

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 4503**  
**OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “ePermit Act”.

**3 SEC. 2. FINDINGS.**

4       The Congress finds that—

5           (1) coordination between Federal, State, and  
6       local agencies and project sponsors is critical to en-  
7       suring the timely and effective completion of envi-  
8       ronmental reviews and authorizations, including  
9       through the sharing of relevant information, align-  
10      ment of environmental review timelines, and integra-  
11      tion of authorizations, while maintaining compliance  
12      with applicable statutory and regulatory require-  
13      ments;

14           (2) digital strategies for environmental reviews  
15      have proven to make the community engagement  
16      process more accessible, available, and transparent  
17      to all stakeholders, especially the communities in  
18      which new projects are built;

1           (3) establishing robust data architectures will  
2       ensure data integrity, improve transparency, reduce  
3       costs, and enhance the ability of the Federal Govern-  
4       ment to serve the public;

5           (4) Federal agency use of modern software that  
6       can track the full lifecycle of environmental reviews  
7       and authorizations is critical for—

8           (A) effective project management and  
9       process improvement;

10          (B) enabling workflow automation, trans-  
11       parency, and tracking; and

12          (C) simplifying reporting requirements;

13          (5) modern business process management sys-  
14       tems that track Federal agency workflows and  
15       produce vendor neutral, interoperable event, task,  
16       and other milestone data that can be shared with  
17       other Federal agency systems can reduce costs and  
18       improve performance for Federal agencies respon-  
19       sible for environmental reviews and authorizations;

20          (6) case and project management systems—

21           (A) are essential tools for managing the  
22       tasks and activities associated with environ-  
23       mental reviews and authorizations; and

1 (B) provide Federal agencies more data  
2 and insight into such environmental reviews  
3 and authorizations;

4 (7) well-defined business rules can enable proc-  
5 ess automation that allows Federal agencies respon-  
6 sible for environmental reviews or authorizations to  
7 expedite routine tasks and workflows, and improve  
8 transparency and accuracy of project timeline esti-  
9 mates, which in turn can help project sponsors bet-  
10 ter plan for application preparation and project de-  
11 livery milestones;

12 (8) taking a standardized, digital-first perspec-  
13 tive to environmental reviews and authorizations at  
14 Federal agencies responsible for environmental re-  
15 views or authorizations will improve document qual-  
16 ity, lead to more concise reports, enable the reuse  
17 and accessibility of the data underpinning Federal  
18 agency analyses and decisions, and enable objective,  
19 technology-assisted evaluation of environmental im-  
20 pacts, analysis, and documentation, and accelerate  
21 future environmental reviews and authorizations;

22 (9) Federal agencies responsible for environ-  
23 mental reviews or authorizations, project sponsors,  
24 and the public should have access to up-to-date in-

1 formation on accurate timelines and the status of  
2 environmental reviews and authorizations; and  
3 (10) allowing for seamless information exchange  
4 among Federal agencies and between Federal agen-  
5 cies and project sponsors will increase predictability  
6 and efficiency of environmental review and author-  
7 ization schedules for project sponsors.

8 **SEC. 3. ESTABLISHMENT OF DATA STANDARDS.**

9 (a) IN GENERAL.—Not later than 60 days after the  
10 date of enactment of this Act, the Chair of the Council  
11 on Environmental Quality, in consultation with the Fed-  
12 eral Permitting Improvement Steering Council, the Chief  
13 Information Officers Council, the Office of Management  
14 and Budget, and other relevant stakeholders and Federal  
15 agencies, shall develop, publish, and iteratively update  
16 data standards for the collection and curation of author-  
17 ization data by Federal agencies, which shall be used to—

18 (1) assist with environmental reviews and au-  
19 thorizations;

20 (2) organize, define, and standardize various  
21 concepts, formats, and protocols that are included in  
22 environmental reviews and authorizations; and

23 (3) reduce the need for redundant environ-  
24 mental reviews by creating a shared vocabulary and  
25 software systems that will support vendor neutrality,

1 data interoperability, workflow automation, and  
2 automatic data exchange between Federal agencies.

3 (b) INCLUSIONS.—The data standards developed,  
4 published, and iteratively updated under subsection (a)  
5 shall include the following:

6 (1) A standardized taxonomy that allows Fed-  
7 eral agencies to identify and track data types, rela-  
8 tionships, and values.

