

## HR 3746

Fiscal Responsibility Act of 2023

**Congress:** 118 (2023–2025, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

**Introduced:** May 29, 2023

**Current Status:** Became Public Law No: 118-5.

**Latest Action:** Became Public Law No: 118-5. (Jun 3, 2023)

**Law:** 118-5 (Enacted Jun 3, 2023)

**Official Text:** <https://www.congress.gov/bill/118th-congress/house-bill/3746>

### Sponsor

**Name:** Rep. McHenry, Patrick T. [R-NC-10]

**Party:** Republican • **State:** NC • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred To	May 29, 2023
Appropriations Committee	House	Referred To	May 29, 2023
Budget Committee	House	Referred To	May 29, 2023
Education and Workforce Committee	House	Referred To	May 29, 2023
Energy and Commerce Committee	House	Referred To	May 29, 2023
Financial Services Committee	House	Referred To	May 29, 2023
Homeland Security Committee	House	Referred To	May 29, 2023
Judiciary Committee	House	Referred To	May 29, 2023
Natural Resources Committee	House	Referred To	May 29, 2023
Rules Committee	House	Referred To	May 29, 2023
Small Business Committee	House	Referred To	May 29, 2023
Transportation and Infrastructure Committee	House	Referred to	May 30, 2023
Veterans' Affairs Committee	House	Referred To	May 29, 2023
Ways and Means Committee	House	Referred To	May 29, 2023

### Subjects & Policy Tags

#### Policy Area:

Economics and Public Finance

## Related Bills

Bill	Relationship	Last Action
118 HRES 456	Related bill	<b>May 31, 2023:</b> Motion to reconsider laid on the table Agreed to without objection.
118 HR 3750	Related bill	<b>May 30, 2023:</b> Referred to the House Committee on Ways and Means.
118 HR 3673	Related bill	<b>May 25, 2023:</b> Referred to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
118 S 1395	Related bill	<b>May 2, 2023:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 40.

## **Fiscal Responsibility Act of 2023**

This act increases the federal debt limit, establishes new discretionary spending limits, rescinds unobligated funds, expands work requirements for federal programs, and modifies other requirements related to the federal budget process.

### **DIVISION A--LIMIT FEDERAL SPENDING**

#### **TITLE I--DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY CATEGORY**

(Sec. 101) This section establishes new discretionary spending limits (also known as spending caps) for FY2024 and FY2025 that are enforced with sequestration (i.e., automatic, across-the-board spending reductions). The Congressional Budget Office (CBO) has [estimated](#) that the spending limits will reduce spending below the levels included in its baseline projections.

In addition, this section extends and establishes new limits for several adjustments to discretionary spending limits that are permitted under current law to accommodate additional appropriations for certain activities. These adjustments apply to spending for

- continuing disability reviews and redeterminations,
- health care fraud and abuse control, and
- reemployment services and eligibility assessments.

The section also extends the adjustment to discretionary spending limits for disaster relief funding. The limits for this adjustment are based on a statutory formula, which is modified by this section.

During FY2026-FY2029, if the annual budget resolution has not been adopted by Congress by April 15, this section requires the chairman of the House Budget Committee to submit to the House a spending allocation for the House Appropriations Committee that is consistent with levels specified in this section.

Finally, the section provides funding for (1) the Department of Veterans Affairs Cost of War Toxic Exposures Fund, and (2) the Department of Commerce Nonrecurring Expenses Fund.

(Sec. 102) This section requires the discretionary spending limits to be revised if a continuing resolution (CR) is in effect at the beginning of the calendar year.

Specifically, if a CR for FY2024 or FY2025 is in effect on or after January 1 of 2024 or 2025 for any discretionary budget account, the discretionary spending limits for that fiscal year must be revised to specified levels. CBO has [estimated](#) that the revised limits will be lower for defense spending and higher for nondefense spending compared to the original limits.

If all of the regular appropriations bills for the fiscal year are enacted before April 30, the revised limits revert to the original limits. If a CR is in effect on April 30 of 2024 or 2025, a final sequestration order must be issued based on the revised limits.

(Sec. 103) This section exempts specified funds that were previously designated as emergency spending from the discretionary spending limits.

#### **TITLE II--BUDGET ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES**

(Sec. 111) This section requires the chairman of the House Budget Committee to submit for publication in the Congressional Record FY2024 committee allocations, aggregate spending levels, and aggregate revenue levels consistent with this division.

