

## ELECTRONIC PERMITTING MODERNIZATION ACT

SEPTEMBER 17, 2024.—Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 5509]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5509) to modernize permitting systems at the Department of the Interior, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Electronic Permitting Modernization Act”.

#### SEC. 2. DEPARTMENT OF THE INTERIOR PERMIT ACCESSIBILITY.

In order to improve the overall economy, efficiency, and management of operations and activities of the Department of the Interior (referred to in this section as the “Department”), reduce paperwork, and provide high-quality services and access to the public, the Secretary of the Interior shall, to the extent practicable—

(1) design and deliver modernized electronic permitting systems to accept, process, and record applications (including plan submissions, payment activity, and other related correspondence) for permits, forms, and other paperwork required for activities regulated by the Department;

(2) provide a centralized electronic permitting system online repository, available to the public on the Department’s website, that includes—

(A) hyperlinks to facilitate navigation to all Department electronic permitting systems; and

(B) with respect to permits, the contact information for the appropriate Department employees providing assistance to State, Tribal, and local governments; and

(3) provide to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate periodic updates on the implementation of paragraphs (1) and (2).

### SEC. 3. CONFORMING AMENDMENT TO ENSURE CONSISTENCY WITH THE FISCAL RESPONSIBILITY ACT OF 2023.

In developing the permitting systems required under section 2 of this Act, the Secretary of the Interior shall ensure that the Department's electronic permitting systems are consistent with the priorities identified in section 110 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336d) with respect to any permit that requires review under that Act.

### PURPOSE OF THE LEGISLATION

The purpose of H.R. 5509 is to modernize permitting systems at the Department of the Interior, and for other purposes.

### BACKGROUND AND NEED FOR LEGISLATION

Several different types of activities that take place at the Department of the Interior require a permit, although the Department has no single definition of "permit." H.R. 5509, the "Electronic Permitting Modernization Act," requires the Secretary of the Interior to develop a centralized, electronic system to review, process, and respond to the relevant paperwork for activities that the Department regulates. An electronic system of this sort will provide greater transparency and access in Department decision making for applicants, regulated industries, and the public, while also holding Department officials accountable to make decisions on permits and other relevant paperwork in a timely manner. Additionally, the legislation is consistent with reforms to the National Environmental Policy Act (NEPA) process included in the Fiscal Responsibility Act, which directed the Council on Environmental Quality to conduct a study and submit a report to Congress on the use of the internet and digital technologies in carrying out NEPA reviews.

### COMMITTEE ACTION

H.R. 5509 was introduced on September 14, 2023, by Rep. Katie Porter (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On October 25, 2023, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On November 15, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 5509 by unanimous consent. Rep. Porter (D-CA) offered an amendment in the nature of a substitute designated Porter 170 ANS. The amendment in the nature of a substitute was adopted by unanimous consent. H.R. 5509, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on October 25, 2023.

### SECTION-BY-SECTION ANALYSIS

#### *Section 1. Short title*

This Act may be cited as the "Electronic Permitting Modernization Act."

*Section 2. Department of the Interior permit accessibility*

To increase efficiency of operations, reduce costs, and increase public access, the Secretary of the Department of the Interior shall create an electronic permitting system that helps to process and record applications and other submissions required for activities regulated by the Department. This system shall be centralized with hyperlinks to make navigating it easier, and include the appropriate Department point of contact for relevant permits to ensure states, tribes, and local governments access technical assistance as needed. The Secretary must also provide the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources periodic updates on the implementation of this electronic system.

*Section 3. Conforming Amendment to ensure consistency with the Fiscal Responsibility Act of 2023*

Requires the Secretary of the Interior to ensure that the electronic permitting system is consistent with the Fiscal Responsibility Act of 2023, which directed the Council on Environmental Quality to conduct a study on the use of digital technologies to streamline the environmental review process for project applicants and increase public access to the Federal decision-making process.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

| <b>H.R. 5509, Electronic Permitting Modernization Act</b>                                                    |      |                                              |               |
|--------------------------------------------------------------------------------------------------------------|------|----------------------------------------------|---------------|
| As ordered reported by the House Committee on Natural Resources on November 15, 2023                         |      |                                              |               |
| By Fiscal Year, Millions of Dollars                                                                          | 2024 | 2024-2029                                    | 2024-2034     |
| Direct Spending (Outlays)                                                                                    | 0    | 0                                            | 0             |
| Revenues                                                                                                     | 0    | 0                                            | 0             |
| Increase or Decrease (-)<br>in the Deficit                                                                   | 0    | 0                                            | 0             |
| Spending Subject to<br>Appropriation (Outlays)                                                               | *    | 1                                            | not estimated |
| Increases <i>net direct spending</i> in<br>any of the four consecutive 10-year<br>periods beginning in 2035? | No   | Statutory pay-as-you-go procedures apply? No |               |
| Increases <i>on-budget deficits</i> in<br>any of the four consecutive 10-year<br>periods beginning in 2035?  | No   | <b>Mandate Effects</b>                       |               |
|                                                                                                              |      | Contains intergovernmental mandate?          | No            |
|                                                                                                              |      | Contains private-sector mandate?             | No            |
| * = between zero and \$500,000.                                                                              |      |                                              |               |

H.R. 5509 would require the Department of the Interior (DOI) to create a central electronic system for handling permit applications and related paperwork. The bill would direct DOI to create and make publicly available an online repository for permitting, which would include a hyperlink to the permitting system and contact information for assistance. H.R. 5509 also would require DOI to periodically report to the Congress on implementation of the electronic system and repository.

DOI already operates multiple online systems that meet the bill's requirements, but the department does not have a centralized location for the system. Using information from DOI and based on the cost of implementing similar online systems, CBO estimates that creating and maintaining the centralized system would cost \$1 million over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Kelly Durand. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to modernize permitting systems at the Department of the Interior, and for other purposes.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 5509 contains no unfunded mandates as defined in the Unfunded Mandates Reform Act.

## EXISTING PROGRAMS

*Directed Rule Making.* This bill does not contain any directed rule makings.

*Duplication of Existing Programs.* This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

## CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 5509 makes no changes in existing law.

