

## Calendar No. 698

118TH CONGRESS  
2D SESSION**S. 4679****[Report No. 118–292]**

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

---

## IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. PETERS (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 16, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To amend title XLI of 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 “Permitting Council Im-  
5 provement Act of 2024”.

1 **SEC. 2. FEDERAL PERMITTING IMPROVEMENT.**

2 (a) DEFINITIONS.—Section 41001(6) of the FAST  
3 Act (~~42 U.S.C. 4370m(6)~~) is amended—

4 (1) in subparagraph (B)—

5 (A) by redesignating clauses (i) and (ii) as  
6 subclauses (I) and (II), respectively, and in-  
7 denting appropriately;

8 (B) in the matter preceding subclause (I)  
9 (as so redesignated), by striking “The term”  
10 and inserting the following:

11 “(i) IN GENERAL.—Subject to clause  
12 (ii), the term”; and

13 (C) by adding at the end the following:

14 “(ii) CLARIFICATION FOR REQUIRE-  
15 MENTS NEEDED TO COMPLETE ENVIRON-  
16 MENTAL REVIEWS AND AUTHORIZATIONS  
17 OF COVERED PROJECTS.—Notwithstanding  
18 clause (i), the Department of Transpor-  
19 tation or Army Corps of Engineers shall be  
20 subject to the requirements and other pro-  
21 visions of this title for any environmental  
22 review or authorization that the agency is  
23 required to complete, subject to the condi-  
24 tions that the project is a covered project  
25 and is not subject to section 139 of title  
26 23, United States Code, or section 2045 of

1 the Water Resources Development Act of  
 2 2007 (33 U.S.C. 2348), as applicable.”;  
 3 and

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

5 “(D) CLARIFICATION.—For purposes of  
 6 subparagraph (A)(iii)(III), an activity shall be  
 7 considered to be located on land owned or  
 8 under the jurisdiction of a sponsoring entity if  
 9 any part of the activity is located on that  
 10 land.”.

11 (b) FEDERAL PERMITTING IMPROVEMENT STEERING  
 12 COUNCIL.—

13 (1) IN GENERAL.—Section 41002 of the FAST  
 14 Act (42 U.S.C. 4370m-1) is amended—

15 (A) in subsection (b)(1)(A), by inserting “,  
 16 in consultation with the majority leader of the  
 17 Senate, the Speaker of the House of Represent-  
 18 atives, the minority leader of the Senate, and  
 19 the minority leader of the House of Representa-  
 20 tives” after “President”; and

21 (B) in subsection (c)—

22 (i) in paragraph (1)—

23 (I) by striking subparagraph (C);

24 (II) by redesignating subpara-  
 25 graph (D) as subparagraph (C);

(III) in subparagraph (C) (as so redesignated), in the matter preceding clause (i), by striking “may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary” and inserting “may issue guidance, as necessary,”; and

(IV) by inserting after subparagraph (C) (as so redesignated) the following:

“(D) CLARIFICATION OF RESPONSIBILITIES.—Any guidance issued by the Executive Director under subparagraph (C)(i)—

“(i) shall be consistent with the implementing regulations for NEPA promulgated by the Chair of the Council on Environmental Quality and contained in subchapter A of chapter V of title 40, Code of Federal Regulations (or successor regulations); and

“(ii) shall not supersede those regulations with respect to the implementation of NEPA.”; and

(ii) in paragraph (2)(B), in the matter preceding clause (i), by striking “covered projects” and inserting “covered projects and other projects in sectors described in section 41001(6)(A)”.

~~(2) CONFORMING AMENDMENTS.—~~

~~(A) Section 41002(e)(2)(A)(i) of the FAST Act (42 U.S.C. 4370m–1(e)(2)(A)(i)) is amended by striking “and the performance schedules under paragraph (1)(C)”.~~

~~(B) Section 41003(e)(2)(B) of the FAST Act (42 U.S.C. 4370m–2(e)(2)(B)) is amended, in the matter preceding clause (i), by striking “follow” and all that follows through “relevant factors,” and inserting “take into account relevant factors,”.~~

~~(e) PERMITTING PROCESS IMPROVEMENT.—Section 41003 of the FAST Act (42 U.S.C. 4370m–2) is amended—~~

~~(1) in subsection (a)(1)(C)—~~

~~(A) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and~~

~~(B) by inserting after clause (i) the following:~~

“~~(ii) a statement of the total investment required to plan, design, and construct the proposed project;~~” and

~~(2) in subsection (c)(2)—~~

~~(A) in subparagraph (C)—~~

~~(i) by striking clause (i) and inserting the following:~~

~~“(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency officials and the project sponsor, shall, as necessary, mediate any disputes identified by the project sponsor or appropriate agency official for any affected agency relating to the content or timing of the permitting timetable established under subparagraph (A).”;~~

~~(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;~~

~~(iii) by inserting after clause (i) the following:~~

~~“(ii) MODIFIED PERMITTING TIMETABLE.—~~

~~“(I) IN GENERAL.—As part of mediating a dispute relating to the content or timing of the permitting~~

1 timetable established under subpara-  
2 graph (A), the Executive Director  
3 may—

4 “(aa) propose a new permit-  
5 ting timetable, or modifications  
6 to a previously adopted permit-  
7 ting timetable, to resolve the dis-  
8 pute; and

9 “(bb) recommend that the  
10 affected agencies adopt that new  
11 or modified permitting timetable.

