

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**Statement of Necessity and Rule Summary
Supplemental Nutrition Assistance Program (SNAP)
3000 Work Registration Requirements**

Statement of Necessity:

The *Fiscal Responsibility Act of 2023 (FRA)* became law on June 3, 2023. The FRA gradually increases the age of those subject to the able-bodied adults without dependents (ABAWD) time limit and adds new groups of individuals who are exempt from the ABAWD time limit. The changes related to ABAWD ages and exemptions are temporary and will no longer be effective beginning October 1, 2030. The FRA also decreases State' annual allotment of ABAWD discretionary exemptions from twelve (12%) percent to eight (8%) percent and limits States' ability to carry over unused discretionary exemptions.

Following passage of the FRA, the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture quickly released two memorandums on June 9th and June 30th to assist states in quickly implementing the FRA requirements. This rule updates the Supplemental Nutrition Assistance Program (SNAP) Manual to comply with the Act.

Summary of changes: The following sections of the SNAP manual are revised.

1. SNAP 3100: Updated the work registration requirements and ABAWD age time limits consistent with the FRA.
2. SNAP 3200: Updated language and added explanation of exemptions.
3. SNAP 3502.1: Updated Requirement to Work exemptions, including veterans, the homeless (both short and long term), and individuals twenty-four (24) years of age or younger and who were in foster care under the responsibility of a state when they aged out.
4. SNAP 3502.2: Discretionary Exemptions reduced from twelve (12%) percent to eight (8%) effective October 1, 2023.
5. SNAP 3502.3: Updated language regarding domestic violence shelters.
6. SNAP 3620: Added the work registration requirements and ABAWD age time limits in the Employment & Training Program, specifically, all SNAP recipients who are subject to the Requirement to Work (RTW) will be referred to the Employment & Training Program.

Repeals pursuant to the Governor's Executive Order 23-02:

- (1) DDS Policy 1005 – HDC Site Visits; and
- (2) DDS Policy 1010 – Service Concern Resolution.

NOTICE OF RULE MAKING

The Department of Human Services (DHS) announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§20-76-201, 20-77-107, and 25-10-129. The proposed effective date of the rule is January 1, 2024.

The Director of the Division of County Operations amends the Supplemental Nutrition Assistance Program (SNAP) Manual sections 3100 through 3620 to comply with the Fiscal Responsibility Act of 2023 (FRA). The FRA gradually increases the age of those subject to the able-bodied adults without dependents (ABAWD) time limit and adds new groups of individuals who are excepted from the ABAWD time limit. The changes related to ABAWD ages and exceptions are temporary and will end October 1, 2030. The FRA also decreases State' annual allotment of ABAWD discretionary exemptions from twelve (12%) percent to eight (8%) percent and limits States' ability to carry over unused discretionary exemptions. The SNAP manual is updated to match these new requirements, including updating the work exemptions to include veterans, the homeless (both short and long term), and individuals twenty-four (24) years of age or younger and who were in foster care under the responsibility of a state when they aged out. Edits to the sections include clean-up of outdated language and typographic errors, and formatting updates. The proposed rule estimates a financial impact of \$200,000 (\$100,000 of which is federal funds) for state fiscal year (SYF) 2024 only due to costs necessary to upgrade systems to implement the Act's requirements. Pursuant to the Governor's Executive Order 23-02, DHS repeals the following two rules as part of this promulgation: (1) DDS Policy 1005 – HDC Site Visits, and (2) DDS Policy 1010 – Service Concern Resolution.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the CSBG State Plan on the DHS website at [ar.gov/dhs-proposed-rules](https://www.ar.gov/dhs-proposed-rules). Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than September 25, 2023. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at (501) 320-6428. The Arkansas Department of Human Services complies with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4502044082**

Mary Franklin

Mary Franklin, Director
Division of County Operations

3100 Work Registration Requirements – Summary

SNAP Manual ~~01/01/19XX/XX/XX~~01/01/2024

Requirement to Work (RTW)

Able Bodied Adult ~~W~~without ~~D~~dependents (ABAWD) ~~or Able Bodied Adult eligibility~~ is limited to any three (3) months in a three (3-year3)- year period of receiving benefits. Any individual subject to the Requirement to Work (RTW) will be ineligible to receive Supplemental Nutrition Assistance Program (SNAP) benefits if, during a three (3-year3)- year period, he or she received SNAP benefits for at least three (3) months while he or she did not work at least an average of eighty (-80) hours per ~~month, or month or~~ participate in and comply with a specified work program or was otherwise exempt. See SNAP 3500. SNAP 3500.

The three (3-month3)- month time limit does not apply to individuals who are:

- 1) Seventeen (17) or younger;
- 2) Fifty-two (502) or ~~older; older;~~ (See age increases below)
- 3) ~~M~~Medically certified as physically or mentally incapacitated for employment;
- 4) ~~R~~Responsible for a dependent child or residing in a SNAP household where a ~~h~~household member is age seventeen (17) or younger;
- 5) ~~p~~Pregnant or
- 6) ~~e~~Otherwise exempt from the work registration requirements.
- 7) Homeless
- 8) A Veteran
- 9) Individuals who are twenty-four (24) years of age or younger and who aged out of foster care at eighteen (18) under the responsibility of ~~the a~~ state.

The Fiscal Responsibility Act of 2023 (FRA) gradually increases the age of those subject to the able-bodied adults without dependents who are exempted from the ABAWD time limit. The groups include:

- Effective September 1, 2023, the ABAWD time limit increases to age fifty (50).
- Effective October 1, 2023, the ABAWD time limit increases to age fifty-two (52).
- Effective October 1, 2024, the ABAWD time limit increases to age fifty-four (54).
- Effective October 1, 2025, the ABAWD time limit increases to age fifty-five (55).

3200 Who is Exempt from Work Registration

SNAP Manual ~~01/01/17XX/XX/XX~~01/01/2024

Eligible household members are exempt from work registration if the household member is:

1. Under age sixteen (16) or age sixty (60) or older.

2. Age sixteen (16) or seventeen (17) and living with a parent or attending a school or training program on at least a half-time basis.
3. Receiving Transitional Employment Assistance (TEA) Cash Assistance.
4. Caring for a dependent child under age six (6) -or an incapacitated person.
5. Receiving unemployment benefits.
6. Currently participating in a treatment program for alcoholism or drug addiction.
7. Employed or self-employed on a full-time basis (thirty (30) hours or more).
8. A student enrolled at least half-time in any recognized school, training program, or institution of higher education.

8. _____


An exemption from work registration means certain individuals are not required to fulfil the work requirements. Other recipients are exempt from work registration because the work requirement is being met. A full explanation of each exemption appears below in SNAP 3210-3290. SNAP 3210-3290.

3502 RTW Exemptions

SNAP Manual 01/01/17XX/XX/XX01/01/2024

3502.1 Exemptions from RTW

The following individuals are exempt from the RTW:

1. Anyone age seventeen (17) or younger.
 2. Anyone age fifty-two (52) or older.
 3. Anyone Medically certified as physically or mentally incapacitated for employment. This includes any individual who:
 - Meets the definition of an individual aged 60 or older and/or living with a disability as provided in the Glossary definition of Individual aged 60 or older and/or living with a disability; or
-  Note: Homeless individuals may be considered to be mentally incapacitated for work if they meet the definition of homeless as outlined in the Glossary at

~~Appendix B.~~

- Receives services through Arkansas Rehabilitative Services; or
 - Receives Worker's Compensation or sick pay benefits; or
 - ~~Was found~~ to be disabled through a decision of the Medical Review Team (MRT);
or
 - Provides a statement from a physician, licensed psychologist or other licensed healthcare provider indicating the cause of the disability and anticipated duration of the disability. A statement that does not provide the anticipated duration of disability may be accepted but will be valid no longer than four (4) months.
4. An individual has a dependent child under eighteen (18) years old residing in the SNAP household. If there is a dependent child under age eighteen (18) residing in the SNAP household with the ~~able-bodied~~able-bodied ~~adult~~adult, then all adults are exempt. Parental control has nothing to do with this exemption. ~~Just the fact that there is a minor in the SNAP household exempts all adults in RTW (Requirement to Work).~~
 5. Anyone who is pregnant. This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
 6. Homeless Individuals otherwise exempt from work registration as outlined at SNAP 3200.
 7. A Veteran- an individual who served in any branch of the military for any length of time with any type of discharge status.
 8. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.
 - ~~6-9.~~ Is otherwise exempt from work registration as outline at SNAP 3200.

~~The Work Registration and Requirement to Work (RTW) Exemptions Checklist Tool should be utilized to make exemption determinations. This is located in the on line SNAP policy in the SNAP Toolkit.~~

3502.2 Discretionary Exemptions

SNAP Manual ~~05/01/2022~~~~XX/XX/XX~~01/01/2024

FNS provides for each State Agency an allotted number of discretionary exemptions equal to ~~twelve-eight~~ percent ~~(812%)~~ of the State's SNAP participation caseload. ~~Effective 10/01/2023, discretionary exemptions allotment will decrease to eight percent (8%).~~ The State Agency may use these exemptions to extend SNAP eligibility to individuals who are no longer eligible to participate in SNAP due to the three (3) month Able-Bodied Adult RTW time limit. Discretionary exemptions are granted to one ~~A~~able-~~B~~bodied ~~A~~adult for one (1) month. The decision to exempt an individual from RTW must be documented in the case record.

The Division of County Operations (DCO) is required to track and report the number of discretionary exemptions used each quarter via the FNS-583 form. The report must include the total number of exemptions used and the name ~~and the SSN~~ of the individual that was granted the exemption. Discretionary exemptions do not expire and any unused to exemptions from the previous fiscal year can carry over from year to year.

3502.3 Assignment of Discretionary Exemptions

SNAP Manual ~~05/01/2022~~~~XX/XX/XX~~01/01/2024

Discretionary exemptions allow certain individuals an opportunity to establish or to re-establish themselves into the community, Discretionary Exemptions may be assigned to the following groups:

- Individuals who are currently in Foster Care
- Individuals who are in ~~Battered Women's Shelters~~Domestic Violence Shelters.

Individuals who are currently in Foster Care or ~~Battered Women's~~Domestic Violence Shelters may be exempt from the RTW until they exit Foster Care or the ~~Battered Women's~~Domestic Violence Shelter.

3600 SNAP E&T Programs

SNAP Manual XX/XX/XX01/01/2024

3610.1 Establishing If E&T Is Appropriate

SNAP Manual XX/XX/XX01/01/2024

The State agency is responsible for screening each work registrant to determine whether or not it is appropriate to refer the individual to the E&T program. If the State agency determines the individual is required to participate in an E&T program, the State agency must provide the participant with the written notice and the comprehensive oral explanation. The State agency must refer participants to E&T and all participants must receive both case management services and at least one (1) E&T component while participating in the program. The State agency must determine the order in which the participant will receive the elements of an E&T program. The State agency must explain to the participant's next steps for accessing the E&T program. If there is not an appropriate and available opening in an E&T program, good cause for non-participation will be assigned.

3620 E&T Program Referral

SNAP Manual XX/XX/XX01/01/2024

All SNAP recipients who are subject to the Requirement to Work (RTW) will be referred to the E&T Program. This includes all able-bodied adults without dependents who are not employed at least eighty (80) hours per month.

- Specifically, able-bodied adults, age eighteen (18)- forty-nine (49)
- Age eighteen (18) — fifty (50) effective 09/01/2023
- Age eighteen (18) — fifty-two (52) effective 10/01/2023
- Age eighteen (18) — fifty-four (54) effective 10/01/2024
- Age eighteen (18) — fifty-five (55) effective 10/01/2025

These individuals will be systematically referred to the E&T Program if none of the following four (4) conditions are met:

1. The able-bodied adult resides in the same SNAP household with a minor age seventeen (17) or younger; or
2. The able-bodied adult is a pregnant woman; or
3. The able-bodied adult is working twenty (20) hrs. per week (or an average of eighty (80) hours per month); or
4. The able-bodied adult is otherwise exempt from the work registration requirements of SNAP 3100.
5. Homeless Individuals
6. A Veteran- an individual who served in any branch of the military for any length of time with any type of discharge status.
7. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.

An ABAWD may be otherwise exempt if he or she cares for an incapacitated person of any age, receives unemployment benefits, participates in a substance abuse treatment and rehabilitation program, or attends a school or an institution of post-secondary education on at least a half-time basis.

See SNAP 3500, item 3 for a definition of an individual with disabilities as applicable to the RTW.

Volunteers: Any other household member who is subject to the Supplemental Nutrition Assistance Program work registration requirements of SNAP 3100 may be referred to the E&T Program as a volunteer unless he or she receives TEA or Unemployment benefits.

Referrals will be made at application (initial and recertification) and reported change. Referrals will also be made at reported change if a household member has become subject to the requirement to work (RTW).

A Notification of Work Registration will be given to the household to serve as the registrant's "notice"-written explanation and to explain the E&T Program to the registrant.- The written explanation does not relieve the agency of the requirement to provide an oral explanation at interview.

3100 Work Registration Requirements – Summary

SNAP Manual 01/01/2024

Requirement to Work (RTW)

Able Bodied Adult Without Dependents (ABAWD) is limited to any three (3) months in a three (3) year period of receiving benefits. Any individual subject to the Requirement to Work (RTW) will be ineligible to receive Supplemental Nutrition Assistance Program (SNAP) benefits if, during a three (3) year period, he or she received SNAP benefits for at least three (3) months while he or she did not work at least an average of eighty (80) hours per month or participate in and comply with a specified work program or was otherwise exempt. See SNAP 3500.

The three (3) month time limit does not apply to individuals who are:

- 1) Seventeen (17) or younger;
- 2) Fifty-two (52) or older; (See age increases below)
- 3) Medically certified as physically or mentally incapacitated for employment;
- 4) Responsible for a dependent child or residing in a SNAP household where a household member is age seventeen (17) or younger;
- 5) Pregnant or
- 6) Otherwise exempt from the work registration requirements.
- 7) Homeless
- 8) A Veteran
- 9) Individuals who are twenty-four (24) years of age or younger and who aged out of foster care at eighteen (18) under the responsibility of a state.

