

119TH CONGRESS
2D SESSION

S. _____

To improve environmental reviews and authorizations through the use of interactive, digital, and cloud-based platforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CURTIS (for himself, Mr. BOOKER, Mr. BUDD, Mr. KELLY, Mr. McCORMICK, Mr. PADILLA, Mr. DAINES, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve environmental reviews and authorizations through the use of interactive, digital, and cloud-based platforms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ePermit Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds that—

7 (1) coordination between Federal, State, and
8 local agencies and project sponsors is critical to en-
9 suring the timely and effective completion of envi-

1 ronmental reviews and authorizations, including
2 through the sharing of relevant information, align-
3 ment of environmental review timelines, and integra-
4 tion of authorizations, while maintaining compliance
5 with applicable statutory and regulatory require-
6 ments;

7 (2) digital strategies for environmental reviews
8 have proven to make the community engagement
9 process more accessible, available, and transparent
10 to all stakeholders, especially the communities in
11 which new projects are built;

12 (3) establishing robust data architectures will
13 ensure data integrity, improve transparency, reduce
14 costs, and enhance the ability of the Federal Govern-
15 ment to serve the public;

16 (4) Federal agency use of modern software that
17 can track the full lifecycle of environmental reviews
18 and authorizations is critical for—

19 (A) effective project management and
20 process improvement;

21 (B) enabling workflow automation, trans-
22 parency, and tracking; and

23 (C) simplifying reporting requirements;

24 (5) modern business process management sys-
25 tems that track Federal agency workflows and

1 produce vendor neutral, interoperable event, task,
2 and other milestone data that can be shared with
3 other Federal agency systems can reduce costs and
4 improve performance for Federal agencies respon-
5 sible for environmental reviews and authorizations;

6 (6) case and project management systems—

7 (A) are essential tools for managing the
8 tasks and activities associated with environ-
9 mental reviews and authorizations; and

10 (B) provide Federal agencies more data
11 and insight into such environmental reviews
12 and authorizations;

13 (7) well-defined business rules can enable proc-
14 ess automation that allows Federal agencies respon-
15 sible for environmental reviews or authorizations to
16 expedite routine tasks and workflows, and improve
17 transparency and accuracy of project timeline esti-
18 mates, which in turn can help project sponsors bet-
19 ter plan for application preparation and project de-
20 livery milestones;

21 (8) taking a standardized, digital-first perspec-
22 tive to environmental reviews and authorizations at
23 Federal agencies responsible for environmental re-
24 views or authorizations will improve document qual-
25 ity, lead to more concise reports, enable the reuse

1 and accessibility of the data underpinning Federal
2 agency analyses and decisions, and enable objective,
3 technology-assisted evaluation of environmental im-
4 pacts, analysis, and documentation, and accelerate
5 future environmental reviews and authorizations;

6 (9) Federal agencies responsible for environ-
7 mental reviews or authorizations, project sponsors,
8 and the public should have access to up-to-date in-
9 formation on accurate timelines and the status of
10 environmental reviews and authorizations; and

11 (10) allowing for seamless information exchange
12 among Federal agencies and between Federal agen-
13 cies and project sponsors will increase predictability
14 and efficiency of environmental review and author-
15 ization schedules for project sponsors.

16 **SEC. 3. ESTABLISHMENT OF DATA STANDARDS.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 date of enactment of this Act, the Chair of the Council
19 on Environmental Quality, in consultation with the Fed-
20 eral Permitting Improvement Steering Council, the Chief
21 Information Officers Council, the Office of Management
22 and Budget, and other relevant stakeholders and Federal
23 agencies, shall develop, publish, and iteratively update
24 data standards for the collection and curation of author-
25 ization data by Federal agencies, which shall be used to—

1 (1) assist with environmental reviews and au-
2 thorizations;

3 (2) organize, define, and standardize various
4 concepts, formats, and protocols that are included in
5 environmental reviews and authorizations; and

6 (3) reduce the need for redundant environ-
7 mental reviews by creating a shared vocabulary and
8 software systems that will support vendor neutrality,
9 data interoperability, workflow automation, and
10 automatic data exchange between Federal agencies.

11 (b) INCLUSIONS.—The data standards developed,
12 published, and iteratively updated under subsection (a)
13 shall include the following:

14 (1) A standardized taxonomy that allows Fed-
15 eral agencies to identify and track data types, rela-
16 tionships, and values.

