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### Federal Permitting Reform and Jobs Act

#### Background:

Title 41 of the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) included significant infrastructure permitting reform based on the Federal Permitting Improvement Act. This provision became known as FAST-41. It created the Federal Permitting Improvement Steering Council to bring together agencies at the start of the permitting process for some of the largest, most complicated infrastructure projects (covered projects) to prepare a comprehensive plan for the permitting process across agencies. The public can track the permitting progress for each of those projects at [www.permits.performance.gov](http://www.permits.performance.gov). For covered projects only, FAST-41 reduced the statute of limitations for National Environmental Policy Act (NEPA) challenges from six years to two.

Since FAST-41 became law, the Permitting Council has helped more than 40 projects with their permitting processes, saved several projects millions of dollars, and resolved numerous interagency conflicts.

#### Summary:

The Federal Permitting Reform and Jobs Act builds on FAST-41's progress while keeping environmental protections in place. Specifically, it would:

- **Make FAST-41 Permanent.** Currently, FAST-41 has a 7-year sunset. This bill would eliminate that sunset clause.
- **Apply FAST-41 to More Projects.** Currently, FAST-41 excludes several types of transportation projects from participating in the FAST-41 process (those subject to 23 U.S.C. § 139 and 33 U.S.C. § 2348). This bill would eliminate those exclusions so those projects can apply to be covered projects under FAST-41.
- **Set a 2-Year Goal for Permitting Covered Projects.** For covered projects, agencies would have to demonstrate at the start of the project how they will complete the permitting process in 2 years or less or explain why they cannot meet that goal and steps they will take to avoid delays.
- **Expand Permitting Council's Consulting Authority.** Under Executive Order 13,807, President Trump ordered that upon the request of a member agency or project sponsor, the Permitting Council may work with the agencies to facilitate the environmental reviews and help resolve disputes for non-covered projects. This bill would codify that consultation authority.
- **Improve Council's Operation.** During the first three years of operation, questions have been raised about day-to-day operations of the Permitting Council. This bill would resolve those questions (e.g., clarifications regarding notification when agencies designate new council members, the process to add new sectors, the role of the host agency that provides administrative support).