

**Continuing Appropriations and  
Ukraine Supplemental Appropriations Act of 2023**  
*Section-by-Section Summary*

**DIVISION A – CONTINUING APPROPRIATIONS ACT, 2023**

**Section 101. Extension of FY 2022 Funding, with Exceptions.**

Appropriates funding at the levels and under the conditions provided in fiscal year 2022 appropriations acts for continuing projects and activities, with exceptions including for technical budgetary issues and certain extensions and authorities.

**Section 102. Prevention of New or Accelerated Production and New Multi-Year Activities at DOD.**

Prevents the Department of Defense (DOD) from using funds provided by the continuing resolution (CR) for new or accelerated production of certain projects and other new starts and activities. It also prevents DOD from initiating certain multi-year procurements.

**Section 103. Terms and Conditions.**

States that funds provided by section 101 shall be available to the extent and in the manner that would be provided in the pertinent appropriations Act.

**Section 104. Prevention of New Starts and Activities.**

Prevents appropriations provided by the CR from being used for new starts and new activities.

**Section 105. Technical Budget Matter.**

Contains technical budget matter providing that appropriations in the CR are to be used to conduct fiscal year 2023 activities and programs during the CR period.

**Section 106. End Date of CR.**

Continues the appropriations and authorities provided by the CR through the earlier of December 16, 2022, or the enactment of the applicable appropriations Act.

**Section 107. Requirement to Charge CR Spending to Enacted Full-Year Appropriations Bill.**

Requires that spending under the CR be charged to the full-year appropriations bill when such bill is enacted.

**Section 108. Apportionment Timing During the CR.**

Waives the normal time limitations for submission and approval of apportionments of accounts given the duration of a part-year continuing resolution.

**Section 109. Expenditures for Grant Programs and Similar Payments.**

Prevents agencies from spending money too quickly for grant programs and similar payments to preserve Congress's final funding prerogatives, as Congress has not made final funding determinations for fiscal year 2023.

**Section 110. Reiterating That Funding Should be Spent in the Most Limited Manner Possible.**

Reiterates that funding should be spent in the most limited manner possible to continue projects and activities, as Congress has not made final funding determinations for fiscal year 2023.

**Section 111. Operations of Mandatory Programs and Appropriated Entitlements.**

Continues mandatory programs and appropriated entitlements. In the case of a government shutdown after the CR end date, provides some of those programs with funding for payments that are due on or about the first day of January 2023.

**Section 112. Restrictions on Furloughs or Termination of Employees.**

Permits funds provided by the CR to be apportioned up to a rate for operations necessary to avoid furloughs, after the agency has taken all necessary action to reduce or defer non-personnel- related administrative expenses.

**Section 113. Waiver Language for Intelligence Programs.**

Provides waiver language for certain intelligence programs as well as agencies that operate under the State Department Basic Authorities Act and Foreign Relations Authorization Act.

**Section 114. Specially Designated Funds Including Disaster, Emergency, and Program Integrity.**

Dictates that specially designated funds in fiscal year 2022 appropriations Acts should be considered the same type of funding under the CR.

**Section 115. Directions for OMB and Agencies on Executing a CR.**

Directs the Office of Management and Budget (OMB) and agencies to execute a CR by accounting for the levels provided to them by this CR inclusive of any rescissions that were in last year's appropriations Acts.

**Section 116. Agricultural Credit Insurance Fund Program.**

Ensures the Department of Agriculture can fully meet the demand for Direct and Guaranteed Farm Ownership loans.

**Section 117. Rural Microentrepreneur Assistance Program.**

Enables the Department of Agriculture to continue to provide loans to help expand economic opportunity and create jobs in rural areas.

**Section 118. Livestock Mandatory Reporting Act of 1999.**

Extends the Livestock Mandatory Reporting Act of 1999 for the duration of the continuing resolution.

**Section 119. Economic Development Administration Salaries and Expenses.**

Provides flexibility to spend at a rate necessary to support staff administering and conducting oversight of economic development grants.

**Section 120. National Telecommunications and Information Administration, Public Safety Communications Program.**

Enables the National Telecommunications and Information Administration to spend at a rate necessary to ensure continued oversight of Public Safety Communications Program.

**Section 121 – Federal Bureau of Investigation.**

Provides additional funds to the Federal Bureau of Investigation for investigative work associated with Afghan resettlement operations.

**Section 122. Overseas Humanitarian, Disaster, and Civic Aid Transfer Authority.**

Authorizes a transfer of funds previously appropriated to the Overseas Humanitarian, Disaster, and Civic Aid program at the Department of Defense to the Department of State for continuation of activities associated with Operation Allies Welcome and the successor operation, Operation Enduring Welcome, related to Afghan

resettlement.

**Section 123. Protection and Personal Security Extension.**

Extends authority to provide protection and personal security for former or retired Department of Defense officials for the duration of the continuing resolution.

**Section 124. Afghanistan Security Forces Fund.**

Extends the availability of funds previously appropriated to the Department of Defense to pay outstanding invoices for contract costs in Afghanistan.

**Section 125. Army Corps of Engineers, Construction.**

Provides \$20 million in emergency funding for previously authorized water and wastewater infrastructure improvements, available for Jackson, Mississippi.

**Section 126. CALFED Bay-Delta Authorization Act Extension.**

Extends authority for the CALFED Bay-Delta Authorization Act and provides an increase to the authorized financial assistance ceiling currently in place, for the duration of the continuing resolution.

**Section 127. Bureau of Reclamation Authorization Extensions.**

Extends authority for the Reclamation States Emergency Drought Relief Act of 1991 and the Omnibus Public Land Management Act of 2009, ensuring the continuation of these Reclamation programs in 17 western states, including emergency drought relief, for the duration of the continuing resolution.

**Section 128. Department of Treasury Alcohol and Tobacco Tax and Trade Bureau.**

Provides funding for the Alcohol and Tobacco Tax and Trade Bureau to support staffing and information technology investments necessary to take on additional import claims responsibilities.

