

116TH CONGRESS  
1ST SESSION

# H. R. 4759

To increase emergency and disaster relief response, build safer communities, strengthen Second Amendment rights, streamline administrative reviews, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2019

Mr. KEVIN HERN of Oklahoma introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To increase emergency and disaster relief response, build safer communities, strengthen Second Amendment rights, streamline administrative reviews, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Withdrawing from Overburdensome Reviews and Keep-  
6 ing us Safe Act” or the “WORKS Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.  
 Sec. 3. Effective date.

TITLE I—EMERGENCY AND DISASTER RELIEF THROUGH  
 INCENTIVIZING BETTER PREPAREDNESS AND RESPONSE EF-  
 FORTS

- Sec. 1001. National Highway Performance Program.  
 Sec. 1002. Emergency relief.  
 Sec. 1003. Disaster relief mobilization pilot program.  
 Sec. 1004. Improved benefit feasibility assessments for emergency projects.  
 Sec. 1005. Enhanced emergency communication of risk.

TITLE II—CREATING SAFER COMMUNITIES BY REDUCING  
 THREATS AND INCREASING COORDINATION WHILE PRO-  
 TECTING SECOND AMENDMENT RIGHTS

- Sec. 2001. Safe Routes to School program.  
 Sec. 2002. Safety incentive programs.  
 Sec. 2003. Stopping threats on pedestrians.  
 Sec. 2004. Cyber security tool; cyber coordinator.  
 Sec. 2005. Increased self defense on recreational lands.

TITLE III—STREAMLINING FEDERAL BUREAUCRACY FOR EFFI-  
 CIENT ENVIRONMENTAL REVIEWS ON FEDERAL AND TRIBAL  
 TRANSPORTATION INITIATIVES

- Sec. 3001. Efficient environmental reviews for project decision making and one  
 Federal decision.  
 Sec. 3002. Environmental reviews for certain tribal transportation facilities.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”  
 4 means the Department of Transportation.

5 (2) SECRETARY.—The term “Secretary” means  
 6 the Secretary of Transportation.

7 **SEC. 3. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act take  
 9 effect on October 1, 2020.

1 **TITLE I—EMERGENCY AND DIS-**  
2 **ASTER RELIEF THROUGH**  
3 **INCENTIVIZING BETTER PRE-**  
4 **PAREDNESS AND RESPONSE**  
5 **EFFORTS**

6 **SEC. 1001. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

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

9 (1) in subsection (b)—

10 (A) in paragraph (2), by striking “and” at  
11 the end;

12 (B) in paragraph (3), by striking the pe-  
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(4) to provide support for measures to in-  
16 crease the resiliency of Federal-aid highways and  
17 bridges on and off the National Highway System to  
18 mitigate the impacts of sea level rise, extreme weath-  
19 er events, flooding, or other natural disasters.”; and

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

21 “(k) PROTECTIVE FEATURES.—

22 “(1) IN GENERAL.—A State may use not more  
23 than 15 percent of the funds apportioned to the  
24 State under section 104(b)(1) for each fiscal year  
25 for one or more protective features on a Federal-aid

1 highway or bridge off the National Highway System,  
2 if the protective feature is designed to mitigate the  
3 risk of recurring damage, or the cost of future re-  
4 pairs, from extreme weather events, flooding, or  
5 other natural disasters.

6 “(2) PROTECTIVE FEATURES DESCRIBED.—A  
7 protective feature referred to in paragraph (1) may  
8 include—

9 “(A) raising roadway grades;

10 “(B) relocating roadways in a base flood-  
11 plain to higher ground above projected flood  
12 elevation levels or away from slide prone areas;

13 “(C) stabilizing slide areas;

14 “(D) stabilizing slopes;

15 “(E) installing riprap;

16 “(F) lengthening or raising bridges to in-  
17 crease waterway openings;

18 “(G) deepening channels to prevent flood-  
19 ing;

20 “(H) increasing the size or number of  
21 drainage structures;

22 “(I) replacing culverts with bridges or  
23 upsizing culverts;

24 “(J) repairing or maintaining tide gates;

