



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

AMENDMENT N^o 2255

To: By Lee _____

For: To: Amos No 2137 _____

126

Page(s)

GPO: 2020 42-568 (mac)

ay safety
urposes.

and

d

Amended _____ intended
to be proposed by Mr. LEE to the amendment (No. 2137) proposed by Ms. SINEMA (for herself and Mr. PORTMAN)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 “Transportation Empowerment Act”.
- 6 (b) TABLE OF CONTENTS.—The table of contents for
- 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.

TITLE I—HIGHWAY FUNDING

- Sec. 101. Authorization of appropriations.
- Sec. 102. Federalization and defederalization of projects.
- Sec. 103. Reporting requirements.
- Sec. 104. Funding limitation.

Sec. 105. Reports; certification.

TITLE II—FEDERAL-AID HIGHWAY PROGRAM REFORMS

- Sec. 201. Definitions.
- Sec. 202. Federal-aid system.
- Sec. 203. Apportionment.
- Sec. 204. Additional deposits in Highway Trust Fund.
- Sec. 205. Project approval and oversight.
- Sec. 206. Standards.
- Sec. 207. Nationally significant freight and highway projects.
- Sec. 208. National highway performance program.
- Sec. 209. Federal share payable.
- Sec. 210. Emergency relief.
- Sec. 211. Transferability of Federal-aid highway funds.
- Sec. 212. Toll roads, bridges, tunnels, and ferries.
- Sec. 213. Railway-highway crossings.
- Sec. 214. Surface transportation block grant program.
- Sec. 215. Metropolitan transportation planning.
- Sec. 216. Control of junkyards.
- Sec. 217. Enforcement of requirements.
- Sec. 218. Public transportation.
- Sec. 219. Highway use tax evasion projects.
- Sec. 220. National bridge and tunnel inventory and inspection standards.
- Sec. 221. Carpool and vanpool projects.
- Sec. 222. Construction of ferry boats and ferry terminal facilities.
- Sec. 223. Highway safety improvement program.
- Sec. 224. Repeal of congestion mitigation and air quality improvement program.
- Sec. 225. National goals and performance measures.
- Sec. 226. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.
- Sec. 227. Hazard elimination program.
- Sec. 228. National scenic byways program.
- Sec. 229. National highway freight program.
- Sec. 230. Recreational trails program.
- Sec. 231. Bicycle transportation and pedestrian walkways.
- Sec. 232. Alaska highway.
- Sec. 233. Conforming amendments.

TITLE III—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Highway Trust Fund Authority

- Sec. 301. Extension of Highway Trust Fund expenditure authority.
- Sec. 302. Termination of Mass Transit Account.
- Sec. 303. Transfer of unused COVID-19 appropriations to the Highway Trust Fund.
- Sec. 304. Termination of employee retention credit for employers subject to closure due to COVID-19.
- Sec. 305. Transfer of unused Coronavirus State and Local Fiscal Recovery Funds to the Highway Trust Fund.

Subtitle B—Highway Related Taxes

- Sec. 311. Reduction in taxes on gasoline, diesel fuel, kerosene, and special fuels funding Highway Trust Fund.

Sec. 312. Extension of highway-related taxes.

TITLE IV—MISCELLANEOUS

Sec. 401. National Environmental Policy Act modifications.

Sec. 402. Repeal of Davis-Bacon wage requirements.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the objective of the Federal highway pro-
4 gram has been to facilitate the construction of a
5 modern freeway system that promotes efficient inter-
6 state commerce by connecting all States;

7 (2) the objective described in paragraph (1) has
8 been attained, and the Interstate System connecting
9 all States is near completion;

10 (3) each State has the responsibility of pro-
11 viding an efficient transportation network for the
12 residents of the State;

13 (4) each State has the means to build and oper-
14 ate a network of transportation systems, including
15 highways, that best serves the needs of the State;

16 (5) each State is best capable of determining
17 the needs of the State and acting on those needs;

18 (6) the Federal role in highway transportation
19 has, over time, usurped the role of the States by tax-
20 ing motor fuels used in the States and then distrib-
21 uting the proceeds to the States based on the per-
22 ceptions of the Federal Government on what is best
23 for the States;

1 (7) the Federal Government has used the Fed-
2 eral motor fuels tax revenues to force all States to
3 take actions that are not necessarily appropriate for
4 individual States;

5 (8) the Federal distribution, review, and en-
6 forcement process wastes billions of dollars on un-
7 productive activities;

8 (9) Federal mandates that apply uniformly to
9 all 50 States, regardless of the different cir-
10 cumstances of the States, cause the States to waste
11 billions of hard-earned tax dollars on projects, pro-
12 grams, and activities that the States would not oth-
13 erwise undertake; and

14 (10) Congress has expressed a strong interest
15 in reducing the role of the Federal Government by
16 allowing each State to manage its own affairs.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to provide a new policy blueprint to govern
19 the Federal role in transportation once existing and
20 prior financial obligations are met;

21 (2) to return to the individual States maximum
22 discretionary authority and fiscal responsibility for
23 all elements of the national surface transportation
24 systems that are not within the direct purview of the
25 Federal Government;

1 (3) to preserve Federal responsibility for the
2 Dwight D. Eisenhower National System of Inter-
3 state and Defense Highways;

4 (4) to preserve the responsibility of the Depart-
5 ment of Transportation for—

6 (A) design, construction, and preservation
7 of transportation facilities on Federal public
8 land;

9 (B) national programs of transportation
10 research and development and transportation
11 safety; and

12 (C) emergency assistance to the States in
13 response to natural disasters;

14 (5) to eliminate to the maximum extent prac-
15 ticable Federal obstacles to the ability of each State
16 to apply innovative solutions to the financing, de-
17 sign, construction, operation, and preservation of
18 Federal and State transportation facilities; and

19 (6) with respect to transportation activities car-
20 ried out by States, local governments, and the pri-
21 vate sector, to encourage—

22 (A) competition among States, local gov-
23 ernments, and the private sector; and

24 (B) innovation, energy efficiency, private
25 sector participation, and productivity.

1 **TITLE I—HIGHWAY FUNDING**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) IN GENERAL.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 The following sums are authorized to be appro-
6 priated out of the Highway Trust Fund:

7 (A) FEDERAL-AID HIGHWAY PROGRAM.—

8 For the national highway performance program
9 under section 119 of title 23, United States
10 Code, the surface transportation block grant
11 program under section 133 of that title, the
12 highway safety improvement program under
13 section 148 of that title, and the national high-
14 way freight program under section 167 of that
15 title \$18,450,000,000 for each of fiscal years
16 2022 through 2026.

17 (B) EMERGENCY RELIEF.—For emergency
18 relief under section 125 of title 23, United
19 States Code, \$100,000,000 for each of fiscal
20 years 2022 through 2026.

21 (C) FEDERAL LANDS PROGRAMS.—

22 (i) FEDERAL LANDS TRANSPOR-
23 TATION PROGRAM.—For the Federal lands
24 transportation program under section 203
25 of title 23, United States Code,

1 \$300,000,000 for each of fiscal years 2022
2 through 2026, of which—

3 (I) \$240,000,000 of the amount
4 made available for each fiscal year
5 shall be the amount for the National
6 Park Service; and

7 (II) \$30,000,000 of the amount
8 made available for each fiscal year
9 shall be the amount for the United
10 States Fish and Wildlife Service.

11 (ii) FEDERAL LANDS ACCESS PRO-
12 GRAM.—For the Federal lands access pro-
13 gram under section 204 of title 23, United
14 States Code, \$250,000,000 for each of fis-
15 cal years 2022 through 2026.

16 (b) FUNDING FOR HIGHWAY RESEARCH AND DEVEL-
17 OPMENT PROGRAM.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated out of the
20 Highway Trust Fund to carry out section 503(b) of
21 title 23, United States Code, \$115,000,000 for each
22 of fiscal years 2022 through 2026.

23 (2) APPLICABILITY OF TITLE 23, UNITED
24 STATES CODE.—Funds authorized to be appro-
25 priated by paragraph (1) shall—

1 (A) be available for obligation in the same
2 manner as if those funds were apportioned
3 under chapter 1 of title 23, United States Code,
4 except that the Federal share of the cost of a
5 project or activity carried out using those funds
6 shall be 80 percent, unless otherwise expressly
7 provided by this Act (including the amendments
8 by this Act); and

9 (B) remain available until expended and
10 not be transferable.

11 **SEC. 102. FEDERALIZATION AND DEFEDERALIZATION OF**
12 **PROJECTS.**

13 Notwithstanding any other provision of law, begin-
14 ning on October 1, 2021—

15 (1) a highway construction or improvement
16 project shall not be considered to be a Federal high-
17 way construction or improvement project unless and
18 until a State expends Federal funds for the con-
19 struction portion of the project;

20 (2) a highway construction or improvement
21 project shall not be considered to be a Federal high-
22 way construction or improvement project solely by
23 reason of the expenditure of Federal funds by a
24 State before the construction phase of the project to
25 pay expenses relating to the project, including for

1 any environmental document or design work re-
2 quired for the project; and

3 (3)(A) a State may, after having used Federal
4 funds to pay all or a portion of the costs of a high-
5 way construction or improvement project, reimburse
6 the Federal Government in an amount equal to the
7 amount of Federal funds so expended; and

8 (B) after completion of a reimbursement de-
9 scribed in subparagraph (A), a highway construction
10 or improvement project described in that subpara-
11 graph shall no longer be considered to be a Federal
12 highway construction or improvement project.

13 **SEC. 103. REPORTING REQUIREMENTS.**

14 No reporting requirement, other than a reporting re-
15 quirement in effect as of the date of enactment of this
16 Act, shall apply on or after October 1, 2021, to the use
17 of Federal funds for highway projects by a public-private
18 partnership.

19 **SEC. 104. FUNDING LIMITATION.**

20 Notwithstanding any other provision of law, if the
21 Secretary of Transportation determines for any of fiscal
22 years 2022 through 2026 that the aggregate amount re-
23 quired to carry out transportation programs and projects
24 under this Act and the amendments made by this Act ex-
25 ceeds the estimated aggregate amount in the Highway

1 Trust Fund available for those programs and projects for
2 the fiscal year, each amount made available for that pro-
3 gram or project shall be reduced by the pro rata percent-
4 age required to reduce the aggregate amount required to
5 carry out those programs and projects to an amount equal
6 to the amount available for those programs and projects
7 in the Highway Trust Fund for the fiscal year.

8 **SEC. 105. REPORTS; CERTIFICATION.**

9 (a) REPORT ON EXISTING OBLIGATIONS.—

10 (1) IN GENERAL.—The Director of the Office of
11 Management and Budget (referred to in this section
12 as the “Director”), in consultation with the Sec-
13 retary of Transportation, shall develop and submit
14 to Congress a 5-year plan for the use of revenue de-
15 posited in the Highway Trust Fund to pay for un-
16 paid obligations under Federal-aid highway pro-
17 grams (as in effect before the date of enactment of
18 this Act) incurred before the date of enactment of
19 this Act.

20 (2) REQUIREMENT.—In developing the plan
21 under paragraph (1), the Director shall, to the max-
22 imum extent practicable, balance payments for new
23 Federal-aid highway projects with continued pay-
24 ment of unpaid obligations described in paragraph
25 (1).

1 (b) ANNUAL REPORTS.—Not less frequently than an-
2 nually, the Director shall submit to Congress a report that
3 includes—

4 (1) a description of the remaining balance of
5 unpaid obligations under Federal-aid highway pro-
6 grams (as in effect before the date of enactment of
7 this Act) incurred before the date of enactment of
8 this Act; and

9 (2) a status update on the progress made to-
10 ward achieving the goals of the 5-year plan devel-
11 oped under subsection (a).

12 (c) CERTIFICATION.—On the date that the Director
13 determines that there are no remaining unpaid obligations
14 under Federal-aid highway programs (as in effect before
15 the date of enactment of this Act) incurred before the date
16 of enactment of this Act, the Director shall submit to Con-
17 gress a certification that there are no such remaining un-
18 paid obligations.

19 **TITLE II—FEDERAL-AID**
20 **HIGHWAY PROGRAM REFORMS**

21 **SEC. 201. DEFINITIONS.**

22 Section 101(a) of title 23, United States Code, is
23 amended—

24 (1) by striking paragraph (6) and inserting the
25 following:

1 “(6) FEDERAL-AID HIGHWAY.—The term ‘Fed-
2 eral-aid highway’ means a highway on the Interstate
3 System eligible for assistance under this chapter.”;

4 (2) in paragraph (12), by striking “section
5 103(c)” and inserting “section 103(b)”;

6 (3) by striking paragraph (16); and

7 (4) by redesignating paragraphs (17) through
8 (34) as paragraphs (16) through (33), respectively.

9 **SEC. 202. FEDERAL-AID SYSTEM.**

10 (a) IN GENERAL.—Section 103(a) of title 23, United
11 States Code, is amended by striking “the National High-
12 way System, which includes”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 103 of title 23, United States Code,
15 is amended—

16 (A) by striking the section designation and
17 heading and inserting the following:

18 **“§ 103. Federal-aid system”;**

19 (B) by striking subsection (b); and

20 (C) by redesignating subsection (c) as sub-
21 section (b).

22 (2) Section 127(f) of title 23, United States
23 Code, is amended by striking “section 103(c)(4)(A)”
24 and inserting “section 103(b)(4)(A)”.

1 (3) The analysis for chapter 1 of title 23,
2 United States Code, is amended by striking the item
3 relating to section 103 and inserting the following:

“103. Federal-aid system.”.

