a)(2)(A), which requires GAO to submit reports to Congress regarding “major rules,” as defined in the CRA. As amended by this section, § 801(a)(2)(A) requires GAO to include, in any major-rule report, an assessment of the agency’s compliance with requirements of this title as may be applicable.

TITLE IV OF DIVISION B – TERMINATION OF SUSPENSION OF PAYMENT ON FEDERAL STUDENT LOANS; RESUMPTION OF ACCRUAL OF INTEREST AND COLLECTIONS
THE FISCAL RESPONSIBILITY ACT OF 2023

Section 271 – Termination of Suspension of Payment on Federal Student Loans; Resumption of Accrual of Interest and Collections

This section ends the pause on federal student loan payments and the accrual of interest on those loans sixty days after June 30, 2023 (i.e., at the end of August). This section also prohibits the Secretary of Education from taking any action to extend the current student loan pause absent express Congressional authorization.

DIVISION C – GROW THE ECONOMY

TITLE I OF DIVISION C – TEMPORARY ASSISTANCE TO NEEDY FAMILIES

Section 301 – Recalibration of the Caseload Reduction Credit.

Under current law, states must meet work participation rates for TANF cash assistance recipients. Work participation rate thresholds are reduced based on how much a state’s caseload has fallen since 2005. This section amends the base year from 2005 to 2015.

Section 302 – Pilot Projects for Promoting Accountability by Measuring Work Outcomes

This section introduces a new pilot program that would allow up to five states to designate benchmarks for employment outcomes and family stability and well-being, in place of meeting the current law work participation rates.

This section requires the Secretary to issue guidance on how states apply for participation in the pilots. It also requires that the benchmarks include: the percentage of work-eligible individuals who are in unsubsidized employment during the 2nd quarter after exiting the program and the level of earnings of such individuals in the 2nd and 4th quarters after exit, and other indicators of family stability and well-being.

If a state fails to meet its benchmarks, the state, in order to continue in the pilot, shall enter into a plan with the Secretary to achieve the required level of performance or, if mutually agreed to, adjust the benchmark. State pilots shall be for six fiscal years; states must have a system for reducing

payment to families if an individual refuses, without good cause, to engage in activities the state has required; and each state selected must collect and report on key information, as designated in this section.

Section 303 – Elimination of Small Checks Scheme

This section requires that beneficiaries of state-funded assistance receive payments of at least \$35 per month in order to be counted towards a state’s work participation calculation.

Section 304 – Reporting of Work Outcomes

This section requires states to report data on work and other outcomes. Specifically, it requires reporting on the following outcomes: the percentage of individuals who were work-eligible individuals as of the time of the exit from the program, who are in unsubsidized employment during the second quarter after exit; the percentage of individuals who were work-eligible individuals who were in unsubsidized employment in the second quarter after the exit, who are also in unsubsidized employment during the fourth quarter after the exit; the median earnings of individuals who were work-eligible individuals as of the time of exit from the program who are in unsubsidized employment during the second quarter after exit; and the percentage of individuals below 24 years old, are attending high school or enrolled in an equivalency program, and are work-eligible individuals or were work-eligible individuals as of the time of exit from the program, who obtain a high school degree or its recognized equivalent while receiving assistance or within 1 year after the exit.

Section 305 – Effective Dates

This section provides that the TANF provisions shall take effect on October 1, 2024, except for section 301 (the caseload reduction provision) and section 303 (the small checks provision), which shall take effect on October 1, 2025.

TITLE II OF DIVISION C – SNAP EXEMPTIONS

Section 311 – Modification of Work Requirement Exemptions

Under current law, able-bodied adults ages 18-49 without dependents (ABAWDs) are limited to 3 months of food assistance every 36 months unless they are working 20-hour or more per week. This section expands that requirement to adults up to age 50 in fiscal year 2023, up to age 52 in fiscal year 2024, and up to age 54 in fiscal year 2025. This section also exempts individuals of all ages from ABAWD work requirements if they are homeless, a veteran, or a former foster youth 24 years or younger.