25 “(K) installing seismic retrofits on bridges;

1 “(L) adding scour protection at bridges;

2 “(M) adding scour, stream stability, coast-  
3 al, or other hydraulic countermeasures, includ-  
4 ing spur dikes;

5 “(N) the use of natural infrastructure to  
6 mitigate the risk of recurring damage or the  
7 cost of future repair from extreme weather  
8 events, flooding, or other natural disasters; and

9 “(O) any other features that mitigate the  
10 risk of recurring damage or the cost of future  
11 repair as a result of extreme weather events,  
12 flooding, or other natural disasters, as deter-  
13 mined by the Secretary.

14 “(3) SAVINGS PROVISION.—Nothing in this sub-  
15 section limits the ability of a State to carry out a  
16 project otherwise eligible under subsection (d) using  
17 funds apportioned under section 104(b)(1).”.

18 **SEC. 1002. EMERGENCY RELIEF.**

19 Section 125 of title 23, United States Code, is  
20 amended—

21 (1) in subsection (a)(1), by inserting “wildfire,  
22 sea level rise,” after “severe storm”;

23 (2) by striking subsection (b) and inserting the  
24 following:

1       “(b) RESTRICTION ON ELIGIBILITY.—Funds under  
2 this section shall not be used for the repair or reconstruc-  
3 tion of a bridge that has been permanently closed to all  
4 vehicular traffic by the Federal, State, Tribal, or respon-  
5 sible local official because of imminent danger of collapse  
6 due to a structural deficiency or physical deterioration.”;  
7 and

8               (3) in subsection (d)—

9                       (A) in paragraph (2)(A)—

10                               (i) by striking the period at the end  
11 and inserting “; and”;

12                               (ii) by striking “a facility that meets  
13 the current” and inserting the following:

14                               “a facility that—

15                                       “(i) meets the current”; and

16                                       (iii) by adding at the end the fol-  
17 lowing:

18   “(ii) incorporates economically justifi-  
19 able improvements designed to mitigate the  
20 risk of recurring damage from extreme  
21 weather events, flooding, or other natural  
22 disasters.”;

23                       (B) by redesignating paragraphs (3)  
24 through (5) as paragraphs (4) through (6), re-  
25 spectively; and

1 (C) by inserting after paragraph (2) the  
2 following:

3 “(3) PROTECTIVE FEATURES.—

4 “(A) IN GENERAL.—The cost of an im-  
5 provement that is part of a project under this  
6 section shall be an eligible expense under this  
7 section if the improvement is a protective fea-  
8 ture that is designed to mitigate the risk of re-  
9 curring damage, or the cost of future repair,  
10 from extreme weather events, flooding, or other  
11 natural disasters.

12 “(B) PROTECTIVE FEATURES DE-  
13 SCRIBED.—A protective feature referred to in  
14 subparagraph (A) may include—

15 “(i) raising roadway grades;

16 “(ii) relocating roadways in a base  
17 floodplain to higher ground above projected  
18 flood elevation levels or away from slide  
19 prone areas;

20 “(iii) stabilizing slide areas;

21 “(iv) stabilizing slopes;

22 “(v) installing riprap;

23 “(vi) lengthening or raising bridges to  
24 increase waterway openings;

1           “(vii) deepening channels to prevent  
2           flooding;

3           “(viii) increasing the size or number  
4           of drainage structures;

5           “(ix) replacing culverts with bridges  
6           or upsizing culverts;

7           “(x) repairing or maintaining tide  
8           gates;

9           “(xi) installing seismic retrofits on  
10          bridges;

11          “(xii) adding scour protection at  
12          bridges;

13          “(xiii) adding scour, stream stability,  
14          coastal, and other hydraulic counter-  
15          measures, including spur dikes;

16          “(xiv) the use of natural infrastruc-  
17          ture to mitigate the risk of recurring dam-  
18          age or the cost of future repair from ex-  
19          treme weather events, flooding, or other  
20          natural disasters; and

21          “(xv) any other features that mitigate  
22          the risk of recurring damage or the cost of  
23          future repair as a result of extreme weath-  
24          er events, flooding, or other natural disas-  
25          ters, as determined by the Secretary.”.