**Section 129. Office of National Cyber Director.**

Provides funding to operate the newly created Office of National Cyber Director (established in the Fiscal Year 2021 National Defense Authorization Act).

**Section 130. Judiciary Fees of Jurors and Commissioners.**

Provides funding to enable the Federal Judiciary to make statutorily mandated payments to jurors during the period of the continuing resolution.

**Section 131. Judiciary Court Security.**

Provides \$112.5 million in emergency funds for necessary security improvements at U.S. Courthouses and Federal Court facilities.

**Section 132. District of Columbia Local Funds.**

Authorizes the District of Columbia to spend its locally raised revenue at rates provided for in the District's Fiscal Year 2023 Local Budget Act of 2022 with the same conditions of the prior fiscal year.

**Section 133. Veteran-Owned Small Business Certification.**

Provides a higher rate of operations for the Small Business Administration for costs associated with the establishment of the government-wide certification program for service-disabled veteran-owned small businesses.

**Section 134. Small Business Loan Programs.**

Provides the Small Business Administration with authority to obligate funding at a rate of operations necessary to ensure lending programs have the funds to meet the demand of small businesses during the period of the continuing resolution.

**Section 135. Disaster Relief Fund.**

Allows the Federal Emergency Management Agency the flexibility to spend at a higher rate from the Disaster Relief Fund during the continuing resolution to respond to declared disasters.

**Section 136. Hermit's Peak/Calf Canyon Fire Assistance.**

Directs \$2.5 billion in previously provided funding to carry out the Hermit's Peak/Calf Canyon Fire Assistance Act.

**Section 137. Department of Homeland Security Joint Task Forces.**

Extends authorization for the Department of Homeland Security Joint Task Forces for the duration of the continuing resolution.

**Section 138. National Computer Forensics Institute.**

Extends authorization for the National Computer Forensics Institute for the duration of the continuing resolution.

**Section 139. National Flood Insurance Program.**

Extends the National Flood Insurance Program authorization for the duration of the continuing resolution.

**Section 140. Pilot Programs for Authority to Acquire Innovative Commercial Items Using General Solicitation Competitive Procedures.**

Extends authorization for the Department of Homeland Security and the General Services Administration to initiate innovative pilot programs using emerging technology through the duration of the continuing resolution.

**Section 141. Protection of Certain Facilities from Unmanned Aircraft Extension.**

Extends authorization for the Department of Homeland Security and the Justice Department to protect facilities and assets from unmanned aircraft systems through the duration of the continuing resolution.

**Section 142. National Heritage Areas.**

Allows the Secretary of the Interior to provide financial assistance during the period of the continuing resolution to any National Heritage Area established as of September 1, 2022.

**Section 143. Department of Interior Working Capital Fund.**

Provides flexibility to spend at a rate necessary to implement critical cybersecurity safeguards.

**Section 144. Indian Health Service.**

Allows for a higher rate for operations for costs associated with staffing and operating new Indian Health Service facilities.

**Section 145. National Suicide Prevention Lifeline.**

Provides funding necessary to support the National Suicide Prevention Lifeline and provide critical services to 988 callers during the period of the continuing resolution.

**Section 146. Low Income Home Energy Assistance Program.**

Provides \$1 billion in additional funding to assist individuals and families with the costs of heating and cooling their homes and help mitigate the impacts of rising energy costs and extreme weather events.

**Section 147. Refugee and Entrant Assistance.**

Provides additional funding to address increased costs in refugee and entrant assistance programs.

**Section 148. Social Security Administrative Expenses.**

Provides a higher rate for operations to avoid unnecessary disruptions and increase staffing capacity to begin to address service delivery challenges across the agency.

**Section 149. Afghan Parolee Benefits.**

Extends authorization for the same refugee benefits provided to Afghans granted parole through fiscal year 2022, to Afghans granted parole during the continuing resolution.

**Section 150. Maintaining Funding for the Temporary Assistance for Needy Families program.**

Extends funding for the Temporary Assistance for Needy Families (TANF) program during the period of the continuing resolution. The extension will allow HHS to make first-quarter payments to States.

**Section 151. Fiscal Year 2017 and 2018 Military Construction Projects.**

Extends the authority for the Department of Defense to obligate funds during the period of the continuing resolution for military construction projects that first received funding in fiscal year 2017 and 2018.

**Section 152. Department of State and USAID Funds.**

Maintains funding for certain accounts at the Department of State and USAID during the period of the continuing resolution.

**Section 153. Mark-to-Market Program.**

Extends the Mark-to-Market program at the Department of Housing and Urban Development for the duration of the continuing resolution.

**Section 154. Native American Housing Finance Programs.**

Ensures the Department of Housing and Urban Development can continue to process loans to fully meet the demand for critically needed affordable housing during the duration of the continuing resolution.

**Section 155. Community Development Block Grant Disaster Relief.**

Provides \$2 billion to help address unmet recovery needs in communities experiencing major disasters in calendar years 2021 and 2022.

**Section 156. Section 236 Interest Reduction Payments Program.**

Authorizes the Department of Housing and Urban Development to transfer existing balances from the Project-Based Rental Assistance account to the Rental Housing Assistance Account.

**Section 157. National Infrastructure Investments.**

Authorizes the Department of Transportation to extend availability of funds awarded under the National Infrastructure Investment Grants program.

**Section 4 (Front Matter). Payment to Widows and Heirs of Deceased Members of Congress.**

Provides the traditional Congressional gratuity payment to the widower of Representative Jacqueline Walorski.

## **DIVISION B – UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2023**

### **Title I – Defense Subcommittee**

**Ukraine Security Assistance Initiative** – \$3 billion to provide assistance, including training, equipment, weapons, logistics support, supplies and services, salaries and stipends, sustainment, and intelligence support to the military and national security forces of Ukraine.

