RESPONSIBLY AND PROFESSIONALLY INVIGORATING DEVELOPMENT ACT OF 2013

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 2641.

The SPEAKER pro tempore (Mr. KINGston). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 501 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2641.

The Chair appoints the gentleman from Arkansas (Mr. WOMACK) to preside over the Committee of the Whole.

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2641) to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

5½ years after the financial crisis struck in 2008, America remains in a jobs recession. Millions of Americans would call it a jobs depression.

The RAPID Act responds to America's urgent need for new jobs with critical help. According to testimony received by the Regulatory Reform Subcommittee, the RAPID Act would help to stimulate the creation of 3 million jobs.

In an economy in which the labor force participation rate has reached record lows, there is little more urgent jobs legislation that Congress could pass than the RAPID Act.

The jobs the RAPID Act would create, moreover, are high-wage, highly-skilled construction jobs. This is not just sure-fire legislation to create millions of jobs; it is sure-fire legislation to create higher wages for hardworking Americans.

Why do we need legislation to create these jobs? The reason is simple. Since before the financial crisis began and up to this day, the Federal Government's outdated and overly burdensome environmental review process has kept legions of jobs and workers waiting too long for approval from Federal bureaucrats.

The United States now ranks a dismal 34th in the world in the procedures, time, and costs needed to obtain governmental approval of new construction permits.

The heart of the problem lies with delay in the completion of reviews under the National Environmental Policy Act, commonly known as NEPA. When NEPA was first implemented, neither Congress nor the executive branch contemplated that the NEPA process would bog down responsible Federal permitting.

On the contrary, when Congress debated the issue, it talked about timeframes like 90 days to complete review. In 1981, the Council on Environmental Quality, or CEQ, thought all review could be done in a year.

A recent study, however, found that the average length of time to complete just one part of the process, the preparation of an environmental impact statement, was 3.4 years and growing. Examples abound of cases in which it takes far longer.

The port of Savannah, Georgia, for example, has seen a potential dredging project mired in review for over 13 years, with no end to review in sight. Cape Wind, a significant wind energy project in Massachusetts, took 12 years to reach the end of review.

Making matters worse, many projects that finally emerge from the administrative review process only become bogged down again in lengthy litigation challenging agencies' permitting decisions.

Clearly, the system needs to be reformed. Vice President BIDEN summed it up dramatically during a visit to the Savannah port in 2013 when he said:

What are we doing? We're arguing about whether or not to deepen this port. It's time we get moving. I'm sick of this. Folks, this isn't a partisan issue. It's an economic issue.

How do we get moving? The key is to find the right balance between economic progress and the proper level of analysis. The RAPID Act strikes this balance. It does not force agencies to approve or deny any projects. It simply ensures that the process agencies use to make permitting decisions, and the timeline for subsequent litigation, are transparent, logical, and efficient.

To do that, the RAPID Act draws upon established definitions and concepts from existing NEPA regulations. It also draws upon commonsense suggestions from across the political spectrum, including from the President's Jobs Council and the administration's Council on Environmental Quality.

Most significantly, the RAPID Act sets hard deadlines, including an 18-month maximum deadline for an environmental assessment and a 36-month maximum deadline for an environmental impact statement.

□ 1200

It cracks down on prolonged lawsuits by establishing a 180-day statute of limitations for lawsuits challenging permitting decisions and limiting claims to those presented during the permit's public notice-and-comment process, and it consolidates who manages the process by empowering lead agencies to manage environmental reviews efficiently from start to finish in order to avoid waste and duplication of effort among bureaucratic agencies.

In many respects, the bill is modeled on the permit streamlining sections of Congress' SAFETEA-LU and MAP–21 transportation legislation, which commanded bipartisan support. A study by the Federal Highway Administration found that this legislation has cut the time for completing an environmental impact statement nearly in half.

President Obama, himself, moreover, strongly supports permit streamlining consistent with the recommendations of his Jobs Council. In his 2014 State of the Union Address, the President expressed his desire ''to slash bureaucracy and to streamline the permitting process for key projects so that we can get more construction workers on the job as fast as possible.''

Congress should transform the President's rhetoric into action and enact this legislation to streamline permitting on all federally funded and federally permitted construction projects.

I want to thank the gentleman from Pennsylvania (Mr. MARINO) for his leadership on this issue, and I urge all of my colleagues to support this critical legislation and cut down the time it takes America's workers to see a real jobs recovery.

I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2014.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 2641, the Responsibly And Professionally Invigorating Development Act of 2013, as ordered reported by the Committee on the Judiciary on July 31, 2013. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not alter or diminish the jurisdiction of the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

I would appreciate your response to this letter, confirming this understanding and acknowledging our jurisdictional interest, and would request that you insert our exchange of letters on this matter into the committee report on H.R. 2641 and the Congressional Record during any consideration of this bill on the House floor.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 27, 2014.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER, Thank you for your letter regarding H.R. 2641, the ''Responsibly and Professionally Invigorating Development Act of 2013,'' which was ordered reported favorably by the Committee on the Judiciary on July 31, 2013.

It is my understanding that the Committee on Transportation and Infrastructure has Rule X jurisdiction over portions of H.R. 2641. I am, therefore, most appreciative of your decision to forego consideration of the bill so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Transportation and Infrastructure is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I am pleased to include your letter and this reply letter memorializing our mutual understanding in the Congressional Record during floor consideration of H.R. 2641.

Sincerely,

BOB GOODLATTE,
Chairman.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 2641, the so-called Responsibly and Professionally Invigorating Development Act of 2013.

Contrary to the bill's short title, H.R. 2641 would result in confusion and delay in the review and permitting process for certain construction projects. Most importantly, it would pose serious threats to public health and safety. By carving out a separate environmental review process for construction projects, which this bill doesn't even define, by the way, this bill would effectively create two different environmental review processes for the same project: one that applies to the construction phase of the project, whatever that means under the bill, and one that applies to every other phase of the project.

For instance, the bill's requirements would apply to building a nuclear reactor but not to decommissioning the reactor or transporting or storing the reactor's spent fuel after it has been decommissioned. Worse yet, this measure could jeopardize public health and safety by prioritizing project approval over meaningful analysis. It does this by restricting the opportunity for meaningful public participation, and it imposes deadlines that may be unrealistic under certain circumstances. In doing so, H.R. 2641 forecloses potentially critical input from Federal, State, and local agencies and other interested parties for construction projects that are federally funded or that require Federal approval.

This is why I have offered an amendment ensuring that the public's right to participate in the review process is not cut off by this measure, and if an agency fails to meet the unrealistic deadlines mandated by H.R. 2641, the bill would automatically green-light a project regardless of whether the agency has thoroughly reviewed the project's risks.

These failings of the bill, along with many others, explain why the President's Council on Environmental Quality and more than 20 respected environmental groups vigorously oppose this bill. It is also the reason, yesterday, the administration issued a Statement of Administration Policy, whereby the recommendation to the President, in noting that these new rules would actually cause more confusion, would be to veto the bill if passed by this House and the Senate and once it arrives at his desk.

Last but not least, H.R. 2641 fails to address the real problem with construction projects. The RAPID Act is clearly intended to apply to infrastructure projects. Yet this bill does nothing to address the actual causes of construction delays, which is the lack of funding.

Insofar as the Savannah River port dredging is concerned, the Corps of Engineers approved that project back in 2012. Of course, since 2012, in addition to shutting down the government for 16 days, we have been cutting funds for these kinds of projects. So, today, for politicians to clamor for a spotlight and then denounce the lack of funding for these very important and crucial projects for the Nation's economic well-being, it is really ridiculous that we would stand here and act like it is regulations that are holding things back. No. It is the money.

For example, there is currently a $60 billion backlog of projects authorized under the Water Resources Act. Although every single one of these projects has been successfully approved using existing review procedures under NEPA, not a single one of these projects has begun construction. Why? Because the most recent appropriations for the Corps' construction budget was only $1.2 billion. That is $60 billion in approved projects that would improve the Nation's infrastructure had they not been delayed.

Clearing this backlog would be a force multiplier in creating jobs, spurring innovation, and growing the economy. That is a jobs bill, Mr. Chairman. What is more, the Obama administration is doing everything that it can to improve the performance of Federal permitting and the review of infrastructure projects.

In March 2012, the administration issued Executive Order 13604 to modernize the Federal infrastructure permitting process and cut in half the timeline for approving infrastructure projects. This order incentivized better outcomes for communities and the environment while cutting red tape. Since implementing this order, agencies have expedited permits for over 50 major projects. In one instance, agencies shaved up to 3 years off the timeline of the Tappan Zee Bridge replacement project in New York. That is a multibillion-dollar project that is putting Americans back to work. The President then issued another memorandum in June of 2013, further directing Federal agencies to develop an integrated interagency pre-application process for significant offshore electric transmission projects requiring Federal approval.

Mr. Chairman, my Republican colleagues often claim to want to get Americans back to work, so I have to ask:

Why do we need legislation that does not create a single job—a bill that will pick winners and losers and a bill that makes the process less clear and less protective of public health and safety? Why do we need that legislation? Why must we continue to waste this Chamber's precious time on bills that do nothing?

Mr. Chairman, we should work together to address the real causes for delay in the NEPA process instead of debating this dangerous bill. In light of the bill's many serious flaws, I urge my colleagues to oppose the legislation.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds just to say to the gentleman from Georgia that the provisions on the projects that he mentioned are exactly why we need this legislation. It is because this legislation incorporates those ideas which started, by the way, in this House with the work of the Transportation Committee, in the transportation bills, and that now needs to be codified and put into law so that it can be made available not just in those projects but in every project in which the Federal Government has a regulatory role.

At this time, it is my pleasure to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Regulatory Reform Subcommittee.

Mr. BACHUS. I thank the chairman.

Mr. Chairman, one thing that I think we all, Republicans and Democrats, agree on is that you can't have a world-class economy with a third world infrastructure, and in many cases, that is what we have today. Putting money into highways, bridges, and other infrastructure improvements is one of the best investments that the Federal Government can make. The gentleman from Georgia said that, that it is a great investment, but when we put the money in for the projects, we need to get those projects underway.

Each infrastructure project in our country creates jobs—high-paying jobs—and they modernize our transportation system. Not only does it create jobs, but it increases fuel efficiency because it increases velocity. It saves fuel, which is good for our economy, and it makes us less dependent on foreign oil. It improves safety, which not only reduces costs but saves lives. Unfortunately, there is a major roadblock

out there in completing all of the work that we desperately need to do, and that is the excruciatingly slow process imposed by Washington on the permitting of new construction projects. Now, that is where, I think, the gentleman from Georgia and I disagree. He says there is not a problem.

Let me quote President Obama:

One of the problems we've had in the past is that sometimes it takes too long to get projects off the ground.

That is not I. That is President Obama.

There are all these permits and red tape and planning and this and that, and some of it's important to do, but we could do it faster.

That is the essence of this bill. We can do it faster. We both acknowledge it creates jobs. We both acknowledge it helps our economy, our fuel efficiency, and it saves lives. We can do that faster. That means less fuel wasted, less time wasted, jobs created. Boy, we need those jobs now. Let me tell you how difficult it is on projects.

The Northern Beltline, which is part of the loop around Birmingham, was first added to the National Highway System in 1995. Only this month, 19 years later, did we commence that project when a Federal judge finally said enough is enough—enough delays, enough court challenges, enough roadblocks—and he ordered the project to begin. During that period of time, there were four environmental studies done. Look, our tax dollars are limited. There were four environmental studies that had to be redone from start to finish because they became too old. They became outdated. That is money that is wasted. We can't afford to waste money or time or lives in making this economy better and in creating jobs.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. BACHUS. I will yield to the gentleman in just a minute. If I have time left, I would be glad to.

Mr. Chairman, imagine. This project in 1998 began to receive authorization and funding, but it just started this month. These were people, constituents—and not only those people living in central and north Alabama—whose commutes were longer. They were people traveling through Alabama.

The CHAIR. The time of the gentleman has expired.

Mr. MARINO. I yield the gentleman an additional 1 minute.

□ 1215

Mr. BACHUS. I want to thank the gentleman from Pennsylvania (Mr. MARINO) for introducing this legislation. It will reduce the time it takes to review new construction projects and ensure that the permitting process is not endlessly held up in courts.