This section sunsets on October 1, 2030.

Section 312 – Modification of General Exemptions

Under current law, states are permitted to exempt 12 percent of covered individuals from the monthly ABAWD time limits. This section reduces the allowable exemptions to 8 percent of covered individuals and limits states’ ability to carry over exemptions from year to year.

Section 313 – Supplemental Nutrition Assistance Program Under the Food and Nutrition Act of 2008

This section makes “assisting low-income adults in obtaining employment and increasing their earnings” a legislative purpose of the food assistance program.

Section 314 – Waiver Transparency

Under current law, states can request a waiver from food assistance time limits if the state has an unemployment rate over 10 percent or if the states does not have a sufficient number of jobs to provide employment. This section requires the Secretary to publish additional data on waiver requests.

TITLE III OF DIVISION C – PERMITTING REFORM

Section 321 – Builder Act.

Subsection (a)(1) and (a)(2) amend section 102(2)(A) and (B) of the National Environmental Policy Act (NEPA) to make technical changes.

Subsection (a)(3) amends section 102(C) of NEPA to make clear that environmental reviews under the Act should include: reasonably foreseeable environmental effects of proposed agency actions; a description of any reasonably foreseeable environmental effects which cannot be avoided should the proposed action be implemented; identify a range of alternatives to the proposed actions; describe the relationship between short term actions and the maintenance of long-term productivity and describe any irreversible and irretrievable commitments of federal resources involved in the proposed agency action should it be implemented.

Subsection (b) amends NEPA to add the following new sections:

Sec. 106. Procedure for Determination of Level of Review.

This section identifies the appropriate level of NEPA review. It excludes certain proposed actions from preparation of an environmental impact statement or environmental assessment including those that are not a final agency action; that are covered by a categorical exclusion; that are non-discretionary; or where preparation of the document would clearly and fundamentally conflict with another law. For actions not excluded, the section directs agencies to prepare an environmental impact statement for actions with reasonably foreseeable significant effects and an environmental assessment for actions without reasonably foreseeable significant effects or unknown effects. In making such determinations agencies may use reliable data and do not have to undertake research unless it is essential to making a reasoned choice among alternatives.

Sec. 107. Timely and Unified Federal Reviews.

This section directs Federal agencies participating in an environmental review to designate a lead agency, establishes a mechanism for the Council on Environmental Quality (CEQ) to designate a lead agency if necessary, sets out a list of lead agency responsibilities, and identifies the agencies that may be designated as cooperating agencies. The section requires lead and cooperating agencies to prepare a single environmental document to the extent practicable. The section also establishes procedures for the development of an

environmental impact statement (EIS) and an environmental assessment (EA), including the currently applicable page limits. The section also requires agencies to prescribe procedures for a project sponsor to prepare an EIS or EA under the agency's supervision and requires the lead agency to independently evaluate an environmental document prepared by an applicant and take responsibility for the contents. The section also sets a two-year time limit for completion of an EIS and a one-year time limit for completion of an EA, and allows agencies to extend the deadline in consultation with the applicant. If an agency does not meet time limits, it gives applicants the right to file a judicial petition and directs courts to set a schedule for completion within 90 days unless the court determines more time is appropriate. Finally, this section requires an annual report to Congress on any missed deadlines, including an explanation for why the deadline was missed.

Sec. 108. Programmatic Environmental Document.

This section allows agencies to rely on the analysis in a programmatic environmental document in a subsequent environmental document for related actions for up to five years without additional review absent substantial new information or information about the significance of adverse effects that bear on the analysis, and after five years following reevaluation of the original analysis. This section allows projects to more predictably rely on analysis in programmatic documents making this tool a more effective mechanism to broadly evaluate environmental effects and reduce duplication of effort for specific project approvals.

Sec. 109. Adoption of Categorical Exclusions.

