

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3684
OFFERED BY MR. RODNEY DAVIS OF ILLINOIS**

Page 686, after line 6, insert the following:

1 **SEC. 1635. ENVIRONMENTAL REVIEWS FOR MAJOR**
2 **PROJECTS.**

3 Section 139 of title 23, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (3)(B), by striking
7 “process for and completion of any environ-
8 mental permit” and inserting “process and
9 schedule, including a timetable for and comple-
10 tion of any environmental permit”;

11 (B) by redesignating paragraphs (5)
12 through (8) as paragraphs (9) through (11);

13 (C) by redesignating paragraphs (2)
14 through (4) as paragraphs (4) through (6);

15 (D) by inserting after paragraph (1) the
16 following:

17 “(2) **AUTHORIZATION.**—The term ‘authoriza-
18 tion’ means any environmental license, permit, ap-
19 proval, finding, or other administrative decision re-

1 lated to an environmental review process that is re-
2 quired under Federal law to site, construct, or re-
3 construct a project.

4 “(3) ENVIRONMENTAL DOCUMENT.—The term
5 ‘environmental document’ means an environmental
6 assessment, finding of no significant impact, notice
7 of intent, environmental impact statement, or record
8 of decision under the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.).”;

10 (E) by inserting after paragraph (6), as re-
11 designated, the following:

12 “(7) MAJOR PROJECT.—The term ‘major
13 project’ means a project for which—

14 “(A) multiple permits, approvals, reviews,
15 or studies are required under a Federal law
16 other than the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.);

18 “(B) the project sponsor has identified the
19 reasonable availability of funds sufficient to
20 complete the project;

21 “(C) the project is not a covered project,
22 as such term is defined in section 41001 of the
23 FAST Act (42 U.S.C. 4370m); and

24 “(D) the head of the lead agency has de-
25 termined that—

1 “(i) an environmental impact state-
2 ment is required; or

3 “(ii) an environmental assessment is
4 required, and the project sponsor requests
5 that the project be treated as a major
6 project.”;

7 (2) in subsection (b)(1)—

8 (A) by inserting “, including major
9 projects,” after “all projects”; and

10 (B) by inserting “, at the request of a
11 project sponsor” after “be applied”;

12 (3) in subsection (c)—

13 (A) in paragraph (6)—

14 (i) in subparagraph (B), by striking
15 “and” at the end;

16 (ii) in subparagraph (C), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) to calculate annually the average
22 time taken by the lead agency to complete all
23 environmental documents for each project dur-
24 ing the previous fiscal year.”; and

25 (B) by adding at the end the following:

1 “(7) PROCESS IMPROVEMENTS FOR
2 PROJECTS.—

3 “(A) IN GENERAL.—The Secretary shall
4 review existing practices, procedures, pro-
5 grammatic agreements, and applicable laws to
6 identify potential changes that would facilitate
7 an efficient environmental review process for
8 projects.

9 “(B) CONSULTATION.—In conducting the
10 review required by subparagraph (A), the Sec-
11 retary shall consult, as appropriate, with the
12 heads of other Federal agencies that participate
13 in the environmental review process.

14 “(C) REPORT.—Not later than 2 years
15 after the date of enactment of the One Federal
16 Decision Act of 2021, Secretary shall submit to
17 the Committee on Environment and Public
18 works of the Senate and the Committee on
19 Transportation and Infrastructure of the House
20 of Representatives a report that includes—

21 “(i) the results of the review required
22 by subparagraph (A); and

23 “(ii) an analysis of whether additional
24 resources would help the Secretary meet

1 the requirements applicable to the projects
2 under this section.”;

3 (4) in subsection (d)—

4 (A) in paragraph (8)—

5 (i) in the heading, by striking
6 “NEPA” and inserting “ENVIRON-
7 MENTAL”;

8 (ii) by amending subparagraph (A) to
9 read as follows:

10 “(A) IN GENERAL.—Except as inconsistent
11 with paragraph (7), and except as provided in
12 subparagraph (D), to the maximum extent
13 practicable and consistent with Federal law, all
14 Federal authorizations and reviews for a project
15 shall rely on a single environmental document
16 for each type of environmental document pre-
17 pared under the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4321 et seq.) under the
19 leadership of the lead agency.”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(D) EXCEPTION.—The lead agency may
23 waive the application of subparagraph (A) with
24 respect to a project if—

1 “(i) the project sponsor requests that
2 agencies issue separate environmental doc-
3 uments;

4 “(ii) the obligations of a cooperating
5 agency or participating agency under the
6 National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) have al-
8 ready been satisfied with respect to such
9 project; or

10 “(iii) the lead agency determines that
11 such application would not facilitate com-
12 pletion of the environmental review process
13 for such project within the timeline estab-
14 lished under paragraph (10).”;

15 (B) by adding at the end the following:

16 “(10) TIMELY AUTHORIZATIONS FOR MAJOR
17 PROJECTS.—

18 “(A) DEADLINE.—Except as provided in
19 subparagraph (C), notwithstanding any other
20 provision of law, all authorization decisions nec-
21 essary for the construction of a major project
22 shall be completed by not later than 90 days
23 after the date of the issuance of a record of de-
24 cision for the major project.

1 “(B) REQUIRED LEVEL OF DETAIL.—The
2 final environmental impact statement for a
3 major project shall include an adequate level of
4 detail to inform decisions necessary for the role
5 of the participating agencies in the environ-
6 mental review process.