The *Fiscal Responsibility Act of 2023 (FRA)* gradually increases the age of those subject to the able-bodied adults without dependents who are exempted from the ABAWD time limit. The groups include:

- **Effective September 1, 2023**, the ABAWD time limit increases to age fifty (50).
- **Effective October 1, 2023**, the ABAWD time limit increases to age fifty-two (52).
- **Effective October 1, 2024**, the ABAWD time limit increases to age fifty-four (54).
- **Effective October 1, 2025**, the ABAWD time limit increases to age fifty-five (55).

3200 Who is Exempt from Work Registration

SNAP Manual 01/01/2024

Eligible household members are exempt from work registration if the household member is:

1. Under age sixteen (16) or age sixty (60) or older.
2. Age sixteen (16) or seventeen (17) and living with a parent or attending a school or training program on at least a half-time basis.
3. Receiving Transitional Employment Assistance (TEA) Cash Assistance.
4. Caring for a dependent child under age six (6) or an incapacitated person.
5. Receiving unemployment benefits.

6. Currently participating in a treatment program for alcoholism or drug addiction.
7. Employed or self-employed on a full-time basis (thirty (30) hours or more).
8. A student enrolled at least half-time in any recognized school, training program, or institution of higher education.

An exemption from work registration means certain individuals are not required to fulfil the work requirements. Other recipients are exempt from work registration because the work requirement is being met. A full explanation of each exemption appears below in SNAP 3210-3290.

3502 RTW Exemptions

SNAP Manual 01/01/2024

3502.1 Exemptions from RTW

The following individuals are exempt from the RTW:

1. Anyone age seventeen (17) or younger.
2. Anyone age fifty-two (52) or older.
3. Anyone Medically certified as physically or mentally incapacitated for employment. This includes any individual who:
 - Meets the definition of an individual living with a disability; or
 - Receives services through Arkansas Rehabilitative Services; or
 - Receives Worker's Compensation or sick pay benefits; or
 - Found to be disabled through a decision of the Medical Review Team (MRT); or
 - Provides a statement from a physician, licensed psychologist or other licensed healthcare provider indicating the cause of the disability and anticipated duration of the disability. A statement that does not provide the anticipated duration of disability may be accepted but will be valid no longer than four (4) months.
4. An individual has a dependent child under eighteen (18) years old residing in the SNAP household. If there is a dependent child under age eighteen (18) residing in the SNAP household with the able-bodied adult, then all adults are exempt. Parental control has nothing to do with this exemption
5. Anyone who is pregnant. This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
6. Homeless Individuals.
7. A Veteran- an individual who served in any branch of the military for any length of time with any type of discharge status.
8. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.
9. Is otherwise exempt from work registration as outline at SNAP 3200.

3502.2 Discretionary Exemptions

SNAP Manual 01/01/2024

FNS provides for each State Agency an allotted number of discretionary exemptions equal to eight percent (8%) of the State's SNAP participation caseload. The State Agency may use these exemptions to extend SNAP eligibility to individuals who are no longer eligible to participate in SNAP due to the three (3) month Able-Bodied Adult RTW time limit. Discretionary exemptions are granted to one able-bodied adult for one (1) month. The decision to exempt an individual from RTW must be documented in the case record.

The Division of County Operations (DCO) is required to track and report the number of discretionary exemptions used each quarter via the FNS-583 form. The report must include the total number of exemptions used and the name of the individual that was granted the exemption. Discretionary exemptions do not expire and any unused to exemptions from the previous fiscal year can carry over from year to year.

3502.3 Assignment of Discretionary Exemptions

SNAP Manual 01/01/2024

Discretionary exemptions allow certain individuals an opportunity to establish or to re-establish themselves into the community, Discretionary Exemptions may be assigned to the following groups:

- Individuals who are currently in Foster Care
- Individuals who are in Domestic Violence Shelters.

Individuals who are currently in Foster Care or Domestic Violence Shelters may be exempt from the RTW until they exit Foster Care or the Domestic Violence Shelter.

3600 SNAP E&T Programs

SNAP Manual 01/01/2024

3610.1 Establishing If E&T Is Appropriate

SNAP Manual 01/01/2024

The State agency is responsible for screening each work registrant to determine whether or not it is appropriate to refer the individual to the E&T program. If the State agency determines the individual is required to participate in an E&T program, the State agency must provide the participant with the written notice and the comprehensive oral explanation. The State agency must refer participants to E&T and all participants must receive both case management services and at least one (1) E&T component while

participating in the program. The State agency must determine the order in which the participant will receive the elements of an E&T program. The State agency must explain to the participant's next steps for accessing the E&T program. If there is not an appropriate and available opening in an E&T program, good cause for non-participation will be assigned.

3620 E&T Program Referral

SNAP Manual 01/01/2024

All SNAP recipients who are subject to the Requirement to Work (RTW) will be referred to the E&T Program. This includes all able-bodied adults without dependents who are not employed at least eighty (80) hours per month.

- Specifically, able-bodied adults, age eighteen (18)- forty-nine (49)
- Age eighteen (18) – fifty (50) effective 09/01/2023
- Age eighteen (18) – fifty-two (52) effective 10/01/2023
- Age eighteen (18) – fifty-four (54) effective 10/01/2024
- Age eighteen (18) – fifty-five (55) effective 10/01/2025

These individuals will be systematically referred to the E&T Program if none of the following four (4) conditions are met:

1. The able-bodied adult resides in the same SNAP household with a minor age seventeen (17) or younger; or
2. The able-bodied adult is a pregnant woman; or
3. The able-bodied adult is working twenty (20) hrs. per week (or an average of eighty (80) hours per month); or
4. The able-bodied adult is otherwise exempt from the work registration requirements of SNAP 3100.
5. Homeless Individuals
6. A Veteran an individual who served in any branch of the military for any length of time with any type of discharge status.
7. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.

An ABAWD may be otherwise exempt if he or she cares for an incapacitated person of any age, receives unemployment benefits, participates in a substance abuse treatment and rehabilitation program, or attends a school or an institution of post-secondary education on at least a half-time basis.

See SNAP 3500, item 3 for a definition of an individual with disabilities as applicable to the RTW.

Volunteers: Any other household member who is subject to the Supplemental Nutrition Assistance Program work registration requirements of SNAP 3100 may be referred to the E&T Program as a volunteer unless he or she receives TEA or Unemployment benefits.

Referrals will be made at application (initial and recertification) and reported change. Referrals will also be made at reported change if a household member has become subject to the requirement to work (RTW).

A Notification of Work Registration will be given to the household to serve as the registrant's written explanation and to explain the E&T Program to the registrant. The written explanation does not relieve the agency of the requirement to provide an oral explanation at interview.

Proposed



Food and
Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

DATE: June 9, 2023

SUBJECT: SNAP Provisions in the Fiscal Responsibility Act of 2023

TO: All State Directors
Supplemental Nutrition Assistance Program

On June 3, 2023, the President signed into law the Fiscal Responsibility Act of 2023 (FRA). Attached is an information memorandum describing the Supplemental Nutrition Assistance Program (SNAP) provisions of that Act.

The FRA gradually increases the age of those subject to the able-bodied adults without dependents (ABAWD) time limit and adds new groups of individuals who are excepted from the ABAWD time limit. The changes related to ABAWD ages and exceptions are temporary and no longer effective beginning October 1, 2030.

The FRA also decreases States' annual allotment of ABAWD discretionary exemptions and limits States' ability to carry over unused discretionary exemptions. Finally, the FRA updates SNAP's purpose statement and requires the Department to make State ABAWD waiver requests and agency approvals available to the public.

FNS intends to provide more detailed information in future communications. In the meantime, State agencies with questions should contact their respective Regional Office representatives.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Catherine Buhrig
Associate Administrator
Supplemental Nutrition Assistance Program
Food and Nutrition Service
U.S. Department of Agriculture

Attachment

Fiscal Responsibility Act of 2023
Division C, Grow the Economy
TITLE II— SNAP Exemptions

Effective September 1, 2023

Section 311(a)—Modification of able-bodied adults without dependents (ABAWD) Time Limit Exceptions

This provision increases the age of those subject to the ABAWD time limit to age 50.

This provision also adds new exceptions to the ABAWD time limit for homeless individuals, veterans, and individuals aged 24 or younger and in foster care on their 18th birthday (or higher age if the State offers extended foster care to a higher age).

Section 311(b)—Application

States must apply the changes to the age and other exceptions described in Section 311(a) to applications for certification or recertification received on or after September 1, 2023.

Effective October 1, 2023

Section 311(a)—Modification of ABAWD Time Limit Exceptions

This provision increases the age of those subject to the ABAWD time limit to age 52.

Section 312—Modification of ABAWD Discretionary Exemptions

This provision decreases States' annual allotment of ABAWD discretionary exemptions from 12 percent to 8 percent of the caseload subject to the ABAWD time limit. This provision also limits States' ability to carryover unused ABAWD discretionary exemptions to no more than one year.

Effective October 1, 2024

Section 311(a)—Modification of ABAWD Time Limit Exceptions

This provision further increases the age of those subject to the ABAWD time limit to age 54.

Sunsetting

The changes made under section 311(a) pertaining to the ABAWD age and exceptions cease to have effect on October 1, 2030.

Other Provisions Affecting SNAP

Section 313—Supplemental Nutrition Assistance Program under the Food and Nutrition Act of 2008

This provision adds language to the program's purpose statement related to assisting low-income adults in obtaining employment and increasing their earnings. Specifically, the language adds the following to the purpose of SNAP:

“That program includes as a purpose to assist low-income adults in obtaining employment and increasing their earnings. Such employment and earnings, along with program benefits, will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”

Section 314—Waiver Transparency

This provision requires the Department to make State requests to waive the ABAWD time limit (including supporting data) and related agency waiver approvals available to the public within 30 days after the date of enactment.



Food and
Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

DATE: June 30, 2023

SUBJECT: Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023

TO: All State Directors
Supplemental Nutrition Assistance Program

On June 3, 2023, the President signed into law the [Fiscal Responsibility Act of 2023](#) (the FRA).

On June 9, 2023, the Food and Nutrition Service (FNS) published a memorandum, "[SNAP Provisions in the Fiscal Responsibility Act of 2023](#)," describing the Supplemental Nutrition Assistance Program (SNAP) provisions of the FRA. Attached is a memorandum with additional information for State agencies implementing the FRA provisions.

The FRA changes the SNAP work requirement policy, including the exceptions from the able-bodied adults without dependents (ABAWD) time limit, and reduces the number of discretionary exemptions State agencies will earn and carry over annually. Implementing these provisions will require State agencies to make extensive changes in a short period of time. FNS encourages State agencies to take necessary steps, such as updating policy manuals, training workers, modifying systems, revising notices using plain language and locally and culturally appropriate messaging, collaborating with partners, and meeting directly with individuals and families who will be impacted by these changes to successfully implement the provisions of the FRA, including other government agencies and community partners that have relationships with the individuals State agencies are attempting to reach.

FNS recognizes it will be challenging for State agencies to implement the provisions of the FRA simultaneously with ongoing efforts to reinstate the ABAWD time limit after the expiration of the partial suspension under the [Families First Coronavirus Response Act \(FFCRA\)](#). The FRA does not impact the timeline for reinstating the ABAWD time limit after the end of the FFCRA partial suspension. Please see the memorandum, "[Preparing for Reinstatement of the Time Limit for Able-Bodied Adults without Dependents \(ABAWDs\)](#)," which provides [important reminders and best practices for State agencies reinstating the ABAWD time](#) limit. In addition, FNS encourages State agencies to partner with their State and local workforce agencies and boards to help connect ABAWDs to employment and training opportunities at American Job Centers, as outlined in the [joint letter](#) from FNS and the Department of Labor (DOL) Employment and Training Administration.

FNS reminds State agencies that quality control active case reviews that identify an error resulting from the application of a mandatory change in Federal law that occurs during the first 120 days from the required implementation date are excluded from error analysis, per 7 CFR 275.12(d)(2)(vii).

FNS is committed to providing ongoing technical assistance to State agencies on issues related to the requirements of the FRA. State agencies with questions regarding these adjustments should contact their respective Regional Office representatives.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to State agencies and the public regarding existing requirements under the law or agency policies.

Catherine Buhrig
Associate Administrator
Supplemental Nutrition Assistance Program
Food and Nutrition Service
U.S. Department of Agriculture

Attachment

Modification of Able-Bodied Adults Without Dependents (ABAWD) Time Limit Exceptions

The Fiscal Responsibility Act of 2023 (FRA) modifies the ABAWD time limit exceptions at section 6(o)(3) of the Food and Nutrition Act of 2008 (FNA). The FRA adds new exceptions and changes the age-based exceptions from the ABAWD work requirements. Throughout this document “modified exceptions” refers to the changes the FRA makes to the ABAWD exception criteria. The modified exceptions sunset on October 1, 2030.

New Exception Definitions

The FRA adds new exceptions to the ABAWD time limit for individuals experiencing homelessness, veterans, and individuals who are 24 years of age or younger and in foster care on their 18th birthday (or higher age if the State offers extended foster care to a higher age). FNS defines these new exceptions as follows:

- **“A homeless individual,”** as defined in Section 3 of the Food and Nutrition Act (FNA) of 2008 and at 7 CFR 271.2, means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:
 - (1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - (2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - (3) A temporary accommodation for not more than 90 days in the residence of another individual; or
 - (4) A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).
- **“A veteran,”** as defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.
- **“An individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of attaining 18 years of age or such higher age as the State has elected as defined under Section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii)).”** This includes any individual who was in a foster care program run by the State, District, Territory, or Indian Tribal Organization as of their 18th birthday or later and who is under 25 years of age.

Changes to Age-Based Exceptions

Currently, individuals aged 18 to 49 are subject to the ABAWD time limit. The FRA gradually increases the age of those subject to the ABAWD time limit as follows:

- September 1, 2023: The age of those subject to the ABAWD time limit increases to age 50
- October 1, 2023: The age of those subject to the ABAWD time limit increases to age 52
- October 1, 2024: The age of those subject to the ABAWD time limit increases to age 54

Application of Modified Exceptions (Section 311(b) of FRA)

State agencies may screen for and apply the modified exceptions described in Section 311(a) at initial and recertification applications and to ongoing households as of July 1, 2023. State agencies must begin applying the modified exceptions to initial and recertification applications received beginning September 1, 2023. After such initial or recertification application, State agencies are expected to apply the modified exceptions to the household using normal processing standards. State agencies are also expected to apply the modified exceptions to ongoing households starting September 1, 2023.

