Prior to arriving in the United States, the Pope visited Cuba. An Associated Press article, as reprinted in The Post and Courier this week, said Pope Francis gave a message that Cubans should ''overcome ideological preconceptions and be willing to change.''

In the communist totalitarian dictatorship of Cuba, only the communist ideology is allowed to be changed. Hopefully, change will lead to freedom, as proven by Pope John Paul II.

Change must come to the economy which was stolen from its owners and is now held by the Cuban military, which controls over 70 percent of all businesses. This corrupt regime impoverishing its citizens has been propped up by the Soviet Union and then Chavez of Venezuela. Both have now failed, as Russians and Venezuelans see the failure of Big Government.

In conclusion, God bless our troops, and may the President by his actions never forget September the 11th in the global war on terrorism, and God bless a liberated Cuba.

THE GENERIC DRUG MARKET

(Mr. AUSTIN SCOTT of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, we all saw this past week as the press reported on a drug that was raised from $13.50 a tablet to $750 a tablet. If you spend about 60 seconds with a physician or a pharmacist, you will find this has been going on for a couple of years now.

Very common drugs, Narcan, that our first responders use, and digoxin and nitroglycerin that our heart patients use, nitroglycerin has gone from 8 cents a tablet to $8 a tablet over the last couple of years. The same thing has happened with doxycycline, a generic antibiotic that has been on the market for years.

Mr. Speaker, I just want to ask the FDA and the Federal Trade Commission to work together to help stop this fleecing of America and what is happening in the generic drug market.

AVIAN INFLUENZA AND GEORGIA'S EFFORTS

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to bring attention to the importance of the poultry industry to Georgia and the issue of highly pathogenic avian influenza.

Georgia is the Nation's leading poultry-producing State, and my hometown of Gainesville proudly claims the title of ''chicken capital of the world.'' The poultry industry is critical to the Ninth District of Georgia and the State as a whole. The jobs of 138,000 Georgians depend on the poultry industry, and poultry represents almost half of Georgia's entire agriculture sector.

Given the scale and importance of the industry to Georgia, it is critically important that adequate attention is paid to the potential threat of bird flu. We saw the devastating impact of a highly pathogenic AI outbreak earlier this year. It was the worst animal disease outbreak in U.S. history. Now, with birds migrating south for the winter, we have to face the prospect of a disease striking the poultry industry again.

Mr. Speaker, APHIS has released a fall plan, and I understand that USDA has been in touch with State governments. But we must do more than simply conceptualize a response. We need to take proactive steps to prevent the spread and severity of high-path AI.

I want to commend Commissioner Black and the Georgia Department of Agriculture for their dedication to preparing for a potential outbreak and the commitment of thousands of Georgians who depend on the poultry industry.

I am calling on all agencies to work closely with Georgia and implement meaningful measures in coordination with State needs and recommendations. We need to shorten response time, install biosecurity measures, and work to prevent or reduce future outbreaks. We simply cannot wait to act. Steps must be taken now to mitigate damages to this industry that is so vital to the economy in northeast Georgia.

RESPONSIBLY AND PROFESSIONALLY INVIGORATING DEVELOPMENT ACT OF 2015

GENERAL LEAVE

Mr. MARINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 348.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 420 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 348.

Will the gentleman from Tennessee (Mr. DUNCAN) kindly resume the chair.

□ 0910

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 further consideration of the bill (H.R. 348) 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. DUNCAN of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Thursday, September 24, 2015, all time for general debate had 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 114–26. 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. 348

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 2015'' 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) 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 No. 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.

''(l) 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.

''(m) 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.

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

''(o) 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. 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.

''(p) 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.

''(q) 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 division, 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 division and the amendments made by this division, 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 division and the amendments made by this division, 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 division.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 114–261. 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 MR. MARINO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–261.

Mr. MARINO. Mr. Chairman, I have an amendment at the desk as the designee of Chairman GOODLATTE.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 20, strike ''PARTICIPATING'' and insert ''COOPERATING''.

Page 8, line 22, strike ''participating'' and insert ''cooperating''.

Page 8, line 23, insert after ''agencies'' the following: ''(as such term is defined in part 1500 of title 40 of the Code of Federal Regulations, as in effect on January 1, 2011)''.

Page 9, line 1, strike ''PARTICIPATING'' and insert ''COOPERATING''.

Page 9, line 4, strike ''participating'' and insert ''cooperating''.

Page 9, line 24, strike ''participating'' and insert ''cooperating''.

Page 10, line 6, strike ''PARTICIPATING'' and insert ''COOPERATING''.

Page 10, line 9, strike ''participating'' and insert ''cooperating''.

Page 10, line 15, strike ''participating'' and insert ''cooperating''.

Page 10, line 16, strike ''participating'' and insert ''cooperating''

Page 10, strike line 21 and all that follows through page 11, line 4.

Page 11, line 5, strike ''(7)'' and insert ''(6)''.

Page 11, line 20, strike ''(8)'' and insert ''(7)''.

Page 11, line 20, strike ''participating'' and insert ''cooperating''.

Page 11, beginning on line 22, strike ''participating'' and insert ''cooperating''.

Page 11, line 23, strike ''participating'' and insert ''cooperating''.

Page 11, line 25, strike ''participating'' and insert ''cooperating''.

Page 12, line 4, strike ''participating'' and insert ''cooperating''.

Page 12, line 6, strike ''participating'' and insert ''cooperating''.

Page 12, strike line 7 and all that follows through line 16.

Page 12, strike line 17, and all that follows through ''project, and the'' on line 20, and insert the following:

''(f) LEAD AGENCY INITIATION.—The''.

Page 12, beginning on line 22, strike ''the notice'' and all that follows through line 3 on page 13, and insert the following: ''an application for a project from a project sponsor.''.

Page 16, line 9, strike ''participating'' and insert ''cooperating''.

Page 16, beginning on line 22, strike ''participating'' and insert ''cooperating''.

Page 17, line 2, strike ''participating'' and insert ''cooperating''.

Page 17, line 16, strike ''participating'' and insert ''cooperating''.

Page 18, line 2, strike ''participating'' and insert ''cooperating''.

Page 18, line 7, strike ''participating'' and insert ''cooperating''.

Page 19, line 6, strike ''participating'' and insert ''cooperating''.

Page 20, beginning on line 7, strike ''the project initiation request'', and insert the following: ''an application for a project from a project sponsor''.

Page 21, beginning on line 4, strike ''participating'' and insert ''cooperating''.

Page 21, line 11, strike ''participating'' and insert ''cooperating''.

Page 22, line 7, strike ''participating'' and insert ''cooperating''.

Page 22, line 19, strike ''participating'' and insert ''cooperating''.

Page 25, line 15, strike ''participating'' and insert ''cooperating''.

Page 25, line 15, strike ''cooperatively''.

Page 25, line 23, strike ''participating'' and insert ''cooperating''.

Page 26, line 5, strike ''PARTICIPATING'' and insert ''COOPERATING''.

Page 26, line 7, strike ''participating'' and insert ''cooperating''.

Page 26, line 15, strike ''PARTICIPATING'' and insert ''COOPERATING''.

Page 26, line 18, strike ''participating'' and insert ''cooperating''.

Page 27, line 5, strike ''participating'' and insert ''cooperating''.

Page 29, line 9, strike ''a party that'' and insert ''a party to the administrative proceeding, and the party''.

The CHAIR. Pursuant to House Resolution 420, the gentleman from Pennsylvania (Mr. MARINO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MARINO. Mr. Chairman, this amendment makes numerous technical and other minor wording changes to the bill. Together, these revisions clarify that the bill does not authorize duplicative agency review proceedings, does not require duplicative project notification and initiation of agency review procedures, and does not allow permitting decisions to be challenged in court by parties who did not first present their arguments in the administrative proceedings that produced the challenged permit.

The amendment constitutes an agreement reached between the Judiciary Committee and the other committee of jurisdiction, the Natural Resources Committee.

Mr. Chairman, I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, although I am not opposed to the amendment.

The CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

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

Mr. GRIJALVA. Mr. Chairman, the manager's amendment has been categorized as a technical amendment. We are told the amendment is designed to clarify the bill, which is being sold as the answer to our Nation's economic woes.

The bill is supposed to streamline government environmental reviews, and this amendment is supposed to streamline the underlying bill. Unfortunately, the only thing that is being streamlined here are the facts about NEPA.

Mr. Chairman, the facts are not in the Republicans' favor. For more than 40 years, NEPA has ensured that federally funded projects are carried out in a transparent and cost-effective manner, while fostering public participation in the decisionmaking process and minimizing impacts to the environment.

