

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

At the end, insert:

**SEC. 4. STAFFING.**

**(a) FEDERAL PERMITTING CAPACITY.**

(1) Not later than 90 days after the date of enactment of this section, the head of each agency listed under section 41002(b)(2)(B) of the FAST Act (42 U.S.C. 4370m-1(b)(2)(B)), shall submit to the Director of the Office of Personnel Management, the Committee on Natural Resources, and the Environment and Public Works Committee a finding by the agency whether there are a sufficient number of employees of the agency – broken down by field office – to comply with sections 107(g) and 112(a)(4) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g) and 4336f(a)(4)).

(2) Implementation plan.—If an agency finds under subsection (1) that there is an insufficient number of employees of the agency to comply with sections 107(g) and 112(a)(4) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(g) and 4336f(a)(4)), the Director of the Office of Personnel Management shall develop and execute a plan to increase personnel capacity at the agency.

**(b) DIRECT HIRE AUTHORITY.—**

(1) IN GENERAL.—Notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, upon development of the plan referenced in paragraph (2), the agency head may recruit and directly appoint highly qualified individuals into the competitive service.