4 **SEC. 203. APPORTIONMENT.**

5 Section 104 of title 23, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated from the Highway Trust Fund for each
12 of fiscal years 2022 through 2026, to be made avail-
13 able to the Secretary for administrative expenses of
14 the Federal Highway Administration, an amount
15 equal to 1 percent of the amounts made available for
16 programs under this title for the fiscal year.”; and

17 (B) in paragraph (2)(B), by striking “the
18 Appalachian development highway system” and
19 inserting “the portions of the Appalachian De-
20 velopment Highway System on the Interstate
21 System”;

22 (2) in subsection (b)—

23 (A) in the matter preceding paragraph (1),
24 by striking “the congestion mitigation and air
25 quality improvement program, the national

1 highway freight program, and to carry out sec-
2 tion 134” and inserting “and the national high-
3 way freight program”;

4 (B) in each of paragraphs (1), (2), and
5 (3), by striking “paragraphs (4), (5), and (6)”
6 and inserting “paragraph (4)”;

7 (C) by striking paragraph (4);

8 (D) by redesignating paragraph (5) as
9 paragraph (4);

10 (E) in paragraph (4) (as so redesign-
11 ated)—

12 (i) by striking subparagraph (B) and
13 inserting the following:

14 “(B) TOTAL AMOUNT.—The total amount
15 set aside for the national highway freight pro-
16 gram for all States shall be 3.5 percent of the
17 amounts made available for programs under
18 this title for each of fiscal years 2022 through
19 2026.”; and

20 (ii) by striking subparagraph (D); and

21 (F) by striking paragraph (6);

22 (3) in subsection (c)—

23 (A) in paragraph (1)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “fiscal years 2016

1 through 2020” and inserting “fiscal years
2 2022 through 2026”;

3 (ii) in subparagraph (A)—

4 (I) by striking clause (i) and in-
5 sserting the following:

6 “(i) the base apportionment; by”; and

7 (II) in clause (ii)(I), by striking
8 “fiscal year 2015” and inserting “fis-
9 cal year 2021”; and

10 (iii) in subparagraph (B), by striking
11 “(other than the Mass Transit Account)”;
12 and

13 (B) in paragraph (2)—

14 (i) by striking “fiscal years 2016
15 through 2020” and inserting “fiscal years
16 2022 through 2026”; and

17 (ii) by striking “the congestion miti-
18 gation and air quality improvement pro-
19 gram under section 149, the national high-
20 way freight program under section 167,
21 and to carry out section 134” and insert-
22 ing “and the national highway freight pro-
23 gram under section 167”;

24 (4) by striking subsections (d) and (h);

1 (5) by redesignating subsections (e) through (g)
2 as subsections (d) through (f), respectively;

3 (6) by striking subsection (e) (as so redesign-
4 nated) and inserting the following:

5 “(e) TRANSFERABILITY OF FUNDS.—

6 “(1) IN GENERAL.—To the extent that a State
7 determines that funds made available under this title
8 to the State for a purpose are in excess of the needs
9 of the State for that purpose, the State may transfer
10 the excess funds to, and use the excess funds for,
11 any surface transportation (including public trans-
12 portation and rail) purpose in the State.

13 “(2) ENFORCEMENT.—If the Secretary deter-
14 mines that a State has transferred funds under
15 paragraph (1) to a purpose that is not a surface
16 transportation purpose as described in paragraph
17 (1), the amount of the improperly transferred funds
18 shall be deducted from any amount the State would
19 otherwise receive from the Highway Trust Fund for
20 the fiscal year that begins after the date of the de-
21 termination.”; and

22 (7) by striking subsection (i) and inserting the
23 following:

24 “(g) BASE APPORTIONMENT DEFINED.—In this sec-
25 tion, the term ‘base apportionment’ means the combined

1 amount authorized for appropriation for the national high-
2 way performance program under section 119, the surface
3 transportation block grant program under section 133, the
4 highway safety improvement program under section 148,
5 and the national highway freight program under section
6 167.”.

7 **SEC. 204. ADDITIONAL DEPOSITS IN HIGHWAY TRUST**
8 **FUND.**

9 (a) IN GENERAL.—Section 105 of title 23, United
10 States Code, is repealed.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 1 of title 23, United States Code, is amended by strik-
13 ing the item relating to section 105.

14 **SEC. 205. PROJECT APPROVAL AND OVERSIGHT.**

15 Section 106 of title 23, United States Code, is
16 amended—

17 (1) in subsection (c)—

18 (A) by striking paragraphs (1) and (2) and
19 inserting the following:

20 “(1) IN GENERAL.—For any project under this
21 title, the State may assume the responsibilities of
22 the Secretary under this title for design, plans, spec-
23 ifications, estimates, contract awards, and inspec-
24 tions with respect to the project, unless the Sec-

1 retary determines that the assumption is not appro-
2 priate.”; and

3 (B) by redesignating paragraphs (3) and
4 (4) as paragraphs (2) and (3), respectively;

5 (2) in subsection (d), in the matter preceding
6 paragraph (1), by striking “this section, section 133,
7 or section 149” and inserting “this section or sec-
8 tion 133”;

9 (3) in subsection (e)(2)—

10 (A) in subparagraph (A), by striking “the
11 National Highway System” and inserting “the
12 Interstate System”; and

13 (B) in subparagraph (B), by striking “the
14 National Highway System” and inserting “the
15 Interstate System”; and

16 (4) in subsection (h)(3)(C), in the second sen-
17 tence, by striking “statewide and metropolitan plan-
18 ning requirements in sections 134 and 135” and in-
19 serting “statewide planning requirements under sec-
20 tion 135”.

21 **SEC. 206. STANDARDS.**

22 (a) IN GENERAL.—Section 109 of title 23, United
23 States Code, is amended—

24 (1) by striking subsection (c);

1 (2) by redesignating subsections (d) through
2 (n) as subsections (c) through (m), respectively;

3 (3) by striking subsection (o);

4 (4) by redesignating subsections (p) through (r)
5 as subsections (n) through (p), respectively; and

6 (5) in subsection (n) (as so redesignated), in
7 the matter preceding paragraph (1), by striking
8 “Notwithstanding subsections (b) and (c), the Sec-
9 retary may approve a project for the National High-
10 way System” and inserting “Notwithstanding sub-
11 section (b), the Secretary may approve a project for
12 the Interstate System”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 Section 112 of title 23, United States Code, is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2)(F), by striking
17 “(F)(F) Subparagraphs (B), (C), (D), and (E)
18 herein” and inserting the following:

19 “(F) LIMITATION.—Subparagraphs (B)
20 through (E)”;

21 (B) in paragraph (4)(C)(iv)(II), by striking
22 “section 109(r)” and inserting “section
23 109(p)”;

24 (2) in subsection (g)(2)(B), by striking “section
25 109(e)(2)” and inserting “section 109(d)(2)”.

1 **SEC. 207. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
2 **WAY PROJECTS.**

3 Section 117 of title 23, United States Code, is
4 amended—

5 (1) by striking subsection (d) and inserting the
6 following:

7 “(d) **ELIGIBLE PROJECTS.**—Except as provided in
8 subsection (e), the Secretary may make a grant under this
9 section only for a project that—

10 “(1) is—

11 “(A) a highway freight project carried out
12 on the National Highway Freight Network es-
13 tablished under section 167;

14 “(B) a highway or bridge project carried
15 out on the Interstate System, including a
16 project to add capacity to the Interstate System
17 to improve mobility; or

18 “(C) a railway-highway grade crossing or
19 grade separation project on the Interstate Sys-
20 tem; and

21 “(2) has eligible project costs that are reason-
22 ably anticipated to equal or exceed the lesser of—

23 “(A) \$100,000,000; and

24 “(B) in the case of a project—

25 “(i) located in 1 State, 30 percent of
26 the amount apportioned under this chapter

1 to the State in the most recently completed
2 fiscal year; or

3 “(ii) located in more than 1 State, 50
4 percent of the amount apportioned under
5 this chapter to the participating State with
6 the largest apportionment under this chap-
7 ter in the most recently completed fiscal
8 year.”;

9 (2) in subsection (e)(1), by striking “described
10 in subsection (d)(1)(A) that do not satisfy the min-
11 imum threshold under subsection (d)(1)(B)” and in-
12 serting “described in subsection (d)(1) that do not
13 satisfy the minimum threshold under subsection
14 (d)(2)”;

15 (3) by striking subsections (k) and (l);

16 (4) by redesignating subsections (m) and (n) as
17 subsections (k) and (l), respectively; and

18 (5) in paragraph (1) of subsection (k) (as so re-
19 designated)—

20 (A) by striking subparagraph (B); and

21 (B) in subparagraph (A)—

22 (i) in the first sentence, by striking
23 “At least 60 days” and inserting “Not less
24 than 60 days”; and

1 (ii) in the second sentence, by striking

2 “The notification” and inserting the fol-

3 lowing:

4 “(B) INCLUSIONS.—Each notification
5 under subparagraph (A)”.

6 **SEC. 208. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

7 Section 119 of title 23, United States Code, is
8 amended—

9 (1) in subsection (b), by striking “the National
10 Highway System” each place it appears and insert-
11 ing “the Interstate System”;

12 (2) in subsection (c), by striking “the National
13 Highway System, as defined in section 103” and in-
14 serting “the Interstate System”;

15 (3) in subsection (d)—

16 (A) by striking “the National Highway
17 System” each place it appears and inserting
18 “the Interstate System”;

19 (B) in paragraph (1)(B), by striking “sec-
20 tions 134 and 135” and inserting “section
21 135”; and

22 (C) in paragraph (2)—

23 (i) by striking subparagraphs (F)
24 through (H);

1 (ii) by redesignating subparagraphs
2 (I) through (L) as subparagraphs (F)
3 through (I), respectively; and

4 (iii) by striking subparagraphs (M)
5 through (P);

6 (4) in subsection (e), by striking “the National
7 Highway System” each place it appears and insert-
8 ing “the Interstate System”;

9 (5) in subsection (f)—

10 (A) in the subsection heading, by striking
11 “AND NHS”; and

12 (B) in paragraph (2)—

13 (i) in the paragraph heading, by strik-
14 ing “NHS” and inserting “INTERSTATE
15 SYSTEM”; and

16 (ii) by striking “the National Highway
17 System” each place it appears and insert-
18 ing “the Interstate System”;

19 (6) by striking subsections (g) through (i); and

20 (7) by redesignating subsection (j) as sub-
21 section (g).

22 **SEC. 209. FEDERAL SHARE PAYABLE.**

23 Section 120 of title 23, United States Code, is
24 amended—

25 (1) by striking subsection (b);

1 (2) by redesignating subsections (c) through (f)
2 as subsections (b) through (e), respectively;

3 (3) in subsection (b) (as so redesignated)—

4 (A) by striking paragraph (2);

5 (B) by redesignating paragraph (3) as
6 paragraph (2); and

7 (C) in paragraph (2) (as so redesign-
8 nated)—

9 (i) in subparagraph (A), in the matter
10 preceding clause (i), by striking “para-
11 graph (1), (2), (5)(D), or (6) of section
12 104(b)” and inserting “paragraph (1) or
13 (2) of section 104(b)”; and

14 (ii) in subparagraph (C)(i), by strik-
15 ing “paragraphs (1), (2), (5)(D), and (6)
16 of section 104(b)” and inserting “para-
17 graphs (1) and (2) of section 104(b)”; and

18 (4) in subsection (c) (as so redesignated), in the
19 first sentence, by striking “lands referred to in sub-
20 sections (a) and (b) of this section” and inserting
21 “land referred to in subsection (a)”; and

22 (5) in subsection (d) (as so redesignated), in
23 the matter preceding paragraph (1)—

24 (A) by striking “, including the Interstate
25 System,”; and

1 (B) by striking “subsections (a) and (b)”
2 and inserting “subsection (a)”;
3 (6) by striking subsection (g); and
4 (7) by redesignating subsections (h) through (k)
5 as subsections (g) through (j), respectively.

6 **SEC. 210. EMERGENCY RELIEF.**

7 Section 125 of title 23, United States Code, is
8 amended—

9 (1) in subsection (a), in the matter preceding
10 paragraph (1), by striking “highways, roads, and
11 trails,” and inserting “highways on the Interstate
12 System”;

13 (2) in subsection (c)(1), by striking “(other
14 than the Mass Transit Account)”;

15 (3) in subsection (d)—

16 (A) in paragraph (3)(C), by inserting “(as
17 in effect on the day before the date of enact-
18 ment of the Transportation Empowerment
19 Act)” after “subsection (e)(1)”;

20 (B) by striking paragraph (5);

21 (4) by striking subsections (e) and (f); and

22 (5) by redesignating subsection (g) as sub-
23 section (e).

1 **SEC. 211. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
2 **FUNDS.**

3 (a) IN GENERAL.—Section 126 of title 23, United
4 States Code, is repealed.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 1 of title 23, United States Code, is amended by strik-
7 ing the item relating to section 126.

8 **SEC. 212. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

9 (a) IN GENERAL.—Section 129 of title 23, United
10 States Code, is amended—

11 (1) by striking subsections (b) and (c);

12 (2) in subsection (a)—

13 (A) by striking “(a) **Basic program.**—
14 ”; and

15 (B) by redesignating paragraphs (1)
16 through (10) as subsections (a) through (j), re-
17 spectively, and indenting appropriately;

18 (3) in subsection (a) (as so redesignated)—

19 (A) by striking subparagraphs (B) and
20 (F);

21 (B) by redesignating subparagraphs (A),
22 (C), (D), (E), (G), (H), and (I) as paragraphs
23 (1) through (7), respectively, and indenting ap-
24 propriately;

1 (C) in paragraph (1) (as so redesignated),
2 by inserting “on the Interstate System” after
3 “tunnel” each place it appears;

4 (D) in paragraph (3) (as so redesignated),
5 by inserting “on the Interstate System” after
6 “tunnel” each place it appears;

7 (E) in paragraph (4) (as so redesignated),
8 by inserting “on the Interstate System” after
9 “tunnel” each place it appears;

10 (F) in paragraph (6) (as so redesignated),
11 by inserting “on the Interstate System” after
12 “tunnel”; and

13 (G) in paragraph (7), by striking “this
14 paragraph” and inserting “this subsection”;
15 (4) in subsection (b) (as so redesignated)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “this subsection” and inserting
18 “this section”; and

19 (B) by redesignating subparagraphs (A)
20 and (B) as paragraphs (1) and (2), respectively,
21 and indenting appropriately;
22 (5) in subsection (c) (as so redesignated)—

23 (A) by redesignating subparagraphs (A)
24 through (C) as paragraphs (1) through (3), re-
25 spectively, and indenting appropriately;

1 (B) in paragraph (1) (as so redesignated),
2 by redesignating clauses (i) through (v) as sub-
3 paragraphs (A) through (E), respectively, and
4 indenting appropriately;

5 (C) in paragraph (2) (as so redesign-
6 nated)—

7 (i) by redesignating clauses (i) and
8 (ii) as subparagraphs (A) and (B), respec-
9 tively, and indenting appropriately; and

10 (ii) in subparagraph (A) (as so redes-
11 igned), by striking “subparagraph (A)”
12 and inserting “paragraph (1)”; and

13 (D) in paragraph (3) (as so redesignated),
14 by striking “subparagraph (A)” each place it
15 appears and inserting “paragraph (1)”;
16

(6) in subsection (d) (as so redesignated)—

17 (A) by redesignating subparagraphs (A)
18 and (B) as paragraphs (1) and (2), respectively,
19 and indenting appropriately; and

20 (B) in paragraph (2) (as so redesignated),
21 by striking “this paragraph” and inserting
22 “this subsection”;

23 (7) in subsection (e) (as so redesignated), by
24 striking “paragraph (1)” and inserting “subsection
25 (a)”;

1 (8) in subsection (f) (as so redesignated), by
2 striking “paragraph (3)” and inserting “subsection
3 (c)”;

4 (9) in subsection (g) (as so redesignated)—

5 (A) by redesignating subparagraphs (A)
6 through (I) as paragraphs (1) through (9), re-
7 spectively, and indenting appropriately;

8 (B) by striking “this paragraph” each
9 place it appears and inserting “this sub-
10 section”;

11 (C) in paragraph (1) (as so redesignated),
12 by redesignating clauses (i) and (ii) as subpara-
13 graphs (A) and (B), respectively, and indenting
14 appropriately; and

15 (D) in paragraph (8) (as so redesignated),
16 by redesignating clauses (i) and (ii) as subpara-
17 graphs (A) and (B), respectively, and indenting
18 appropriately; and

19 (10) in subsection (j) (as so redesignated)—

20 (A) by redesignating subparagraphs (A)
21 through (E) as paragraphs (1) through (5), re-
22 spectively, and indenting appropriately;

23 (B) in the matter preceding paragraph (1)
24 (as so redesignated), by striking “this sub-
25 section” and inserting “this section”;

1 (C) in paragraph (2) (as so redesignated),
2 by redesignating clauses (i) and (ii) as subpara-
3 graphs (A) and (B), respectively, and indenting
4 appropriately; and

5 (D) in paragraph (5) (as so redesignated),
6 by striking “this subsection” and inserting
7 “this section”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 165(c)(6)(A) of title 23, United
10 States Code, is amended—

11 (A) by striking clause (iii); and

12 (B) by redesignating clauses (iv) through
13 (vii) as clauses (iii) through (vi), respectively.