In fact, NEPA often provides the only forum for citizens to engage in major Federal actions that affect our health, well-being, and the environment. NEPA saves millions of dollars and is a tool for environmental justice. NEPA gave the confederated Salish and Kootenai tribal governments and citizen groups an opportunity to engage in the design of U.S. 93 in western Montana, resulting in a project that successfully addressed safety, environmental, family farming, and cultural concerns.

□ 0915

NEPA's success stories, where the process saves money and improves the quality of life for people impacted by Federal decisions, go on and on. My Republican colleagues tend to streamline these stories so we never get a chance to hear them.

Here are some facts my Republican colleagues might have missed during their streamlining:

95 percent of all NEPA analyses are completed through categorical exclusion, which generally requires only a few days.

Less than 5 percent of NEPA actions require an environmental assessment, and less than 1 percent require a full EIS. Those projects that do require an EIS tend to be the largest, most complex. The delays that do occur are more likely the result of local opposition, a lack of funding, or changes in the project's scope.

Agency data, interviews with agency officials, and available studies show that most NEPA analyses do not result in litigation; yet, the underlying bill seeks to restrict judicial review, and the manager's amendment would create a judicial bar to the courthouse doors before a party could seek judicial review.

Typically, there have been fewer than 100 cases per year nationwide in the last decade even though the NEPA review process is applied to tens of thousands of government actions each year and tens of thousands more that are classified as exempt from review based on categorical exclusions.

NEPA is not a barrier to development. It is a tool for better decisionmaking. The only reason to avoid NEPA or to weaken it is so that you can make decisions less carefully. This is the purpose of the legislation.

Apparently, the bill itself was not drafted very carefully; so, we have a manager's amendment to fix all the errors. This manager's amendment is just more proof that my Republican colleagues should leave NEPA alone because their understanding of how it works and what it does is, unfortunately, too streamlined.

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

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

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MARINO).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LOWENTHAL

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–261.

Mr. LOWENTHAL. 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 14, line 11, insert after the period at the end the following: ''No alternative may be deemed feasible if the alternative does not adequately address risks associated with flooding, wildfire, and climate change.''

The CHAIR. Pursuant to House Resolution 420, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

As my fellow Californian Ronald Reagan once said, ''There you go again.'' Attacks on NEPA have become almost a common, weekly occurrence in this Congress, and H.R. 348 is just the latest iteration.

We should really call this bill the VAPID Act because it is tired, unimaginative, and a ploy to undermine one of our bedrock environmental laws: NEPA.

My amendment would not fix all of this bill's problems, but it certainly would inject some small sense of fiscal responsibility into this legislation that seemingly has been designed for wasting taxpayers' money.

Restricting the ability of the public to comment on proposed projects virtually guarantees more lawsuits and more hastily approved projects that

could turn into embarrassing boondoggles.

Particularly in the face of climate change, we must take special care to ensure that the future value of projects is considered. This means thoroughly evaluating the risks associated with more frequent and intense wildfires as well as flooding caused by stronger storms and higher sea levels.

Doing these reviews will not delay projects. As was pointed out by the ranking member, it is a fact that 95 percent of all NEPA analyses are completed through categorical exclusions, which generally require only a few days to process.

Less than 5 percent require an environmental assessment, and less than 1 percent require a full environmental impact statement, or an EIS.

Those projects that do require an EIS tend to be the largest and most complex, and delays that do occur are more likely the result of local opposition, a lack of funding, or changes in the project's scope, not due to NEPA.

Making sure that roads aren't wiped out by a future storm surge or that activities in our national forests don't spark fires or that government-financed and -permitted actions are resilient to climate change is the least we can do to protect taxpayers and the environment.

To do this, we need to keep NEPA strong, not weaken it by making government actions less transparent. The current NEPA process allows for the full consideration of the costs and the benefits of proposed actions and leads to environmentally and economically sound outcomes.

I urge a ''yea'' vote on my amendment because the threats associated with climate change and related natural hazards are too great for this House to continue to ignore.

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

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

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

Mr. MARINO. Mr. Chairman, by its terms, the amendment brands infeasible—and, thus, barred from further evaluation—project alternatives that do not appear at the outset of the review process to adequately address risks associated with flooding, wildfire, and climate change. With all due respect, that puts the cart before the horse.

The bill is intended to allow the review of alternatives that are technically and economically feasible. It is entirely possible that, during the course of review, a technically and economically feasible alternative that appears initially to be inadequate to address these risks could, on further review, be found to be adequate or to be improved to be adequate. It might even ultimately be found to be the best alternative under review.

Why should we prematurely end the evaluation of alternatives that could ultimately prove adequate with regard to these types of risks?

This does not prevent the review process. What it does prevent is someone waiting to get in at the last moment, which has been 5 or 6 years later, to jam the system up in court, therefore crushing jobs and letting regulation run rampant.

I urge my colleagues to oppose the amendment.

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

Mr. LOWENTHAL. Mr. Chairman, I just want to comment that risks due to flooding, to stronger storms, to climate change are not putting the cart before the horse. I am simply asking that we don't waste taxpayers' money by not considering these risks. This is a fiscally sound amendment, and I urge an ''aye'' vote.

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

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

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LOWENTHAL).

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

Mr. LOWENTHAL. 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 California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–261.

Mr. GRIJALVA. 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 15, after line 21, insert the following:

''(6) LOW-INCOME AND COMMUNITIES OF COLOR ANALYSIS.—The evaluation of each alternative in an environmental impact statement or an environmental assessment shall identify the potential effects of the alternative on low-income communities and communities of color.''.

The CHAIR. Pursuant to House Resolution 420, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, the National Environmental Policy Act, or NEPA, is a 45-year-old law which stands, basically, for two things: that the Federal Government should consider alternatives before taking action that can impact people's lives and that the public should have the opportunity to comment on those alternatives before a final decision is made.

House Republicans oppose both of these simple principles and so they attack NEPA time after time, year after year. The bill before us today is just a rerun of those attacks.

My amendment, unfortunately, cannot fix this bill. In fact, my amendment is really just proof of what is so dangerous about the RAPID Act. Among the critical issues that can be addressed through our existing NEPA process is ensuring environmental justice.

Bills like the one we are considering today seek to short-circuit that process; so, they seek to short-circuit environmental justice concerns. My amendment would put environmental justice considerations back in the process created by this legislation; but we would not even need this amendment if Republicans would just leave NEPA alone.

Twenty-one years ago President Bill Clinton issued his executive order on environmental justice. After decades of hard work, struggle, some victories along the way, the promise of environmental justice for all communities remains unfulfilled.

While environmental toxins and pollution know no class or race, low-income communities and communities of color bear a disproportionate share of adverse environmental consequences.

Low-income communities and communities of color are routinely targeted to host facilities that have negative environmental impacts, such as landfills, refineries, chemical plants, freeways, and ports.

Seventy-eight percent of African Americans live within 30 miles of a coal-fired power plant. Nearly one out of every two Latinos lives in the country's top 25 most ozone-polluted cities.

For decades, these communities have been battling environmental injustices and have been seeking to build healthy, livable, and sustainable communities.

NEPA recognizes that, when the public and Federal experts work together, better decisions are made. We have not solved the problem yet, but the solution is a more inclusive, more rigorous use of the NEPA process, not these constant, industry-friendly attacks on the law.

Every person has the right to live, work, and play in a healthy and safe environment; yet, too often, the health of too many Americans is determined by their race, class, ZIP code, and street address.

It is unfortunate and inefficient to have to come down here to protect these issues one by one for each and every Republican bill that is presented.

The adoption of my amendment would keep H.R. 348 from destroying the progress we have made on issues for communities of color, but it doesn't solve the problem.

A far better approach would be to drop H.R. 348 and to instead invest in making NEPA stronger and more inclusive than ever.

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

Mr. MARINO. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. MARINO. Mr. Chairman, among those who suffer most unfairly from poor government decision-making are the communities the gentleman's amendment addresses. For example, growing research shows that the costs of new regulations often have regressive effects on those with lower incomes. When poor government decision-making occurs in the permit review process, similar unfair effects may occur.

The gentleman's amendment guards against this by requiring agencies to identify and reveal the potential adverse effects of project alternatives on low-income communities and communities of color. Once identified and revealed, of course, any such effects may be avoided, minimized, or mitigated.

I urge my colleagues to support the amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

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

Mr. GRIJALVA. 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 Arizona will be postponed.

□ 0930

AMENDMENT NO. 4 OFFERED BY MR. GALLEGO

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–261.

Mr. GALLEGO. Mr. Chair, I rise to offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, line 12, strike ''or''.

Page 21, line 14, strike the period at the end and insert ''; or''.

Page 21, after line 14, insert the following:

''(iii) a deadline extension is requested by an elected official of a State or locality, or a local tribal official.''.

