

118TH CONGRESS
1ST SESSION

H. R. 1577

To amend the National Environmental Policy Act of 1969 to clarify ambiguous provisions, reflect modern technologies, optimize interagency coordination, and facilitate a more efficient, effective, and timely environmental review process.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2023

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Environmental Policy Act of 1969 to clarify ambiguous provisions, reflect modern technologies, optimize interagency coordination, and facilitate a more efficient, effective, and timely environmental review process.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “BUILDER Act of
5 2023” or the “Building United States Infrastructure
6 through Limited Delays and Efficient Reviews Act of
7 2023”.

1 **SEC. 2. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**

2 (a) PARAGRAPH (2) OF SECTION 102.—Section
3 102(2) of the National Environmental Policy Act of 1969
4 (42 U.S.C. 4332(2)) is amended—

5 (1) in subparagraph (A), by striking “insure”
6 and inserting “ensure”;

7 (2) in subparagraph (B), by striking “insure”
8 and inserting “ensure”;

9 (3) in subparagraph (C)—

10 (A) by inserting “consistent with the provi-
11 sions of this Act and except as provided by
12 other provisions of law,” before “include in
13 every”;

14 (B) by striking clauses (i) through (v) and
15 inserting the following:

16 “(i) reasonably foreseeable environmental
17 effects with a reasonably close causal relation-
18 ship to the proposed agency action;

19 “(ii) any reasonably foreseeable adverse en-
20 vironmental effects which cannot be avoided
21 should the proposal be implemented;

22 “(iii) a reasonable number of alternatives
23 to the proposed agency action, including an
24 analysis of any negative environmental impacts
25 of not implementing the proposed agency action
26 in the case of a no action alternative, that are

1 technically and economically feasible, are within
2 the jurisdiction of the agency, meet the purpose
3 and need of the proposal, and, where applicable,
4 meet the goals of the applicant;

5 “(iv) the relationship between local short-
6 term uses of man’s environment and the main-
7 tenance and enhancement of long-term produc-
8 tivity; and

9 “(v) any irreversible and irretrievable com-
10 mitments of Federal resources which would be
11 involved in the proposed agency action should it
12 be implemented.”; and

13 (C) by striking “the responsible Federal
14 official” and inserting “the head of the lead
15 agency”;

16 (4) in subparagraph (D), by striking “Any”
17 and inserting “any”;

18 (5) by redesignating subparagraphs (D)
19 through (I) as subparagraphs (F) through (K), re-
20 spectively;

21 (6) by inserting after subparagraph (C) the fol-
22 lowing:

23 “(D) ensure the professional integrity, including
24 scientific integrity, of the discussion and analysis in
25 an environmental document;

1 “(E) make use of reliable existing data and re-
2 sources in carrying out this Act;”;

3 (7) by amending subparagraph (G), as redesign-
4 nated, to read as follows:

5 “(G) consistent with the provisions of this Act,
6 study, develop, and describe technically and economi-
7 cally feasible alternatives within the jurisdiction and
8 authority of the agency;”; and

9 (8) in subparagraph (H), as amended, by in-
10 sserting “consistent with the provisions of this Act,”
11 before “recognize”.

12 (b) NEW SECTIONS.—Title I of the National Envi-
13 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
14 is amended by adding at the end the following:

15 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**
16 **REVIEW.**

17 “(a) THRESHOLD DETERMINATIONS.—An agency is
18 not required to prepare an environmental document with
19 respect to a proposed agency action if—

20 “(1) the proposed agency action is not a final
21 agency action within the meaning of such term in
22 chapter 5 of title 5, United States Code;

23 “(2) the proposed agency action is covered by
24 a categorical exclusion established by the agency, an-
25 other Federal agency, or another provision of law;

1 “(3) the preparation of such document would
2 clearly and fundamentally conflict with the require-
3 ments of another provision of law;

4 “(4) the proposed agency action is, in whole or
5 in part, a nondiscretionary action with respect to
6 which such agency does not have authority to take
7 environmental factors into consideration in deter-
8 mining whether to take the proposed action;

9 “(5) the proposed agency action is a rulemaking
10 that is subject to section 553 of title 5, United
11 States Code; or

12 “(6) the proposed agency action is an action for
13 which such agency’s compliance with another stat-
14 ute’s requirements serve the same or similar func-
15 tion as the requirements of this Act with respect to
16 such action.