14 (2) Section 166(c)(2) of title 23, United States
15 Code, is amended by striking “section 129(a)(3)”
16 and inserting “section 129(c)”.

17 (3) Section 9 of the International Bridge Act of
18 1972 (33 U.S.C. 535f) is amended in the second
19 sentence by striking “section 129(a)(3)” and insert-
20 ing “section 129(c)”.

21 **SEC. 213. RAILWAY-HIGHWAY CROSSINGS.**

22 (a) IN GENERAL.—Section 130 of title 23, United
23 States Code, is repealed.

24 (b) CONFORMING AMENDMENTS.—

1 (1) The analysis for chapter 1 of title 23,
2 United States Code, is amended by striking the item
3 relating to section 130.

4 (2) Section 409 of title 23, United States Code,
5 is amended by striking “sections 130, 144, and 148”
6 and inserting “sections 144 and 148”.

7 **SEC. 214. SURFACE TRANSPORTATION BLOCK GRANT PRO-**
8 **GRAM.**

9 (a) IN GENERAL.—Section 133 of title 23, United
10 States Code, is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by striking subparagraphs (B),
14 (C), and (E);

15 (ii) by redesignating subparagraphs
16 (D) and (F) as subparagraphs (B) and
17 (C), respectively;

18 (iii) in subparagraph (A), by inserting
19 “that are on the Interstate System” after
20 “title 40”;

21 (iv) in subparagraph (B) (as so reded-
22 ignated)—

23 (I) by inserting “on the Inter-
24 state System” after “improvements”;
25 and

1 (II) by inserting “and” after the
2 semicolon at the end; and

3 (v) in subparagraph (C) (as so redesi-
4 gnated), by inserting “that are on the
5 Interstate System” before the period at the
6 end;

7 (B) by striking paragraphs (3), (5), (6),
8 (7), (11), (13), and (15);

9 (C) by redesignating paragraphs (4), (8),
10 (9), (10), (12), and (14) as paragraphs (3)
11 through (8), respectively;

12 (D) in paragraph (3) (as so redesignated),
13 by striking “ and transit safety infrastructure
14 improvements and programs, including railway-
15 highway grade crossings” and inserting “safety
16 infrastructure improvements and programs on
17 the Interstate System”;

18 (E) in paragraph (4) (as so redesignated),
19 by striking “the National Highway System and
20 a performance-based management program for
21 other public roads” and inserting “the Inter-
22 state System”;

23 (F) in paragraph (5) (as so redesignated),
24 by inserting “on the Interstate System” before
25 the period at the end;

1 (G) in paragraph (6) (as so redesignated),
2 by inserting “with respect to the Interstate Sys-
3 tem” before the period at the end;

4 (H) in paragraph (7) (as so redesignated),
5 by inserting “on the Interstate System” before
6 the period at the end; and

7 (I) in paragraph (8) (as so redesignated),
8 by striking “and chapter 53 of title 49”;

9 (2) by striking subsection (c) and inserting the
10 following:

11 “(c) LOCATION OF PROJECTS.—A project under this
12 section may only be carried out on a road on the Interstate
13 System.”;

14 (3) in subsection (d)—

15 (A) in paragraph (1)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “(after the reserva-
18 tion of funds under subsection (h))”; and

19 (ii) in subparagraph (A), in the mat-
20 ter preceding clause (i), by striking “para-
21 graph (6)” and inserting “paragraph (5)”;

22 (B) by striking paragraph (2);

23 (C) by redesignating paragraphs (3)
24 through (6) as paragraphs (2) through (5), re-
25 spectively;

1 (D) in paragraph (4) (as so redesignated),
2 by striking “sections 134 and 135” and insert-
3 ing “section 135”; and

4 (E) in paragraph (5) (as so redesignated),
5 by striking “is” and all that follows through the
6 period at the end and inserting “is 55 percent
7 for each of fiscal years 2022 through 2026.”;

8 (4) in subsection (e)(1), in the matter preceding
9 subparagraph (A), by striking “fiscal years 2016
10 through 2020” and inserting “fiscal years 2022
11 through 2026”; and

12 (5) by striking subsections (f) through (i).

13 (b) CONFORMING AMENDMENT.—Section 165(c)(7)
14 of title 23, United States Code, is amended by striking
15 “paragraphs (1) through (4) of section 133(c) and section
16 133(b)(12)” and inserting “section 133(b)(7)”.

17 **SEC. 215. METROPOLITAN TRANSPORTATION PLANNING.**

18 (a) IN GENERAL.—Section 134 of title 23, United
19 States Code, is repealed.

20 (b) CONFORMING AMENDMENTS.—

21 (1) The analysis for chapter 1 of title 23,
22 United States Code, is amended by striking the item
23 relating to section 134.

24 (2) Section 2864(f)(2) of title 10, United States
25 Code, is amended by inserting “(as in effect on the

1 day before the date of enactment of the Transpor-
2 tation Empowerment Act)” after “title 23”.

3 (3) Section 108(d)(5)(A) of title 23, United
4 States Code, is amended by striking “sections 134
5 and 135” and inserting “section 135”.

6 (4) Section 135 of title 23, United States Code,
7 is amended—

8 (A) in subsection (a)—

9 (i) in paragraph (1), by striking
10 “Subject to section 134, to accomplish the
11 objectives stated in section 134(a)” and in-
12 serting “To accomplish the objectives stat-
13 ed in section 134(a) (as in effect on the
14 day before the date of enactment of the
15 Transportation Empowerment Act)”; and

16 (ii) in paragraph (3), by inserting
17 “(as in effect on the day before the date of
18 enactment of the Transportation Em-
19 powerment Act)” after “section 134(a)”;

20 (B) in subsection (b)(1), by striking “with
21 the transportation planning activities carried
22 out under section 134 for metropolitan areas of
23 the State and”;

24 (C) in subsection (f)—

25 (i) in paragraph (2)—

1 (I) by striking subparagraph (A);

2 and

3 (II) by redesignating subpara-
4 graphs (B), (C), and (D) as subpara-
5 graphs (A), (B), and (C), respectively;

6 (ii) by striking paragraph (4);

7 (iii) in paragraph (6), by striking
8 “paragraph (5)” and inserting “paragraph
9 (4)”; and

10 (iv) by redesignating paragraphs (5)
11 through (9) as paragraphs (4) through (8),
12 respectively;

13 (D) in subsection (g)—

14 (i) in paragraph (2)—

15 (I) by striking subparagraph (A);

16 and

17 (II) by redesignating subpara-
18 graphs (B) and (C) as subparagraphs
19 (A) and (B), respectively;

20 (ii) in paragraph (3), by striking “,”
21 and inserting a comma;

22 (iii) in paragraph (6)(B), by striking
23 “5310, 5311, 5316, and 5317” and insert-
24 ing “5310 and 5311”; and

1 (iv) in paragraph (8), by striking
2 “and section 134”;

3 (E) in subsection (i), by striking “appor-
4 tioned under paragraphs (5)(D) and (6) of sec-
5 tion 104(b) of this title and”;

6 (F) in subsection (j), by striking “and sec-
7 tion 134” each place it appears; and

8 (G) by adding at the end the following:

9 “(n) DEFINITIONS.—In this section, the definitions
10 under section 134(b) (as in effect on the day before the
11 date of enactment of the Transportation Empowerment
12 Act) shall apply.”.

13 (5) Section 137 of title 23, United States Code,
14 is amended—

15 (A) by striking subsection (e); and

16 (B) by redesignating subsections (f) and
17 (g) as subsections (e) and (f), respectively.

18 (6) Section 166 of title 23, United States Code,
19 is amended by striking subsection (g).

20 (7) Section 168(a)(3) of title 23, United States
21 Code, is amended by striking “metropolitan or state-
22 wide transportation planning under section 134 or
23 135, respectively” and inserting “statewide transpor-
24 tation planning under section 135”.

1 (8) Section 201(c)(1) of title 23, United States
2 Code, is amended by striking “sections 134 and
3 135” and inserting “section 135”.

4 (9) Section 327(a)(2)(B)(iv)(I) of title 23,
5 United States Code, is amended by striking “134
6 or”.

7 (10) Section 505 of title 23, United States
8 Code, is amended—

9 (A) in subsection (a)(2)—

10 (i) by striking “metropolitan and”;

11 and

12 (ii) by striking “sections 134 and
13 135” and inserting “section 135”; and

14 (B) in subsection (b)(2), by striking “sec-
15 tions 134 and 135” and inserting “section
16 135”.

17 (11) Section 602(a)(3) of title 23, United
18 States Code, is amended by striking “sections 134
19 and 135” and inserting “section 135”.

20 (12) Section 174 of the Clean Air Act (42
21 U.S.C. 7504) is amended—

22 (A) in the fourth sentence of subsection
23 (a), by striking “the metropolitan planning or-
24 ganization designated to conduct the con-
25 tinuing, cooperative and comprehensive trans-

1 portation planning process for the area under
2 section 134 of title 23, United States Code,”;

3 (B) by striking subsection (b); and

4 (C) by redesignating subsection (c) as sub-
5 section (b).

6 (13) Section 176(c) of the Clean Air Act (42
7 U.S.C. 7506(c)) is amended—

8 (A) in paragraph (1), in the matter pre-
9 ceding subparagraph (A), by striking the second
10 sentence;

11 (B) in paragraph (7)(A), in the matter
12 preceding clause (i), by striking “section 134(i)
13 of title 23, United States Code, or”;

14 (C) in paragraph (9)—

15 (i) by striking “section 134(i) of title
16 23, United States Code, or”;

17 (ii) by striking “under section 134(j)
18 of such title 23 or”.

19 (14) Section 182(c)(5) of the Clean Air Act (42
20 U.S.C. 7511a(c)(5)) is amended—

21 (A) by striking “(A) Beginning” and in-
22 serting “Beginning”;

23 (B) in the last sentence by striking “and
24 with the requirements of section 174(b)”.

1 (15) Section 5304(i) of title 49, United States
2 Code, is amended—

3 (A) by striking “sections 134 and 135”
4 each place it appears and inserting “section
5 135”; and

6 (B) by striking “this this” and inserting
7 “this”.

8 **SEC. 216. CONTROL OF JUNKYARDS.**

9 Section 136 of title 23, United States Code, is
10 amended—

11 (1) in subsection (a), by striking “and the pri-
12 mary system”;

13 (2) in subsection (b), in the first sentence—

14 (A) by striking “and the primary system”;
15 and

16 (B) by striking “paragraphs (1) through
17 (6) of section 104(b)” and inserting “para-
18 graphs (1) through (4) of section 104(b)”;

19 (3) in subsection (g), by striking “and the pri-
20 mary system”;

21 (4) in subsection (k), by striking “interstate
22 and primary systems” and inserting “Interstate Sys-
23 tem”; and

24 (5) by striking subsection (n).

1 **SEC. 217. ENFORCEMENT OF REQUIREMENTS.**

2 Section 141 of title 23, United States Code, is
3 amended—

4 (1) in subsection (a), in the first sentence, by
5 striking “the Federal-aid primary system, the Fed-
6 eral-aid urban system, and the Federal-aid sec-
7 ondary system, including the Interstate System” and
8 inserting “the Interstate System”; and

9 (2) in subsection (b)(2), by striking “para-
10 graphs (1) through (6) of section 104(b)” and in-
11 sserting “paragraphs (1) through (4) of section
12 104(b)”.

13 **SEC. 218. PUBLIC TRANSPORTATION.**

14 (a) **IN GENERAL.**—Section 142 of title 23, United
15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking paragraph (2);

18 (B) in the second sentence, by striking “If
19 fees” and inserting the following:

20 “(2) **RATE.**—If fees”; and

21 (C) by striking “(a)(1) To encourage” and
22 inserting the following:

23 “(a) **CONSTRUCTION OF FACILITIES.**—

24 “(1) **IN GENERAL.**—To encourage”;

25 (2) by striking subsections (d), (g), (h), and (i);

1 (3) by redesignating subsections (e) and (f) as
2 subsections (d) and (e), respectively; and

3 (4) in subsection (d) (as so redesignated)—

4 (A) by striking “of this section” each place
5 it appears;

6 (B) by striking paragraph (2); and

7 (C) by redesignating paragraph (3) as
8 paragraph (2).

9 (b) CONFORMING AMENDMENT.—Section 156(a) of
10 title 23, United States Code, is amended by striking “sec-
11 tion 142(f)” and inserting “section 142(e)”.

12 **SEC. 219. HIGHWAY USE TAX EVASION PROJECTS.**

13 Section 143(b)(2)(A) of title 23, United States Code,
14 is amended by striking “each of fiscal years 2016 through
15 2020” and inserting “each of fiscal years 2022 through
16 2026”.

17 **SEC. 220. NATIONAL BRIDGE AND TUNNEL INVENTORY AND**
18 **INSPECTION STANDARDS.**

19 Section 144 of title 23, United States Code, is
20 amended—

21 (1) in subsection (a)(2)—

22 (A) in subparagraph (A), by striking
23 “highway bridges and tunnels of the United
24 States” and inserting “bridges on the Interstate
25 System”;

1 (B) in subparagraph (B), by striking
2 “highway bridges and tunnels” and inserting
3 “bridges on the Interstate System”; and

4 (C) in subparagraph (E), by striking “Na-
5 tional Highway System bridges and bridges on
6 all public roads” and inserting “bridges on the
7 Interstate System”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “all high-
10 way bridges on public roads, on and off Fed-
11 eral-aid highways,” and inserting “all bridges
12 on the Interstate System,”; and

13 (B) in paragraph (2), by striking “all tun-
14 nels on public roads, on and off Federal-aid
15 highways,” and inserting “all tunnels on the
16 Interstate System,”;

17 (3) in subsection (d)—

18 (A) by striking paragraphs (2) and (4);
19 and

20 (B) by redesignating paragraph (3) as
21 paragraph (2);

22 (4) in subsection (e)(1), by inserting “on the
23 Interstate System” after “any bridge”;

1 (5) in subsection (f)(1), in the matter preceding
2 subparagraph (A), by inserting “on the Interstate
3 System” after “any bridge”;

4 (6) in subsection (g)—

5 (A) in paragraph (1), by inserting “on the
6 Interstate System” after “any bridge”; and

7 (B) in paragraph (3), by striking “bridges
8 on and off Federal-aid highways” and inserting
9 “bridges on the Interstate System”;

10 (7) in subsection (h)—

11 (A) in paragraph (1)(A), by striking “high-
12 way bridges and tunnels” and inserting
13 “bridges and tunnels on the Interstate Sys-
14 tem”;

15 (B) in paragraph (2), by striking “high-
16 way” each place it appears and inserting
17 “Interstate System”; and

18 (C) in paragraph (3)(B)(i), by striking
19 “highway bridges” and inserting “Interstate
20 System bridges”;

21 (8) in subsection (i)(1), by striking “highway
22 bridge” and inserting “Interstate System bridge”;
23 and

24 (9) in subsection (j)—

1 (A) in paragraph (3)(B), by striking “a
2 transportation improvement program under sec-
3 tion 134(j) or a statewide transportation im-
4 provement program under section 135, as appli-
5 cable” and inserting “a statewide transpor-
6 tation improvement program under section
7 135”; and

8 (B) in paragraph (4)(A), by striking “sec-
9 tions 134 and 135” and inserting “section
10 135”.