Page 22, line 8, strike ''or''.

Page 22, line 10, strike the period at the end and insert ''; or''.

Page 22, after line 10, insert the following:

''(iii) a deadline extension is requested by an elected official of a State or locality, or a local tribal official.''.

Page 22, line 20, strike ''or''.

Page 22, line 22, strike the period at the end and insert ''; or''.

Page 22, after line 22, insert the following:

''(iii) a deadline extension is requested by an elected official of a State or locality, or a local tribal official.''.

Page 24, line 12, strike ''or''.

Page 24, line 14, insert after ''cause,'' the following: '', or the deadline was extended pursuant to the request of an elected official of a State or locality, or a local tribal official,''.

The CHAIR. Pursuant to House Resolution 420, the gentleman from Arizona (Mr. GALLEGO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GALLEGO. Mr. Chair, I rise today to offer a commonsense amendment to the RAPID Act, a misguided bill that will disempower local leaders, including tribal leaders, and threaten the health and safety of our communities and their communities.

As a member of the Natural Resources Committee, time and time again I have witnessed the Republican majority siding with big business and gutting bedrock environmental safeguards that for decades have protected our families and our natural heritage.

My Republican friends claim that this bill is intended to protect the interest of our States and Native American tribes.

Mr. Chair, we already have a law on the books for that purpose. It is called the National Environmental Policy Act, NEPA, and it works. At its heart, NEPA ensures that our government is accountable to the people.

This critical law has protected the environment for more than 40 years without imposing arbitrary deadlines or limiting vital public input.

It guarantees the public an opportunity to review and comment on actions proposed by the government, enabling important perspectives that would otherwise go unnoticed. In this way, NEPA can actually serve as a check on Big Government.

Unfortunately, the RAPID Act promises the opposite, a deeply flawed process that would diminish the voice of State, local, and tribal communities.

The RAPID Act will also establish a new regulatory framework that purposely overrides the NEPA review process, limiting public input and consequently undermining the quality and integrity of Federal agency decisions.

Among its many dangerous provisions, the bill will also trigger the automatic approval of construction projects if agencies miss arbitrary deadlines, regardless of the complexity or hazard posed by such potential projects.

Though the bill includes some extremely limited and narrow exceptions for these deadlines, as it is currently written, it fails to extend those deadlines for our local communities.

My amendment would simply create a new good cause exception that would allow a deadline to be extended if a request is made from a local- or State-elected official or a local tribal leader.

While my amendment does not fix all the problems in the underlying bill, it ensures that, if this bill should pass, our local and tribal leaders will continue to be empowered, as they are currently under NEPA.

I support the goal of reducing red tape, but stripping away the ability of our local communities to have their voices heard is undemocratic and unacceptable. Mr. Chair, special interests don't need us to fight for them. Our communities do.

I urge my colleagues to support my amendment and to stand with our local and tribal leaders when it comes to projects in their own back yards that impact their homes, families, and business.

I yield back the balance of my time.

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

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

Mr. MARINO. Mr. Chairman, this amendment would allow agencies to escape the bill's streamlined permitting deadlines simply because an elected State or local official or a local tribal official asks for an extension.

The amendment contains no requirement that a Federal agency find the compelling basis for an extension or even a significant basis or even any substantive basis at all.

On the contrary, all that a recalcitrant Federal agency, a project opponent, or anyone else would need to defeat an efficient permitting decision is to find an elected State or local official or a local tribal official willing to put in an extension request for them.

The potential for abuse of this proposed provision by those who only seek delay for delay's sake or who seek to kill worthy projects outright is obvious.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GALLEGO).

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

Mr. GALLEGO. Mr. Chair, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–261.

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 24, strike line 19 and all that follows through page 25, line 12.

The CHAIR. Pursuant to House Resolution 420, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I hope that we will find common ground on really responding to a great concern that I think all Americans should be concerned about.

Although this bill is called the RAPID Act, were it to become law, in the present form, a permit or license for a project would be deemed approved if the reviewing agency does not issue the requested permit or license within 90 to 120 days. That is a short period of

time for complex regulatory structures that deal with complex industries.

An industry that I represent in Houston, Texas, the energy industry, has complex needs and, as well, complex impacts and consequences if we do not deal with the agencies responsible, if the DOE, for example, does not do its due diligence.

Now, let me say this, Mr. Chairman. These particular permits are done sooner than 90 to 120 days. But what this bill says is, if the agency is engaged in a very complex deliberative thought process, then, if they reach that deadline and they still have not finished, they are then, if you will, throwing to the side all of the safety issues and issues dealing with the protection of the American people under the bus.

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

I can appreciate some of the frustrations through the review process by the National Environmental Policy Act, but the cure is not this bill.

If a Federal agency has failed to approve or disapprove a project or make the required finding, we are in trouble. Babies are in trouble with formula. Senior citizens are in trouble with various pharmaceuticals. They are in trouble. And then, if we run up against the deadline, there is no response.

Second, frequently there are times when it is the case that the complexity of the issues, as I said, warrant us to do so. In other words, what this bill is saying is: To heck with reason and good judgment. We do not care. To heck with protecting the American people. We do not care.

As I listened intently and intensely to the Pope's words yesterday, I offer this quote: Moses provided us with a good synthesis of your work. You are asked to protect—and speaking to us—by means of the law, the image, and likeness fashioned by God on every human face.

This bill smacks in the face of that instruction. I believe that this amendment is worthy of passing.

Mr. Chair, if H.R. 348, the so-called 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. Chairman, I can appreciate some of the frustrations expressed by many of our friends across the aisle when it comes to review process mandated by the National Environmental Policy Act (NEPA).

But the cure they propose in H.R. 348 is an example of a medicine that is worse than the disease.

Under H.R. 348, 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 120 days, depending on the situation, then the project is automatically deemed approved by such agency.

This creates a set of unintended consequences.

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. 348 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. Chairman, H.R. 348 ostensibly seeks to make a minor procedure adjustment to the Administrative Procedure Act (APA).

In reality, however, H.R. 348 would radically transform the NEPA review process, and not for the better either.

For more than 40 years, NEPA has been the law of the land and has provided a remarkably 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.

For these reasons, I urge all Members to support the Jackson Lee Amendment.

I reserve the balance of my time.

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

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

Mr. MARINO. Mr. Chairman, the American people desperately need new jobs. According to the Bureau of Labor Statistics, America's labor force participation rate remains mired among historic lows.

Almost 94 million Americans who could work are outside the workforce. That is more than the population of all but 12 of the world's countries and more than every other country in the Western Hemisphere, except for 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 the hope, and produce millions of new jobs. We must pass the bill, not weaken it, to provide these new high-wage jobs.

The gentlewoman's amendment would weaken the bill in one of the worst possible ways. It would remove the clear consequences 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 and 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 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.

I reserve the balance of my time

Ms. JACKSON LEE. Mr. Chairman, I am so glad my colleague mentioned the question of jobs.

Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentlewoman from Texas has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Chair, I am very glad my colleague mentioned jobs because none of us here are fighting against jobs.

In fact, I happen to be supporting the full employment legislation that my good friend, Congressman JOHN CONYERS, has offered and I have joined.

We are not here speaking against jobs. We are speaking for the American people.

We are trying to explain the complexity of the permitting process. Whether it is for drilling, whether it is to deal with construction, whether it is to deal with complex environmental issues that have to be addressed impacting the American people or, for example, whether it is dealing with the Volkswagen company that saw fit to do the technology to undermine viable rules that the American automobile industry was complying with, definitely impacting jobs, I would have hoped that we would have had a process of permitting or a process of determining whether the Volkswagen company was violating these rules that were here to help the issue of pollution and other issues here, but also undermining the jobs of our own American companies.

Let me say that the Jackson Lee amendment, in essence, is to suggest that there is a lot of complexity that my friends on the other side of the aisle with the RAPID Act—the very name of it suggests that we are throwing judgment to the wind.

All we want to do is to move forward, even if they are ill. And we don't want the taxpayer dollars that have asked these workers in these agencies who have the expertise from the DOE, to the FDA and beyond—Food and Drug Administration, Department of Energy—to protect us.

I believe, Mr. Chairman, that my amendment, by eliminating the 90 to 120, deeming it approved in the midst

of a crisis when it is not fit to be approved, is an amendment that this body should pass.

I ask my colleagues to support the Jackson Lee amendment because I am here to protect the American people and to do justly, as has been given to us in a wonderful message yesterday by Pope Francis.

I yield back the balance of my time.

Mr. MARINO. Mr. Chair, how much time do I have remaining?

The CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining.

