

115TH CONGRESS
2D SESSION

S. _____

To amend the FAST Act to improve the Federal permitting process, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To amend the FAST Act to improve the Federal permitting
process, 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 “Federal Permitting
5 Coordination Act”.

6 **SEC. 2. FEDERAL PERMITTING IMPROVEMENT.**

7 (a) REPEAL OF COVERED PROJECT EXCLUSION.—

8 (1) IN GENERAL.—Section 41001(6) of the
9 FAST Act (42 U.S.C. 4370m(6)) is amended—

10 (A) by striking subparagraph (B);

1 (B) by striking the paragraph designation
2 and heading and all that follows through “The
3 term” in subparagraph (A) in the matter pre-
4 ceding clause (i) and inserting the following:

5 “(6) COVERED PROJECT.—The term”;

6 (C) in clause (i), by striking “(i)(I) is sub-
7 ject to NEPA;” and inserting the following:

8 “(A)(i) is subject to NEPA;”;

9 (D) by redesignating clause (ii) as sub-
10 paragraph (B) and indenting appropriately;

11 (E) in subparagraph (A) (as so redesign-
12 nated), by redesignating subclauses (II) and
13 (III) as clauses (ii) and (iii), respectively, and
14 indenting appropriately; and

15 (F) in subparagraph (B) (as so redesign-
16 nated), by redesignating subclauses (I) and (II)
17 as clauses (i) and (ii), respectively, and indent-
18 ing appropriately.

19 (2) CONFORMING AMENDMENT.—Section 41003
20 of the FAST Act (42 U.S.C. 4370m–2) is amended
21 by striking subsection (f).

22 (b) PERMITTING TIMETABLE.—Section 41003 of the
23 FAST Act (42 U.S.C. 4370m–2) (as amended by sub-
24 section (a)(2)) is amended—

25 (1) in subsection (c)(2)(A)—

1 (A) by striking “As part of the coordina-
2 tion project plan” and inserting the following:

3 “(i) IN GENERAL.—In accordance
4 with clause (ii) and as part of the coordi-
5 nated project plan”; and

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

7 “(ii) GOAL.—

8 “(I) IN GENERAL.—To the max-
9 imum extent practicable, the permit-
10 ting timetable established under
11 clause (i) shall provide for the comple-
12 tion of the permitting process within 2
13 years.

14 “(II) LONGER REVIEW RE-
15 QUIRED.—If the facilitating agency or
16 lead agency, as applicable, determines
17 that the permitting process cannot be
18 completed within 2 years, the coordi-
19 nated project plan under paragraph
20 (1) shall include—

21 “(aa) the specific reasons
22 why the facilitating agency or
23 lead agency, as applicable, antici-
24 pates that the permitting process
25 will take longer than 2 years; and

1 “(bb) the specific efforts
2 that the facilitating agency or
3 lead agency, as applicable, each
4 coordinating and participating
5 agency, the project sponsor, and
6 any State in which the project is
7 located will take to reduce the
8 time needed to complete the per-
9 mitting process.”; and

10 (2) by adding at the end the following:

11 “(f) FACILITATION OF ENVIRONMENTAL REVIEW
12 AND AUTHORIZATION PROCESS OF ADDITIONAL
13 PROJECTS.—

14 “(1) IN GENERAL.—In the case of a project
15 that is not a covered project, on the request of an
16 individual described in section 41002(b)(2)(B) or the
17 project sponsor, the Executive Director may work
18 with the lead agency and any cooperating or partici-
19 pating agency to facilitate the environmental review
20 and authorization process in accordance with this
21 subsection, including by—

22 “(A) mediating and resolving disputes;

23 “(B) promoting early coordination among
24 the agencies; and

1 “(C) taking such actions as may be estab-
2 lished pursuant to paragraph (2).

3 “(2) ESTABLISHMENT OF POLICIES.—The Ex-
4 ecutive Director, in consultation with the Director of
5 the Office of Management and Budget and the Chair
6 of the Council on Environmental Quality, may estab-
7 lish policies and procedures as appropriate to carry
8 out the facilitation under paragraph (1).

9 “(3) COOPERATION REQUIRED.—If the Execu-
10 tive Director is facilitating the environmental review
11 and authorization process under paragraph (1), the
12 lead agency and any cooperating or participating
13 agency shall cooperate with the Executive Director
14 to the maximum extent practicable.

15 “(4) SAVINGS PROVISION.—Facilitation of a
16 project by the Executive Director under paragraph
17 (1) shall not subject the project to any provisions
18 under this title, other than as provided in this sub-
19 section.”.

20 (c) SUNSET.—Section 41013 of the FAST Act (42
21 U.S.C. 4370m–12) is repealed.

22 (d) TECHNICAL CORRECTIONS.—

23 (1) Section 41001(5) of the FAST Act (42
24 U.S.C. 4370–m(5)) is amended by striking “Federal
25 Infrastructure Permitting Improvement Steering

1 Council” and inserting “Federal Permitting Im-
2 provement Steering Council”.

3 (2) Section 41002(b)(2)(A)(ii) of the FAST Act
4 (42 U.S.C. 4370m–1(b)(2)(A)(ii)) is amended by
5 striking “councilmem-ber” and inserting
6 “councilmember”.

7 (3) Section 41005(b) of the FAST Act (42
8 U.S.C. 4370m–4(b)) is amended—

9 (A) by striking “(1) STATE ENVIRON-
10 MENTAL DOCUMENTS; SUPPLEMENTAL DOCU-
11 MENTS.—”;

12 (B) by redesignating subparagraphs (A)
13 through (E) as paragraphs (1) through (5), re-
14 spectively, and indenting appropriately;

15 (C) in paragraph (1) (as so redesignated),
16 by redesignating clauses (i) and (ii) as subpara-
17 graphs (A) and (B), respectively, and indenting
18 appropriately;

19 (D) in paragraph (2) (as so redesignated),
20 by striking “subparagraph (A)” each place it
21 appears and inserting “paragraph (1)”;

22 (E) in paragraph (3) (as so redesign-
23 ated)—

1 (i) in the matter preceding clause (i),
2 by striking “subparagraph (A)” and insert-
3 ing “paragraph (1)”; and

4 (ii) by redesignating clauses (i) and
5 (ii) as subparagraphs (A) and (B), respec-
6 tively, and indenting appropriately;

7 (F) in paragraph (4) (as so redesign-
8 nated)—

9 (i) in the matter preceding clause (i),
10 by striking “subparagraph (C)” and insert-
11 ing “paragraph (3)”; and

12 (ii) by redesignating clauses (i) and
13 (ii) as subparagraphs (A) and (B), respec-
14 tively, and indenting appropriately; and

15 (G) in paragraph (5) (as so redesign-
16 nated)—

17 (i) by striking “subparagraph (A)”
18 and inserting “paragraph (1)”; and

19 (ii) by striking “subparagraph (C)”
20 and inserting “paragraph (3)”.