12 “(H) REVIEW AND RESPONSE.—

13 Each affected agency shall have 7  
14 business days to review and respond  
15 to the new or modified permitting  
16 timetable proposed under subclause  
17 (I)(aa) and if the agency determines  
18 that the agency is unable to adopt  
19 that new or modified timetable, that  
20 agency shall submit to the Executive  
21 Director, in writing, an explanation  
22 describing the reasons why the new or  
23 modified timetable is not feasible.”;  
24 and

1                   (iv) in clause (iv) (as so redesignated),  
 2                   in the mattering preceding subclause (I),  
 3                   by striking “clause (ii)” and inserting  
 4                   “clause (iii);”

5                   (B) in subparagraph (D)—

6                   (i) in clause (i)—

7                   (I) in subclause (H), by inserting  
 8                   “or alternative completion date” after  
 9                   “completion date”; and

10                  (H) in subclause (IV)—

11                  (aa) by striking “final” each  
 12                  place it appears;

13                  (bb) by inserting “or alter-  
 14                  native completion date that is the  
 15                  final action” before “under a per-  
 16                  mitting timetable”; and

17                  (cc) by inserting “or alter-  
 18                  native completion date estab-  
 19                  lished under clause (v)” before “,  
 20                  the facilitating or lead agency”;

21                  (ii) in clause (ii)—

22                  (I) by inserting “or alternative  
 23                  completion date established under  
 24                  clause (v), as applicable,” after “A  
 25                  completion date”; and



1 (II) by inserting “or alternative  
 2 completion date, as applicable” after  
 3 “the completion date”; and

4 (iii) by adding at the end the fol-  
 5 lowing:

6 “(v) ALTERNATIVE COMPLETION  
 7 DATE.—

8 “(I) IN GENERAL.—If a Federal  
 9 agency has missed or will miss an in-  
 10 termediate or final completion date  
 11 originally established under subpara-  
 12 graph (A) for agency action on a cov-  
 13 ered project and fails to comply with  
 14 the process for modification of a per-  
 15 mitting timetable under clause (i), not  
 16 later than 15 days after that inter-  
 17 mediate or final completion date, the  
 18 agency, in consultation with the facili-  
 19 tating or lead agency, as applicable,  
 20 any relevant cooperating and partici-  
 21 pating agencies, and the project spon-  
 22 sor, shall submit to the Executive Di-  
 23 rector an alternative completion date  
 24 for publication on the Dashboard.

1                   “(H) TREATMENT.—An alter-  
 2                   native completion date submitted  
 3                   under subelause (I) shall be subject to  
 4                   the same requirements for modifica-  
 5                   tion as other intermediate and final  
 6                   completion dates in the permitting  
 7                   timetable originally established under  
 8                   subparagraph (A).”;

9                   (C) in subparagraph (F)—

10                   (i) in the subparagraph heading, by  
 11                   striking “CONFORMING TO” and inserting  
 12                   “COMPLIANCE WITH”;

13                   (ii) in clause (i), by striking “conform  
 14                   to” and inserting “comply with”; and

15                   (iii) by striking clause (ii) and insert-  
 16                   ing the following:

17                   “(ii) FAILURE TO COMPLY.—

18                   “(I) IN GENERAL.—If a Federal  
 19                   agency fails to comply with an inter-  
 20                   mediate or final completion date for  
 21                   the agency action on a covered  
 22                   project, not later than 5 business days  
 23                   after the date on which the inter-  
 24                   mediate or final completion date has  
 25                   been or will be missed, the agency

1 shall submit to the Executive Director  
2 for publication on the Dashboard an  
3 explanation of—

4 “(aa) the specific reasons  
5 for failing to comply with the  
6 completion date; and

7 “(bb) actions the agency will  
8 carry out to avoid additional  
9 delays, including actions to com-  
10 ply with the alternative comple-  
11 tion date established under sub-  
12 paragraph (D)(v).

13 “(H) STATUS REPORT.—If a  
14 Federal agency fails to comply with  
15 requirements to establish a permitting  
16 timetable or the requirement to estab-  
17 lish an alternative completion date  
18 under subparagraph (D)(v), each  
19 month until the month in which the  
20 Federal agency has established the  
21 permitting timetable or alternative  
22 completion date under that subpara-  
23 graph, the Federal agency shall sub-  
24 mit to the Executive Director for  
25 posting on the Dashboard a status re-

1 port describing agency activity related  
 2 to the project and actions to support  
 3 the establishment of a permitting  
 4 timetable or alternative completion  
 5 date under that subparagraph.”;

6 (D) by redesignating subparagraph (G) as  
 7 subparagraph (H); and

8 (E) by inserting after subparagraph (F)  
 9 the following:

10 “(G) POSTING AND REPORTING AGENCY  
 11 NONCOMPLIANCE WITH PERMITTING TIME-  
 12 TABLE MODIFICATION AND NONCOMPLIANCE  
 13 PROCEDURES.—

14 “(i) IN GENERAL.—Agency non-  
 15 compliance with the permitting timetable  
 16 modification procedures under subpara-  
 17 graph (D) or the compliance requirements  
 18 under subparagraph (F) constitutes non-  
 19 compliance with this title.