The allocations, aggregates, and levels submitted by the chairman are enforceable in the House of Representatives as if they were included in a FY2024 congressional budget resolution.

The chairman may adjust the levels to reflect (1) changes resulting from CBO's updates to its baseline for FY2024-FY2033, or (2) legislation that would not increase the deficit over either FY2024-FY2028 or FY2024-FY2033.

This section expires if Congress agrees to a budget resolution for FY2024.

(Sec. 112) This section sets forth limitations that apply to advance appropriations in the House of Representatives.

(Sec. 113) This section specifies that this title is enacted under the rulemaking powers of the House of Representatives and will be considered part of the rules of the House. It also recognizes that the House has the authority to change these rules.

### TITLE III--BUDGET ENFORCEMENT IN THE SENATE

(Sec. 121) This section requires the chairman of the Senate Budget Committee to submit for publication in the Congressional Record FY2024 committee allocations, aggregate spending and revenue levels, and levels of Social Security revenues and outlays consistent with this division. The chairman may also include the deficit neutral reserve fund contained in the FY2022 budget resolution, updated by two fiscal years.

The allocations, aggregates, and levels submitted by the chairman are enforceable in the Senate as if they were included in a FY2024 congressional budget resolution. This section expires if Congress agrees to a budget resolution for FY2024.

(Sec. 122) After April 15, 2024, but not later than May 15, 2024, the chairman of the Senate Budget Committee must submit for publication in the Congressional Record FY2025 committee allocations, aggregate spending and revenue levels, and levels of Social Security revenues and outlays consistent with this division. The chairman may also include the deficit neutral reserve fund contained in the FY2022 budget resolution, updated by three fiscal years.

After April 15, 2024, the allocations, aggregates, and levels submitted by the chairman are enforceable in the Senate as if they were included in a FY2025 congressional budget resolution. This section expires if Congress agrees to a budget resolution for FY2025.

(Sec. 123) This section sets forth limitations and budget enforcement procedures that apply to advance appropriations in the Senate.

(Sec. 124) This section specifies that this title is enacted under the rulemaking powers of the Senate and will be considered part of the rules of the Senate. It also recognizes that the Senate has the authority to change these rules.

### DIVISION B--SAVE TAXPAYER DOLLARS

#### TITLE I--RESCISSION OF UNOBLIGATED FUNDS

This title rescinds certain unobligated funds that were provided by several laws, including various laws that were enacted to address the impact of COVID-19.

(Sec.1) This section specifies that each rescission made by this title must be applied to the unobligated balances for each applicable appropriation as of the date of enactment of this title.

(Sec. 2) This section rescinds specified unobligated funds that were provided to address COVID-19, including funds that were provided for

- the Public Health and Social Services Emergency Fund,
- the Centers for Disease Control and Prevention,
- the National Institute of Allergy and Infectious Diseases,
- the Centers for Medicare & Medicaid Services, and
- other Department of Health and Human Services programs and activities.

(Sec. 3) This section rescinds specified unobligated funds that were provided for the Department of Agriculture (USDA) to provide support to agricultural producers impacted by COVID-19.

(Sec. 4) This section rescinds specified unobligated funds that were provided for USDA to provide support to agricultural producers, growers, and processors impacted by COVID-19.

(Sec. 5) This section rescinds specified unobligated funds that were provided to USDA for the Local Agriculture Market Program.

(Sec. 6) This section rescinds specified unobligated funds that were provided to USDA for the Farming Opportunities Training and Outreach Grant Program.

(Sec. 7) This section rescinds specified unobligated funds that were provided to USDA for the Dairy Donation Program.

(Sec. 8) This section rescinds specified unobligated funds that were provided for USDA to provide grants for improvements to meat and poultry facilities to allow for interstate shipment.

(Sec. 9) This section rescinds specified unobligated funds that were provided to USDA for the Food Supply Chain and Agriculture Pandemic Response Program.

(Sec. 10) This section rescinds specified unobligated funds that were provided for the Exchange Stabilization Fund.

(Sec. 11) This section rescinds specified unobligated funds that were provided for programs to support aviation workers.

(Sec. 12) This section rescinds specified unobligated funds that were provided for the Air Transportation Payroll Support Program.

