

AMENDMENT TO RULES COMMITTEE PRINT 115-

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OFFERED BY M . _____

Add at the end the following:

1 **DIVISION E—NEPA**
2 **CONSIDERATIONS**

3 **SEC. 5101. CRITERIA FOR PREPARATION OF ENVIRON-**
4 **MENTAL IMPACT STATEMENTS AND ENVI-**
5 **RONMENTAL ASSESSMENTS.**

6 Title I of the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) is amended by adding at
8 the end the following:

9 **“SEC. 106. CRITERIA FOR PREPARATION OF ENVIRON-**
10 **MENTAL IMPACT STATEMENTS AND ENVI-**
11 **RONMENTAL ASSESSMENTS.**

12 **“(a) DEADLINE FOR PREPARATION OF ENVIRON-**
13 **MENTAL IMPACT STATEMENTS.—**

14 **“(1) DEADLINE.—**The head of an agency of the
15 Federal Government shall—

16 **“(A)** complete each draft environmental
17 impact statement not later than 15 months
18 after the date that the head of such agency
19 publishes in the Federal Register a notice of in-

1 tent to prepare such environmental impact
2 statement; and

3 “(B) issue a final environmental impact
4 statement and associated record of decision not
5 later than 2 years after the date that the head
6 of such agency publishes in the Federal Reg-
7 ister a notice of intent to prepare such environ-
8 mental impact statement.

9 “(2) FAILURE TO MEET DEADLINE.—In the
10 case that the head of an agency of the Federal Gov-
11 ernment has not met the deadline established under
12 paragraph (1) with respect to an environmental im-
13 pact statement or associated record of decision, the
14 head of such agency shall—

15 “(A) no later than 10 days after the dead-
16 line established under paragraph (1), post on a
17 public website maintained by the agency the
18 reasons for noncompliance with the deadline;
19 and

20 “(B) complete the action under paragraph
21 (1) for which the deadline was missed not later
22 than the date that is 12 months after the date
23 of such deadline.

24 “(b) PAGE LIMIT FOR ENVIRONMENTAL IMPACT
25 STATEMENTS.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, the head of an agency of
3 the Federal Government shall ensure that the text of
4 each final environmental impact statement shall not
5 exceed 150 pages.

6 “(2) UNUSUAL SCOPE OR COMPLEXITY.—Not-
7 withstanding paragraph (1), the head of an agency
8 of the Federal Government shall ensure that the text
9 of each final environmental impact statement for a
10 proposal of unusual scope or complexity shall not ex-
11 ceed 300 pages, excluding any appendices.

12 “(c) TIME LIMIT ON PREPARATION OF ENVIRON-
13 MENTAL ASSESSMENTS.—The head of each agency of the
14 Federal Government shall ensure that each environmental
15 assessment and, if applicable, associated finding of no sig-
16 nificant impact is prepared by not later than 6 months.

17 “(d) ERRATA SHEETS.—In preparing a final environ-
18 mental impact statement under section 102(2)(c), if agen-
19 cy of the Federal Government modifies the statement in
20 response to comments that are minor and are confined to
21 factual corrections or explanations of why the comments
22 do not warrant additional agency response, the agency
23 may employ errata sheets attached to the statement, sub-
24 ject to the condition that the errata sheets—

1 “(1) cite the sources, authorities, or reasons
2 that support the position of the agency; and

3 “(2) if appropriate, indicate the circumstances
4 that would trigger agency reappraisal or further re-
5 sponse.

6 “(e) SINGLE DOCUMENT.—With respect to each
7 project for which an environmental impact statement is
8 required to be prepared under section 102(2)(c), the lead
9 agency shall, to the maximum extent practicable, develop
10 a single document that consists of the final environmental
11 impact statement and associated record of decision, un-
12 less—

13 “(1) the final environmental impact statement
14 makes substantial changes to the proposed action
15 that are relevant to environmental or safety con-
16 cerns; or

17 “(2) there is a significant new circumstance or
18 information relevant to environmental concerns that
19 bears on the proposed action or the impacts of the
20 proposed action.

21 “(f) FONSI AND ROD REVIEW.—It shall be an af-
22 firmative defense to any action challenging the sufficiency
23 of an environmental review conducted under this Act that
24 the affected Federal agency made a good faith effort to
25 produce a sufficient record of decision or finding of no

- 1 significant impact within the deadlines provided for in this
- 2 section, using the resources available at that time.”.