20 “(ii) INDICATION OF NONCOMPLI-  
 21 ANCE.—The Executive Director shall post  
 22 on the Dashboard, consistent with the re-  
 23 quirements of subsection (b)(4)(B), all in-  
 24 stances of agency noncompliance with per-

mitting timetables described under subparagraphs (D) and (F).

“(iii) QUARTERLY REPORT.—

“(I) IN GENERAL.—The Executive Director shall include in the quarterly agency performance report submitted to Congress pursuant to section 41008(a)(2) all new and ongoing instances of agency noncompliance with subparagraphs (D) and (F).

“(II) INCLUSION OF PROJECT SPONSOR COMMENTS.—The Executive Director shall offer the relevant project sponsor of a covered project that is in noncompliance with subparagraph (D) or (F) the opportunity to provide for inclusion in the quarterly agency performance report submitted to Congress pursuant to section 41008(a)(2) the views of the project sponsor with respect to—

“(aa) the cause of delay and agency noncompliance; and

1                   “(bb) ways to avoid those  
2                   delays and noncompliance in the  
3                   future.”.

4       ~~(d) REPORTS.—~~

5           ~~(1) REPORTS TO CONGRESS.—~~

6                   ~~(A) IN GENERAL.—~~Section 41008 of the  
7       FAST Act (~~42 U.S.C. 4370m-7~~) is amended—  
8                   (i) by striking the section designation  
9                   and heading and all that follows through  
10                  “Not later than” in subsection (a)(1)(A)  
11                  and inserting the following:

12   **“SEC. 41008. REPORTS TO CONGRESS.**

13       ~~“(a) EXECUTIVE DIRECTOR ANNUAL REPORT.—~~

14           ~~“(1) IN GENERAL.—Not later than”;~~

15                   (ii) by striking subsection (b); and

16                   (iii) in subsection (a)—

17                   (I) by redesignating paragraphs  
18                   (2) and (3) as subsections (b) and (c),  
19                   respectively, and indenting appro-  
20                   priately; and

21                   (II) in paragraph (1) (as so  
22                   amended)—

23                   (aa) by striking “Infrastruc-  
24                   ture Investment and Jobs Act”

1 and inserting “Permitting Coun-  
2 cil Improvement Act of 2024”;

3 (bb) by striking “fiscal  
4 year.” and inserting the fol-  
5 lowing: “fiscal year, which shall  
6 include—

7 “(i) a summary of permitting time-  
8 table trends for sectors described in section  
9 41001(6)(A); including a description of  
10 contributing factors that affect project  
11 timelines;

12 “(ii)(I) descriptions of activities ear-  
13 ried out by the Council in furtherance of  
14 its role as a Federal center for permitting  
15 excellence; and

16 “(II) an analysis of how those activi-  
17 ties have affected Federal permitting proc-  
18 esses and authorizations;

19 “(iii) a description of each transfer  
20 made under section 41009(c)(3); including  
21 the amount of funds transferred and to  
22 whom the funds were transferred; and

23 “(iv) any other information the Exec-  
24 utive Director determines relevant to re-  
25 port on implementation of this title.”;

1                   (cc) by redesignating sub-  
 2                   paragraph (B) as paragraph (2)  
 3                   and indenting appropriately; and  
 4                   (dd) in paragraph (2) (as so  
 5                   redesignated), by striking “sub-  
 6                   paragraph (A)” and inserting  
 7                   “paragraph (1)”.

8                   (B) CLERICAL AMENDMENT.—The table of  
 9                   contents contained in section 1(b) of the FAST  
 10                  Act (Public Law 114–94, 129 Stat. 1319) is  
 11                  amended by striking the item relating to section  
 12                  41008 and inserting the following:

“Sec. 41008. Reports to Congress.”.

13                  (2) ONE-TIME REPORTS.—

14                  (A) REPORT ON PERMITTING WORK-  
 15                  FORCE.—Not later than 18 months after the  
 16                  date of enactment of this Act, the Executive Di-  
 17                  rector of the Federal Permitting Improvement  
 18                  Steering Council, in consultation with the Di-  
 19                  rector of the Office of Personnel Management  
 20                  and the Director of the Office of Management  
 21                  and Budget, shall submit to Congress a report  
 22                  that—

23                   (i) assesses current and projected  
 24                   needs in human capital at Federal agencies  
 25                   responsible for issuing permits; and



1           (ii) makes recommendations for how  
2           to improve the Federal permitting work-  
3           force.

4           (B) REPORT ON DASHBOARD.—Not later  
5           than 18 months after the date of enactment of  
6           this Act, the Executive Director of the Federal  
7           Permitting Improvement Steering Council, in  
8           coordination with the Secretary of Transpor-  
9           tation and Administrator of General Services,  
10          shall submit to Congress a report that assesses,  
11          and makes recommendations on how to im-  
12          prove—

13               (i) the usability of the Permitting  
14               Dashboard required under section  
15               41003(b) of the FAST Act (42 U.S.C.  
16               4370m–2(b)); and

17               (ii) the quality and usefulness of in-  
18               formation on the Dashboard.

19           (C) INCLUSION IN ANNUAL REPORTS.—  
20          The reports required under subparagraphs (A)  
21          and (B) may be included in an annual report  
22          required to be submitted to Congress pursuant  
23          to subsection (a)(1) of section 41008 of the  
24          FAST Act (42 U.S.C. 4370m–7) (as amended  
25          by paragraph (1)(A)).