(Sec. 13) This section rescinds specified unobligated funds that were provided for the Emergency Capital Investment Program, which was established to encourage low- and moderate-income community financial institutions to expand their support for small businesses and consumers in their communities.

(Sec. 14) This section rescinds specified unobligated funds that were provided to the Department of the Treasury for the State Small Business Credit Initiative.

(Sec. 15) This section rescinds specified unobligated funds that were provided to support aviation workers during the COVID-19 pandemic.

- (Sec. 16) This section rescinds specified unobligated funds that were provided to the Corporation for National and Community Service.
- (Sec. 17) This section rescinds specified unobligated funds that were provided to the Department of Education (ED) for the Elementary and Secondary School Emergency Relief Fund.
- (Sec. 18) This section rescinds specified unobligated funds that were provided to ED for the Emergency Assistance to Non-Public Schools Program.
- (Sec. 19) This section rescinds specified unobligated funds that were provided to ED for the Higher Education Emergency Relief Fund.
- (Sec. 20) This section rescinds specified unobligated funds that were provided to the Federal Highway Administration for Highway Infrastructure Programs.
- (Sec. 21) This section rescinds specified unobligated funds that were provided to the Department of Transportation (DOT) for the Aviation Manufacturing Jobs Protection Program.
- (Sec. 22) This section rescinds specified unobligated funds that were provided to the Small Business Administration (SBA) for (1) emergency grants under the Economic Injury Disaster Loan (EIDL) Program, and (2) the Disaster Loans Program.
- (Sec. 23) This section rescinds specified unobligated funds that were provided to the SBA for the Disaster Loans Program account.
- (Sec. 24) This section rescinds specified unobligated funds that were provided to the Department of Labor to detect and prevent fraud, promote equitable access, and ensure the timely payment of benefits with respect to unemployment compensation programs.
- (Sec. 25) This section rescinds specified unobligated funds that were provided to the Department of Housing and Urban Development (HUD) for Tenant-Based Rental Assistance.
- (Sec. 26) This section rescinds specified unobligated funds that were provided to HUD for Native American Programs.
- (Sec. 27) This section rescinds specified unobligated funds that were provided to HUD for Housing for Persons with Disabilities.
- (Sec. 28) This section rescinds specified unobligated funds that were provided to HUD for Project-Based Rental Assistance.
- (Sec. 29) This section rescinds specified unobligated funds that were provided to HUD for Housing for the Elderly.
- (Sec. 30) This section rescinds specified unobligated funds that were provided to HUD for the Fair Housing Initiatives Program.
- (Sec. 31) This section rescinds specified unobligated funds that were provided to the Office of the Secretary of Transportation for Salaries and Expenses.
- (Sec. 32) This section rescinds specified unobligated funds that were provided to DOT for the Essential Air Service

program.

(Sec. 33) This section rescinds specified unobligated funds that were provided to the Federal Aviation Administration for Grants-In-Aid for Airports.

(Sec. 34) This section rescinds specified unobligated funds that were provided for grants to the National Railroad Passenger Corporation (Amtrak).

(Sec. 35) This section rescinds specified unobligated funds that were provided for assistance to sponsors of airports.

(Sec. 36) This section rescinds specified unobligated funds that were provided for the Emergency Rental Assistance program.

(Sec. 37) This section rescinds specified unobligated funds that were provided to the Internal Revenue Service for the administration of the 2021 recovery rebates for individuals.

(Sec. 38) This section rescinds specified unobligated funds that were provided to the Cybersecurity and Infrastructure Agency for cybersecurity risk mitigation.

(Sec. 39) This section rescinds specified unobligated funds that were provided to the Department of Justice for Justice Information Sharing Technology.

(Sec. 40) This section rescinds specified unobligated funds that were provided to the Department of Defense for Defense Production Act Purchases.

(Sec. 41) This section rescinds specified unobligated funds that were provided to the Department of State for Diplomatic Programs and subsequently transferred to the Educational and Cultural Exchange Programs account.

(Sec. 42) This section rescinds specified unobligated funds that were provided to the State Department for Migration and Refugee Assistance.

(Sec. 43) This section rescinds specified unobligated funds that were provided to the President for International Disaster Assistance.

(Sec. 44) This section rescinds specified unobligated funds that were provided to the State Department for Sudan Claims.