**Replenishment of U.S. Stocks** – \$1.5 billion to replenish U.S. stocks of equipment provided to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States through drawdown authority.

**Support to Munitions Industrial Base** – \$540 million to increase production of critical munitions to replace defense articles sent to Ukraine or foreign countries that have provided support to Ukraine at the request of the United States.

**Department of Defense Operations** – \$2.8 billion for continued military, intelligence, and other defense support.

**Oversight** - Requires the Secretary of Defense to report on measures taken to account for United States defense articles provided to Ukraine, particularly those that require enhanced end-use monitoring; and requires the Secretary of Defense to report on the execution of funds for defense articles and services provided Ukraine.

### **Title II – Energy and Water Development, and Related Agencies**

**Defense Nuclear Nonproliferation** – \$35 million to respond to potential nuclear and radiological incidents in Ukraine, assist Ukrainian partners with security of nuclear and radiological materials, and prevent illicit smuggling of nuclear and radiological material.

### **Title III – State, Foreign Operations, and Related Programs**

**Continuity of Government** – \$4.5 billion for the Economic Support Fund for additional budget support to maintain the operations of Ukraine’s national government, including to enable the government to maintain macroeconomic stability and provide basic citizen services, which are necessary for Ukraine’s effort to repel Russia’s invasion. Includes oversight requirements, including third-party monitoring of such support.

**Military Assistance** – Authorizes the President to direct the drawdown of up to \$3.7 billion worth of defense articles from U.S. stocks and defense services to provide additional essential support to Ukraine’s armed forces.

## **DIVISION C – OTHER MATTERS**

### **Title I – Extensions, Technical Corrections, and Other Matters**

#### **Section 101. Extension of FCC Auction Authority.**

Authorizes the Federal Communications Commission’s (FCC) ability to auction radio spectrum and issue licenses through December 16, 2022.

#### **Section 102. Extension of Authorization for Special Assessment of Domestic Trafficking Victim’s Fund.**

Extends the special assessment on any non-indigent person or entity convicted of an offense under section 3014(a) of title 18, United States Code (concerning sexual abuse, trafficking, and related matters) from September 30, 2022 through December 16, 2022.

#### **Section 103. United States Parole Commission Extension.**

Extends the authorization for the U.S. Parole Commission from September 30, 2022 through December 16, 2022.

#### **Section 104. Extension of Commodity Futures Trading Commission (CFTC) Customer Protection Fund Expenses Account.**

Ensures funding in the Commodity Futures Trading Commission Customer Protection Fund, which is used for the administrative, programmatic, and personnel expenses of the Whistleblower Office and the Office of Customer Education and Outreach of the CFTC, remains available for use through December 16, 2022.

### **Title II – Energy Independence and Security Act of 2022**

#### **Subtitle A: Accelerating Agency Reviews**

#### **Section 211. Definitions.**

This section provides definition for the bill.

#### **Section 212. Streamlining Process for Authorizations and Reviews of Energy and Natural Resources Projects.**

Based on existing law streamlining provisions enacted by Congress for transportation projects (roads, highways, bridges, rail and transit) that have been in the code since 1998, expanded by Congress in 2012 and 2015 and most recently modified by the 2021 Infrastructure Investment and Jobs Act (IIJA). These provisions also make changes to the “FAST-41” infrastructure law which was created during the Obama Administration (in title 41 of the 2015 FAST Act) and made permanent in the 2021 IIJA.

Sets a 2-year target for National Environmental Policy Act (NEPA) reviews for major energy and natural resource projects which require a full environmental impact statement and reviews from more than one federal agency and a 1-year target for projects which require an environmental assessment. Also requires issuance of all other permits within 180 days of finishing the NEPA process.

Designates a lead agency to coordinate project reviews and expands the use of shared inter-agency environmental review documents and concurrent agency reviews.

Sets the 150 day statute of limitations for court challenges, requires random assignment of judges to cases consistent with current practice, and requires courts to set and enforce reasonable schedule (of no more than 180 days) for agencies to act on remanded or vacated permits.

Establishes dispute resolution procedures for resolving project disagreements without delays.

**Subsection (a). Definitions.**

“Projects” are defined as those projects for the construction of infrastructure to produce, generate, store, or transport energy; to capture, remove, transport, or store carbon dioxide; or to mine, extract, beneficiate, or process minerals which also require the preparation of an environmental document under the NEPA and an agency authorization, such as a permit, license or other approval. “Major projects” are those projects for which multiple Federal actions are required in addition to an environmental impact statement under NEPA, or a project for which the project sponsor requests treatment as a major project for a project where only an environmental assessment is required under NEPA.

**Subsection (b). Applicability.**

This requires that the streamlining provisions of this section be applied to: all major projects; all other projects for which an environmental impact statement is prepared; and all other projects for which an environmental document is prepared, if requested by a project sponsor and deemed appropriate by the relevant agency head.

**Subsection (c). Lead Agencies.**

This establishes responsibilities for lead federal agencies to ensure a complete, timely and coordinated environmental review process between different federal and State agencies that may be involved in a project NEPA review, including identifying participating agencies and incorporating their input.

**Subsection (d). Participating Agencies.**

This defines and establishes responsibilities of federal agencies participating or cooperating in the NEPA environmental process. The subsection establishes procedures for participating or cooperating agencies to provide input into the environmental review process coordinated by the lead agency and to address any environmental issues of concern. The subsection does not apply to projects that have voluntarily become “covered projects” under the FAST-41 procedures and are using the alternate participating and coordinating agency requirements of that Act (42 USC 4370m et seq).

**Subsection (e). Coordination of Required Reviews; Environmental Documents.**

This requires, to the maximum extent practicable and consistent with Federal law, all Federal authorizations and reviews that are necessary for a project to rely on a single environmental document that is prepared under the leadership of the lead agency. The subsection also applies the requirements of section 41005 of the FAST Act (42 USC 4370m-4) to energy and minerals projects, which address interagency coordination and the use of concurrent reviews, adoption and use of existing documents, and development and analysis of alternatives.

