

# Comparative Print: Changes in Existing Law for Bill number:

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## Summary

- (1) 3 amendments.
- (2) 0 automated notifications.

## Current Law(s) being amended

[1. FAST Act](#)

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## Comparative Print: Changes in Existing Law

### *1. FAST Act*

[As Amended Through P.L. 118–5, Enacted June 3, 2023]

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DIVISION **D**—  
MISCELLANEOUS

# TITLE **XLI**—FEDERAL PERMITTING IMPROVEMENT

## Sec. **41001**. DEFINITIONS.

In this title:

(1) **Agency**.— The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) **Agency cerpo**.— The term “agency CERPO” means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 41002(b)(2)(A)(iii)(I).

(3) **Authorization**.— The term “authorization” means any license, permit, approval, finding, determination, or other administrative decision issued by an agency and any interagency consultation that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with section 41003(c)(3)(A), a State agency.

(4) **Cooperating Agency**.— The term “cooperating agency” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

(5) **Council**.— The term “Council” means the Federal Permitting Improvement Steering Council established under section 41002(a).

(6) **Covered project**.—

(A) **In general**.— The term “covered project” means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity, carbon capture, energy storage, or any other sector as determined by a majority vote of the Council that—

(i) (I) is subject to NEPA;

(II) is likely to require a total investment of more than \$200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law;

(ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines;

(iii) is—

(I) subject to NEPA;

(II) sponsored by an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), an Alaska Native

Corporation, a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)), the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs; and

(III) located on land owned or under the jurisdiction of the entity that sponsors the activity under subclause (II); ~~or~~

(iv) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA; ~~or~~

*(v) is related to the extraction, recovery, or processing from acid mine drainage, mine tailings, coal, coal waste, coal processing waste, or pre- or post-combustion coal byproducts of—*

*(I) a mineral of a kind that is locatable under the Mining Law of 1872 (30 U.S.C. 22 et seq.), including such a mineral located on lands acquired by the United States (as that term is defined in section 2 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351));*

*(II) a rare earth element; or*

*(III) microfine carbon or carbon from coal.*

**(B) Exclusion.**— The term “covered project” does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

**(C) Inclusion.**— For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—

(i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in paragraph (6) (B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)); and

(ii) carbon dioxide pipelines.

**(7) Dashboard.**— The term “Dashboard” means the Permitting Dashboard required under section 41003(b).

**(8) Environmental assessment.**— The term “environmental assessment” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

**(9) Environmental document.**—

**(A) In general.**— The term “environmental document” means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

**(B) Inclusions.**— The term “environmental document” includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) **Environmental impact statement.**— The term “environmental impact statement” means the detailed written statement required under section 102(2)(C) of NEPA.

(11) **Environmental review.**— The term “environmental review” means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) **Executive director.**— The term “Executive Director” means the Executive Director appointed by the President under section 41002(b)(1)(A).

(13) **Facilitating agency.**— The term “facilitating agency” means the agency that receives the initial notification from the project sponsor required under section 41003(a).

(14) **Inventory.**— The term “inventory” means the inventory of covered projects established by the Executive Director under section 41002(c)(1)(A).

(15) **Lead agency.**— The term “lead agency” means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) **NEPA.**— The term “NEPA” means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) **Participating agency.**— The term “participating agency” means an agency participating in an environmental review or authorization for a covered project in accordance with section 41003.

(18) **Project sponsor.**— The term “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

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[Section 41013 is repealed by section 70801(h) of division G of Public Law 117-58.]

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## Summary

- (1) 3 amendments.
- (2) 0 automated notifications.

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### About this report

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