1           ~~(3) REPEAL OF GAO REPORT.—~~

2                   (A) IN GENERAL.—Section 41011 of the  
3           FAST Act (42 U.S.C. 4370m–10) is repealed.

4                   (B) CLERICAL AMENDMENT.—The table of  
5           contents contained in section 1(b) of the FAST  
6           Act (Public Law 114–94; 129 Stat. 1319) is  
7           amended by striking the item relating to section  
8           41011.

9           ~~(c) FUNDING FOR GOVERNANCE, OVERSIGHT, AND~~  
10   ~~PROCESSING OF ENVIRONMENTAL REVIEWS AND PER-~~  
11   ~~MITTS.—~~Section 41009 of the FAST Act (42 U.S.C.  
12   ~~4370m–8) is amended—~~

13                   (1) in subsection (a), by striking “projects to  
14           reimburse the United States for reasonable costs in-  
15           curred in conducting environmental reviews and au-  
16           thorizations for covered projects.” and inserting  
17           “projects.”;

18                   (2) by striking subsections (b) and (c) and in-  
19           serting the following:

20           ~~“(b) FEE STRUCTURE.—~~The fee structure estab-  
21   ~~lished under subsection (a) shall—~~

22                   “~~(1) enable the Executive Director to assess ap-~~  
23           ~~propriate fees for each covered project based on rel-~~  
24           ~~evant factors, including—~~

1           “(A) the total investment required for the  
 2           covered project stated by the project sponsor in  
 3           the notice of the initiation of a proposed cov-  
 4           ered project pursuant to section 41003(a)(1);

5           “(B) the anticipated complexity of the en-  
 6           vironmental review and authorization process  
 7           for the covered project; and

8           “(C) the resources available to each par-  
 9           ticipating agency to conduct environmental re-  
 10          views and issue authorizations for the covered  
 11          project;

12          “(2) be developed in consultation with affected  
 13          project proponents, industries, and other stake-  
 14          holders;

15          “(3) not exceed 1 percent of the total invest-  
 16          ment required for the covered project stated by the  
 17          project sponsor in the notice of the initiation of a  
 18          proposed covered project pursuant to section  
 19          41003(a)(1); and

20          “(4) exclude parties for which the fee would im-  
 21          pose an undue financial burden or is otherwise de-  
 22          termined to be inappropriate.”;

23          (3) by redesignating subsections (d) through (f)  
 24          as subsections (e) through (e), respectively;

25          (4) in subsection (e) (as so redesignated)—

(A) in paragraph (2), by inserting “making investments to improve Federal environmental reviews and authorizations and supporting infrastructure permitting processes,” after “agency project managers,”; and

(B) by striking paragraph (3) and inserting the following:

“(3) TRANSFER.—For the purpose of carrying out this title, the Executive Director, in consultation with the Director of the Office of Management and Budget, may transfer amounts in the Fund to other Federal agencies, State and local governments, Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), Alaska Native Corporations, and Native Hawaiian organizations (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)) (including the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs) to facilitate timely and efficient environmental reviews and authorizations, including activities described in paragraph (2), for covered projects and other projects in sectors described in section 41001(6)(A), including direct reimbursement agreements with agency CERPOs, reimbursable

1 agreements, and approval and consultation processes  
 2 and staff for covered projects and other projects in  
 3 sectors described in section 41001(6)(A).

4 “(4) AUTHORIZATION OF APPROPRIATIONS.—

5 “(A) IN GENERAL.—In addition to  
 6 amounts deposited in the Fund under para-  
 7 graph (1), there are authorized to be appro-  
 8 priated for deposit in the Fund—

9 “(i) for fiscal year 2025, \$12,000,000;

10 “(ii) for fiscal year 2026,  
 11 \$13,500,000;

12 “(iii) for fiscal year 2027,  
 13 \$15,000,000;

14 “(iv) for fiscal year 2028,  
 15 \$16,500,000;

16 “(v) for fiscal year 2029,  
 17 \$18,000,000;

18 “(vi) for fiscal year 2030,  
 19 \$19,500,000; and

20 “(vii) for fiscal year 2031,  
 21 \$21,000,000.

22 “(B) AVAILABILITY.—Amounts made  
 23 available pursuant to subparagraph (A) shall  
 24 remain available until expended.”; and

1           ~~(5)~~ in subsection ~~(d)~~ (as so redesignated), by  
 2       striking “subsection ~~(d)~~” and inserting “subsection  
 3       ~~(e)~~”.

4       ~~(f)~~ SAVINGS CLAUSE MODIFICATION.—Section  
 5       ~~11503~~ of the FAST Act (Public Law ~~114–94~~; 129 Stat.  
 6       ~~1691~~) is amended—

7           ~~(1)~~ by striking subsection ~~(b)~~; and

8           ~~(2)~~ by redesignating subsection ~~(e)~~ as sub-  
 9       section ~~(b)~~.

10       ~~(g)~~ TECHNICAL AMENDMENT.—The table of contents  
 11       contained in section ~~1(b)~~ of the FAST Act (Public Law  
 12       ~~114–94~~; 129 Stat. ~~1319~~) is amended by striking the item  
 13       relating to section ~~41013~~.