**Subsection (f). Errata for Environmental Impact Statements.**

This clarifies that agencies may use errata sheets to make minor modifications to draft environmental impact statements being prepared for final issuance, in lieu of rewriting them.

**Subsection (g). Coordination and Scheduling.**

This sets requirements for the lead federal agency to set schedules for coordinating public and agency participation in the environmental review process and authorization decisions for projects or applicable categories of projects. Schedules must be established not later than 90 days after publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment. Schedules must be set consistent with completing the environmental review process within two years for projects that require an environmental impact statements or within one year for projects that require environmental assessments and completing any other outstanding authorization required for project construction with 180 days of completing the



environmental review process. This subsection sets factors for agencies to consider in setting schedules, creates a process for modifying schedules during the project review process, requires agencies to report to the Office of Management and Budget if they fail to meet a schedule, and sets public comment timeframes.

**Subsection (h). Issue Identification and Resolution.**

This establishes an accelerated dispute resolution process to identify and resolve issues that could delay project reviews. Participating agencies, governors of a State in which a project is located, or a project sponsor can request a dispute resolution meeting be convened by the lead agency within 30 days of the request. If the issue is not resolved within 30 days of the meeting, the issue is elevated first to the heads of the relevant agencies, then to the White House Council on Environmental Quality, and finally to the President for resolution with specific timeframes for each step specified in this subsection.

**Subsection (i). Enhanced Technical Assistance from Lead Agency.**

This allows a project sponsor, participating agency, or governor of a State in which a project is located to request that the lead federal agency provide technical assistance to resolve issues that could delay project reviews, including through additional staffing, enhanced coordination, and specialized assistance.

**Subsection (j). Judicial Review and Savings Clause.**

This provides that nothing in this section supersedes, amends, or modifies Federal environmental laws or agencies' obligations under those laws; nothing pre-empts public comment procedures; and nothing pre-empts any other provision of law or powers, jurisdictions, responsibilities, or authorities of Federal, State, or local government agencies, Indian Tribes, or project sponsors under those laws; or affects judicial reviewability of federal agency actions, except as provided under subsection (k).

**Subsection (k). Efficiency of Claims.**

This sets standards and procedures for judicial review of projects under this section. The provisions require that a claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency for a project under this section be filed no later than 150 days after the authorization is final or the date of publication of a notice that the environmental document is final in accordance with NEPA (whichever is later), unless Federal law prescribes a shorter time frame.

This subsection also requires that if a court vacates or remands a final federal agency action for a project covered by this section, the court must set a reasonable schedule and deadline, not to exceed 180 days, for the agency to act, unless a longer time period is necessary to comply with applicable law. It also requires Federal agencies to take such actions as may be necessary to expeditiously address remanded actions in accordance with the schedule and deadline set by the court. Finally, the subsection requires Federal district courts and courts of appeals to randomly assign judges for cases seeking judicial review of any authorization issued by a Federal agency for a project covered by this section to avoid the appearance of favoritism or bias.

**Subsection (l). Improving Transparency in Project Status.**

This requires a lead agency to provide energy and mineral project information for the Federal Permitting Improvement Steering Council's public permitting dashboard to include the status, schedule, and progress of each major project under this section with respect to compliance with the applicable requirements of NEPA, any authorization, and any other Indian Tribe, State, or local agency authorization required for the project, including updating the dashboard to reflect changes resulting from litigation. Participating agencies are required to provide relevant information to comply with this subsection to the lead agency.

**Subsection (m). Accountability and Reporting for Major Projects.**

This requires the Department of Energy, Department of the Interior, Federal Energy Regulatory Commission, Forest Service, Army Corps of Engineers, and Maritime Administration to establish a performance accountability

system and publish annually a report describing performance for each major project authorization and review conducted during the preceding year, including compliance with the schedules required under this section.

**Subsection (n). Programmatic Compliance.**

This allows for the use of programmatic approaches to conduct environmental reviews that eliminate repetitive discussions of the same issue, focus on the issues ripe for analysis at each level of review and are consistent with NEPA and other applicable laws. This subsection sets transparency, accuracy, timeliness, coordination, and public comment requirements for programmatic approaches.

**Subsection (o). Development of Categorical Exclusions.**

This requires that within 180 days of enactment, and at least every four years thereafter, the Department of Energy, Department of the Interior, Federal Energy Regulatory Commission, Forest Service, Army Corps of Engineers, and Maritime Administration consult with other departments and agencies to identify existing NEPA categorical exclusions available to other agencies that, if applied to energy projects, would accelerate development of those projects. These departments would use existing NEPA implementing regulations to consider identified categorical exclusions and conduct a rulemaking process to adopt any new categorical exclusions.

**Subsection (p). Additions to Categorical Exclusions.**

This requires that within 180 days of enactment and again within 5 years, the Department of Energy, Department of the Interior, Federal Energy Regulatory Commission, Forest Service, Army Corps of Engineers, and the Maritime Administration shall publish a report on existing NEPA categorical exclusions used by their department/agency and solicit input from project sponsors for additional categorical exclusions. Within 120 days of the solicitation, each department/agency must publish a notice of proposed rulemaking to propose the adoption of any new categorical exclusions that meet the applicable criteria under NEPA and other relevant regulations.

**Section 213. Prioritizing Energy Projects of Strategic National Importance.**

Requires the President to designate and prioritize reviews for a list of strategically important energy and mineral projects. Designation identifies these projects as national priorities for the American public, energy producers and consumers, energy workers, and our international allies.

**Subsection (a). Definitions.**

This provides definitions for this subsection.