17 “(b) LEVELS OF REVIEW.—

18 “(1) ENVIRONMENTAL IMPACT STATEMENT.—
19 An agency shall issue an environmental impact
20 statement with respect to a proposed agency action
21 that has a significant effect on the quality of the
22 human environment.

23 “(2) ENVIRONMENTAL ASSESSMENT.—An agen-
24 cy shall prepare an environmental assessment with
25 respect to a proposed agency action that is not likely

1 to have a significant effect on the quality of the
2 human environment, or if the significance of such ef-
3 fect is unknown, unless the agency finds that a cat-
4 egorical exclusion established by the agency, another
5 Federal agency, or another provision of law applies.
6 Such environmental assessment shall be a concise
7 public document prepared by a Federal agency to set
8 forth the basis of such agency's finding of no signifi-
9 cant impact.

10 “(3) SOURCES OF INFORMATION.—In making a
11 determination under this subsection, an agency—

12 “(A) may make use of any reliable data
13 source; and

14 “(B) is not required to undertake new sci-
15 entific or technical research.

16 **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

17 “(a) LEAD AGENCY.—

18 “(1) DESIGNATION.—

19 “(A) IN GENERAL.—If there are two or
20 more involved Federal agencies, such agencies
21 shall determine, by letter or memorandum,
22 which agency shall be the lead agency based on
23 consideration of the following factors:

24 “(i) Magnitude of agency's involve-
25 ment.

1 “(ii) Project approval or disapproval
2 authority.

3 “(iii) Expertise concerning the ac-
4 tion’s environmental effects.

5 “(iv) Duration of agency’s involve-
6 ment.

7 “(v) Sequence of agency’s involve-
8 ment.

9 “(B) JOINT LEAD AGENCIES.—In making
10 a determination under subparagraph (A), the
11 involved Federal agencies may, in addition to a
12 Federal agency, appoint such Federal, State,
13 Tribal, or local agencies as joint lead agencies
14 as the involved Federal agencies shall determine
15 appropriate. Joint lead agencies shall jointly
16 fulfill the role described in paragraph (2).

17 “(C) MINERAL PROJECTS.—This para-
18 graph shall not apply with respect to a mineral
19 exploration or mine permit.

20 “(2) ROLE.—A lead agency shall, with respect
21 to a proposed agency action—

22 “(A) supervise the preparation of an envi-
23 ronmental document if, with respect to such
24 proposed agency action, there is more than one
25 involved Federal agency;

1 “(B) request the participation of each co-
2 operating agency at the earliest practicable
3 time;

4 “(C) in preparing an environmental docu-
5 ment, give consideration to any analysis or pro-
6 posal created by a cooperating agency with ju-
7 risdiction by law or a cooperating agency with
8 special expertise;

9 “(D) develop a schedule, in consultation
10 with each involved cooperating agency, the ap-
11 plicant, and such other entities as the lead
12 agency determines appropriate, for completion
13 of any environmental review, permit, or author-
14 ization required to carry out the proposed agen-
15 cy action;

16 “(E) if the lead agency determines that a
17 review, permit, or authorization will not be com-
18 pleted in accordance with the schedule devel-
19 oped under subparagraph (D), notify the agen-
20 cy responsible for issuing such review, permit,
21 or authorization of the discrepancy and request
22 that such agency take such measures as such
23 agency determines appropriate to comply with
24 such schedule; and

1 “(F) meet with a cooperating agency that
2 requests such a meeting.

3 “(3) COOPERATING AGENCY.—The lead agency
4 may, with respect to a proposed agency action, des-
5 ignate any involved Federal agency or a State, Trib-
6 al, or local agency as a cooperating agency. A co-
7 operating agency may, not later than a date speci-
8 fied by the lead agency, submit comments to the
9 lead agency. Such comments shall be limited to mat-
10 ters relating to the proposed agency action with re-
11 spect to which such agency has special expertise or
12 jurisdiction by law with respect to an environmental
13 issue.

14 “(4) REQUEST FOR DESIGNATION.—Any Fed-
15 eral, State, Tribal, or local agency or person that is
16 substantially affected by the lack of a designation of
17 a lead agency with respect to a proposed agency ac-
18 tion under paragraph (1) may submit a written re-
19 quest for such a designation to an involved Federal
20 agency. An agency that receives a request under this
21 paragraph shall transmit such request to each in-
22 volved Federal agency and to the Council.