14       **SECTION 1. SHORT TITLE.**

15           *This Act may be cited as the “Permitting Council Im-*  
 16       *provement Act of 2024”.*

17       **SEC. 2. FEDERAL PERMITTING IMPROVEMENT.**

18           ~~(a)~~ DEFINITIONS.—Section ~~41001(6)(A)(iv)~~ of the  
 19       FAST Act (~~42 U.S.C. 4370m(6)(A)(iv)~~) is amended, in the  
 20       matter preceding subclause ~~(I)~~, by striking “in the opinion  
 21       of the Council” and inserting “in the opinion of the Execu-  
 22       tive Director, in consultation with the Council”.

23           ~~(b)~~ FEDERAL PERMITTING IMPROVEMENT STEERING  
 24       COUNCIL.—

1           (1) *IN GENERAL.*—Section 41002 of the *FAST*  
 2     *Act* (42 U.S.C. 4370m–1) is amended—

3           (A) in subsection (b)(1)(A), by inserting “,  
 4     by and with the advice and consent of the Sen-  
 5     ate” after “President”; and

6           (B) in subsection (c)—

7           (i) in paragraph (1)—

8           (I) by striking subparagraph (C);

9           and

10          (II) by redesignating subpara-  
 11         graphs (D) and (E) as subparagraphs  
 12         (C) and (D), respectively; and

13          (ii) in paragraph (2)(B), in the matter  
 14         preceding clause (i), by striking “covered  
 15         projects” and inserting “covered projects  
 16         and other projects in sectors described in  
 17         subparagraph (A) of section 41001(6), ex-  
 18         cluding projects described in subparagraph  
 19         (B) of that section”.

20         (2) *CONFORMING AMENDMENTS.*—

21           (A) Section 41002(c)(2)(A)(i) of the *FAST*  
 22     *Act* (42 U.S.C. 4370m–1(c)(2)(A)(i)) is amended  
 23     by striking “and the performance schedules  
 24     under paragraph (1)(C)”.

1                   (B) *Section 41003(c)(2)(B) of the FAST Act*  
 2                   (42 U.S.C. 4370m-2(c)(2)(B)) *is amended, in*  
 3                   *the matter preceding clause (i), by striking “fol-*  
 4                   *low” and all that follows through “relevant fac-*  
 5                   *tors,” and inserting “take into account relevant*  
 6                   *factors,”.*

7           (c) *PERMITTING PROCESS IMPROVEMENT.—Section*  
 8           *41003 of the FAST Act (42 U.S.C. 4370m-2) is amended—*  
 9           *(1) in subsection (a)(1)(C)—*

10                   (A) *by redesignating clauses (ii) through (v)*  
 11                   *as clauses (iii) through (vi), respectively; and*

12                   (B) *by inserting after clause (i) the fol-*  
 13                   *lowing:*

14                           *“(ii) a statement of the total invest-*  
 15                           *ment required to plan, design, and con-*  
 16                           *struct the proposed project;”;* and

17                   (2) *in subsection (c)(2)—*

18                           (A) *in subparagraph (C)—*

19                                   (i) *by striking clause (i) and inserting*  
 20                                   *the following:*

21                                           “(i) *IN GENERAL.—The Executive Di-*  
 22                                           *rector, in consultation with appropriate*  
 23                                           *agency officials and the project sponsor,*  
 24                                           *shall, as necessary, mediate any disputes—*



1           “(I) identified by the appropriate  
2           agency official for any affected agency  
3           relating to the content or timing of the  
4           permitting timetable established under  
5           subparagraph (A); or

6           “(II) identified by the project  
7           sponsor relating to an issue that could  
8           lead to the nonconformance with the  
9           permitting timetable established under  
10          that subparagraph.”;

11          (ii) by redesignating clauses (ii) and  
12          (iii) as clauses (iii) and (iv), respectively;

13          (iii) by inserting after clause (i) the  
14          following:

15               “(ii) MODIFIED PERMITTING TIME-  
16               TABLE.—

17               “(I) IN GENERAL.—As part of me-  
18               diating a dispute relating to the con-  
19               tent or timing of the permitting time-  
20               table established under subparagraph  
21               (A), the Executive Director may—

22                       “(aa) require that the appro-  
23                       priate agency propose a new per-  
24                       mitting timetable, or modifica-  
25                       tions to a previously adopted per-

1                    *mitting timetable, to resolve the*  
2                    *dispute; and*

3                    *“(bb) recommend that the af-*  
4                    *ected agencies adopt that new or*  
5                    *modified permitting timetable.*

6                    *“(II) REVIEW AND RESPONSE.—*  
7                    *Each affected agency shall have 10*  
8                    *business days to review and respond to*  
9                    *the new or modified permitting time-*  
10                   *table proposed under subclause (I)(aa)*  
11                   *and if the agency determines that the*  
12                   *agency is unable to adopt that new or*  
13                   *modified timetable, that agency shall*  
14                   *submit to the Executive Director, in*  
15                   *writing, an explanation describing the*  
16                   *reasons why the new or modified time-*  
17                   *table is not feasible.*

18                   *“(III) REPORTS.—Not less fre-*  
19                   *quently than once per quarter, the Ex-*  
20                   *ecutive Director shall submit to the*  
21                   *Committee on Homeland Security and*  
22                   *Governmental Affairs of the Senate*  
23                   *and the Committee on Oversight and*  
24                   *Accountability of the House of Rep-*  
25                   *resentatives a report on the number of*