Given the amount of discretion available to State agencies with these exceptions, FNS reminds State agencies that they must apply the policy fairly, equitably, and consistently throughout the State. FNS reminds States that Federal law and United States Department of Agriculture civil rights regulations and policies prohibit discrimination on the basis of race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

The modified exceptions will end on October 1, 2030.

FNS reminds State agencies of the importance of properly screening SNAP applicants and recipients to determine if they are subject to the general work requirements (work registrants). Individuals who are not work registrants must not be subject to the ABAWD time limit. In addition, FNS stresses the importance of screening work registrants to determine if they are exempt from the ABAWD time limit and work requirement and to provide notice to households who are subject to the ABAWD requirements. To ensure State agencies are in the best position to begin applying the modified exceptions, State agencies should start collecting information on these modified exception criteria as soon as possible and must consider all relevant issues impacting the individuals to implement in a manner that ensures both program access and integrity. This approach will help to reduce churn for vulnerable populations, reduce the administrative burden for State workers and ensure continued Program access.

FNS encourages State agencies to implement outreach activities with community partners to increase awareness of the new exceptions.

To assist with noticing efforts, FNS has revised applicable work requirement [model notice](#) templates.

Verification Requirements for Exceptions

State agencies must follow the SNAP verification requirements at 7 CFR 273.2(f) for the modified exceptions. There are no new verification requirements for the modified exceptions from the ABAWD time limit. State agencies are expected to only require verification of information that they determine is questionable. State agencies must follow their established guidelines for what is considered questionable. State agencies must support households in obtaining verification, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. If documentary evidence cannot be obtained or is insufficient, the eligibility worker may use collateral contacts or home visits.

If the information is questionable, examples of verification that State agencies could use to verify ***include, but are not limited to:***

- Homeless individuals - Collateral contact with a homeless shelter, person they are staying with, or any other individual aware of the individual's circumstances.
- Veterans - Service department records, such as a DD Form 214, Certificate of Release or Discharge from Active Duty, original Certificate of Discharge, Report of Transfer or Discharge, military ID card indicating service in the armed forces; Correspondence or contact from the Department of Veteran Affairs including benefit payment or award letter or VA ID Card; correspondence or contact from the Department of Veteran Affairs indicating service in the armed forces, or driver's license indicating veteran status.
- Youth aging out of foster care – Data sharing and/or collateral contact from other social service workers or agencies, such as the agency administering the foster care program or Medicaid.

As a reminder, if verification is required State agencies may accept multiple forms of documentary evidence. Homeless individuals and households are specifically exempted from the requirement to verify residency. For other reminders that may help serve these populations, please see the 2013 memorandum, "[SNAP - Clarification of Policy Barriers Facing Homeless Youth](#)."

Initial Applications

State agencies may screen for and apply the modified exceptions for initial applications beginning July 1, 2023. State agencies must screen for and apply the modified exception criteria to all initial applications received beginning September 1, 2023.

FNS reminds State agencies that they must not assign a countable month when a household member applies after the first of the month. If benefits are prorated in a month, the month does not count towards the ABAWD time limit.

Recertification Applications

State agencies may screen for and apply the modified exceptions at recertifications starting July 1, 2023. State agencies must screen for and apply the modified exceptions to all recertification applications received beginning September 1, 2023.

State agencies must begin applying the modified exceptions based on the date the application is received, not based on the benefit month or date the State agency processes the application.

Example A: If the State agency receives a late recertification application in September 2023, from a household with a certification period expiring August 31, 2023, it must apply the modified exceptions.

Example B: If the State agency receives a recertification application in August 2023 and processes it in September 2023 or later, the State agency may, but is not required, to apply the modified exceptions.

Applying Exceptions During the Certification Period

State agencies may screen for and apply the modified exceptions during the certification period starting July 1, 2023. State agencies are expected to screen for and apply the modified exceptions to a household during the certification period starting September 1, 2023. State agencies must follow existing rules for acting on changes at 7 CFR 273.12(c), including rules about unclear information. These rules limit State agencies' authority to require information from households during the certification period, although households may report and verify information voluntarily. State agencies must ensure they have all the information they need to determine whether household members are subject to the ABAWD time limit before changing their exception status, including screening for other exceptions.

Example A: If a household reports a change during the certification period that a household member is a veteran and the information is clear, the State agency may except the individual from the ABAWD time limit.

Example B: If the State agency receives information that an individual is now 50 years old, but it is unclear that they meet another exception, the State agency may not apply the ABAWD time limit to such individual until the next certification action or periodic report.

Modification of ABAWD Discretionary Exemptions

The FRA modifies Section 6(o)(6) of the FNA by decreasing State agencies' annual allotment of individual ABAWD discretionary exemptions from 12 percent to 8 percent of the caseload subject to the ABAWD time limit.

In FY 2024 and FY 2025, State agencies may use the discretionary exemptions they earn during the fiscal year and unused exemptions accumulated in prior years. In FY 2026 and subsequent years, State agencies may only carryover unused exemptions allotted from the prior fiscal year.

State agencies have flexibility on how to apply discretionary exemptions. The [Fiscal Year 2023 Allocations of Discretionary Exemptions for Able-Bodied Adults Without Dependents](#) memorandum reports the number of discretionary exemptions currently available to State agencies. State agencies must ensure they do not overuse their discretionary exemptions.

ABAWD Waiver Transparency (Section 314 of FRA)

The FRA requires the Department to make State agency requests to waive the ABAWD time limit, including supporting data, and the related agency waiver approvals available to the public within 30 days after the date of enactment of the FRA. FNS will begin posting this information on the FNS public website on July 3, 2023.

One Hundred Eighteenth Congress
of the
United States of America

AT THE FIRST SESSION

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

An Act

To provide for a responsible increase to the debt ceiling.

*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 “Fiscal Responsibility Act of 2023”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

DIVISION A—LIMIT FEDERAL SPENDING

TITLE I—DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY
CATEGORY

- Sec. 101. Discretionary spending limits.
- Sec. 102. Special adjustments for fiscal years 2024 and 2025.
- Sec. 103. Budgetary treatment of previously enacted emergency requirements.

TITLE II—BUDGET ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES

- Sec. 111. Authority for Fiscal Year 2024 Budget Resolution in the House of Representatives.
- Sec. 112. Limitation on Advance Appropriations in the House of Representatives.
- Sec. 113. Exercise of rulemaking powers.

TITLE III—BUDGET ENFORCEMENT IN THE SENATE

- Sec. 121. Authority for fiscal year 2024 budget resolution in the Senate.
- Sec. 122. Authority for fiscal year 2025 budget resolution in the Senate.
- Sec. 123. Limitation on advance appropriations in the Senate.
- Sec. 124. Exercise of rulemaking powers.

DIVISION B—SAVE TAXPAYER DOLLARS

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

- Sec. 1. Rescission of unobligated funds.
- Sec. 2. Rescission of unobligated funds.
- Sec. 3. Rescission of unobligated funds.
- Sec. 4. Rescission of unobligated funds.
- Sec. 5. Rescission of unobligated funds.
- Sec. 6. Rescission of unobligated funds.
- Sec. 7. Rescission of unobligated funds.
- Sec. 8. Rescission of unobligated funds.
- Sec. 9. Rescission of unobligated funds.
- Sec. 10. Rescission of unobligated funds.
- Sec. 11. Rescission of unobligated funds.
- Sec. 12. Rescission of unobligated funds.
- Sec. 13. Rescission of unobligated funds.
- Sec. 14. Rescission of unobligated funds.
- Sec. 15. Rescission of unobligated funds.

- Sec. 16. Rescission of unobligated funds.
- Sec. 17. Rescission of unobligated funds.
- Sec. 18. Rescission of unobligated funds.
- Sec. 19. Rescission of unobligated funds.
- Sec. 20. Rescission of unobligated funds.
- Sec. 21. Rescission of unobligated funds.
- Sec. 22. Rescission of unobligated funds.
- Sec. 23. Rescission of unobligated funds.
- Sec. 24. Rescission of unobligated funds.
- Sec. 25. Rescission of unobligated funds.
- Sec. 26. Rescission of unobligated funds.
- Sec. 27. Rescission of unobligated funds.
- Sec. 28. Rescission of unobligated funds.
- Sec. 29. Rescission of unobligated funds.
- Sec. 30. Rescission of unobligated funds.
- Sec. 31. Rescission of unobligated funds.
- Sec. 32. Rescission of unobligated funds.
- Sec. 33. Rescission of unobligated funds.
- Sec. 34. Rescission of unobligated funds.
- Sec. 35. Rescission of unobligated funds.
- Sec. 36. Rescission of unobligated funds.
- Sec. 37. Rescission of unobligated funds.
- Sec. 38. Rescission of unobligated funds.
- Sec. 39. Rescission of unobligated funds.
- Sec. 40. Rescission of unobligated funds.
- Sec. 41. Rescission of unobligated funds.
- Sec. 42. Rescission of unobligated funds.
- Sec. 43. Rescission of unobligated funds.
- Sec. 44. Rescission of unobligated funds.
- Sec. 45. Rescission of unobligated funds.
- Sec. 46. Rescission of unobligated funds.
- Sec. 47. Rescission of unobligated funds.
- Sec. 48. Rescission of unobligated funds.
- Sec. 49. Rescission of unobligated funds.
- Sec. 50. Rescission of unobligated funds.
- Sec. 51. Rescission of unobligated funds.
- Sec. 52. Rescission of unobligated funds.
- Sec. 53. Rescission of unobligated funds.
- Sec. 54. Rescission of unobligated funds.
- Sec. 55. Rescission of unobligated funds.
- Sec. 56. Rescission of unobligated funds.
- Sec. 57. Rescission of unobligated funds.
- Sec. 58. Rescission of unobligated funds.
- Sec. 59. Rescission of unobligated funds.
- Sec. 60. Rescission of unobligated funds.
- Sec. 61. Rescission of unobligated funds.
- Sec. 62. Rescission of unobligated funds.
- Sec. 63. Rescission of unobligated funds.
- Sec. 64. Rescission of unobligated funds.
- Sec. 65. Rescission of unobligated funds.
- Sec. 66. Rescission of unobligated funds.
- Sec. 67. Rescission of unobligated funds.
- Sec. 68. Rescission of unobligated funds.
- Sec. 69. Rescission of unobligated funds.
- Sec. 70. Rescission of unobligated funds.
- Sec. 71. Rescission of unobligated funds.
- Sec. 72. Rescission of unobligated funds.
- Sec. 73. Rescission of unobligated funds.
- Sec. 74. Rescission of unobligated funds.
- Sec. 75. Rescission of unobligated funds.
- Sec. 76. Rescission of unobligated funds.
- Sec. 77. Rescission of unobligated funds.
- Sec. 78. Rescission of unobligated funds.
- Sec. 79. Rescission of unobligated funds.
- Sec. 80. Rescission of unobligated funds.
- Sec. 81. Rescission of unobligated funds.

TITLE II—FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION

- Sec. 251. Rescission of certain balances made available to the Internal Revenue Service.

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

- Sec. 261. Short title.

- Sec. 262. Definitions.
- Sec. 263. Requirements for administrative actions that affect direct spending.
- Sec. 264. Issuance of administrative guidance.
- Sec. 265. Waiver.
- Sec. 266. Exemption.
- Sec. 267. Judicial review.
- Sec. 268. Sunset.
- Sec. 269. GAO report.
- Sec. 270. Congressional Review Act compliance assessment.

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

- Sec. 271. Termination of suspension of payments on Federal student loans; resumption of accrual of interest and collections.

DIVISION C—GROW THE ECONOMY

TITLE I—TEMPORARY ASSISTANCE TO NEEDY FAMILIES

- Sec. 301. Recalibration of the caseload reduction credit.
- Sec. 302. Pilot projects for promoting accountability by measuring work outcomes.
- Sec. 303. Elimination of small checks scheme.
- Sec. 304. Reporting of work outcomes.
- Sec. 305. Effective date.

TITLE II—SNAP EXEMPTIONS

- Sec. 311. Modification of work requirement exemptions.
- Sec. 312. Modification of general exemptions.
- Sec. 313. Supplemental nutrition assistance program under the Food and Nutrition Act of 2008.
- Sec. 314. Waiver transparency.

TITLE III—PERMITTING REFORM

- Sec. 321. Builder Act.
- Sec. 322. Interregional Transfer Capability Determination Study.
- Sec. 323. Permitting streamlining for energy storage.
- Sec. 324. Expediting completion of the Mountain Valley Pipeline.

DIVISION D—INCREASE IN DEBT LIMIT

- Sec. 401. Temporary extension of public debt limit.

SEC. 3. REFERENCES.

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

DIVISION A—LIMIT FEDERAL SPENDING

TITLE I—DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY CATEGORY

SEC. 101. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

- (1) in paragraph (7)(B), by striking “and” at the end; and
- (2) by inserting after paragraph (8) the following:
 - “(9) for fiscal year 2024—
 - “(A) for the revised security category, \$886,349,000,000 in new budget authority; and
 - “(B) for the revised nonsecurity category, \$703,651,000,000 in new budget authority; and

“(10) for fiscal year 2025—

“(A) for the revised security category, \$895,212,000,000 in new budget authority; and

“(B) for the revised nonsecurity category; \$710,688,000,000 in new budget authority;”.

(b) CONFORMING AMENDMENTS TO ADJUSTMENTS.—

(1) CONTINUING DISABILITY REVIEWS AND REDERMINATIONS.—Section 251(b)(2)(B)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in subclause (IX), by striking “and” at the end;
(B) in subclause (X), by striking the period and inserting a semicolon; and

(C) by inserting after subclause (X) the following:

“(XI) for fiscal year 2024, \$1,578,000,000 in additional new budget authority; and

“(XII) for fiscal year 2025, \$1,630,000,000 in additional new budget authority.”.

(2) HEALTH CARE FRAUD AND ABUSE CONTROL.—Section 251(b)(2)(C)(i) of such Act is amended—

(A) in subclause (IX), by striking “and” at the end;
(B) in subclause (X), by striking the period and inserting a semicolon; and

(C) by inserting after subclause (X) the following:

“(XI) for fiscal year 2024, \$604,000,000 in additional new budget authority; and

“(XII) for fiscal year 2025, \$630,000,000 in additional new budget authority.”.

