

117TH CONGRESS
1ST SESSION

H. R. 1812

To amend titles 23 and 49, United States Code, to streamline the environmental review process for major projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

Mr. RODNEY DAVIS of Illinois (for himself, Mr. GRAVES of Missouri, Mr. GIBBS, Mr. BALDERSON, Mr. YOUNG, Mr. GRAVES of Louisiana, Mr. GALLAGHER, Mr. ROUZER, Mr. LAMALFA, Mr. WEBSTER of Florida, Mr. WEBER of Texas, Mr. BURCHETT, Mr. JOHNSON of South Dakota, Mr. BABIN, and Mr. PERRY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend titles 23 and 49, United States Code, to streamline the environmental review process for major projects, and for other purposes.

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 “One Federal Decision
5 Act of 2021”.

6 **SEC. 2. ENVIRONMENTAL REVIEWS FOR MAJOR PROJECTS.**

7 Section 139 of title 23, United States Code, is
8 amended—

1 (1) in subsection (a)—

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

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

9 (C) by redesignating paragraphs (2)
10 through (4) as paragraphs (4) through (6);

11 (D) by inserting after paragraph (1) the
12 following:

13 “(2) AUTHORIZATION.—The term ‘authoriza-
14 tion’ means any environmental license, permit, ap-
15 proval, finding, or other administrative decision re-
16 lated to an environmental review process that is re-
17 quired under Federal law to site, construct, or re-
18 construct a project.

19 “(3) ENVIRONMENTAL DOCUMENT.—The term
20 ‘environmental document’ means an environmental
21 assessment, finding of no significant impact, notice
22 of intent, environmental impact statement, or record
23 of decision under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.).”; and

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

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

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

9 “(B) the project sponsor has identified the
10 reasonable availability of funds sufficient to
11 complete the project;

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

15 “(D) the head of the lead agency has de-
16 termined that—

17 “(i) an environmental impact state-
18 ment is required; or

19 “(ii) an environmental assessment is
20 required, and the project sponsor requests
21 that the project be treated as a major
22 project.”;

23 (2) in subsection (b)(1)—

24 (A) by inserting “, including major
25 projects,” after “all projects”; and

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

3 (3) in subsection (c)—

4 (A) in paragraph (6)—

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

7 (ii) in subparagraph (C), by striking
8 the period at the end and inserting “;
9 and”; and

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

12 “(D) to calculate annually the average
13 time taken by the lead agency to complete all
14 environmental documents for each project dur-
15 ing the previous fiscal year.”; and

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

17 “(7) PROCESS IMPROVEMENTS FOR
18 PROJECTS.—

19 “(A) IN GENERAL.—The Secretary shall
20 review existing practices, procedures, pro-
21 grammatic agreements, and applicable laws to
22 identify potential changes that would facilitate
23 an efficient environmental review process for
24 projects.

1 “(B) CONSULTATION.—In conducting the
2 review required by subparagraph (A), the Sec-
3 retary shall consult, as appropriate, with the
4 heads of other Federal agencies that participate
5 in the environmental review process.

6 “(C) REPORT.—Not later than 2 years
7 after the date of enactment of the One Federal
8 Decision Act of 2021, Secretary shall submit to
9 the Committee on Environment and Public
10 works of the Senate and the Committee on
11 Transportation and Infrastructure of the House
12 of Representatives a report that includes—

13 “(i) the results of the review required
14 by subparagraph (A); and

15 “(ii) an analysis of whether additional
16 resources would help the Secretary meet
17 the requirements applicable to the projects
18 under this section.”;

19 (4) in subsection (d)—

20 (A) in paragraph (8)—

21 (i) in the heading, by striking
22 “NEPA” and inserting “ENVIRON-
23 MENTAL”;

24 (ii) by amending subparagraph (A) to
25 read as follows:

1 “(A) IN GENERAL.—Except as inconsistent
2 with paragraph (7), and except as provided in
3 subparagraph (D), to the maximum extent
4 practicable and consistent with Federal law, all
5 Federal authorizations and reviews for a project
6 shall rely on a single environmental document
7 for each type of environmental document pre-
8 pared under the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.) under the
10 leadership of the lead agency.”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(D) EXCEPTION.—The lead agency may
14 waive the application of subparagraph (A) with
15 respect to a project if—

16 “(i) the project sponsor requests that
17 agencies issue separate environmental doc-
18 uments;

19 “(ii) the obligations of a cooperating
20 agency or participating agency under the
21 National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.) have al-
23 ready been satisfied with respect to such
24 project; or

1 “(iii) the lead agency determines that
2 such application would not facilitate com-
3 pletion of the environmental review process
4 for such project within the timeline estab-
5 lished under paragraph (10).”;

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

7 “(10) TIMELY AUTHORIZATIONS FOR MAJOR
8 PROJECTS.—

9 “(A) DEADLINE.—Except as provided in
10 subparagraph (C), notwithstanding any other
11 provision of law, all authorization decisions nec-
12 essary for the construction of a major project
13 shall be completed by not later than 90 days
14 after the date of the issuance of a record of de-
15 cision for the major project.

16 “(B) REQUIRED LEVEL OF DETAIL.—The
17 final environmental impact statement for a
18 major project shall include an adequate level of
19 detail to inform decisions necessary for the role
20 of the participating agencies in the environ-
21 mental review process.