That is what the judge said in the case of the Northern Beltline. He said that this has been before the courts. Sometimes it takes people years to get their case to court. We don't need these unnecessary delays, legal expenses, and added environmental expenses.

We have done these same things in bipartisan SAFETEA-LU and MAP–21. Why are we all of a sudden saying this is a bad thing when earlier, in a bipartisan way, we approved very similar provisions?

Why in this Congress are we suddenly out here calling things dangerous that used to be bipartisan? I don't understand that. I don't think the American people understand this dysfunction.

I thank the Judiciary Committee, its members, Chairman GOODLATTE, and Mr. MARINO. This was too late for the people along the Northern Beltline, but it won't be too late the next time.

You cannot have a first-world economy with a third-world infrastructure. Putting money into highway, bridge, and other infrastructure improvements is one of the best investments that the federal government—or state governments—can make. Each infrastructure project in our Country creates jobs—high-paying jobs. And modernizing our transportation and infrastructure system not only creates jobs—high-paying jobs. It increases fuel efficiency, which is good for the environment. It improves safety, reduces costs, and saves time.

Unfortunately, there is a major roadblock out there to completing all of the work that we desperately need to get done, and that is the excruciatingly slow process imposed by Washington on the permitting of new construction projects.

President Obama has even said, "one of the problems we've had in the past is, is that sometimes it takes too long to get projects off the ground. There are all these permits and red tape and planning, and this and that, and some of it's important to do, but we could do it faster."

Today, it sometimes seems incredibly difficult to get permission in a timely manner for even a small project. And when it comes to large projects—such as the construction of the Northern Beltline in the Birmingham area that I represent—the challenges are even greater. While construction on the Northern Beltline has finally begun this month, it took too long to get there, almost two decades from first being added to the National Highway System and over ten years since funding was authorized, and that has delayed the economic benefits that the project will generate for the region.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I point out to my friend from Alabama that you cannot do construction projects without Federal funding. If there is no funding that has been appropriated, then the projects don't get done. That is what we have had here in this Congress.

Currently, we have a $60 billion backlog of projects authorized under the Water Resources Development Act. Each and every one of those projects has great importance. All of the regulatory work has been done. The projects are cleared. We just simply do not fund them here because this Congress does not want it to be said by the American people that the current administration is responsible for an economic turnaround.

Despite their best efforts and most insistent efforts, the economy continues to move along favorably, though not at the rate that we need it to. So we really need to have legislation that we are considering and debating on this floor that will create jobs and economic prosperity for Americans, as opposed to these anti-regulatory bills that come forth—it looks like about five or six every week are coming by—plus, we have to pepper in a dose of the repeal of the Affordable Care Act every once in awhile. Fifty times we have done that. Not one job created.

That is the problem that we have.

Mr. Chairman, I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the American historical record has always been ''the worse the recession, the stronger the recovery.'' However, although the National Bureau of Economic Research states the recession ended 5 years ago, we can agree the recovery has been anything but strong.

Facts are something this administration fights with vehement opposition. Nevertheless, the simple fact is this is the slowest ''recovery'' our country has witnessed since the Truman Presidency.

After the deep recession that began in December of 2007, employment has risen sluggishly, at best, and has risen much more slowly than in the last four recoveries, for certain. According to the CBO, employment at the end of 2013 was about 6 million jobs short of where it would be if the unemployment rate had returned to its pre-recession level.

This is why I have introduced H.R. 2641, the Responsibly and Professionally Invigorating Development Act of 2013, also known as the RAPID Act.

The RAPID Act creates a streamlined Federal environmental review and permitting process that establishes transparency and certainty for job creators. Furthermore, this bill would empower lead agencies to manage environmental reviews from start to finish, as well as establish time constraints on the review process and period in which a claim can be filed.

A recent study by the U.S. Chamber of Commerce identified 351 State-level projects that, if approved for construction, could have created 1.9 million jobs annually during the projected 7 years of construction. While these numbers help put the issue in perspective, I don't need to see a study to know that bureaucracy is holding up projects and preventing job growth. I see it every day in my district.

For example, one of my constituents, PPL Corporation, filed an application with the U.S. Nuclear Regulatory Commission for a license to build and operate a state-of-the-art nuclear plant near the company's existing two-unit Susquehanna nuclear power plant. The plant would produce 1,600 megawatts of electricity, enough to power more than 1 million homes. PPL predicted this one project would create 400 construction jobs and 400 permanent jobs.

In addition, early estimates by PPL were that the project would cost $15 billion to construct. These estimates include escalation, financing costs, initial nuclear fuel, and contingencies and reserves.

Imagine for a moment, if you will, the positive impact of a $15 billion investment in my district in Pennsylvania, the 10th Congressional District.

However, Washington bureaucrats have prevented this project from creating jobs, and it has yet to break ground. Six years after the application was first filed in 2008, the Nuclear Regulatory Commission claims they are still reviewing the company's request for a combined operating license. If these individuals that are reviewing this after 6 years were working in private industry, they would have been fired in the first year. In fact, PPL says, realistically, a final decision on the project is still several years away.

This is ridiculous.

Let me be clear. The National Environmental Policy Act of 1969 serves worthy goals, which should be preserved. I live out in the country. I get my water from a well. I love to see the deer and the bear come through my land. I raised my children there. If my colleagues on the other side of the aisle think that I would do anything to hurt my children, whether it is water, air, or the environment in general, they really should think again.

Federal agencies should be able to evaluate new projects to ensure that they don't pose a threat to the environment or to the public. However, over time, NEPA regulations have turned into an outdated, burdensome, and convoluted Federal permitting process that must be reined in.

The good news is that a bipartisan consensus exists on the need to reform the permitting process. In fact, the administration, the President's Council on Jobs and Competitiveness, and legislation adopted by a strong bipartisan majority in the 109th and 112th Congresses all recognize that an overly burdensome and lengthy environmental review and permitting process undermines economic growth.

The time for these reforms is now, because Americans are ready to get back to work. The RAPID Act of 2013 will remove the red tape and allow job creators to take projects off the drawing board and onto the worksite.

I urge my colleagues to join me in supporting this commonsense reform, and I reserve the balance of my time.

MARCH 5, 2014.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The undersigned groups strongly support H.R. 2641, the ''Responsibly And Professionally Invigorating Development (RAPID) Act of 2013,'' which would provide a streamlined process for developers, builders, and designers to obtain environmental permits and approvals for their projects in a timely and efficient manner, allowing jobs to be created and the economy to grow.

Every year that major projects are stalled or cancelled because of a dysfunctional permitting process and a system that allows limitless challenges by opponents of development, millions of jobs are not created. For example, 351 stalled energy projects reviewed in one 2010 study (Project No Project) had a total economic value of over $1 trillion and represented 1.9 American jobs not created. Project No Project showed that in the energy sector alone, one year of delay translates into millions of jobs not created.

The Responsibly And Professionally Invigorating Development Act of 2013 would improve the environmental review and permitting process by:

Coordinating responsibilities among multiple agencies involved in environmental reviews to ensure that ''the trains run on time;''

Providing for concurrent reviews by agencies, rather than serial reviews;

Allowing state-level environmental reviews to be used where the state has done a competent job, thereby avoiding needless duplication of state work by federal reviewers;

Requiring that agencies involve themselves in the process early and comment early, avoiding eleventh-hour objections that can restart the entire review timetable;

Establishing a reasonable process for determining the scope of project alternatives, so that the environmental review does not devolve into an endless quest to evaluate infeasible alternatives;

Consolidating the process into a single Environmental Impact Statement (EIS) and single Environmental Assessment (EA) for a project, except as otherwise provided by law;

Imposing reasonable fixed deadlines for completion of an EIS or EA; and

Reducing the statute of limitations to challenge a final EIS or EA from six years to 180 days.

The RAPID Act is a practical, industry-wide approach that builds on successful provisions for environmental review management found in the Moving Ahead for Progress in the 21st Century Act (MAP–21), Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU), and Section 1609 of the American Recovery and Reinvestment Act. The RAPID Act also embodies the procedural improvements to ''cut red tape'' as called for by the Obama administration, including, most recently, in his January 28, 2014, State of the Union Address.

The RAPID Act addresses the problem far too many shovel-ready projects face today: lengthy project delays from endless environmental reviews and challenges result in lost opportunities to create jobs and grow the economy. Every year of delay results in millions of jobs not created. The creation of millions of jobs is worth ensuring that our governinent works faster and more efficiently.

The undersigned groups strongly support H.R. 2641. The RAPID Act would be the strong action needed to speed up the permitting process and let important projects move forward, allowing millions of workers to get back to work. We urge you to support this important bill.

Sincerely,

American Architectural Manufacturers Association, American Bakers Association, American Chemistry Council, American Coating Association, American Concrete Pressure Pipe Association, American Council of Engineering Companies, American Forest & Paper Association, American Foundry Society, American Highway Users Alliance, American Iron and Steel Institute, American Petroleum Institute, American Rental Association, American Road & Transportation Builders Association.

American Supply Association, Associated Builders & Contractors, Associated Builders & Contractors—Rhode Island Chapter, Associated Equipment Distributors, Associated General Contractors, Associated Wire Rope Fabricators, Association of American Railroads, Association of Equipment Manufacturers, Construction Industry Round Table, Edison Electric Institute, Electronic Security Association, Forging Industry Association, Foundry Association of Michigan, Independent Electrical Contractors, Industrial Energy Consumers of America, Industrial Fasteners Institute, Industrial Minerals Association—North America, Metals Service Center Institute.

Motor & Equipment Manufacturers Association, National Association of Electrical Distributors, National Association of Home Builders, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Black Chamber of Commerce, National Electrical Manufacturers Association, National Federation of Independent Business, National Industrial Sand Association, National Mining Association, National Oilseed Processors Association, National Ready Mixed Concrete Association, National Roofing Contractors Association, National Shippers Strategic Transportation Council.

National Stone, Sand & Gravel Association, Non-Ferrous Founders' Society, North American Equipment Dealers Association, Nuclear Energy Institute, Ohio Cast Metals Association, Pacific-West Fastener Association, Pennsylvania Foundry Association, Petroleum Marketers Association of America, Small Business & Entrepreneurship Council, South Carolina Timber Producers Association, Texas Cast Metals Association, Textile Rental Services Association, U.S. Chamber of Commerce, Washington Retail Association, Wisconsin Cast Metals Association, Wisconsin Grocers Association.

Mr. JOHNSON of Georgia. Mr. Chairman, my friend and colleague from Pennsylvania pointed out in the Rules Committee last night that it was the approval process that was holding up the dredging project for the Port of Savannah.

Just yesterday, The Atlanta Journal-Constitution refuted this claim. In reality, this project—and countless others like it—are held up by a lack of funding.

To quote the article:

In the old days, a Congress that didn't agree with White House priorities simply loaded its own projects into the budget, in a bit of horse-trading.

But Republicans, particularly in the House, have placed such bargaining out of bounds—a self-imposed restriction on their own influence.

Because, under the House rules, this is an earmark.

The Savannah River Port dredging would be an earmark.

And so for us to place something in the budget which is not in the budget already—it's not allowed.

That is quoting from my colleague, Representative KINGSTON. Because it is an earmark, in other words, Congress or its representatives would be barred by our own rules from placing funding in the budget for a project.

It is unfortunate that my colleagues from Georgia on the other side of the aisle, aided and abetted by their colleagues on the other side of the aisle from across the country, can't seem to adjust their legislative actions to suit the people that they represent.

This Savannah River Port dredging is very important to Georgia's economy. It is the most important economic development project on the table, and it is ready to go, but the bond between these legislators and the big, bad Tea Party has them afraid to do what is in the best interest of their States. That is a shame.

I yield 5 minutes to my colleague from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Let me thank the manager, my friend, Congressman JOHNSON, Mr. MARINO, our colleagues on the floor of the House, and as well on the Judiciary Committee.

Mr. Chair, I rise to accept the fact that there are opportunities for discussion on streamlining and effectively expediting processes in a collaborative way in the Federal Government to continue to move forward the Federal Government, as it is responsible to the American people. Unfortunately, I believe that we are not at that place today with H.R. 2641.