Mr. MARINO. Mr. Chair, I want to just give a couple of examples of the timing factor that we are seeing that the agencies just are not executing properly.

Cape Wind Project: For more than 12 years—12 years—they were waiting for permits to build an operation that would create jobs and renewable energy. 12 years.

Orange County toll road in Orange County, California: There was a 12-year delay there as well. The project was extended tens of millions of dollars because of the delay there, and jobs were lost because of that.

Charleston Harbor, Savannah Port dredging project: Again, there was a decade of delays in permitting because agencies are just sitting around, not taking the job responsibly. They never would survive in private industry if they operated under those conditions.

So those are a few examples of the cost in dollars and cents and the jobs that are lost because of these agencies not performing their responsibilities.

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.

□ 0945

AMENDMENT NO. 6 OFFERED BY MRS. DINGELL

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–261.

Mrs. DINGELL. 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, line 4, insert before the period at the end the following: '', unless the project would limit access to or opportunities for hunting or fishing, or impact a species listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''.

The CHAIR. Pursuant to House Resolution 420, the gentlewoman from Michigan (Mrs. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

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

The National Environmental Policy Act, or NEPA as we frequently shorthand it, is one of our bedrock conservation laws, and it has a simple premise: look before you leap. Its timelines are designed to provide transparency and public participation in government. H.R. 348 would move us in the opposite direction.

My amendment would not fix all of the problems with this bill, but it would allow hunters, anglers, and wildlife enthusiasts to continue to enjoy the benefits that NEPA provides.

Several recent stories help explain the benefits of NEPA, including the following:

Recently, a plan to improve U.S. 23 in my home State of Michigan was modified to avoid the largest loss of wetlands in our State's history. Not only will this help improve the biodiversity of the region, but it will also preserve that habitat for migratory waterfowl prized by hunters. This land could have been lost and hunters would have had their access reduced if not for the robust comment process that NEPA provides.

There are similar stories across the country. In 2013, changes to the Army Corps of Engineers' plan to increase storage capacity at the John Redmond Reservoir in Kansas were needed to protect prime deer and turkey hunting areas, as well as avoid the destruction of a local boat ramp providing fishermen access to the lake.

In 2004, sportsmen's groups from across the country banded together during the NEPA review process and caused BLM to withdraw a proposal to allow oil and gas drilling along the Rocky Mountain Front in Montana.

The list goes on and on, but the point is that none of these positive outcomes would have been achieved without a strong NEPA process that encourages public participation instead of limiting it.

Furthermore, the habitats utilized by game and sports fishermen are the same as those utilized by endangered fish, wildlife, and plants. Destroying one destroys the other, which is why NEPA must allow for a thorough review of potential impacts to listed species.

My amendment would ensure these protections will be preserved so hunters, fishermen, and American wildlife will continue to benefit from them. There is absolutely no legitimate reason to limit public oversight of taxpayer-funded projects.

NEPA shines a light on proposed government actions and helps local citizens provide new information and ideas, improve projects, and ensure sustainable decisionmaking. It helps Federal authorities consider a range of alternatives, often resulting in lower costs to the public, something I am sure everyone here supports.

NEPA is a quintessentially American, quintessentially small-government law. It reinforces the rights of people to hold their government accountable. A host of environmental groups have endorsed my amendment, but I am particularly pleased to have the support of Trout Unlimited, because my amendment would help protect the rights of anglers. If you hunt, you fish or have constituents who do, you should support a strong NEPA and vote for my amendment.

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

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

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

Mr. MARINO. Mr. Chairman, one of the linchpins of the RAPID Act is its set of provisions that: deem a permit approved if the permitting agency refuses to meet the bill's reasonable deadlines; and, prohibit a court from overturning a permit approval simply because the permit was deemed approved when deadlines expired before action was taken.

If we do not include consequences like these in the bill, how will we ever ensure that recalcitrant, foot-dragging Federal agencies will achieve the bill's goal of streamlined permit decisions?

The amendment, however, removes all consequences for agencies' foot-dragging so long as the projects at issue would either limit access to or opportunities for hunting or fishing or impact an endangered or threatened species. That is in the bill. The amendment's sponsor offers no sound reason to do this.

The bill does not require projects with these kinds of impacts to be approved. It just requires that permitting decisions, up or down, be reached after, at most, 4½ years of environmental review. Surely that is enough time to review all kinds of projects, including those that limit access to or opportunities for hunting or fishing or impact endangered or threatened species.

To make matters worse, the bill would allow agencies to drag their feet without consequences even if a project had a beneficial impact on an endangered or threatened species. Why should we allow delay for that?

I urge my colleagues to oppose the amendment.

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

Mrs. DINGELL. Mr. Chairman, I want to quickly respond to the comments made by my colleague on the other side of the aisle.

We often hear that NEPA is a scapegoat for projects being delayed, but as the GAO and others have found, outside issues, including the complexity of the project, local opposition and, most importantly, funding issues are almost always the cause of delays.

If we adequately funded highway and infrastructure projects, we wouldn't be seeing so many delays the majority is

so concerned with. NEPA is a convenient excuse, but the facts simply don't support the claim that it is the root cause of projects being delayed.

We should not be limiting the public's ability to comment on government decisions; but, instead, we should be enhancing them. This bill does the opposite. I urge my colleagues to support my amendment and oppose the underlying bill.

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

Mr. MARINO. Mr. Chairman, my colleague forgets to mention the fact that the lead Federal agency in this is responsible for maintaining a schedule, just like we do in private industry, just like we do in our own homes. That agency is responsible for going to the States and to the locals and other Federal agencies to make sure things are being done. Unfortunately, here in D.C., and sometimes at the State level, the left hand does not know what the right hand is doing, and this is making agencies responsible for that. It is just common sense.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. DINGELL).

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

Mrs. DINGELL. 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 Michigan will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PETERS

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114–261.

Mr. PETERS. 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, strike line 11 and all that follows through page 28, line 4, and redesignate provisions accordingly.

The CHAIR. Pursuant to House Resolution 420, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, before I entered public service, I practiced environmental law for 15 years in large firms, in a government office, and in my own firm. Through that experience, I learned firsthand of the frustration that many businesses and local governments face when they try to navigate overly complex and underly responsive permit processes.

I also know from experience that time is money, and often a business seeking a permit is paying dearly to hold a property or to service a loan while it waits for that permit to be issued. That is why I have often said that for applicants, ''no'' is the second best answer. Tell us ''no'' or tell us how, but don't string us along.

That is why I appreciate the spirit of the RAPID Act. I don't think it is the perfect answer. Frankly, I don't think it will become law. I am working on some other streamlining strategies that I think are superior and might have the bipartisan support that both would get them through this Chamber and the Senate and get them signed into law by President Obama.

As I told my colleagues on the Committee on the Judiciary, I will vote for the RAPID Act if Congress adopts my amendment and does not pass restrictions on considering the role of greenhouse gasses and climate change on our environment.

My amendment would simply eliminate subsection (k) of the bill, a section that explicitly prohibits any consideration of the social cost of carbon. For too long we have heard that we have to choose between a prosperous economy and a clean environment. San Diegans and people around the country know that is a false choice.

We can and we must provide economic opportunity and clean air and clean water for future generations. That means providing businesses and communities with regulatory certainty to help them plan and invest in the future, and it also means that we use this streamlined process, with tight and reliable deadlines, to analyze the economic, environmental, and social costs of carbon dioxide emissions.

As highlighted in former New York Mayor Mike Bloomberg's bipartisan Risky Business report, accounting for the social cost of carbon and preparing for climate change is just smart business practice. The costs of carbon include financial losses from sea level rise. If we continue on our current path of carbon emissions, by 2050, between 66 and 106 billion dollars worth of existing coastal property will likely be below sea level nationwide. Eighty-seven percent of all Californians live in coastal counties, and 80 percent of the State's GDP is derived from those counties.

Climate affects energy supply costs. Greenhouse gas-driven changes in temperature, catalyzed by burning fossil fuels, would require us to build new power generation facilities to help cool homes and businesses that Risky Business estimates will cost residential and commercial ratepayers as much as $12 billion a year.

That is $12 billion that could be used by families to put their kids through school or buy a home, or by businesses to hire more employees.

Climate affects the cost of national defense. In 2014, the Pentagon issued a report on the security risks associated with profound changes to global climate and the environment. The report found that climate change poses an immediate threat to national security. That will put additional upward pressure on our already-stressed defense budget.

Climate affects agriculture, water supply, fire preparedness. In California, the largest agriculture producing State in the country, we are in the fourth year of what has been one of the worst droughts in recorded history. Communities across the State are facing water shortages. Dry conditions have extended our fire season to be nearly a year-round concern.

