

116TH CONGRESS  
2D SESSION

# H. R. 7130

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

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2020

Mr. RODNEY DAVIS of Illinois (for himself, Mr. GRAVES of Missouri, Mr. BALDERSON, Mr. BOST, Mr. PERRY, Mr. CRAWFORD, Mr. GALLAGHER, Mr. ROUZER, Mr. SPANO, Mr. LAMALFA, and Mr. BABIN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend title 23, 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 2020”.

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

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

(3) in subsection (c)—

(A) in paragraph (6)—

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

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

(iii) by adding at the end the following:

“(D) to calculate annually the average time taken by the lead agency to complete all environmental documents for each project during the previous fiscal year.”; and

(B) by adding at the end the following:

“(7) PROCESS IMPROVEMENTS FOR PROJECTS.—

“(A) IN GENERAL.—The Secretary shall review existing practices, procedures, programmatic agreements, and applicable laws to identify potential changes that would facilitate an efficient environmental review process for 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 2020, 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 2020, 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 2020, 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).”.

○