**Subsection (b). Designation of Projects.**

This requires the President to designate, within 90 days of enactment, 25 energy projects of strategic national importance for priority Federal review, in consultation with the Secretary of Energy, Secretary of the Interior, Administrator of the Environmental Protection Agency (EPA), and the Federal Energy Regulatory Commission. Every 180 days thereafter for ten years, the President must publish an updated list of at least 25 designated projects, which shall include each previously designated project until a final decision has been issued for each authorization for the project or the project sponsor withdraws its request for authorization. This subsection requires that the list of designated projects include a minimum number of critical minerals, fossil fuel (including biofuel), non-fossil fuel (including storage), electric transmission, carbon capture, and hydrogen projects, unless the President does not receive a sufficient number of applications that meet the requirements for designated projects.

**Subsection (c). Selection and Priority Requirements.**

This establishes requirements for selecting designated projects of strategic national importance from applications submitted to federal permitting agencies. To qualify for designation, selected projects must be likely to require: an environmental assessment or impact statement under NEPA, review by more than two federal or State agencies,

total project cost of more than \$250 million, and sufficient financial support from the project sponsor to ensure completion. In selecting designated projects, the President shall prioritize projects that: reduce energy prices, reduce greenhouse gas emissions, improve electric reliability, advance emerging technologies, improve domestic energy supply chains, increase energy trade with U.S. allies and trading partners, reduce U.S. reliance on supply chains of foreign entities of concern, minimize impacts to communities, and create jobs that pay prevailing wage rates.

**Subsection (d). Reviews of Designated Projects.**

This requires the President to direct federal agencies, through executive order, to prioritize the completion of environmental reviews and authorizations for designated projects, including reviews or authorizations remanded or vacated by courts. The President shall seek to complete environmental impact statements for designated projects within two years, environmental assessments within 1 year, and all required authorizations for construction within 180 days of completion of the environmental review.

**Subsection (e). NEPA.**

This clarifies that the selection of projects for designation is an administrative action that does not require review under NEPA.

**Subsection (f). Report.**

This requires the President to submit a quarterly report to Congress on the status of reviews for designated projects.

**Subsection (g). Funding.**

This directs that \$250 million in funding previously appropriated in the *Inflation Reduction Act* to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund be used to improve and accelerate reviews for designated projects.

**Section 214. Empowering the Federal Permitting Improvement Steering Council and Improving Reviews.**

Makes changes to the existing FAST-41 permitting law related to energy and natural resource projects.

**Subsection (a). Definition of Covered Project.**

This includes critical mineral mining and processing projects in the statutory list of projects eligible for the Federal Permitting Improvement Steering Council (FPISC) permitting process transparency and streamlining programs. It further reduces the FPISC eligibility threshold for energy projects from \$200 million minimum project cost to \$50 million.

**Subsection (b). Transparency.**

This requires the Department of Interior offshore 5-year oil and gas leasing program to be tracked as a covered project by FPISC.

**Subtitle B: Modernizing Permitting Laws**

**Section 221. Transmission.**

Expands an existing authority to give the Federal government increased permitting authority for transmission lines found by the Secretary of Energy to be in the national interest, requires the Federal Energy Regulatory Commission (FERC) to ensure project costs are allocated to customers that benefit, and allows FERC to approve payments from utilities to jurisdictions impacted by a project.

**Subsection (a). Ensuring an Abundant Supply of Electricity.**

This amends Section 202(a) of the Federal Power Act (FPA) to clarify that the Federal Energy Regulatory Commission (FERC) has authority to promote and encourage the construction or modification of electricity transmission facilities within and between regions of the country to ensure an abundant supply of electric energy throughout the United States.

**Subsection (b). Ordering Construction of Additional Facilities.**

This amends Section 202(b) of the FPA to allow FERC, upon application by a state or utility, to direct the construction of transmission determined to be in the national interest.

**Subsection (c). Designation of National Interest Facilities.**

This amends Section 216 of the FPA to give the Secretary of Energy, on application by FERC, authority to designate an electric transmission facility to be necessary in the national interest, conditioned upon completion of any required environmental review by the appropriate lead agency, as applicable. The Secretary shall make the determination after review of relevant state and regional plans, opportunity for a hearing, and after consideration of relevant factors.

**Subsection (d). Construction Permit.**

This allows FERC, after notice and hearing opportunity, to issue a construction permit for a project conditionally determined by the Secretary to be in the national interest if FERC also finds the project satisfies a list of relevant considerations.

**Subsection (e). Rights-of-Way.**

This allows eminent domain to be exercised on State land.

**Subsection (f). Cost Allocation.**

This directs FERC to allocate the costs of projects the Commission determines to meet certain criteria under this subsection in accordance with FERC's cost allocation principles and roughly commensurate with the estimated project benefits.

**Subsection (g). Coordination of Federal Authorizations for Transmission Facilities.**

This clarifies that FERC is the lead agency for environmental reviews under this section except where approvals are issued by the Secretary of Interior.

**Subsection (h). Transmission Infrastructure Investment.**

This amends Section 219 of the FPA to allow FERC to approve for cost recovery payments to jurisdictions impacted by a project under this section.

**Section 222. Definition of Natural Gas Under the Natural Gas Act.**

Clarifies that the Federal Energy Regulatory Commission has jurisdiction to regulate interstate hydrogen infrastructure in addition under the Natural Gas Act in addition to interstate natural gas infrastructure currently regulated under the Natural Gas Act.

**Section 223. Authorization of the Mountain Valley Pipeline.**

Requires federal agencies to issue all approval and permits necessary for the construction of the Mountain Valley Pipeline.

**Subsection (a). Finding.**

This states that Congress finds the timely completion of the Mountain Valley Pipeline is necessary to ensure affordable and reliable natural gas supplies, to facilitate a transition to cleaner fuels, reduce carbon emissions, and is in the national interest.

**Subsection (b). Purpose.**

This states that the purpose of this section is to require Federal officers and agencies to take all necessary actions to permit the completion of the Mountain Valley Pipeline without further delay.

