

## HR 348

### RAPID Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Jan 14, 2015

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.  
(Sep 28, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/348>

### Sponsor

**Name:** Rep. Marino, Tom [R-PA-10]

**Party:** Republican • **State:** PA • **Chamber:** House

### Cosponsors (21 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Blum, Rod [R-IA-1]	R · IA		Jan 14, 2015
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jan 14, 2015
Rep. McKinley, David B. [R-WV-1]	R · WV		Jan 14, 2015
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jan 14, 2015
Rep. Rouzer, David [R-NC-7]	R · NC		Jan 20, 2015
Rep. Russell, Steve [R-OK-5]	R · OK		Jan 27, 2015
Rep. Collins, Doug [R-GA-9]	R · GA		Mar 3, 2015
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Mar 3, 2015
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 3, 2015
Rep. Walters, Mimi [R-CA-45]	R · CA		Mar 3, 2015
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Mar 23, 2015
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Mar 23, 2015
Rep. Farenthold, Blake [R-TX-27]	R · TX		Mar 23, 2015
Rep. Smith, Jason [R-MO-8]	R · MO		Mar 23, 2015
Rep. Trott, David A. [R-MI-11]	R · MI		Mar 23, 2015
Rep. Young, Don [R-AK-At Large]	R · AK		Apr 14, 2015
Rep. Ratcliffe, John [R-TX-4]	R · TX		Apr 16, 2015
Rep. Brat, Dave [R-VA-7]	R · VA		Jun 4, 2015
Rep. Messer, Luke [R-IN-6]	R · IN		Jul 8, 2015
Rep. Bishop, Mike [R-MI-8]	R · MI		Jul 28, 2015
Rep. Webster, Daniel [R-FL-10]	R · FL		Sep 11, 2015

## Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Referred To	Sep 28, 2015
Judiciary Committee	House	Discharged from	Mar 23, 2015
Natural Resources Committee	House	Discharged From	Sep 11, 2015

## Subjects & Policy Tags

### Policy Area:

Government Operations and Politics

## Related Bills

Bill	Relationship	Last Action
114 HRES 420	Related bill	Sep 17, 2015: Motion to reconsider laid on the table Agreed to without objection.

## **Responsibly And Professionally Invigorating Development Act of 2015 or the RAPID Act**

(Sec. 2) This bill amends the Administrative Procedure Act to establish procedures to streamline the regulatory review, environmental decision making, and permitting process required by the National Environmental Policy Act of 1969 (NEPA) for construction projects that are federally funded or that require federal approval by a permit or regulatory decision.

Upon the request of a lead agency responsible for preparing environmental review documents, a project sponsor is authorized to prepare environmental review documents if the agency: (1) oversees the preparation of the documents, (2) provides independent evaluation of them, and (3) approves and adopts the documents prior to taking action or making any approval based on the documents. "Environmental review" means the federal agency procedures for preparing an environmental impact statement (EIS), environmental assessment (EA), categorical exclusion, or other document under NEPA.

No more than one EIS and one EA for a project must be prepared under NEPA, except for supplemental environmental documents prepared under NEPA or environmental documents prepared pursuant to a court order. After the lead agency issues a record of decision, federal agencies responsible for making any approval for that project may only rely on the environmental document prepared by the lead agency.

Upon the request of a project sponsor, the lead agency may: (1) adopt, use, or rely on secondary and cumulative impact analyses included in documents prepared under NEPA for projects located nearby if the analyses are pertinent to the NEPA decision for the project under review; and (2) adopt a document that has been prepared for a project under state laws as the EIS or EA for the project if those laws provide environmental protection and opportunities for public involvement that are substantially equivalent to NEPA.

The lead agency must publish a supplement to the state document before it adopts it if: (1) a significant change has been made to the project that is relevant for purposes of environmental review of the project, or (2) there have been significant changes in circumstances or availability of information relevant to the environmental review for the project.

A lead agency may adopt for a project an environmental document prepared for a similar project that is nearby and that was subject to environmental review or similar state procedures within the last five years if there is a reasonable likelihood that the project will have similar environmental impacts.

The lead agency must invite any federal agency that is required to adopt the lead agency's environmental document to collaborate in the preparation of the document. A federal cooperating agency must collaborate on the preparation of that document unless it informs the lead agency that it: (1) has no jurisdiction, authority, expertise, or information with respect to the project; and (2) does not intend to submit comments on the project.

The bill precludes any agency that declines to collaborate from submitting comments on that document or taking measures to oppose any permit, license, or approval related to that project based on the environmental review. The lead agency may not act upon, respond to, or include in any document prepared under NEPA any comment submitted by a cooperating agency that concerns matters that are outside of the cooperating agency's authority and expertise.

Each federal agency must: (1) carry out obligations under other applicable laws concurrently and in conjunction with the review required under NEPA; and (2) make and carry out rules, policies, and procedures as may be reasonably

necessary to enable the agency to ensure the completion of the environmental review and environmental decision making process in a timely, coordinated, and environmentally responsible manner.

The bill establishes requirements for initiating and completing environmental review for a project, including requirements with respect to: (1) the range of alternatives to be considered; (2) methodologies for analyzing those alternatives, including potential effects on employment as well as the potential effects of the alternative on low-income communities and communities of color; (3) a plan for coordinating public and agency participation in the environmental review; (4) comment periods for public and agency comments in the environmental review process; and (5) a schedule for completing the review. Cooperating agencies must comply with that schedule.

For projects requiring preparation of an EA, the bill establishes a one-year deadline for issuing a finding of no significant impact or a Notice of Intent to Prepare an EIS. For projects requiring preparation of an EIS, the bill establishes a two-year deadline for completing the EIS. Conditions for extensions are established.