1                    *permitting timetables that were modi-*  
 2                    *fied under this clause during the pe-*  
 3                    *riod covered by the report.”; and*

4                    *(iv) in clause (iv) (as so redesignated),*  
 5                    *in the mattering preceding subclause (I), by*  
 6                    *striking “clause (ii)” and inserting “clause*  
 7                    *(iii)”;*

8                    *(B) in subparagraph (D)—*

9                    *(i) in clause (i)—*

10                    *(I) in subclause (II), by inserting*  
 11                    *“or alternative completion date” after*  
 12                    *“completion date”; and*

13                    *(II) in subclause (IV)—*

14                    *(aa) by striking “final” each*  
 15                    *place it appears;*

16                    *(bb) by inserting “or alter-*  
 17                    *native completion date that is the*  
 18                    *final action” before “under a per-*  
 19                    *mitting timetable”; and*

20                    *(cc) by inserting “or alter-*  
 21                    *native completion date established*  
 22                    *under clause (v)” before “, the fa-*  
 23                    *cilitating or lead agency”;*

24                    *(ii) in clause (ii)—*

(I) by inserting “or alternative completion date established under clause (v), as applicable,” after “A completion date”; and

(II) by inserting “or alternative completion date, as applicable” after “the completion date”; and

(iii) by adding at the end the following:

“(v) *ALTERNATIVE COMPLETION DATE.*—

“(I) *IN GENERAL.*—If a Federal agency has missed or will miss an intermediate or final completion date originally established under subparagraph (A) for agency action on a covered project and fails to comply with the process for modification of a permitting timetable under clause (i), not later than 15 days after that intermediate or final completion date, the agency, in consultation with the facilitating or lead agency, as applicable, any relevant cooperating and participating agencies, and the project spon-

1                   sor, shall submit to the Executive Di-  
 2                   rector an alternative completion date  
 3                   for publication on the Dashboard.

4                   “(II) TREATMENT.—An alter-  
 5                   native completion date submitted  
 6                   under subclause (I) shall be subject to  
 7                   the same requirements for modification  
 8                   as other intermediate and final com-  
 9                   pletion dates in the permitting time-  
 10                  table originally established under sub-  
 11                  paragraph (A).”;

12               (C) in subparagraph (F)—

13                   (i) in the subparagraph heading, by  
 14                   striking “CONFORMING TO” and inserting  
 15                   “COMPLIANCE WITH”;

16                   (ii) in clause (i), by striking “conform  
 17                   to” and inserting “comply with”; and

18                   (iii) by striking clause (ii) and insert-  
 19                   ing the following:

20                   “(ii) FAILURE TO COMPLY.—

21                   “(I) IN GENERAL.—If a Federal  
 22                   agency fails to comply with an inter-  
 23                   mediate or final completion date for  
 24                   the agency action on a covered project,  
 25                   not later than 10 business days after

1           *the date on which the intermediate or*  
2           *final completion date has been or will*  
3           *be missed, the agency shall submit to*  
4           *the Executive Director for publication*  
5           *on the Dashboard an explanation of—*

6                     *“(aa) the specific reasons for*  
7                     *failing to comply with the comple-*  
8                     *tion date; and*

9                     *“(bb) actions the agency will*  
10                    *carry out to avoid additional*  
11                    *delays, including actions to com-*  
12                    *ply with the alternative comple-*  
13                    *tion date established under sub-*  
14                    *paragraph (D)(v).*

15                    *“(II) STATUS REPORT.—If a Fed-*  
16                    *eral agency fails to comply with re-*  
17                    *quirements to establish a permitting*  
18                    *timetable or the requirement to estab-*  
19                    *lish an alternative completion date*  
20                    *under subparagraph (D)(v), each*  
21                    *month until the month in which the*  
22                    *Federal agency has established the per-*  
23                    *mitting timetable or alternative com-*  
24                    *pletion date under that subparagraph,*  
25                    *the Federal agency shall submit to the*

1                   *Executive Director for posting on the*  
 2                   *Dashboard a status report describing*  
 3                   *agency activity related to the project*  
 4                   *and actions to support the establish-*  
 5                   *ment of a permitting timetable or al-*  
 6                   *ternative completion date under that*  
 7                   *subparagraph.”;*

8                   *(D) by redesignating subparagraph (G) as*  
 9                   *subparagraph (H); and*

10                  *(E) by inserting after subparagraph (F) the*  
 11                  *following:*

12                  “(G) *POSTING AND REPORTING AGENCY*  
 13                  *NONCOMPLIANCE WITH PERMITTING TIMETABLE*  
 14                  *MODIFICATION AND NONCOMPLIANCE PROCE-*  
 15                  *DURES.—*

16                  “(i) *IN GENERAL.—Agency noncompli-*  
 17                  *ance with the permitting timetable modi-*  
 18                  *fication procedures under subparagraph (D)*  
 19                  *or the compliance requirements under sub-*  
 20                  *paragraph (F) constitutes noncompliance*  
 21                  *with this title.*

22                  “(ii) *INDICATION OF NONCOMPLI-*  
 23                  *ANCE.—The Executive Director shall post*  
 24                  *on the Dashboard, consistent with the re-*  
 25                  *quirements of subsection (b)(4)(B), all in-*

stances of agency noncompliance with permitting timetables described under subparagraphs (D) and (F).