17 (2) Comprehensive categories for data, such
18 as—

19 (A) projects;

20 (B) processes;

21 (C) environmental documents;

22 (D) public comments;

23 (E) geospatial information;

24 (F) public engagement events, as applica-
25 ble by process or Federal agency;

1 (G) case events; and

2 (H) milestones to ensure clarity and uni-
3 formity.

4 **SEC. 4. DEVELOPMENT OF PROTOTYPE TOOLS.**

5 The Chair of the Council on Environmental Quality,
6 in consultation with the Administrator of General Serv-
7 ices, the Federal Permitting Improvement Steering Coun-
8 cil, the Chief Information Officers Council, the Director
9 of the Office of Management and Budget, and other rel-
10 evant stakeholders and Federal agencies, shall design,
11 test, and build prototype tools for environmental reviews
12 and authorizations that will assist Federal agencies in im-
13 plementing the minimum functional requirements de-
14 scribed in section 5. The Chair of the Council on Environ-
15 mental Quality shall prioritize designing, testing, and
16 building tools under this section that—

17 (1) support authorization case or project man-
18 agement systems that manage tasks, milestones, and
19 activities associated with environmental reviews and
20 authorizations, and provide Federal agencies more
21 data and insight into such reviews and authoriza-
22 tions;

23 (2) enable—

1 (A) application submission and tracking
2 portals used by project sponsors, enabling
3 greater transparency; and

4 (B) public comment opportunity tracking
5 portals to increase transparency;

6 (3) facilitate automated applications, environ-
7 mental reviews, and authorizations;

8 (4) allow data exchange between Federal agen-
9 cy systems; and

10 (5) accelerate complex environmental reviews.

11 **SEC. 5. PUBLICATION OF GUIDANCE FOR IMPLEMENTA-**
12 **TION OF DATA STANDARDS AND MINIMUM**
13 **FUNCTIONAL REQUIREMENTS.**

14 (a) PUBLICATION.—Not later than 120 days after the
15 date of enactment of this Act, the Chair of the Council
16 on Environmental Quality shall publish guidance for how
17 each Federal agency responsible for environmental reviews
18 or authorizations implements—

19 (1) the data standards published under section
20 3; and

21 (2) the following minimum functional require-
22 ments:

23 (A) Application data sharing that enables
24 automated transfer of relevant environmental

1 review and authorization data among Federal
2 agencies.

3 (B) Automated project screening to assist
4 frontline staff with reviewing project sponsor
5 provided information for completeness and ac-
6 curacy and determining if a categorical exclu-
7 sion or other general authorization applies to an
8 action. Automated project screening may not be
9 used by the Council on Environmental Quality
10 or a Federal agency to unlawfully restrict any
11 activities on Federal lands.

12 (C) Public availability of screening criteria
13 and related decision models.

14 (D) Automated case or project manage-
15 ment tools which include a repository of rel-
16 evant data and metadata that enable advanced
17 tracking, reporting, and optimization to aid
18 workflows.

19 (E) Integrated geographic information sys-
20 tem analysis tools which incorporate geospatial
21 data layers and models for each resource ana-
22 lyzed as part of an environmental review or au-
23 thorization for a given study area.

24 (F) Document management tools that pre-
25 serve metadata associated with geospatial anal-

1 ysis, modeling, and other analytic processes
2 conducted during an environmental review or
3 authorization, to support future reviews and en-
4 able Artificial Intelligence-assisted analysis of
5 past decisions.

6 (G) Automated comment compilation and
7 analysis tools, including services for comment
8 categorization and response that handle the
9 lifecycle of comment submission, analysis, cat-
10 egorization and response with Artificial Intel-
11 ligence support where appropriate.

12 (H) Administrative record management
13 tools that maintain both portable document for-
14 mats and data-rich repositories accessible to
15 both machine and human users.

16 (I) Common or interoperable Federal agen-
17 cy services that integrate shared services,
18 shared applications, and common user experi-
19 ences for Federal agency staff, project sponsors,
20 and the public.

21 (b) INCLUSIONS.—The guidance published under this
22 section shall include the following:

23 (1) Guidelines for cloud-based storage, data
24 sharing protocols, and application programming
25 interfaces to enable the Council on Environmental

1 Quality to work with Federal agencies to use author-
2 ization data to aid Federal agencies in modernizing
3 their environmental reviews and authorizations and
4 for iterative development of the authorization portal.

