

AMENDMENT TO THE RULES COMMITTEE PRINT

119–8

OFFERED BY MR. MOYLAN OF GUAM

At the appropriate place in subtitle F of title XXVIII, insert the following:

1 **SEC. 28____. PILOT PROGRAM TO EXPEDITE ENVIRON-**
2 **MENTAL, CULTURAL, AND HISTORIC PRESER-**
3 **VATION REVIEWS OF PRIORITY MILITARY**
4 **CONSTRUCTION PROJECTS AND PROGRAMS**
5 **IN GUAM AND THE COMMONWEALTH OF THE**
6 **NORTHERN MARIANA ISLANDS.**

7 (a) AGREEMENTS AUTHORIZED.—

8 (1) AGREEMENTS WITH FEDERAL AGENCIES.—

9 (A) IN GENERAL.—Subject to subsection
10 (c), the Secretary of Defense or the Secretary
11 of a military department may enter into an
12 agreement with the National Marine Fisheries
13 Service or the United States Fish and Wildlife
14 Service for the purpose of expediting a review
15 process under a law specified in subparagraph
16 (B) for a priority military construction project
17 or program, as designated by the Secretary, to

1 be carried out on Guam or in the Common-
2 wealth of the Northern Mariana Islands.

3 (B) LAWS SPECIFIED.—The laws specified
4 in this subparagraph are the following:

5 (i) The Marine Mammal Protection
6 Act of 1972 (16 U.S.C. 1361 et seq.).

7 (ii) The Endangered Species Act of
8 1973 (16 U.S.C. 1531 et seq.).

9 (iii) The Magnuson-Stevens Fishery
10 Conservation and Management Act (16
11 U.S.C. 1801 et seq.).

12 (iv) The Migratory Bird Treaty Act
13 (16 U.S.C. 703 et seq.).

14 (2) AGREEMENTS WITH TERRITORIAL REGU-
15 LATORY AGENCIES.—Subject to subsection (c), the
16 Secretary of Defense or the Secretary of a military
17 department may enter into an agreement with a ter-
18 ritorial regulatory agency for the purpose of expe-
19 diting a territorial environmental review, consulta-
20 tion, approval process, or a review process under di-
21 vision A of subtitle III of title 54, United States
22 Code (popularly referred to as the “National His-
23 toric Preservation Act”) for a priority military con-
24 struction project or program, as designated by the

1 Secretary, to be carried out on Guam or in the Com-
2 monwealth of the Northern Mariana Islands.

3 (b) FINANCIAL ASSISTANCE.—

4 (1) IN GENERAL.—Under the terms and condi-
5 tions of an agreement entered into under subsection
6 (a)(1) or (a)(2), the Secretary of Defense or the
7 Secretary of a military department may provide to
8 a covered agency direct financial assistance for the
9 payment of all or a portion of the estimated or ac-
10 tual eligible expenses of expediting a review process
11 for the project or program concerned.

12 (2) AGREEMENT WITH TERRITORIAL REGU-
13 LATORY AGENCIES.—Under the terms and condi-
14 tions of an agreement entered into under subsection
15 (a)(2), in addition to the direct financial assistance
16 described in paragraph (1), the Secretary may pro-
17 vide to a territorial regulatory agency indirect finan-
18 cial assistance to technically assist the agency, in-
19 cluding in connection with obtaining a decision re-
20 quired for the applicable project or program,
21 through—

22 (A) the assignment of civilian, contractor,
23 or military personnel; and

24 (B) contracts and cooperative agreements
25 entered into with third parties.

1 (3) PROHIBITION.—Financial assistance pro-
2 vided to a territorial regulatory agency under this
3 subsection may not be used to support permitting or
4 approval processes or for an activity described in
5 section 2701 of title 10, United States Code.

6 (c) LIMITATION.—The Secretary of Defense or the
7 Secretary of a military department may enter into an
8 agreement with a covered agency under subsection (a)(1)
9 or (a)(2) with respect to a project or program only if—

10 (1) the Secretary determines that it is in the in-
11 terest of national defense to carry out a review proc-
12 ess for the project or program within a particular
13 period of time; and

14 (2) the head of the covered agency provides to
15 the Secretary notice that the covered agency does
16 not have sufficient funds or adequate personnel to
17 carry out the review process within such period with-
18 out financial assistance provided under the agree-
19 ment.

20 (d) SOURCE OF FUNDS.—Subject to the availability
21 of amounts appropriated for operation and maintenance
22 in advance for such purpose, the Secretary of Defense or
23 the Secretary of a military department may provide direct
24 or indirect financial assistance pursuant to an agreement
25 under this section.

1 (e) DEFINITIONS.—In this section:

2 (1) The term “covered agency” means—

3 (A) the National Marine Fisheries Service;

4 (B) the United States Fish and Wildlife
5 Service; and

6 (C) a territorial regulatory agency.

7 (2) The term “eligible expense”, with respect to
8 a review process, includes an expense for—

9 (A) support of or participation in military
10 planning activities that precede the initiation of
11 the review process;

12 (B) activities directly related to the review
13 process, including any associated consultation
14 process; and

15 (C) development of programmatic agree-
16 ments.

17 (3) The term “review process” means the proc-
18 ess of reviewing the potential environmental, cul-
19 tural, or historic preservation impacts of a project or
20 program to determine whether the project or pro-
21 gram meets the requirements of a law referred to in
22 subsection (a)(1) or (a)(2), including requirements
23 for consultations, planning, permits, and approvals.

24 (4) The term “territorial regulatory agency”
25 means an environmental regulatory agency, or a ter-

1 ritory historic preservation office, that has jurisdic-
2 tion—

3 (A) on Guam; or

4 (B) in the Commonwealth of the Northern
5 Mariana Islands.

6 (f) SUNSET.—The authority under this section shall
7 terminate on September 30, 2031.