23 “(5) COUNCIL DESIGNATION.—

24 “(A) REQUEST.—Not earlier than 45 days
25 after the date on which a request is submitted

1 under paragraph (4), if no designation has been
2 made under paragraph (1), a Federal, State,
3 Tribal, or local agency or person that is sub-
4 stantially affected by the lack of a designation
5 of a lead agency may request that the Council
6 designate a lead agency. Such request shall con-
7 sist of—

8 “(i) a precise description of the nature
9 and extent of the proposed agency action;
10 and

11 “(ii) a detailed statement with respect
12 to each involved Federal agency and each
13 factor listed in paragraph (1) regarding
14 which agency should serve as lead agency.

15 “(B) TRANSMISSION.—The Council shall
16 transmit a request received under subparagraph
17 (A) to each involved Federal agency.

18 “(C) RESPONSE.—An involved Federal
19 agency may, not later than 20 days after the
20 date of the submission of a request under sub-
21 paragraph (A), submit to the Council a re-
22 sponse to such request.

23 “(D) DESIGNATION.—Not later than 40
24 days after the date of the submission of a re-
25 quest under subparagraph (A), the Council

1 shall designate the lead agency with respect to
2 the relevant proposed agency action.

3 “(b) ONE DOCUMENT.—

4 “(1) DOCUMENT.—To the extent practicable, if
5 there are 2 or more involved Federal agencies with
6 respect to a proposed agency action and the lead
7 agency has determined that an environmental docu-
8 ment is required, such requirement shall be deemed
9 satisfied with respect to all involved Federal agencies
10 if the lead agency issues such an environmental docu-
11 ment.

12 “(2) CONSIDERATION TIMING.—In developing
13 an environmental document for a proposed agency
14 action, no involved Federal agency shall be required
15 to consider any information that becomes available
16 after the sooner of, as applicable—

17 “(A) receipt of a complete application with
18 respect to such proposed agency action; or

19 “(B) publication of a notice of intent or
20 decision to prepare an environmental impact
21 statement for such proposed agency action.

22 “(3) SCOPE OF REVIEW.—In developing an en-
23 vironmental document for a proposed agency action,
24 the lead agency and any other involved Federal

1 agencies shall only consider the effects of the pro-
2 posed agency action that—

3 “(A) occur on Federal land; or

4 “(B) are subject to Federal control and re-
5 sponsibility.

6 “(c) REQUEST FOR PUBLIC COMMENT.—Each notice
7 of intent to prepare an environmental impact statement
8 under section 102 shall include a request for public com-
9 ment on alternatives or impacts and on relevant informa-
10 tion, studies, or analyses with respect to the proposed
11 agency action.

12 “(d) STATEMENT OF PURPOSE AND NEED.—Each
13 environmental impact statement shall include a statement
14 of purpose and need that briefly summarizes the under-
15 lying purpose and need for the proposed agency action.

16 “(e) ESTIMATED TOTAL COST.—The cover sheet for
17 each environmental impact statement shall include a state-
18 ment of the estimated total cost of preparing such environ-
19 mental impact statement, including the costs of agency
20 full-time equivalent personnel hours, contractor costs, and
21 other direct costs.

22 “(f) PAGE LIMITS.—

23 “(1) ENVIRONMENTAL IMPACT STATEMENTS.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), an environmental impact

1 statement shall not exceed 150 pages, not in-
2 cluding any citations or appendices.

3 “(B) EXTRAORDINARY COMPLEXITY.—An
4 environmental impact statement for a proposed
5 agency action of extraordinary complexity shall
6 not exceed 300 pages, not including any cita-
7 tions or appendices.

8 “(2) ENVIRONMENTAL ASSESSMENTS.—An en-
9 vironmental assessment shall not exceed 75 pages,
10 not including any citations or appendices.

11 “(g) SPONSOR PREPARATION.—A lead agency shall
12 allow a project sponsor to prepare an environmental as-
13 sessment or an environmental impact statement upon re-
14 quest of the project sponsor. Such agency may provide
15 such sponsor with appropriate guidance and assist in the
16 preparation. The lead agency shall independently evaluate
17 the environmental document and shall take responsibility
18 for the contents upon adoption.