President Obama has been cited repeatedly. I believe that his words at that time and today are accurate. No one would want the Federal Government to stall moving projects forward.

I might ask my colleagues, however, if they would join me in fully funding infrastructure and rebuilding this country, which we have not been able to do for almost 5 years.

By reading the Statement of Administration Policy, the administration strongly rejects the legislation's premise in H.R. 2641 that public input and responsible agency decisionmaking under current law hinders job creation. The administration believes that H.R. 2641, if enacted, will lead to more confusion and delay, limit public participation in the permitting process, and ultimately hamper economic growth.

There lies, Mr. Chairman, the underpinnings of the President's veto threat.

□ 1230

Where is this bill going?

I will, at the appropriate time, place the administration's statement into the RECORD.

So what are we talking about with this legislation? One, this legislation would narrow the scope of judicial review. In addition, this legislation would narrow the review by one Federal agency, who would allegedly coordinate other Federal and State agencies.

Let me tell you what the problem with that is, Mr. Chairman; that is that each of the agencies have their own extra expertise, so you are snuffing their expertise. You are quashing their expertise. You are forcing one agency to be the giant understander of all the nuances of the other agencies which have a responsibility to their constituency and to the American people.

Then you have a set of circumstances that suggests, as my amendment will hope to correct, that you are going to deem up. If you don't get the job done, we are going to deem you up. Beam you up. We are going to just assume that everything has been done and you can go forward. It doesn't matter whether you trample on farmland in Texas or whether or not you are, in essence, leveling suburban homes in Pennsylvania or whether or not you are in the mountains of Georgia and cause havoc.

So I would make the argument that this is not an act that is answering the question. It is a solution searching for a problem. Frankly, the argument made by many of us is the principal causes of unjustified delay in implementing the NEPA review process are inadequate agency resources. And the Bush administration noted that NEPA was not a cause for delay.

I would ask my colleagues, how can we work together?

I think for a moment I will just pause and say that yesterday was an unfortunate incident in the House Oversight Committee. It did not reflect well on this institution or chairmen who lead committees.

I pause to say that because I believe it is an important statement to make on the Floor of the House, that we should never have a setting in a committee where a ranking member is silenced, or that a hand is used across one's neck to make a comment about an individual not being able to speak. All of us are equal.

I raise that here because we are talking about process and procedure. And even though one might argue that there was a regular process of this particular legislation, we could have been more collaborative, because I am empathetic and I am sympathetic that we all want to make sure that projects move quickly, that jobs are created.

But the administration has made an assessment that NEPA is not the delay; the Bush administration has done so. And what we need is to fully fund the government with adequate resources so that our agencies with the appropriate staff can move forward.

The CHAIR. The time of the gentlewoman has expired.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. Mr. Chairman, I am from the region of the oil spill of 2010, and that oil spill, at that time voices that were Republican and Democrat from the gulf region were raising their voices about the process of review.

What happened with BOMA? Why wasn't there some understanding that there were some cracks in the system? Even the industry recognized that we must work on best practices, not less regulation—not bad practices, but best practices.

And what did we do? We have put in regulations that would enhance oversight of the issues of drilling.

So, Mr. Chairman, let me say that I rise to oppose this legislation. We could do it more collaboratively, and we need to treat each other with the dignity and the respect that this particular institution deserves, both in committees and on the Floor of the House.

Mr. Chair, I rise in opposition to H.R. 2641, the "Responsible and Professionally Invigorating Development Act of 2013, or as some have termed it, the "Regrettably Another Partisan Ideological Distraction Act."

If the RAPID Act were to become law in its present form, a permit or license for project would be "deemed" approved if the reviewing agency does not issue the requested permit or license within 90–120 days.

Mr. Chair, I share some of the frustrations expressed by many members of the House Judiciary Committee, which marked up this bill last summer, with the NEPA process.

Why are we wasting time with this bill when we could be passing H.R. 3546, a bill introduced by my colleague SANDY LEVIN, the distinguished Ranking Member of the Ways and Means Committee which amends the Supplemental Appropriations Act, 2008 to extend emergency unemployment compensation (EUC) payments for eligible individuals to weeks of employment ending on or before January 1, 2015.

Or we could bring up and pass H.R. 3888, "The New Chance For a New Start in Life Act," a bill I introduced which provides grants for training to those out of work—who are merely seeking to pull themselves up by their bootstraps—the American way.

But here we are on the Floor of the House of Representatives voting and speaking on the "Regrettably Another Partisan Ideological Distraction Act."

There is something odd about a system in which it can take half a year or more to approve the siting plan for a wind farm but fracking operations regulations can be approved and conducted a few hundred feet from somebody's home with no community oversight process in just a few months.

Something is wrong with this picture.

But I strongly believe that this bill is a solution in search of a problem.

The bill in its current form is an example of a medicine that is worse than a disease.

There is a major problem with the section that my amendment addresses, namely automatic approval of projects with the need for positive agency action.

I expect to speak on my amendment shortly but suffice it-to-say, this bill goes out of its way to ensure that some projects might be prematurely. approved.

That's because under H.R. 2641, if a federal agency fails to approve or disapprove the project or make the required finding of the termination within the applicable deadline, which is either 90 days or 180 days, depending on the situation, then the project is automatically deemed approved, deemed approved by such agency.

This creates a set of perverse incentives. First, as an agency is up against that deadline and legitimate work is yet to be completed, it is likely to disapprove the project simply because the issues have not been vetted.

Second, frequently there are times when it is the case that the complexity of issues that need to be resolved necessitates a longer review period, rather than an arbitrary limit.

So if H.R. 2641 were to become law the most likely outcome is that federal agencies

would be required to make decisions based on incomplete information, or information that may not be available within the stringent deadlines, and to deny applications that otherwise would have been approved, but for lack of sufficient review time.

In other words, fewer projects would be approved, not more.

Mr. Chair, the new requirements contained in H.R. 2641 amend the environmental review process under the National Environmental Policy Act (NEPA), even though the bill is drafted as an amendment to the APA.

The bill ignores the fact that NEPA has for more than 40 years provided an effective framework for all types of projects (not just construction projects) that require federal approval pursuant to a federal law, such as the Clean Air Act.

I urge my colleagues to reject this flawed and jaded legislation.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2641—RESPONSIBLY AND PROFESSIONALLY INVIGORATING DEVELOPMENT ACT OF 2013

(Rep. Marino, R-Pennsylvania, and 10 cosponsors, Mar. 5, 2014)

The Administration strongly opposes H.R. 2641, which would undercut responsible decision-making and public involvement in the Federal environmental review and permitting processes. As the Administration said when this legislation was considered previously, H.R. 2641 will increase litigation, regulatory delays, and potentially force agencies to approve a project if the review and analysis cannot be completed before the proposed arbitrary deadlines. This legislation complicates the regulatory process and creates two sets of standards for Federal agencies to follow to review projects—one for ''construction projects'' and one for all other Federal actions, such as rulemakings or management plans.

The Administration strongly rejects the legislation's premise that public input and responsible agency decision-making under current law hinders job creation. The Administration believes that H.R. 2641, if enacted, will lead to more confusion and delay, limit public participation in the permitting process, and ultimately hamper economic growth. The Administration supports efforts to improve the efficiency of the environmental review processes without diminishing requirements for rigorous analyses, agency consultation, and public participation. This includes an Interagency Steering Committee that will publish a plan with 15 reforms and over 80 actions to modernize the Federal permitting and review of major infrastructure projects.

If the President were presented with H.R. 2641, his senior advisors would recommend that he veto the bill.

Mr. MARINO. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the gentleman from Pennsylvania for his leadership in bringing this bill forward.

Mr. Chairman, I rise today in support of the RAPID Act. It is hard enough for working middle class wage earners, many of whom haven't seen a raise in years, to get by. With record low temperatures, polar vortexes, and damaging snowstorms, this brutal winter has created even bigger problems for America's families.

For too many, just paying the monthly heating bill has become a real challenge. A few weeks ago, my hometown paper, the Richmond Times-Dispatch, reported on record-high propane prices and the impact it has had on the 135,000 Virginia families who heat their homes with propane.

Unfortunately, cost increases are affecting families, whether they use propane, natural gas, or electricity to heat their homes. Right now, moms and dads all across America are sitting at their kitchen table looking at one of the largest home heating bills they have ever seen.

We in Congress can't do much about the cold weather, but we can enact sensible policies that expand energy supplies and reduce costs, and that is exactly what we are doing in the House this week.

If you heat your home with propane, our bills tackle the infrastructure problems that have led to record price increases. If you heat your home with natural gas, we are trying to make it easier to move the natural gas that is being developed throughout the country to your home. If you heat your home with electricity, we are halting excessive and unnecessary regulations that are expected to drive up the costs of electricity.

The bottom line? We are reducing energy costs for America's families. Middle class families in Virginia and throughout America have enough to focus on without having to worry about Washington making it more expensive for them to heat their homes.

This is an opportunity for Members of the House to stand together and to offer some relief to struggling Americans who are simply trying to pay their energy bills and provide for their families.

I want to thank Chairman GOODLATTE, Representative MARINO, and the rest of the Judiciary Committee for their hard work on this issue, and I urge my colleagues to support this bill.

I would also like to thank Chairmen UPTON and WHITFIELD, Chairman SHUSTER and Congressman MCKINLEY for their work on all the legislation dealing with energy costs this week.

Mr. JOHNSON of Georgia. Mr. Speaker, it is now my pleasure to yield 1 minute to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full Judiciary Committee.

Mr. CONYERS. Mr. Chairman, I want to commend my colleague on the Judiciary Committee, Mr. JOHNSON, for the leadership that he has exercised here in bringing this discussion forward on a bill that is very disappointing to me.

This bill imposes hard-and-fast deadlines that will be unrealistic in certain circumstances and would undercut responsible decisionmaking and public involvement in the Federal review and permitting processes.

Mr. Chair, I rise in strong opposition to H.R. 2641 for various reasons.

Let's begin with the very misleading short title of this bill, namely, the ''Responsibly and Professionally Invigorating Development Act.''

Rather than effectuating real reforms to the process by which federal agencies undertake environmental impact reviews as required by the National Environmental Policy Act, or NEPA, this legislation will actually result in making this process less responsible, less professional, and less accountable.

Worse yet, this measure could jeopardize public health and safety by prioritizing project approval over meaningful analysis.

To begin with, the bill—under the guise of streamlining the approval process—forecloses potentially critical input from federal, state, and local agencies as well as from members of the public to comment on environmentally-sensitive construction projects that are federally-funded or that require federal approval.

The bill also imposes hard and fast deadlines that may be unrealistic under certain circumstances.

Moreover, if an agency fails to meet these unrealistic deadlines, the bill simply declares that a project must be deemed approved, regardless of whether the agency has thoroughly assessed risks.

As a result, this measure could allow projects to proceed that put public health and safety at risk.

For example, as the Minority's witness astutely noted at the Committee's hearing on this bill, H.R. 2641 could effectively prevent the Nuclear Regulatory Commission from exercising its licensing authority pertaining to nuclear power reactors, waste management sites, and nuclear waste disposal facilities.

And, the bill could allow such projects to be approved before the safety review is completed.

This failing of the bill, along with many others, explains why the Administration and the President's Council on Environmental Quality, along with more than 20 respected environmental groups vigorously oppose this legislation.

These organizations include the Audubon Society, League of Conservation Voters, Natural Resources Defense Council, Sierra Club, and The Wilderness Society.

In issuing its veto threat, the Administration warns that the bill ''would undercut responsible decision-making and public involvement in the Federal review and permitting processes.''

In addition, the Administration observes that the bill will ''increase litigation, regulatory delays, and potentially force agencies to approve a project if the review and analysis cannot be completed before the proposed arbitrary deadlines.''

Another concern that I have with this bill—like other measures that we have considered—is that it is a flawed solution in search of an imaginary problem.

And, that is not just my opinion. The nonpartisan Congressional Research Service issued a report last year stating that the primary source of approval delays for construction projects ''are more often tied to local/state and project-specific factors, primarily local/state agency priorities, project funding levels, local opposition to a project, project complexity, or late changes in project scope.''

CRS further notes that project delays based on environmental requirements stem not from NEPA, but from ''laws other than NEPA.''

