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AMENDMENT TO THE ROSS AMENDMENT
OFFERED BY Mr. Cohen

Page 1, strike line 7, and all that follows through page 30, line 15, and insert the following (and redesignate provisions accordingly):

1 (a) CONGRESSIONAL DECLARATION OF PURPOSE.—

2 The purpose of this Act is to establish a framework and
3 procedures to streamline, increase the efficiency of, and
4 enhance coordination of agency administration of the reg-
5 ulatory review, environmental decisionmaking, and permit-
6 ting process for projects undertaken, reviewed, or funded
7 by Federal agencies. This Act will ensure that agencies
8 administer the regulatory process in a manner that is effi-
9 cient so that citizens are not burdened with regulatory ex-
10 cuses and time delays.

11 (b) DEFINITIONS.—For purposes of this Act, the
12 term—

13 (1) “agency” means any agency, department, or
14 other unit of Federal, State, local, or Indian tribal
15 government;

16 (2) “category of projects” means 2 or more
17 projects related by project type, potential environ-

1 mental impacts, geographic location, or another
2 similar project feature or characteristic;

3 (3) “environmental assessment” means a con-
4 cise public document for which a Federal agency is
5 responsible that serves to—

6 (A) briefly provide sufficient evidence and
7 analysis for determining whether to prepare an
8 environmental impact statement or a finding of
9 no significant impact;

10 (B) aid an agency’s compliance with
11 NEPA when no environmental impact state-
12 ment is necessary; and

13 (C) facilitate preparation of an environ-
14 mental impact statement when one is necessary;

15 (4) “environmental impact statement” means
16 the detailed statement of significant environmental
17 impacts required to be prepared under NEPA;

18 (5) “environmental review” means the Federal
19 agency procedures for preparing an environmental
20 impact statement, environmental assessment, cat-
21 egorical exclusion, or other document under NEPA;

22 (6) “environmental decisionmaking process”
23 means the Federal agency procedures for under-
24 taking and completion of any environmental permit,
25 decision, approval, review, or study under any Fed-

1 eral law other than NEPA for a project subject to
2 an environmental review;

3 (7) “environmental document” means an envi-
4 ronmental assessment or environmental impact
5 statement;

6 (8) “finding of no significant impact” means a
7 document by a Federal agency briefly presenting the
8 reasons why a project, not otherwise subject to a
9 categorical exclusion, will not have a significant ef-
10 fect on the human environment and for which an en-
11 vironmental impact statement therefore will not be
12 prepared;

13 (9) “lead agency” means the Federal agency
14 preparing or responsible for preparing the environ-
15 mental document;

16 (10) “NEPA” means the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

18 (11) “project” means major Federal actions
19 that are construction activities undertaken with Fed-
20 eral funds or that require approval by a permit or
21 regulatory decision issued by a Federal agency;

22 (12) “project sponsor” means the agency or
23 other entity, including any private or public-private
24 entity, that seeks approval for a project or is other-
25 wise responsible for undertaking a project; and

1 (13) “record of decision” means a document
2 prepared by a lead agency under NEPA following an
3 environmental impact statement that states the lead
4 agency’s decision, identifies the alternatives consid-
5 ered by the agency in reaching its decision and
6 states whether all practicable means to avoid or min-
7 imize environmental harm from the alternative se-
8 lected have been adopted, and if not, why they were
9 not adopted.

10 (c) PREPARATION OF ENVIRONMENTAL DOCU-
11 MENTS.—Upon the request of the lead agency, the project
12 sponsor shall be authorized to prepare any document for
13 purposes of an environmental review required in support
14 of any project or approval by the lead agency if the lead
15 agency furnishes oversight in such preparation and inde-
16 pendently evaluates such document and the document is
17 approved and adopted by the lead agency prior to taking
18 any action or making any approval based on such docu-
19 ment.

