

AMENDMENT
TO RULES COMMITTEE PRINT 117-8
OFFERED BY MR. LAMALFA OF CALIFORNIA

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

1 **SEC. ____ . PROGRAM FOR ELIMINATING DUPLICATION OF**
2 **ENVIRONMENTAL REVIEWS.**

3 (a) **IN GENERAL.**—Not later than 60 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall take such steps as are necessary to establish
6 the program authorized under section 330 of title 23,
7 United States Code, and implement the final rule pub-
8 lished on December 28, 2020, titled “Program for Elimini-
9 nating Duplication of Environmental Review” (85 Fed.
10 Reg. 84213).

11 (b) **NOTIFICATION.**—Upon establishing the program
12 pursuant to subsection (a), the Secretary shall notify the
13 50 States, the District of Columbia, and Puerto Rico of
14 such program.

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

1 **SEC. ____ . EXCLUSION FROM NEPA REQUIREMENTS.**

2 The Administrator of the Federal Highway Adminis-
3 tration shall issue such regulations as are necessary to cre-
4 ate a categorical exclusion from the requirements of the
5 National Environmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.) for the repair, reconstruction, restoration,
7 retrofitting or replacement of any road, highway, bridge,
8 tunnel, or transit facility that occurs within the existing
9 right-of-way and in a manner that substantially conforms
10 to the pre-existing design, function, and location as the
11 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:

12 “(j) **ADDITIONAL REQUIREMENTS.**—

13 “(1) **APPLICANTS.**—An applicant under this
14 section, as a condition of receiving construction
15 funding, shall have agreements in principle with pri-
16 vate landowners establishing dates of payment and
17 subsequent dates of land transfer along the proposed
18 route of a project.

19 “(2) **SECONDARY GRANTS.**—With respect to
20 any applicant applying for a second grant for a
21 project under this section, such applicant shall have

1 a minimum operable segment that is able to function
2 as a stand-alone project, not be dependent on any
3 future segments being constructed, and operate
4 without subsidies to be eligible for such second
5 grant.

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

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

