

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. BUDD OF NORTH CAROLINA

Page 499, after line 22, insert the following:

1 **SEC. ____ . USE OF PERFORMANCE-BASED STANDARDS.**

2 (a) NOTIFICATION OF PERFORMANCE-BASED STAND-
3 ARDS REVIEW.—The Secretary of Transportation shall in-
4 vite the public to provide input to identify those regula-
5 tions, guidance, and policies of the Department that—

6 (1) in current form, establish prescriptive re-
7 quirements for regulated entities; and

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

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

16 (1) a list identifying each prescriptive regula-
17 tion, guidance document, and policy that was deter-
18 mined by the Secretary, based on input from the

1 public, to be able to be replaced with a performance-
2 based standard;

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

6 (3) a justification for omitting the regulations,
7 guidance, and policies not identified under para-
8 graph (1); and

9 (4) legislative recommendations to facilitate ad-
10 ditional replacement opportunities.

11 (c) PLAN IMPLEMENTATION.—Not later than 2 years
12 after the date on which the report required under sub-
13 section (b) is submitted to Congress, the Secretary shall
14 complete implementation of the plan described in that sub-
15 section.

16 (d) RULEMAKING REQUIREMENT.—

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

24 (2) JUSTIFICATIONS.—The Secretary shall
25 make available to the public a justification for each

1 regulation, guidance document, and policy issued by
2 the Department on and after the date of enactment
3 of this Act that is not issued in the form of a per-
4 formance-based standard.

5 (e) DEPARTMENT DEFINED.—In this section, the
6 term “Department” means the Department of Transpor-
7 tation, including each modal administration thereof.