(Sec. 45) This section rescinds specified unobligated funds that were provided to the President for the Economic Support Fund.

(Sec. 46) This section rescinds specified unobligated funds that were provided to the Federal Communications Commission for Salaries and Expenses.

(Sec. 47) This section rescinds specified unobligated funds that were provided to the SBA for Emergency Economic Injury Disaster Loan (EIDL) Grants.

(Sec. 48) This section rescinds specified unobligated funds that were provided to the Minority Business Development Agency for the Minority Business Development Centers Program.

(Sec. 49) This section rescinds specified unobligated funds that were provided to the SBA for technical assistance grants under Entrepreneurial Development Programs.

(Sec. 50) This section rescinds specified unobligated fund that were provided for the Connecting Minority Communities Pilot Program, which provides grants to Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority-Serving Institutions (MSIs) for internet service, related equipment, and information technology personnel.

(Sec. 51) This section rescinds specified unobligated funds that were provided for (1) the Tribal Broadband Connectivity Program, and (2) the Broadband Infrastructure Program.

(Sec. 52) This section rescinds specified unobligated funds that were provided to the SBA for the Restaurant Revitalization Fund.

(Sec. 53) This section rescinds specified unobligated funds that were provided to the Administration for Children and Families for Payments to States for the Child Care and Development Block Grant.

(Sec. 54) This section rescinds specified unobligated funds that were provided for the administrative costs of the Child Care and Development Block Grant program.

(Sec. 55) This section rescinds specified unobligated funds that were provided to carry out certain programs authorized by the Family Violence Prevention and Services Act.

(Sec. 56) This section rescinds specified unobligated funds that were provided for programs related to child abuse prevention and treatment.

(Sec. 57) This section rescinds specified unobligated funds that were provided to the Department of Health and Human Services for the Low Income Household Water Assistance Program.

(Sec. 58) This section rescinds specified unobligated funds that were provided for the Pandemic Emergency Assistance Fund, which was established within the Temporary Assistance for Needy Families program to address the economic impact of the COVID-19 pandemic.

(Sec. 59) This section rescinds specified unobligated funds that were provided for grants to ensure the survival and continuing vitality of Native American languages during and after the COVID-19 public health emergency.

(Sec. 60) This section rescinds specified unobligated funds that were provided to the Rural Utilities Service for the Distance Learning, Telemedicine, and Broadband Program.

(Sec. 61) This section rescinds specified unobligated funds that were provided to USDA for the Specialty Crop Block Grant Program.

(Sec. 62) This section rescinds specified unobligated funds that were provided to USDA for the Emergency Rural Health Care program.

(Sec. 63) This section rescinds specified unobligated funds that were provided to USDA's Rural Housing Service for direct loans for single family housing and repairs to single family homes.

(Sec. 64) This section rescinds specified unobligated funds that were provided to the Department of Energy for science programs.

(Sec. 65) This section rescinds specified unobligated funds that were provided to the U.S. Fish and Wildlife Service for

activities such as inspections, interdictions, and research related to certain species and COVID-19.

(Sec. 66) This section rescinds specified unobligated funds that were provided to the Bureau of Indian Affairs.

(Sec. 67) This section rescinds specified unobligated funds that were provided to ED for Program Administration.

(Sec. 68) This section rescinds specified unobligated funds that were provided to ED for Student Aid Administration.

(Sec. 69) This section rescinds specified unobligated funds that were provided to ED for the Institute of Education Sciences.

(Sec. 70) This section rescinds specified unobligated funds that were provided to ED for Program Administration.

(Sec. 71) This section rescinds specified unobligated funds that were provided to ED for American Indian, Native Hawaiian, and Alaska Native Education.

(Sec. 72) This section rescinds specified unobligated funds that were provided to the Environmental Protection Agency to address health outcome disparities from pollution and the COVID-19 pandemic.

(Sec. 73) This section rescinds specified unobligated funds that were provided to Labor for worker protection activities.

(Sec. 74) This section rescinds specified unobligated funds that were provided to Labor for short-time-compensation (STC) programs.

(Sec. 75) This section rescinds specified unobligated funds that were provided to the General Services Administration for the Federal Citizen Services Fund.

(Sec. 76) This section rescinds specified unobligated funds that were provided to the National Endowment for the Arts.

(Sec. 77) This section rescinds specified unobligated funds that were provided to the National Endowment for the Humanities.