11 **SEC. 221. CARPOOL AND VANPOOL PROJECTS.**

12 (a) **IN GENERAL.**—Section 146 of title 23, United
13 States Code, is repealed.

14 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
15 ter 1 of title 23, United States Code, is amended by strik-
16 ing the item relating to section 146.

17 **SEC. 222. CONSTRUCTION OF FERRY BOATS AND FERRY**
18 **TERMINAL FACILITIES.**

19 (a) **IN GENERAL.**—Section 147 of title 23, United
20 States Code, is repealed.

21 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
22 ter 1 of title 23, United States Code, is amended by strik-
23 ing the item relating to section 147.

1 **SEC. 223. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

2 Section 148 of title 23, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “roadway
6 functionally classified as a rural major or minor
7 collector or a rural local road” and inserting
8 “road on the Interstate System”;

9 (B) in paragraph (2), by striking “all pub-
10 lic roads” and inserting “all roads on the Inter-
11 state System”;

12 (C) in paragraph (4)—

13 (i) in subparagraph (A), in the matter
14 preceding clause (i), by striking “on a pub-
15 lic road” and inserting “on the Interstate
16 System”; and

17 (ii) in subparagraph (B)—

18 (I) in clause (iii), by striking “,
19 if the rumble strips or other warning
20 devices do not adversely affect the
21 safety or mobility of bicyclists and pe-
22 destrians, including persons with dis-
23 abilities”;

24 (II) by striking clauses (v),
25 (xviii), (xix), (xxiii), (xxvi), (xxvii),
26 and (xxviii);

1 (III) by redesignating clauses (vi)
2 through (xvii), (xx) through (xxii),
3 (xxiv), and (xxv) as clauses (v)
4 through (xxi), respectively; and

5 (IV) in clause (xix) (as so reded-
6 igned), by inserting “on the Inter-
7 state System” after “improvements”;

8 (D) in paragraph (9)(A), by striking “a
9 public road” and inserting “the Interstate Sys-
10 tem”; and

11 (E) in paragraph (11)(D), by striking “all
12 public roads, including non-State-owned public
13 roads and roads on tribal land” and inserting
14 “all roads on the Interstate System, including
15 non-State owned roads on the Interstate Sys-
16 tem and roads on the Interstate System on trib-
17 al land”;

18 (2) in subsection (b)(2), by striking “all public
19 roads, including non-State-owned public roads and
20 roads on tribal land” and inserting “all roads on the
21 Interstate System, including non-State owned roads
22 on the Interstate System and roads on the Interstate
23 System on tribal land”;

24 (3) in subsection (c)(2)—

1 (A) in subparagraph (A)(i), by striking
2 “all public roads, including non-State-owned
3 public roads and roads on tribal land in the
4 State” and inserting “all roads on the Inter-
5 state System, including non-State owned roads
6 on the Interstate System and roads on the
7 Interstate System on tribal land in the State”;

8 (B) in subparagraph (B)(iii), by striking
9 “all public roads” and inserting “all roads on
10 the Interstate System”;

11 (C) in subparagraph (C)(i), by striking “all
12 public roads” and inserting “all roads on the
13 Interstate System”; and

14 (D) in subparagraph (D)—

15 (i) in clause (ii), by striking “all pub-
16 lic roads, including public non-State-owned
17 roads and roads on tribal land” and insert-
18 ing “all roads on the Interstate System, in-
19 cluding non-State owned roads on the
20 Interstate System and roads on the Inter-
21 state System on tribal land”;

22 (ii) in clause (iii), by striking “all
23 public roads” and inserting “all roads on
24 the Interstate System”; and

1 (iii) in clause (v), by striking “all pub-
2 lic roads in the State” and inserting “all
3 roads on the Interstate System in the
4 State”;

5 (4) in subsection (d)(1)(B)—

6 (A) in clause (iv), by striking “rural roads,
7 including all public roads,” and inserting
8 “roads on the Interstate System in rural
9 areas”; and

10 (B) in clause (viii), by striking “all public
11 roads, including non-State-owned public roads
12 and roads on tribal land” and inserting “all
13 roads on the Interstate System, including non-
14 State owned roads on the Interstate System
15 and roads on the Interstate System on tribal
16 land”;

17 (5) in subsection (e)(1)—

18 (A) in subparagraph (A), by striking “on
19 any public road or publicly owned bicycle or pe-
20 destrian pathway or trail” and inserting “on
21 any road on the Interstate System”; and

22 (B) in subparagraph (C), by striking “a
23 public road” and inserting “a road on the
24 Interstate System”;

1 (6) in subsection (f)(1)(B), by striking “all pub-
2 lic roads” each place it appears and inserting “all
3 roads on the Interstate System”;

4 (7) in subsection (h)(1)(C), by striking “all
5 public roads” each place it appears and inserting
6 “all roads on the Interstate System”;

7 (8) in subsection (i)(2)(D), by striking “safety
8 safety” and inserting “safety”;

9 (9) in subsection (j), by striking “sections 120
10 and 130” and inserting “section 120”; and

11 (10) by striking subsection (k).

12 **SEC. 224. REPEAL OF CONGESTION MITIGATION AND AIR**
13 **QUALITY IMPROVEMENT PROGRAM.**

14 (a) **IN GENERAL.**—Section 149 of title 23, United
15 States Code, is repealed.

16 (b) **CONFORMING AMENDMENTS.**—

17 (1) The analysis for chapter 1 of title 23,
18 United States Code, is amended by striking the item
19 relating to section 149.

20 (2) Section 322(h)(3) of title 23, United States
21 Code, is amended by striking “and the congestion
22 mitigation and air quality improvement program
23 under section 149”.

24 (3) Section 505(a)(3) of title 23, United States
25 Code, is amended by striking “149,”.

1 **SEC. 225. NATIONAL GOALS AND PERFORMANCE MEAS-**
2 **URES.**

3 Section 150 of title 23, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “all pub-
7 lic roads” and inserting “all roads on the Inter-
8 state System”; and

9 (B) in paragraph (3), by striking “Na-
10 tional Highway System” and inserting “Inter-
11 state System”;

12 (2) in subsection (c)—

13 (A) in paragraph (3)(A)(ii), by striking
14 subclauses (II) through (V) and inserting the
15 following:

16 “(II) the condition of bridges on
17 the Interstate System; and

18 “(III) the performance of the
19 Interstate System;”;

20 (B) by striking paragraph (5); and

21 (C) by redesignating paragraph (6) as
22 paragraph (5);

23 (3) in subsection (d)(1), by striking “(5), and
24 (6)” and inserting “and (5)”; and

1 (4) in subsection (e), by striking “National
2 Highway System” each place it appears and insert-
3 ing “Interstate System”.

4 **SEC. 226. NATIONAL ELECTRIC VEHICLE CHARGING AND**
5 **HYDROGEN, PROPANE, AND NATURAL GAS**
6 **FUELING CORRIDORS.**

7 Section 151(a) of title 23, United States Code, is
8 amended by striking “major national highways” and in-
9 serting “the Interstate System”.

10 **SEC. 227. HAZARD ELIMINATION PROGRAM.**

11 (a) **IN GENERAL.**—Section 152 of title 23, United
12 States Code, is repealed.

13 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
14 ter 1 of title 23, United States Code, is amended by strik-
15 ing the item relating to section 152.

16 **SEC. 228. NATIONAL SCENIC BYWAYS PROGRAM.**

17 Section 162(a)(2) of title 23, United States Code, is
18 amended by inserting “, subject to the condition that the
19 road is a road on the Interstate System” before the period
20 at the end.

21 **SEC. 229. NATIONAL HIGHWAY FREIGHT PROGRAM.**

22 Section 167 of title 23, United States Code, is
23 amended—

24 (1) in subsection (d)(2)—

1 (A) in subparagraph (A), by striking “sub-
2 paragraph (E)” and inserting “subparagraphs
3 (E) and (F)”; and

4 (B) by adding at the end the following:

5 “(F) REQUIREMENT.—In redesignating
6 the primary highway freight system under sub-
7 paragraph (A), the Administrator shall ensure
8 that all roads on the primary highway freight
9 system are roads on the Interstate System.”;

10 (2) in subsection (e)(1), in the matter preceding
11 subparagraph (A)—

12 (A) by striking “a public road” and insert-
13 ing “a road on the Interstate System”; and

14 (B) by striking “the public road” and in-
15 serting “the road”;

16 (3) in subsection (f), by striking “public road”
17 each place it appears and inserting “road on the
18 Interstate System”;

19 (4) in subsection (i)—

20 (A) by striking “section 104(b)(5)” each
21 place it appears and inserting “section
22 104(b)(4)”;

23 (B) in paragraph (5)—

24 (i) by striking subparagraph (B);

1 (ii) by redesignating subparagraph
2 (C) as subparagraph (B); and

3 (iii) in subparagraph (C) (as so reded-
4 igned)—

5 (I) by striking clauses (vi), (xi),
6 (xiv), (xviii), (xxii), and (xxiii); and

7 (II) by redesignating clauses (vii)
8 through (x), (xii) and (xiii), (xv)
9 through (xvii), and (xix) through (xxi)
10 as clauses (vi) through (xvii), respec-
11 tively;

12 (C) in paragraph (6)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “for” and all that
15 follows through “the necessary costs” in
16 subparagraph (B) in the matter preceding
17 clause (i) and inserting “for the necessary
18 costs”; and

19 (ii) by redesignating clauses (i)
20 through (iii) as subparagraphs (A) through
21 (C), respectively, and indenting appro-
22 priately; and

23 (D) in paragraph (7), by striking “sections
24 134 and 135” and inserting “section 135”;

1 (5) in subsection (k)(1)(A)(ii), by striking
2 “ports-of” and inserting “ports of”; and
3 (6) by striking subsection (l).

4 **SEC. 230. RECREATIONAL TRAILS PROGRAM.**

5 (a) IN GENERAL.—Section 206 of title 23, United
6 States Code, is repealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 325 of title 23, United States Code,
9 is amended—

10 (A) by striking subsection (d); and

11 (B) by redesignating subsection (e) as sub-
12 section (d).

13 (2) The analysis for chapter 2 of title 23,
14 United States Code, is amended by striking the item
15 relating to section 206.

16 **SEC. 231. BICYCLE TRANSPORTATION AND PEDESTRIAN**
17 **WALKWAYS.**

18 (a) IN GENERAL.—Section 217 of title 23, United
19 States Code, is repealed.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 1524(a) of MAP-21 (23 U.S.C. 206
22 note; Public Law 112-141) is amended by striking
23 “sections 162, 206, 213, and 217” and inserting
24 “section 162”.

1 (2) The analysis for chapter 2 of title 23,
2 United States Code, is amended by striking the item
3 relating to section 217.

4 **SEC. 232. ALASKA HIGHWAY.**

5 (a) IN GENERAL.—Section 218 of title 23, United
6 States Code, is repealed.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 2 of title 23, United States Code, is amended by strik-
9 ing the item relating to section 218.

10 **SEC. 233. CONFORMING AMENDMENTS.**

11 (a) CONTROL OF OUTDOOR ADVERTISING.—Section
12 131(t) of title 23, United States Code, is amended by
13 striking “, and any highway which is not on such system
14 but which is on the National Highway System”.

15 (b) ELIMINATION OF MASS TRANSIT ACCOUNT.—

16 (1) Section 102(b) of title 23, United States
17 Code, is amended in the first sentence by striking
18 “(other than the Mass Transit Account)”.

19 (2) Section 118(a) of title 23, United States
20 Code, is amended by striking “(other than the Mass
21 Transit Account)”.

22 (3) Section 156(a) of title 23, United States
23 Code, is amended by striking “(other than the Mass
24 Transit Account)”.

1 (4) Section 321 of title 23, United States Code,
2 is amended by striking “(other than the Mass Tran-
3 sit Account)”.

4 (5) Section 323(b)(1) of title 23, United States
5 Code, is amended in the matter preceding subpara-
6 graph (A) by striking “(other than the Mass Transit
7 Account)”.

8 (6) Section 521(b)(10) of title 49, United
9 States Code, is amended by striking “(other than
10 the Mass Transit Account)”.

11 (7) Section 6308 of title 49, United States
12 Code, is amended by striking “(other than the Mass
13 Transit Account)”.

14 (8) Section 31104(g) of title 49, United States
15 Code, is amended by striking “(other than the Mass
16 Transit Account)”.

17 (9) Section 31110(d) of title 49, United States
18 Code, is amended by striking “(other than the Mass
19 Transit Account)”.

20 (10) Section 31138(d)(5) of title 49, United
21 States Code, is amended by striking “(other than
22 the Mass Transit Account)”.

23 (11) Section 31139(g)(5) of title 49, United
24 States Code, is amended by striking “(other than
25 the Mass Transit Account)”.

1 (c) NATIONAL HIGHWAY SYSTEM REPEAL.—Section
2 111(d)(1) of title 23, United States Code, is amended in
3 the first sentence by striking “the National Highway Sys-
4 tem” and inserting “the Interstate System”.

5 **TITLE III—HIGHWAY TRUST**
6 **FUND AND RELATED TAXES**
7 **Subtitle A—Highway Trust Fund**
8 **Authority**

9 **SEC. 301. EXTENSION OF HIGHWAY TRUST FUND EXPENDI-**
10 **TURE AUTHORITY.**

11 (a) HIGHWAY TRUST FUND.—Section 9503 of the
12 Internal Revenue Code of 1986 is amended—

13 (1) by striking “October 1, 2021” in sub-
14 sections (b)(6)(B), (c)(1), and (e)(3) and inserting
15 “October 1, 2026”, and

16 (2) by striking “Continuing Appropriations Act,
17 2021 and Other Extensions Act” in subsections
18 (c)(1) and (e)(3) and inserting “Transportation Em-
19 powerment Act”.