9 (2) Comprehensive categories for data, such  
10 as—

11 (A) projects;

12 (B) processes;

13 (C) environmental documents;

14 (D) public comments;

15 (E) geospatial information;

16 (F) public engagement events, as applica-  
17 ble by process or Federal agency;

18 (G) case events; and

19 (H) milestones to ensure clarity and uni-  
20 formity.

21 **SEC. 4. DEVELOPMENT OF PROTOTYPE TOOLS.**

22 The Chair of the Council on Environmental Quality,  
23 in consultation with the Administrator of General Serv-  
24 ices, the Federal Permitting Improvement Steering Coun-  
25 cil, the Chief Information Officers Council, the Director

1 of the Office of Management and Budget, and other rel-  
2 evant stakeholders and Federal agencies, shall design,  
3 test, and build prototype tools for environmental reviews  
4 and authorizations that will assist Federal agencies in im-  
5 plementing the minimum functional requirements de-  
6 scribed in section 5. The Chair of the Council on Environ-  
7 mental Quality shall prioritize designing, testing, and  
8 building tools under this section that—

9           (1) support authorization case or project man-  
10          agement systems that manage tasks, milestones, and  
11          activities associated with environmental reviews and  
12          authorizations, and provide Federal agencies more  
13          data and insight into such reviews and authoriza-  
14          tions;

15          (2) enable—

16                (A) application submission and tracking  
17                portals used by project sponsors, enabling  
18                greater transparency; and

19                (B) public comment opportunity tracking  
20                portals to increase transparency;

21          (3) facilitate automated applications, environ-  
22          mental reviews, and authorizations;

23          (4) allow data exchange between Federal agen-  
24          cy systems; and

25          (5) accelerate complex environmental reviews.

1 **SEC. 5. PUBLICATION OF GUIDANCE FOR IMPLEMENTA-**  
2 **TION OF DATA STANDARDS AND MINIMUM**  
3 **FUNCTIONAL REQUIREMENTS.**

4 (a) PUBLICATION.—Not later than 120 days after the  
5 date of enactment of this Act, the Chair of the Council  
6 on Environmental Quality shall publish guidance for how  
7 each Federal agency responsible for environmental reviews  
8 or authorizations implements—

9 (1) the data standards published under section  
10 3; and

11 (2) the following minimum functional require-  
12 ments:

13 (A) Application data sharing that enables  
14 automated transfer of relevant environmental  
15 review and authorization data among Federal  
16 agencies.

17 (B) Automated project screening to assist  
18 frontline staff with reviewing project sponsor  
19 provided information for completeness and ac-  
20 curacy and determining if a categorical exclu-  
21 sion or other general authorization applies to an  
22 action. Automated project screening may not be  
23 used by the Council on Environmental Quality  
24 or a Federal agency to unlawfully restrict any  
25 activities on Federal lands.

1 (C) Public availability of screening criteria  
2 and related decision models.

3 (D) Automated case or project manage-  
4 ment tools which include a repository of rel-  
5 evant data and metadata that enable advanced  
6 tracking, reporting, and optimization to aid  
7 workflows.

8 (E) Integrated geographic information sys-  
9 tem analysis tools which incorporate geospatial  
10 data layers and models for each resource ana-  
11 lyzed as part of an environmental review or au-  
12 thorization for a given study area.

13 (F) Document management tools that pre-  
14 serve metadata associated with geospatial anal-  
15 ysis, modeling, and other analytic processes  
16 conducted during an environmental review or  
17 authorization, to support future reviews and en-  
18 able Artificial Intelligence-assisted analysis of  
19 past decisions.

20 (G) Automated comment compilation and  
21 analysis tools, including services for comment  
22 categorization and response that handle the  
23 lifecycle of comment submission, analysis, cat-  
24 egorization and response with Artificial Intel-  
25 ligence support where appropriate.



1           (H) Administrative record management  
2           tools that maintain both portable document for-  
3           mats and data-rich repositories accessible to  
4           both machine and human users.

5           (I) Common or interoperable Federal agen-  
6           cy services that integrate shared services,  
7           shared applications, and common user experi-  
8           ences for Federal agency staff, project sponsors,  
9           and the public.

10       (b) INCLUSIONS.—The guidance published under this  
11       section shall include the following:

12           (1) Guidelines for cloud-based storage, data  
13           sharing protocols, and application programming  
14           interfaces to enable the Council on Environmental  
15           Quality to work with Federal agencies to use author-  
16           ization data to aid Federal agencies in modernizing  
17           their environmental reviews and authorizations and  
18           for iterative development of the authorization portal.