(Sec. 78) This section rescinds specified unobligated funds that were provided to the Institute of Museum and Library Services.

(Sec. 79) This section rescinds specified unobligated funds that were made available under the Railroad Unemployment Insurance Act.

(Sec. 80) This section rescinds specified unobligated funds that were provided to the Railroad Retirement Board.

(Sec. 81) This section rescinds specified unobligated funds that were provided to the Federal Trade Commission.

## TITLE II--FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION

(Sec. 251) This section rescinds specified unobligated funds that were provided to the Internal Revenue Service and related agencies by the 2022 reconciliation act (commonly known as the Inflation Reduction Act of 2022).

## TITLE III--STATUTORY ADMINISTRATIVE PAY-AS-YOU-GO

*Administrative Pay-As-You-Go Act of 2023*

This title provides statutory authority for the Office of Management and Budget (OMB) administrative pay-as-you-go procedures.

(Sec. 263) This section requires federal agencies to submit at least one proposal to reduce direct spending (i.e., mandatory spending) before taking a discretionary administrative action that increases direct spending. The proposed reduction must be greater than or equal to the increase in direct spending attributable to the administrative action.

Further, if an agency determines an administrative action that increases direct spending is required by law, and therefore not subject to these requirements, the agency must submit to the OMB (1) its legal basis for concluding that the action is not discretionary, and (2) the projected increase in direct spending under the least costly implementation option that is reasonably identifiable.

(Sec. 264) This section requires the OMB to issue administrative guidance regarding these requirements.

(Sec. 265) This section permits the OMB to waive these requirements if a waiver is necessary for (1) the delivery of essential services, or (2) effective program delivery.

(Sec. 266) This section exempts administrative actions from these requirements if the direct spending cost of the action is less than (1) \$1 billion over the 10-year period beginning with the current year, or (2) \$100 million in any given year over such period.

(Sec. 267) Determinations, findings, and actions related to these requirements are not subject to judicial review.

(Sec. 268) These requirements expire on December 31, 2024.

(Sec. 269) The Government Accountability Office (GAO) must report on the implementation of these requirements.

(Sec. 270) The GAO also must include an assessment of an agency's compliance with these requirements in its report for a major rule under the Congressional Review Act.

#### TITLE IV--TERMINATION OF SUSPENSION OF PAYMENTS ON FEDERAL STUDENT LOANS; RESUMPTION OF ACCRUAL OF INTEREST AND COLLECTIONS

(Sec. 271) This section terminates the suspension of (1) federal student loan payments, (2) the application of a 0% interest rate on these loans, and (3) involuntary collections on these loans. This termination takes effect 60 days after June 30, 2023.

The section also prohibits the Department of Education from implementing any executive action or rule that extends any of these suspensions unless the action is expressly authorized by Congress.

#### DIVISION C--GROW THE ECONOMY

##### TITLE I--TEMPORARY ASSISTANCE TO NEEDY FAMILIES

This title makes various changes to the work requirements and other aspects of the Temporary Assistance for Needy Families (TANF) program.

(Sec. 301) This section changes the comparison year for calculating the caseload reduction credit from FY2005 to FY2015. Under current law, states must meet a mandatory work participation rate by ensuring that a specified

percentage of families that receive TANF assistance participate in work-related activities. However, a state may earn a caseload reduction credit to lower that rate by reducing its caseload of families receiving TANF assistance as compared to its caseload in FY2005. This section changes the comparison year to FY2015.

(Sec. 302) This section requires the Department of Health and Human Services to award grants to up to five states for piloting alternative ways to measure the states' performance in improving employment and earnings outcomes and other indicators of family stability and well-being for TANF recipients.

(Sec. 303) This section restricts a practice whereby some states provide a limited amount of TANF assistance to families as a supplement to benefits that the families receive under another program, such as the Supplemental Nutrition Assistance Program (SNAP), and then count those families when determining the work participation rate.

Specifically, the section requires that states must provide those families with a benefit of at least \$35 per month (funded with state expenditures) in order to count the families when determining the work participation rate.

(Sec. 304) This section requires states to report metrics related to the employment and educational outcomes of individuals who exit the TANF program. Specifically, states must report on the employment rate for individuals in unsubsidized employment following their exit from the program and their median earnings. Additionally, states must report on the percentage of individuals under age 24 who obtain a high school degree or equivalent while in the TANF program or within a year of their exit.