“(iii) QUARTERLY REPORT.—

“(I) IN GENERAL.—The Executive Director shall include in the quarterly agency performance report submitted to Congress pursuant to section 41008(a)(2) all new and ongoing instances of agency noncompliance with subparagraphs (D) and (F).

“(II) INCLUSION OF PROJECT SPONSOR COMMENTS.—The Executive Director shall offer the cooperating agencies and project sponsor of a covered project that is in noncompliance with subparagraph (D) or (F) the opportunity to provide for inclusion in the quarterly agency performance report submitted to Congress pursuant to section 41008(a)(2) the views of the cooperating agencies and project sponsor with respect to—

“(aa) the cause of delay and agency noncompliance; and



1 “(bb) ways to avoid those  
2 delays and noncompliance in the  
3 future.”.

4 (d) *REPORTS.*—

5 (1) *REPORTS TO CONGRESS.*—

6 (A) *IN GENERAL.*—Section 41008 of the  
7 *FAST Act* (42 U.S.C. 4370m–7) is amended—

8 (i) by striking the section designation  
9 and heading and all that follows through  
10 “Not later than” in subsection (a)(1)(A)  
11 and inserting the following:

12 **“SEC. 41008. REPORTS TO CONGRESS.**

13 **“(a) EXECUTIVE DIRECTOR ANNUAL REPORT.**—

14 **“(1) IN GENERAL.**—Not later than”;

15 (ii) by striking subsection (b); and

16 (iii) in subsection (a)—

17 (I) by redesignating paragraphs  
18 (2) and (3) as subsections (b) and (c),  
19 respectively, and indenting appro-  
20 priately; and

21 (II) in paragraph (1) (as so  
22 amended)—

23 (aa) by striking “*Infrastruc-*  
24 *ture Investment and Jobs Act*”

1                   and inserting “Permitting Coun-  
2                   cil Improvement Act of 2024”;

3                   (bb) by striking “fiscal  
4                   year.” and inserting the following:  
5                   “fiscal year, which shall in-  
6                   clude—

7                   “(i) a summary of permitting time-  
8                   table trends for sectors described in section  
9                   41001(6)(A), including—

10                   “(I) a description of contributing  
11                   factors that affect project timelines;  
12                   and

13                   “(II) recommendations on what  
14                   the duration of project timelines should  
15                   be;

16                   “(ii)(I) descriptions of activities car-  
17                   ried out by the Council in furtherance of its  
18                   role as a Federal center for permitting ex-  
19                   cellence; and

20                   “(II) an analysis of how those activi-  
21                   ties have affected Federal permitting proc-  
22                   esses and authorizations;

23                   “(iii) a description of each transfer  
24                   made under section 41009(c)(3)(A), includ-

ing the amount of funds transferred and to  
whom the funds were transferred; and

“(iv) any other information the Executive Director determines relevant to report on implementation of this title.”;

(cc) by redesignating subparagraph (B) as paragraph (2) and indenting appropriately; and

(dd) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”.

(B) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1319) is amended by striking the item relating to section 41008 and inserting the following:

“Sec. 41008. Reports to Congress.”.

(2) ONE-TIME REPORTS.—

(A) REPORT ON PERMITTING WORKFORCE.—Not later than 18 months after the date of enactment of this Act, the Executive Director of the Federal Permitting Improvement Steering Council, in consultation with the Director of the Office of Personnel Management and the Director

1           *of the Office of Management and Budget, shall*  
2           *submit to Congress a report that—*

3                     *(i) assesses current and projected needs*  
4                     *in human capital at Federal agencies re-*  
5                     *sponsible for issuing permits; and*

6                     *(ii) makes recommendations for how to*  
7                     *improve the Federal permitting workforce.*

8           *(B) REPORT ON DASHBOARD.—Not later*  
9           *than 18 months after the date of enactment of*  
10          *this Act, the Executive Director of the Federal*  
11          *Permitting Improvement Steering Council, in*  
12          *coordination with the Secretary of Transpor-*  
13          *tation and Administrator of General Services,*  
14          *shall submit to Congress a report that assesses,*  
15          *and makes recommendations on how to im-*  
16          *prove—*

17                    *(i) the usability of the Permitting*  
18                    *Dashboard required under section 41003(b)*  
19                    *of the FAST Act (42 U.S.C. 4370m–2(b));*  
20                    *and*

21                    *(ii) the quality and usefulness of infor-*  
22                    *mation on the Dashboard.*

23          *(C) INCLUSION IN ANNUAL REPORTS.—The*  
24          *reports required under subparagraphs (A) and*  
25          *(B) may be included in an annual report re-*

1        *quired to be submitted to Congress pursuant to*  
 2        *subsection (a)(1) of section 41008 of the FAST*  
 3        *Act (42 U.S.C. 4370m-7) (as amended by para-*  
 4        *graph (1)(A)).*

5        *(3) REPEAL OF GAO REPORT.—*

6                *(A) IN GENERAL.—Section 41011 of the*  
 7        *FAST Act (42 U.S.C. 4370m-10) is repealed.*

8                *(B) CLERICAL AMENDMENT.—The table of*  
 9        *contents contained in section 1(b) of the FAST*  
 10        *Act (Public Law 114-94; 129 Stat. 1319) is*  
 11        *amended by striking the item relating to section*  
 12        *41011.*

