AMENDMENT TO RULES COMMITTEE PRINT 116–54

OFFERED BY MR. BUDD OF NORTH CAROLINA

Page 499, after line 22, insert the following:

SEC. ___. USE OF PERFORMANCE-BASED STANDARDS.

(a) NOTIFICATION OF PERFORMANCE-BASED STANDARDS REVIEW.—The Secretary of Transportation shall invite the public to provide input to identify those regulations, guidance, and policies of the Department that—

(1) in current form, establish prescriptive requirements for regulated entities; and

(2) are able to be replaced, consistent with Federal law, providing an equal or higher level of safety, with performance-based standards.

(b) REPORT AND PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the Department’s plan to address feedback from the public requested under subsection (a) that includes—

(1) a list identifying each prescriptive regulation, guidance document, and policy that was determined by the Secretary, based on input from the
public, to be able to be replaced with a performance-based standard;

(2) a detailed plan to replace the regulations, guidance, and policies identified under paragraph (1) with performance-based standards;

(3) a justification for omitting the regulations, guidance, and policies not identified under paragraph (1); and

(4) legislative recommendations to facilitate additional replacement opportunities.

(c) PLAN IMPLEMENTATION.—Not later than 2 years after the date on which the report required under subsection (b) is submitted to Congress, the Secretary shall complete implementation of the plan described in that subsection.

(d) RULEMAKING REQUIREMENT.—

(1) IN GENERAL.—To the maximum extent possible, the Secretary shall ensure that regulations, guidance, and policies issued by the Department on and after the date of enactment of this Act are issued in the form of performance-based standards and not as prescriptive requirements for regulated entities.

(2) JUSTIFICATIONS.—The Secretary shall make available to the public a justification for each
regulation, guidance document, and policy issued by the Department on and after the date of enactment of this Act that is not issued in the form of a performance-based standard.

(e) DEPARTMENT DEFINED.—In this section, the term “Department” means the Department of Transportation, including each modal administration thereof.