19           (2) Provisions that support scalability and  
20           adaptability of the minimum requirements to emerg-  
21           ing technologies.

1 **SEC. 6. IMPLEMENTATION OF DATA STANDARDS AND MIN-**  
2 **IMUM FUNCTIONAL REQUIREMENTS.**

3 (a) IMPLEMENTATION.—The head of each Federal  
4 agency responsible for environmental reviews or authoriza-  
5 tions shall—

6 (1) not later than 90 days after the date of en-  
7 actment of this Act—

8 (A) compare existing Federal agency sys-  
9 tems for environmental reviews and authoriza-  
10 tions under their authority with the data stand-  
11 ards published under section 3 and the min-  
12 imum functional requirements described in sec-  
13 tion 5(a)(2) and report findings from such com-  
14 parison to the Council on Environmental Qual-  
15 ity;

16 (B) assess whether existing Federal agency  
17 technological capabilities are consistent with the  
18 data standards published under section 3 and  
19 the minimum functional requirements described  
20 in section 5(a)(2);

21 (C) submit to the Council on Environ-  
22 mental Quality a report that estimates the com-  
23 pletion dates for implementing the data stand-  
24 ards published under section 3 and the min-  
25 imum functional requirements described in sec-  
26 tion 5(a)(2); and

1 (D) submit to the Council on Environ-  
2 mental Quality, in consultation with the Council  
3 on Environmental Quality, an implementation  
4 plan that—

5 (i) describes how the Federal agency  
6 will implement the data standards pub-  
7 lished under section 3 and the minimum  
8 functional requirements described in sec-  
9 tion 5(a)(2); and

10 (ii) describes how, to the extent the  
11 Federal agency determines necessary to  
12 meet relevant statutory requirements, the  
13 Federal agency will adopt or implement  
14 the prototype tools tested, designed, and  
15 built under section 4; and

16 (2) not later than 180 days after the date of  
17 enactment of this Act, begin implementing the data  
18 standards published under section 3 and the min-  
19 imum functional requirements described in section  
20 5(a)(2).

21 (b) REPORT.—Not less frequently than twice each  
22 year, the Chief Information Officer of each Federal agen-  
23 cy, in consultation with the Chief Environmental Review  
24 and Permitting Officer of each Federal agency, shall sub-  
25 mit to the Council on Environmental Quality and the Di-

1 rector of the Office of Management and Budget a report  
2 on the progress of the Federal agency towards meeting  
3 the requirements of subsection (a).

4 **SEC. 7. UNIFIED INTERAGENCY DATA SYSTEM.**

5 (a) IN GENERAL.—

6 (1) UNIFIED INTERAGENCY DATA SYSTEM.—To  
7 the maximum extent practicable, the Chair of the  
8 Council of Environmental Quality and the head of  
9 each Federal agency responsible for environmental  
10 reviews or authorizations shall iteratively develop  
11 and maintain a unified interagency data system con-  
12 sisting of interconnected Federal agency systems  
13 and shared services for environmental reviews and  
14 authorizations.

15 (2) AUTHORIZATION PORTAL.—

16 (A) IN GENERAL.—The shared services de-  
17 veloped and maintained under paragraph (1)  
18 shall include a common interactive, digital,  
19 cloud-based authorization portal, which shall—

20 (i) be designed in a manner consistent  
21 with—

22 (I) the recommendations of the  
23 Council on Environmental Quality in-  
24 cluded in the study submitted pursu-  
25 ant to section 110 of the National En-

1                    vironmental Policy Act of 1969 (42  
2                    U.S.C. 4336d) titled “Council on En-  
3                    vironmental Quality Report to Con-  
4                    gress on the Potential for Online and  
5                    Digital Technologies to Address  
6                    Delays in Reviews and Improve Public  
7                    Accessibility and Transparency under  
8                    42 U.S.C. 4332(2)(C)”;

9                    (II) the minimum functional re-  
10                   requirements described in section  
11                   5(a)(2);

12                   (ii) serve as a platform for tracking  
13                   and displaying real-time data on environ-  
14                   mental reviews and authorizations made  
15                   available through application programming  
16                   interfaces or other reporting mechanisms  
17                   from Federal agency systems that are com-  
18                   pliant with the data standards and data  
19                   architecture described in this Act;

20                   (iii) be supported by a decentralized,  
21                   cross-network digital infrastructure soft-  
22                   ware that ensures vendor neutrality and  
23                   interoperability of data and models across  
24                   Federal agencies;