(3) DISASTER FUNDING.—Section 251(b)(2)(D)(i) of such Act is amended—

(A) in the matter preceding subclause (I), by striking “for fiscal years 2012 through 2021” and inserting “for fiscal years 2024 and 2025”; and

(B) by amending subclause (II) to read as follows:

“(II) notwithstanding clause (iv), five percent of the total appropriations provided in the previous 10 years, net of any rescissions of budget authority enacted in the same period, with respect to amounts provided for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and designated by the Congress in statute as an emergency; and”.

(4) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—Section 251(b)(2)(E)(i) of such Act is amended—

(A) in subclause (III), by striking “and” at the end;

(B) in subclause (IV), by striking the period and inserting a semicolon; and

(C) by inserting after subclause (IV) the following:

“(V) for fiscal year 2024, \$265,000,000 in additional new budget authority; and

“(VI) for fiscal year 2025, \$271,000,000 in additional new budget authority.”.

(c) CONFORMING AMENDMENTS RELATING TO SEQUESTRATION REPORTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) is amended—

(1) in subsection (c)(2), by striking “2021” and inserting “2025”; and

(2) in subsection (f)(2)(A), by striking “2021” and inserting “2025”.

(d) APPROPRIATION FOR COST OF WAR TOXIC EXPOSURES FUND.—In addition to amounts otherwise available for such purposes, there are appropriated, out of any money in the Treasury not otherwise appropriated, for investment in the delivery of veterans’ health care associated with exposure to environmental hazards, the expenses incident to the delivery of veterans’ health care and benefits associated with exposure to environmental hazards, and medical and other research relating to exposure to environmental hazards, as authorized by section 324 of title 38, United States Code—

(1) \$20,268,000,000, which shall become available on October 1, 2023, and shall remain available until September 30, 2028; and

(2) \$24,455,000,000, which shall become available on October 1, 2024, and shall remain available until September 30, 2029.

(e) APPROPRIATION FOR DEPARTMENT OF COMMERCE NON-RECURRING EXPENSES FUND.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Commerce Nonrecurring Expenses Fund for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, \$22,000,000,000, to remain available until expended, of which—

(A) \$11,000,000,000 is to carry out programs related to Government efficiencies in fiscal year 2024; and

(B) \$11,000,000,000 is to carry out programs related to Government efficiencies in fiscal year 2025.

(2) LIMITATION ON TRANSFER.—Funds provided by paragraph (1) shall not be subject to any transfer authority provided by law.

(3) REPORT REQUIREMENTS.—Reporting requirements in section 111(a) of division B of Public Law 116–93 shall apply to funds provided by paragraph (1).

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

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

(6) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection shall be estimated for purposes of section 251 of such Act and as appropriations for discretionary accounts for purposes of the allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974 and the concurrent resolution on the budget.

(f) **ADDITIONAL SPENDING LIMITS.**—For purposes of section 302(a)(5) of the Congressional Budget and Impoundment Control Act of 1974, in the following applicable fiscal years, the following discretionary spending limits shall apply:

- (1) Fiscal year 2026, \$1,621,959,000,000.
- (2) Fiscal year 2027, \$1,638,179,000,000.
- (3) Fiscal year 2028, \$1,654,560,000,000.
- (4) Fiscal year 2029, \$1,671,106,000,000.

SEC. 102. SPECIAL ADJUSTMENTS FOR FISCAL YEARS 2024 AND 2025.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

“(d) **REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2024.**—

“(1) **IN GENERAL.**—Subject to paragraph (3), if on or after January 1, 2024, there is in effect an Act making continuing appropriations for part of fiscal year 2024 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(9) for fiscal year 2024 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

“(A) For the revised security category, the amount that is equal to the total budget authority for such category for base funding, as published in the Congressional Budget Office cost estimate for the applicable appropriations Acts for the preceding fiscal year (table 1–S of H.R. 2617, published on December 21, 2022), reduced by one percent.

“(B) For the revised non-security category, the amount that is equal to the total budget authority for such category for base funding as published in the Congressional Budget Office cost estimate for the applicable appropriations Acts for the preceding fiscal year (table 1–S of H.R. 2617, published on December 21, 2022), reduced by one percent.

“(2) **FINAL REPORT; SEQUESTRATION ORDER.**—If the conditions specified in paragraph (1) are met during fiscal year 2024, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

“(A) 10 days, not including weekends and holidays, for the Congressional Budget Office and 15 days, not including weekends and holidays, for the Office of Management and Budget and the President, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

“(B) April 30, 2024.

“(3) **REVERSAL.**—If, after January 1, 2024, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.

“(e) **REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2025.**—

“(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2025, there is in effect an Act making continuing appropriations for part of fiscal year 2025 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(10) for fiscal year 2025 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

“(A) for the revised security category, the amount calculated for such category in section (d)(1)(A); and

“(B) for the revised non-security category, the amount calculated for each category in section (d)(1)(B).

“(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2025, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

“(A) 10 days, not including weekends and holidays, for the Congressional Budget Office, and 15 days, not including weekends and holidays, for the Office of Management and Budget and the President, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

“(B) April 30, 2025.

“(3) REVERSAL.—If, after January 1, 2025, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.”.

SEC. 103. BUDGETARY TREATMENT OF PREVIOUSLY ENACTED EMERGENCY REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding section 905(c) of division J of Public Law 117–58 and section 23005(c) of division B of Public Law 117–159, Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, and sections 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects for any fiscal year for the amounts specified in subsection (b) shall not count for purposes of section 251 of such Act.

(b) AMOUNTS.—The amounts specified in this subsection are—

(1) amounts designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, in division B of the Bipartisan Safer Communities Act (Public Law 117–159);

(2) amounts designated by the Congress as an emergency requirement pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 in division J of the Infrastructure Investment and Jobs Act (Public Law 117–58); and

(3) amounts designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress) in section 443(b) in division G of the Consolidated Appropriations Act, 2023 (Public Law 117–328).

TITLE II—BUDGET ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES

SEC. 111. AUTHORITY FOR FISCAL YEAR 2024 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

(a) FISCAL YEAR 2024.—For the purpose of enforcing the Congressional Budget Act of 1974 for fiscal year 2024, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the House of Representatives in the same manner as for a concurrent resolution on the budget for fiscal year 2024 with appropriate budgetary levels for fiscal year 2024 and for fiscal years 2025 through 2033.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—In the House of Representatives, the Chair of the Committee on the Budget shall submit a statement for publication in the Congressional Record as soon as practicable containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2024 consistent with discretionary spending limits set forth in section 251(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by this Act, and the outlays flowing therefrom, and committee allocations for fiscal year 2024 for current law mandatory budget authority and outlays, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees of the House of Representatives other than the Committee on Appropriations, committee allocations for fiscal year 2024 and for the period of fiscal years 2025 through 2033 consistent with the most recent baseline of the Congressional Budget Office, as adjusted, to the extent practicable, for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(3) aggregate spending levels for fiscal year 2024 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(4) aggregate revenue levels for fiscal year 2024 and for the period of fiscal years 2025 through 2033 consistent with the most recent baseline of the Congressional Budget Office, as adjusted, to the extent practicable, for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(c) **ADJUSTMENTS.**—The Chair of the Committee on the Budget of the House of Representatives may adjust the allocations, aggregates, and other budgetary levels included in the statement referred to in subsection (b)—

(1) to reflect changes resulting from the Congressional Budget Office's updates to its baseline for fiscal years 2024 through 2033; or

(2) for any bill, joint resolution, amendment, or conference report by the amounts provided in such measure if such measure would not increase the deficit for either of the following time periods: fiscal year 2024 to fiscal year 2028 or fiscal year 2024 to fiscal year 2033.

(d) **EXPIRATION.**—Subsections (a) through (c) shall no longer apply if a concurrent resolution on the budget for fiscal year 2024 is agreed to by the Senate and House of Representatives.

SEC. 112. LIMITATION ON ADVANCE APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES.

(a) **IN GENERAL.**—In the House of Representatives, except as provided in subsection (b), any general appropriation bill or bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide an advance appropriation.

(b) **EXCEPTIONS.**—An advance appropriation may be provided for programs, activities or accounts identified in lists submitted for printing in the Congressional Record by the Chair of the Committee on the Budget—

(1) for fiscal year 2025, under the heading “**ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS**” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority;

(2) for fiscal year 2025, under the heading “**VETERANS ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS**”; and

(3) for fiscal year 2025, under the heading “**INDIAN HEALTH ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS**” in an aggregate amount not to exceed the total budget authority provided for such accounts for fiscal year 2024 in bills or joint resolutions making appropriations for fiscal year 2024.

(c) **DEFINITION.**—The term “advance appropriation” means any new discretionary budget authority provided in a general appropriation bill or bill or joint resolution continuing appropriations for fiscal year 2024, or any amendment thereto or conference report thereon, that first becomes available following fiscal year 2024.

(d) **EXPIRATION.**—The preceding subsections of this section shall expire if a concurrent resolution on the budget for fiscal year 2024 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 113. EXERCISE OF RULEMAKING POWERS.

This title is enacted by the House of Representatives—

(1) as an exercise of the rulemaking power of the House, and as such shall be considered as part of the rules of the House, and such rules shall supersede other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the House to change such rules (so far as relating to the House) at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE III—BUDGET ENFORCEMENT IN THE SENATE

SEC. 121. AUTHORITY FOR FISCAL YEAR 2024 BUDGET RESOLUTION IN THE SENATE.

(a) **FISCAL YEAR 2024.**—For the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2024 with appropriate budgetary levels for fiscal year 2024 and for fiscal years 2025 through 2033.

(b) **COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.**—The Chairman of the Committee on the Budget of the Senate shall submit a statement for publication in the Congressional Record as soon as practicable after the date of enactment of this Act that includes—

(1) for the Committee on Appropriations of the Senate, committee allocations for fiscal year 2024 consistent with the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2024, 2024 through 2028, and 2024 through 2033, consistent with the May 2023 baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline was issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2024 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2024, 2024 through 2028, and 2024 through 2033, consistent with the May 2023 baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline was issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(5) levels of Social Security revenues and outlays for fiscal years 2024, 2024 through 2028, and 2024 through 2033, consistent with the May 2023 baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline was issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633, 642); and

(6) a statement under the heading “Accounts Identified for Advance Appropriations” for the purpose of enforcing section 123 of this title.

(c) **ADDITIONAL MATTER.**—The statement referred to in subsection (b) may also include for fiscal year 2024 the deficit-neutral reserve fund in section 3003 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, updated by 2 fiscal years.

(d) **EXPIRATION.**—This section shall expire if a concurrent resolution on the budget for fiscal year 2024 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 122. AUTHORITY FOR FISCAL YEAR 2025 BUDGET RESOLUTION IN THE SENATE.

(a) **FISCAL YEAR 2025.**—For the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), after April 15, 2024, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2025 with appropriate budgetary levels for fiscal year 2025 and for fiscal years 2026 through 2034.

(b) **COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.**—After April 15, 2024, but not later than May 15, 2024, the Chairman of the Committee on the Budget of the Senate shall submit a statement for publication in the Congressional Record that includes—

(1) for the Committee on Appropriations of the Senate, committee allocations for fiscal year 2025 consistent with the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2025, 2025 through 2029, and 2025 through 2034 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2025 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2025, 2025 through 2029, and 2025 through 2034 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(5) levels of Social Security revenues and outlays for fiscal years 2025, 2025 through 2029, and 2025 through 2034 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633, 642); and

(6) a statement under the heading “Accounts Identified for Advance Appropriations” for the purpose of enforcing section 123 of this title.

(c) **ADDITIONAL MATTER.**—The statement referred to in subsection (b) may also include for fiscal year 2025 the deficit-neutral reserve fund in section 3003 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, updated by 3 fiscal years.

(d) **EXPIRATION.**—This section shall expire if a concurrent resolution on the budget for fiscal year 2025 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 123. LIMITATION ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) **POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE SENATE.**—

(1) **IN GENERAL.**—

(A) **POINT OF ORDER.**—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would provide an advance appropriation for a discretionary account.

(B) **DEFINITION.**—In this subsection, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2024 that first becomes available for any fiscal year after 2024 or any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2025 that first becomes available for any fiscal year after 2025.

(2) **EXCEPTIONS.**—Advance appropriations may be provided—

(A) for fiscal years 2025 and 2026, for programs, projects, activities, or accounts identified in a statement submitted to the Congressional Record by the Chairman of the Committee on the Budget of the Senate under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each fiscal year;

(B) for the Corporation for Public Broadcasting;

(C) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, Veterans Medical Community Care, and Medical Facilities accounts of the Veterans Health Administration; and

(D) for the Department of Health and Human Services for the Indian Health Services and Indian Health Facilities accounts—

(i) for fiscal year 2025, in an amount that is not more than the amount provided for fiscal year 2024 in a bill or joint resolution making appropriations for fiscal year 2023 or 2024 for programs, projects, and activities that are not prohibited from using amounts provided for fiscal year 2024 in a bill or joint resolution making appropriations for fiscal year 2023; and

(ii) for fiscal year 2026, in an amount that is not more than the amount provided for fiscal year 2025 in a bill or joint resolution making appropriations for fiscal year 2024 or 2025 for programs, projects, and activities that are not prohibited from using amounts provided for fiscal year 2025 in a bill or joint resolution making appropriations for fiscal year 2024.

(3) SUPERMAJORITY WAIVER AND APPEAL.—

(A) WAIVER.—In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(4) FORM OF POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report or amendment between the Houses shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this paragraph), no further amendment shall be in order.

(b) EXPIRATION.—Subsection (a) shall terminate on the date on which a concurrent resolution on the budget for fiscal year 2024 or for fiscal year 2025 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 124. EXERCISE OF RULEMAKING POWERS.

This title is enacted by the Senate—

(1) as an exercise of the rulemaking power of the Senate, and as such shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

DIVISION B—SAVE TAXPAYER DOLLARS

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 1. Each rescission made by this title shall be applied to the unobligated balances for each applicable appropriation as of the date of enactment of this title.