So I have to ask, why do we need a measure like the so-called RAPID Act that will undoubtedly make the process less clear and less protective of public health and safety?

My final major concern with this bill is that—rather than streamlining the environmental review process—it will sow utter confusion.

H.R. 2641 does this by creating a separate, but only partly parallel environmental review process for construction projects that will only cause confusion, delay, and litigation.

As I noted at the outset, the changes to the NEPA review process contemplated by this measure apply only to certain construction projects.

NEPA, however, applies to a broad panoply of federal actions, including fishing, hunting, and grazing permits, land management plans, Base Realignment and Closure activities, and treaties.

As a result of the bill, there could potentially be 2 different environmental review processes for the same project. For instance, the bill's requirements would apply to the construction of a nuclear reactor, but not to its decommissioning or to the transportation and storage of its spent fuel.

Rather than improving the environmental review process, this bill will complicate it and generate litigation.

But, more importantly, this bill is yet another effort by my friends on the other side of the aisle to undermine regulatory protections.

As with all the other regulatory bills, this measure is a thinly disguised effort to hobble the ability of federal agencies to do the work that Congress requires them to do.

Accordingly, I strenuously oppose this seriously flawed bill.

Mr. MARINO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Chairman, I thank the gentleman, a good friend and great colleague, for bringing this RAPID Act forward because I strongly support it.

I want to just reflect. Go out of these hallowed Chambers and go into the private sector, and think about going through a permitting process and think about the longer you delay, the more you have to pay. It is just that simple.

You can drag these things out and drag these things out and drag these things out. And when you ask people: What is it that I have to do? I have already done everything you required me to do. It is just a little bit more. So the answer is: How long is a piece of string? We don't know.

What we are doing by not getting this done, and we have talked about the number of jobs that are waiting. If we are talking about improving the economy—and these are not Republican jobs or Democrat jobs. These are American jobs. And what are we doing? American projects to help the American economy.

So today to even have a debate—and this is a bipartisan effort; there is no question about it. We both feel the same way. We both know what the problems are in our country right now. We have too many people unemployed. In fact, we have too many people who have given up even looking for a job. That is the unreported number that we never reflect.

But in this case we know that delaying only increases what we have to pay. And who is picking up the tab on this? It is hardworking American taxpayers. It is just not that much-maligned 1 percent that doesn't want to pay their fair share. This is every single American woman and man that is out there. It affects how they live their lives. It affects how they pay their bills. It affects the future of our economy.

So I know we have to have debates, and this is not a debate that is heated, but it is about heat in a way. This week we have talked about: let's heat American homes; let's make sure that we have a sustainable path; let's make sure that we are not putting on the backs of these folks too much.

There is an old saying where I come from. It is: Don't worry about the mule, just load the wagon.

Gentlemen, I have got to tell you, right now, the mule is about ready to unhook himself from the wagon and say: You have asked me to pull too much for far too long.

So, with Mr. MARINO and what he has brought forth today, a commonsense approach to creating jobs and getting improvements in our country, not improvements for just Republicans but improvements for every single American, isn't that why we are all here?

I know I represent 705,687 western Pennsylvanians. I don't know how they are registered; I don't know how they vote; I don't know how they worship; but I do know this: they sent me to Washington to represent their best interests and, in a larger sense, the State of Pennsylvania and the whole country. If we cannot agree on things like this, my goodness, where do we go from here?

So I would just ask my colleagues—and this is a truly a bipartisan effort. Mr. MARINO, thank you so much for what you have done. This just makes sense. And Lord, in a town where common sense is found in so few places, let's look at this and understand the uplift for the American people and for our economy.

Mr. JOHNSON of Georgia. Mr. Chairman, to blame the lack of job creation on the inefficiency of regulations is kind of like—it reminds me of when you are downstairs in the bathroom and something is leaking from the upstairs bathroom and then someone tells you that it is raining. It just doesn't make sense.

Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), my good friend and ranking member on the Natural Resources Committee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for the time.

I am a bit confused. If you are listening to the debate, you have got to be confused about what this bill is really about. Now, it is apparently about rapid siting of nuclear plants or about constructing of pipelines through your backyard without you being allowed to comment or any environmental review, and somehow this is going to lead to job creation in America.

At the beginning of the debate, they were talking about transportation and infrastructure. I happen to be on that committee also. First off, we already did some streamlining in the last highway reauthorization. There is pending streamlining in the Water Resources Development Act. But let's drill down a little. What is the real problem?

The real problem is that this side of the aisle, the Republicans, don't want to make the investments necessary to put people back to work. The highway trust fund is going broke on October 1. Not a word from that side, except the brave chairman of the Ways and Means Committee who proposed to fund it with some tax reform. But nothing else from that side. No proposal on how we are going to continue to fund transportation and infrastructure in this country.

Water Resources Development Act, we have got a bill pending with some streamlining, but guess what? There are 60 billion—''b,'' billion—dollars of backlogged authorized water resources development projects that have gone through the full NEPA process and been approved, but the annual construction budget, thanks to my friends on the other side of the aisle, is $1.2 billion a year. Let's see. I guess that figures out to a 50-year backlog, so it really isn't going to matter how much you eliminate NEPA review here, which is, essentially, what this bill is about, which cuts out the public and other small things like that. A 50-year backlog.

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But this will solve that problem. We will be building those—well, no, we won't, really, because we don't have the money. Well, how about roads, bridges, highways, transit? There is an $80 billion backlog in transit. NEPA? No, not NEPA. No money.

Federal highways. We have 140,000 bridges on the Federal system that need replacement or substantial rehabilitation or repair. No money. It isn't a NEPA review that is stopping that. It is a lack of funding. We are not making the necessary investments.

So you are not addressing jobs here. Don't pretend you are addressing jobs, don't pretend you are addressing utility rates, and don't even pretend that this bill is going anywhere.

You know, the Republican majority repeals NEPA every other day in the Natural Resources Committee. It hasn't happened yet; and now, this is a new way to come at it, through the Judiciary Committee.

I guess they get tired. I mean, we have had a lot of bills on the floor to repeal NEPA that have been passed and have gone to the Senate, and nothing has happened. So let's try to fool them. We will cloak it in a Judiciary bill, instead of in a Resources bill, and we will pretend that it is not really about NEPA or that it is about something else.

Actually, this bill is really bizarre because it creates an entirely new

process for reviewing projects by amending the Administrative Procedures Act. It doesn't repeal NEPA.

So, wow, how are those conflicts going to work out? What are the agencies really going to do? I mean, it is gobbledygook legislation on top of making a number of false assertions about what it will accomplish.

What it is accomplishing is it has got a great name. It sounds good. RAPID, I love that name. That is good. We are really good at names around here, but we are not really good at getting things done.

There should be a bipartisan consensus, and there has been during my long tenure in Congress on building things and rebuilding things and building an infrastructure.

You know, it is embarrassing. The United States of America is investing less money in its infrastructure—which is falling apart—than many third-world countries, and I talked about how we are developing a third-world infrastructure.

I had a colleague who is very knowledgeable on the issue who has come up and said to me: You know, that is insulting. I said: Do you know how bad the state of our infrastructure is? He said: No, it is insulting to third-world countries because they are investing a larger percentage of their gross domestic product in infrastructure than the United States of America is investing.

It is plain and simple. You can dodge. You can weave. You can come up with great names. You can make unbelievable assertions on the floor. The bottom line facts, we need to invest in rebuilding America; and for every billion dollars we spend on infrastructure, it is somewhere between 15,000 and 20,000 jobs that are created, and these are private sector jobs.

Private sector jobs, they do the work when the government provides the money to the States, which goes out and competitively bids projects; and they build them, but without money, they aren't going to build them. It doesn't matter what the environmental review process is. No money, no projects.

Drop it, guys. Come on. Let's do something real around here for a change.

Mr. MARINO. Mr. Chairman, I yield myself as much time as I may consume.

It is almost amusing to hear my colleagues from the other side say how much they want to work together, how much they want to get this country moving, how much they want to create jobs.

Since I have been here—this is my second term, fourth year—I have seen virtually no cooperation from the other side in creating jobs. They get up, and they give a good speech about names, but there is no substance to it. There is no substance to it at all.

As a matter of fact, this is a bipartisan piece of legislation. Both sides support this.

You know, my colleagues had control of the House prior to the Republicans controlling it 4 years ago. They touched none of these issues.

And I want to ask the American people—not my colleagues on the other side of the aisle—how has this Federal regulation system been going over the last 5 years?

Virtually no jobs created, agencies stopping everything they can under this administration, but yet they stand up and give a good speech about cooperation. I have rarely seen it here.

I have seen obstructionists because it is a power play. You know, when someone comes up with a good idea—and I blame both sides over the years for this—it is not what is in the best interests of the American people. It is who is in power that wants to keep it and who is not in power that wants to take it away. And you know something? The American people are completely forgotten about.

Well, one of the reasons—the main reason I came to Washington was to work for the American people, not to preserve my job, not to keep power, not to take power; but it was to do what is right. And if you would listen to what has taken place in some of the hearings over the past 3.5 years that I have been involved in, you don't hear cooperation. You don't hear it at all.

So now, I ask my colleagues on the other side: How is that Federal system going? How is that permitting system going—that regulating system going?

It is not going well at all. Just ask industry how much it has been slowed down because of regulation, and thousands and thousands of more regulations have been implemented by this administration than ever before. So let's get serious, okay? Let's be honest with the American people about what this is about.

The Federal government doesn't create jobs. Private sector creates jobs. The responsibility of the Federal Government is to remove obstacles that allow private industry to do what they do best—better than the Federal Government.

And as I said before, I have met a lot of good people here in Congress. I have met a lot of good people in the Federal system. But there is a fair number of people in the Federal system, in these agencies, that go out and say ''no,'' just for the sake of saying ''no,'' that if they had to go to work in private industry and operated under the same premise that they did in the Federal Government, they would be fired.

It is about time we start standing up for the American people and create jobs; and I hear from this administration constantly, but there are always obstacles. There are 40-some pieces of legislation sitting on HARRY REID's desk, the leader of the Senate, the Democrat who won't even bring it to the floor for a vote.

That is a disgrace. Bring it to the floor for a vote. Vote it up or down, but let the American people know what is being voted on; and it should be brought to the floor, so they know what is going on here.

With that, Mr. Chairman, I have no further requests for time. I have the right to close, so I will reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, the Federal Government does not create a single job. I don't know exactly how many jobs we are talking about cutting in the Federal Government from the drawdown of the defense, but there will certainly be less federally employed Army, Navy, Air Force, and Marine personnel and those who work in the Department of Defense to support their efforts to defend this Nation to keep us strong.

The Federal Government does not create a single job. Delivering our mail provides good-paying jobs, middle class.

But I must rise in opposition to this legislation, Mr. Chair, because it would just sow utter confusion. H.R. 2641 does that by creating a separate, but only partly parallel environmental review process for construction projects that will only cause confusion, delay, and litigation.

As a result of this bill, there could potentially be two different environmental review processes for the same project. Rather than improving the environmental review process, this bill will complicate it and generate litigation.

But more importantly, the bill is yet another effort by my friends on the other side of the aisle to gum up the regulatory process and, thus, undermine regulatory protections.

As with all other anti-regulatory bills that this Congress has considered over the last few weeks, this measure is simply another thinly disguised effort to hobble the ability of Federal agencies to do the work that Congress requires them to do.

Accordingly, I strenuously oppose this seriously flawed bill, and I yield back the balance of my time.

Mr. MARINO. I yield myself the remainder of the time, Mr. Chairman.

You know, Mr. Chairman, to bring about real and durable job recovery, there can be only one conclusion about what the House can do today, and it should vote to pass the RAPID Act.

My friend on the other side talks about the post office, and I support them. My mother worked for the post office. But you know something? The post office is self-funded, okay?

Where is the $1 trillion that this administration put into the so-called stimulus? It did nothing. It wasn't applied properly. It wasn't utilized.

This doesn't cut regulations, this legislation. It doesn't cut regulations. It cuts making a decision from 15 years down to 4.5 years. Just think in our households, how many of us would have delayed by years making decisions, were it be.

This is bipartisan legislation that would transform into immediate action

the recommendations of the President's Jobs Council, the exhortations of Vice President BIDEN, and the promises President Obama made.

