AMENDMENT
TO RULES COMMITTEE PRINT 117–8
OFFERED BY MR. LA MALFA OF CALIFORNIA

At the end of subtitle F of title I of division B of the bill, add the following:

SEC. ___. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall take such steps as are necessary to establish the program authorized under section 330 of title 23, United States Code, and implement the final rule published on December 28, 2020, titled “Program for Eliminating Duplication of Environmental Review” (85 Fed. Reg. 84213).

(b) NOTIFICATION.—Upon establishing the program pursuant to subsection (a), the Secretary shall notify the 50 States, the District of Columbia, and Puerto Rico of such program.

(e) APPLICATION.—Section 330(c)(2) of title 23, United States Code, is amended by striking “120 days” and inserting “180 days”.

SEC. ____. EXCLUSION FROM NEPA REQUIREMENTS.

The Administrator of the Federal Highway Administration shall issue such regulations as are necessary to create a categorical exclusion from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the repair, reconstruction, restoration, retrofitting or replacement of any road, highway, bridge, tunnel, or transit facility that occurs within the existing right-of-way and in a manner that substantially conforms to the pre-existing design, function, and location as the original road, highway, bridge, tunnel, or transit facility.

Page 1262, line 2, strike the closing quotation mark and the period.

Page 1262, after line 2, insert the following:

“(j) ADDITIONAL REQUIREMENTS.—

“(1) APPLICANTS.—An applicant under this section, as a condition of receiving construction funding, shall have agreements in principle with private landowners establishing dates of payment and subsequent dates of land transfer along the proposed route of a project.

“(2) SECONDARY GRANTS.—With respect to any applicant applying for a second grant for a project under this section, such applicant shall have
a minimum operable segment that is able to function
as a stand-alone project, not be dependent on any
future segments being constructed, and operate
without subsidies to be eligible for such second
grant.

“(3) USE OF FUNDING.——Any Federal funding
awarded under this section shall be spent concur-
rently with non-Federal funds and the Secretary
may not grant a waiver from this requirement.

“(4) COST INCREASES.——Any project which re-
ceives Federal funding under this Section and which
experiences at least a 20 percent cost increase may
be, as determined by the Administrator of the Fed-
eral Railroad Administration, required to return any
unobligated funding to the Treasury.”.