20 (b) SPORT FISH RESTORATION AND BOATING TRUST
21 FUND.—Section 9504 of such Code is amended—

22 (1) by striking “Continuing Appropriations Act,
23 2021 and Other Extensions Act” each place it ap-
24 pears in subsection (b)(2) and inserting “Transpor-
25 tation Empowerment Act”, and

1 (2) by striking “October 1, 2021” in subsection
2 (d)(2) and inserting “October 1, 2026”.

3 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
4 FUND.—Section 9508(e)(2) of such Code is amended by
5 striking “October 1, 2021” and inserting “October 1,
6 2026”.

7 **SEC. 302. TERMINATION OF MASS TRANSIT ACCOUNT.**

8 Section 9503(e) of the Internal Revenue Code of
9 1986 is amended—

10 (1) in the first sentence of paragraph (2), by
11 inserting “, and before October 1, 2021” after
12 “March 31, 1983”, and

13 (2) by adding at the end the following:

14 “(6) TRANSFER TO HIGHWAY ACCOUNT.—On
15 the date on which Director of the Office of Manage-
16 ment and Budget submits the certification under
17 section 105(c) of the Transportation Empowerment
18 Act, the Secretary shall transfer all amounts in the
19 Mass Transit Account to the Highway Account.”.

20 **SEC. 303. TRANSFER OF UNUSED COVID-19 APPROPRIA-**
21 **TIONS TO THE HIGHWAY TRUST FUND.**

22 (a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

23 (1) ~~RESCISSION.~~ ^{TRANSFER}—Of the unobligated balances
24 from amounts made available under the heading
25 “Small Business Administration—Disaster Loans

1 Program Account” in title II of division B of the
2 Paycheck Protection Program and Health Care En-
3 hancement Act (Public Law 116–139),
4 \$13,500,000,000 are hereby transferred to the
5 Highway Trust Fund.

6 (2) DESIGNATION.—The amount transferred
7 pursuant to paragraph (1) that was previously des-
8 ignated by the Congress as an emergency require-
9 ment pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of
11 1985 is designated by the Congress as an emergency
12 requirement pursuant to section 4112(a) of H. Con.
13 Res. 71 (115th Congress), the concurrent resolution
14 on the budget for fiscal year 2018, and to section
15 251(b) of the Balanced Budget and Emergency Def-
16 icit Control Act of 1985.

17 (b) TARGETED EIDL ADVANCE.—

18 (1) Of the unobligated balances from amounts
19 made available under the heading “Small Business
20 Administration—Targeted EIDL Advance” in sec-
21 tion 323(d)(1)(D) of division N of the Consolidated
22 Appropriations Act, 2021 (Public Law 116–260),
23 \$17,578,000,000 are hereby transferred to the
24 Highway Trust Fund.

1 (2) The unobligated balances from amounts
2 made available in section 5002(b) of the American
3 Rescue Plan Act of 2021 (Public Law 117–2) are
4 hereby transferred to the Highway Trust Fund.

5 (c) ECONOMIC STABILIZATION PROGRAM.—Of the
6 unobligated balances from amounts made available in sec-
7 tion 4027(a) of the Coronavirus Aid, Relief, and Economic
8 Security Act (15 U.S.C. 9601), \$1,366,100,000 are here-
9 by transferred to the Highway Trust Fund.

10 (d) BUSINESS LOANS PROGRAM ACCOUNT.—

11 (1) Of the unobligated balances from amounts
12 made available under the heading “Small Business
13 Administration—Business Loans Program Account,
14 CARES Act” in section 1107(a)(1) of the
15 Coronavirus Aid, Relief, and Economic Security Act
16 (Public Law 116–136), as amended by section
17 101(a)(2) of division A of the Paycheck Protection
18 Program and Health Care Enhancement Act (Public
19 Law 116–139), and in section 323(d)(1)(A) of divi-
20 sion N of the Consolidated Appropriations Act, 2021
21 (Public Law 116–260) for carrying out paragraphs
22 (36) and (37) of section 7(a) of the Small Business
23 Act (15 U.S.C. 636(a)), \$4,684,000,000 are hereby
24 transferred to the Highway Trust Fund.

1 (2) Of the unobligated balances from amounts
2 made available under the heading “Small Business
3 Administration—Business Loans Program Account”
4 in section 323(d)(1)(F) of division N of the Consoli-
5 dated Appropriations Act, 2021 (Public Law 116-
6 260), \$992,000,000 are hereby transferred to the
7 Highway Trust Fund.

8 (e) PANDEMIC RELIEF FOR AVIATION WORKERS,
9 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY
10 ACT (CARES ACT).—Of the unobligated balances from
11 amounts made available in section 4120 of the
12 Coronavirus Aid, Relief, and Economic Security Act (15
13 U.S.C. 9080), \$3,000,000,000 are hereby transferred to
14 the Highway Trust Fund.

15 (f) EDUCATION STABILIZATION FUND.—

16 ~~RESCISSON~~^{TRANSFER}.—Of the unobligated balances
17 from amounts made available under the heading
18 “Education Stabilization Fund” in title VIII of divi-
19 sion B of the Coronavirus Aid, Relief, and Economic
20 Security Act (Public Law 116-136) and in title III
21 of division M of the Consolidated Appropriations
22 Act, 2021 (Public Law 116-260) that were reserved
23 for the Higher Education Emergency Relief Fund by
24 sections 18004(a)(1) and 18004(a)(2) of division B
25 of the Coronavirus Aid, Relief, and Economic Secu-

1 rity Act (Public Law 116–136) and sections
2 314(a)(1), 314(a)(2), and 314(a)(4) of division M of
3 the Consolidated Appropriations Act, 2021 (Public
4 Law 116–260), \$353,400,000 are hereby transferred
5 to the Highway Trust Fund.

6 (2) DESIGNATION.—The amount transferred
7 pursuant to paragraph (1) that was previously des-
8 ignated by the Congress as an emergency require-
9 ment pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of
11 1985 is designated by the Congress as an emergency
12 requirement pursuant to section 4112(a) of H. Con.
13 Res. 71 (115th Congress), the concurrent resolution
14 on the budget for fiscal year 2018, and to section
15 251(b) of the Balanced Budget and Emergency Def-
16 icit Control Act of 1985.

17 (g) SMALL BUSINESS ADMINISTRATION, SALARIES
18 AND EXPENSES.—

19 (1) ~~RESCUSSION~~ ^{TRANSFER}.—Of the unobligated balances
20 from amounts made available under the heading
21 “Small Business Administration—Salaries and Ex-
22 penses” in section 1107(a)(2) of the Coronavirus
23 Aid, Relief, and Economic Security Act (Public Law
24 116–136), in title II of division B of the Paycheck
25 Protection Program and Health Care Enhancement

1 Act (Public Law 116–139), and in section
2 323(d)(1)(C) of division N of the Consolidated Ap-
3 propriations Act, 2021 (Public Law 116–260),
4 \$175,000,000 are hereby transferred to the Highway
5 Trust Fund.

6 (2) DESIGNATION.—The amount transferred
7 pursuant to paragraph (1) that was previously des-
8 ignated by the Congress as an emergency require-
9 ment pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of
11 1985 is designated by the Congress as an emergency
12 requirement pursuant to section 4112(a) of H. Con.
13 Res. 71 (115th Congress), the concurrent resolution
14 on the budget for fiscal year 2018, and to section
15 251(b) of the Balanced Budget and Emergency Def-
16 icit Control Act of 1985.

17 (h) PANDEMIC RELIEF FOR AVIATION WORKERS.—
18 Of the unobligated balances from amounts made available
19 in section 411 of subtitle A of title IV of division N of
20 the Consolidated Appropriations Act, 2021 (15 U.S.C.
21 9101), \$200,000,000 are hereby transferred to the High-
22 way Trust Fund.

23 (i) CONFORMING AMENDMENT.—Section 9503(f) of
24 the Internal Revenue Code of 1986 is amended by redesi-

1 which is a recovery startup business, January
2 1, 2022)”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply to calendar quarters
5 beginning after September 30, 2021.

6 (b) TRANSFERS OF SAVINGS TO THE HIGHWAY
7 TRUST FUND.—Section 9503(f) of the Internal Revenue
8 Code of 1986, as amended by section 303(i), is further
9 amended by redesignating paragraph (12) as paragraph
10 (13) and by inserting after paragraph (11) the following
11 new paragraph:

12 “(12) SAVINGS FROM TERMINATION OF EM-
13 PLOYEE RETENTION CREDIT FOR EMPLOYERS SUB-
14 JECT TO CLOSURE DUE TO COVID-19.—There are
15 hereby appropriated to the Highway Trust Fund
16 amounts equivalent to savings achieved as a result
17 of the amendments made by section 304 of the
18 Transportation Empowerment Act, as estimated by
19 the Secretary.”.

20 **SEC. 305. TRANSFER OF UNUSED CORONAVIRUS STATE**
21 **AND LOCAL FISCAL RECOVERY FUNDS TO**
22 **THE HIGHWAY TRUST FUND.**

23 (a) TRANSFER OF FUNDS.—

24 (1) IN GENERAL.—Of the unobligated balances
25 of the amounts appropriated under sections 602(a)

1 and 603(a) of the Social Security Act (42 U.S.C.
2 802(a), 803(a)) as of the date of enactment of this
3 Act, \$70,000,000,000 are hereby transferred to the
4 Highway Trust Fund.

5 (2) APPORTIONMENT.—In carrying out para-
6 graph (1), the Secretary of the Treasury shall trans-
7 fer the funds specified in such paragraph from the
8 unobligated balances of the amounts appropriated
9 under sections 602(a)(1) and 603(a) of such Act in
10 equal proportion to the greatest extent practicable.

11 (b) CONFORMING AMENDMENTS.—

12 (1) CORONAVIRUS STATE FISCAL RECOVERY
13 FUND.—Section 602(b)(4) of the Social Security Act
14 (42 U.S.C. 802(b)(4)) is amended to read as follows:

15 “(4) ADJUSTMENT AUTHORITY.—The amounts
16 otherwise determined for allocation and payment
17 under paragraphs (1), (2), and (3)—

18 “(A) shall be adjusted by the Secretary on
19 a pro rata basis to the extent necessary to carry
20 out the transfer of funds required under section
21 305(a) of the Transportation Empowerment
22 Act; and

23 “(B) may be adjusted by the Secretary on
24 a pro rata basis to the extent necessary to en-
25 sure that all available funds are allocated to

1 States, territories, and Tribal governments in
2 accordance with the requirements specified in
3 each such paragraph (as applicable).”.

4 (2) CORONAVIRUS LOCAL FISCAL RECOVERY
5 FUND.—Section 603(b)(5) of the Social Security Act
6 (42 U.S.C. 803(b)(5) is amended to read as follows:

7 “(5) ADJUSTMENT AUTHORITY.—The amounts
8 otherwise determined for allocation and payment
9 under paragraphs (1), (2), and (3)—

10 “(A) shall be adjusted by the Secretary on
11 a pro rata basis to the extent necessary to carry
12 out the transfer of funds required under section
13 305(a) of the Transportation Empowerment
14 Act; and

15 “(B) may be adjusted by the Secretary on
16 a pro rata basis to the extent necessary to en-
17 sure that all available funds are distributed to
18 metropolitan cities, counties, and States in ac-
19 cordance with the requirements specified in
20 each paragraph (as applicable) and the certifi-
21 cation requirement specified in subsection (d).”.

22 (c) CONFORMING AMENDMENT.—Section 9503(f) of
23 the Internal Revenue Code of 1986, as amended by section
24 304(b), is further amended by redesignating paragraph

1 (13) as paragraph (14) and by inserting after paragraph
2 (12) the following new paragraph:

3 “(13) TRANSFER OF UNUSED COVID-19 APPRO-
4 PRIATIONS.—There is hereby transferred to the
5 Highway Trust Fund the amounts described in sec-
6 tion 305(a) of the Transportation Empowerment
7 Act.”.

8 **Subtitle B—Highway Related Taxes**

9 **SEC. 311. REDUCTION IN TAXES ON GASOLINE, DIESEL** 10 **FUEL, KEROSENE, AND SPECIAL FUELS** 11 **FUNDING HIGHWAY TRUST FUND.**

12 (a) REDUCTION IN TAX RATE.—

13 (1) IN GENERAL.—Section 4081(a)(2)(A) of the
14 Internal Revenue Code of 1986 is amended—

15 (A) in clause (i), by striking “18.3 cents”
16 and inserting “7 cents”, and

17 (B) in clause (iii), by striking “24.3 cents”
18 and inserting “8.3 cents”.

19 (2) CONFORMING AMENDMENTS.—

20 (A) Section 4081(a)(2)(D) of such Code is
21 amended—

22 (i) by striking “19.7 cents” and in-
23 serting “6.7 cents”, and

24 (ii) by striking “24.3 cents” and in-
25 serting “8.3 cents”.

1 (B) Section 6427(b)(2)(A) of such Code is
2 amended by striking “7.4 cents” and inserting
3 “2.5 cents”.

4 (b) ADDITIONAL CONFORMING AMENDMENTS.—

5 (1) Section 4041(a)(1)(C)(iii)(I) of the Internal
6 Revenue Code of 1986 is amended by striking “7.3
7 cents per gallon (4.3 cents per gallon after” and in-
8 serting “1.5 cents per gallon (zero cents per gallon
9 after”.

10 (2) Section 4041(a)(2)(B)(ii) of such Code is
11 amended by striking “18.3 cents” and inserting “7
12 cents”.

13 (3) Clauses (iii) and (iv) of section
14 4041(a)(2)(B) of such Code are each amended by
15 striking “24.3 cents” and inserting “8.3 cents”.

16 (4) Section 4041(a)(3)(A) of such Code is
17 amended by striking “18.3 cents” and inserting “7
18 cents”.

19 (5) Section 4041(m)(1) of such Code is amend-
20 ed—

21 (A) in subparagraph (A)(i), by striking
22 “9.15 cents” and inserting “3.1 cents”,

23 (B) in subparagraph (A)(ii), by striking
24 “11.3 cents” and inserting “3.9 cents”, and

1 (C) in subparagraph (B), by striking all
2 after “2022” and inserting “, zero cents per
3 gallon.”.

4 (6) Section 4081(d)(1) of such Code is amend-
5 ed by striking “4.3 cents per gallon” and inserting
6 “zero cents per gallon”.

7 (c) FLOOR STOCK REFUNDS.—

8 (1) IN GENERAL.—If—

9 (A) before the applicable date, tax has
10 been imposed under section 4081 of the Inter-
11 nal Revenue Code of 1986 on any liquid, and

12 (B) on such date such liquid is held by a
13 dealer and has not been used and is intended
14 for sale;

15 there shall be credited or refunded (without interest)
16 to the person who paid such tax (in this subsection
17 referred to as the “taxpayer”) an amount equal to
18 the excess of the tax paid by the taxpayer over the
19 amount of such tax which would be imposed on such
20 liquid had the taxable event occurred on such date.