22 “(C) EXTENSION OF DEADLINE.—Not
23 later than 180 days after the date of enactment
24 of the One Federal Decision Act of 2021, the
25 Secretary shall establish procedures for a lead

1 agency to extend a deadline under subpara-
2 graph (A) in cases in which—

3 “(i) Federal law prohibits the lead
4 agency or another agency from issuing an
5 approval or permit within the period de-
6 scribed in such subparagraph;

7 “(ii) such an extension is requested by
8 the project sponsor; or

9 “(iii) such extension would facilitate
10 the completion of the environmental review
11 and authorization process of the major
12 project.”;

13 (5) in subsection (g)—

14 (A) in paragraph (1)(B)—

15 (i) by amending clause (ii)(IV) to read
16 as follows:

17 “(IV) the overall time required
18 by an agency to conduct an environ-
19 mental review and make decisions
20 under applicable Federal law relating
21 to a project (including the issuance or
22 denial of a permit or license) and the
23 cost of the project; and”;

24 (ii) by adding at the end the fol-
25 lowing:

1 “(iii) MAJOR PROJECT SCHEDULE.—
2 To the maximum extent practicable and
3 consistent with applicable Federal law, in
4 the case of a major project, the lead agen-
5 cy shall develop, in consultation with the
6 project sponsor, a schedule for the major
7 project that is consistent with an agency
8 average of not more than 2 years for the
9 completion of the environmental review
10 process for major projects. The time period
11 measured, as applicable—

12 “(I) in the case of a project that
13 requires an environmental impact
14 statement, begins on the date of pub-
15 lication of a notice of intent to pre-
16 pare an environmental impact state-
17 ment and ends on the date of publica-
18 tion of a record of decision; or

19 “(II) in the case of a project
20 which does not require an environ-
21 mental impact statement, begins on
22 the date of that the decision is made
23 to prepare an environmental assess-
24 ment and ends on the date of issuance
25 of a finding of no significant impact.”;

1 (B) by redesignating subparagraph (E) as
2 subparagraph (F);

3 (C) by inserting after subparagraph (D)
4 the following:

5 “(E) FAILURE TO MEET DEADLINE.—If a
6 Federal cooperating agency fails to meet a
7 deadline established under subparagraph
8 (D)(ii)(I)—

9 “(i) not later than 30 days after the
10 date such agency failed to meet such dead-
11 line, such agency shall submit to the Sec-
12 retary a report on why the deadline was
13 not met; and

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

17 “(I) transmit to the Committee
18 on Environment and Public Works of
19 the Senate and the Committee on
20 Transportation and Infrastructure of
21 the House of Representatives a copy
22 of such report; and

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

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

1 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR
2 PROJECTS.—

3 “(1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of the One Federal Deci-
5 sion Act of 2021, the Secretary shall establish a per-
6 formance accountability system to track each major
7 project.

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

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

14 “(B) whether the lead agency, cooperating
15 agencies, and participating agencies are meet-
16 ing such schedule; and

17 “(C) the time taken to complete the envi-
18 ronmental review process.

19 “(q) DEVELOPMENT OF CATEGORICAL EXCLU-
20 SIONS.—

21 “(1) IN GENERAL.—Not later than 60 days
22 after the date of enactment of this subsection, the
23 Secretary shall—

24 “(A) in consultation with the agencies de-
25 scribed in paragraph (2), identify the categor-

1 ical exclusions established by the Federal High-
2 way Administration that would accelerate deliv-
3 ery of a project if such categorical exclusions
4 were available to such agencies;

5 “(B) collect existing documentation and
6 substantiating information on the categorical
7 exclusions described in subparagraph (A); and

8 “(C) provide to each agency described in
9 paragraph (2) a list of the categorical exclu-
10 sions identified under subparagraph (A) and
11 the documentation and substantiating informa-
12 tion collected under subparagraph (B).

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

15 “(A) The Departments of—

16 “(i) the Interior;

17 “(ii) Commerce;

18 “(iii) Agriculture;

19 “(iv) Energy; and

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

22 “(B) any other Federal agency that has
23 participated in an environmental review process
24 for a major project, as determined by the Sec-
25 retary.

1 “(3) ADOPTION OF CATEGORICAL EXCLU-
2 SIONS.—

3 “(A) IN GENERAL.—Not later than 1 year
4 after the date on which the Secretary provides
5 the list under paragraph (1)(C), an agency de-
6 scribed in paragraph (2) shall publish a notice
7 of proposed rulemaking to propose any categor-
8 ical exclusions from the list applicable to the
9 agency, subject to the condition that the cat-
10 egorical exclusion identified under paragraph
11 (1)(A) meets the criteria for a categorical exclu-
12 sion under section 102 of the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.).

15 “(B) PUBLIC COMMENT.—In a notice of
16 proposed rulemaking under subparagraph (A),
17 the applicable agency shall solicit comments on
18 whether any of the proposed new categorical ex-
19 clusions meet the criteria for a categorical ex-
20 clusion under section 1508.4 of title 40, Code
21 of Federal Regulations (or successor regula-
22 tions).”.

1 **SEC. 3. EFFICIENT ENVIRONMENTAL REVIEWS.**

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

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