The President's Jobs Council stated that our system for permitting and approving job-creating projects leads to delays and litigation and recommended in 2011 that the process be streamlined. The RAPID Act does that.

President Obama, in his 2014 State of the Union Address, promised action to slash bureaucracy and streamline the permitting process, so we can get more construction workers on the job as fast as possible. The RAPID Act delivers that.

Let's come together, Republicans and Democrats, for the hardworking Americans desperate for new and high-paying jobs. The RAPID Act allows that to happen.

On average, it takes the Federal Government 10 to 15 years to approve permitting. If private industry operated in such an irresponsible manner, it would be bankrupt.

Instead of talking the talk, it is time to walk the walk and pass this legislation that will create excellent-paying jobs.

My legislation reduces permitting down to 4.5 years, and it doesn't take any authority away. It appoints a single entity, a Federal agency that has a major hand in this for oversight.

And if my colleagues are saying: well, it is not the Federal Government, it is the State and local governments.

Then that agency can light the fire under that local or State government and tell them: you must get your approvals in or, by a certain time, your opportunity to do that will be waived.

So still, in an effort to reach across the aisle and work with my colleagues and create hundreds of thousands of jobs, let's cut the red tape. Ask the people in my district about red tape—those from the VA, those from Social Security—what they have to go through with agencies—those from EPA, those from OSHA. It is a disaster.

So let's come together, Republicans and Democrats, for the hardworking Americans. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chair, today, the House will pass yet another bill that weakens important environmental laws. I will vote against this legislation—H.R. 2641—which if enacted would gut the National Environmental Policy Act (NEPA). The NEPA process requires federal agencies to go through a public assessment of the environmental impacts of certain proposed federal actions. As part of this, it mandates the consideration of alternatives to those actions. The process can identify alternatives that are often less costly with fewer impacts to the environment.

H.R. 2641 undermines this important process, by placing restrictions on alternatives that can be considered, and allowing parties with vested interests in projects to prepare environmental review documents, creating potential conflicts of interest. It could also force agencies to approve projects if review and analysis cannot be completed before arbitrary deadlines.

The claimed goal of this bill is to help projects—including infrastructure projects—to move forward more quickly. The NEPA process, however, is not the reason for project delays. The reason is a lack of investment from the federal government. At the Army Corps of Engineers, there is a $60 billion backlog of authorized water resources projects that were successfully approved under NEPA, but have not been built due to lack of funding. At the same time, our roads and bridges are in disrepair, not due to NEPA, but because the federal government is short of resources, with the Highway Trust Fund projected to need $100 billion in additional revenue over the next six years just to stay solvent.

NEPA's positive impact has been unquestionable—it has been one of the nation's most important environmental laws, ensuring careful decision making and the right of the public to participate in planning efforts that would directly impact their communities. I will be disappointed to see H.R. 2641 pass, which will only limit the public's participation, increase confusion, and undermine responsible agency reviews.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–39. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Responsibly And Professionally Invigorating Development Act of 2013'' or as the ''RAPID Act''.

SEC. 2. COORDINATION OF AGENCY ADMINISTRATIVE OPERATIONS FOR EFFICIENT DECISIONMAKING.

(a) IN GENERAL.—Chapter 5 of part 1 of title 5, United States Code, is amended by inserting after subchapter II the following:

''SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

''§ 560. Coordination of agency administrative operations for efficient decisionmaking

''(a) CONGRESSIONAL DECLARATION OF PURPOSE.—The purpose of this subchapter is to establish a framework and procedures to streamline, increase the efficiency of, and enhance coordination of agency administration of the regulatory review, environmental decisionmaking, and permitting process for projects undertaken, reviewed, or funded by Federal agencies. This subchapter will ensure that agencies administer the regulatory process in a manner that is efficient so that citizens are not burdened with regulatory excuses and time delays.

''(b) DEFINITIONS.—For purposes of this subchapter, the term—

''(1) 'agency' means any agency, department, or other unit of Federal, State, local, or Indian tribal government;

''(2) 'category of projects' means 2 or more projects related by project type, potential environmental impacts, geographic location, or another similar project feature or characteristic;

''(3) 'environmental assessment' means a concise public document for which a Federal agency is responsible that serves to—

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

''(B) aid an agency's compliance with NEPA when no environmental impact statement is necessary; and

''(C) facilitate preparation of an environmental impact statement when one is necessary;

''(4) 'environmental impact statement' means the detailed statement of significant environmental impacts required to be prepared under NEPA;

''(5) 'environmental review' means the Federal agency procedures for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under NEPA;

''(6) 'environmental decisionmaking process' means the Federal agency procedures for undertaking and completion of any environmental permit, decision, approval, review, or study under any Federal law other than NEPA for a project subject to an environmental review;

''(7) 'environmental document' means an environmental assessment or environmental impact statement, and includes any supplemental document or document prepared pursuant to a court order;

''(8) 'finding of no significant impact' means a document by a Federal agency briefly presenting the reasons why a project, not otherwise subject to a categorical exclusion, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared;

''(9) 'lead agency' means the Federal agency preparing or responsible for preparing the environmental document;

''(10) 'NEPA' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(11) 'project' means major Federal actions that are construction activities undertaken with Federal funds or that are construction activities that require approval by a permit or regulatory decision issued by a Federal agency;

''(12) 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval for a project or is otherwise responsible for undertaking a project; and

''(13) 'record of decision' means a document prepared by a lead agency under NEPA following an environmental impact statement that states the lead agency's decision, identifies the alternatives considered by the agency in reaching its decision and states whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not adopted.

''(c) PREPARATION OF ENVIRONMENTAL DOCUMENTS.—Upon the request of the lead agency, the project sponsor shall be authorized to prepare any document for purposes of an environmental review required in support of any project or approval by the lead agency if the lead agency furnishes oversight in such preparation and independently evaluates such document and the document is approved and adopted by the lead agency prior to taking any action or making any approval based on such document.

''(d) ADOPTION AND USE OF DOCUMENTS.—

''(1) DOCUMENTS PREPARED UNDER NEPA.—

''(A) Not more than 1 environmental impact statement and 1 environmental assessment shall be prepared under NEPA for a project (except for supplemental environmental documents prepared under NEPA or environmental documents prepared pursuant to a court order), and, except as otherwise provided by law, the lead agency shall prepare the environmental impact statement or environmental assessment. After the

lead agency issues a record of decision, no Federal agency responsible for making any approval for that project may rely on a document other than the environmental document prepared by the lead agency.

''(B) Upon the request of a project sponsor, a lead agency may adopt, use, or rely upon secondary and cumulative impact analyses included in any environmental document prepared under NEPA for projects in the same geographic area where the secondary and cumulative impact analyses provide information and data that pertains to the NEPA decision for the project under review.

''(2) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

''(A) Upon the request of a project sponsor, a lead agency may adopt a document that has been prepared for a project under State laws and procedures as the environmental impact statement or environmental assessment for the project, provided that the State laws and procedures under which the document was prepared provide environmental protection and opportunities for public involvement that are substantially equivalent to NEPA.

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

''(C) In the case of a document described in subparagraph (A), during the period after preparation of the document but before its adoption by the lead agency, the lead agency shall prepare and publish a supplement to that document if the lead agency determines that—

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

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

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

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

''(3) CONTEMPORANEOUS PROJECTS.—If the lead agency determines that there is a reasonable likelihood that the project will have similar environmental impacts as a similar project in geographical proximity to the project, and that similar project was subject to environmental review or similar State procedures within the 5-year period immediately preceding the date that the lead agency makes that determination, the lead agency may adopt the environmental document that resulted from that environmental review or similar State procedure. The lead agency may adopt such an environmental document, if it is prepared under State laws and procedures only upon making a favorable determination on such environmental document pursuant to paragraph (2)(A).

''(e) PARTICIPATING AGENCIES.—

''(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection. The lead agency shall provide the invitation or notice of the designation in writing.

''(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is required to adopt the environmental document of the lead agency for a project shall be designated as a participating agency and shall collaborate on the preparation of the environmental document, unless the Federal agency informs the lead agency, in writing, by a time specified by the lead agency in the designation of the Federal agency that the Federal agency—

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

''(B) has no expertise or information relevant to the project; and

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

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

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

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

''(A) supports a proposed project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

''(6) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations, as in effect on January 1, 2011. Designation as a cooperating agency shall have no effect on designation as participating agency. No agency that is not a participating agency may be designated as a cooperating agency.

''(7) CONCURRENT REVIEWS.—Each Federal agency shall—

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

''(B) in accordance with the rules made by the Council on Environmental Quality pursuant to subsection (n)(1), make and carry out such rules, policies, and procedures as may be reasonably necessary to enable the agency to ensure completion of the environmental review and environmental decisionmaking process in a timely, coordinated, and environmentally responsible manner.

''(8) COMMENTS.—Each participating agency shall limit its comments on a project to areas that are within the authority and expertise of such participating agency. Each participating agency shall identify in such comments the statutory authority of the participating agency pertaining to the subject matter of its comments. The lead agency shall not act upon, respond to or include in any document prepared under NEPA, any comment submitted by a participating agency that concerns matters that are outside of the authority and expertise of the commenting participating agency.

''(f) PROJECT INITIATION REQUEST.—

''(1) NOTICE.—A project sponsor shall provide the Federal agency responsible for undertaking a project with notice of the initiation of the project by providing a description of the proposed project, the general location of the proposed project, and a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Federal agency that the environmental review should be initiated.

''(2) LEAD AGENCY INITIATION.—The agency receiving a project initiation notice under paragraph (1) shall promptly identify the lead agency for the project, and the lead agency shall initiate the environmental review within a period of 45 days after receiving the notice required by paragraph (1) by inviting or designating agencies to become participating agencies, or, where the lead agency determines that no participating agencies are required for the project, by taking such other actions that are reasonable and necessary to initiate the environmental review.

''(g) ALTERNATIVES ANALYSIS.—

''(1) PARTICIPATION.—As early as practicable during the environmental review, but no later than during scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall provide an opportunity for involvement by cooperating agencies in determining the range of alternatives to be considered for a project.

''(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project, subject to the following limitations:

''(A) NO EVALUATION OF CERTAIN ALTERNATIVES.—No Federal agency shall evaluate any alternative that was identified but not carried forward for detailed evaluation in an environmental document or evaluated and not selected in any environmental document prepared under NEPA for the same project.

''(B) ONLY FEASIBLE ALTERNATIVES EVALUATED.—Where a project is being constructed, managed, funded, or undertaken by a project sponsor that is not a Federal agency, Federal agencies shall only be required to evaluate alternatives that the project sponsor could feasibly undertake, consistent with the purpose of and the need for the project, including alternatives that can be undertaken by the project sponsor and that are technically and economically feasible.

''(3) METHODOLOGIES.—

''(A) IN GENERAL.—The lead agency shall determine, in collaboration with cooperating agencies at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a project. The lead agency shall include in the environmental document a description of the methodologies used and how the methodologies were selected.

''(B) NO EVALUATION OF INAPPROPRIATE ALTERNATIVES.—When a lead agency determines that an alternative does not meet the purpose and need for a project, that alternative is not required to be evaluated in detail in an environmental document.

''(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review.

''(5) EMPLOYMENT ANALYSIS.—The evaluation of each alternative in an environmental impact statement or an environmental assessment shall identify the potential effects of the alternative on employment, including potential short-term and long-term employment increases and reductions and shifts in employment.

''(h) COORDINATION AND SCHEDULING.—

''(1) COORDINATION PLAN.—

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

''(B) SCHEDULE.—

''(i) IN GENERAL.—The lead agency shall establish as part of the coordination plan for a project, after consultation with each participating agency and, where applicable, the project sponsor, a schedule for completion of the environmental review. The schedule shall include deadlines, consistent with subsection (i), for decisions under any other Federal laws (including the issuance or denial of a permit or license) relating to the project that is covered by the schedule.

''(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

''(I) the responsibilities of participating agencies under applicable laws;

''(II) resources available to the participating agencies;

''(III) overall size and complexity of the project;

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

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

''(VI) the extent to which similar projects in geographic proximity were recently subject to environmental review or similar State procedures.

''(iii) COMPLIANCE WITH THE SCHEDULE.—

''(I) All participating agencies shall comply with the time periods established in the schedule or with any modified time periods, where the lead agency modifies the schedule pursuant to subparagraph (D).