21 (2) TIME FOR FILING CLAIMS.—No credit or re-
22 fund shall be allowed or made under this subsection
23 unless—

1 (A) claim therefor is filed with the Sec-
2 retary of the Treasury before the date that is
3 6 months after the applicable date, and

4 (B) in any case where liquid is held by a
5 dealer (other than the taxpayer) on the applica-
6 ble date—

7 (i) the dealer submits a request for re-
8 fund or credit to the taxpayer before the
9 date that is 3 months after the applicable
10 date, and

11 (ii) the taxpayer has repaid or agreed
12 to repay the amount so claimed to such
13 dealer or has obtained the written consent
14 of such dealer to the allowance of the cred-
15 it or the making of the refund.

16 (3) EXCEPTION FOR FUEL HELD IN RETAIL
17 STOCKS.—No credit or refund shall be allowed under
18 this subsection with respect to any liquid in retail
19 stocks held at the place where intended to be sold
20 at retail.

21 (4) DEFINITIONS.—For purposes of this sub-
22 section—

23 (A) APPLICABLE DATE.—The term “appli-
24 cable date” means the first day of the first cal-

1 endar quarter beginning after the date of the
2 enactment of this Act.

3 (B) OTHER TERMS.—The terms “dealer”
4 and “held by a dealer” have the respective
5 meanings given to such terms by section 6412
6 of such Code; except that the term “dealer” in-
7 cludes a producer.

8 (5) CERTAIN RULES TO APPLY.—Rules similar
9 to the rules of subsections (b) and (c) of section
10 6412 and sections 6206 and 6675 of such Code shall
11 apply for purposes of this subsection.

12 (d) EFFECTIVE DATES.—

13 (1) IN GENERAL.—Except as provided in para-
14 graphs (2), the amendments made by this section
15 shall apply to fuel removed on or after the first day
16 of the first calendar quarter beginning after the date
17 of the enactment of this Act.

18 (2) CERTAIN CONFORMING AMENDMENTS.—The
19 amendments made by paragraphs (1), (2), (3), (4),
20 and (5) of subsection (b) shall apply to fuel sold or
21 used after the first day of the first calendar quarter
22 beginning after the date of the enactment of this
23 Act.

24 **SEC. 312. EXTENSION OF HIGHWAY-RELATED TAXES.**

25 (a) IN GENERAL.—

1 (2) by striking “March 31, 2023” each place it
2 appears and inserting “March 31, 2027”, and

3 (3) by striking “January 1, 2023” and insert-
4 ing “January 1, 2028”.

5 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

6 (1) Section 4221(a) of the Internal Revenue
7 Code of 1986 is amended by striking “October 1,
8 2022” and inserting “October 1, 2027”.

9 (2) Section 4483(i) of such Code is amended by
10 striking “October 1, 2023” and inserting “October
11 1, 2028”.

12 (e) EXTENSION OF TRANSFERS OF CERTAIN
13 TAXES.—

14 (1) IN GENERAL.—Section 9503 of the Internal
15 Revenue Code of 1986 is amended—

16 (A) in subsection (b)—

17 (i) by striking “October 1, 2022”
18 each place it appears in paragraphs (1)
19 and (2) and inserting “October 1, 2027”,

20 (ii) by striking “OCTOBER 1, 2022” in
21 the heading of paragraph (2) and inserting
22 “OCTOBER 1, 2027”,

23 (iii) by striking “September 30,
24 2022” in paragraph (2) and inserting
25 “September 30, 2027”, and

1 (iv) by striking “July 1, 2023” in
2 paragraph (2) and inserting “July 1,
3 2027”, and

4 (B) in subsection (c)(2), by striking “July
5 1, 2023” and inserting “July 1, 2028”.

6 (2) SMALL-ENGINE FUEL TAX TRANSFERS.—
7 Paragraph (4)(A) of section 9503(c) of such Code is
8 amended by striking “October 1, 2022” and insert-
9 ing “October 1, 2027”.

10 (f) TERMINATION OF MOTORBOAT FUEL TAX
11 TRANSFERS.—

12 (1) IN GENERAL.—Paragraph (3)(A)(i) of sec-
13 tion 9503(c) of such Code is amended by striking
14 “October 1, 2022” and inserting “October 1, 2021”.

15 (2) CONFORMING AMENDMENTS TO LAND AND
16 WATER CONSERVATION FUND.—Section 200310 of
17 title 54, United States Code, is amended—

18 (A) by striking “October 1, 2023” each
19 place it appears and inserting “October 1,
20 2022”; and

21 (B) by striking “October 1, 2022” and in-
22 serting “October 1, 2021”.

23 (g) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on October 1, 2021.

1 **TITLE IV—MISCELLANEOUS**

2 **SEC. 401. NATIONAL ENVIRONMENTAL POLICY ACT MODI-**
3 **FICATIONS.**

4 (a) NATIONAL ENVIRONMENTAL POLICY ACT MODI-
5 FICATIONS.—

6 (1) APPLICABLE TIMELINES.—Title I of the
7 National Environmental Policy Act of 1969 is
8 amended—

9 (A) by redesignating section 105 (42
10 U.S.C. 4335) as section 108; and

11 (B) by inserting after section 104 (42
12 U.S.C. 4334) the following:

13 **“SEC. 105. PROCESS REQUIREMENTS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) FEDERAL AGENCY.—The term ‘Federal
16 agency’ includes a State that has assumed the re-
17 sponsibility of a Federal agency under—

18 “(A) section 107; or

19 “(B) section 327 of title 23, United States
20 Code.

21 “(2) HEAD OF A FEDERAL AGENCY.—The term
22 ‘head of a Federal agency’ includes the governor or
23 head of an applicable State agency of a State that
24 has assumed the responsibility of a Federal agency
25 under—

1 “(A) section 107; or

2 “(B) section 327 of title 23, United States
3 Code.

4 “(b) APPLICABLE TIMELINES.—

5 “(1) NEPA PROCESS.—

6 “(A) IN GENERAL.—The head of a Federal
7 agency shall complete the NEPA process for a
8 proposed action of the Federal agency, as de-
9 scribed in section 109(3)(B)(ii), not later than
10 2 years after the date described in section
11 109(3)(B)(i).

12 “(B) ENVIRONMENTAL DOCUMENTS.—
13 Within the period described in subparagraph
14 (A), not later than 1 year after the date de-
15 scribed in section 109(3)(B)(i), the head of the
16 Federal agency shall, with respect to the pro-
17 posed action—

18 “(i) issue—

19 “(I) a finding that a categorical
20 exclusion applies to the proposed ac-
21 tion; or

22 “(II) a finding of no significant
23 impact; or

1 “(ii) publish a notice of intent to pre-
2 pare an environmental impact statement in
3 the Federal Register.

4 “(C) ENVIRONMENTAL IMPACT STATE-
5 MENT.—If the head of a Federal agency pub-
6 lishes a notice of intent described in subpara-
7 graph (B)(ii), within the period described in
8 subparagraph (A) and not later than 1 year
9 after the date on which the head of the Federal
10 agency publishes the notice of intent, the head
11 of the Federal agency shall complete the envi-
12 ronmental impact statement and, if necessary,
13 any supplemental environmental impact state-
14 ment for the proposed action.

15 “(D) PENALTIES.—

16 “(i) DEFINITIONS.—In this subpara-
17 graph:

18 “(I) DIRECTOR.—The term ‘Di-
19 rector’ means the Director of the Of-
20 fice of Management and Budget.

21 “(II) FEDERAL AGENCY.—The
22 term ‘Federal agency’ does not in-
23 clude a State.

24 “(III) FINAL NEPA COMPLIANCE
25 DATE.—The term ‘final NEPA com-

1 pliance date', with respect to a pro-
2 posed action, means the date by which
3 the head of a Federal agency is re-
4 quired to complete the NEPA process
5 under subparagraph (A).

6 “(IV) HEAD OF A FEDERAL
7 AGENCY.—The term ‘head of a Fed-
8 eral agency’ does not include the gov-
9 ernor or head of a State agency of a
10 State.

11 “(V) INITIAL EIS COMPLIANCE
12 DATE.—The term ‘initial EIS compli-
13 ance date’, with respect to a proposed
14 action for which a Federal agency
15 published a notice of intent described
16 in subparagraph (B)(ii), means the
17 date by which an environmental im-
18 pact statement for that proposed ac-
19 tion is required to be completed under
20 subparagraph (C).

21 “(VI) INITIAL NEPA COMPLIANCE
22 DATE.—The term ‘initial NEPA com-
23 pliance date’, with respect to a pro-
24 posed action, means the date by which
25 the head of a Federal agency is re-

1 required to issue or publish a document
2 described in subparagraph (B) for
3 that proposed action under that sub-
4 paragraph.

5 “(VII) INITIAL NONCOMPLIANCE
6 DETERMINATION.—The term ‘initial
7 noncompliance determination’ means
8 a determination under clause
9 (ii)(I)(bb) that the head of a Federal
10 agency has not complied with the re-
11 quirements of subparagraph (A), (B),
12 or (C).

13 “(ii) INITIAL NONCOMPLIANCE.—

14 “(I) DETERMINATION.—

15 “(aa) NOTIFICATION.—As
16 soon as practicable after the date
17 described in section 109(3)(B)(i)
18 for a proposed action of a Fed-
19 eral agency, the head of the Fed-
20 eral agency shall notify the Di-
21 rector that the head of the Fed-
22 eral agency is beginning the
23 NEPA process for that proposed
24 action.

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“(bb) DETERMINATIONS OF COMPLIANCE.—

“(AA) INITIAL DETERMINATION.—As soon as practicable after the initial NEPA compliance date for a proposed action, the Director shall determine whether, as of the initial NEPA compliance date, the head of the Federal agency has complied with subparagraph (B) for that proposed action.

“(BB) ENVIRONMENTAL IMPACT STATEMENT.—With respect to a proposed action of a Federal agency in which the head of the Federal agency publishes a notice of intent described in subparagraph (B)(ii), as soon as practicable after the initial EIS compliance date for a proposed action, the Director shall determine

1 whether, as of the initial
2 EIS compliance date, the
3 head of the Federal agency
4 has complied with subpara-
5 graph (C) for that proposed
6 action.

7 “(CC) COMPLETION OF
8 NEPA PROCESS.—As soon as
9 practicable after the final
10 NEPA compliance date for a
11 proposed action, the Direc-
12 tor shall determine whether,
13 as of the final NEPA com-
14 pliance date, the head of the
15 Federal agency has complied
16 with subparagraph (A) for
17 that proposed action.

18 “(II) IDENTIFICATION; PENALTY;
19 NOTIFICATION.—If the Director
20 makes an initial noncompliance deter-
21 mination for a proposed action—

22 “(aa) the Director shall
23 identify the account for the sala-
24 ries and expenses of the office of

1 the head of the Federal agency,
2 or an equivalent account;

3 “(bb) beginning on the day
4 after the date on which the Di-
5 rector makes the initial non-
6 compliance determination, the
7 amount that the head of the Fed-
8 eral agency may obligate from
9 the account identified under item
10 (aa) for the fiscal year during
11 which the determination is made
12 shall be reduced by 0.5 percent
13 from the amount initially made
14 available for the account for that
15 fiscal year; and

16 “(cc) the Director shall no-
17 tify the head of the Federal
18 agency of—

19 “(AA) the initial non-
20 compliance determination;

21 “(BB) the account
22 identified under item (aa);
23 and

24 “(CC) the reduction
25 under item (bb).

1 “(iii) CONTINUED NONCOMPLIANCE.—

2 “(I) DETERMINATION.—Every

3 90 days after the date of an initial

4 noncompliance determination, the Di-

5 rector shall determine whether the

6 head of the Federal agency has com-

7 plied with the applicable requirements

8 of subparagraphs (A) through (C) for

9 the proposed action, until the date on

10 which the Director determines that

11 the head of the Federal agency has

12 completed the NEPA process for the

13 proposed action.

14 “(II) PENALTY; NOTIFICATION.—

15 For each determination made by the

16 Director under subclause (I) that the

17 head of a Federal agency has not

18 complied with a requirement of sub-

19 paragraph (A), (B), or (C) for a pro-

20 posed action—

21 “(aa) the amount that the

22 head of the Federal agency may

23 obligate from the account identi-

24 fied under clause (ii)(II)(aa) for

25 the fiscal year during which the

1 most recent determination under
2 subclause (I) is made shall be re-
3 duced by 0.5 percent from the
4 amount initially made available
5 for the account for that fiscal
6 year; and

7 “(bb) the Director shall no-
8 tify the head of the Federal
9 agency of—

10 “(AA) the determina-
11 tion under subclause (I);
12 and

13 “(BB) the reduction
14 under item (aa).

15 “(iv) REQUIREMENTS.—

16 “(I) AMOUNTS NOT RESTORED.—

17 A reduction in the amount that the
18 head of a Federal agency may obligate
19 under clause (ii)(II)(bb) or
20 (iii)(II)(aa) during a fiscal year shall
21 not be restored for that fiscal year,
22 without regard to whether the head of
23 a Federal agency completes the
24 NEPA process for the proposed action
25 with respect to which the Director

1 made an initial noncompliance deter-
2 mination or a determination under
3 clause (iii)(I).

4 “(II) REQUIRED TIMELINES.—
5 The violation of subparagraph (B) or
6 (C), and any action carried out to re-
7 mediate or otherwise address the vio-
8 lation, shall not affect any other appli-
9 cable compliance date under subpara-
10 graph (A), (B), or (C).

11 “(E) UNEXPECTED CIRCUMSTANCES.—If,
12 while carrying out a proposed action after the
13 completion of the NEPA process for that pro-
14 posed action, a Federal agency or project spon-
15 sor encounters a new or unexpected cir-
16 cumstance or condition that may require the re-
17 evaluation of the proposed action under this
18 title, the head of the Federal agency with re-
19 sponsibility for carrying out the NEPA process
20 for the proposed action shall—

21 “(i) consider whether mitigating the
22 new or unexpected circumstance or condi-
23 tion is sufficient to avoid significant effects
24 that may result from the circumstance or
25 condition; and

1 “(ii) if the head of the Federal agency
2 determines under clause (i) that the sig-
3 nificant effects that result from the cir-
4 cumstance or condition can be avoided,
5 mitigate the circumstance or condition
6 without carrying out the NEPA process
7 again.

8 “(2) AUTHORIZATIONS AND PERMITS.—

9 “(A) IN GENERAL.—Not later than 90
10 days after the date described in section
11 109(3)(B)(ii), the head of a Federal agency
12 shall issue—

13 “(i) any necessary permit or author-
14 ization to carry out the proposed action; or

15 “(ii) a denial of the permit or author-
16 ization necessary to carry out the proposed
17 action.

18 “(B) EFFECT OF FAILURE TO ISSUE AU-
19 THORIZATION OR PERMIT.—If a permit or au-
20 thorization described in subparagraph (A) is
21 not issued or denied within the period described
22 in that subparagraph, the permit or authoriza-
23 tion shall be considered to be approved.