1 **SEC. 1003. DISASTER RELIEF MOBILIZATION PILOT PRO-**  
2 **GRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) LOCAL COMMUNITY.—The term “local com-  
5 munity” means—

6 (A) a unit of local government;

7 (B) a political subdivision of a State or  
8 local government;

9 (C) a metropolitan planning organization  
10 (as defined in section 134(b) of title 23, United  
11 States Code);

12 (D) a rural planning organization; or

13 (E) a Tribal government.

14 (2) PILOT PROGRAM.—The term “pilot pro-  
15 gram” means the pilot program established by the  
16 Secretary under subsection (b).

17 (b) ESTABLISHMENT.—The Secretary shall establish  
18 and carry out a pilot program under which the Secretary  
19 shall provide grants to local communities to develop dis-  
20 aster preparedness and disaster response plans that in-  
21 clude the use of bicycles.

22 (c) APPLICATION AND SELECTION REQUIRE-  
23 MENTS.—

24 (1) PARTNERSHIPS.—To be eligible to receive a  
25 grant under the pilot program, a local community

1 shall demonstrate plans to enter into a partnership  
2 with—

3 (A) one or more nonprofit community or-  
4 ganizations active in disaster relief or commu-  
5 nity development; or

6 (B) one or more bicycle or pedestrian ad-  
7 vocacy organizations.

8 (2) APPLICATION.—To be eligible to receive a  
9 grant under the pilot program, a local community  
10 shall submit to the Secretary an application at such  
11 time, in such manner, and containing such informa-  
12 tion as the Secretary may require, including an iden-  
13 tification of each nonprofit community organization  
14 and bicycle or pedestrian advocacy organization with  
15 which the local community plans to establish a part-  
16 nership under paragraph (1).

17 (3) SELECTION.—For each fiscal year, the Sec-  
18 retary shall select not fewer than 4, and not more  
19 than 10, local communities that meet the eligibility  
20 requirements to receive a grant under the pilot pro-  
21 gram.

22 (d) MAXIMUM AMOUNT.—The maximum amount of  
23 a grant under the pilot program shall be \$125,000.

24 (e) USE OF FUNDS.—

25 (1) VULNERABILITY ASSESSMENT.—

1 (A) IN GENERAL.—Each recipient of a  
2 grant under the pilot program shall carry out a  
3 vulnerability assessment of the current infra-  
4 structure of the applicable community that sup-  
5 ports active transportation, including bicycling,  
6 walking, and personal mobility devices, with a  
7 particular focus on areas in the local commu-  
8 nity that—

9 (i) have low levels of vehicle owner-  
10 ship; and

11 (ii) lack sufficient active transpor-  
12 tation infrastructure routes to public  
13 transportation.

14 (B) PUBLIC PARTICIPATION.—In carrying  
15 out the vulnerability assessment under subpara-  
16 graph (A), a grant recipient shall—

17 (i) provide an opportunity for public  
18 participation and feedback; and

19 (ii) consider public feedback in devel-  
20 oping or modifying response plans under  
21 paragraph (2).

22 (2) DISASTER PREPAREDNESS AND DISASTER  
23 RESPONSE PLANS.—Each recipient of a grant under  
24 the pilot program shall develop or modify, as appli-  
25 cable, disaster preparedness and disaster response

1 plans to include the use of bicycles by first respond-  
2 ers, emergency workers, and community organiza-  
3 tion representatives—

4 (A) during a mandatory or voluntary evac-  
5 uation ordered by a Federal, State, Tribal, or  
6 local government entity—

7 (i) to notify residents of the need to  
8 evacuate;

9 (ii) to evacuate individuals and goods;  
10 and

11 (iii) to reach individuals who are in  
12 need of first aid and medical assistance;  
13 and

14 (B) after a disaster or emergency declared  
15 by a Federal, State, Tribal, or local government  
16 entity—

17 (i) to participate in search and rescue  
18 activities;

19 (ii) to carry commodities to be used  
20 for life-saving or life-sustaining purposes,  
21 including—

22 (I) water;

23 (II) food;

24 (III) first aid and other medical  
25 supplies; and

1 (IV) power sources and electric  
2 supplies, such as cell phones, radios,  
3 lights, and batteries;

4 (iii) to reach individuals who are in  
5 need of the items described in clause (ii);  
6 and

7 (iv) to assist with other disaster relief  
8 tasks, as appropriate.