''(II) The lead agency shall disregard and shall not respond to or include in any document prepared under NEPA, any comment or information submitted or any finding made by a participating agency that is outside of the time period established in the schedule or modification pursuant to subparagraph (D) for that agency's comment, submission or finding.

''(III) If a participating agency fails to object in writing to a lead agency decision, finding or request for concurrence within the time period established under law or by the lead agency, the agency shall be deemed to have concurred in the decision, finding or request.

''(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

''(D) MODIFICATION.—The lead agency may—

''(i) lengthen a schedule established under subparagraph (B) for good cause; and

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

''(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

''(i) provided within 15 days of completion or modification of such schedule to all participating agencies and to the project sponsor; and

''(ii) made available to the public.

''(F) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review for any project, the lead agency shall have authority and responsibility to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review for the project.

''(i) DEADLINES.—The following deadlines shall apply to any project subject to review under NEPA and any decision under any Federal law relating to such project (including the issuance or denial of a permit or license or any required finding):

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

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

''(i) the lead agency shall issue an environmental impact statement within 2 years after the earlier of the date the lead agency receives the project initiation request or a Notice of Intent to Prepare an Environmental Impact Statement is published in the Federal Register; and

''(ii) in circumstances where the lead agency has prepared an environmental assessment and determined that an environmental impact statement will be required, the lead agency shall issue the environmental impact statement within 2 years after the date of publication of the Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register.

''(B) ENVIRONMENTAL ASSESSMENT PROJECTS.—For projects requiring preparation of an environmental assessment, the lead agency shall issue a finding of no significant impact or publish a Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register within 1 year after the earlier of the date the lead agency receives the project initiation request, makes a decision to prepare an environmental assessment, or sends out participating agency invitations.

''(2) EXTENSIONS.—

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

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

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

''(B) LIMITATION.—The environmental review shall not be extended by more than 1 year for a project requiring preparation of an environmental impact statement or by more than 180 days for a project requiring preparation of an environmental assessment.

''(3) ENVIRONMENTAL REVIEW COMMENTS.—

''(A) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by agencies and the public on a draft environmental impact statement, the lead agency shall establish a comment period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

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

''(B) OTHER COMMENTS.—For all other comment periods for agency or public comments in the environmental review process, the lead agency shall establish a comment period of no more than 30 days from availability of the materials on which comment is requested, unless—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

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

''(4) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Notwithstanding any other provision of law, in any case in which a decision under any other Federal law relating to the undertaking of a project being reviewed under NEPA (including the issuance or denial of a permit or license) is required to be made, the following deadlines shall apply:

''(A) DECISIONS PRIOR TO RECORD OF DECISION OR FINDING OF NO SIGNIFICANT IMPACT.—If a Federal agency is required to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project prior to the record of decision or finding of no significant impact, such Federal agency shall approve or otherwise act not later than the end of a 90-day period beginning—

''(i) after all other relevant agency review related to the project is complete; and

''(ii) after the lead agency publishes a notice of the availability of the final environmental impact statement or issuance of other final environmental documents, or no later than such other date that is otherwise required by law, whichever event occurs first.

''(B) OTHER DECISIONS.—With regard to any approval or other action related to a project by a Federal agency that is not subject to subparagraph (A), each Federal agency shall approve or otherwise act not later than the end of a period of 180 days beginning—

''(i) after all other relevant agency review related to the project is complete; and

''(ii) after the lead agency issues the record of decision or finding of no significant impact, unless a different deadline is established by agreement of the Federal agency, lead agency, and the project sponsor, where applicable, or the deadline is extended by the Federal agency for good cause, provided that such extension shall not extend beyond a period that is 1 year after the lead agency issues the record of decision or finding of no significant impact.

''(C) FAILURE TO ACT.—In the event that any Federal agency fails to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project within the applicable deadline described in subparagraph (A) or (B), the permit, license, or other similar application shall be deemed approved by such agency and the agency shall take action in accordance with such approval within 30 days of the applicable deadline described in subparagraph (A) or (B).

''(D) FINAL AGENCY ACTION.—Any approval under subparagraph (C) is deemed to be final agency action, and may not be reversed by any agency. In any action under chapter 7 seeking review of such a final agency action, the court may not set aside such agency action by reason of that agency action having occurred under this paragraph.

''(j) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

''(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental, historic, or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) ISSUE RESOLUTION.—

''(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies and the project sponsor, to resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

''(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, and the Council on Environmental Quality for further proceedings in accordance with section 204 of NEPA, and shall publish such notification in the Federal Register.

''(k) REPORT TO CONGRESS.—The head of each Federal agency shall report annually to Congress—

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

''(2) the projects for which the agency issued a record of decision or finding of no significant impact and the length of time it took the agency to complete the environmental review for each such project;

''(3) the filing of any lawsuits against the agency seeking judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA, including the date the complaint was filed, the court in which the complaint was filed, and a summary of the claims for which judicial review was sought; and

''(4) the resolution of any lawsuits against the agency that sought judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA.

''(l) LIMITATIONS ON CLAIMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for an action subject to NEPA shall be barred unless—

''(A) in the case of a claim pertaining to a project for which an environmental review was conducted and an opportunity for comment was provided, the claim is filed by a party that submitted a comment during the environmental review on the issue on which the party seeks judicial review, and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

''(B) filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

''(2) NEW INFORMATION.—The preparation of a supplemental environmental impact statement, when required, is deemed a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing the record of decision for such action. Any claim challenging agency action on the basis of information in a supplemental environmental impact statement shall be limited to challenges on the basis of that information.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

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

''(n) EFFECTIVE DATE.—The requirements of this subchapter shall apply only to environmental reviews and environmental decisionmaking processes initiated after the date of enactment of this subchapter.

''(o) APPLICABILITY.—Except as provided in subsection (p), this subchapter applies, according to the provisions thereof, to all projects for which a Federal agency is required to undertake an environmental review or make a decision under an environmental law for a project for which a Federal agency is undertaking an environmental review.

''(p) SAVINGS CLAUSE.—Nothing in this section shall be construed to supersede, amend, or modify sections 134, 135, 139, 325, 326, and 327 of title 23, sections 5303 and 5304 of title 49, or subtitle C of title I of division A of the Moving Ahead for Progress in the 21st Century Act and the amendments made by such subtitle (Public Law 112–141).''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the items relating to subchapter II the following:

''SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

''560. Coordination of agency administrative operations for efficient decisionmaking.''.

(c) REGULATIONS.—

(1) COUNCIL ON ENVIRONMENTAL QUALITY.—Not later than 180 days after the date of enactment of this title, the Council on Environmental Quality shall amend the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, and shall by rule designate States with laws and procedures that satisfy the criteria under section 560(d)(2)(A) of title 5, United States Code.

(2) FEDERAL AGENCIES.—Not later than 120 days after the date that the Council on Environmental Quality amends the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, each Federal agency with regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall amend such regulations to implement the provisions of this subchapter.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of House Report 113–374. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 113–374.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, strike lines 1 through 19.

The CHAIR. Pursuant to House Resolution 501, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1300

Ms. JACKSON LEE. Mr. Chairman, my amendment strikes the provision deeming approved any project in which the agency does not meet deadlines contained in the bill. As we have listened to the discussion, as I indicated in my earlier time on the floor, there is much that we can agree to on the issue of making more effective our Federal Government, making it work for the people. We all agree to that. In fact, I had suggested that we provide full funding for infrastructure rebuild.

But this bill ignores the value of oversight. The bill also ignores the fact that NEPA has, for more than 40 years, provided an effective framework for all types of projects—not just construction projects—that require Federal approval pursuant to a Federal law such as the Clean Air Act.

I want to read into the RECORD a comment that I made earlier, why this is a misdirected legislation. The CEQ, general counsel for 25 years during the Reagan, George H. W. Bush, Clinton, and George W. Bush administrations, who was intimately involved in the implementation of NEPA through the executive branch, observed most delays in the environmental review processes are caused by factors other than NEPA or justified by the nature of the project.

But yet this bill would indicate that if by the time that this bill designates the oversight has not been finished—that could be an oversight for a nuclear-fired plant; it could be an oversight dealing with some of the energy resources that we have that require that kind of oversight; it could be the oversight of building a major construction project through a heavily populated neighborhood; or it could be oversight on many aspects of America's business—then this bill says it is simply deemed up—deemed up, Mr. Chairman.

So how can one believe that problems will be solved by just ignoring—ignoring—the process?

There is a major problem with the section that my amendment addresses, and that is that automatic approval, that deeming up, that beaming up. And so I would ask my colleagues to support the Jackson Lee amendment which relieves us of that burden of fearfully passing legislation that would, in fact, deem up.

I reserve the balance of my time.

Mr. MARINO. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chair, with all due respect to my colleague with whom we have worked closely on several matters on several committees, Mr. Chairman, the American people desperately need new jobs. Just this week, the Bureau of Labor Statistics reported that America's labor force participation rate is at a 35-year low. Over 92 million Americans who could work are outside of the workforce. That is more than the population of all but 14 of the world's 228 countries—and more than every country in the Western Hemisphere but Brazil and Mexico.

We face this historically low rate not because Americans don't want to work, but because so many Americans have despaired of any hope of finding a new full-time job and have abandoned the workforce. The RAPID Act offers strong help to reverse this tragedy, restore hope, and produce millions of new jobs.

We must pass the bill, not weaken it, to provide these new, high-wage jobs. But the gentlelady's amendment would weaken the bill in one of the worst possible ways. It would remove the clear consequence in the bill for agencies

that refuse to follow the bill's deadlines. That consequence is to deem permits approved if agencies refuse to approve or deny them within those deadlines.

Mr. Chairman, the bill provides 4½ years for agencies to complete their environmental reviews for new permit applications and reasonable additional time for agencies to wrap up final permit approvals or denials after that. 4½ years is more time than it took the United States to fight and win World War II.

If agencies can't wrap up their environmental reviews in that much time and then meet the bill's remaining deadlines, there is something terribly wrong with the agencies. The prospect of facing a default approval at the end of the substantial time the bill grants is an eminently responsible, reasonable way to assure that agencies will conduct full reviews and wrap their work up in time to make up-or-down decisions on their own.

I urge my colleagues to oppose the amendment, and, reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentlewoman from Texas has 2½ minutes remaining. The gentleman from Pennsylvania has 3 minutes remaining.

Ms. JACKSON LEE. Let me restate again what is in this legislation.

If a Federal agency fails to approve or disapprove the project or make the required finding of the determination within the applicable deadline, which is either 90 days or 180 days, depending on the situation, then the project is automatically deemed approved—deemed approved—by such agency.

Mr. Chairman, do the American people want something deemed approved that might be a dangerous and unsuitable project in their community?

And as it relates to the creation of jobs, I thank the gentleman for his explanation, but I will tell you that it is said by the Federal Highway Administration, the majority of the approved projects required limited documentation or analysis under NEPA. Further, when environmental requirements have caused project delays, requirements established under laws other than NEPA have generally been the fault. NEPA has not stopped the creation of jobs.

But what I can tell my good friend is that, if we could pass the unemployment insurance extension, we can give opportunity to Americans to keep looking for jobs; and if we pass an infrastructure bill, we would have jobs.

So my point is that my amendment is very simple. It is just to eliminate that provision that might dangerously put Americans in jeopardy by, in essence, allowing projects to be approved while there is a studious, conscientious review of that project that is to generate jobs but to provide for the safety, the security, the tranquility, and the peace of the American people. I can't imagine that we would want to throw into legislation on streamlining an absolute hatchet that says your neck is cut off if, in fact, you are not finished with your work; the heck with it, we are going on to produce this project.

I know that the American people believe in the spirit of my good friend from Pennsylvania's intentions. We can work together. We can put legislation forward that can be constructive. But a shortened time of 4 years is nothing to celebrate if, in essence, the time is needed for review.

I have cited some of the challenges that we face: oil spills; construction projects that have seen large numbers of deaths because of the way it was done; collapse of buildings, as we have seen in the tragedy of the building that was collapsed in Pennsylvania; and other terrible disasters that have occurred that require the rebuild of certain facilities in the United States.