19 “(h) DEADLINES.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), with respect to a proposed agency action,
22 a lead agency shall complete, as applicable—

23 “(A) the environmental impact statement
24 not later than the date that is 2 years after the
25 sooner of, as applicable—

1 “(i) the date on which such agency
2 determines that section 102(2)(C) requires
3 the issuance of an environmental impact
4 statement with respect to such action;

5 “(ii) the date on which such agency
6 notifies the applicant that the application
7 to establish a right-of-way for such action
8 is complete; and

9 “(iii) the date on which such agency
10 issues a notice of intent to prepare the en-
11 vironmental impact statement for such ac-
12 tion; and

13 “(B) the environmental assessment not
14 later than the date that is 1 year after the
15 sooner of, as applicable—

16 “(i) the date on which such agency
17 determines that section 106(b)(2) requires
18 the preparation of an environmental as-
19 sessment with respect to such action;

20 “(ii) the date on which such agency
21 notifies the applicant that the application
22 to establish a right-of-way for such action
23 is complete; and

1 “(iii) the date on which such agency
2 issues a notice of intent to prepare the en-
3 vironmental assessment for such action.

4 “(2) DELAY.—A lead agency that determines it
5 is not able to meet the deadline described in para-
6 graph (1) may extend such deadline with the ap-
7 proval of the applicant. If the applicant approves
8 such an extension, the lead agency shall establish a
9 new deadline that provides only so much additional
10 time as is necessary to complete such environmental
11 impact statement or environmental assessment.

12 “(3) EXPENDITURES FOR DELAY.—If a lead
13 agency is unable to meet the deadline described in
14 paragraph (1) or extended under paragraph (2), the
15 lead agency must pay \$100 per day, to the extent
16 funding is provided in advance in an appropriations
17 Act, out of the office of the head of the department
18 of the lead agency to the applicant starting on the
19 first day immediately following the deadline de-
20 scribed in paragraph (1) or extended under para-
21 graph (2) up until the date that an applicant ap-
22 proves a new deadline. This paragraph does not
23 apply when the lead agency misses a deadline solely
24 due to delays caused by litigation.

25 “(i) REPORT.—

1 “(1) IN GENERAL.—The head of each lead
2 agency shall annually submit to the Committee on
3 Natural Resources of the House of Representatives
4 and the Committee on Environment and Public
5 Works of the Senate a report that—

6 “(A) identifies any environmental assess-
7 ment and environmental impact statement that
8 such lead agency did not complete by the dead-
9 line described in subsection (h); and

10 “(B) provides an explanation for any fail-
11 ure to meet such deadline.

12 “(2) INCLUSIONS.—Each report submitted
13 under paragraph (1) shall identify, as applicable—

14 “(A) the office, bureau, division, unit, or
15 other entity within the Federal agency respon-
16 sible for each such environmental assessment
17 and environmental impact statement;

18 “(B) the date on which—

19 “(i) such lead agency notified the ap-
20 plicant that the application to establish a
21 right-of-way for the major Federal action
22 is complete;

23 “(ii) such lead agency began the
24 scoping for the major Federal action; or

1 “(iii) such lead agency issued a notice
2 of intent to prepare the environmental as-
3 sessment or environmental impact state-
4 ment for the major Federal action; and

5 “(C) when such environmental assessment
6 and environmental impact statement is expected
7 to be complete.

8 **“SEC. 108. JUDICIAL REVIEW.**

9 “(a) LIMITATIONS ON CLAIMS.—Notwithstanding
10 any other provision of law, a claim arising under Federal
11 law seeking judicial review of compliance with this Act,
12 of a determination made under this Act, or of Federal ac-
13 tion resulting from a determination made under this Act,
14 shall be barred unless—

15 “(1) in the case of a claim pertaining to a pro-
16 posed agency action for which—

17 “(A) an environmental document was pre-
18 pared and an opportunity for comment was pro-
19 vided;

20 “(B) the claim is filed by a party that par-
21 ticipated in the administrative proceedings re-
22 garding such environmental document; and

23 “(C) the claim—

24 “(i) is filed by a party that submitted
25 a comment during the public comment pe-

1 riod for such administrative proceedings
2 and such comment was sufficiently detailed
3 to put the lead agency on notice of the
4 issue upon which the party seeks judicial
5 review; and

6 “(ii) is related to such comment;

7 “(2) except as provided in subsection (b), such
8 claim is filed not later than 120 days after the date
9 of publication of a notice in the Federal Register of
10 agency intent to carry out the proposed agency ac-
11 tion;

12 “(3) such claim is filed after the issuance of a
13 record of decision or other final agency action with
14 respect to the relevant proposed agency action;

15 “(4) such claim does not challenge the estab-
16 lishment or use of a categorical exclusion under sec-
17 tion 102; and

18 “(5) such claim concerns—

19 “(A) an alternative included in the envi-
20 ronmental document; or

21 “(B) an environmental effect considered in
22 the environmental document.