20 (d) ADOPTION AND USE OF DOCUMENTS.—

21 (1) DOCUMENTS PREPARED UNDER NEPA.—

22 (A) Not more than 1 environmental impact
23 statement and 1 environmental assessment shall
24 be prepared under NEPA for a project (except
25 for supplemental environmental documents pre-

1 pared under NEPA or environmental docu-
2 ments prepared pursuant to a court order),
3 and, except as otherwise provided by law, the
4 lead agency shall prepare the environmental im-
5 pact statement or environmental assessment.
6 After the lead agency issues a record of deci-
7 sion, no Federal agency responsible for making
8 any approval for that project may rely on a doc-
9 ument other than the environmental document
10 prepared by the lead agency.

11 (B) Upon the request of a project sponsor,
12 a lead agency may adopt, use, or rely upon sec-
13 ondary and cumulative impact analyses included
14 in any environmental document prepared under
15 NEPA for projects in the same geographic area
16 where the secondary and cumulative impact
17 analyses provide information and data that per-
18 tains to the NEPA decision for the project
19 under review.

20 (2) STATE ENVIRONMENTAL DOCUMENTS; SUP-
21 PLEMENTAL DOCUMENTS.—

22 (A) Upon the request of a project sponsor,
23 a lead agency may adopt a document that has
24 been prepared for a project under State laws
25 and procedures as the environmental impact

1 statement or environmental assessment for the
2 project, provided that the State laws and proce-
3 dures under which the document was prepared
4 provide environmental protection and opportu-
5 nities for public involvement that are substan-
6 tially equivalent to NEPA.

7 (B) An environmental document adopted
8 under subparagraph (A) is deemed to satisfy
9 the lead agency's obligation under NEPA to
10 prepare an environmental impact statement or
11 environmental assessment.

12 (C) In the case of a document described in
13 subparagraph (A), during the period after prep-
14 aration of the document but before its adoption
15 by the lead agency, the lead agency shall pre-
16 pare and publish a supplement to that docu-
17 ment if the lead agency determines that—

18 (i) a significant change has been made
19 to the project that is relevant for purposes
20 of environmental review of the project; or

21 (ii) there have been significant
22 changes in circumstances or availability of
23 information relevant to the environmental
24 review for the project.

1 (D) If the agency prepares and publishes a
2 supplemental document under subparagraph
3 (C), the lead agency may solicit comments from
4 agencies and the public on the supplemental
5 document for a period of not more than 45
6 days beginning on the date of the publication of
7 the supplement.

8 (E) A lead agency shall issue its record of
9 decision or finding of no significant impact, as
10 appropriate, based upon the document adopted
11 under subparagraph (A), and any supplements
12 thereto.

13 (3) CONTEMPORANEOUS PROJECTS.—If the
14 lead agency determines that there is a reasonable
15 likelihood that the project will have similar environ-
16 mental impacts as a similar project in geographical
17 proximity to the project, and that similar project
18 was subject to environmental review or similar State
19 procedures within the 5 year period immediately pre-
20 ceding the date that the lead agency makes that de-
21 termination, the lead agency may adopt the environ-
22 mental document that resulted from that environ-
23 mental review or similar State procedure. The lead
24 agency may adopt such an environmental document,
25 if it is prepared under State laws and procedures

1 only upon making a favorable determination on such
2 environmental document pursuant to paragraph
3 (2)(A).

4 (e) PARTICIPATING AGENCIES.—

5 (1) IN GENERAL.—The lead agency shall be re-
6 sponsible for inviting and designating participating
7 agencies in accordance with this subsection. The
8 lead agency shall provide the invitation or notice of
9 the designation in writing.

10 (2) FEDERAL PARTICIPATING AGENCIES.—Any
11 Federal agency that is required to adopt the envi-
12 ronmental document of the lead agency for a project
13 shall be designated as a participating agency and
14 shall collaborate on the preparation of the environ-
15 mental document, unless the Federal agency informs
16 the lead agency, in writing, by a time specified by
17 the lead agency in the designation of the Federal
18 agency that the Federal agency—

19 (A) has no jurisdiction or authority with
20 respect to the project;

21 (B) has no expertise or information rel-
22 evant to the project; and

23 (C) does not intend to submit comments
24 on the project.