SEC. 2. The unobligated balances from the following appropriations, in the following amounts and subject to the conditions specified below, are hereby permanently rescinded:

(1) All of the unobligated balances of funds made available under the heading “Public Health and Social Services Emergency Fund” in title III of division A of Public Law 116–123, including any funds transferred from such heading that remain unobligated, with the exception of \$59,000,000.

(2) All of the unobligated balances of funds made available under the heading “Public Health and Social Services Emergency Fund” in title V of division A of Public Law 116–127, including any funds transferred from such heading that remain unobligated.

(3) All of the unobligated balances of funds made available under the heading “Public Health and Social Services Emergency Fund” in title VIII of division B of Public Law 116–136, including any funds transferred from such heading that remain unobligated, with the exception of \$2,127,000,000 and—

(A) any funds that were transferred and merged with the Covered Countermeasure Process Fund authorized by section 319F–4 of the Public Health Service Act; and

(B) any funds that were transferred and merged with funds made available under the heading “Office of the Secretary—Office of Inspector General” pursuant to section 18113 of title VIII of division B of Public Law 116–136.

(4) All of the unobligated balances of funds made available in the first paragraph under the heading “Public Health and Social Services Emergency Fund” in title I of division B of Public Law 116–139, including any funds transferred from such heading that remain unobligated, with the exception of \$300,000,000, which shall remain available for necessary expenses for program administration and oversight.

(5) All of the unobligated balances of funds made available in the second paragraph under the heading “Public Health and Social Services Emergency Fund” in title I of division B of Public Law 116–139, including any funds transferred from such heading that remain unobligated, with the exception of \$243,000,000 and any funds that were transferred and merged with funds made available under the heading “Office of the Secretary—Office of Inspector General” pursuant to section 103 of title I of division B of Public Law 116–139.

(6) All of the unobligated balances of funds made available under the heading “Public Health and Social Services Emergency Fund” in title III of division M of Public Law 116–

260, including any funds transferred from such heading that remain unobligated, with the exception of \$205,000,000.

(7) All of the unobligated balances of funds made available under the heading “Centers for Disease Control and Prevention—CDC—Wide Activities and Program Support” in title III of division A of Public Law 116–123, including any funds transferred from such heading that remain unobligated, with the exception of \$195,000,000 and any funds that were transferred and merged with the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245.

(8) All of the unobligated balances of funds made available under the heading “Centers for Disease Control and Prevention—CDC—Wide Activities and Program Support” in title VIII of division B of Public Law 116–136, including any funds transferred from such heading that remain unobligated, with the exception of \$446,000,000 and any funds that were transferred and merged with the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245.

(9) All of the unobligated balances of funds made available under the heading “Centers for Disease Control and Prevention—CDC—Wide Activities and Program Support” in title III of division M of Public Law 116–260, including any funds transferred from such heading that remain unobligated, with the exception of \$177,000,000.

(10) All of the unobligated balances of funds made available under the heading “National Institutes of Health—National Institute of Allergy and Infectious Diseases” in title III of division A of Public Law 116–123, including any funds transferred from such heading that remain unobligated.

(11) All of the unobligated balances of funds made available to “Centers for Medicare & Medicaid Services—Program Management” in title VIII of division B of Public Law 116–136.

(12) All of the unobligated balances of funds made available by section 2301 of Public Law 117–2, with the exception of \$103,000,000.

(13) All of the unobligated balances of funds made available by section 2302 of Public Law 117–2.

(14) All of the unobligated balances of funds made available by section 2303 of Public Law 117–2, with the exception of \$69,000,000.

(15) All of the unobligated balances of funds made available by section 2401 of Public Law 117–2, with the exception of \$7,323,000,000.

(16) All of the unobligated balances of funds made available by section 2402 of Public Law 117–2, with the exception of \$714,000,000.

(17) All of the unobligated balances of funds made available by section 2403 of Public Law 117–2.

(18) All of the unobligated balances of funds made available by section 2501 of Public Law 117–2.

(19) All of the unobligated balances of funds made available by section 2502 of Public Law 117–2.

(20) All of the unobligated balances of funds made available by section 2601 of Public Law 117–2.

(21) All of the unobligated balances of funds made available by section 2602 of Public Law 117–2.

(22) All of the unobligated balances of funds made available by section 2603 of Public Law 117–2.

(23) All of the unobligated balances of funds made available by section 2604 of Public Law 117–2.

(24) All of the unobligated balances of funds made available by section 2605 of Public Law 117–2.

(25) All of the unobligated balances of funds made available by section 2703 of Public Law 117–2.

(26) All of the unobligated balances of funds made available by section 2704 of Public Law 117–2.

(27) All of the unobligated balances of funds made available by section 2705 of Public Law 117–2.

(28) All of the unobligated balances of funds made available by section 2711 of Public Law 117–2.

(29) All of the unobligated balances of funds made available by section 2712 of Public Law 117–2.

(30) All of the unobligated balances of funds made available by section 2801 of Public Law 117–2.

(31) All of the unobligated balances of funds made available by section 3101 of Public Law 117–2, with the exception of \$793,000,000.

(32) All of the unobligated balances of funds made available by section 511A(a) of the Social Security Act, as added by section 9101 of Public Law 117–2.

(33) All of the unobligated balances of funds made available by section 1150C(a) of the Social Security Act, as added by section 9911 of Public Law 117–2.

(34) All of the unobligated balances of funds made available by section 1947(e) of the Social Security Act, as added by section 9813 of Public Law 117–2.

(35) All of the unobligated balances of funds made available by section 1862(g)(2) of the Social Security Act, as added by section 9401 of Public Law 117–2.

SEC. 3. The unobligated balances of amounts made available under the heading “Agricultural Programs—Office of the Secretary” in title I of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 4. The unobligated balances of amounts made available by section 751 in title VII of division N of Public Law 116–260 are hereby permanently rescinded, except for funds made available by section 601 of division HH of Public Law 117–328.

SEC. 5. The unobligated balances of amounts made available by section 753 in title VII of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 6. The unobligated balances of amounts made available by section 754 in title VII of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 7. The unobligated balances of amounts made available by section 762(i) in title VII of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 8. The unobligated balances of amounts made available by section 764(f) in title VII of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 9. The unobligated balances of amounts made available by section 1001 of Public Law 117–2 are hereby permanently rescinded.

SEC. 10. Of the unobligated balances of amounts made available by section 4027 of title IV of division A of Public Law 116–136, \$200,000,000 are hereby permanently rescinded.

SEC. 11. Of the unobligated balances of amounts made available by section 4120 of title IV of division A of Public Law 116–136, \$295,000,000 are hereby permanently rescinded.

SEC. 12. The unobligated balances of amounts made available by section 7301(c) of Public Law 117–2 are hereby permanently rescinded.

SEC. 13. The unobligated balances of amounts made available by section 104A(m) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.), as added by section 522 of title V of division N of Public Law 116–260 are hereby permanently rescinded, with the exception of \$284,500,000, which shall remain available for necessary expenses associated with the making of awards announced prior to the enactment of this Act.

SEC. 14. Of the unobligated balances of amounts made available by section 3301(a)(2)(A) of Public Law 117–2, \$150,000,000 are hereby permanently rescinded.

SEC. 15. The unobligated balances of amounts made available by section 411 in subtitle A of title IV of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 16. The unobligated balances of amounts made available by subsection (a) of section 2206 of Public Law 117–2 are hereby permanently rescinded, with the exception of amounts allocated under paragraphs (6) and (7) of subsection (b) of such section.

SEC. 17. The unobligated balances of amounts made available by section 2001 of Public Law 117–2 are hereby permanently rescinded.

SEC. 18. The unobligated balances of amounts made available by section 2002 of Public Law 117–2 are hereby permanently rescinded.

SEC. 19. The unobligated balances of amounts made available by section 2003 of Public Law 117–2 are hereby permanently rescinded.

SEC. 20. The unobligated balances of amounts made available under the heading “Federal Highway Administration—Highway Infrastructure Programs” in title IV of division M of Public Law 116–260 are hereby permanently rescinded.

SEC. 21. The unobligated balances of amounts made available by section 7202(a) of Public Law 117–2 are hereby permanently rescinded.

SEC. 22. The unobligated balances of amounts made available by sections 5002(b) and 5006(a)(2) of Public Law 117–2, including any amounts transferred and merged with “Small Business Administration—Disaster Loans Program Account” pursuant to section 90007(b)(2)(A) of Public Law 117–58 that remain unobligated, are hereby permanently rescinded.

SEC. 23. The unobligated balances of amounts made available under the heading “Independent Agencies—Small Business Administration—Disaster Loans Program Account” in title II of division B of Public Law 116–139 are hereby permanently rescinded.

SEC. 24. Of the unobligated balances of amounts made available by section 2118(a) of title II of division A of Public Law 116–136, as added by section 9032 of Public Law 117–2, \$1,000,000,000 are hereby permanently rescinded.

SEC. 25. The unobligated balances of amounts made available under the heading “Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 26. The unobligated balances of amounts made available under the heading “Department of Housing and Urban Development—Public and Indian Housing—Native American Programs” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 27. The unobligated balances of amounts made available under the heading “Department of Housing and Urban Development—Housing Programs—Housing for Persons with Disabilities” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 28. The unobligated balances of amounts made available under the heading “Department of Housing and Urban Development—Housing Programs—Project-Based Rental Assistance” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 29. The unobligated balances of amounts made available under the heading “Department of Housing and Urban Development—Housing Programs—Housing for the Elderly” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 30. The unobligated balances of amounts made available by section 3208(a) of Public Law 117–2 are hereby permanently rescinded.

SEC. 31. The unobligated balances of amounts made available under the heading “Department of Transportation—Office of the Secretary—Salaries and Expenses” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 32. The unobligated balances of amounts made available under the heading “Department of Transportation—Office of the Secretary—Essential Air Service” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 33. The unobligated balances of amounts made available under the heading “Department of Transportation—Federal Aviation Administration—Grants-In-Aid for Airports” in title XII of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 34. The unobligated balances of amounts made available by section 7101 of Public Law 117–2 are hereby permanently rescinded.

SEC. 35. The unobligated balances of amounts made available by section 7102(a)(1) of Public Law 117–2 are hereby permanently rescinded.

SEC. 36. The unobligated balances of amounts made available by section 501(a)(1) of title V of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 37. The unobligated balances of amounts made available by section 9601(d)(1) of Public Law 117–2 are hereby permanently rescinded.

SEC. 38. The unobligated balances of amounts made available by section 4009 of Public Law 117–2 are hereby permanently rescinded.

SEC. 39. The unobligated balances of amounts made available under the heading “Department of Justice—General Administration—Justice Information Sharing Technology” in title II of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 40. Of the unobligated balances of amounts made available under the heading “Department of Defense—Procurement—Defense Production Act Purchases” in title III of division B of Public Law 116–136, \$61,381,230 are hereby permanently rescinded.

SEC. 41. The unobligated balances of amounts made available under the heading “Department of State—Administration of Foreign Affairs—Diplomatic Programs” in title XI of division B of Public Law 116–136 and subsequently transferred to the Department of State’s “Educational and Cultural Exchange Programs” account are hereby permanently rescinded.

SEC. 42. The unobligated balances of amounts made available under the heading “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance” in title XI of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 43. The unobligated balances of amounts made available under the heading “Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance” in title XI of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 44. The unobligated balances of amounts made available under the heading “Department of State—Administration of Foreign Affairs—Sudan Claims” in title IX of division K of Public Law 116–260 are hereby permanently rescinded.

SEC. 45. The unobligated balances of amounts made available under the heading “Bilateral Economic Assistance—Funds Appropriated to the President—Economic Support Fund” in title IX of division K of Public Law 116–260 are hereby permanently rescinded.

SEC. 46. The unobligated balances of amounts made available under the heading “Federal Communications Commission—Salaries and Expenses” in title V of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 47. The unobligated balances of amounts made available under the heading “Independent Agencies—Small Business Administration—Emergency EIDL Grants” in title II of division B of Public Law 116–139 are hereby permanently rescinded.

SEC. 48. The unobligated balances of amounts made available by section 323(d)(1)(B) of title III of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 49. The unobligated balances of amounts made available by section 323(d)(1)(E)(i) of title III of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 50. The unobligated balances of amounts made available by section 902(c)(5) of title IX of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 51. The unobligated balances of amounts made available by section 905(b) of title IX of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 52. The unobligated balances of amounts made available by section 5003(b)(2)(A) of Public Law 117–2 are hereby permanently rescinded.

SEC. 53. The unobligated balances of amounts described in the tenth proviso under the heading “Administration for Children and Families—Payments to States for the Child Care and Development Block Grant” in title III of division M of Public Law 116–260 are hereby permanently rescinded.

SEC. 54. The unobligated balances of amounts made available by section 2201(b) of Public Law 117–2 are hereby permanently rescinded.

SEC. 55. The unobligated balances of amounts made available by section 2204(d)(1) of Public Law 117–2, including any amounts made available by amendments made by such section, are hereby permanently rescinded.

SEC. 56. The unobligated balances of amounts made available by section 2205 of Public Law 117–2 are hereby permanently rescinded.

SEC. 57. The unobligated balances of amounts made available by section 2912(a) of Public Law 117–2 are hereby permanently rescinded.

SEC. 58. The unobligated balances of amounts made available by section 403(c) of the Social Security Act, as added by section 9201 of Public Law 117–2 are hereby permanently rescinded.

SEC. 59. The unobligated balances of amounts made available by section 816(f) of the Native American Programs Act of 1974 (42 U.S.C. 2992d(f)), as added by section 11004 of Public Law 117–2, are hereby permanently rescinded.

SEC. 60. The unobligated balances of amounts made available under the heading “Rural Development Programs—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program” in title I of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 61. The unobligated balances of amounts made available by section 752 of title VII of division N of Public Law 116–260 are hereby permanently rescinded.

SEC. 62. The unobligated balances of amounts made available by section 1002(c) of Public Law 117–2, are hereby permanently rescinded.

SEC. 63. The unobligated balances of amounts made available by section 3207(a) of Public Law 117–2 are hereby permanently rescinded.

SEC. 64. The unobligated balances of amounts made available under the heading “Department of Energy—Energy Programs—Science” in title IV of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 65. The unobligated balances of amounts made available by section 6003 of Public Law 117–2 are hereby permanently rescinded.

SEC. 66. The unobligated balances of amounts made available by section 11002(a) of Public Law 117–2 are hereby permanently rescinded.