**Subsection (c). Definitions.**

This provides definitions for this section.

**Subsection (d). Authorization of Necessary Approvals.**

This directs that within 30 days of enactment, the Secretary of the Interior, Secretary of Agriculture, Secretary of the Army, and Federal Energy Regulatory Commission shall issue necessary biological opinions, incidental take statements, rights-of-way, amendments, permits, leases, verifications, and other authorizations for the construction and operation of the Mountain Valley Pipeline, substantially in the forms previously approved.

**Subsection (e). Authority to Modify Prior Decisions or Approvals.**

This allows a Secretary concerned to modify a biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization previously approved to correct a deficiency in the record or protect the public interest or the environment.

**Subsection (f). Relationship to Other Laws.**

This establishes that subsection (d) supersedes any law relating to an administrative determination as to whether a biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

**Subsection (g). Judicial Review.**

This establishes that the actions required under subsection (d) to construct the pipeline are not subject to judicial review. The subsection establishes that the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any claim arising under this section.

**Title III – Budgetary Effects**

**Section 301. Budgetary Effects.**

Technical budgetary provisions.

## **DIVISION D – HEALTH AND HUMAN SERVICES EXTENSIONS**

### **Title I – Medicare and Medicaid**

#### **Section 101. Extension of Increased Inpatient Hospital Payment Adjustment for Certain Low Volume Hospitals.**

Extends the low-volume payment adjustment to Medicare hospital payments through December 16, 2022.

#### **Section 102. Extension of the Medicare-Dependent Hospital (MDH) Program.**

Extends the Medicare Dependent Hospital Program through December 16, 2022.

#### **Section 103. Extension of Increased FMAPS for the Territories.**

Extends the increased federal medical assistance percentage (FMAP) for Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands through December 16, 2022.

#### **Section 104. Reduction of Medicare Improvement Fund.**

Reduces the Medicare Improvement Fund from \$7.5 billion to \$7.308 billion.

### **Title II – Human Services**

#### **Section 201. Extension of Maternal, Infant, and Early Childhood Home Visiting Programs.**

This section authorizes and funds the continuation of the federal home visiting program through December 16, 2022.

#### **Section 202. Extension of Child and Family Services Programs.**

This section authorizes the continuation of child welfare programs authorized under Title IV-B of the Social Security Act, including the MaryLee Allen Promoting Safe and Stable Families Program, through December 16, 2022.

### **Title III – Public Health**

#### **Section 301. Extension of the Program to Deem Certain Health Professional Volunteers Employees of the Public Health Service Under Certain Circumstances.**

Permanently extends the application of Federal Tort Claims Act protections for certain health professional volunteers at community health centers.

#### **Section 302. Extension of Authorization for a Commissioned Officer of the Public Health Service to Accumulate Excess Annual Leave.**

Authorizes the retention of excess annual leave for United States Public Health Service (USPHS) Commissioned Corps officers accumulated in fiscal year 2022 to ensure consistency with the other uniformed services.

### **Title IV – Indian Health**

#### **Section 401. Extension of Moratorium.**

Extends the moratorium which prohibits the Indian Health Service from disbursing funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

## **DIVISION E – VETERANS AFFAIRS EXTENSIONS**

### **Title I – Extensions of Authorities Relating to Health Care**

#### **Section 101. Extension of authority for collection of copayments for hospital care and nursing home care.**

Allows VA to continue collecting copayments for inpatient hospital and nursing home care. VA currently operates with the authority to collect copayments for inpatient hospital and nursing home care. A lapse in that authority jeopardizes an important funding stream for the Department. Without action, this authority would expire at the end of September. Section 101 would extend it through September 2024.

#### **Section 102. Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities.**

Allows VA to provide nursing home care to more veterans with service-connected disabilities. VA currently provides nursing home care to veterans who have a service-connected disability rated at 70 percent or more, or who require nursing home care for their service-connected disability. Without action, the ability to provide this essential long-term care for disabled veterans would stop at the end of September. Section 102 would extend nursing home care coverage until September 2024.

#### **Section 103. Extension of authority to continue DOD-VA Health Care Sharing Incentive Fund.**

Allows DOD and VA to continue a joint health care sharing initiative that fosters collaboration between the Departments. The Joint Incentive Fund provides funding for the Department of Defense (DoD) and VA to identify and incentivize programs that implement creative sharing initiatives. Section 103 would extend this fund until September 2026, mirroring a provision in the FY2023 National Defense Authorization Act for DoD.

#### **Section 104. Extension of authority for joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund.**

Allows DOD and VA to continue their joint medical facility fund. The Joint DOD-VA Medical Facility Demonstration Fund funds the Captain James A. Lovell Federal Health Care Center. This fund provides comprehensive patient centered care to VA and DoD beneficiaries, while being managed by a cooperative management team. Section 104 would extend the authority to continue operations at this joint facility until September 2024.

#### **Section 105. Extension of temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from Vet Centers.**

Extends a VA program to provide reimbursement benefits for veterans traveling to access mental health services at Vet Centers. VA currently operates a pilot program that reimburses eligible veterans for some of the costs of transportation to and from in-person mental health care appointments at Vet Centers. For eligible veterans in these pilot sites who lack access to virtual options due to technology barriers or who respond best to in-person care, this mileage reimbursement can be the deciding factor in a veteran seeking essential readjustment care. This is especially true in rural areas where the cost of traveling to these appointments could be a full tank of gas. Without action, this program would expire at the end of September. Section 105 would extend the program until September 2023.

### **Title II – Extension of Authorities Relating to Benefits**

#### **Section 201. Extension of authority to transport individuals to and from Department of Veterans Affairs facilities.**

Allows VA to continue providing transportation to and from medical appointments. Through its Veterans Transportation Services Program, VA provides critical transportation services for veterans traveling to and from

medical appointments. This program supports veterans otherwise unable to travel for essential care because of financial hardship, unavailability of public transportation, lack of personal transportation, or inability to travel independently due to the nature of care they are receiving. Without action, these services would be unavailable to veterans after September, resulting in vital medical care and preventative care assessments being indefinitely postponed. Section 201 would extend these services until September 2024.