1 (3) INVITATION.—The lead agency shall identify,
2 as early as practicable in the environmental review
3 for a project, any agencies other than an agency
4 described in paragraph (2) that may have an interest
5 in the project, including, where appropriate, Governors
6 of affected States, and heads of appropriate tribal and
7 local (including county) governments, and shall invite
8 such identified agencies and officials to become participating
9 agencies in the environmental review for the project. The
10 invitation shall set a deadline of 30 days for responses
11 to be submitted, which may only be extended by the lead
12 agency for good cause shown. Any agency that fails
13 to respond prior to the deadline shall be deemed to
14 have declined the invitation.
15

16 (4) EFFECT OF DECLINING PARTICIPATING
17 AGENCY INVITATION.—Any agency that declines a
18 designation or invitation by the lead agency to be a
19 participating agency shall be precluded from submitting
20 comments on any document prepared under NEPA for that
21 project or taking any measures to oppose, based on the
22 environmental review, any permit, license, or approval
23 related to that project.

1 (5) EFFECT OF DESIGNATION.—Designation as
2 a participating agency under this subsection does
3 not imply that the participating agency—

4 (A) supports a proposed project; or

5 (B) has any jurisdiction over, or special ex-
6 pertise with respect to evaluation of, the
7 project.

8 (6) COOPERATING AGENCY.—A participating
9 agency may also be designated by a lead agency as
10 a “cooperating agency” under the regulations con-
11 tained in part 1500 of title 40, Code of Federal Reg-
12 ulations, as in effect on January 1, 2011. Designa-
13 tion as a cooperating agency shall have no effect on
14 designation as participating agency. No agency that
15 is not a participating agency may be designated as
16 a cooperating agency.

17 (7) CONCURRENT REVIEWS.—Each Federal
18 agency shall—

19 (A) carry out obligations of the Federal
20 agency under other applicable law concurrently
21 and in conjunction with the review required
22 under NEPA; and

23 (B) in accordance with the rules made by
24 the Council on Environmental Quality pursuant
25 to subsection (n)(1), make and carry out such

1 rules, policies, and procedures as may be rea-
2 sonably necessary to enable the agency to en-
3 sure completion of the environmental review
4 and environmental decisionmaking process in a
5 timely, coordinated, and environmentally re-
6 sponsible manner.

7 (8) COMMENTS.—Each participating agency
8 shall limit its comments on a project to areas that
9 are within the authority and expertise of such par-
10 ticipating agency. Each participating agency shall
11 identify in such comments the statutory authority of
12 the participating agency pertaining to the subject
13 matter of its comments. The lead agency shall not
14 act upon, respond to or include in any document
15 prepared under NEPA, any comment submitted by
16 a participating agency that concerns matters that
17 are outside of the authority and expertise of the
18 commenting participating agency.

19 (f) PROJECT INITIATION REQUEST.—

20 (1) NOTICE.—A project sponsor shall provide
21 the Federal agency responsible for undertaking a
22 project with notice of the initiation of the project by
23 providing a description of the proposed project, the
24 general location of the proposed project, and a state-
25 ment of any Federal approvals anticipated to be nec-

1 essary for the proposed project, for the purpose of
2 informing the Federal agency that the environmental
3 review should be initiated.

4 (2) LEAD AGENCY INITIATION.—The agency re-
5 ceiving a project initiation notice under paragraph
6 (1) shall promptly identify the lead agency for the
7 project, and the lead agency shall initiate the envi-
8 ronmental review within a period of 45 days after
9 receiving the notice required by paragraph (1) by in-
10 viting or designating agencies to become partici-
11 pating agencies, or, where the lead agency deter-
12 mines that no participating agencies are required for
13 the project, by taking such other actions that are
14 reasonable and necessary to initiate the environ-
15 mental review.

16 (g) ALTERNATIVES ANALYSIS.—

17 (1) PARTICIPATION.—As early as practicable
18 during the environmental review, but no later than
19 during scoping for a project requiring the prepara-
20 tion of an environmental impact statement, the lead
21 agency shall provide an opportunity for involvement
22 by cooperating agencies in determining the range of
23 alternatives to be considered for a project.