13        *(e) FUNDING FOR GOVERNANCE, OVERSIGHT, AND*  
 14        *PROCESSING OF ENVIRONMENTAL REVIEWS AND PER-*  
 15        *MITTS.—Section 41009 of the FAST Act (42 U.S.C. 4370m-*  
 16        *8) is amended—*

17                *(1) in subsection (a), by striking “projects to re-*  
 18        *imburse the United States for reasonable costs in-*  
 19        *curring in conducting environmental reviews and au-*  
 20        *thorizations for covered projects.” and inserting*  
 21        *“projects.”;*

22                *(2) by striking subsections (b) and (c) and in-*  
 23        *serting the following:*

24        *“(b) FEE STRUCTURE.—The fee structure established*  
 25        *under subsection (a) shall—*

1           “(1) enable the Executive Director to assess ap-  
2           propriate fees for each covered project based on rel-  
3           evant factors, including—

4                   “(A) the total investment required for the  
5                   covered project stated by the project sponsor in  
6                   the notice of the initiation of a proposed covered  
7                   project pursuant to section 41003(a)(1);

8                   “(B) the anticipated complexity of the envi-  
9                   ronmental review and authorization process for  
10                  the covered project; and

11                  “(C) the resources available to each partici-  
12                  pating agency to conduct environmental reviews  
13                  and issue authorizations for the covered project;

14           “(2) be developed in consultation with affected  
15           project proponents, industries, and other stakeholders;

16           “(3) not exceed 1 percent of the total investment  
17           required for the covered project stated by the project  
18           sponsor in the notice of the initiation of a proposed  
19           covered project pursuant to section 41003(a)(1);

20           “(4) exclude parties for which the fee would im-  
21           pose an undue financial burden or is otherwise deter-  
22           mined to be inappropriate; and

23           “(5) support the timely completion of environ-  
24           mental reviews and authorizations for covered  
25           projects, including through the authority of the Exec-

1        *utive Director to rescind amounts transferred from*  
 2        *the Fund to a lead agency, cooperating agency, or*  
 3        *participating agency that is not meeting timelines for*  
 4        *the completion of environmental reviews and author-*  
 5        *izations for a covered project.”;*

6            *(3) by redesignating subsections (d) through (f)*  
 7        *as subsections (c) through (e), respectively;*

8            *(4) in subsection (c) (as so redesignated)—*

9            *(A) in paragraph (2), by inserting “making*  
 10        *investments to improve Federal environmental*  
 11        *reviews and authorizations and supporting in-*  
 12        *frastructure permitting processes,” after “agency*  
 13        *project managers,”; and*

14            *(B) by striking paragraph (3) and inserting*  
 15        *the following:*

16        *“(3) TRANSFER.—*

17            *“(A) IN GENERAL.—For the purpose of car-*  
 18        *rying out this title, and subject to subparagraph*  
 19        *(B), the Executive Director, in coordination with*  
 20        *the Director of the Office of Management and*  
 21        *Budget, may transfer amounts in the Fund to*  
 22        *other Federal agencies, State and local govern-*  
 23        *ments, territorial governments, Indian Tribes (as*  
 24        *defined in section 4 of the Indian Self-Deter-*  
 25        *mination and Education Assistance Act (25*

U.S.C. 5304)), *Alaska Native Corporations*, and  
*Native Hawaiian organizations* (as defined in  
section 6207 of the *Elementary and Secondary*  
*Education Act of 1965* (20 U.S.C. 7517)) (in-  
cluding the *Department of Hawaiian Home*  
*Lands* and the *Office of Hawaiian Affairs*) to fa-  
cilitate timely and efficient environmental re-  
views and authorizations, including for activities  
to facilitate meaningful governmental and public  
engagement, for covered projects and other  
projects in sectors described in section  
41001(6)(A), and for activities described in  
paragraph (2), which may include direct reim-  
bursement agreements with agency CERPOs, re-  
imbursable agreements, and approval and con-  
sultation processes and staff for covered projects  
and other projects in sectors described in section  
41001(6)(A).

“(B) *APPROVAL OF CERTAIN TRANSFERS.*—  
Any transfer made under subparagraph (A) in  
an amount of more than \$2,000,000 shall be ap-  
proved by the Office of Management and Budget.

“(4) *AUTHORIZATION OF APPROPRIATIONS.*—

“(A) *IN GENERAL.*—In addition to amounts  
deposited in the Fund under paragraph (1), and



1           *subject to subparagraph (B), there is authorized*  
 2           *to be appropriated for deposit in the Fund*  
 3           *\$9,002,000 for each of fiscal years 2025 through*  
 4           *2031.*

5           “(B) *ADJUSTMENTS FOR INFLATION.*—*The*  
 6           *amount authorized to be appropriated for each of*  
 7           *fiscal years 2026 through 2031 under subpara-*  
 8           *graph (A) shall be adjusted for inflation.”; and*  
 9           *(5) in subsection (d) (as so redesignated), by*  
 10          *striking “subsection (d)” and inserting “subsection*  
 11          *(c)”.*

12          (f) *TECHNICAL AMENDMENT.*—*The table of contents*  
 13          *contained in section 1(b) of the FAST Act (Public Law*  
 14          *114–94; 129 Stat. 1319) is amended by striking the item*  
 15          *relating to section 41013.*

Calendar No. 698

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 4679**

[Report No. 118–292]

**A BILL**

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

DECEMBER 16, 2024

Reported with an amendment