24 “(C) DENIAL OF PERMIT OR AUTHORIZA-
25 TION.—

1 “(i) IN GENERAL.—If a permit or au-
2 thorization described in subparagraph (A)
3 is denied, the head of the Federal agency
4 shall describe to the project sponsor—

5 “(I) the basis of the denial; and

6 “(II) recommendations for the
7 project sponsor with respect to how to
8 address the reasons for the denial.

9 “(ii) RECOMMENDED CHANGES.—If
10 the project sponsor carries out the rec-
11 ommendations of the head of the Federal
12 agency under clause (i)(II) and notifies the
13 head of the Federal agency that the rec-
14 ommendations have been carried out, the
15 head of the Federal agency—

16 “(I) shall decide whether to issue
17 the permit or authorization described
18 in subparagraph (A) not later than 90
19 days after date on which the project
20 sponsor submitted the notification;
21 and

22 “(II) shall not carry out the
23 NEPA process with respect to the
24 proposed action again.”.

1 (2) AGENCY PROCESS REFORMS.—Section 105
2 of the National Environmental Policy Act of 1969
3 (42 U.S.C. 4321 et seq.) (as added by paragraph
4 (1)(B)) is amended by adding at the end the fol-
5 lowing:

6 “(c) PROHIBITIONS.—In carrying out the NEPA
7 process, the head of a Federal agency may not—

8 “(1) consider whether a proposed action or an
9 alternative to the proposed action considered by the
10 head of the Federal agency, including the design, en-
11 vironmental impact, mitigation measures, or adapta-
12 tion measures of the proposed action or alternative
13 to the proposed action, has an effect on climate
14 change;

15 “(2) with respect to a proposed action or an al-
16 ternative to the proposed action considered by the
17 head of the Federal agency, consider the effects of
18 the emission of greenhouse gases on climate change;

19 “(3) consider an alternative to the proposed ac-
20 tion if the proposed action is not technically or eco-
21 nomically feasible to the project sponsor; or

22 “(4) consider an alternative to the proposed ac-
23 tion that is not within the jurisdiction of the Federal
24 agency.

25 “(d) ENVIRONMENTAL DOCUMENTS.—

1 “(1) EIS REQUIRED.—In carrying out the
2 NEPA process for a proposed action that requires
3 the preparation of an environmental impact state-
4 ment, the head of a Federal agency shall produce for
5 the proposed action not more than 1—

6 “(A) environmental impact statement;

7 “(B) if necessary, environmental assess-
8 ment; and

9 “(C) record of decision.

10 “(2) EIS NOT REQUIRED.—In carrying out the
11 NEPA process for a proposed action that does not
12 require the preparation of an environmental impact
13 statement, the head of a Federal agency shall
14 produce for the proposed action not more than 1—

15 “(A) environmental assessment; or

16 “(B) finding of no significant impact.

17 “(e) CATEGORICAL EXCLUSIONS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law and subject to paragraph (2), the
20 head of a Federal agency may, without further ap-
21 proval, use a categorical exclusion under this title
22 that has been approved by—

23 “(A)(i) another Federal agency; and

24 “(ii) the Council on Environmental Qual-
25 ity; or

1 “(B) an Act of Congress.

2 “(2) REQUIREMENTS.—The head of a Federal
3 agency may use a categorical exclusion described in
4 paragraph (1) if the head of the Federal agency—

5 “(A) carefully reviews the description of
6 the proposed action to ensure that it fits within
7 the category of actions described in the categor-
8 ical exclusion; and

9 “(B) considers the circumstances associ-
10 ated with the proposed action to ensure that
11 there are no extraordinary circumstances that
12 warrant the preparation of an environmental
13 assessment or an environmental impact state-
14 ment.

15 “(3) EXTRAORDINARY CIRCUMSTANCES.—If the
16 head of a Federal agency determines that extraor-
17 dinary circumstances are present with respect to a
18 proposed action, the head of the Federal agency
19 shall—

20 “(A) consider whether mitigating cir-
21 cumstances or other conditions are sufficient to
22 avoid significant effects of the proposed action;
23 and

24 “(B) if the head of the Federal agency de-
25 termines that those significant effects can be

1 avoided, apply a categorical exclusion to the
2 proposed action.

3 “(f) REUSE OF WORK; DOCUMENTS PREPARED BY
4 QUALIFIED 3RD PARTIES.—

5 “(1) IN GENERAL.—In carrying out the NEPA
6 process for a proposed action—

7 “(A) subject to paragraph (2), the head of
8 a Federal agency shall—

9 “(i) use any applicable findings and
10 research from a prior NEPA process of
11 any Federal agency; and

12 “(ii) incorporate the findings and re-
13 search described in clause (i) into any ap-
14 plicable analysis under the NEPA process;
15 and

16 “(B) a Federal agency may adopt as an
17 environmental impact statement, environmental
18 assessment, or other environmental document
19 to achieve compliance with this title—

20 “(i) an environmental document pre-
21 pared under the law of the applicable State
22 if the head of the Federal agency deter-
23 mines that the environmental laws of the
24 applicable State—

1 “(I) provide the same level of en-
2 vironmental analysis as the analysis
3 required under this title; and

4 “(II) allow for the opportunity of
5 public comment; or

6 “(ii) subject to paragraph (3), an en-
7 vironmental document prepared by a quali-
8 fied third party chosen by the project spon-
9 sor, at the expense of the project sponsor,
10 if the head of the Federal agency—

11 “(I) provides oversight of the
12 preparation of the environmental doc-
13 ument by the third party; and

14 “(II) independently evaluates the
15 environmental document for the com-
16 pliance of the environmental document
17 with this title.

18 “(2) REQUIREMENT FOR THE REUSE OF FIND-
19 INGS AND RESEARCH.—The head of a Federal agen-
20 cy may reuse the applicable findings and research
21 described in paragraph (1)(A) if—

22 “(A)(i) the project for which the head of
23 the Federal agency is seeking to reuse the find-
24 ings and research was in close geographic prox-
25 imity to the proposed action; and

1 “(ii) the head of the Federal agency deter-
2 mines that the conditions under which the ap-
3 plicable findings and research were issued have
4 not substantially changed; or

5 “(B)(i) the project for which the head of
6 the Federal agency is seeking to reuse the find-
7 ings and research was not in close geographic
8 proximity to the proposed action; and

9 “(ii) the head of the Federal agency deter-
10 mines that the proposed action has similar
11 issues or decisions as the project.

12 “(3) REQUIREMENTS FOR CREATION OF ENVI-
13 RONMENTAL DOCUMENT BY QUALIFIED 3RD PAR-
14 TIES.—

15 “(A) IN GENERAL.—A qualified third
16 party may prepare an environmental document
17 intended to be adopted by a Federal agency as
18 the environmental impact statement, environ-
19 mental assessment, or other environmental doc-
20 ument for a proposed action under paragraph
21 (1)(B)(ii) if—

22 “(i) the project sponsor submits a
23 written request to the head of the applica-
24 ble Federal agency that the head of the
25 Federal agency approve the qualified third

1 party to create the document intended to
2 be adopted by a Federal agency as the en-
3 vironmental impact statement, environ-
4 mental assessment, or other environmental
5 document; and

6 “(ii) the head of the Federal agency
7 determines that—

8 “(I) the third party is qualified
9 to prepare the document; and

10 “(II) the third party has no fi-
11 nancial or other interest in the out-
12 come of the proposed action.

13 “(B) DEADLINE.—The head of a Federal
14 agency that receives a written request under
15 subparagraph (A)(i) shall issue a written deci-
16 sion approving or denying the request not later
17 than 30 days after the date on which the writ-
18 ten request is received.

19 “(C) NO PRIOR WORK.—The head of a
20 Federal agency may not adopt an environ-
21 mental document under paragraph (1)(B)(ii) if
22 the qualified third party began preparing the
23 document prior to the date on which the head
24 of the Federal agency issues the written deci-

1 sion under subparagraph (B) approving the re-
2 quest.

3 “(D) DENIALS.—If the head of a Federal
4 agency issues a written decision denying the re-
5 quest under subparagraph (A)(i), the head of
6 the Federal agency shall submit to the project
7 sponsor with the written decision the findings
8 that served as the basis of the denial.

9 “(g) MULTI-AGENCY PROJECTS.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) COOPERATING AGENCY.—The term
12 ‘cooperating agency’ means a Federal agency
13 involved in a proposed action that—

14 “(i) is not the lead agency; and

15 “(ii) has the jurisdiction or special ex-
16 pertise such that the Federal agency needs
17 to be consulted—

18 “(I) to use a categorical exclu-
19 sion; or

20 “(II) to prepare an environ-
21 mental assessment or environmental
22 impact statement, as applicable.

23 “(B) LEAD AGENCY.—The term ‘lead
24 agency’ means the Federal agency selected
25 under paragraph (2)(A).

1 “(2) AGENCY DESIGNATION.—

2 “(A) LEAD AGENCY.—In carrying out the
3 NEPA process for a proposed action that re-
4 quires authorization from multiple Federal
5 agencies, the heads of the applicable Federal
6 agencies shall determine the lead agency for the
7 proposed action.

8 “(B) INVITATION.—The head of the lead
9 agency may invite any relevant State, local, or
10 Tribal agency with Federal authorization deci-
11 sion responsibility to be a cooperating agency.

12 “(3) RESPONSIBILITIES OF LEAD AGENCY.—
13 The lead agency for a proposed action shall—

14 “(A) as soon as practicable and in con-
15 sultation with the cooperating agencies, deter-
16 mine whether a proposed action requires the
17 preparation of an environmental impact state-
18 ment; and

19 “(B) if the head of the lead agency deter-
20 mines under subparagraph (A) that an environ-
21 mental impact statement is necessary—

22 “(i) be responsible for coordinating
23 the preparation of an environmental im-
24 pact statement;

1 “(ii) provide cooperating agencies with
2 an opportunity to review and contribute to
3 the preparation of the environmental im-
4 pact statement and environmental assess-
5 ment, as applicable, of the proposed action,
6 except that the cooperating agency shall
7 limit comments to issues within the special
8 expertise or jurisdiction of the cooperating
9 agency; and

10 “(iii) subject to subsection (c), as
11 soon as practicable and in consultation
12 with the cooperating agencies, determine
13 the range of alternatives to be considered
14 for the proposed action.

15 “(4) ENVIRONMENTAL DOCUMENTS.—In car-
16 rying out the NEPA process for a proposed action,
17 the lead agency shall prepare not more than 1 of
18 each type of document described in paragraph (1) or
19 (2) of subsection (d), as applicable—

20 “(A) in consultation with cooperating
21 agencies; and

22 “(B) for all applicable Federal agencies.

23 “(5) PROHIBITIONS.—

24 “(A) IN GENERAL.—A cooperating agency
25 may not evaluate an alternative to the proposed

1 action that has not been determined to be with-
2 in the range of alternatives considered under
3 paragraph (3)(B)(iii).

4 “(B) OMISSION.—If a cooperating agency
5 submits to the lead agency an evaluation of an
6 alternative that does not meet the requirements
7 of subsection (c), the lead agency shall omit the
8 alternative from the environmental impact
9 statement.

10 “(h) REPORTS.—

11 “(1) NEPA DATA.—

12 “(A) IN GENERAL.—The head of each
13 Federal agency that carries out the NEPA
14 process shall carry out a process to track, and
15 annually submit to Congress a report con-
16 taining, the information described in subpara-
17 graph (B).

18 “(B) INFORMATION DESCRIBED.—The in-
19 formation referred to in subparagraph (A) is,
20 with respect to the Federal agency issuing the
21 report under that subparagraph—

22 “(i) the number of proposed actions
23 for which a categorical exclusion was
24 issued during the reporting period;

1 “(ii) the length of time the Federal
2 agency took to issue the categorical exclu-
3 sions described in clause (i);

4 “(iii) the number of proposed actions
5 pending on the date on which the report is
6 submitted for which the issuance of a cat-
7 egorical exclusion is pending;

8 “(iv) the number of proposed actions
9 for which an environmental assessment
10 was issued during the reporting period;

11 “(v) the length of time the Federal
12 agency took to complete each environ-
13 mental assessment described in clause (iv);

14 “(vi) the number of proposed actions
15 pending on the date on which the report is
16 submitted for which an environmental as-
17 sessment is being drafted;

18 “(vii) the number of proposed actions
19 for which an environmental impact state-
20 ment was issued during the reporting pe-
21 riod;

22 “(viii) the length of time the Federal
23 agency took to complete each environ-
24 mental impact statement described in
25 clause (vii); and

1 “(ix) the number of proposed actions
2 pending on the date on which the report is
3 submitted for which an environmental im-
4 pact statement is being drafted.

5 “(2) NEPA COSTS.—

6 “(A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this subsection,
8 the Chair of the Council on Environmental
9 Quality and the Director of the Office of Man-
10 agement and Budget shall jointly develop a
11 methodology to assess the comprehensive costs
12 of the NEPA process.

13 “(B) REQUIREMENTS.—The head of each
14 Federal agency that carries out the NEPA
15 process shall—

16 “(i) adopt the methodology developed
17 under subparagraph (A); and

18 “(ii) use the methodology developed
19 under subparagraph (A) to annually sub-
20 mit to Congress a report describing—

21 “(I) the comprehensive cost of
22 the NEPA process for each proposed
23 action that was carried out within the
24 reporting period; and

1 “(II) for a proposed action for
2 which the head of the Federal agency
3 is still completing the NEPA process
4 at the time the report is submitted—

5 “(aa) the amount of money
6 expended to date to carry out the
7 NEPA process for the proposed
8 action; and

9 “(bb) an estimate of the re-
10 maining costs before the NEPA
11 process for the proposed action is
12 complete.”.

13 (3) LEGAL REFORMS.—Section 105 of the Na-
14 tional Environmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.) (as amended by paragraph (2)) is
16 amended by adding at the end the following:

17 “(i) JUDICIAL REVIEW.—

18 “(1) STANDING.—Notwithstanding any other
19 provision of law, a plaintiff may only bring a claim
20 arising under Federal law seeking judicial review of
21 a portion of the NEPA process if the plaintiff pleads
22 facts that allege that the plaintiff has personally suf-
23 fered, or will likely personally suffer, a direct, tan-
24 gible harm as a result of the portion of the NEPA
25 process for which the plaintiff is seeking review.

1 “(2) STATUTE OF LIMITATIONS.—

2 “(A) IN GENERAL.—Notwithstanding any
3 other provision of law and except as provided in
4 subparagraph (B)(ii), a claim arising under
5 Federal law seeking judicial review of any por-
6 tion of the NEPA process shall be barred un-
7 less it is filed not later than the earlier of—

8 “(i) 150 days after the final agency
9 action under the NEPA process has been
10 taken; and

11 “(ii) if applicable, an earlier date after
12 which judicial review is barred that is spec-
13 ified in the Federal law pursuant to which
14 the judicial review is allowed.

15 “(B) NEW INFORMATION.—

16 “(i) CONSIDERATION.—A Federal
17 agency shall consider for the purpose of a
18 supplemental environmental impact state-
19 ment new information received after the
20 close of a comment period if the informa-
21 tion satisfies the requirements for a sup-
22 plemental environmental impact statement
23 under the regulations of the Federal agen-
24 cy.