24 (2) RANGE OF ALTERNATIVES.—Following par-
25 ticipation under paragraph (1), the lead agency shall

1 determine the range of alternatives for consideration
2 in any document which the lead agency is respon-
3 sible for preparing for the project, subject to the fol-
4 lowing limitations:

5 (A) NO EVALUATION OF CERTAIN ALTER-
6 NATIVES.—No Federal agency shall evaluate
7 any alternative that was identified but not car-
8 ried forward for detailed evaluation in an envi-
9 ronmental document or evaluated and not se-
10 lected in any environmental document prepared
11 under NEPA for the same project.

12 (B) ONLY FEASIBLE ALTERNATIVES EVAL-
13 UATED.—Where a project is being constructed,
14 managed, funded, or undertaken by a project
15 sponsor that is not a Federal agency, Federal
16 agencies shall only be required to evaluate alter-
17 natives that the project sponsor could feasibly
18 undertake, consistent with the purpose of and
19 the need for the project, including alternatives
20 that can be undertaken by the project sponsor
21 and that are technically and economically fea-
22 sible.

23 (3) METHODOLOGIES.—

24 (A) IN GENERAL.—The lead agency shall
25 determine, in collaboration with cooperating

1 agencies at appropriate times during the envi-
2 ronmental review, the methodologies to be used
3 and the level of detail required in the analysis
4 of each alternative for a project. The lead agen-
5 cy shall include in the environmental document
6 a description of the methodologies used and
7 how the methodologies were selected.

8 (B) NO EVALUATION OF INAPPROPRIATE
9 ALTERNATIVES.—When a lead agency deter-
10 mines that an alternative does not meet the
11 purpose and need for a project, that alternative
12 is not required to be evaluated in detail in an
13 environmental document.

14 (4) PREFERRED ALTERNATIVE.—At the discre-
15 tion of the lead agency, the preferred alternative for
16 a project, after being identified, may be developed to
17 a higher level of detail than other alternatives in
18 order to facilitate the development of mitigation
19 measures or concurrent compliance with other appli-
20 cable laws if the lead agency determines that the de-
21 velopment of such higher level of detail will not pre-
22 vent the lead agency from making an impartial deci-
23 sion as to whether to accept another alternative
24 which is being considered in the environmental re-
25 view.

1 (5) EMPLOYMENT ANALYSIS.—The evaluation
2 of each alternative in an environmental impact state-
3 ment or an environmental assessment shall identify
4 the potential effects of the alternative on employ-
5 ment, including potential short-term and long-term
6 employment increases and reductions and shifts in
7 employment.

8 (h) COORDINATION AND SCHEDULING.—

9 (1) COORDINATION PLAN.—

10 (A) IN GENERAL.—The lead agency shall
11 establish and implement a plan for coordinating
12 public and agency participation in and comment
13 on the environmental review for a project or
14 category of projects to facilitate the expeditious
15 resolution of the environmental review.

16 (B) SCHEDULE.—

17 (i) IN GENERAL.—The lead agency
18 shall establish as part of the coordination
19 plan for a project, after consultation with
20 each participating agency and, where appli-
21 cable, the project sponsor, a schedule for
22 completion of the environmental review.
23 The schedule shall include deadlines, con-
24 sistent with subsection (i), for decisions
25 under any other Federal laws (including

1 the issuance or denial of a permit or li-
2 cense) relating to the project that is cov-
3 ered by the schedule.

4 (ii) FACTORS FOR CONSIDERATION.—
5 In establishing the schedule, the lead agen-
6 cy shall consider factors such as—

7 (I) the responsibilities of partici-
8 pating agencies under applicable laws;

9 (II) resources available to the
10 participating agencies;

11 (III) overall size and complexity
12 of the project;

13 (IV) overall schedule for and cost
14 of the project;

15 (V) the sensitivity of the natural
16 and historic resources that could be
17 affected by the project; and

18 (VI) the extent to which similar
19 projects in geographic proximity were
20 recently subject to environmental re-
21 view or similar State procedures.

22 (iii) COMPLIANCE WITH THE SCHED-
23 ULE.—

24 (I) All participating agencies
25 shall comply with the time periods es-

1 shall be consistent with any other relevant time
2 periods established under Federal law.