(Sec. 305) This section makes the changes to the TANF program generally effective on October 1, 2024. However, changes affecting the caseload reduction credit and the provision of limited TANF assistance are effective on October 1, 2025.

## TITLE II--SNAP EXEMPTIONS

(Sec. 311) This section expands applicability of the work requirements for SNAP recipients who are able-bodied adults without dependents (ABAWDs). (SNAP recipients who are ABAWDs have work-related requirements in addition to the general SNAP work registration and employment and training requirements.)

Specifically, this section applies the work requirements for ABAWDs to adults who are

- not over 51 years old in FY2023,
- not over 53 years old in FY2024, and
- not over 55 years old in FY2025 and every year thereafter.

Under current law, these requirements apply to adults who are not over 50 years old. These provisions go into effect 90 days after enactment and sunset on October 1, 2030.

Also, the section exempts from the ABAWD work requirements homeless individuals, veterans, and certain individuals who were previously in foster care and are 24 years old or younger.

(Sec. 312) This section prohibits a state agency from accumulating unused exemptions to the ABAWD work requirement and providing them to eligible SNAP recipients beyond the subsequent fiscal year.

Currently, for each fiscal year, a state agency may exempt a certain number of SNAP recipients from the ABAWD work requirements; unused exemptions may be carried over and used in a subsequent fiscal year. Under this section, an

unused exemption may not be carried over for more than one year.

Further, this section reduces the percentage of exemptions a state agency may provide each year so that the average monthly number of exemptions does not exceed 8% of covered individuals (i.e., SNAP recipients and certain individuals who were denied SNAP benefits due to the work requirements). Under current law, a state is eligible for exemptions for up to 12% of covered individuals.

These provisions apply to FY2024 and each subsequent fiscal year.

(Sec. 313) This section expands the purpose of SNAP to include assisting low-income adults in obtaining employment and increasing their earnings.

(Sec. 314) This section requires USDA to make public all available state requests for waivers from the SNAP ABAWD work requirements and the approvals of the requests within 30 days of enactment; this includes making public all supporting data from the state about the request and relevant documentation on the utilization of waivers.

This waiver program allows the Food and Nutrition Service to provide a state exemptions from SNAP ABAWD work requirements based on a determination that an area (1) has an unemployment rate of over 10%, or (2) does not have a sufficient number of jobs.

### TITLE III--PERMITTING REFORM

(Sec. 321) This section modifies provisions under the National Environmental Policy Act of 1969 (NEPA), including by limiting the scope of the administrative review of major federal actions. Under NEPA, agencies must conduct an environmental assessment (EA) to determine if a proposed federal action will have significant environmental impacts. If the EA determines that such impacts will be significant, then the agency must submit an Environmental Impact Statement (EIS). The EIS must include a range of alternatives to the proposed action.

Among other elements, the section defines a *major federal action* to be an action that an agency determines is subject to substantial federal control and responsibility. The definition explicitly excludes certain actions from NEPA requirements, such as a nonfederal action with minimal federal funding or involvement.

This section limits the scope of an EIS review to reasonably foreseeable environmental effects of the proposed agency action. The section also provides threshold determinations for when an agency is not required to prepare an environmental document under NEPA, such as when categorical exclusions (including those adopted from another agency) apply.

The section limits alternatives in an EIS to a reasonable range. Further, the alternatives included in the EIS must be technically and economically feasible. Additionally, an EA or EIS must also be under the page limits established by the section.

The section also requires a lead agency to be designated when more than one agency is participating in a proposed action. The lead agency must supervise the preparation of one environmental document (e.g., EIS) and prepare a schedule to complete the review of the action.

The lead agency must complete the EA or EIS within deadlines established by the section but may extend the deadline to provide additional time as is necessary. Additionally, a project sponsor may file a written petition to seek a court order to set forth a schedule and deadline for the agency if the agency has failed to act.

A lead agency must prescribe procedures to allow a project sponsor to prepare an EA or EIS under the supervision of the agency.

The section also provides guidelines for the (1) use of analysis from a previously reviewed programmatic environmental document in a subsequent document for a specified time period, and (2) adoption of another agency's categorical exclusions for proposed agency actions.