Given the stakes associated with carbon emissions on coastal property, energy, defense, our food supply, fires, and our quality of life, shouldn't we at least understand the long-term costs associated with the project?

This bill could hold the line on responsiveness and provide long-term certainty to businesses without burying our collective heads in the sand on the costs of carbon, one of the main environmental impacts this environmental law must confront. By stripping out subsection (k) and allowing us to consider the real costs of carbon on our economy, my amendment rejects the false choice between a prosperous economy and a healthy climate. We can and we must have both.

I urge my colleagues to support my amendment.

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

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

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

Mr. MARINO. Mr. Chairman, the amendment seeks to strike the bill's prohibition against agency use in permitting reviews of the Obama administration's pronouncements on the social costs of carbon, but this prohibition was adopted last term for a very good reason.

The administration's social cost of carbon estimate is junk science. To be specific, multiple commentators on the administration's findings about the social cost of carbon 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 nonvalidated 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 has no place standing between hard-working Americans and new, high-paying jobs.

I urge my colleagues to oppose the amendment.

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

Mr. PETERS. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from California has 30 seconds remaining.

Mr. PETERS. Mr. Chairman, I have two responses. One, this is not President Obama's agenda. This is the agenda of a bipartisan report, Risky Business, the Department of Defense, and a number of other people who have recognized this is a real problem we have to confront.

Second, I would say to the gentleman: Let the science work itself out through the process. There is plenty of science that is questioned in the NEPA process. There is no other point at which this body has prevented a discussion of any content except here.

Let the process work it out. I will be with you on your timelines. We will get businesses the certainty that they deserve.

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

□ 1000

Mr. MARINO. I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my colleague from Pennsylvania and fellow member of the Judiciary Committee for yielding.

Mr. Chairman, I oppose this amendment. The social cost of carbon is a flawed concept that should play no role in the environmental decisionmaking process.

It is based on speculative formulas and has no basis in reality. Formulas can easily be manipulated to support any costly regulation.

The social cost of carbon is a political tool the Obama administration uses to impose its extreme agenda on the American people.

It is also another way that the administration tries to use secret science and data to justify questionable rulemaking. Speculating on the social cost of carbon should be restricted, not expanded.

For these reasons, an agency should not use the social cost of carbon in its environmental review or in its environmental decisionmaking process.

I urge my colleagues to oppose this amendment.

Mr. MARINO. Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. PETERS).

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

Mr. PETERS. 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 California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. GOSAR

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–261.

Mr. GOSAR. 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 28, line 1, insert after ''substantially related document,'' the following: ''the draft guidance entitled: 'Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate change in NEPA Reviews' (79 Fed. Reg. 77801), or any successor thereto or substantially related document,''.

The CHAIR. Pursuant to House Resolution 420, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today to offer a commonsense amendment that will protect American jobs and our economy by prohibiting Federal agencies from being forced to follow job-killing and unlawful draft guidance that sneakily seeks to implement Federal policies that pave the way for cap-and-trade-like mandates.

Congress and the American people have repeatedly rejected cap-and-trade proposals pushed by this President and his Big Government allies.

Knowing he can't lawfully enact a carbon dioxide tax plan, President Obama has chosen to circumvent Congress and is now seeking to address climate change by playing loose and getting creative with the Clean Air Act as well as through an unlawful guidance issued in December 2014.

The underlying bill already prohibits Federal agencies from utilizing the social cost of carbon valuation. Furthermore, the social cost of carbon valuation was rejected four times by this very body last Congress.

My simple, clarifying amendment adds to the Obama administration's revised draft guidance for greenhouse gas emissions and the effects of climate change that were issued by the White House in December 2014 to the definition for social cost of carbon in the bill.

This straightforward amendment is common sense, as this deeply flawed guidance instructs agencies to include a controversial measurement of the social cost of carbon into their analyses and is the Obama administration's latest tool for attempting to implement this terrible new model that has consistently been rejected by the House.

Roger Martella, a self-described lifelong environmentalist and career environmental lawyer, testified at the May 2015 House Natural Resources Committee hearing on the revised guidance and the flaws associated with the social cost of carbon model, stating:

The '''social cost of carbon' estimates suffer from a number of significant flaws that should exclude them from the NEPA process.

''First, projected costs of carbon emissions can be manipulated by changing key parameters such as timeframes, discount rates, and other values that have no relation to a given project undergoing review. As a result, applying social cost of carbon estimates can be used to promote pre-determined policy preferences rather than provide for a fair and objective evaluation of a specific proposed federal action.

''Second, OMB and the other federal agencies developed the draft Social Cost of Carbon estimates without any known peer review or opportunity for public comment during the development process. This process is antithetical to NEPA's central premise that informed agency decision making must be based on transparency and open dialogue with the public.

''Third, OMB's draft Social Cost of Carbon estimates are based primarily on global rather than domestic costs and benefits. This is particularly problematic for NEPA reviews because the Courts have established that agencies cannot consider transnational impacts in NEPA reviews.

''Fourth, there is still considerable uncertainty in many of the assumptions and data elements used to create the draft Social Cost of Carbon estimates, such as the damage functions and modeled time horizons. In light of the lack of transparency in the OMB's process, these concerns over accuracy are particularly problematic.''

Mr. Martella's testimony was spot on. Congress, not Washington bureaucrats at the behest of the President, should dictate our country's climate change policy.

These sweeping new changes that are seeking to be implemented by the White House did not go through the normal regulatory process, and there was no public comment.

Furthermore, the Obama administration has refused to answer pivotal questions about this guidance and even failed to send a witness to a May 2015 hearing on this matter.

While the Obama administration acknowledged the draft guidance is not legally enforceable, you best believe that Federal agencies that received the 31-page revised guidance will treat this document like it was signed into law by the President.

Unfortunately, this administration just doesn't get it and continues to try to circumvent Congress to impose an extremist agenda that is not based on the best available science.

Worse yet, the model utilized to predict the social cost of carbon can easily be manipulated to arrive at any desired outcome.

The House has rejected the social cost of carbon numerous times. I ask all those to join me once again in rejecting this flawed proposal and protecting jobs right here in America.

I commend the chairman and the committee for their efforts on this legislation and for recognizing that the NEPA process is in desperate need of reform.

I reserve the balance of my time.

Mrs. DINGELL. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Michigan is recognized for 5 minutes.

Mrs. DINGELL. Mr. Chairman, I rise in opposition to the Gosar amendment

because it would weaken a critical part of the National Environmental Policy Act.

The Council on Environmental Quality recently issued draft guidance under NEPA detailing how Federal agencies should consider the effects of greenhouse gas emissions.

This NEPA guidance is a commonsense and perfectly legal step toward reducing the Federal Government's contribution and vulnerability to global warming. It is smart planning that accounts for risk and will save taxpayers money, something I am sure that everyone here can support.

Furthermore, the guidance will only increase NEPA's effectiveness as a tool for environmental justice, helping communities that cannot afford expensive lobbyists to protect their homes and values. Climate change is hitting low-income communities and communities of color the hardest.

Instead of blocking progress, we should congratulate President Obama and CEQ on issuing this incredibly important and long overdue draft guidance to Federal agencies and urge them to issue a final version as soon as possible.

And, for the record, my understanding is CEQ did have a witness at the hearing that was just referred to.

This guidance makes clear that Federal agencies must factor greenhouse gas emissions and climate change into their decisions and will produce better, more informed and more efficient outcomes.

Efforts to convince the American people we have nothing to do with climate change—or, as Pope Francis said in words the American people understood yesterday: air pollution—will not slow the pace of actual climate change, and it will harm our economy, public health, and national security. That is why this is a bad amendment.

We urge you to vote against it.

I reserve the balance of my time.

Mr. GOSAR. I yield myself the balance of my time.

The Earth's climate has been changing since the beginning of time, and that is something that we can all agree on.

MIT researchers recently reported that there was a massive extinction some 252 million years ago that coincided with a massive buildup of carbon dioxide. While the cause of the massive buildup is unknown, it is safe to say that man did not exist and he still can't explain it.

You can take all the carbon-producing applications, whether it be oil, coal, or volcanic action, and they still can't get the models to predict. So we are leading the blind with the blind.

I ask for all Members to vote for this amendment.

I yield back the balance of my time.

Mrs. DINGELL. I yield myself the balance of my time.

Mr. Chairman, I would like to read an excerpt from Pope Francis' address to us yesterday that really stood out to me: ''I call for a courageous and responsible effort to redirect our steps, and to avert the most serious effects of the environmental deterioration caused by human activity. I am convinced that we can make a difference, and I have no doubt that the United States—and this Congress—have an important role to play.''

I take that call by our Pope very seriously. There are even reports today that China is going to announce a cap-and-trade program.