5 (2) Provisions that support scalability and
6 adaptability of the minimum requirements to emerg-
7 ing technologies.

8 **SEC. 6. IMPLEMENTATION OF DATA STANDARDS AND MIN-**
9 **IMUM FUNCTIONAL REQUIREMENTS.**

10 (a) IMPLEMENTATION.—The head of each Federal
11 agency responsible for environmental reviews or authoriza-
12 tions shall—

13 (1) not later than 90 days after the date of en-
14 actment of this Act—

15 (A) compare existing Federal agency sys-
16 tems for environmental reviews and authoriza-
17 tions under their authority with the data stand-
18 ards published under section 3 and the min-
19 imum functional requirements described in sec-
20 tion 5(a)(2) and report findings from such com-
21 parison to the Council on Environmental Qual-
22 ity;

23 (B) assess whether existing Federal agency
24 technological capabilities are consistent with the
25 data standards published under section 3 and

1 the minimum functional requirements described
2 in section 5(a)(2);

3 (C) submit to the Council on Environ-
4 mental Quality a report that estimates the com-
5 pletion dates for implementing the data stand-
6 ards published under section 3 and the min-
7 imum functional requirements described in sec-
8 tion 5(a)(2); and

9 (D) submit to the Council on Environ-
10 mental Quality, in consultation with the Council
11 on Environmental Quality, an implementation
12 plan that—

13 (i) describes how the Federal agency
14 will implement the data standards pub-
15 lished under section 3 and the minimum
16 functional requirements described in sec-
17 tion 5(a)(2); and

18 (ii) describes how, to the extent the
19 Federal agency determines necessary to
20 meet relevant statutory requirements, the
21 Federal agency will adopt or implement
22 the prototype tools tested, designed, and
23 built under section 4; and

24 (2) not later than 180 days after the date of
25 enactment of this Act, begin implementing the data

1 standards published under section 3 and the min-
2 imum functional requirements described in section
3 5(a)(2).

4 (b) REPORT.—Not less frequently than twice each
5 year, the Chief Information Officer of each Federal agen-
6 cy, in consultation with the Chief Environmental Review
7 and Permitting Officer of each Federal agency, shall sub-
8 mit to the Council on Environmental Quality and the Di-
9 rector of the Office of Management and Budget a report
10 on the progress of the Federal agency towards meeting
11 the requirements of subsection (a).

12 **SEC. 7. UNIFIED INTERAGENCY DATA SYSTEM.**

13 (a) IN GENERAL.—

14 (1) UNIFIED INTERAGENCY DATA SYSTEM.—To
15 the maximum extent practicable, the Chair of the
16 Council of Environmental Quality and the head of
17 each Federal agency responsible for environmental
18 reviews or authorizations shall iteratively develop
19 and maintain a unified interagency data system con-
20 sisting of interconnected Federal agency systems
21 and shared services for environmental reviews and
22 authorizations.

23 (2) AUTHORIZATION PORTAL.—

24 (A) IN GENERAL.—The shared services de-
25 veloped and maintained under paragraph (1)

1 shall include a common interactive, digital,
2 cloud-based authorization portal, which shall—

3 (i) be designed in a manner consistent
4 with—

5 (I) the recommendations of the
6 Council on Environmental Quality in-
7 cluded in the study submitted pursu-
8 ant to section 110 of the National En-
9 vironmental Policy Act of 1969 (42
10 U.S.C. 4336d) titled “Council on En-
11 vironmental Quality Report to Con-
12 gress on the Potential for Online and
13 Digital Technologies to Address
14 Delays in Reviews and Improve Public
15 Accessibility and Transparency under
16 42 U.S.C. 4332(2)(C)”;

17 (II) the minimum functional re-
18 quirements described in section
19 5(a)(2);

20 (ii) serve as a platform for tracking
21 and displaying real-time data on environ-
22 mental reviews and authorizations made
23 available through application programming
24 interfaces or other reporting mechanisms
25 from Federal agency systems that are com-

1 pliant with the data standards and data
2 architecture described in this Act;

3 (iii) be supported by a decentralized,
4 cross-network digital infrastructure soft-
5 ware that ensures vendor neutrality and
6 interoperability of data and models across
7 Federal agencies;