1 (iv) include a mechanism for the dis-  
2 semination of relevant information (such  
3 as a notice of intent for public comment,  
4 public meetings, project statuses, or a no-  
5 tice of intent to begin an environmental re-  
6 view) to local communities, as applicable;

7 (v) allow a project sponsor to submit  
8 all necessary documentation for environ-  
9 mental reviews and authorizations in one  
10 unified and secure portal;

11 (vi) support interactive, digital, and  
12 cloud-based tools enabling applicants to  
13 edit documents and collaborate with rel-  
14 evant Federal agencies in real time;

15 (vii) support visual features, including  
16 video, animation, geographic information  
17 system displays, interactive maps, and  
18 three-dimensional renderings;

19 (viii) provide for the exchange of in-  
20 formation to and from Federal agency data  
21 systems via an application programming  
22 interface or another reporting mechanisms;

23 (ix) allow for the submission of  
24 geospatial data associated with project lo-  
25 cation, footprint, and impact;

1 (x) support automatic documentation  
2 of submission and process timelines; and

3 (xi) allow the following metrics to be  
4 tracked over time—

5 (I) estimates of achieved effi-  
6 ciencies, such as reductions in the  
7 time between receipt of applications  
8 and final authorization decisions;

9 (II) comparisons of authorization  
10 timelines before and after the imple-  
11 mentation of this Act;

12 (III) usage of the authorization  
13 portal and other statistics from the  
14 Digital Analytics Program;

15 (IV) metrics on the number of  
16 public comments received, responses  
17 provided, and community meetings  
18 held;

19 (V) the number of projects sub-  
20 ject to litigation based on authoriza-  
21 tion deficiencies or inefficiencies;

22 (VI) a list of Federal agencies  
23 that are not yet fully compliant with  
24 the data standards published under  
25 section 3 and the minimum functional

1 requirements described in section  
2 5(a)(2), along with their progress to-  
3 ward compliance; and

4 (VII) examples or repositories of  
5 Federal agency-developed digital  
6 workflows enabled by the implementa-  
7 tion of this Act, including visualiza-  
8 tions of data sharing, authorizations  
9 and decision logic, and environmental  
10 reviews.

11 (B) ADMINISTRATIVE SUPPORT.—The Ad-  
12 ministrator of General Services shall host the  
13 authorization portal as a shared service for  
14 Congress, Federal agencies, and the public.

15 (C) ACCESSABILITY.—The authorization  
16 portal shall be accessible to Congress, Federal  
17 agencies, and the public, with appropriate safe-  
18 guards to protect sensitive or classified informa-  
19 tion and information restricted by user type as  
20 appropriate.

21 (D) PUBLIC ACCESSIBILITY.—To the ex-  
22 tent practicable and consistent with other law,  
23 the authorization portal shall provide public ac-  
24 cess to non-sensitive data, including authoriza-



1           tion timelines, location, project type, environ-  
2           mental reviews, and mitigation measures.

3           (E) CONGRESSIONAL ACCESS AND OVER-  
4           SIGHT.—

5           (i) IN GENERAL.—The authorization  
6           portal shall provide Congress with direct  
7           access to aggregated performance data and  
8           other analytics to enable real-time over-  
9           sight of Federal agencies.

10          (ii) ARTIFICIAL INTELLIGENCE SUP-  
11          PORT SYSTEMS AND TRAINING MATE-  
12          RIALS.—Congress shall have access to the  
13          data, fine-tuning procedures, and prompt  
14          configurations specifically created or  
15          adapted for Artificial Intelligence systems  
16          used to support environmental review or  
17          authorization activities, excluding propri-  
18          etary or general pretraining materials un-  
19          related to such agency-specific  
20          customization.

21          (iii) TECHNICAL ASSISTANCE.—The  
22          Council on Environmental Quality shall  
23          provide to Congress technical assistance  
24          upon request to ensure effective use of the

1 authorization portal and Artificial Intel-  
2 ligence systems for oversight purposes.

3 (3) CYBERSECURITY AND COMPLIANCE CONSID-  
4 ERATIONS.—The authorization portal shall be de-  
5 signed to promote vendor neutral interoperability,  
6 reduce redundancy, and ensure compliance and co-  
7 ordination with other laws, including—

8 (A) section 552a of title 5, United States  
9 Code (commonly referred to as the Privacy Act  
10 of 1974), and subchapter II of chapter 35 of  
11 title 44, United States Code;

12 (B) the Federal Risk and Authorization  
13 Management Program established under section  
14 3608 of title 44, United States Code; and

15 (C) the Cybersecurity and Infrastructure  
16 Security Agency of the Department of Home-  
17 land Security, for a case in which the project is  
18 in coordination with a Federal agency with  
19 stringent security requirements.

