

proposed adoption of the categorical exclusion to a category of actions is appropriate;

(3) identify to the public the categorical exclusion that the agency plans to use for its proposed actions; and

(4) document adoption of the categorical exclusion.

(Pub. L. 91-190, title I, §109, as added Pub. L. 118-5, div. C, title III, §321(b), June 3, 2023, 137 Stat. 43.)

§ 4336d. E-NEPA

(a) Permitting portal study

The Council on Environmental Quality shall conduct a study and submit a report to Congress within 1 year of the enactment of this Act¹ on the potential for online and digital technologies to address delays in reviews and improve public accessibility and transparency under section 4332(2)(C) of this title including, but not limited to, a unified permitting portal that would—

(1) allow applicants to—

(A) submit required documents or materials for their project in one unified portal;

(B) upload and collaborate with the applicable agencies to edit documents in real-time, as required;

(C) upload and display visual features such as video, animation, geographic information system displays, and three-dimensional renderings; and

(D) track the progress of individual applications;

(2) include a cloud based, digital tool for more complex reviews that would enhance interagency coordination in consultation by—

(A) centralizing, across all necessary agencies, the data, visuals, and documents, including but not limited to geographic information system displays, other visual renderings, and completed reports and analyses necessary for reviews;

(B) streamlining communications between all necessary agencies and the applicant;

(C) allowing for comments and responses by and to all necessary agencies in one unified portal;

(D) generating analytical reports to aid in organizing and cataloguing public comments; and

(E) be² accessible on mobile devices;

(3) boost transparency in agency processes and present information suitable for a lay audience, including but not limited to—

(A) scientific data and analysis; and

(B) anticipated agency process and timeline; and

(4) include examples describing how at least five permits would be reviewed and processed through this portal.

(b) Authorization of appropriations

There is authorized to be appropriated \$500,000 for the Council on Environmental Quality to carry out the study directed by this section.

(Pub. L. 91-190, title I, §110, as added Pub. L. 118-5, div. C, title III, §321(b), June 3, 2023, 137 Stat. 44.)

Editorial Notes

REFERENCES IN TEXT

The enactment of this Act, referred to in subsec. (a), probably means the enactment of Pub. L. 118-5, which added this section to title I of Pub. L. 91-190 and was approved June 3, 2023.

§ 4336e. Definitions

In this subchapter:

(1) Categorical exclusion

The term “categorical exclusion” means a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 4332(2)(C) of this title.

(2) Cooperating agency

The term “cooperating agency” means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 4336a(a)(3) of this title.

(3) Council

The term “Council” means the Council on Environmental Quality established in subchapter II.

(4) Environmental assessment

The term “environmental assessment” means an environmental assessment prepared under section 4336(b)(2) of this title.

(5) Environmental document

The term “environmental document” means an environmental impact statement, an environmental assessment, or a finding of no significant impact.

(6) Environmental impact statement

The term “environmental impact statement” means a detailed written statement that is required by section 4332(2)(C) of this title.

(7) Finding of no significant impact

The term “finding of no significant impact” means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.

(8) Participating Federal agency

The term “participating Federal agency” means a Federal agency participating in an environmental review or authorization of an action.

(9) Lead agency

The term “lead agency” means, with respect to a proposed agency action—

(A) the agency that proposed such action; or

(B) if there are 2 or more involved Federal agencies with respect to such action, the agency designated under section 4336a(a)(1) of this title.

(10) Major Federal action

(A) In general

The term “major Federal action” means an action that the agency carrying out such

¹ See References in Text note below.

² So in original. Probably should be “being”.