23 “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT
24 STATEMENT.—

1 “(1) SEPARATE FINAL AGENCY ACTION.—The
2 issuance of a Federal action resulting from a final
3 supplemental environmental impact statement shall
4 be considered a final agency action for the purposes
5 of chapter 5 of title 5, United States Code, separate
6 from the issuance of any previous environmental im-
7 pact statement with respect to the same proposed
8 agency action.

9 “(2) DEADLINE FOR FILING A CLAIM.—A claim
10 seeking judicial review of a Federal action resulting
11 from a final supplemental environmental review
12 issued under section 102(2)(C) shall be barred un-
13 less—

14 “(A) such claim is filed within 120 days of
15 the date on which a notice of the Federal agen-
16 cy action resulting from a final supplemental
17 environmental impact statement is issued; and

18 “(B) such claim is based on information
19 contained in such supplemental environmental
20 impact statement that was not contained in a
21 previous environmental document pertaining to
22 the same proposed agency action.

23 “(c) PROHIBITION ON INJUNCTIVE RELIEF.—Not-
24 withstanding any other provision of law, a violation of this
25 Act shall not constitute the basis for injunctive relief.

1 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion shall be construed to create a right of judicial review
3 or place any limit on filing a claim with respect to the
4 violation of the terms of a permit, license, or approval.

5 “(e) **REMAND.**—Notwithstanding any other provision
6 of law, no proposed agency action for which an environ-
7 mental document is required shall be vacated or otherwise
8 limited, delayed, or enjoined unless a court concludes al-
9 lowing such proposed action will pose a risk of an immi-
10 nent and substantial environmental harm and there is no
11 other equitable remedy available as a matter of law.

12 **“SEC. 109. DEFINITIONS.**

13 “**In this title:**

14 “(1) **CATEGORICAL EXCLUSION.**—The term
15 ‘categorical exclusion’ means a category of actions
16 that a Federal agency has determined normally does
17 not significantly affect the quality of the human en-
18 vironment within the meaning of section 102(2)(C).

19 “(2) **COOPERATING AGENCY.**—The term ‘co-
20 operating agency’ means any Federal, State, Tribal,
21 or local agency that has been designated as a co-
22 operating agency under section 107(a)(3).

23 “(3) **COUNCIL.**—The term ‘Council’ means the
24 Council on Environmental Quality established in
25 title II.

1 “(4) ENVIRONMENTAL ASSESSMENT.—The
2 term ‘environmental assessment’ means an environ-
3 mental assessment prepared under section
4 106(b)(2).

5 “(5) ENVIRONMENTAL DOCUMENT.—The term
6 ‘environmental document’ means an environmental
7 impact statement, an environmental assessment, or
8 a finding of no significant impact.

9 “(6) ENVIRONMENTAL IMPACT STATEMENT.—
10 The term ‘environmental impact statement’ means a
11 detailed written statement that is required by section
12 102(2)(C).

13 “(7) FINDING OF NO SIGNIFICANT IMPACT.—
14 The term ‘finding of no significant impact’ means a
15 determination by a Federal agency that a proposed
16 agency action does not require the issuance of an en-
17 vironmental impact statement.

18 “(8) INVOLVED FEDERAL AGENCY.—The term
19 ‘involved Federal agency’ means an agency that,
20 with respect to a proposed agency action—

21 “(A) proposed such action; or

22 “(B) is involved in such action because
23 such action is directly related, through func-
24 tional interdependence or geographic proximity,

1 to an action such agency has taken or has pro-
2 posed to take.

3 “(9) LEAD AGENCY.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the term ‘lead agency’
6 means, with respect to a proposed agency ac-
7 tion—

8 “(i) the agency that proposed such ac-
9 tion; or

10 “(ii) if there are 2 or more involved
11 Federal agencies with respect to such ac-
12 tion, the agency designated under section
13 107(a)(1).

