AMENDMENT TO THE RULES COMMITTEE PRINT

FOR H.R. 5303

OFFERED BY MR. PERRY OF PENNSYLVANIA

At the end of title I, add the following:

1 **SEC. 153. CLEAN WATER ACT CERTIFICATION BY FERC.**

2 Section 401(a)(1) of the Federal Water Pollution

3 Control Act (33 U.S.C. 1341(a)(1)) is amended—

4 (1) by striking "Any applicant" and inserting

5 "(A) Any applicant"; and

6 (2) by adding at the end the following:

7 "(B)(i) Notwithstanding the provisions of subpara-

8 graph (A), in the case of a project subject to the jurisdic-

9 tion of the Federal Energy Regulatory Commission for

10 which the Commission will prepared an environmental re-

11 view, assessment, or impact statement, the State, inter-

12 state agency, or Administrator, as the case may be, shall

13 participate in the environmental review process under-

14 taken by the Commission. The State, interstate agency,

15 or Administrator shall make any recommendations it de-

16 termines appropriate for reducing or mitigating any poten-

17 tial discharge into navigable waters as part of such envi-

18 ronmental review process, and the issuance of a final envi-

19 ronmental review, assessment, or impact statement by the

1 Commission shall constitute a certification as required by

2 this section.

3 ''(ii) Clause (i) shall apply to any project for which

4 the Commission has not issued a preliminary environ-

5 mental review, assessment, or impact statement as of the

6 date of enactment of this subparagraph. For projects for

7 which the Commission has issued a final environmental

8 review, assessment, or impact statement as of such date

9 of enactment, but for which certification under this section

10 has not been waived or obtained, and a permit under sec-

11 tion 404 has not been issued, the State, interstate agency,

12 or Administrator shall file any concerns about the water

13 quality impacts of the project directly with the Secretary

14 of the Army, acting through the Corps of Engineers, and

15 the Secretary shall proceed to review and act on any per-

16 mits requested for the project.''.

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