**Section 202. Extension of authority to maintain regional office in the Republic of the Philippines.**

Allows VA to maintain a regional office in the Philippines. VA's presence in the Philippines ensures immediate VA care and services are available to US veterans residing in the Philippines. Without action, these services would no longer be available after the end of this month. Section 202 would extend this presence until September 2024.

**Section 203. Extension of authority for report on equitable relief provided due to administrative error.**

Extends a reporting requirement to bolster Congressional oversight. VA is currently required to report to Congress on the cost of administrative errors made by the Department and any relief provided in response - bolstering oversight on government funds and preventing errors that potentially harm veterans. This requirement expires at the end of December. Section 203 would extend the requirement until December 2024.

**Section 204. Extension of authority to provide assistance for specially adapted housing for disabled veterans residing temporarily in housing owned by a family member.**

Allows VA to continue assistance for home modifications for disabled veterans. VA currently has the authority to provide assistance to certain disabled veterans who are temporarily residing with family members to specially modify their home to meet their unique disability needs. Without action, this assistance would expire at the end of December. Section 204 would extend it until December 2024.

**Section 205. Extension of specially adapted housing assistive technology grant program.**

Extends a VA program that allows more disabled veterans to live independently. VA currently operates a grant program that encourages the development of specially adapted house assistive technology that enables more disabled veterans to live independently. Without action, this program would expire at the end of September. Section 205 would extend the program to September 2024.

### **Title III – Extensions of Authorities Relating to Homeless Veterans**

**Section 301. Extension of authorization of appropriations for homeless veterans reintegration programs.**

Allows the Department of Labor to better connect homeless veterans with long-term, meaningful employment. DOL currently operates a grant program to assist organizations who connect homeless veterans with long-term, meaningful employment as part of ending cycles of chronic homelessness. The Homeless Veteran Reintegration Program expects to serve 18,000 veterans in FY 2023. A program lapse would affect current participants' employment and pay, which could jeopardize their housing and other resources dependent on employment and income requirements. Without action, this program would expire at the end of September. Section 301 would extend the program until September 2024.

**Section 302. Extension of authorization of appropriations for homeless women veterans and homeless veterans with children reintegration grant program.**

Allows DOL to continue an employment program for homeless women veterans and homeless veterans with children. DOL also operates a grant program dedicated to serving homeless women veterans, who are twice as likely to experience homelessness as their non-veteran counterparts, and those with dependents. Women veterans and veterans with dependents often have unique circumstances and employment needs compared to other veterans. Child care services are an additional service offered by this program. Without action, the program



would expire at the end of September. Section 302 would extend the program until September 2024.

**Section 303.Extension of authority for treatment and rehabilitation for seriously mentally ill and homeless veterans.**

Allows VA to continue providing life-saving treatment to homeless veterans. VA currently operates the Health Care for Homeless Veterans program, which provides outreach, case management, residential treatment, and community partner coordination and resources to homeless veterans. Often the veterans served by this program are among the most vulnerable of homeless veterans and experience serious mental illnesses or substance use disorders. HCHV is the top entry point for connecting homeless veterans with critical VA services, community housing and health services, and permanent housing. The program is expected to serve 140,000 veterans in FY 2023. Without action, this program would expire at the end of September. Section 303 would extend the program until September 2024.

**Section 304.Extension of funding for financial assistance for supportive services for very low-income veteran families in permanent housing.**

Allows VA to continue providing supportive services to veterans in poverty or at risk of homelessness. VA currently operates the Supportive Services for Veteran Families program - a grant program for community organizations that provide support to very low-income veteran families experiencing or at-risk of homelessness through rapid housing, rental assistance, case management, and more. Currently, this program serves more than 100,000 individuals each year, including veterans' family members, and places more than 77% of those individuals into permanent housing. Without action, this program would expire at the end of September. Section 304 would extend the program until September 2024.

**Section 305.Extension of funding for grant program for homeless veterans with special needs.**

Allows VA to continue serving homeless veterans with special needs. VA currently operates a grant program to assist community organizations who serve homeless veterans with special needs, including women veterans, veterans who are elderly, terminally ill, mentally ill, or care for children. Without action, this program would expire at the end of September. Section 305 would extend the program until September 2024.

**Section 306.Extension of authority for the Advisory Committee on Homeless Veterans.**

Reauthorizes the Advisory Committee on Homeless Veterans. VA currently relies upon an Advisory Committee on Homeless Veterans, which is comprised of experts, community service providers, advocates, and stakeholders who make recommendations to the VA Secretary on how best serve veterans who are experiencing or at-risk of homelessness and ultimately end veteran homelessness. Without action, the authority for this advisory committee would expire at the end of September. Section 306 would extend it until September 2026.

## **Title IV – Extensions of Other Authorities**

**Section 401.Extension of authorization of appropriations for monthly assistance allowance under the Office of National Veterans Sports Programs and Special Events.**

Reauthorizes VA's Office of National Veterans Sports Programs and Special Events. VA's Office of National Veterans Sports Programs and Special Events provides monthly stipends to disabled veterans participating in athletic events at national or Olympic/Paralympic levels. This funding helps offset the cost of training, equipment, and nutritional needs for these disabled athletes competing at top-tier levels. Without action, this assistance would expire at the end of September. Section 401 would extend it through September 2026.

**Section 402.Extension and authorization of appropriations for adaptive sports programs for disabled veterans and members of the Armed Forces.**

Allows VA to continue providing assistance to organizations offering recreational and athletic events to disabled

veterans. VA's Office of National Veterans Sports Programs and Special Events provides grant opportunities for organizations to provide recreational and athletic events to disabled veterans. Without action, this assistance would expire at the end of September. Section 402 would extend these grant opportunities through September 2026.

