

116TH CONGRESS
2D SESSION

S. 4620

To amend the National Environmental Policy Act of 1969 to impose time limits on the completion of certain required actions under the Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2020

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the National Environmental Policy Act of 1969 to impose time limits on the completion of certain required actions under the Act, 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 “NEPA Accountability
5 and Oversight Act of 2020”.

6 **SEC. 2. NATIONAL ENVIRONMENTAL POLICY ACT**
7 **TIMELINES.**

8 Title I of the National Environmental Policy Act of
9 1969 is amended—

1 (1) by redesignating section 105 (42 U.S.C.
2 4335) as section 106; and

3 (2) by inserting after section 104 (42 U.S.C.
4 4334) the following:

5 **“SEC. 105. APPLICABLE TIMELINES.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ENVIRONMENTAL IMPACT STATEMENT.—
8 The term ‘environmental impact statement’ means a
9 detailed statement required under section 102(2)(C).

10 “(2) FEDERAL AGENCY.—The term ‘Federal
11 agency’ includes a State that has assumed responsi-
12 bility under section 327 of title 23, United States
13 Code.

14 “(3) HEAD OF A FEDERAL AGENCY.—The term
15 ‘head of a Federal agency’ includes the governor or
16 head of an applicable State agency of a State that
17 has assumed responsibility under section 327 of title
18 23, United States Code.

19 “(4) NEPA PROCESS.—

20 “(A) IN GENERAL.—The term ‘NEPA
21 process’ means the entirety of every process,
22 analysis, or other measure, including an envi-
23 ronmental impact statement, required to be car-
24 ried out by a Federal agency under this title be-
25 fore the agency undertakes a proposed action.

1 “(B) PERIOD.—For purposes of subpara-
2 graph (A), the NEPA process—

3 “(i) begins on the date on which the
4 head of a Federal agency receives an appli-
5 cation for a proposed action from a project
6 sponsor; and

7 “(ii) ends on the date on which the
8 Federal agency issues, with respect to the
9 proposed action—

10 “(I) a record of decision, includ-
11 ing, if necessary, a revised record of
12 decision;

13 “(II) a finding of no significant
14 impact; or

15 “(III) a categorical exclusion
16 under this title.

17 “(5) PROJECT SPONSOR.—The term ‘project
18 sponsor’ means a Federal agency or other entity, in-
19 cluding a private or public-private entity, that seeks
20 approval of a proposed action.

21 “(b) APPLICABLE TIMELINES.—

22 “(1) NEPA PROCESS.—

23 “(A) IN GENERAL.—The head of a Federal
24 agency shall complete the NEPA process for a
25 proposed action of the Federal agency, as de-

scribed in subsection (a)(4)(B)(ii), not later than 2 years after the date described in subsection (a)(4)(B)(i).

“(B) ENVIRONMENTAL DOCUMENTS.— Within the period described in subparagraph (A), not later than 1 year after the date described in subsection (a)(4)(B)(i), the head of the Federal agency shall, with respect to the proposed action—

“(i) issue—

“(I) a finding that a categorical exclusion applies to the proposed action; or

“(II) a finding of no significant impact; or

“(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

“(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head

1 of the Federal agency shall complete the envi-
2 ronmental impact statement and, if necessary,
3 any supplemental environmental impact state-
4 ment for the proposed action.

5 “(2) AUTHORIZATIONS AND PERMITS.—

6 “(A) IN GENERAL.—Not later than 90
7 days after the date described in subsection
8 (a)(4)(B)(ii), the head of a Federal agency shall
9 issue—

10 “(i) any necessary permit or author-
11 ization to carry out the proposed action; or

12 “(ii) a denial of the permit or author-
13 ization necessary to carry out the proposed
14 action.

15 “(B) EFFECT OF FAILURE TO ISSUE AU-
16 THORIZATION OR PERMIT.—If a permit or au-
17 thorization described in subparagraph (A) is
18 not issued or denied within the period described
19 in that subparagraph, the permit or authoriza-
20 tion shall be considered to be approved.

21 “(C) DENIAL OF PERMIT OR AUTHORIZA-
22 TION.—

23 “(i) IN GENERAL.—If a permit or au-
24 thorization described in subparagraph (A)

1 is denied, the head of the Federal agency
2 shall describe to the project sponsor—

3 “(I) the basis of the denial; and

4 “(II) recommendations for the
5 project sponsor with respect to how to
6 address the reasons for the denial.

7 “(ii) RECOMMENDED CHANGES.—If
8 the project sponsor carries out the rec-
9 ommendations of the head of the Federal
10 agency under clause (i)(II) and notifies the
11 head of the Federal agency that the rec-
12 ommendations have been carried out, the
13 head of the Federal agency—

14 “(I) shall decide whether to issue
15 the permit or authorization described
16 in subparagraph (A) not later than 90
17 days after the date on which the
18 project sponsor submitted the notifica-
19 tion; and

20 “(II) shall not carry out the
21 NEPA process with respect to the
22 proposed action again.”.

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