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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend section 404 of the Federal Water Pollution Control Act to codify certain regulatory provisions relating to nationwide permits for dredged or fill material, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROUZER introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend section 404 of the Federal Water Pollution Control Act to codify certain regulatory provisions relating to nationwide permits for dredged or fill material, 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 “Nationwide Permitting
5 Improvement Act”.

1 **SEC. 2. PERMITS FOR DREDGED OR FILL MATERIAL.**

2 (a) IN GENERAL.—Section 404(e) of the Federal
3 Water Pollution Control Act (33 U.S.C. 1344) is amend-
4 ed—

5 (1) by striking “(e)(1) In carrying” and insert-
6 ing the following:

7 “(e) GENERAL PERMITS ON STATE, REGIONAL, OR
8 NATIONWIDE BASIS.—

9 “(1) PERMITS AUTHORIZED.—In carrying”;

10 (2) in paragraph (2)—

11 (A) by striking “(2) No general” and in-
12 sserting the following:

13 “(2) TERM.—No general”; and

14 (B) by striking “five years” and inserting
15 “ten years”; and

16 (3) by adding at the end the following:

17 “(3) CONSIDERATIONS.—In determining the en-
18 vironmental effects of an activity under paragraph
19 (1) or (2), the Secretary shall consider only the ef-
20 fects of any discharge of dredged or fill material re-
21 sulting from such activity.

22 “(4) NATIONWIDE PERMITS FOR LINEAR INFRA-
23 STRUCTURE PROJECTS.—

24 “(A) IN GENERAL.—Notwithstanding any
25 other provision of this section, the Secretary
26 shall maintain a general permit on a nationwide

1 basis for linear infrastructure projects that do
2 not result in the loss of greater than 1/2-acre
3 of waters of the United States for each single
4 and complete project (as defined in section
5 330.2 of title 33, Code of Federal Regulations
6 (as in effect on the date of enactment of this
7 paragraph)).

8 “(B) DEFINITION OF LINEAR INFRASTRUC-
9 TURE PROJECT.—In this paragraph, the term
10 ‘linear infrastructure project’ means a project
11 to carry out any activity required for the con-
12 struction, expansion, maintenance, modification,
13 or removal of infrastructure and associated fa-
14 cility for the transmission from a point of origin
15 to a terminal point of communications or elec-
16 tricity or the transportation from a point of ori-
17 gin to a terminal point of people, water, waste-
18 water, carbon dioxide, or fuel or hydrocarbons
19 (in the form of a liquid, liquescent, gaseous, or
20 slurry substance or supercritical fluid), includ-
21 ing oil and gas pipeline facilities.

22 “(5) REISSUANCE OF NATIONWIDE PERMITS.—
23 In determining whether to reissue a general permit
24 issued under this subsection on a nationwide basis—

1 “(A) no consultation with an applicable
2 State pursuant to section 6(a) of the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1535(a))
4 is required;

5 “(B) no consultation with a Federal agen-
6 cy pursuant to section 7(a)(2) of such Act (16
7 U.S.C. 1536(a)(2)) is required; and

8 “(C) the requirements of section 102(2)(C)
9 of the National Environmental Policy Act of
10 1969 (42 U.S.C. 4332(2)(C)) shall be satisfied
11 by preparing an environmental assessment with
12 respect to such general permit.”.

13 (b) ADMINISTRATION OF NATIONWIDE PERMIT PRO-
14 GRAM.—In carrying out section 404(e) of the Federal
15 Water Pollution Control Act (33 U.S.C. 1344), the Sec-
16 retary of the Army, acting through the Chief of Engineers,
17 may not finalize or implement any modification to—

18 (1) general condition 15 (relating to single and
19 complete projects), as included in the final rule titled
20 “Reissuance and Modification of Nationwide Per-
21 mits” and published on January 13, 2021, by the
22 Department of the Army, Corps of Engineers (86
23 Fed. Reg. 2868);

1 (2) the definition of single and complete linear
2 project, as included in such final rule (86 Fed. Reg.
3 2877); or

4 (3) the definition of single and complete
5 project, as included in section 330.2 of title 33, Code
6 of Federal Regulations (as in effect on the date of
7 enactment of this Act).