20 (b) DEADLINES.—

21 (1) SHARED SERVICES PILOT.—Not later than  
22 one year after the date of enactment of this Act, the  
23 Council on Environmental Quality shall oversee pi-  
24 loting of shared services for environmental reviews

1 and authorizations, including the authorization por-  
2 tal under subsection (a)(2).

3 (2) UNIFIED SYSTEM DEVELOPMENT AND IM-  
4 PLEMENTATION.—To the maximum extent prac-  
5 ticable, not later than December 1, 2027, the Chair  
6 of the Council on Environmental Quality shall de-  
7 velop and implement the unified interagency data  
8 system required under subsection (a)(1).

9 (c) REPORT.—Not less frequently than annually, the  
10 Chair of the Council on Environmental Quality, in con-  
11 sultation with the Federal Permitting Improvement Steer-  
12 ing Council, the Chief Information Officers Council, and  
13 other relevant stakeholders and Federal agencies, shall  
14 submit to the Committee on Natural Resources of the  
15 House of Representatives and the Committee on Environ-  
16 ment and Public Works of the Senate a report on the  
17 Council on Environmental Quality's progress on devel-  
18 oping a unified interagency data system under subsection  
19 (a).

20 **SEC. 8. AUTHORITY TO ENTER INTO CONTRACTS.**

21 The Council on Environmental Quality may enter  
22 into contracts and other arrangements for analyses, serv-  
23 ices, and products with Federal agencies, private organiza-  
24 tions, and businesses, and make such payments as deter-

1 mined necessary by the Council on Environmental Quality  
2 to carry out the provisions of this Act.

3 **SEC. 9. CLARIFYING RULEMAKING AUTHORITY.**

4 Nothing in this Act shall be construed to authorize  
5 the Council on Environmental Quality or a Federal agency  
6 to impose additional regulatory processes or requirements  
7 beyond those expressly stipulated under the National En-  
8 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
9 or any other law.

10 **SEC. 10. SAVINGS CLAUSE.**

11 To the extent that a data system, technology, or tool  
12 developed or incorporated into a unified interagency data  
13 system under this Act is not limited by project type, the  
14 data system, technology, or tool shall not have its use be  
15 restricted by project type.

16 **SEC. 11. DEFINITIONS.**

17 In this Act:

18 (1) **AUTHORIZATION.**—The term “authoriza-  
19 tion” means any license, permit, approval, finding,  
20 determination, or other administrative decision  
21 issued by an agency and any interagency consulta-  
22 tion that is required or authorized under Federal  
23 law in order to site, construct, reconstruct, or com-  
24 mence operations of a project administered by a  
25 Federal agency.

1           (2) AUTHORIZATION DATA.—The term “author-  
2       ization data” means—

3           (A) any data relevant for a Federal agency  
4       to—

5           (i) determine the effect on the envi-  
6       ronment of an action for which an author-  
7       ization is required by the Federal agency;  
8       and

9           (ii) determine whether to issue such  
10      authorization; and

11          (B) any community input or public com-  
12      ment on such determinations.

13          (3) DATA ARCHITECTURE.—The term “data ar-  
14      chitecture” means the design and organization of  
15      data systems, including frameworks for data storage,  
16      processing, and exchange.

17          (4) DATA STANDARDS.—The term “data stand-  
18      ards” means agreed-upon specifications for data for-  
19      mats, structures, and definitions to ensure consist-  
20      ency and vendor neutral interoperability.

21          (5) ENVIRONMENTAL REVIEW.—The term “en-  
22      vironmental review” means any Federal agency pro-  
23      cedures or processes for—

24          (A) applying a categorical exclusion; or

1 (B) preparing an environmental assess-  
2 ment, an environmental impact statement, or  
3 another document required under the National  
4 Environmental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.).

6 (6) FEDERAL AGENCY.—The term “Federal  
7 agency” has the meaning given the term “agency”  
8 in section 551 of title 5, United States Code.

9 (7) FEDERAL PERMITTING IMPROVEMENT  
10 STEERING COUNCIL.—The term “Federal Permitting  
11 Improvement Steering Council” has the meaning  
12 given the term “Council” in section 41001 of the  
13 FAST Act (42 U.S.C. 4370m).