I cannot imagine—again, I might say that the general counsel that was general counsel for the CEQ to all of the last four Presidents has indicated NEPA is not a problem.

I ask that my amendment, the Jackson Lee amendment, be supported and make this legislation a step better and a step in a direction to get it where it should be. I ask my colleagues to support my amendment.

Mr. Chair, for this opportunity to explain my amendment to H.R. 2641, the "Responsible and Professionally Invigorating Development Act of 2013."

If the RAPID Act were to become law in its present form, a permit or license for project would be "deemed" approved if the reviewing agency does not issue the requested permit or license within 90–120 days.

My amendment strikes the provision deeming approved any project for which agency does not meet deadlines contained in the bill.

Mr. Chair, I share some of the frustrations expressed by many members of this committee with the NEPA process.

There is something odd about a system in which it can take half a year or more to approve the siting plan for a wind farm but fracking operations regulations can be approved and conducted a few hundred feet from somebody's home with no community oversight process in just a few months.

Something is wrong with this picture.

But I strongly believe that this bill is a solution in search of a problem.

Mr. Chair, why are we wasting time with this bill when we could be passing H.R. 3546, a bill introduced by my colleague Sandy Levin, the distinguished Ranking Member of the Ways and Means Committee, which amends the Supplemental Appropriations Act, 2008 to extend emergency unemployment compensation (EUC) payments for eligible individuals to weeks of employment ending on or before January 1, 2015.

Or we could bring up and pass H.R. 3888, "The New Chance For a New Start in Life Act," a bill I introduced which provides grants for training to those out of work—who are merely seeking to pull themselves up by their bootstraps—the American way.

But here we are on the Floor of the House of Representatives voting and speaking on the "Regrettably Another Partisan Ideological Distraction Act."

The bill in its current form is an example of a medicine that is worse than a disease.

There is a major problem with the section that my amendment addresses, namely automatic approval of projects with the need for positive agency action.

Under H.R. 2641, if a federal agency fails to approve or disapprove the project or make the required finding of the termination within the applicable deadline, which is either 90 days or 180 days, depending on the situation, then the project is automatically deemed approved, deemed approved by such agency.

This creates a set of perverse incentives. First, as an agency is up against that deadline and legitimate work is yet to be completed, it is likely to disapprove the project simply because the issues have not been vetted.

Second, frequently there are times when it is the case that the complexity of issues that need to be resolved necessitates a longer review period, rather than an arbitrary limit.

So if H.R. 2641 were to become law the most likely outcome is that federal agencies would be required to make decisions based on incomplete information, or information that may not be available within the stringent deadlines, and to deny applications that otherwise would have been approved, but for lack of sufficient review time.

In other words, fewer projects would be approved, not more.

The Jackson Lee Amendment sets up a trigger after a period of time for a process, which is not automatic approval, but is rather a convening of the stakeholders around figuring out what is standing in the way of the NEPA decision.

Mr. Chair, the new requirements contained in H.R. 2641 amend the environmental review process under the National Environmental Policy Act (NEPA), even though the bill is drafted as an amendment to the APA.

The bill ignores the fact that NEPA has for more than 40 years provided an effective framework for all types of projects (not just construction projects) that require federal approval pursuant to a federal law, such as the Clean Air Act.

I urge my colleagues to support the Jackson Lee Amendment to H.R. 2641 and keep Americans working.

Mr. MARINO. Mr. Chairman, I am just going to close on this thought here. My colleague on the other side says that 4½ years is just simply not enough time to go through the permitting and licensing project. Just think about this: ask the people in the private sector when you see buildings going up, before they are going up when there is a statement on the land where the building is going to go up as to this project is going to take place in so much time, ask those people, get information to see how long it takes the private sector to do the same thing that the Federal Government is supposed to be doing. At most, a couple of years—not 10 years, not 12 years, not 15 years. Private industry can have this done in a couple of years with all the research, with all the permitting, with all the licensing, and with all the hearings.

I think one of my colleagues said this blocks out the public from hearing or making any statements. That is simply

not true. That is absolutely not true. The public still has the time and can do that.

So with that, I oppose my good friend's amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 113–374.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, insert after line 17 the following, and redesignate succeeding subsections accordingly:

''(k) LIMITATION ON USE OF SOCIAL COST OF CARBON .—

''(1) IN GENERAL.—In the case of any environmental review or environmental decisionmaking process, a lead agency may not use the social cost of carbon.

''(2) DEFINITION.—In this subsection, the term 'social cost of carbon' means the social cost of carbon as described in the technical support document entitled 'Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866', published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013, revised in November 2013, or any successor thereto or substantially related document, or any other estimate of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.''.

The CHAIR. Pursuant to House Resolution 501, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, this amendment would prohibit agencies under this legislation from using the social cost of carbon that this administration implemented under executive order. Late on a Friday afternoon in June of 2013, this increase in the cost estimate for the social cost of carbon showed up in an obscure rule regarding microwave ovens. In typical fashion with this administration, there was no public debate, no stakeholder comment, and no vote in Congress for this estimate which increased the cost over 50 percent. But they didn't consider the social cost of mental anguish and health care for those that lose their job as a result.

Then again, this is the same administration who issued a de facto ban on new coal-fired powerhouses and refused to hold listening sessions in the areas most affected by fossil fuels. Coal production is down throughout Appalachia, and down by nearly half over the last 5 years under this administration.

Too many people in Washington just don't get it. When you shut down the fossil fuel industry in a community—in particular, a coal mine—you shut down an entire community. Railroad workers, machinists, timber and coal industries, pharmacists, and schoolteachers all are effected by these kinds of policies. Entire communities, the social fabric of our Nation, are on edge while this administration's ideologically driven policies are threatening hundreds of thousands of jobs all across America.

This is the same President who, in 2008, said he would bankrupt the coal industry. This has become personal to me, Mr. Chairman, and many people throughout the coalfields of America. The rest of the world is investing in coal, building new plants, and increasing their consumption of coal—but not here in America.

This President is gambling with our economy and risking America's future. For a President who likes to talk about fairness, Mr. Chairman, blaming our fossil fuels as a health risk isn't fair.

But then again, is it fair for the EPA to require standards that can't be achieved? Is it fair to blame man for climate change when naturally occurring CO_2 emissions represent 96 percent naturally, while U.S. coal emissions contributed only two-tenths? Let me say that again. Two-tenths of 1 percent of the emissions occur from coal-fired powerhouses.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, this amendment would prohibit an agency from considering the social cost of carbon—social cost of carbon—in an agency's environmental review of a proposed construction project.

This amendment ignores the fundamental reality that climate change is real and we need to do something about it. The social cost of carbon, or SCC, is an estimate of the social and economic benefits of reducing carbon dioxide emissions that began under the Bush administration and has been upheld by the courts. For example, the U.S. Court of Appeals for the Ninth Circuit ordered the National Highway Traffic Safety Administration to include SCC in its light-truck fuel economy standards in 2007.

Thomas Sterner, an economist with the Environmental Defense Fund, cited the Obama administration's SCC estimates as ''a welcome step forward, reflecting the latest versions of the underlying models.'' Billy Pizer, a Duke University economist, notes that the ''key thing is we are recognizing the answer is not zero. We know there are negative consequences. And we are trying to put an accurate dollar value on it.''

Even William Bumpers, an attorney with Baker Botts, who typically represents manufacturers in pollution cases, acknowledged that the ''only real cost of carbon that I know is wrong is zero.''

□ 1315

Perhaps most importantly for purposes of this amendment is that there is overwhelming consensus that every ton of carbon dioxide emitted into the atmosphere has very real costs to human health, ecosystems, and the economy.

The SCC estimates involve extensive analysis of the best available peer-reviewed literature and climate economic assessment models. They include a broad range of costs associated with anticipated climate impacts on society, such as the property damage from increased flood risks, or the additional energy costs associated with climate oscillations.

Since 2009 alone, there have been a series of major climatic events that demonstrate the costly effects of climate change. How many so-called ''hundred-year storms'' have to hit a major city like New York before climate skeptics will wake up?

The 2011 Texas drought alone cost farmers and ranchers over $5 billion. How many farmer's crops must wither on the vine before we face up to the real costs inaction?

I ask my colleagues to oppose this very detrimental amendment.

I yield back the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I think we all can admit that CO_2 emissions have increased. In the last numbers of years, 200 years, CO_2 emissions have increased from 320 parts per million to 400 parts per million. During this same period of time, however, population has expanded by eight times. Life expectancy across the world has doubled. Human cancers and viral diseases have decreased. Do opponents of our fossil fuels truly believe our society will be developed on anything other than cheap, abundant, and reliable sources of energy such as coal and natural gas?

Fossil fuels have lifted billions of people out of poverty. CO_2 is essential to human life. In The New York Times, Bill Gates was quoted as saying:

If you could pick just one thing to reduce poverty, by far you would pick energy.

According to statistics from the EIA, in 2010, 80 percent of the world's GDP is attributed to fossil fuels. This represents $60 trillion.

However, the opponents of this amendment and fossil fuels in general turn a blind eye to the suffering of over 1.3 billion people across the world who have no access to electricity for heating, cooking, and water supplies. That is a social travesty.

To quote one climate scientist we spoke with:

Just so radical environmentalists can feel better about themselves, they prevent families and children living in poverty from having access to the most dependable and affordable energy resources.

That, Mr. Chairman, is immoral.

In closing, I would like to thank Chairman GOODLATTE for his staunch support of this amendment and his hard work on the underlying legislation. I urge all of my colleagues to accept this amendment and the legislation. Poverty is not just the number one threat to the environment and health in our society, but throughout the world in general.

Mr. Chairman, I yield to the gentleman from Virginia, Chairman GOODLATTE.

Mr. GOODLATTE. Mr. Chair, I rise in support of the gentleman's amendment.

Mr. Chair, I support the amendment.

It is bad enough that agencies already take too much time to conclude construction permit reviews. It is even worse for them to draw out the process on the basis of junk science. And that is precisely what the Obama Administration's pronouncements on the ''Social Cost of Carbon'' appear to be.

To be specific, multiple commenters on the Administration's latest ''findings'' argue that ''carbon's social cost is an unknown quantity; that [social-cost-of-carbon] analysts can get just about any result they desire by fiddling with non-validated climate parameters, made-up damage functions, and below-market discount rates; and that [social-cost-of-carbon] analysis is computer-aided sophistry, its political function being to make renewable energy look like a bargain at any price and fossil energy look unaffordable no matter how cheap.''

Junk science and sophistry have no place standing between hardworking Americans and new, high-paying jobs. I urge my colleagues to support the amendment.

Mr. MCKINLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WEBSTER OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 113–374.

Mr. WEBSTER of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 9, insert after ''subchapter.'' the following: ''In the case of a project for which an environmental review or environmental decisionmaking process was initiated prior to the date of enactment of this subchapter, the provisions of subsection (i) shall apply, except that, notwithstanding any other provision of this section, in determining a deadline under such subsection, any applicable period of time shall be calculated as beginning from the date of enactment of this subchapter.''.

The CHAIR. Pursuant to House Resolution 501, the gentleman from Florida (Mr. WEBSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman.

Mr. WEBSTER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I thank Chairman GOODLATTE and Mr. MARINO for putting forth this bill, the RAPID Act. This bill is a giant step toward implementing an environmental review process that works. I offer an amendment today not to alter the process, but to ensure that projects that are currently languishing in current environmental review have an opportunity to access the tools provided in this bill.

Infrastructure projects are vital to my home State of Florida. From port infrastructure to airports to seaports, road projects, even the Everglades restoration projects, my State's economy is supported by wise in investment in infrastructure.

Two projects in my State have suffered greatly under the current environmental review process. Orlando International Airport has had plans to develop a piece of property for airport services for more than a decade. The expansion would create skilled, high-paying jobs, and would be a boost to central Florida's economy. The plans have been under environmental review since 2008. A simple environmental assessment should not take more than 6 years.

Another project in our State, Port Everglades, involves deepening an existing channel by a few feet. The deepening of the channel at Port Everglades will allow more exports to flow out of our State on Post Panamax ships. This project is vital to our State as a whole, but also important to central Florida due to the large amounts of citrus that ships out of our State through Port Everglades. The more citrus we can ship, the more jobs we create. However, the channel deepening has been under environmental review for more than 17 years. For nearly two decades, Port Everglades has been caught in an endless cycle of review. The Florida delegation is committed, both Republicans and Democrats, to getting this project complete.

