

117TH CONGRESS
2D SESSION

H. R. 9006

To establish deadlines for the Secretary of the Interior and the Secretary of Agriculture to complete certain environmental reviews, to establish notification rules for receipt of onshore right-of-way applications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2022

Ms. HERRELL (for herself and Mr. WESTERMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish deadlines for the Secretary of the Interior and the Secretary of Agriculture to complete certain environmental reviews, to establish notification rules for receipt of onshore right-of-way applications, 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. NATIONAL ENVIRONMENTAL POLICY ACT RE-**
4 **VIEW DEADLINES.**

5 (a) IN GENERAL.—With respect to major Federal ac-
6 tions carried out by the Secretary of the Interior or the

1 Secretary of Agriculture, the Secretary concerned shall
2 complete—

3 (1) any environmental assessment required
4 under section 102(2)(C) of the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
6 relating to the major Federal action by not later
7 than 1 year after the sooner of, as applicable—

8 (A) the date on which the Secretary con-
9 cerned notifies the applicant under section 2
10 that the application to establish a right-of-way
11 for the major Federal action is complete; and

12 (B) the date on which the Secretary con-
13 cerned begins the scoping for the major Federal
14 action; and

15 (2) any environmental impact statement re-
16 quired section 102(2)(C) of the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
18 relating to the major Federal action by not later
19 than 2 years after the sooner of, as applicable—

20 (A) the date on which the Secretary con-
21 cerned notifies the applicant under section 2
22 that the application to establish a right-of-way
23 for the major Federal action is complete; and

24 (B) the date on which the Secretary con-
25 cerned issues a notice of intent to prepare the

1 environmental impact statement for the major
2 Federal action.

3 (b) EXTENSION.—The Secretary concerned may ex-
4 tend a deadline described in subsection (a) with the ap-
5 proval of the applicant.

6 (c) REPORT.—

7 (1) IN GENERAL.—The Secretary concerned
8 shall each annually submit to the Committee on
9 Natural Resources of the House of Representatives
10 and the Committee on Energy and Natural Re-
11 sources of the Senate a report that—

12 (A) identifies any environmental assess-
13 ment and environmental impact statement that
14 is not completed by the appropriate deadline de-
15 scribed in subsection (a) or the deadline ex-
16 tended under subsection (b), as applicable; and

17 (B) provides an explanation for any failure
18 to meet such deadline.

19 (2) INCLUSIONS.—Each report submitted under
20 paragraph (1) shall identify—

21 (A) the respective field office, ranger dis-
22 trict, or region office, as applicable, responsible
23 for each such environmental assessment and en-
24 vironmental impact statement;

25 (B) as applicable, the date on which—

1 (i) the Secretary concerned notifies
2 the applicant under section 2 that the ap-
3 plication to establish a right-of-way for the
4 major Federal action is complete;

5 (ii) the Secretary concerned begins the
6 scoping for the major Federal action; or

7 (iii) the Secretary concerned issues a
8 notice of intent to prepare the environ-
9 mental impact statement for the major
10 Federal action; and

11 (C) when such environmental assessment
12 and environmental impact statement is expected
13 to be complete.

14 **SEC. 2. DETERMINATION REGARDING RIGHT-OF-WAY.**

15 Not later than 60 days after the Secretary concerned
16 receives an application to establish a right-of-way, the Sec-
17 retary concerned shall notify the applicant as to whether
18 the application is complete or deficient. If the Secretary
19 concerned determines the application is complete, the Sec-
20 retary concerned may not consider any other application
21 to establish a right-of-way on the same or any overlapping
22 parcels of land while such application is pending.

23 **SEC. 3. TERMS OF RIGHTS-OF-WAY.**

24 (a) FEDERAL LAND POLICY AND MANAGEMENT ACT
25 OF 1976.—Section 501 of the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C. 1761) is amended
2 by adding at the end the following:

3 “(e) Any right-of-way granted, issued, amended, or
4 renewed under subsection (a)(4) may be limited to a term
5 of not more than 50 years before such right-of-way is sub-
6 ject to renewal or amendment.”.

7 (b) MINERAL LEASING ACT.—Section 28(n) of the
8 Mineral Leasing Act (30 U.S.C. 185(n)) is amended by
9 striking “thirty” and inserting “50”.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) RIGHT-OF-WAY.—The term “right-of-way”
13 means—

14 (A) a right-of-way issued, granted, or re-
15 newed under section 501 of the Federal Land
16 Policy and Management Act of 1976 (43 U.S.C.
17 1761); or

18 (B) a right-of-way granted under section
19 28 of the Mineral Leasing Act (30 U.S.C. 185).

20 (2) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means—

22 (A) with respect to public lands, the Sec-
23 retary of the Interior; and

- 1 (B) with respect to National Forest Sys-
- 2 tem Lands, the Secretary of Agriculture.

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