By considering this bill and this amendment, Congress is not playing a constructive role.

I urge all of my colleagues to vote ''no'' on the Gosar amendment.

I yield back the balance of my time.

Mr. MARINO. 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 sost of carbon" appear to be.

The Obama administration's current "social cost of carbon" estimate is plagued by defects including the lack of full scientific peer review, robust public comment, and full compliance with federal requirements for influential scientific assessments.

Subsection (K) of the bill prohibits the use of the administration's "technical update of the social cost of carbon for regulatory impact analysis under Executive Order No. 12866," as well as successors to it.

The gentleman's amendment makes crystal clear that agencies also may not rely on administration "guidance" documents intended to facilitate agencies' use of the prohibited technical document.

I urge my colleagues to suport the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

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

Mrs. DINGELL. 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 Arizona will be postponed.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114–261.

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 31, beginning on line 4, strike ''subsection (p)'' and insert ''subsections (q) and (r)''.

Page 31, line 17, insert after ''141).'' the following:

''(r) EXCEPTION FOR CERTAIN PROJECTS.—This subchapter does not apply in the case of any project that could be a potential target for a terrorist attack or that involves chemical facilities and other critical infrastructure.''.

The CHAIR. Pursuant to House Resolution 420, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, although we have been debating for a long period of time, let me say to my colleagues to remind them—and I see my good friend, Chairman GOODLATTE, on the floor—that this legislation amends the National Environmental Policy Act with good intentions.

However, what this bill will do is actually strip out critical input from Federal, State, local agencies, and the public, jeopardizing both the environment and public safety—let me repeat that—jeopardizing the American people, environment, and public safety.

The bill sets new, tight deadlines for environmental review, permitting, and licensing decisions and simply, as I said earlier, throws wisdom and good judgment to the wind.

I serve as a senior member on the Homeland Security Committee. And so I rise today with my amendment that improves the bill and helps to protect the homeland by carving a limiting exception for construction projects that could be potential targets for terrorist acts, such as chemical facilities, nuclear power plants, and other critical infrastructure.

Let me offer the comments of the Congressional Budget Office. They have no basis for estimating the number of construction projects that could be expedited or the savings that would be realized in this bill.

Of course, those who support it use that as their main Rock of Gibraltar, if you will, their main point of argument that this is a good bill. A good bill in the face of terrorism?

Director Comey has indicated that he has determined that there are ongoing investigations of suspected terrorist cells operating in all 50 States. Yet, we want to expedite this process when it is determining issues dealing with our national security to a certain extent.

This issue deals with the U.S. Nuclear Regulatory Commission, which the Circuit Court of Appeals of the Ninth Circuit said shall account for the potential environmental impacts of acts of terrorism in its environmental review process.

□ 1015

Are you going to rush them along?

The NRC has also imposed stringent antiterrorism requirements on its licenses through 10 CFR section 73, which outlines security requirements for the physical protection of nuclear plants and materials.

The Jackson Lee amendment covers nuclear power plants and, as well, chemical facilities to not rush the process to protect the American people.

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

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment. This amendment denies the benefit of the bill's permit streamlining provisions to any and all projects that could be terrorist targets or involve chemical facilities or other critical infrastructure. That includes projects that would help to protect those infrastructures and facilities from terrorist attacks or other adversities.

Why would we want to delay permitting decisions on projects that would help to protect us?

The bill, moreover, already provides up to 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.

As I have said before, 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 those agencies.

Mr. Chairman, new projects, whether they be infrastructure projects that make a dam stronger or make a highway safer or make a nuclear facility less vulnerable to attack, are all important things to do, and we should do them with expedition, not take longer rather than shorter to get them done, because all the time that we are spinning our wheels with the permitting process that can take 20 years or more, we are more vulnerable during that time.

Almost all new infrastructure projects are better than what they are replacing, and that should be our guiding principle. Get these things done expeditiously. It will make us safer. It will make us a better economy. It will create more jobs.

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

Ms. JACKSON LEE. Mr. Chairman, how much time do we have remaining?

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

Ms. JACKSON LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, quite the contrary to my good friend from Virginia, what this amendment does is protects the process of the NRC to fully review the potential impacts of terrorism on Federal construction projects involving nuclear facilities and chemical facilities as well.

In addition, I think when we hear the names Chernobyl, Fukushima, and Three Mile Island, we understand the vast and devastating impact of such an incident that may be caused or driven by terrorism.

I would not want to limit the NRC, which has been given court authority by law to investigate and provide an investigation, thorough investigation, on the impact on chemical and nuclear plants, and we have it restricted. It takes more than 4 years to build a nuclear facility.

So are you suggesting that the facility, then, can go on and be built for 10, 20 years, and we shut off the NEPA that has the responsibilities for the American people? I don't think that is appropriate.

Mr. Chairman, let me suggest that the American people from the Alaska Wilderness League, the Natural Resources Defense Council, and the Western Environmental Law Center are against this bill.

I will place this into the RECORD.

Mr. Chairman, the Executive Office of the President, Council on Environmental Quality is opposed to this bill, and I will insert this into the RECORD.

I just want to mention that, of course, the President has issued a veto threat. Where this bill is going, I do not know. But the main thing I would like to say to my colleagues is: Can't we stand together united around the question of national security?

My amendment specifically indicates that this issue of terrorism should be a simple carve-out, and I would ask you to do so.

Let me also bring in the comments of the Pope as indicated yesterday:

> If politics must truly be at the service of the human person, it follows that it cannot be a slave to the economy and finance. Politics is, instead, an expression of our compelling need to live as one in order to build, as one, the greatest common good: that of a community which sacrifices particular interests in order to share, in justice and peace, its goods, its interests, and its social life.

The interest of the American people is to accept the Jackson Lee amendment—to carve out an exception in this bill that is opposed by the President and all other aspects of goodwill people here dealing with the environment—to deal with this issue.

Might I remind you, Mr. Chairman, of the Volkswagen scandal. If a more robust process had been in mind, 11 million owners of Volkswagens—and 400,000 in the United States—might be in a better place.

This is a good amendment dealing with the safety and security of the American people. I ask my colleagues to support the Jackson Lee amendment.

Ms. JACKSON LEE. Mr. Chair, I have an amendment at the desk; it is listed in the Rule as Jackson Lee 9.

Many of us wear a number of hats with dual committee assignments; I am a senior member of the Homeland Security Committee and the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

This perspective and these responsibilities have given me a special appreciation for the difficult and challenging times we live in and the importance of not taking precipitous actions that could put the security of our homeland at risk.

Mr. Chair, if H.R. 348, the so-called 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.

The Jackson Lee Amendment improves the bill and helps to protect the homeland by carving a limited exception for construction projects that could be potential targets for terrorist attacks such as chemical facilities, nuclear power plants, and other critical infrastructure.

In particular, I think it is important to note that the FBI Director Comey recently indicated that there are ongoing investigations of suspected terrorist cells operating in all of the 50 states.

All federal agencies are subject to the environmental decision making requirements under NEPA.

This includes the U.S. Nuclear Regulatory Commission, which the Circuit of Appeals for the Ninth Circuit has held "shall account for the potential environmental impacts of acts of terrorism in its environmental review process."

The NRC has also imposed stringent anti-terrorism requirements on its licenses pursuant to 10 C.F.R. Section 73, which outlines security requirements for the physical protection of nuclear plants and materials.

A nuclear power plant is, a chemical facility covered by the Jackson Lee Amendment.

Mr. Chair, we should not limit the ability of the NRC to fully review the potential impacts of terrorism on Federal construction projects involving nuclear facilities and chemical facilities, as would be the case were H.R. 348 to become law.

Worse still, H.R. 348 would automatically deem construction projects approved even where the NRC needs more time to complete its review of the environmental risk and/or the potential vulnerability of a critical infrastructure facility to terrorist attack.

The Jackson Lee Amendment ensures the rushed and dangerous approach to the NEPA approval process embodied in H.R. 348 does not adversely impact the security of the homeland from the risk of terrorist attacks on nuclear facilities or other critical infrastructure construction projects.

In short, the Jackson Lee Amendment provided added protection to keep Americans safe.

I urge support for the Jackson Lee Amendment.

SEPTEMBER 17, 2015.

DEAR REPRESENTATIVE: On behalf of our millions of members and activists, we are writing to urge you to oppose H.R. 348, the misleadingly named "Responsibly and Professionally Invigorating Development Act of 2015." Instead of improving the permitting process, the bill will severely undermine the National Environmental Policy Act (NEPA) and, consequently, the quality and integrity of federal agency decisions.