Under this section, the Council on Environmental Quality must study and report on the potential for online and digital technologies to address delays in reviews and improve public accessibility and transparency related to NEPA requirements.

(Sec. 322) This section requires the Electric Reliability Organization to study the total transfer capability between transmission planning regions. Generally, *total transfer capability* means the amount of electric power that can be moved or transferred reliably from one area to another area of the interconnected transmission systems by way of all transmission lines (or paths) between those areas under specified system conditions.

The Federal Energy Regulatory Commission must publish the study and seek public comments.

(Sec. 323) This section designates energy storage projects as covered projects under the Fixing America's Surface Transportation (FAST) Act. Such projects qualify for expedited environmental review.

(Sec. 324) This section ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and other approvals or orders issued for the construction and initial operation of the Mountain Valley Pipeline (a natural gas pipeline located in Virginia and West Virginia).

The section directs all applicable agencies to continue to maintain such authorizations issued for the construction and operation of the pipeline. Additionally, this section exempts all such authorizations from judicial review, regardless of the issue date, and including pending lawsuits.

The section requires the Department of the Army to issue within 21 days all permits or verifications necessary to (1) complete the construction of the pipeline across the waters of the United States, and (2) allow for the operation and maintenance of the pipeline.

#### DIVISION D--INCREASE IN DEBT LIMIT

(Sec. 401) This section suspends the federal debt limit through January 1, 2025, and increases the limit on January 2, 2025, to accommodate the obligations issued during the suspension period.

Adjustments to the debt limit for obligations issued during the suspension period are limited to obligations necessary to fund a commitment incurred by the federal government that required payment before January 2, 2025.

The Department of the Treasury may not issue obligations during the suspension period to increase cash balances above normal operating balances.

## Actions Timeline

---

- **Jun 3, 2023:** Presented to President.
- **Jun 3, 2023:** Signed by President.
- **Jun 3, 2023:** Became Public Law No: 118-5.
- **Jun 2, 2023:** Message on Senate action sent to the House.
- **Jun 1, 2023:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S1868-1882)
- **Jun 1, 2023:** Motion to proceed to consideration of measure agreed to in Senate by Voice Vote.
- **Jun 1, 2023:** Measure laid before Senate by motion. (consideration: CR S1882-1892)
- **Jun 1, 2023:** Passed/agreed to in Senate: Passed Senate, under the order of 6/1/2023, having achieved 60 votes in the affirmative, without amendment by Yea-Nay Vote. 63 - 36. Record Vote Number: 146.
- **Jun 1, 2023:** Passed Senate, under the order of 6/1/2023, having achieved 60 votes in the affirmative, without amendment by Yea-Nay Vote. 63 - 36. Record Vote Number: 146.
- **May 31, 2023:** Rule H. Res. 456 passed House.
- **May 31, 2023:** Considered under the provisions of rule H. Res. 456. (consideration: CR H2681-2706)
- **May 31, 2023:** Rule provides for consideration of H.R. 3746 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments.
- **May 31, 2023:** DEBATE - The House proceeded with one hour of debate on H.R. 3746.
- **May 31, 2023:** The previous question was ordered pursuant to the rule.
- **May 31, 2023:** Passed/agreed to in House: On passage Passed by recorded vote: 314 - 117 (Roll No. 243). (text: CR H2681-2692)
- **May 31, 2023:** On passage Passed by recorded vote: 314 - 117 (Roll No. 243). (text: CR H2681-2692)
- **May 31, 2023:** Motion to reconsider laid on the table Agreed to without objection.
- **May 31, 2023:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time. (Legislative Day May 30, 2023).
- **May 31, 2023:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 84.
- **May 30, 2023:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
- **May 30, 2023:** Referred to the Subcommittee on Water Resources and Environment.
- **May 30, 2023:** Referred to the Subcommittee on Highways and Transit.
- **May 30, 2023:** Referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.
- **May 30, 2023:** Referred to the Subcommittee on Aviation.
- **May 30, 2023:** Rules Committee Resolution H. Res. 456 Reported to House. Rule provides for consideration of H.R. 3746 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments.
- **May 29, 2023:** Introduced in House
- **May 29, 2023:** Referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, Appropriations, Veterans' Affairs, Rules, Transportation and Infrastructure, the Judiciary, Education and the Workforce, Agriculture, Energy and Commerce, Financial Services, Natural Resources, Small Business, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.