SEC. 67. The unobligated balances of amounts made available under the heading “Department of Education—Departmental Management—Program Administration” in title III of division M of Public Law 116–260 are hereby permanently rescinded.

SEC. 68. The unobligated balances of amounts made available by section 2007 of Public Law 117–2 are hereby permanently rescinded.

SEC. 69. The unobligated balances of amounts made available by section 2010 of Public Law 117–2 are hereby permanently rescinded.

SEC. 70. The unobligated balances of amounts made available by section 2011 of Public Law 117–2 are hereby permanently rescinded.

SEC. 71. The unobligated balances of amounts made available by section 11006 of Public Law 117–2 are hereby permanently rescinded.

SEC. 72. Of the unobligated balances of amounts made available by section 6002(a) of Public Law 117–2, all but \$22,000,000 are hereby permanently rescinded.

SEC. 73. The unobligated balances of amounts made available by section 2101(a) of Public Law 117–2 are hereby permanently rescinded, with the exception of \$1,892,718 for the Office of the Solicitor within the Departmental Management account and amounts allocated for the Office of Inspector General under paragraph (2) of subsection (b) of such section.

SEC. 74. The unobligated balances of amounts made available by section 2110(g) of Public Law 116–136, as amended, are hereby permanently rescinded.

SEC. 75. The unobligated balances of amounts made available under the heading “General Services Administration—General Activities—Federal Citizen Services Fund” in title V of division B of Public Law 116–136 are hereby permanently rescinded.

SEC. 76. The unobligated balances of amounts made available by section 2021 of Public Law 117–2 are hereby permanently rescinded.

SEC. 77. The unobligated balances of amounts made available by section 2022 of Public Law 117–2 are hereby permanently rescinded.

SEC. 78. The unobligated balances of amounts made available by section 2023 of Public Law 117–2 are hereby permanently rescinded.

SEC. 79. The unobligated balances of amounts made available by section 2(c)(2)(D)(v) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(v)), as amended, are hereby permanently rescinded.

SEC. 80. The unobligated balances of amounts made available by section 2904 of Public Law 117–2 are hereby permanently rescinded, with the exception of \$500,000 for the Railroad Retirement Board Office of Inspector General.

SEC. 81. The unobligated balances of amounts made available by section 7404(a) of Public Law 117–2 are hereby permanently rescinded.

TITLE II—FAMILY AND SMALL BUSINESS TAXPAYER PROTECTION

SEC. 251. RESCISSION OF CERTAIN BALANCES MADE AVAILABLE TO THE INTERNAL REVENUE SERVICE.

Of the unobligated balances of amounts appropriated or otherwise made available for activities of the Internal Revenue Service by paragraphs (1)(A)(ii), (1)(A)(iii), (1)(B), (2), (3), (4), and (5) of section 10301 of Public Law 117–169 (commonly known as the

“Inflation Reduction Act of 2022”) as of the date of the enactment of this Act, \$1,389,525,000 are hereby rescinded.

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

SEC. 261. SHORT TITLE.

This title may be cited as the “Administrative Pay-As-You-Go Act of 2023”.

SEC. 262. DEFINITIONS.

In this title—

(1) the term “administrative action” means a “rule” as defined in section 804(3) of title 5, United States Code;

(2) the term “agency” means any authority of the United States that is an “agency” under section 3502(1) of title 44, United States Code, other than those considered to be independent regulatory agencies, as defined in section 3502(5) of such title;

(3) the term “covered discretionary administrative action” means a discretionary administrative action that would affect direct spending;

(4) the term “direct spending” has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c));

(5) the term “Director” means the Director of the Office of Management and Budget;

(6) the term “discretionary administrative action”—

(A) means any administrative action that is not required by law; and

(B) includes an administrative action required by law for which an agency has discretion in the manner in which to implement the administrative action; and

(7) the term “increase direct spending” means that the amount of direct spending would increase relative to—

(A) the most recently submitted projection of the amount of direct spending presented in baseline estimates as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, under—

(i) the budget of the President submitted under section 1105 of title 31, United States Code; or

(ii) the supplemental summary of the budget submitted under section 1106 of title 31, United States Code;

(B) with respect to a discretionary administrative action that is incorporated into the applicable projection described in subparagraph (A) and for which a proposal has not been submitted under section 263(a)(2)(A), a projection of the amount of direct spending if no administrative action were taken; or

(C) with respect to a discretionary administrative action described in paragraph (6)(B), a projection of the amount of direct spending under the least costly implementation option reasonably identifiable by the agency that meets the requirements under the statute.

SEC. 263. REQUIREMENTS FOR ADMINISTRATIVE ACTIONS THAT AFFECT DIRECT SPENDING.

(a) DISCRETIONARY ADMINISTRATIVE ACTIONS.—

(1) **IN GENERAL.**—Before an agency may finalize any covered discretionary administrative action, the head of the agency shall submit to the Director for review written notice regarding the covered discretionary administrative action, which shall include an estimate of the budgetary effects of the covered discretionary administrative action.

(2) INCREASING DIRECT SPENDING.—

(A) **IN GENERAL.**—If the covered discretionary administrative action would increase direct spending, the written notice submitted by the head of the agency under paragraph (1) shall include a proposal to undertake 1 or more other administrative actions that would provide a reduction in direct spending greater than or equal to the increase in direct spending attributable to the covered discretionary administrative action.

(B) REVIEW.—

(i) **IN GENERAL.**—The Director shall determine whether the reduction in direct spending in a proposal in a written notice from an agency under subparagraph (A) is greater than or equal to the increase in direct spending attributable to the covered discretionary administrative action to which the written notice relates.

(ii) **NO OFFSET.**—If the written notice regarding a proposed covered discretionary administrative action that would increase direct spending does not include a proposal to offset the increased direct spending as determined in clause (i), the Director shall return the written notice to the agency for resubmission in accordance with this title.

(b) NONDISCRETIONARY ACTIONS.—If an agency determines that an administrative action that would increase direct spending is required by law and therefore is not a covered discretionary administrative action, before the agency finalizes that administrative action, the head of the agency shall—

(1) submit to the Director a written opinion by the general counsel of the agency, or the equivalent employee of the agency, explaining that legal conclusion;

(2) submit to the Director a projection of the amount of direct spending under the least costly implementation option reasonably identifiable by the agency that meets the requirements under the statute; and

(3) consult with the Director regarding implementation of the administrative action.

(c) PROJECTIONS.—Any projection for purposes of this title shall be conducted in accordance with Office of Management and Budget Circular A–11, or any successor thereto.

SEC. 264. ISSUANCE OF ADMINISTRATIVE GUIDANCE.

Not later than 90 days after the date of enactment of this Act, the Director shall issue instructions regarding the implementation of this title, including how covered discretionary administrative actions that increase direct spending and nontax receipts will be evaluated.

SEC. 265. WAIVER.

(a) IN GENERAL.—The Director may waive the requirements of section 263 if the Director concludes that the waiver—

- (1) is necessary for the delivery of essential services; or
- (2) is necessary for effective program delivery.

(b) PUBLICATION.—Any waiver determination under subsection (a) shall be published in the Federal Register.

SEC. 266. EXEMPTION.

This title shall not apply to administrative actions with direct spending cost of less than—

- (1) \$1,000,000,000 over the 10-year period beginning with the current year; or
- (2) \$100,000,000 in any given year during such 10-year period.

SEC. 267. JUDICIAL REVIEW.

No determination, finding, action, or omission under this title shall be subject to judicial review.

SEC. 268. SUNSET.

This title shall expire on December 31, 2024.

SEC. 269. GAO REPORT.

Within 180 days of the date of enactment of this Act, the Comptroller General shall issue a report on the implementation of this title.

SEC. 270. CONGRESSIONAL REVIEW ACT COMPLIANCE ASSESSMENT.

Section 801(a)(2)(A) of title 5, United States Code, is amended by inserting after “compliance with procedural steps required by paragraph (1)(B)” the following: “, and shall in addition include an assessment of the agency’s compliance with such requirements of the Administrative Pay-As-You-Go Act of 2023 as may be applicable”.

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

SEC. 271. TERMINATION OF SUSPENSION OF PAYMENTS ON FEDERAL STUDENT LOANS; RESUMPTION OF ACCRUAL OF INTEREST AND COLLECTIONS.

(a) IN GENERAL.—Sixty days after June 30, 2023, the waivers and modifications described in subsection (c) shall cease to be effective.

(b) PROHIBITION.—Except as expressly authorized by an Act of Congress enacted after the date of enactment of this Act, the Secretary of Education may not use any authority to implement an extension of any executive action or rule specified in subsection (c).

(c) **WAIVERS AND MODIFICATIONS DESCRIBED.**—The waivers and modifications described in this subsection are the waivers and modifications of statutory and regulatory provisions relating to an extension of the suspension of payments on certain loans and waivers of interest on such loans under section 3513 of the CARES Act (20 U.S.C. 1001 note)—

(1) described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61513 et seq.); and

(2) most recently extended in the announcement by the Department of Education on November 22, 2022.

DIVISION C—GROW THE ECONOMY

TITLE I—TEMPORARY ASSISTANCE TO NEEDY FAMILIES

SEC. 301. RECALIBRATION OF THE CASELOAD REDUCTION CREDIT.

Section 407(b)(3) of the Social Security Act (42 U.S.C. 607(b)(3)) is amended in each of subparagraphs (A)(ii) and (B), by striking “2005” and inserting “2015”.

SEC. 302. PILOT PROJECTS FOR PROMOTING ACCOUNTABILITY BY MEASURING WORK OUTCOMES.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

“(e) **PILOT PROJECTS FOR PROMOTING ACCOUNTABILITY BY MEASURING WORK OUTCOMES.**—

“(1) **IN GENERAL.**—The Secretary shall carry out a pilot program under which the Secretary may select up to 5 States to which a grant is made under section 403(a) for a fiscal year to negotiate performance benchmarks for work and family outcomes for recipients of assistance under the State program funded under this part, and programs funded with qualified State expenditures. The Secretary shall issue guidance on how States apply for participation in the pilot. The benchmarks shall include—

“(A) the percentage of work-eligible individuals under the State program funded under this part who are in unsubsidized employment during the 2nd quarter after exiting the program;

“(B) the level of earnings of such individuals in the 2nd and 4th quarters after exit; and

“(C) other indicators of family stability and well-being as established by the Secretary.

“(2) **LEVEL OF PERFORMANCE BENCHMARK.**—The Secretary and a State selected under paragraph (1) shall agree to the requisite level of performance on these benchmarks after developing baseline data in the State and comparative data in other States.

“(3) **FAILURE OF STATE TO MEET BENCHMARK.**—If a State fails to meet a measured benchmark standard agreed to under paragraph (2) for 2 successive fiscal years, 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 based on new information about the feasibility of meeting such benchmark.

“(4) DURATION.—The pilot under this subsection shall be in effect for 6 fiscal years, with one year to establish benchmark data and negotiate targets and five years to measure performance against the targets, and shall supersede the requirements under section 407 for such fiscal years, notwithstanding any other provision of law.

“(5) APPLICATION OF PENALTY FOR FAILURE TO REDUCE ASSISTANCE FOR RECIPIENTS REFUSING WITHOUT GOOD CAUSE TO WORK.—For purposes of section 409(a)(14), a State operating a pilot must have a system for reducing the amount of assistance payable to a family if an individual refuses, without good cause (including for reasons described in 407(e)(2)), to engage in any such activities as the State has required of such an individual. A State without such a system shall be considered to have failed to comply with the requirements of section 407(e) for so long as the failure to comply continues.

“(6) COLLECTION OF PERFORMANCE DATA.—Each State selected under paragraph (1), in consultation with the Secretary, shall collect and submit to the Secretary data on the performance of the State operating such a pilot program.

“(7) REPORTS.—

“(A) INITIAL REPORT.—Not later than 12 months after the date of the enactment of this subsection the Secretary shall submit a report to Congress on the status of the program under this section.

“(B) FINAL REPORT.—Not later than 12 months after the date on which the programs under this section have terminated, the Secretary shall submit a comprehensive report to Congress on outcomes achieved under such programs.”.

SEC. 303. ELIMINATION OF SMALL CHECKS SCHEME.

Section 407(b) of the Social Security Act (42 U.S.C. 607(b)) is amended by adding at the end the following:

“(6) SPECIAL RULE REGARDING CALCULATION OF THE MINIMUM PARTICIPATION RATE.—The Secretary shall determine participation rates under this section without regard to any individual engaged in work in a family that receives no assistance under this part and less than \$35 in assistance funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).”.

SEC. 304. REPORTING OF WORK OUTCOMES.

Section 411 of the Social Security Act (42 U.S.C. 611), as amended by section 302, is amended by adding at the end the following:

“(f) REPORTING PERFORMANCE INDICATORS.—

“(1) IN GENERAL.—Each State, in consultation with the Secretary, shall collect and submit to the Secretary the information necessary for each indicator described in paragraph (2), for fiscal year 2025 and each fiscal year thereafter.

“(2) INDICATORS OF PERFORMANCE.—The indicators described in this paragraph for a fiscal year are the following:

“(A) The percentage 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 the exit.

“(B) 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.

“(C) 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 the exit.

“(D) The percentage of individuals who have not attained 24 years of age, 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 under the State program funded under this part or within 1 year after the exit.

“(3) DEFINITION OF EXIT.—In paragraph (2), the term ‘exit’ means, with respect to a State program funded under this part, ceases to receive assistance under the program funded by this part.

“(4) REGULATIONS.—In order to ensure nationwide comparability of data, the Secretary, after consultation with the Secretary of Labor and with States, shall issue regulations governing the reporting of performance indicators under this subsection.”.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2024, except for sections 301 and 303 which shall take effect on October 1, 2025.

TITLE II—SNAP EXEMPTIONS

SEC. 311. MODIFICATION OF WORK REQUIREMENT EXEMPTIONS.

(a) IN GENERAL.—Section 6(o)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(6)(o)(3)) is amended to read as follows:

(1) by striking subparagraph (A) and inserting the following:

“(A)(i) under 18 years of age; or

“(ii) in—

“(I) fiscal year 2023 over 51 years of age;

“(II) fiscal year 2024 over 53 years of age;

“(III) fiscal year 2025 and each fiscal year thereafter over 55 years of age;”;

(2) in subparagraph (D), by striking “or” at the end;

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

(4) adding at the end the following:

“(F) a homeless individual;

“(G) a veteran; or

“(H) an individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of attaining 18 years of age or such higher age as the State has elected under section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii)).”.