14 “(B) SPECIFICATION FOR MINERAL EX-
15 PLORATION OR MINE PERMITS.—With respect
16 to a proposed mineral exploration or mine per-
17 mit, the term ‘lead agency’ has the meaning
18 given such term in section 40206(a) of the In-
19 frastructure Investment and Jobs Act.

20 “(10) MAJOR FEDERAL ACTION.—

21 “(A) IN GENERAL.—The term ‘major Fed-
22 eral action’ means an action that the agency
23 carrying out such action determines is subject
24 to substantial Federal control and responsi-
25 bility.

1 “(B) EXCLUSION.—The term ‘major Fed-
2 eral action’ does not include—

3 “(i) a non-Federal action—

4 “(I) with no or minimal Federal
5 funding;

6 “(II) with no or minimal Federal
7 involvement where a Federal agency
8 cannot control the outcome of the
9 project; or

10 “(III) that does not include Fed-
11 eral land;

12 “(ii) funding assistance solely in the
13 form of general revenue sharing funds
14 which do not provide Federal agency com-
15 pliance or enforcement responsibility over
16 the subsequent use of such funds;

17 “(iii) loans, loan guarantees, or other
18 forms of financial assistance where a Fed-
19 eral agency does not exercise sufficient
20 control and responsibility over the effect of
21 the action;

22 “(iv) farm ownership and operating
23 loan guarantees by the Farm Service
24 Agency pursuant to sections 305 and 311
25 through 319 of the Consolidated Farmers

1 Home Administration Act of 1961 (7
2 U.S.C. 1925 and 1941 through 1949);

3 “(v) business loan guarantees pro-
4 vided by the Small Business Administra-
5 tion pursuant to section 7(a) or (b) and of
6 the Small Business Act (15 U.S.C.
7 636(a)), or title V of the Small Business
8 Investment Act of 1958 (15 U.S.C. 695 et
9 seq.);

10 “(vi) bringing judicial or administra-
11 tive civil or criminal enforcement actions;
12 or

13 “(vii) extraterritorial activities or deci-
14 sions, which means agency activities or de-
15 cisions with effects located entirely outside
16 of the jurisdiction of the United States.

17 “(C) ADDITIONAL EXCLUSIONS.—An agen-
18 cy action may not be determined to be a major
19 Federal action on the basis of—

20 “(i) an interstate effect of the action
21 or related project; or

22 “(ii) the provision of Federal funds
23 for the action or related project.

24 “(11) MINERAL EXPLORATION OR MINE PER-
25 MIT.—The term ‘mineral exploration or mine permit’

1 has the meaning given such term in section
2 40206(a) of the Infrastructure Investment and Jobs
3 Act.

4 “(12) PROPOSAL.—The term ‘proposal’ means
5 a proposed action at a stage when an agency has a
6 goal, is actively preparing to make a decision on one
7 or more alternative means of accomplishing that
8 goal, and can meaningfully evaluate its effects.

9 “(13) REASONABLY FORESEEABLE.—The term
10 ‘reasonably foreseeable’ means likely to occur—

11 “(A) not later than 10 years after the lead
12 agency begins preparing the environmental doc-
13 ument; and

14 “(B) in an area directly affected by the
15 proposed agency action such that an individual
16 of ordinary prudence would take such occur-
17 rence into account in reaching a decision.

18 “(14) SPECIAL EXPERTISE.—The term ‘special
19 expertise’ means statutory responsibility, agency
20 mission, or related program experience.”.

21 **SEC. 3. E-NEPA.**

22 (a) PERMITTING PORTAL STUDY.—The Council on
23 Environmental Quality shall conduct a study and submit
24 a report to Congress within 1 year of the enactment of
25 this Act on the potential to create an online permitting

1 portal for permits that require review under section
2 102(2)(C) of the National Environmental Policy Act of
3 1969 (42 U.S.C. 4332(2)(C)) that would—

4 (1) allow applicants to—

5 (A) submit required documents or mate-
6 rials for their application in one unified portal;

7 (B) upload additional documents as re-
8 quired by the applicable agency; and

9 (C) track the progress of individual appli-
10 cations;

11 (2) enhance interagency coordination in con-
12 sultation by—

13 (A) allowing for comments in one unified
14 portal;

15 (B) centralizing data necessary for reviews;
16 and

17 (C) streamlining communications between
18 other agencies and the applicant; and

19 (3) boost transparency in agency decision-
20 making.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated \$500,000 for the Council
23 on Environmental Quality to carry out the study directed
24 by this section.

○