This section allows an agency to adopt a categorical exclusion listed in another agency's NEPA procedures for a category of proposed actions or related actions after consulting with the agency to ensure adoption is appropriate, notifying the public, and documenting the adoption. This government-wide approach to adoption replaces the approach in the current NEPA regulations, which allow agencies to establish their own procedures for adoption.

Section 110. E-NEPA.

This section directs CEQ to conduct a study on potential online and digital technologies that could address delays in environmental reviews and improve public accessibility and transparency and submit a report to Congress within one year. The section specifically directs CEQ to study the potential for a unified permitting portal.

Section 111. Definition.

This section provides definitions for 13 terms that are generally consistent with the NEPA regulations and agency practice. The section includes a definition of "major Federal action" that codifies some of the current regulation and excludes non-discretionary actions, enforcement actions, actions with no or minimal Federal funding or involvement, general revenue sharing, financial assistance with insufficient control and responsibility, certain loan guarantees for small businesses, and extraterritorial activities with effects located entirely outside of the United States. The section provides a definition of "programmatic environmental document" to mean an environmental impact statement or environmental assessment analyzing all or some of the effects of a policy, program, plan, or group of related actions.

Sec. 322 – Interregional Transfer Capability Determination Study.

Subsection (a) directs the North American Reliability Corporation (NERC), in consultation with each regional reliability organizations (“regional entity” in the Federal Power Act) and each wholesale electric power transmission utility (“transmitting utility” in the Federal Power Act) that has facilities interconnected with another transmitting utility in a neighboring transmission planning region, to conduct a study of total transfer capability between transmission planning regions that contains 1) current total transfer capability, between each pair of neighboring transmission planning regions; 2) recommendation of prudent additions to total transfer capability between each pair of neighboring transmission planning regions that would demonstrably strengthen reliability within and among such neighboring transmission planning regions; and 3) recommendations to meet and maintain total transfer capability together with such recommended prudent additions to total transfer capability between each pair of neighboring transmission planning regions.

Subsection (b) directs NERC to deliver to the Federal Energy Regulatory Commission (FERC) no later than 18 months after the enactment of this Act the report described in subsection (a) and directs FERC to publish the report in the Federal Register and seek public comments.

Subsection (c) directs FERC to report on its conclusions to Congress and include recommendations, if any, for statutory changes no later than 12 months after the end of the public comment period in subsection (b).

Sec. 323 – Permitting Streamlining for Energy Storage.

This section adds energy storage to the list of infrastructure in the definition of covered projects eligible for the procedures identified under Title 41 of the FAST Act (FAST-41).

Sec. 324 – Expediting the Completion of the Mountain Valley Pipeline.

Subsection (a) defines the Mountain Valley Pipeline as the project described and approved by the Federal Energy Regulatory Commission in relevant dockets.

Subsection (b) states that Congress finds the timely completion of the Mountain Valley Pipeline is in the national interest, will serve natural gas demand in the Northeast, Mid-Atlantic and Southeast regions, will increase reliability of natural gas supplies at reasonable prices, will allow natural gas producers to assess additional markets for their products and will reduce carbon emissions, and facilitate the energy transition.

Subsection (c) ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to federal law necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline.

Subsection (d) directs the Corps of Engineers (Corps) to issue permits necessary for the construction and operation of the project not later than 21 days after the date of enactment of this Act.

Subsection (e) establishes that the actions required to construct and initially operate the pipeline are not subject to judicial review. This subsection also establishes that the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any claim alleging the invalidity of this provision or that an action taken by an agency under the provision is beyond the scope of authority that the provision confers.

Subsection (f) clarifies that this section supersedes any other provision of law that is inconsistent with the issuance of any authorization, permits, or other approvals necessary for the Mountain Valley Pipeline.

DIVISION D – INCREASE IN DEBT LIMIT

Sec. 401 – Temporary Extension of Public Debt Limit

This section provides a temporary extension of the debt limit until January 1, 2025.