1 “(ii) STATUTE OF LIMITATIONS
2 BASED ON NEW INFORMATION.—If a sup-
3 plemental environmental impact statement
4 is required under the regulations of a Fed-
5 eral agency, a claim for judicial review of
6 the supplemental environmental impact
7 statement shall be barred unless it is filed
8 not later than the earlier of—

9 “(I) 150 days after the publica-
10 tion of a notice in the Federal Reg-
11 ister that the supplemental environ-
12 mental impact statement is final; and

13 “(II) if applicable, an earlier date
14 after which judicial review is barred
15 that is specified in the Federal law
16 pursuant to which the judicial review
17 is allowed.

18 “(C) SAVINGS CLAUSE.—Nothing in this
19 paragraph creates a right to judicial review.

20 “(3) REMEDIES.—

21 “(A) PRELIMINARY INJUNCTIONS AND
22 TEMPORARY RESTRAINING ORDERS.—

23 “(i) IN GENERAL.—Subject to clause
24 (ii), in a motion for a temporary restrain-
25 ing order or preliminary injunction against

1 a Federal agency or project sponsor in a
2 claim arising under Federal law seeking ju-
3 dicial review of any portion of the NEPA
4 process, the plaintiff shall establish by
5 clear and convincing evidence that—

6 “(I) the plaintiff is likely to suc-
7 ceed on the merits;

8 “(II) the plaintiff is likely to suf-
9 fer irreparable harm in the absence of
10 the temporary restraining order or
11 preliminary injunction, as applicable;

12 “(III) the balance of equities is
13 tipped in the favor of the plaintiff;
14 and

15 “(IV) the temporary restraining
16 order or preliminary injunction is in
17 the public interest.

18 “(ii) ADDITIONAL REQUIREMENTS.—
19 A court may not grant a motion described
20 in clause (i) unless the court—

21 “(I) makes a finding of extraor-
22 dinary circumstances that warrant the
23 granting of the motion;

24 “(II) considers the potential ef-
25 fects on public health, safety, and the

1 environment, and the potential for sig-
2 nificant negative effects on jobs re-
3 sulting from granting the motion; and

4 “(III) notwithstanding any other
5 provision of law, applies the require-
6 ments of Rule 65(c) of the Federal
7 Rules of Civil Procedure.

8 “(B) PERMANENT INJUNCTIONS.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii), in a motion for a permanent injunc-
11 tion against a Federal agency or project
12 sponsor a claim arising under Federal law
13 seeking judicial review of any portion of
14 the NEPA process, the plaintiff shall es-
15 tablish by clear and convincing evidence
16 that—

17 “(I) the plaintiff has suffered an
18 irreparable injury;

19 “(II) remedies available at law,
20 including monetary damages, are in-
21 adequate to compensate for the in-
22 jury;

23 “(III) considering the balance of
24 hardship between the plaintiff and de-

1 “(bb) the least intrusive
2 means necessary to correct the
3 injury.”.

4 (4) OTHER REFORMS.—Title I of the National
5 Environmental Policy Act of 1969 (42 U.S.C. 4321
6 et seq.) is amended by inserting after section 105
7 (as amended by paragraph (3)) the following:

8 **“SEC. 106. EPA REVIEW.**

9 “(a) DEFINITION OF FEDERAL AGENCY.—In this
10 section, the term ‘Federal agency’ includes a State that
11 has assumed the responsibility of a Federal agency
12 under—

13 “(1) section 107; or

14 “(2) section 327 of title 23, United States
15 Code.

16 “(b) EPA COMMENTS.—The Administrator of the
17 Environmental Protection Agency (referred to in this sec-
18 tion as the ‘Administrator’) may comment on a draft or
19 final submission of an environmental impact statement
20 from any Federal agency.

21 “(c) TECHNICAL ASSISTANCE.—The Administrator
22 may, on request of a Federal agency preparing a draft
23 or final environmental impact statement, provide technical
24 assistance in the completion of that environmental impact
25 statement.

1 **“SEC. 107. PROJECT DELIVERY PROGRAMS.**

2 “(a) DEFINITION OF AGENCY PROGRAM.—In this
3 section, the term ‘agency program’ means a project deliv-
4 ery program established by a Federal agency under sub-
5 section (b)(1).

6 “(b) ESTABLISHMENT.—

7 “(1) IN GENERAL.—The head of each Federal
8 agency, including the Secretary of Transportation,
9 shall carry out a project delivery program.

10 “(2) ASSUMPTION OF RESPONSIBILITY.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the head of each Federal agency
13 shall, on request of a State, enter into a written
14 agreement with the State, which may be in the
15 form of a memorandum of understanding, in
16 which the head of each Federal agency may as-
17 sign, and the State may assume, the respon-
18 sibilities of the head of the Federal agency
19 under this title with respect to 1 or more
20 projects within the State that are under the ju-
21 risdiction of the Federal agency.

22 “(B) EXCEPTION.—The head of a Federal
23 agency shall not enter into a written agreement
24 under subparagraph (A) if the head of the Fed-
25 eral agency determines that the State is not in

1 compliance with the requirements described in
2 subsection (c)(4).

3 “(C) ADDITIONAL RESPONSIBILITY.—If a
4 State assumes responsibility under subpara-
5 graph (A)—

6 “(i) the head of the Federal agency
7 may assign to the State, and the State
8 may assume, all or part of the responsibil-
9 ities of the head of the Federal agency for
10 environmental review, consultation, or
11 other action required under any Federal
12 environmental law pertaining to the review
13 or approval of a specific project;

14 “(ii) at the request of the State, the
15 head of the Federal agency may also as-
16 sign to the State, and the State may as-
17 sume, the responsibilities of the head of
18 the Federal agency under this title with re-
19 spect to 1 or more projects within the
20 State that are under the jurisdiction of the
21 Federal agency; but

22 “(iii) the head of the Federal agency
23 may not assign responsibility for any con-
24 formity determination required under sec-

1 tion 176 of the Clean Air Act (42 U.S.C.
2 7506).

3 “(D) PROCEDURAL AND SUBSTANTIVE RE-
4 QUIREMENTS.—A State shall assume responsi-
5 bility under this section subject to the same
6 procedural and substantive requirements as
7 would apply if that responsibility were carried
8 out by the Federal agency.

9 “(E) FEDERAL RESPONSIBILITY.—Any re-
10 sponsibility of a Federal agency not explicitly
11 assumed by the State by written agreement
12 under subparagraph (A) shall remain the re-
13 sponsibility of the Federal agency.

14 “(F) NO EFFECT ON AUTHORITY.—Noth-
15 ing in this section preempts or interferes with
16 any power, jurisdiction, responsibility, or au-
17 thority of an agency, other than the Federal
18 agency for which the written agreement applies,
19 under applicable law (including regulations)
20 with respect to a project.

21 “(G) PRESERVATION OF FLEXIBILITY.—
22 The head of the Federal agency may not re-
23 quire a State, as a condition of participation in
24 the agency program of the Federal agency, to
25 forego project delivery methods that are other-

1 wise permissible for projects under applicable
2 law.

3 “(H) LEGAL FEES.—A State assuming the
4 responsibilities of a Federal agency under this
5 section for a specific project may use funds
6 awarded to the State for that project for attor-
7 neys’ fees directly attributable to eligible activi-
8 ties associated with the project.

9 “(c) STATE PARTICIPATION.—

10 “(1) PARTICIPATING STATES.—Except as pro-
11 vided in subsection (b)(2)(B), all States are eligible
12 to participate in an agency program.

13 “(2) APPLICATION.—Not later than 270 days
14 after the date of enactment of this section, the head
15 of each Federal agency shall amend, as appropriate,
16 regulations that establish requirements relating to
17 information required to be contained in any applica-
18 tion of a State to participate in the agency program,
19 including, at a minimum—

20 “(A) the projects or classes of projects for
21 which the State anticipates exercising the au-
22 thority that may be granted under the agency
23 program;

1 “(B) verification of the financial resources
2 necessary to carry out the authority that may
3 be granted under the agency program; and

4 “(C) evidence of the notice and solicitation
5 of public comment by the State relating to par-
6 ticipation of the State in the agency program,
7 including copies of comments received from that
8 solicitation.

9 “(3) PUBLIC NOTICE.—

10 “(A) IN GENERAL.—Each State that sub-
11 mits an application under this subsection shall
12 give notice of the intent of the State to partici-
13 pate in an agency program not later than 30
14 days before the date of submission of the appli-
15 cation.

16 “(B) METHOD OF NOTICE AND SOLICITA-
17 TION.—The State shall provide notice and so-
18 licit public comment under this paragraph by
19 publishing the complete application of the State
20 in accordance with the appropriate public notice
21 law of the State.

22 “(4) SELECTION CRITERIA.—The head of a
23 Federal agency may approve the application of a
24 State under this section only if—

1 “(A) the regulatory requirements under
2 paragraph (2) have been met;

3 “(B) the head of the Federal agency deter-
4 mines that the State has the capability, includ-
5 ing financial and personnel, to assume the re-
6 sponsibility; and

7 “(C) the head of the State agency having
8 primary jurisdiction over the project enters into
9 a written agreement with the head of the Fed-
10 eral agency as described in subsection (d).

11 “(5) OTHER FEDERAL AGENCY VIEWS.—If a
12 State applies to assume a responsibility of the Fed-
13 eral agency that would have required the head of the
14 Federal agency to consult with the head of another
15 Federal agency, the head of the Federal agency shall
16 solicit the views of the head of the other Federal
17 agency before approving the application.

18 “(d) WRITTEN AGREEMENT.—A written agreement
19 under subsection (b)(2)(A) shall—

20 “(1) be executed by the Governor or the top-
21 ranking official in the State who is charged with re-
22 sponsibility for the project;

23 “(2) be in such form as the head of the Federal
24 agency may prescribe;

25 “(3) provide that the State—

1 “(A) agrees to assume all or part of the re-
2 sponsibilities of the Federal agency described in
3 subparagraphs (A) and (C) of subsection (b)(2);

4 “(B) expressly consents, on behalf of the
5 State, to accept the jurisdiction of the Federal
6 courts for the compliance, discharge, and en-
7 forcement of any responsibility of the Federal
8 agency assumed by the State;

9 “(C) certifies that State laws (including
10 regulations) are in effect that—

11 “(i) authorize the State to take the
12 actions necessary to carry out the respon-
13 sibilities being assumed; and

14 “(ii) are comparable to section 552 of
15 title 5, including providing that any deci-
16 sion regarding the public availability of a
17 document under those State laws is review-
18 able by a court of competent jurisdiction;
19 and

20 “(D) agrees to maintain the financial re-
21 sources necessary to carry out the responsibil-
22 ities being assumed;

23 “(4) require the State to provide to the head of
24 the Federal agency any information the head of the
25 Federal agency reasonably considers necessary to en-

1 sure that the State is adequately carrying out the
2 responsibilities assigned to the State;

3 “(5) have a term of not more than 5 years; and

4 “(6) be renewable.

5 “(e) JURISDICTION.—

6 “(1) IN GENERAL.—The United States district
7 courts shall have exclusive jurisdiction over any civil
8 action against a State for failure to carry out any
9 responsibility of the State under this section.

10 “(2) LEGAL STANDARDS AND REQUIRE-
11 MENTS.—A civil action under paragraph (1) shall be
12 governed by the legal standards and requirements
13 that would apply in such a civil action against the
14 head of a Federal agency had the head of the Fed-
15 eral agency taken the actions in question.

16 “(3) INTERVENTION.—The head of a Federal
17 agency shall have the right to intervene in any ac-
18 tion described in paragraph (1).

19 “(f) EFFECT OF ASSUMPTION OF RESPONSI-
20 BILITY.—A State that assumes responsibility under sub-
21 section (b)(2) shall be solely responsible and solely liable
22 for carrying out, in lieu of and without further approval
23 of the head of the Federal agency, the responsibilities as-
24 sumed under subsection (b)(2), until the agency program
25 is terminated under subsection (k).

1 “(g) LIMITATIONS ON AGREEMENTS.—Nothing in
2 this section permits a State to assume any rulemaking au-
3 thority of the head of a Federal agency under any Federal
4 law.

5 “(h) AUDITS.—

6 “(1) IN GENERAL.—To ensure compliance by a
7 State with any agreement of the State under sub-
8 section (d) (including compliance by the State with
9 all Federal laws for which responsibility is assumed
10 under subsection (b)(2)), for each State partici-
11 pating in an agency program, the head of a Federal
12 agency shall—

13 “(A) not later than 180 days after the date
14 of execution of the agreement, meet with the
15 State to review implementation of the agree-
16 ment and discuss plans for the first annual
17 audit;

18 “(B) conduct annual audits during each of
19 the first 4 years of State participation; and

20 “(C) ensure that the time period for com-
21 pleting an annual audit, from initiation to com-
22 pletion (including public comment and re-
23 sponses to those comments), does not exceed
24 180 days.

25 “(2) PUBLIC AVAILABILITY AND COMMENT.—

1 “(A) IN GENERAL.—An audit conducted
2 under paragraph (1) shall be provided to the
3 public for comment.

4 “(B) RESPONSE.—Not later than 60 days
5 after the date on which the period for public
6 comment ends, the head of the Federal agency
7 shall respond to public comments received
8 under subparagraph (A).

9 “(3) AUDIT TEAM.—

10 “(A) IN GENERAL.—An audit conducted
11 under paragraph (1) shall be carried out by an
12 audit team determined by the head of the Fed-
13 eral agency, in consultation with the State, in
14 accordance with subparagraph (B).

15 “(B) CONSULTATION.—Consultation with
16 the State under subparagraph (A) shall include
17 a reasonable opportunity for the State to review
18 and provide comments on the proposed mem-
19 bers of the audit team.

20 “(i) MONITORING.—After the fourth year of the par-
21 ticipation of a State in an agency program, the head of
22 the Federal agency shall monitor compliance by the State
23 with the written agreement, including the provision by the
24 State of financial resources to carry out the written agree-
25 ment.

1 “(j) REPORT TO CONGRESS.—The head of each Fed-
2 eral agency shall submit to Congress an annual report that
3 describes the administration of the agency program.

4 “(k) TERMINATION.—

5 “(1) TERMINATION BY FEDERAL AGENCY.—The
6 head of a Federal agency may terminate the partici-
7 pation of any State in the agency program of the
8 Federal agency if—

9 “(A) the head of the Federal agency deter-
10 mines that the State is not adequately carrying
11 out the responsibilities assigned to the State;

12 “(B) the head of the Federal agency pro-
13 vides to the State—

14 “(i) a notification of the determina-
15 tion of noncompliance;

16 “(ii) a period of not less than 120
17 days to take such corrective action as the
18 head of the Federal agency determines to
19 be necessary to comply with the applicable
20 agreement; and

21 “(iii) on request of the Governor of
22 the State, a detailed description of each re-
23 sponsibility in need of corrective action re-
24 garding an inadequacy identified under
25 subparagraph (A); and