The National Environmental Policy Act plays a critical role in ensuring that projects are carried out in a transparent, collaborative, and responsible manner. NEPA simply requires federal agencies to assess the environmental, economic, and public health impacts of proposals, solicit the input of all affected stakeholders, and disclose their findings publicly before undertaking projects that may significantly affect the environment. Critically, NEPA recognizes that the public—which includes industry, citizens, local and state governments, and business owners—can make important contributions by providing unique expertise. NEPA also

gives a voice to the most impacted and underrepresented, especially to the most vulnerable communities who usually have to bear the most burden of where federal projects are proposed in the first place. However, H.R. 348 strikes at these core purposes of NEPA by systematically prioritizing speed of decisions and project approval over the public interest.

Studies on the causes of delay in the permitting process reveal that the primary cause of delay is not the NEPA process. Rather, as multiple studies by the Government Accountability Office and the Congressional Research Service have pointed out, the principal causes of delay in permitting rest outside the NEPA process entirely and are attributable to other factors such as lack of funding, project complexity, and local opposition to the project. The RAPID Act ignores the true causes of delay, and instead, focuses on institutionalizing dangerous ''reforms'' that restrict public input, limit review of the environmental and economic impacts of projects, and that create more, not less, bureaucracy. Provisions in the RAPID Act, such as the following, will create more delays in permitting, result in less flexibility in the process, and tilt the entire permitting process towards shareholder interest, not the public interest. For example, the bill:

Places Arbitrary Limitations on Environmental Reviews—Section 560(i) of the bill threatens to undermine NEPA's goal of informed decision-making and the agency's role of acting in the public interest. It sets arbitrary deadlines on environmental reviews of permits, licenses, or other applications—regardless of the possible economic, health, or environmental impacts. Consequently, it puts communities at risk by promoting rushed and faulty decisions.

Limits Consideration of Alternatives—Section 560(g) strikes at what CEQ regulations describe as ''the heart of the NEPA process'' by restricting the range of reasonable alternatives to be considered by an agency.

Creates Serious Conflicts of Interests—Section 560(c) blurs the distinct roles of private entities and agencies in agency decisions by allowing private project sponsors with stakes in the decision to prepare environmental review documents which creates inherent conflicts of interest and thus jeopardizes the integrity of the decision-making process.

Leading to Unanticipated Delays—The bill forces stakeholders into court preemptively simply to preserve their right to judicial review. The bill also limits the public's judicial access to challenge and address faulty environmental reviews which in turn is likely to increase the controversy and the amount of litigation derived from the permitting process which in turn could add to project delays.

Denies the Impacts of Climate Change—Section 560(k) of the bill prohibits any considerations of the Social Cost of Carbon (SCC), which the EPA and other federal agencies use to estimate the economic damages associated with specific projects and their related carbon dioxide emissions. The tool is critical for the public to understand the true benefits and costs of a project. Ignoring climate change puts critical infrastructure, tax payer dollars, and local communities at risk.

Provisions such as these and many more in the RAPID Act will only serve to increase delay and confusion around the environmental review process. We believe compromising the quality of environmental review and limiting the role of the public is the wrong approach.

Far from being broken, the National Environmental Policy Act has proven its worth as an invaluable tool. It ensures that the public, developers, and agencies have a reliable template for consistent and fair proposal assessment for major projects that may impact federal resources. The RAPID Act contradicts and jeopardizes decades of experience gained from enacting this critical environmental law. Further, it tips the balance away from informed decisions and public oversight, jeopardizing the public's ability to participate in how public resources will be managed. Please oppose this unnecessary and overreaching piece of legislation and vote ''no'' on the RAPID Act.

Alaska Wilderness League, American Rivers, Center for Biological Diversity, Citizens for Global Solution, Clean Air Task Force, Clean Air Council, Clean Water Action, Conservation Colorado, Conservatives for Responsible Stewardship, Defenders of Wildlife, Earthjustice, EDF Action, Environmental Law and Policy Center, Epic—Environmental Protection Information Center, Energy Action Coalition, Friends of the Earth, Gulf Coast Center for Law & Policy, Green Latinos, Kentucky Heartwood, Klamath Forest Alliance, Klamath Siskiyou Wildlands Center, League of Conservation Voters, Los Padres ForestWatch, Marine Conservation Institute, Montana Environmental Information Center, National Parks Conservation Association, Natural Resources Defense Council, New Energy Economy, New Jersey Sierra Club, Oceana, Ocean Conservation Research, Public Citizen, Rachel Carson Council, Safe Climate Campaign, Sierra Club, Southern Environmental Law Center, Southern Oregon Climate Action Now, SustainUS, Union of Concerned Scientists, Western Environmental Law Center, The Wilderness Society.

EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY,

Washington, DC, September 24, 2015.

Hon. BOB GOODLATTE,
Chairman,
House Committee on the Judiciary.
Hon. JOHN CONYERS, JR.,
Ranking Member,
House Committee on the Judiciary.

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER CONYERS: I am writing to you to provide the Council on Environmental Quality's (CEQ) views on H.R. 348, the ''Responsibly and Professionally Invigorating Development Act of 2015.'' Although the bill purports to streamline environmental reviews, we believe the legislation is deeply flawed and will undermine the environmental review process. If enacted, these changes could lead to more confusion and delay, interfere with public participation and transparency, and hamper economic growth.

The National Environmental Policy Act (NEPA) was signed into law by President Richard Nixon after passing Congress with overwhelming bipartisan support. NEPA ushered in a new era of citizen participation in government, and it required the government to elevate the consideration of the environmental effects of its proposed actions. It remains one of the cornerstones of our Nation's modern environmental protections.

NEPA is as relevant and critical today as it was in 1970. NEPA focuses and informs decision makers, policy makers, and the public on alternatives and the tradeoffs involved in making decisions. Today, we take for granted that governmental decision making should be open and transparent, that government actions should be carefully thought out and their consequences explained, and that government should be accountable. Prior to the enactment of NEPA, this was not always the case. H.R. 348 would undo more than four decades of transparent, open, and accountable government decision making.

The Administration believes that America's economic health and prosperity are tied to the productive and sustainable use of our environment, and the President has stressed these principles since his first day in office. NEPA remains a vital tool for the Nation as we work to protect our environment and public health and continue to grow our economy.

The President also takes seriously the need for efficient permitting and decision making by Federal agencies. American taxpayers, communities and businesses deserve nothing less. However, we reject the notion that NEPA and other Federal environmental laws and regulations hinder job creation.

For example, the Federal Highway Administration (FHWA) has found that 96.5 percent of federally funded highway projects are approved under the least intensive, shortest and quickest layer of NEPA analysis, namely categorical exclusions (CEs). CEs can take as little as a few days to a few months to complete, not years, and are usually done concurrently with other aspects of the project review process so that the entire review process is completed quickly. Only 0.3 percent of FHWA projects require a full environmental impact statement (EIS), the most detailed study under NEPA. When there are project delays, they are typically caused by incomplete funding packages, project complexity, changes in project scope, local opposition, and low local priority, or compliance with other laws and requirements facilitated by the NEPA process, but rarely NEPA itself. An investigation by the Congressional Research Service (CRS) of the NEPA process in federally funded highway projects bore this same point out.

Within the Administration, we have prioritized improving the environmental review process and continue to make advancements in this space that will improve interagency coordination and synchronization of reviews to increase decision-making speed; improve project siting and project quality; expand innovative mitigation approaches; and drive accountability and transparency through the expanded use of an online permitting dashboard. For example, under Executive Order 13604, the interagency infrastructure permitting steering committee established the permitting dashboard, which makes project schedules transparent to the public and is designed to improve the timeliness and environmental outcomes of the permitting process. This was followed by a Presidential Memorandum to Federal Agencies on May 17, 2013 to modernize Federal infrastructure review, permitting regulations, policies and procedures to significantly reduce the time it takes to permit infrastructure projects. In addition, CEQ has taken several steps to improve and make more efficient Federal agency decision making.

This year, the Administration released an updated ''how-to'' handbook (also known as the Red Book), Synchronizing Environmental Reviews for Transportation and other Infrastructure Projects, to improve and modernize NEPA and other types of reviews, such as those required under the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and the Marine Mammal Protection Act (MMPA), by providing information to facilitate more widespread adoption of concurrent reviews. More synchronized reviews by Federal permitting agencies will lead to more effective and efficient environmental reviews and projects with reduced impacts to

the environment as well as savings of time and money.

CEQ also initiated a NEPA Pilot Program in March 2011 to solicit ideas from Federal agencies and the public about innovative time- and cost-saving approaches to NEPA implementation. Under this process, CEQ is working to identify additional innovative approaches that reduce the time and costs required for effective implementation of its NEPA regulations.