7 “(C) EXTENSION OF DEADLINE.—Not
8 later than 180 days after the date of enactment
9 of the One Federal Decision Act of 2021, the
10 Secretary shall establish procedures for a lead
11 agency to extend a deadline under subpara-
12 graph (A) in cases in which—

13 “(i) Federal law prohibits the lead
14 agency or another agency from issuing an
15 approval or permit within the period de-
16 scribed in such subparagraph;

17 “(ii) such an extension is requested by
18 the project sponsor; or

19 “(iii) such extension would facilitate
20 the completion of the environmental review
21 and authorization process of the major
22 project.”;

23 (5) in subsection (g)—

24 (A) in paragraph (1)(B)—

1 (i) by amending clause (ii)(IV) to read
2 as follows:

3 “(IV) the overall time required
4 by an agency to conduct an environ-
5 mental review and make decisions
6 under applicable Federal law relating
7 to a project (including the issuance or
8 denial of a permit or license) and the
9 cost of the project; and”;

10 (ii) by adding at the end the fol-
11 lowing:

12 “(iii) MAJOR PROJECT SCHEDULE.—
13 To the maximum extent practicable and
14 consistent with applicable Federal law, in
15 the case of a major project, the lead agen-
16 cy shall develop, in consultation with the
17 project sponsor, a schedule for the major
18 project that is consistent with an agency
19 average of not more than 2 years for the
20 completion of the environmental review
21 process for major projects. The time period
22 measured, as applicable—

23 “(I) in the case of a project that
24 requires an environmental impact
25 statement, begins on the date of pub-

1 lication of a notice of intent to pre-
2 pare an environmental impact state-
3 ment and ends on the date of publica-
4 tion of a record of decision; or

5 “**(II)** in the case of a project
6 which does not require an environ-
7 mental impact statement, begins on
8 the date of that the decision is made
9 to prepare an environmental assess-
10 ment and ends on the date of issuance
11 of a finding of no significant impact.”;

12 **(B)** by redesignating subparagraph **(E)** as
13 subparagraph **(F)**;

14 **(C)** by inserting after subparagraph **(D)**
15 the following:

16 “**(E) FAILURE TO MEET DEADLINE.**—If a
17 Federal cooperating agency fails to meet a
18 deadline established under subparagraph
19 **(D)(ii)(I)**—

20 “(i) not later than 30 days after the
21 date such agency failed to meet such dead-
22 line, such agency shall submit to the Sec-
23 retary a report on why the deadline was
24 not met; and

1 “(ii) not later than 30 days after the
2 date on which a report is submitted under
3 clause (i), the Secretary shall—

4 “(I) transmit to the Committee
5 on Environment and Public Works of
6 the Senate and the Committee on
7 Transportation and Infrastructure of
8 the House of Representatives a copy
9 of such report; and

10 “(II) make such report available
11 to the public on the internet.”; and

12 (6) by adding at the end the following:

13 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR
14 PROJECTS.—

15 “(1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of the One Federal Deci-
17 sion Act of 2021, the Secretary shall establish a per-
18 formance accountability system to track each major
19 project.

20 “(2) REQUIREMENTS.—The performance ac-
21 countability system required under paragraph (1)
22 shall, for each major project, track—

23 “(A) the environmental review process for
24 such project, including the project schedule re-
25 quired by subsection (g)(1)(B)(iii);

1 “(B) whether the lead agency, cooperating
2 agencies, and participating agencies are meet-
3 ing such schedule; and

4 “(C) the time taken to complete the envi-
5 ronmental review process.

6 “(q) DEVELOPMENT OF CATEGORICAL EXCLU-
7 SIONS.—

8 “(1) IN GENERAL.—Not later than 60 days
9 after the date of enactment of this subsection, the
10 Secretary shall—

11 “(A) in consultation with the agencies de-
12 scribed in paragraph (2), identify the categor-
13 ical exclusions established by the Federal High-
14 way Administration that would accelerate deliv-
15 ery of a project if such categorical exclusions
16 were available to such agencies;

17 “(B) collect existing documentation and
18 substantiating information on the categorical
19 exclusions described in subparagraph (A); and

20 “(C) provide to each agency described in
21 paragraph (2) a list of the categorical exclu-
22 sions identified under subparagraph (A) and
23 the documentation and substantiating informa-
24 tion collected under subparagraph (B).

1 “(2) AGENCIES DESCRIBED.—The following
2 agencies are described in this paragraph—

3 “(A) The Departments of—

4 “(i) the Interior;

5 “(ii) Commerce;

6 “(iii) Agriculture;

7 “(iv) Energy; and

8 “(v) Defense, including the United
9 States Army Corps of Engineers; and

10 “(B) any other Federal agency that has
11 participated in an environmental review process
12 for a major project, as determined by the Sec-
13 retary.

14 “(3) ADOPTION OF CATEGORICAL EXCLU-
15 SIONS.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date on which the Secretary provides
18 the list under paragraph (1)(C), an agency de-
19 scribed in paragraph (2) shall publish a notice
20 of proposed rulemaking to propose any categor-
21 ical exclusions from the list applicable to the
22 agency, subject to the condition that the cat-
23 egorical exclusion identified under paragraph
24 (1)(A) meets the criteria for a categorical exclu-
25 sion under section 102 of the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et
2 seq.).

3 “(B) PUBLIC COMMENT.—In a notice of
4 proposed rulemaking under subparagraph (A),
5 the applicable agency shall solicit comments on
6 whether any of the proposed new categorical ex-
7 clusions meet the criteria for a categorical ex-
8 clusion under section 1508.4 of title 40, Code
9 of Federal Regulations (or successor regula-
10 tions).”.

11 **SEC. 1636. EFFICIENT ENVIRONMENTAL REVIEWS.**

12 Section 24201(a)(4) of the title 49, United States
13 Code, is amended by striking “, except that the limitation
14 on claims of 150 days shall be 2 years”.