3 (D) MODIFICATION.—The lead agency
4 may—

5 (i) lengthen a schedule established
6 under subparagraph (B) for good cause;
7 and

8 (ii) shorten a schedule only with the
9 concurrence of the cooperating agencies.

10 (E) DISSEMINATION.—A copy of a sched-
11 ule under subparagraph (B), and of any modi-
12 fications to the schedule, shall be—

13 (i) provided within 15 days of comple-
14 tion or modification of such schedule to all
15 participating agencies and to the project
16 sponsor; and

17 (ii) made available to the public.

18 (F) ROLES AND RESPONSIBILITY OF LEAD
19 AGENCY.—With respect to the environmental
20 review for any project, the lead agency shall
21 have authority and responsibility to take such
22 actions as are necessary and proper, within the
23 authority of the lead agency, to facilitate the
24 expeditious resolution of the environmental re-
25 view for the project.

1 (i) DEADLINES.—The following deadlines shall apply
2 to any project subject to review under NEPA and any de-
3 cision under any Federal law relating to such project (in-
4 cluding the issuance or denial of a permit or license or
5 any required finding):

6 (1) ENVIRONMENTAL REVIEW DEADLINES.—
7 The lead agency shall complete the environmental
8 review within the following deadlines:

9 (A) ENVIRONMENTAL IMPACT STATEMENT
10 PROJECTS.—For projects requiring preparation
11 of an environmental impact statement—

12 (i) the lead agency shall issue an envi-
13 ronmental impact statement within 2 years
14 after the earlier of the date the lead agen-
15 cy receives the project initiation request or
16 a Notice of Intent to Prepare an Environ-
17 mental Impact Statement is published in
18 the Federal Register; and

19 (ii) in circumstances where the lead
20 agency has prepared an environmental as-
21 sessment and determined that an environ-
22 mental impact statement will be required,
23 the lead agency shall issue the environ-
24 mental impact statement within 2 years
25 after the date of publication of the Notice

1 of Intent to Prepare an Environmental Im-
2 pact Statement in the Federal Register.

3 (B) ENVIRONMENTAL ASSESSMENT
4 PROJECTS.—For projects requiring preparation
5 of an environmental assessment, the lead agen-
6 cy shall issue a finding of no significant impact
7 or publish a Notice of Intent to Prepare an En-
8 vironmental Impact Statement in the Federal
9 Register within 1 year after the earlier of the
10 date the lead agency receives the project initi-
11 ation request, makes a decision to prepare an
12 environmental assessment, or sends out partici-
13 pating agency invitations.

14 (2) EXTENSIONS.—

15 (A) REQUIREMENTS.—The environmental
16 review deadlines may be extended only if—

17 (i) a different deadline is established
18 by agreement of the lead agency, the
19 project sponsor, and all participating agen-
20 cies; or

21 (ii) the deadline is extended by the
22 lead agency for good cause.

23 (B) LIMITATION.—The environmental re-
24 view shall not be extended by more than 1 year
25 for a project requiring preparation of an envi-

1 ronmental impact statement or by more than
2 180 days for a project requiring preparation of
3 an environmental assessment.

4 (3) ENVIRONMENTAL REVIEW COMMENTS.—

5 (A) COMMENTS ON DRAFT ENVIRON-
6 MENTAL IMPACT STATEMENT.—For comments
7 by agencies and the public on a draft environ-
8 mental impact statement, the lead agency shall
9 establish a comment period of not more than 60
10 days after publication in the Federal Register
11 of notice of the date of public availability of
12 such document, unless—

13 (i) a different deadline is established
14 by agreement of the lead agency, the
15 project sponsor, and all participating agen-
16 cies; or

17 (ii) the deadline is extended by the
18 lead agency for good cause.

19 (B) OTHER COMMENTS.—For all other
20 comment periods for agency or public comments
21 in the environmental review process, the lead
22 agency shall establish a comment period of no
23 more than 30 days from availability of the ma-
24 terials on which comment is requested, unless—

1 (i) a different deadline is established
2 by agreement of the lead agency, the
3 project sponsor, and all participating agen-
4 cies; or

5 (ii) the deadline is extended by the
6 lead agency for good cause.