H.R. 348 would make a number of considerable changes to Federal agency regulatory review, permitting, and environmental analysis that undercut the core principles embodied in NEPA, including reasoned decision-making and public involvement. The legislation seeks to implement these changes to Federal agency decision making under the Administrative Procedure Act (APA). The passage of this legislation will lead to two sets of standards by which Federal agencies would be expected to comply, one for ''construction projects'' under the APA and one for all other Federal actions, such as rulemaking or planning, under NEPA. This would lead to confusion, delay, and inefficiency.

Moreover, the legislation would direct agencies, upon the request of a project sponsor, to adopt State documents if the State laws and procedures provide environmental protection and opportunities for public involvement ''that are substantially equivalent to NEPA.'' In our view, it is difficult to determine whether a State statute is substantially equivalent to NEPA and the legislation contains no requirement for agencies to determine if the State documents are adequate for NEPA purposes. More importantly, the State document may have looked at a different purpose and need for the project, a different set of alternatives than the Federal agency would have looked at, and relied on different standards for analysis. The State, for example, may not have looked at the same factors that Federal agencies are required to consider, such as environmental justice and wetlands protection. Finally, no two State processes are alike, compounding confusion for projects that cross State lines. Thus, a Federal agency's reliance on State documents may lead to inconsistencies between Federal projects and agencies, different environmental goals and protections, confusion among the public, and unclear results for businesses and project applicants.

The legislation also establishes arbitrary deadlines for the completion of NEPA analyses. Factors such as feasibility and engineering studies, non-Federal funding, conflicting priorities, local opposition, or applicant responsiveness are just a few examples of delays outside of the control of an agency. Arbitrary deadlines and provisions that automatically approve a project if the agency is unable to make a decision due to one of the factors described above will lead to increased litigation, more delays, and denied projects as agencies will have no choice but to deny a project if the review and analysis cannot be completed before the proposed deadlines.

These comments illustrate a few of the many concerns we have with the legislation. The Administration would be happy to provide the Committee with a more thorough and exhaustive list of our substantive concerns with the legislation at the request of the Committee.

In closing, when properly implemented, NEPA improves collaboration, consensus, accountability, and transparency surrounding government decision-making and actions. Our Nation's long-term prosperity depends upon our faithful stewardship of the air we breathe, the water we drink, and the land that supports and sustains us. Our country has been strengthened by the open, accountable, informed, and citizen-involved decision-making structure created by NEPA, and our economy has prospered.

Sincerely,

CHRISTY GOLDFUSS,
Managing Director,
Council on Environmental Quality.

Ms. JACKSON LEE. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time to say to my colleague from Texas that this bill is about national security.

The gentlewoman is right. We can all agree on the importance of national security and protecting our security, but making sure that when projects are planned they are implemented within a reasonable period of time. And we are talking about years—not days or weeks or even months—years for a permitting, years for examination to make sure that these are done carefully, but not decades, as happens now with a number of different projects that have been discussed over the last 2 days that, in their current state, without the kinds of repairs, without the kinds of increased improvements, without the kinds of additional safety and security protections that new projects bring online, we are more vulnerable, not less. I fear that the gentlewoman from Texas' amendment would do just that.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank my good friend for yielding to me.

Maybe we can work together on this amendment because it is a simple carve-out. It should be narrow. It clarifies that the bill's provision does not apply to environmental reviews or permitting on other agencies' decisions that could deal with potential terrorist attack targets, such as chemical facilities and other critical infrastructure. I don't think that that is something that the gentleman and myself would disagree with and, particularly, the nuclear plants, which take a longer period of time.

Mr. GOODLATTE. Reclaiming my time, I would say to the gentlewoman that the bill allows lots of time for each stage of the permitting process to cover and discover ways to make a project more secure, to make it safer, to improve it in a variety of different ways; and that the gentlewoman's amendment would harm the ability to do that, not help, because it would slow down the process under which we would have these new projects able to begin construction and then be completed.

With that, I urge my colleagues to oppose the amendment.

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. 10 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114–261.

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:

Add, at the end of the bill, 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 420, 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, the purpose of this amendment is simple. It protects the right of the public to comment.

This amendment reads: ''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.''

Now, yesterday, Mr. Chairman, the Pope, right here in this very room, called on each of us to pursue a common good, which he told us requires a courageous and responsible effort. And certainly, if we are going to protect the common good, it requires that we protect the right of the public to comment on projects that have an adverse impact on our precious environment, right there where they live.

This amendment would restore the right of any member of the public to comment on construction projects that may have an environmental impact; and because of that, I don't expect any opposition to this amendment, Mr. Chairman.

Like a number of well-respected environmental groups, I oppose H.R. 348, the so-called RAPID Act, which threatens public health and safety by putting a thumb on the scales of justice in favor of private sector businesses in the project approval process.

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

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

This bill does that in two ways: first, by reducing opportunities for public input, and secondly, by fast-tracking

the approval process through arbitrary deadlines.

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—let's say a nasty pipeline like Keystone—it ensures that that local farmer would have the ability and would stand on local footing with the construction industry and with the Federal Government.

My amendment is vital to ensuring that the RAPID Act does not shut the public out of the process. I am sure that all minds agree that that is reasonable. I urge my colleagues to support this amendment.

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

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. GOODLATTE. Mr. Chairman, I do rise in opposition to this amendment.

I do share, however, the interest of the gentleman from Georgia in promoting the common good, as mentioned by Pope Francis when he spoke in this Chamber yesterday. But the common good is people coming together to improve their lives by creating improved infrastructure for transportation, whether that is highways or mass transit, for delivering energy resources to places where that energy needs to be delivered, to improving the shipping lanes so that goods can be shipped to and from this country and within this country in ways that make it easier for consumers to receive the energy, the products, the transportation that they need and deserve.

The RAPID Act will create jobs by ensuring that the Federal environmental review and permitting process works like it should. It will also make sure that these infrastructure projects that deliver the common good will do so in a reasonable period of time, so people won't have to wait 20 years, like we heard yesterday from the gentleman from Texas, about simply lowering the draft, the 8 feet lower, for ships to get up the waterway in east Texas to deliver goods and pick up goods from ports in that part of the country. Why 20 years to make a decision about dredging 8 feet from a waterway?

The RAPID Act is drafted to make agencies operate efficiently and transparently. That is not happening in so many, many instances. But, it does not prevent citizens from participating in that 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 comments on environmental assessments and other documents, and grants the lead agency authority to negotiate extensions or provide them on its own ''for good cause.''

□ 1030

This is more than fair. By comparison, the National Environmental Policy Act, which has been cited many times on the other side of the aisle, only requires agencies to allow 45 days for public comment—not the 60 days provided in the RAPID Act—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 the amendment.

I reserve the balance of my time.

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

I would like to respond. First, in the narrowed circumstances in which an agency may supplement an environmental impact statement under the bill, the lead agency ''may'' solicit comments from agencies and the public for not more than 30 days beginning on the date of the publication of the supplement.

CEQ regulations require an agency to provide for a 45-day public review and comment period, although there is also a provision in the CEQ regulations that allows CEQ to approve alternative procedures for supplemental EISs if circumstances warrant a deviation from the normal process.

Secondly, under the bill, each participating agency is to limit its comments on a project to areas within the authority and expertise of the agency and identify statutory authority for their comments.

It specifically prohibits the lead agency from acting upon, responding to or including any document that is ''outside of the authority and expertise of the commenting participating agency.''

This is inconsistent with the CEQ regulations, which allow all agencies—whether local, tribal, State, or Federal—to comment on any substantive issue relative to the NEPA analysis, just as all members of the public should be able to do.

So, finally, I would just point out that, if we are talking about efficiency and if we are talking about the common good, it does the public no good to cut out public comment from this process. If we can agree on that, then we can agree that this amendment is a good one. With that, I ask for its approval.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

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

The Committee will rise informally.

The Speaker pro tempore (Mr. POE of Texas) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1020. An act to define STEM education to include computer science, and to support existing STEM education programs at the National Science Foundation.

The SPEAKER pro tempore. The Committee will resume its sitting.

RESPONSIBLY AND PROFESSIONALLY INVIGORATING DEVELOPMENT ACT OF 2015

The Committee resumed its sitting.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114–261 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. LOWENTHAL of California.

Amendment No. 3 by Mr. GRIJALVA of Arizona.

Amendment No. 4 by Mr. GALLEGO of Arizona.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mrs. DINGELL of Michigan.

Amendment No. 7 by Mr. PETERS of California.

Amendment No. 8 by Mr. GOSAR of Arizona.

Amendment No. 9 by Ms. JACKSON LEE of Texas.

Amendment No. 10 by Mr. JOHNSON of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. LOWENTHAL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LOWENTHAL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.