8 (iv) include a mechanism for the dis-
9 semination of relevant information (such
10 as a notice of intent for public comment,
11 public meetings, project statuses, or a no-
12 tice of intent to begin an environmental re-
13 view) to local communities, as applicable;

14 (v) allow a project sponsor to submit
15 all necessary documentation for environ-
16 mental reviews and authorizations in one
17 unified and secure portal;

18 (vi) support interactive, digital, and
19 cloud-based tools enabling applicants to
20 edit documents and collaborate with rel-
21 evant Federal agencies in real time;

22 (vii) support visual features, including
23 video, animation, geographic information
24 system displays, interactive maps, and
25 three-dimensional renderings;

1 (viii) provide for the exchange of in-
2 formation to and from Federal agency data
3 systems via an application programming
4 interface or another reporting mechanisms;

5 (ix) allow for the submission of
6 geospatial data associated with project lo-
7 cation, footprint, and impact;

8 (x) support automatic documentation
9 of submission and process timelines; and

10 (xi) allow the following metrics to be
11 tracked over time—

12 (I) estimates of achieved effi-
13 ciencies, such as reductions in the
14 time between receipt of applications
15 and final authorization decisions;

16 (II) comparisons of authorization
17 timelines before and after the imple-
18 mentation of this Act;

19 (III) usage of the authorization
20 portal and other statistics from the
21 Digital Analytics Program;

22 (IV) metrics on the number of
23 public comments received, responses
24 provided, and community meetings
25 held;

1 (V) the number of projects sub-
2 ject to litigation based on authoriza-
3 tion deficiencies or inefficiencies;

4 (VI) a list of Federal agencies
5 that are not yet fully compliant with
6 the data standards published under
7 section 3 and the minimum functional
8 requirements described in section
9 5(a)(2), along with their progress to-
10 ward compliance; and

11 (VII) examples or repositories of
12 Federal agency-developed digital
13 workflows enabled by the implementa-
14 tion of this Act, including visualiza-
15 tions of data sharing, authorizations
16 and decision logic, and environmental
17 reviews.

18 (B) ADMINISTRATIVE SUPPORT.—The Ad-
19 ministrator of General Services shall host the
20 authorization portal as a shared service for
21 Congress, Federal agencies, and the public.

22 (C) ACCESSABILITY.—The authorization
23 portal shall be accessible to Congress, Federal
24 agencies, and the public, with appropriate safe-
25 guards to protect sensitive or classified informa-

1 tion and information restricted by user type as
2 appropriate.

3 (D) PUBLIC ACCESSIBILITY.—To the ex-
4 tent practicable and consistent with other law,
5 the authorization portal shall provide public ac-
6 cess to non-sensitive data, including authoriza-
7 tion timelines, location, project type, environ-
8 mental reviews, and mitigation measures.

9 (E) CONGRESSIONAL ACCESS AND OVER-
10 SIGHT.—

11 (i) IN GENERAL.—The authorization
12 portal shall provide Congress with direct
13 access to aggregated performance data and
14 other analytics to enable real-time over-
15 sight of Federal agencies.

16 (ii) ARTIFICIAL INTELLIGENCE SUP-
17 PORT SYSTEMS AND TRAINING MATE-
18 RIALS.—Congress shall have access to the
19 data, fine-tuning procedures, and prompt
20 configurations specifically created or
21 adapted for Artificial Intelligence systems
22 used to support environmental review or
23 authorization activities, excluding propri-
24 etary or general pretraining materials un-

1 related to such agency-specific
2 customization.

3 (iii) TECHNICAL ASSISTANCE.—The
4 Council on Environmental Quality shall
5 provide to Congress technical assistance
6 upon request to ensure effective use of the
7 authorization portal and Artificial Intel-
8 ligence systems for oversight purposes.

9 (3) CYBERSECURITY AND COMPLIANCE CONSID-
10 ERATIONS.—The authorization portal shall be de-
11 signed to promote vendor neutral interoperability,
12 reduce redundancy, and ensure compliance and co-
13 ordination with other laws, including—

14 (A) section 552a of title 5, United States
15 Code (commonly referred to as the Privacy Act
16 of 1974), and subchapter II of chapter 35 of
17 title 44, United States Code;

18 (B) the Federal Risk and Authorization
19 Management Program established under section
20 3608 of title 44, United States Code; and

21 (C) the Cybersecurity and Infrastructure
22 Security Agency of the Department of Home-
23 land Security, for a case in which the project is
24 in coordination with a Federal agency with
25 stringent security requirements.