My amendment today is offered with these projects in mind. This amendment simply applies the same timelines that the RAPID Act establishes for new projects to projects that are currently under review.

Does it mean that they would be automatically, if it is already 4½ years into the project? No, it just means that timeline would not go beyond another 4½ years.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment would make the so-called RAPID Act, which, by the way, I would rename, as our caucus has done, the Regrettably Another Partisan Ideological Distraction Act.

This RAPID Act will apply retroactively to construction projects that are currently under review. As a result, all of the bill's problematic provisions that we have cited, including its arbitrary deadlines for environmental review and restrictions on public comment, would apply to pending construction projects that require Federal approval or Federal permitting.

This amendment, like the RAPID Act, ignores the fact that NEPA is not the problem. According to the Congressional Research Service, which is nonpartisan, project approval delays based on environmental requirements are not caused by NEPA. Rather, CRS reports that these delays are caused by State and local factors like project funding levels, local opposition to a project, a project's complexity, or late changes in the project scope.

This amendment would do nothing to address the underlying problem, and that underlying problem is the lack of funding. So we need to address, Mr. Chairman, the root causes of the delays in the process, not threaten public health and safety by automatically approving projects when agencies fail to meet arbitrary deadlines.

I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Chairman, I want to make sure everyone understands what this does. It would limit to 4½ more years. So we have a project 17 years in. Now we are saying, all right, can you give us an answer in 4½ more years? Over two decades, and we can't get an answer? I don't know; maybe we won't. But if the answer is ''no,'' say it. That is all they have to do. This doesn't automatically approve anything. What it says is, Give us an answer. Isn't 21 years long enough?

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I think it is appropriate that I utter this saying: Show me the money. When the money is there, projects can start being funded and work can begin. Workers can start working and getting paychecks. In that way, we will reinvigorate this economy. We have got to have—instead of anti-regulatory bills, we need job-creation bills.

With that, I yield back the balance of my time.

Mr. WEBSTER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chair, just to highlight some construction that has taken place in the past before we had all this regulation: San Francisco Bay Bridge construction started July 9, 1933, and the bridge opened up on November 12, 1936. Chesapeake Bay Bridge construction started in January of 1949 and the

bridge opened up July 30, 1952. Empire State Building construction started January 22, 1930, and the building opened up May 1, 1931. The Chrysler Building construction began in 1926 and was completed in 1930. One of my favorites: the new Yankee Stadium groundbreaking was in August of 2006; opening day was April of 2009.

There are thousands of comedians out of business. If my colleagues on the other side of the aisle would get serious about following the premise that the American people want—less red tape—instead of trying to be funny, we would be in good shape.

Mr. WEBSTER of Florida. I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee.

Mr. GOODLATTE. I thank the gentleman, and I rise in strong support of the gentleman's amendment.

Mr. Chair, I support the amendment.

The RAPID Act includes important reforms to assure that agencies wrap up their environmental reviews for construction permits within a generous four-and-one-half years. The current language of the bill applies these reforms to all ''environmental reviews'' and all ''environmental decisionmaking processes'' begun after the bill's enactment.

The amendment takes the next step and applies the bill to environmental reviews and environmental decisionmaking processes begun before enactment. But it also generously provides that the time remaining for agencies to conclude a review or decisionmaking process will be calculated as if the review or process had begun on the date of enactment—just as with a new permit application. Other deadlines in the bill will likewise be calculated as if the relevant timeframe began on the date of enactment, not before enactment.

The amendment thus represents a very reasonable balance between assuring that pending permit applications will at last be wrapped up and providing agencies with adequate time to wrap them up.

I urge my colleagues to support the amendment.

Mr. WEBSTER of Florida. Mr. Chairman, I thank the chairman for his support, and I urge Members to vote for this amendment. It is a good amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. WEBSTER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 113–374.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 23, insert after ''112-141).'' the following:

''(q) EXCEPTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the provisions of this section shall not apply in the case of a project described in paragraph (2), or an environmental document pertaining to such a project.

''(2) PROJECT DESCRIBED.—A project described in this paragraph is any project that pertains to a nuclear facility in an area designated as an earthquake fault zone.''.

The CHAIR. Pursuant to House Resolution 501, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment exempts from the bill any construction project for a nuclear facility planned in an area designated as an earthquake fault zone.

The RAPID Act would prevent meaningful input on complicated construction projects that have the potential to have disastrous impact on individuals living near them.

The meltdown of the nuclear reactors at the Fukushima Daiichi power plant in Japan in the aftermath of a devastating earthquake and tsunami highlights the dangers of regulatory failure when it comes to ensuring the safe operation of nuclear reactors. In particular, the Fukushima disaster illustrates the failure in planning a construction project in an area susceptible to earthquakes and tsunamis.

March 11, 2014, next week, marks the 3-year anniversary of the Fukushima meltdown. A recent reporter visiting the site described it like this:

The site of Fukushima nuclear disaster in Japan remains a post-apocalyptic landscape of abandoned towns, frozen in time.

□ 1330

Now, consider the Indian Point Nuclear Power Plant, which is only 24 miles from New York City and, according to the Nuclear Regulatory Commission, could be at risk of reactor core damage from an earthquake. An estimated 17 million people live within a 50-mile radius of the Indian Point Nuclear Power Plant.

By imposing strict deadlines and limiting opportunities for agencies and the public to participate in the approval process, this bill could prevent the Nuclear Regulatory Commission from being able to protect the tens of millions who live in the greater New York Metropolitan area and millions of Americans who live near nuclear power plants from a catastrophe akin to what happened at Fukushima in Japan.

I want to point out that we have already had nuclear accidents right here in the United States. Just last month, night shift workers inhaled plutonium that was leaked from a nuclear waste burial site in Carlsbad, New Mexico.

Radioactive materials reached the surface and were inhaled by several workers. Those workers face the possibility of subatomic particles bombarding their internal organs for the rest of their lives.

Now, imagine the immense risk to human health that would result from a large-scale leak caused by an earthquake. It would be catastrophic. We cannot afford to water down nuclear regulations or restrict the ability of the Nuclear Regulatory Commission from doing its job of protecting human health.

My amendment would ensure that the inclusive and prudential construction approval process that currently exists under the National Environmental Policy Act will continue to apply to any construction projects for a nuclear facility planned in an area designated as an earthquake fault zone.

The procedures in this bill that would short-circuit the NEPA procedures are just too dangerous when you are considering an application to construct a nuclear facility in an earthquake fault zone.

I urge everyone to support the amendment because, when it comes to constructing a nuclear facility in an earthquake fault zone, we really cannot be too careful.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, the amendment is unnecessary and could needlessly block important energy construction projects from breaking ground.

The March 2011 ''Project No Project'' study identified 351 energy projects, including nuclear projects, that, if approved, could generate $1.1 trillion for the economy and create 1.9 million jobs annually.

I appreciate that my colleague is concerned about the safety of nuclear power, including in earthquake fault zones. The RAPID Act does not require agencies to approve or deny any particular project or permit application.

It simply ensures that the environmental review and permitting process is conducted by agencies in an efficient and transparent manner. It is consistent with the administration's own guidance, the President's Jobs Council's recommendations, prior, bipartisan legislation, and the all-of-the-above energy strategy that America needs.

I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I would simply point out that, no, the RAPID Act does not guarantee any nuclear power plant or anything else, but it does short-circuit the proper review.

It, for instance, says that if certain procedures are not completed within a certain period of time, the application is deemed approved. It means that the applicant can slow-walk information and get an approval automatically because the review is not complete within a period of time.

It is just too dangerous. The present procedures that we have have, in fact, allowed us to build the nuclear power plants, and other facilities have been built.

We should not play Russian roulette with the lives of millions of Americans

by short-circuiting the environmental review of nuclear power plants, especially in earthquake fault zones.

Yes, we need energy. Yes, we should have energy from all sorts of power sources, but we should do it safely and not risk Fukushimas galore.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 113–374.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 32, after line 2, insert the following:

(d) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall have the effect of changing or limiting any law or regulation that requires or provides for public comment or public participation in an agency decision making process.

The CHAIR. Pursuant to House Resolution 501, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I thank the Rules Committee for making my amendment in order and urge my colleagues to support my commonsense amendment to protect the right of the public to comment on Federal projects under the NEPA review process.

The purpose of my amendment is simple. It protects the right of the public to comment. This amendment would ensure that H.R. 2641, the so-called RAPID Act of 2013, does not restrict the right of any member of the public to comment on construction projects that may have an environmental impact.

Like the administration and more than 20 well-respected environmental groups, I oppose the RAPID Act. This bill threatens public health and safety by putting a thumb on the scales in favor of private sector businesses in the project approval process.

It is yet another antiregulatory measure whose sole purpose is to grease the wheels of the approval process for projects that are environmentally sensitive.

Aside from creating duplicative and costly regulatory requirements that pertain to only certain types of projects, the RAPID Act would also limit the right of the public to comment on these projects.

The bill does that in two ways: First, by reducing opportunities for public input; and, second, by fast-tracking the approval process through arbitrary deadlines.

The NEPA approval process has protected the environment for more than 20 years, Mr. Chairman, and it is designed to be smart from the start.

Through an open, flexible, and timely process, NEPA empowers the public to weigh in on decisions. That means that the local farmer who owns land that would be affected by a Federal construction project has equal footing as the company that would stand to benefit from that project. My amendment is vital to ensuring that the RAPID Act doesn't shut the public out of this process.

I hope that my colleagues on the other side of the aisle will join me in ensuring that the RAPID Act does not foreclose public participation.

Accordingly, I urge that this committee make my amendment in order, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

The RAPID Act will create jobs by ensuring that the Federal environmental review and permitting process works like it should. The RAPID Act is drafted to make agencies operate efficiently and transparently; it does not prevent citizens from participating in this process.

In fact, the bill makes sure that agencies provide the public with reasonable public comment periods. It authorizes up to 60 days of public comment on Environmental Impact Statements, up to 30 days of comment on environmental assessments and other documents, and grants the lead agency authority to negotiate extensions or provide them on its own for good cause.

This is more than fair. By comparison, the National Environmental Policy Act, or NEPA, regulations only require agencies to allow 45 days for public comment on draft Environmental Impact Statements and 30 days for public comments on final Environmental Impact Statements.

The RAPID Act also reasonably requires that a person comment on an environmental document before challenging it in court, and bring any suit within 6 months, as opposed to 6 years. Opponents should not be able to delay a project indefinitely by playing hide-the-ball with agencies or by resting on their rights.

I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR (Mr. WEBSTER of Florida). The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. GOODLATTE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. WEBSTER of Florida, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes, had come to no resolution thereon.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. FUDGE. Mr. Speaker, I have a resolution at the desk previously noticed under rule IX.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on March 5, 2014, during a hearing before the House Committee on Oversight and Government Reform, Committee Chairman Darrell E. Issa gave a statement and then posed ten questions to former Internal Revenue Service official Lois Lerner, who stated that she was invoking her Fifth Amendment right not to testify;

Whereas the Committee's Ranking Member, Rep. Elijah E. Cummings, clearly sought recognition to take his turn for questions under Committee and House Rules;

Whereas, Chairman Issa then quickly adjourned the hearing and refused to allow him to make any statement or ask any questions;

Whereas Ranking Member Cummings protested immediately, stating: ''Mr. Chairman, you cannot run a Committee like this. You just cannot do this. This is, we are better than that as a country, we are better than that as a Committee.''

Whereas, Chairman Issa then returned and allowed Ranking Member Cummings to begin his statement, but when it became clear that Chairman Issa did not want to hear what Ranking Member Cummings was saying, turned off Ranking Member Cummings' microphone, ordered Republican staff to ''close it down,'' and repeatedly signaled to end the hearing with his hand across his neck;

Whereas Ranking Member Cummings objected again, stating: ''You cannot have a one-sided investigation. There is absolutely something wrong with that'';

Whereas Chairman Issa made a statement of his own and posed questions during the hearing, but refused to allow other members of the Committee, and in particular the Ranking Member who had sought recognition, to make statements under the five-minute rule in violation of House Rule XI;