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AMENDMENT TO H.R. _____, AS REPORTED
(TRANSPORTATION & HUD APPROPRIATIONS)
OFFERED BY MR. MICA OF FLORIDA

Page 72, after line 13, insert the following:

1 SEC. ____. (a) DEFINITIONS.—For purposes of this
2 section, the following definitions apply:
3 (1) ENVIRONMENTAL REVIEW PROCESS.—The
4 term "environmental review process" means the
5 process for preparing for a project an environmental
6 impact statement, environmental assessment, cat-
7 egorical exclusion, or other document prepared
8 under the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.), including the process
10 for and completion of any environmental permit, ap-
11 proval, review, or study required for a project under
12 any Federal law other than the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.).including.
15 (2) LEAD AGENCY.—The term "lead agency"
16 means the Department of Transportation and, if ap-
17 plicable, any State or local governmental entity serv-
18 ing as a joint lead agency pursuant to this section.

1 (3) MULTIMODAL PROJECT.—The term
2 "multimodal project" means a project funded, in
3 whole or in part, under title 23 or chapter 53 of title
4 49, United States Code, and involving the participa-
5 tion of more than one administration or agency of
6 the Department of Transportation.
7 (4) PROJECT.—The term "project" means any
8 highway project, public transportation capital
9 project, or multimodal project that requires the ap-
10 proval of the Secretary of Transportation.
11 (b) IN GENERAL.—
12 (1) COMPLETION OF ENVIRONMENTAL REVIEW
13 PROCESS.—Not later than 18 months after the date
14 of the notice of project initiation under section
15 139(e) of title 23, United States Code, and notwith-
16 standing any other provision of law, the environ-
17 mental review process for a project for which funds
18 are made available under the American Recovery
19 and Reinvestment Act of 2009 or for which funds
20 are made available under this Act shall be com-
21 pleted.
22 (2) FAILURE TO COMPLETE REVIEW.—If the
23 environmental review process has not been completed
24 by the date specified in paragraph (1)—

1 (A) the action shall be considered to have
2 no significant impact to the human environment
3 for the purpose of the National Environmental
4 Policy Act of 1969 (42 U.S.C. 4321 et seq.);
5 and
6 (B) that classification shall be considered
7 to be a final agency action.
8 (c) APPEAL.—
9 (1) ADMINISTRATIVE APPEAL.—There shall be
10 a single administrative appeal for the environmental
11 review process carried out pursuant to this section.
12 (2) JUDICIAL REVIEW.—Upon resolution of the
13 administrative appeal, judicial review of the final
14 agency decision after exhaustion of administrative
15 remedies shall lie with the United States Court of
16 Appeals for the District of Columbia Circuit.
17 (3) BASIS OF JUDICIAL REVIEW.—An appeal to
18 the court described in paragraph (2) shall be based
19 only on the administrative record.
20 (4) EFFECT OF A FINAL DECISION.—After an
21 agency has made a final decision with respect to the
22 environmental review process carried out under this
23 section, that decision shall be effective during the
24 course of any subsequent appeal to a court described
25 in paragraph (2).

1 (5) CIVIL ACTION UNDER LAWS OF THE
2 UNITED STATES.—Anycivil actions arising under this
3 section shall be considered to arise under the laws
4 of the United States.