1 (b) DEADLINES.—

2 (1) SHARED SERVICES PILOT.—Not later than
3 one year after the date of enactment of this Act, the
4 Council on Environmental Quality shall oversee pi-
5 loting of shared services for environmental reviews
6 and authorizations, including the authorization por-
7 tal under subsection (a)(2).

8 (2) UNIFIED SYSTEM DEVELOPMENT AND IM-
9 PLEMENTATION.—To the maximum extent prac-
10 ticable, not later than December 1, 2027, the Chair
11 of the Council on Environmental Quality shall de-
12 velop and implement the unified interagency data
13 system required under subsection (a)(1).

14 (c) REPORT.—Not less frequently than annually, the
15 Chair of the Council on Environmental Quality, in con-
16 sultation with the Federal Permitting Improvement Steer-
17 ing Council, the Chief Information Officers Council, and
18 other relevant stakeholders and Federal agencies, shall
19 submit to the Committee on Natural Resources of the
20 House of Representatives and the Committee on Environ-
21 ment and Public Works of the Senate a report on the
22 Council on Environmental Quality’s progress on devel-
23 oping a unified interagency data system under subsection
24 (a).

1 **SEC. 8. AUTHORITY TO ENTER INTO CONTRACTS.**

2 The Council on Environmental Quality may enter
3 into contracts and other arrangements for analyses, serv-
4 ices, and products with Federal agencies, private organiza-
5 tions, and businesses, and make such payments as deter-
6 mined necessary by the Council on Environmental Quality
7 to carry out the provisions of this Act.

8 **SEC. 9. CLARIFYING RULEMAKING AUTHORITY.**

9 Nothing in this Act shall be construed to authorize
10 the Council on Environmental Quality or a Federal agency
11 to impose additional regulatory processes or requirements
12 beyond those expressly stipulated under the National En-
13 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
14 or any other law.

15 **SEC. 10. SAVINGS CLAUSE.**

16 To the extent that a data system, technology, or tool
17 developed or incorporated into a unified interagency data
18 system under this Act is not limited by project type, the
19 data system, technology, or tool shall not have its use be
20 restricted by project type.

21 **SEC. 11. DEFINITIONS.**

22 In this Act:

23 (1) **AUTHORIZATION.**—The term “authoriza-
24 tion” means any license, permit, approval, finding,
25 determination, or other administrative decision
26 issued by an agency and any interagency consulta-

1 tion that is required or authorized under Federal
2 law in order to site, construct, reconstruct, or com-
3 mence operations of a project administered by a
4 Federal agency.

5 (2) AUTHORIZATION DATA.—The term “author-
6 ization data” means—

7 (A) any data relevant for a Federal agency
8 to—

9 (i) determine the effect on the envi-
10 ronment of an action for which an author-
11 ization is required by the Federal agency;
12 and

13 (ii) determine whether to issue such
14 authorization; and

15 (B) any community input or public com-
16 ment on such determinations.

17 (3) DATA ARCHITECTURE.—The term “data ar-
18 chitecture” means the design and organization of
19 data systems, including frameworks for data storage,
20 processing, and exchange.

21 (4) DATA STANDARDS.—The term “data stand-
22 ards” means agreed-upon specifications for data for-
23 mats, structures, and definitions to ensure consist-
24 ency and vendor neutral interoperability.

1 (5) ENVIRONMENTAL REVIEW.—The term “en-
2 vironmental review” means any Federal agency pro-
3 cedures or processes for—

4 (A) applying a categorical exclusion; or

5 (B) preparing an environmental assess-
6 ment, an environmental impact statement, or
7 another document required under the National
8 Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.).

10 (6) FEDERAL AGENCY.—The term “Federal
11 agency” has the meaning given the term “agency”
12 in section 551 of title 5, United States Code.

13 (7) FEDERAL PERMITTING IMPROVEMENT
14 STEERING COUNCIL.—The term “Federal Permitting
15 Improvement Steering Council” has the meaning
16 given the term “Council” in section 41001 of the
17 FAST Act (42 U.S.C. 4370m).