(b) APPLICATION.—

(1) STATE AGENCY.—A state agency shall apply section 6(o)(3) of the Food and Nutrition Act of 2008, as amended by subsection (a), to any application for initial certification or recertification received starting 90 days after the date of enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall cease to have effect on October 1, 2030.

SEC. 312. MODIFICATION OF GENERAL EXEMPTIONS.

Section 6(o)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(6)) is amended—

(1) in subparagraph (E)—

(A) in the heading, by striking “SUBSEQUENT FISCAL YEARS” and inserting “FISCAL YEARS 2020 THROUGH 2023”;

(B) by striking “(F) through (H)” and inserting “(G) through (I)”;

(C) by striking “year,” and inserting “year through fiscal year 2023,”;

(2) in subparagraph (F), by striking “or (E)” and inserting “, (E) or (F)”;

(3) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (G), (H), and (I), respectively;

(4) by inserting after subparagraph (E) the following:

“(F) SUBSEQUENT FISCAL YEARS.—Subject to subparagraphs (G) through (I), for fiscal years 2024 and each subsequent fiscal year, a State agency may provide a number of exemptions such that the average monthly number of exemptions in effect during the fiscal year does not exceed 8 percent of the number of covered individuals in the State, as estimated by the Secretary under subparagraph (C), adjusted by the Secretary to reflect changes in the State’s caseload and the Secretary’s estimate of changes in the proportion of members of households that receive supplemental nutrition assistance program benefits covered by waivers granted under paragraph (4)”;

(5) in subparagraph (B), by striking “(H)” and inserting “(I)”;

(6) in subparagraph (C), by striking “(F) and (H)” and inserting “(G) and (I)”;

(7) in subparagraph (D), by striking “(F) through (H)” and inserting “(G) through (I)”;

(8) by adding at end the following:

“(J) RULE OF CONSTRUCTION FOR EXEMPTION ADJUSTMENT.—During fiscal year 2024 and each subsequent fiscal year, nothing in this paragraph shall be interpreted to allow a State agency to accumulate unused exemptions to be provided beyond the subsequent fiscal year.”.

SEC. 313. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM UNDER THE FOOD AND NUTRITION ACT OF 2008.

Section 2 of the Food and Nutrition Act of 2008 (7 U.S.C. 2011) is amended by adding at end the following:
 “That program includes as a purpose to assist low-income adults in obtaining employment and increasing their earnings. Such employment and earnings, along with program benefits, will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”.

SEC. 314. WAIVER TRANSPARENCY.

Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall make public all available State waiver requests, including all supporting data from the State, and agency approvals of such requests, including relevant documentation on the utilization of waivers authorized under Section 6(o)(4)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(4)(A)).

TITLE III—PERMITTING REFORM

SEC. 321. BUILDER ACT.

(a) PARAGRAPH (2) OF SECTION 102.—Section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) is amended—

(1) in subparagraph (A), by striking “insure” and inserting “ensure”;

(2) in subparagraph (B), by striking “insure” and inserting “ensure”;

(3) in subparagraph (C)—

(A) by inserting “consistent with the provisions of this Act and except where compliance would be inconsistent with other statutory requirements,” before “include in every”;

(B) by striking clauses (i) through (v) and inserting the following:

“(i) reasonably foreseeable environmental effects of the proposed agency action;

“(ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

“(iii) a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal;

“(iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity; and

“(v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented.”; and

(C) by striking “the responsible Federal official” and inserting “the head of the lead agency”;

(4) in subparagraph (D), by striking “Any” and inserting “any”;

(5) by redesignating subparagraphs (D) through (I) as subparagraphs (G) through (L), respectively;

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

“ (D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;

“ (E) make use of reliable data and resources in carrying out this Act;

“ (F) consistent with the provisions of this Act, study, develop, and describe technically and economically feasible alternatives;”; and

(7) in subparagraph (I), as amended, by inserting “consistent with the provisions of this Act,” before “recognize”.

(b) NEW SECTIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end the following:

“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.

“(a) THRESHOLD DETERMINATIONS.—An agency is not required to prepare an environmental document with respect to a proposed agency action if—

“(1) the proposed agency action is not a final agency action within the meaning of such term in chapter 5 of title 5, United States Code;

“(2) the proposed agency action is excluded pursuant to one of the agency’s categorical exclusions, another agency’s categorical exclusions consistent with section 109 of this Act, or another provision of law;

“(3) the preparation of such document would clearly and fundamentally conflict with the requirements of another provision of law; or

“(4) the proposed agency action is a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action.

“(b) LEVELS OF REVIEW.—

“(1) ENVIRONMENTAL IMPACT STATEMENT.—An agency shall issue an environmental impact statement with respect to a proposed agency action requiring an environmental document that has a reasonably foreseeable significant effect on the quality of the human environment.

“(2) ENVIRONMENTAL ASSESSMENT.—An agency shall prepare an environmental assessment with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the agency finds that the proposed agency action is excluded pursuant to one of the agency’s categorical exclusions, another agency’s categorical exclusions consistent with section 109 of this Act, or another provision of law. Such environmental assessment shall be a concise public document prepared by a Federal agency to set forth the basis of such agency’s finding

of no significant impact or determination that an environmental impact statement is necessary.

“(3) SOURCES OF INFORMATION.—In making a determination under this subsection, an agency—

“(A) may make use of any reliable data source; and

“(B) is not required to undertake new scientific or technical research unless the new scientific or technical research is essential to a reasoned choice among alternatives, and the overall costs and time frame of obtaining it are not unreasonable.

“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.

“(a) LEAD AGENCY.—

“(1) DESIGNATION.—

“(A) IN GENERAL.—If there are two or more participating Federal agencies, such agencies shall determine, by letter or memorandum, which agency shall be the lead agency based on consideration of the—

“(i) magnitude of agency’s involvement;

“(ii) project approval or disapproval authority;

“(iii) expertise concerning the action’s environmental effects;

“(iv) duration of agency’s involvement; and

“(v) sequence of agency’s involvement.

“(B) JOINT LEAD AGENCIES.—In making a determination under subparagraph (A), the participating Federal agencies may appoint such State, Tribal, or local agencies as joint lead agencies as the involved Federal agencies shall determine appropriate. Joint lead agencies shall jointly fulfill the role described in paragraph (2).

“(2) ROLE.—A lead agency shall, with respect to a proposed agency action—

“(A) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one participating Federal agency;

“(B) request the participation of each cooperating agency at the earliest practicable time;

“(C) in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency;

“(D) develop a schedule, in consultation with each cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;

“(E) if the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under subparagraph (D), notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and

“(F) meet with a cooperating agency that requests such a meeting.

“(3) COOPERATING AGENCY.—The lead agency may, with respect to a proposed agency action, designate any Federal, State, Tribal, or local agency that has jurisdiction by law or

special expertise with respect to any environmental impact involved in a proposal to serve as a cooperating agency. A cooperating agency may, not later than a date specified in the schedule established by the lead agency, submit comments to the lead agency.

“(4) REQUEST FOR DESIGNATION.—Any Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under paragraph (1) may submit a written request for such a designation to a participating Federal agency. An agency that receives a request under this paragraph shall transmit such request to each participating Federal agency and to the Council.

“(5) COUNCIL DESIGNATION.—

“(A) REQUEST.—If the participating Federal agencies are unable to agree on the designation of a lead agency within 45 days of the request under paragraph (4), then the Federal, State, Tribal or local agency or person that is substantially affected by the lack of a designation of a lead agency may request that the Council designate a lead agency. Such request shall consist of—

“(i) a precise description of the nature and extent of the proposed agency action; and

“(ii) a detailed statement with respect to each participating Federal agency and each factor listed in paragraph (1) regarding which agency should serve as lead agency.

“(B) TRANSMISSION.—The Council shall transmit a request received under subparagraph (A) to each participating Federal agency.

“(C) RESPONSE.—A participating Federal agency may, not later than 20 days after the date of the submission of a request under subparagraph (A), submit to the Council a response to such request.

“(D) DESIGNATION.—Not later than 40 days after the date of the submission of a request under subparagraph (A), the Council shall designate the lead agency with respect to the relevant proposed agency action.

“(b) ONE DOCUMENT.—To the extent practicable, if a proposed agency action will require action by more than one Federal agency and the lead agency has determined that it requires preparation of an environmental document, the lead and cooperating agencies shall evaluate the proposal in a single environmental document.

“(c) REQUEST FOR PUBLIC COMMENT.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.

“(d) STATEMENT OF PURPOSE AND NEED.—Each environmental document shall include a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action.

“(e) PAGE LIMITS.—

“(1) ENVIRONMENTAL IMPACT STATEMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

“(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

“(2) ENVIRONMENTAL ASSESSMENTS.—An environmental assessment shall not exceed 75 pages, not including any citations or appendices.

“(f) SPONSOR PREPARATION.—A lead agency shall prescribe procedures to allow a project sponsor to prepare an environmental assessment or an environmental impact statement under the supervision of the agency. Such agency may provide such sponsor with appropriate guidance and assist in the preparation. The lead agency shall independently evaluate the environmental document and shall take responsibility for the contents.

“(g) DEADLINES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, a lead agency shall complete, as applicable—

“(A) the environmental impact statement not later than the date that is 2 years after the sooner of, as applicable—

“(i) the date on which such agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to such action;

“(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

“(iii) the date on which such agency issues a notice of intent to prepare the environmental impact statement for such action; and

“(B) the environmental assessment not later than the date that is 1 year after the sooner of, as applicable—

“(i) the date on which such agency determines that section 106(b)(2) requires the preparation of an environmental assessment with respect to such action;

“(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

“(iii) the date on which such agency issues a notice of intent to prepare the environmental assessment for such action.

“(2) DELAY.—A lead agency that determines it is not able to meet the deadline described in paragraph (1) may extend such deadline, in consultation with the applicant, to establish a new deadline that provides only so much additional time as is necessary to complete such environmental impact statement or environmental assessment.

“(3) PETITION TO COURT.—

“(A) RIGHT TO PETITION.—A project sponsor may obtain a review of an alleged failure by an agency to act in accordance with an applicable deadline under this section by filing a written petition with a court of competent jurisdiction seeking an order under subparagraph (B).

“(B) COURT ORDER.—If a court of competent jurisdiction finds that an agency has failed to act in accordance with an applicable deadline, the court shall set a schedule and deadline for the agency to act as soon as practicable, which

shall not exceed 90 days from the date on which the order of the court is issued, unless the court determines a longer time period is necessary to comply with applicable law.

“(h) REPORT.—

“(1) IN GENERAL.—The head of each lead agency shall annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

“(A) identifies any environmental assessment and environmental impact statement that such lead agency did not complete by the deadline described in subsection (g); and

“(B) provides an explanation for any failure to meet such deadline.

“(2) INCLUSIONS.—Each report submitted under paragraph (1) shall identify, as applicable—

“(A) the office, bureau, division, unit, or other entity within the Federal agency responsible for each such environmental assessment and environmental impact statement;

“(B) the date on which—

“(i) such lead agency notified the applicant that the application to establish a right-of-way for the major Federal action is complete;

“(ii) such lead agency began the scoping for the major Federal action; or

“(iii) such lead agency issued a notice of intent to prepare the environmental assessment or environmental impact statement for the major Federal action; and

“(C) when such environmental assessment and environmental impact statement is expected to be complete.

“SEC. 108. PROGRAMMATIC ENVIRONMENTAL DOCUMENT.

“When an agency prepares a programmatic environmental document for which judicial review was available, the agency may rely on the analysis included in the programmatic environmental document in a subsequent environmental document for related actions as follows:

“(1) Within 5 years and without additional review of the analysis in the programmatic environmental document, unless there are substantial new circumstances or information about the significance of adverse effects that bear on the analysis.

“(2) After 5 years, so long as the agency reevaluates the analysis in the programmatic environmental document and any underlying assumption to ensure reliance on the analysis remains valid.

“SEC. 109. ADOPTION OF CATEGORICAL EXCLUSIONS.

“An agency may adopt a categorical exclusion listed in another agency’s NEPA procedures for a category of proposed agency actions for which the categorical exclusion was established consistent with this paragraph. The agency shall—

“(1) identify the categorical exclusion listed in another agency’s NEPA procedures that covers a category of proposed actions or related actions;

“(2) consult with the agency that established the categorical exclusion to ensure that the proposed adoption of the categorical exclusion to a category of actions is appropriate;

“(3) identify to the public the categorical exclusion that the agency plans to use for its proposed actions; and

“(4) document adoption of the categorical exclusion.

“SEC. 110. E-NEPA.

“(a) PERMITTING PORTAL STUDY.—The Council on Environmental Quality shall conduct a study and submit a report to Congress within 1 year of the enactment of this Act on the potential for online and digital technologies to address delays in reviews and improve public accessibility and transparency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) including, but not limited to, a unified permitting portal that would—

“(1) allow applicants to—

“(A) submit required documents or materials for their project in one unified portal;

“(B) upload and collaborate with the applicable agencies to edit documents in real-time, as required;

“(C) upload and display visual features such as video, animation, geographic information system displays, and three-dimensional renderings; and

“(D) track the progress of individual applications;

“(2) include a cloud based, digital tool for more complex reviews that would enhance interagency coordination in consultation by—

“(A) centralizing, across all necessary agencies, the data, visuals, and documents, including but not limited to geographic information system displays, other visual renderings, and completed reports and analyses necessary for reviews;

“(B) streamlining communications between all necessary agencies and the applicant;

“(C) allowing for comments and responses by and to all necessary agencies in one unified portal;

“(D) generating analytical reports to aid in organizing and cataloguing public comments; and

“(E) be accessible on mobile devices;

“(3) boost transparency in agency processes and present information suitable for a lay audience, including but not limited to—

“(A) scientific data and analysis; and

“(B) anticipated agency process and timeline; and

“(4) include examples describing how at least five permits would be reviewed and processed through this portal.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$500,000 for the Council on Environmental Quality to carry out the study directed by this section.

“SEC. 111. DEFINITIONS.

“In this title:

“(1) CATEGORICAL EXCLUSION.—The term ‘categorical exclusion’ means a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C).