7 (4) DEADLINES FOR DECISIONS UNDER OTHER
8 LAWS.—Notwithstanding any other provision of law,
9 in any case in which a decision under any other Fed-
10 eral law relating to the undertaking of a project
11 being reviewed under NEPA (including the issuance
12 or denial of a permit or license) is required to be
13 made, the following deadlines shall apply:

14 (A) DECISIONS PRIOR TO RECORD OF DE-
15 CISION OR FINDING OF NO SIGNIFICANT IM-
16 PACT.—If a Federal agency is required to ap-
17 prove, or otherwise to act upon, a permit, li-
18 cense, or other similar application for approval
19 related to a project prior to the record of deci-
20 sion or finding of no significant impact, such
21 Federal agency shall approve or otherwise act
22 not later than the end of a 90 day period begin-
23 ning—

24 (i) after all other relevant agency re-
25 view related to the project is complete; and

1 (ii) after the lead agency publishes a
2 notice of the availability of the final envi-
3 ronmental impact statement or issuance of
4 other final environmental documents, or no
5 later than such other date that is otherwise
6 required by law, whichever event occurs
7 first.

8 (B) OTHER DECISIONS.—With regard to
9 any approval or other action related to a project
10 by a Federal agency that is not subject to sub-
11 paragraph (A), each Federal agency shall ap-
12 prove or otherwise act not later than the end of
13 a period of 180 days beginning—

14 (i) after all other relevant agency re-
15 view related to the project is complete; and

16 (ii) after the lead agency issues the
17 record of decision or finding of no signifi-
18 cant impact, unless a different deadline is
19 established by agreement of the Federal
20 agency, lead agency, and the project spon-
21 sor, where applicable, or the deadline is ex-
22 tended by the Federal agency for good
23 cause, provided that such extension shall
24 not extend beyond a period that is 1 year
25 after the lead agency issues the record of

1 decision or finding of no significant im-
2 pact.

3 (C) FAILURE TO ACT.—In the event that
4 any Federal agency fails to approve, or other-
5 wise to act upon, a permit, license, or other
6 similar application for approval related to a
7 project within the applicable deadline described
8 in subparagraph (A) or (B), the permit, license,
9 or other similar application shall be deemed ap-
10 proved by such agency and the agency shall
11 take action in accordance with such approval
12 within 30 days of the applicable deadline de-
13 scribed in subparagraph (A) or (B).

14 (D) FINAL AGENCY ACTION.—Any ap-
15 proval under subparagraph (C) is deemed to be
16 final agency action, and may not be reversed by
17 any agency. In any action under chapter 7 seek-
18 ing review of such a final agency action, the
19 court may not set aside such agency action by
20 reason of that agency action having occurred
21 under this paragraph.

22 (j) ISSUE IDENTIFICATION AND RESOLUTION.—

23 (1) COOPERATION.—The lead agency and the
24 participating agencies shall work cooperatively in ac-
25 cordance with this section to identify and resolve

1 issues that could delay completion of the environ-
2 mental review or could result in denial of any ap-
3 provals required for the project under applicable
4 laws.

5 (2) LEAD AGENCY RESPONSIBILITIES.—The
6 lead agency shall make information available to the
7 participating agencies as early as practicable in the
8 environmental review regarding the environmental,
9 historic, and socioeconomic resources located within
10 the project area and the general locations of the al-
11 ternatives under consideration. Such information
12 may be based on existing data sources, including ge-
13 ographic information systems mapping.

14 (3) PARTICIPATING AGENCY RESPONSIBIL-
15 ITIES.—Based on information received from the lead
16 agency, participating agencies shall identify, as early
17 as practicable, any issues of concern regarding the
18 project's potential environmental, historic, or socio-
19 economic impacts. In this paragraph, issues of con-
20 cern include any issues that could substantially delay
21 or prevent an agency from granting a permit or
22 other approval that is needed for the project.