**Section 403.Extension of Advisory Committee on Minority Veterans.**

Reauthorizes the Advisory Committee on Minority Veterans. VA currently relies upon an Advisory Committee on Minority Veterans, which provides advice and recommendations to the VA Secretary on how to best serve and provide care and benefits for minority veterans. In FY 2021, the Committee made recommendations on priorities such as expanding telehealth capabilities to rural areas, improving data collection on VHA health disparities, and improving National Cemetery Administration services and data. Without action, the authority for this advisory committee would expire at the end of September. Section 403 would extend it until September 2026.

**Section 404.Extension of Veterans' Advisory Committee on Education.**

Reauthorizes the Advisory Committee on Education. VA currently relies upon a Veterans' Advisory Committee on Education, which provides advice and recommendations to the VA Secretary on the administration of education and job training programs (GI Bill, Veterans Readiness and Employment, etc) for veterans, reservists, and dependents. In FY 2021, the Committee made recommendations on priorities such as the modernization of Education Services IT systems, distance learning, and on-the-job training and apprenticeships. Without action, the authority for this advisory committee would expire at the end of September. Section 404 would extend it until September 2026.

**Section 405.Extension of authority for transfer of real property.**

Allows VA to continue efforts to support homeless veterans and effectively manage excess property. VA currently utilizes an existing authority to transfer unneeded or unused Department property to organizations, including those that offer services to homeless veterans, organizations engaged in historic preservation, or Native American Tribes. Without action, this authority would expire at the end of September. Section 405 would extend it until September 2024.

## **DIVISION F – FDA USER FEE REAUTHORIZATION ACT**

### **Title I: Fees Relating to Drugs**

#### **Section 1001 – 1007.**

Reauthorizes prescription drug user fee program through 2027 to continue to expedite new drug development and review and fund postmarket drug safety activities. Prioritizes preparing the Food and Drug Administration (FDA) for development and innovation of cell and gene therapy products. Incorporates allergenic extract products licensed after October 1, 2022, into the user fee program. Maintains existing fee structure and Congressional reporting requirements. FDA's commitments on product review timelines, hiring estimates, and program enhancements are contained in the performance goal letter.

### **Title II: Fees Relating to Devices**

#### **Section 2001 – 2009.**

Reauthorizes medical device user fee program through 2027 to continue to expedite device development and review and assure the safety and effectiveness of devices. Generally, maintains existing fee structure, but includes a new performance improvement adjustment provision, which provides for increased fees in later years if FDA meets review goal timelines. Updates the payment requirement to include de novo classification requests. Maintains existing Congressional reporting requirements. Reauthorizes third-party 510(k) review of certain devices and program for accreditation of testing laboratories to assess conformance of a device with certain recognized standards through December 16, 2022. FDA's commitments on product review timelines, hiring estimates, and program enhancements are contained in the performance goal letter.

### **Title III: Fees Relating to Generic Drugs**

#### **Section 3001 – 3006.**

Reauthorizes generic drug user fee program through 2027 to continue to expedite generic drug development and review, increasing competition and lowering drug costs. Maintains existing fee structure and Congressional reporting requirements. FDA's commitments on product review timelines, hiring estimates, and program enhancements are contained in the performance goal letter.

### **Title IV: Fees Relating to Biosimilar Biological Products**

#### **Section 4001 – 4007.**

Reauthorizes biosimilar user fee program through 2027 to continue to expedite biosimilar development and review and fund postmarket safety activities. Removes applications for allergenic extract products from the list of applications excluded from the scope of the term biosimilar biological product applications. Increases fees and maintains existing fee structure and Congressional reporting requirements. FDA's commitments on product review timelines, hiring estimates, and program enhancements are contained in the performance goal letter.

### **Title V: Reauthorization of Other Provisions**

#### **Section 5001. Reauthorization of the best pharmaceuticals for children program.**

Reauthorizes Best Pharmaceuticals for Children Program, which allows the National Institutes of Health to fund studies of off-patent drugs in children, through December 16, 2022.

#### **Section 5002. Reauthorization of the humanitarian device incentive.**

Reauthorizes through December 16, 2022, the exemption, subject to certain conditions, from the profit limitation

on devices granted a humanitarian device exemption under section 520(m) of the Federal Food, Drug, and Cosmetic Act (FDCA).

**Section 5003. Reauthorization of the pediatric device consortia program.**

Reauthorizes demonstration grants for improving development of pediatric medical devices through December 16, 2022.

**Section 5004. Reauthorization of provision pertaining to drugs containing single enantiomers.**

Reauthorizes the provision allowing for exclusivity for certain single enantiomer drugs under certain conditions through December 16, 2022.

**Section 5005. Reauthorization of the critical path public-private partnership.**

Reauthorizes the Critical Path Public-Private Partnership through December 16, 2022.

**Section 5006. Reauthorization of orphan drug grants.**

Reauthorizes orphan drug grants through December 16, 2022.

**Section 5007. Reauthorization of certain device inspections.**

Reauthorizes the third-party inspections program through December 16, 2022.

**Section 5008. Reauthorization of reporting requirements related to pending generic drug applications and priority review applications.**

Reauthorizes reporting on pending generic drug applications and priority review applications through December 16, 2022.

## **DIVISION G – HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE ACT**

Establishes within the Federal Emergency Management Agency (FEMA) an Office of Hermit’s Peak/Calf Canyon Fire Claims in order to provide compensation for individuals who experienced personal injury, property losses, business losses, and financial losses resulting from the Hermit’s Peak/Calf Canyon Fire in New Mexico, subject to the availability of appropriations.

Establishes requirements for the submission, investigation, and payment of claims, and eligible damages.

Directs the FEMA Administrator to consult with other Federal departments and State, local, and Tribal authorities to ensure efficient administration of the claims process.