

Amendment #23

**Amendment to the Westerman ANS to H.R. 4776**  
**Offered by Rep. Dexter**

After page 16, line 11, insert:

The National Environmental Policy Act is amended by inserting after Section 102:

SEC. 102a. CATEGORICAL EXCLUSIONS.

Agencies establishing a categorical exclusion or adopting one from another agency shall first publish a notice of the proposed categorical exclusion in the Federal Register and provide a public comment period of not fewer than 30 days. Each federal agency utilizing a categorical exclusion shall publish public notice of each categorical exclusion determination and report to Congress annually on the agency's total use of categorical exclusions. An agency establishing a categorical exclusion or adopting one from another agency (including one established at another agency legislatively) shall apply its extraordinary circumstances regulations and guidance when determining whether and how to use such categorical exclusion.