The bill sets forth deadlines that apply to projects subject to review under NEPA and any decision under federal law relating to those projects. The bill deems a project to be approved if a federal agency fails to approve or otherwise act upon a permit, license, or other similar application for approval related to a project by those deadlines. Approval that is granted as a result of the failure of a federal agency to act is considered to be final agency action that may not be reversed by an agency.

The bill prescribes responsibilities of the lead agency and the cooperating agencies to work cooperatively to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

In the environmental review or environmental decision making process, a lead agency may not use estimates of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.

The head of each federal agency must report annually on: (1) the projects for which the agency initiated preparation of an EIS or EA; (2) the projects for which the agency issued a record of decision or a finding of no significant impact and the length of time it took the agency to complete the environmental review for each such project; and (3) the filing and resolution of any lawsuits against the agency seeking judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA.

Limitations are placed on claims arising under federal law seeking judicial review of a permit, license, or approval issued by a federal agency for an action subject to NEPA.

## Actions Timeline

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- **Sep 28, 2015:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Sep 25, 2015:** Considered as unfinished business. (consideration: CR H6232-6247, H6247-6256; text of amendment in the nature of a substitute: CR H6232-6235)
- **Sep 25, 2015:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H.Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Marino amendment No. 1.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H.Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Lowenthal amendment No. 2.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Lowenthal amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Lowenthal demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H.Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Grijalva amendment No. 3.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Grijalva amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Grijalva demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H.Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Gallego amendment No. 4.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Gallego amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Gallego demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H.Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee amendment No. 5.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H. Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Dingell amendment No. 6.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dingell amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mrs. Dingell demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H. Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Peters amendment No. 7.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Peters amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Peters demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H. Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Gosar amendment No. 8.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Gosar amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mrs. Dingell demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H. Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee amendment No. 9.
- **Sep 25, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Jackson Lee demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Sep 25, 2015:** DEBATE - Pursuant to the provisions of H. Res. 420, the Committee of the Whole proceeded with 10 minutes of debate on the Johnson (GA) amendment No. 10.

**Sep 25, 2015: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Johnson (GA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Johnson (GA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.

- **Sep 25, 2015:** The Committee of the Whole rose informally to receive a message from the Senate.
- **Sep 25, 2015:** Subsequently, the Committee resumed its sitting.
- **Sep 25, 2015:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 348.
- **Sep 25, 2015:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Sep 25, 2015:** Ms. Kuster moved to recommit with instructions to the Committee on the Judiciary. (consideration: CR H6254-6255; text: CR H6254)
- **Sep 25, 2015: DEBATE** - The House proceeded with 10 minutes of debate on the motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to add language to the bill ensuring that nothing would apply to cases that affect safe drinking water or air quality of communities near the project, infringe on the property rights of American citizens, or adversely affect Native American tribes.
- **Sep 25, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6255)
- **Sep 25, 2015:** On motion to recommit with instructions Failed by recorded vote: 175 - 229 (Roll no. 517).
- **Sep 25, 2015:** Passed/agreed to in House: On passage Passed by recorded vote: 233 - 170 (Roll no. 518).
- **Sep 25, 2015:** On passage Passed by recorded vote: 233 - 170 (Roll no. 518).
- **Sep 25, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 24, 2015:** Considered under the provisions of rule H. Res. 420. (consideration: CR H6207-6213)
- **Sep 24, 2015:** Rule provides for consideration of H.R. 348 and H.R. 758. The resolution provides for one hour debate on H.R. 348 and H.R. 758. The resolution provides that it shall be in order at any time on the legislative day of September 24, 2015, for the Speaker to entertain motions that the House suspend the rules.
- **Sep 24, 2015:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 420 and Rule XVIII.
- **Sep 24, 2015:** The Speaker designated the Honorable John J. Duncan, Jr. to act as Chairman of the Committee.
- **Sep 24, 2015: GENERAL DEBATE** - The Committee of the Whole proceeded with one hour of general debate on H.R. 348.
- **Sep 24, 2015:** Mr. Goodlatte moved that the Committee rise.
- **Sep 24, 2015:** On motion that the Committee rise Agreed to by voice vote.
- **Sep 24, 2015:** Committee of the Whole House on the state of the Union rises leaving H.R. 348 as unfinished business.
- **Sep 16, 2015:** Rules Committee Resolution H. Res. 420 Reported to House. Rule provides for consideration of H.R. 348 and H.R. 758. The resolution provides for one hour debate on H.R. 348 and H.R. 758. The resolution provides that it shall be in order at any time on the legislative day of September 24, 2015, for the Speaker to entertain motions that the House suspend the rules.
- **Sep 11, 2015:** Committee on Natural Resources discharged.
- **Sep 11, 2015:** Placed on the Union Calendar, Calendar No. 198.
- **Jul 27, 2015:** Reported by the Committee on Judiciary. H. Rept. 114-228, Part I.
- **Jul 27, 2015:** House Committee on Natural Resources Granted an extension for further consideration ending not later than Sept. 11, 2015.
- **Mar 24, 2015:** Committee Consideration and Mark-up Session Held.
- **Mar 24, 2015:** Ordered to be Reported by the Yeas and Nays: 15 - 11.
- **Mar 23, 2015:** Subcommittee on Regulatory Reform, Commercial And Antitrust Law Discharged.
- **Mar 2, 2015:** Subcommittee Hearings Held.
- **Feb 5, 2015:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Jan 14, 2015:** Introduced in House
- **Jan 14, 2015:** Referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, 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.