23 (4) ISSUE RESOLUTION.—

24 (A) MEETING OF PARTICIPATING AGEN-
25 CIES.—At any time upon request of a project

1 sponsor, the lead agency shall promptly convene
2 a meeting with the relevant participating agen-
3 cies and the project sponsor, to resolve issues
4 that could delay completion of the environ-
5 mental review or could result in denial of any
6 approvals required for the project under appli-
7 cable laws.

8 (B) NOTICE THAT RESOLUTION CANNOT
9 BE ACHIEVED.—If a resolution cannot be
10 achieved within 30 days following such a meet-
11 ing and a determination by the lead agency that
12 all information necessary to resolve the issue
13 has been obtained, the lead agency shall notify
14 the heads of all participating agencies, the
15 project sponsor, and the Council on Environ-
16 mental Quality for further proceedings in ac-
17 cordance with section 204 of NEPA, and shall
18 publish such notification in the Federal Reg-
19 ister.

20 (k) REPORT TO CONGRESS.—The head of each Fed-
21 eral agency shall report annually to Congress—

22 (1) the projects for which the agency initiated
23 preparation of an environmental impact statement or
24 environmental assessment;

1 (2) the projects for which the agency issued a
2 record of decision or finding of no significant impact
3 and the length of time it took the agency to com-
4 plete the environmental review for each such project;

5 (3) the filing of any lawsuits against the agency
6 seeking judicial review of a permit, license, or ap-
7 proval issued by the agency for an action subject to
8 NEPA, including the date the complaint was filed,
9 the court in which the complaint was filed, and a
10 summary of the claims for which judicial review was
11 sought; and

12 (4) the resolution of any lawsuits against the
13 agency that sought judicial review of a permit, li-
14 cense, or approval issued by the agency for an action
15 subject to NEPA.

16 (l) LIMITATIONS ON CLAIMS.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, a claim arising under Federal law
19 seeking judicial review of a permit, license, or ap-
20 proval issued by a Federal agency for an action sub-
21 ject to NEPA shall be barred unless—

22 (A) in the case of a claim pertaining to
23 project for which an environmental review was
24 conducted, the claim is filed by a party that
25 submitted a comment during the environmental

1 review on the issue on which the party seeks ju-
2 dicial review, and such comment was suffi-
3 ciently detailed to put the lead agency on notice
4 of the issue upon which the party seeks judicial
5 review; and

6 (B) filed within 180 days after publication
7 of a notice in the Federal Register announcing
8 that the permit, license, or approval is final
9 pursuant to the law under which the agency ac-
10 tion is taken, unless a shorter time is specified
11 in the Federal law pursuant to which judicial
12 review is allowed.

13 (2) NEW INFORMATION.—The preparation of a
14 supplemental environmental impact statement, when
15 required, is deemed a separate final agency action
16 and the deadline for filing a claim for judicial review
17 of such action shall be 180 days after the date of
18 publication of a notice in the Federal Register an-
19 nouncing the record of decision for such action. Any
20 claim challenging agency action on the basis of in-
21 formation in a supplemental environmental impact
22 statement shall be limited to challenges on the basis
23 of that information.

24 (3) RULE OF CONSTRUCTION.—Nothing in this
25 subsection shall be construed to create a right to ju-

1 dicial review or place any limit on filing a claim that
2 a person has violated the terms of a permit, license,
3 or approval.

4 (m) CATEGORIES OF PROJECTS.—The authorities
5 granted under this Act may be exercised for an individual
6 project or a category of projects.

7 (n) EFFECTIVE DATE.—The requirements of this Act
8 shall apply only to environmental reviews and environ-
9 mental decisionmaking processes initiated after the date
10 of enactment of this Act.

11 (o) APPLICABILITY.—This Act applies, according to
12 the provisions thereof, to all projects for which a Federal
13 agency is required to undertake an environmental review
14 or make a decision under an environmental law for a
15 project for which a Federal agency is undertaking an envi-
16 ronmental review.

Page 31, beginning on line 2, strike “and the amendments” and all that follows through “by this Act,” on line 3.

Page 31, line 5, strike “section 560(d)(2)(A) of title 5, United States Code” and insert “subsection (d)(2)(A)”.

Page 31, beginning on line 11, strike “and the amendments” and all that follows through “by this Act,” on line 12.