“(2) COOPERATING AGENCY.—The term ‘cooperating agency’ means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 107(a)(3).

“(3) COUNCIL.—The term ‘Council’ means the Council on Environmental Quality established in title II.

“(4) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ means an environmental assessment prepared under section 106(b)(2).

“(5) ENVIRONMENTAL DOCUMENT.—The term ‘environmental document’ means an environmental impact statement, an environmental assessment, or a finding of no significant impact.

“(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed written statement that is required by section 102(2)(C).

“(7) FINDING OF NO SIGNIFICANT IMPACT.—The term ‘finding of no significant impact’ means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.

“(8) PARTICIPATING FEDERAL AGENCY.—The term ‘participating Federal agency’ means a Federal agency participating in an environmental review or authorization of an action.

“(9) LEAD AGENCY.—The term ‘lead agency’ means, with respect to a proposed agency action—

“(A) the agency that proposed such action; or

“(B) if there are 2 or more involved Federal agencies with respect to such action, the agency designated under section 107(a)(1).

“(10) MAJOR FEDERAL ACTION.—

“(A) IN GENERAL.—The term ‘major Federal action’ means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

“(B) EXCLUSION.—The term ‘major Federal action’ does not include—

“(i) a non-Federal action—

“(I) with no or minimal Federal funding; or

“(II) with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project;

“(ii) funding assistance solely in the form of general revenue sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

“(iii) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the subsequent use of such financial assistance or the effect of the action;

“(iv) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act (U.S.C. 636(a)), or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

“(v) bringing judicial or administrative civil or criminal enforcement actions;

“(vi) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States; or

“(vii) activities or decisions that are non-discretionary and made in accordance with the agency’s statutory authority.

“(11) PROGRAMMATIC ENVIRONMENTAL DOCUMENT.—The term ‘programmatic environmental document’ means an environmental impact statement or environmental assessment analyzing all or some of the environmental effects of a policy, program, plan, or group of related actions.

“(12) PROPOSAL.—The term ‘proposal’ means a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects.

“(13) SPECIAL EXPERTISE.—The term ‘special expertise’ means statutory responsibility, agency mission, or related program experience.”.

SEC. 322. INTERREGIONAL TRANSFER CAPABILITY DETERMINATION STUDY.

(a) IN GENERAL.—The Electric Reliability Organization (as that term is defined in section 215(a)(2) of the Federal Power Act), in consultation with each regional entity (as that term is defined in section 215(a)(7) of such Act) and each transmitting utility (as that term is defined in section 3(23) of such Act) that has facilities interconnected with a transmitting utility in a neighboring transmission planning region, shall conduct a study of total transfer capability as defined in section 37.6(b)(1)(vi) of title 18, Code of Federal Regulations, between transmission planning regions that contains the following:

(1) Current total transfer capability, between each pair of neighboring transmission planning regions.

(2) A 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.

(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.

(b) PUBLICATION.—Not later than 18 months after the date of enactment of this Act, the North American Electric Reliability Corporation shall deliver a study to Federal Energy Regulatory Commission, which shall publish the study required in subsection (a) in the Federal Register and seek public comments.

(c) REPORT.—Not later than 12 months after the end of the public comment period in subsection (b), the Federal Energy Regulatory Commission shall submit a report on its conclusions to Congress and include recommendations, if any, for statutory changes.

SEC. 323. PERMITTING STREAMLINING FOR ENERGY STORAGE.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended by inserting “energy storage,” before “or any other sector”.

SEC. 324. EXPEDITING COMPLETION OF THE MOUNTAIN VALLEY PIPELINE.

(a) **DEFINITION OF MOUNTAIN VALLEY PIPELINE.**—In this section, the term “Mountain Valley Pipeline” means the Mountain Valley Pipeline project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10, CP19–477, and CP21–57.

(b) **CONGRESSIONAL FINDINGS AND DECLARATION.**—The Congress hereby finds and declares that the timely completion of construction and operation of the Mountain Valley Pipeline is required in the national interest. The Mountain Valley Pipeline will serve demonstrated natural gas demand in the Northeast, Mid-Atlantic, and Southeast regions, will increase the reliability of natural gas supplies and the availability of natural gas at reasonable prices, will allow natural gas producers to access additional markets for their product, and will reduce carbon emissions and facilitate the energy transition.

(c) **APPROVAL AND RATIFICATION AND MAINTENANCE OF EXISTING AUTHORIZATIONS.**—Notwithstanding any other provision of law—

(1) Congress hereby 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; and

(2) Congress hereby directs the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, and the Secretary of the Interior, and other agencies as applicable, as the case may be, to continue to maintain such 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.

(d) **EXPEDITED APPROVAL.**—Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act and for the purpose of facilitating the completion of the Mountain Valley Pipeline, the Secretary of the Army shall issue all permits or verifications necessary—

(1) to complete the construction of the Mountain Valley Pipeline across the waters of the United States; and

(2) to allow for the operation and maintenance of the Mountain Valley Pipeline.

(e) **JUDICIAL REVIEW.**—

(1) Notwithstanding any other provision of law, no court shall have jurisdiction to review any action taken by the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, the Secretary of the Interior, or a State administrative agency acting pursuant to Federal law that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline, including the issuance of any authorization, permit, extension, verification, biological opinion, incidental take statement, or other approval described in subsection (c) or (d) of this section for the Mountain Valley Pipeline,

whether issued prior to, on, or subsequent to the date of enactment of this section, and including any lawsuit pending in a court as of the date of enactment of this section.

(2) The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any claim alleging the invalidity of this section or that an action is beyond the scope of authority conferred by this section.

(f) EFFECT.—This section supersedes any other provision of law (including any other section of this Act or other statute, any regulation, any judicial decision, or any agency guidance) that is inconsistent with the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval for the Mountain Valley Pipeline.

DIVISION D—INCREASE IN DEBT LIMIT

SEC. 401. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on January 1, 2025.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on January 2, 2025, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on January 2, 2025, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

(c) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before January 2, 2025.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in subsection (a) for the purpose of increasing the cash balance above normal

H. R. 3746—40

operating balances in anticipation of the expiration of such period.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

RULES SUBMITTED FOR REPEAL

Rule #1: DDS Policy 1005 – HDC Site Visits

**Rule #2: DDS Policy 1010 – Service Concern
Resolution**

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	HDC Site Visits	1005

1. Purpose. This policy has been prepared to set forth the DDS position toward and administrative procedures for program visits by persons other than HDC personnel.
2. Scope. This policy pertains to all programs directly operated by the Department of Human Services, Developmental Disabilities Services.
3. Visits by Advocates. DDS welcomes visits to its programs by representatives of organizations whose primary interest is ensuring the rights of people with developmental disabilities, and persons interested in the program and services provided.
4. Group Representative. Groups who wish to have their representatives visit DDS operated programs shall be directed to contact the Superintendent/designee.
5. Clearance Requirement. The Superintendent's Office will make a determination on the nature of the group and will clear all recommendations from the group for representation.
6. Official Representative. The Office of the Superintendent will maintain records of official representatives who will be allowed access to programs. Persons who visit programs but are not official representatives will be directed to contact the Superintendent for access clearance.
7. Access. Access means that the visitor is welcome to view all phases of programming, when visit is not disruptive and/or detrimental, maintaining the following procedure:
 - A. The Representative will first check in with the Activity Manager/Designee and provide identification (as required) upon their arrival at the visit site;
 - B. Honor rights and preferences of individuals such as privacy protection;
 - C. Maintain confidentiality;
 - D. Possess proper consent(s) for accessing individual's records.

Replacement Notation : This policy replaces DDS Commissioner's Office Policy 1005 effective November 17, 1979 and DDS Director's Office Policy January 8, 1987.

Effective Date: December 1, 1993

Sheet 1 of 1

References: Board Action: December 15, 1979.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: November 4, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
-------------	-------------------	------------

Administrative	Service Concern Resolution	1010
----------------	----------------------------	------

1. Purpose. This policy provides the administrative procedure for receiving reports, gathering information, and resolving concerns regarding any organization or individual licensed or certified by DDS to provide services to persons with disabilities.
2. Scope. DDS will accept reports of concerns from any person.
3. Service Concern. DDS will accept for investigation any concern regarding services provided by a licensed or certified program to an individual with a developmental disability.

DDS will not accept concerns related to employee grievances against their employer or any personnel issues, unless it affects the provision of services to individuals.

4. Receipt of Concerns. Any DDS staff person who receives verbal or written service concerns will immediately relay the information to the DDS Quality Assurance Investigation Unit.
5. Mandated Reporting Responsibility. DDS employees will fulfill their responsibility as mandated reporters by reporting any covered incident to Adult Protective Services or the Child Abuse Hotline, as appropriate.

- A. The DDS staff who reports the incident to the appropriate hotline must inform the DDS Quality Assurance Assistant Director that they have made the report.
- B. The DDS Quality Assurance Assistant Director will contact the Executive Director of the provider agency and provide them with the details of the report, excluding the name of the reporter.

6. Investigation Unit Process. The Investigation Unit maintains primary responsibility for investigation of service concerns. In conjunction with the Certification and Licensure Manager, the Investigation Unit Supervisor may assign investigation responsibility, in whole or part, to Certification and Licensure staff. The Certification and Licensure Administrator maintains responsibility for the final determination regarding the outcome of any investigation. All timeframes mentioned below are subject to extension, based on the approval of the Certification and Licensure Administrator.

- A. The DDS Investigator will make initial contact, by telephone or face-to-face, with the individual expressing the concern within three working days of receipt of the concern. The Investigator will obtain, as appropriate:

- 1) The name and contact information of the person,

- 2) The name and contact information of the individual receiving services and who is the subject of the concern,
 - 3) A complete accounting of the concern, including the names of all persons involved, locations, dates and any other pertinent information.
- B. If the Investigator is unable to make initial telephone or face-to-face contact within three working days, the Investigator will send a certified letter to the person expressing the concern that requests that he make contact with the Investigator within three working days of his receipt of the letter. If the individual does not contact the Investigator within the specified period, the Investigator will not pursue the matter unless it appears that the health and safety of an individual who is receiving services is jeopardized.
- 1) If the Investigator determines that the health and safety of an individual is jeopardized, he will initiate an investigation by contacting the individual's
 - i. Waiver Case Management provider, or
 - ii. Center-Based service provider.
- C. The Investigator will begin the fact-finding process within one working day after completion of the initial interview with the person expressing the concern in order to determine if there is sufficient evidence to conduct a full investigation. The fact-finding will include:

- Repeal**
- 1) Telephone or face-to-face interviews with involved parties, and as necessary,
 - 2) Review of pertinent documents related to the concern.
- D. With the approval of the Certification and Licensure Administrator, the Investigator will determine whether to initiate an investigation.
- 1) If the determination is not to proceed with a full investigation, the Investigator will:
 - i. Complete a written summary of events within ten calendar days of the decision
 - ii. Make a referral to another party, such as the DDS Ombudsman or DMS Program Integrity, if appropriate
 - 2) If the determination is to proceed with a full investigation, the Investigator will initiate an investigation based at any or all of the following;
 - i. The provider center,
 - ii. The provider owned group home,
 - iii. The provider owned apartment,
 - iv. The provider owned home,
 - v. A provider employee owned home,
 - vi. The home of the individual who is the subject of the concern, only if the concern came from the individual or their guardian, or
 - vii. The DDS office.
 - 3) The Investigator will base the determination as to where to conduct the investigation on factors such as the severity of the allegation and the number and severity of related concerns received regarding the provider, the alleged perpetrator or the individual during the preceding six months.

The decision will be subject to the Certification and Licensure Administrator's approval.

- i. The team who conducts the investigation at the provider location routinely consists of no more than two persons. The Certification and Licensure Administrator must obtain approval from the DDS Director to allow more than two persons to conduct an on-site investigation.
- E. The investigator will complete the investigation within 30 calendar days of receipt of the concern. The investigator may conduct any or all of the following activities during investigation:
 - 1) Telephone or face-to-face interviews with involved parties
 - 2) Conduct an unannounced visit to the location as described in D2,i-vii either during regular working hours, after-hours or on weekends
 - 3) Photograph physical evidence
 - 4) Review of case notes, plans of care, time sheets, or physical plant inspections
 - 5) Review of documentation of staff training
 - 6) Review of agency policies and personnel files
 - 7) Review of any other pertinent information
- F. Upon completion of the investigation, the investigator will determine if the facts support a finding that the provider did not adhere to DDS Standards for Center-Based Community Services, DDS Certification Standards for ACS Waiver Services, or any other applicable policy, regulation or standard.
 - 1) If the facts support a finding, within 15 calendar days of the conclusion of the investigation, the investigator will send to the provider a report that contains at least the following information:
 - i. A summary of the issue,
 - ii. When and how the concern was submitted,
 - iii. A brief summary of the investigation methods, interviews and facts,
 - iv. A justification of the determination of the finding, including a citation of the applicable standard or rule,
 - v. A request for a time-bound Assurance of Adherence to the standard or rule
 - vi. A notice that the provider may request a meeting with the Certification and Licensure Administrator to discuss the findings of the review and to produce additional evidence if warranted, and
 - vii. A notice that the decision is subject to appeal under the provisions of DDS Administrative Appeals Policy 1076.
 - 2) With the approval of the Certification and Licensure Administrator, the Investigator may request that Certification and Licensure staff initiate a full licensure or certification review of the program.
 - 3) If the facts do not support a finding, the investigator will, within 15 calendar days of the conclusion of the investigation;

- i. Send to the provider a report which contains the information described in F.1) i-iii., or
 - ii. Produce a brief summary of events, which describes minimal activities conducted to arrive at the conclusion
- G. The Investigator will provide the investigative report, either electronically or by regular mail, with or without findings, to the following:
 - 1) The Executive Director of the program or individual provider who was the subject of the investigation,
 - 2) The President of the Board of Directors of the program,
 - 3) The Certification and Licensure Manager, and
 - 4) The Certification and Licensure Administrator
- H. At the completion of the fact-finding or the investigation, the Investigator will respond either electronically or by regular mail, to the individual who expressed the concern. The response will reveal only if:
 - 1) DDS did or did not conduct an investigation, and
 - 2) The investigation resulted in a finding of non-compliance with a DDS Standard.

Repeal