9 (3) PREPAREDNESS TRAINING, EXERCISES, AND  
10 EQUIPMENT.—Each recipient of a grant under the  
11 pilot program shall—

12 (A) provide training for first responders,  
13 emergency workers, and community organiza-  
14 tion representatives regarding—

15 (i) competent bicycle skills, including  
16 the use of cargo bicycles and electric bicy-  
17 cles, as applicable;

18 (ii) basic bicycle maintenance; and

19 (iii) methods to use bicycles to carry  
20 out the activities described in subpara-  
21 graphs (A) and (B) of paragraph (2);

22 (B) conduct exercises for the purpose of—

23 (i) exercising the skills described in  
24 subparagraph (A); and

1 (ii) maintaining bicycles and related  
2 equipment; and

3 (C) provide bicycles, as necessary and ap-  
4 propriate, to each community organization act-  
5 ing in partnership with the recipient to allow  
6 representatives of the organization to assist in  
7 disaster preparedness and disaster response ef-  
8 forts.

9 (f) REPORT.—Not later than 3 years after the date  
10 of enactment of this Act, the Secretary shall submit to  
11 Congress a report that—

12 (1) describes the activities carried out under the  
13 pilot program;

14 (2) analyzes the effectiveness of the pilot pro-  
15 gram; and

16 (3) includes recommendations, if any, regarding  
17 methods by which to incorporate bicycles into dis-  
18 aster preparedness and disaster response plans in  
19 other communities.

20 **SEC. 1004. IMPROVED BENEFIT FEASIBILITY ASSESSMENTS**  
21 **FOR EMERGENCY PROJECTS.**

22 Section 5(a)(2)(A) of the Flood Control Act of 1941  
23 (33 U.S.C. 701n(a)(2)(A)) is amended to read as follows:

24 “(A) CONSIDERATION OF BENEFITS.—In  
25 preparing a cost and benefit feasibility assess-

1           ment for any emergency project described in  
2           paragraph (1), the Chief of Engineers shall con-  
3           sider—

4                   “(i) the benefits to be gained by such  
5           project for the protection of—

6                           “(I) residential establishments;

7                           “(II) commercial establishments,  
8                   including the protection of inventory;  
9                   and

10                           “(III) agricultural establish-  
11                   ments, including the protection of  
12                   crops; and

13                           “(ii) the benefits to navigation to be  
14                   gained by such project.”.

15 **SEC. 1005. ENHANCED EMERGENCY COMMUNICATION OF**  
16 **RISK.**

17           Section 3027(d) of the Water Resources Reform and  
18           Development Act of 2014 (33 U.S.C. 709c(d)) is amended  
19           by inserting “, or when the National Weather Service fore-  
20           casts a possibility that precipitation or runoff will exceed,”  
21           after “when precipitation or runoff exceeds”.

1 **TITLE II—CREATING SAFER**  
2 **COMMUNITIES BY REDUCING**  
3 **THREATS AND INCREASING**  
4 **COORDINATION WHILE PRO-**  
5 **TECTING SECOND AMEND-**  
6 **MENT RIGHTS**

7 **SEC. 2001. SAFE ROUTES TO SCHOOL PROGRAM.**

8 Section 1404 of SAFETEA-LU (23 U.S.C. 402 note;  
9 Public Law 109–59) is amended—

10 (1) in subsection (a), by striking “primary and  
11 middle” and inserting “primary, middle, and high”;  
12 and

13 (2) in subsection (k)(2)—

14 (A) in the heading, by striking “PRIMARY  
15 AND MIDDLE” and inserting “PRIMARY, MID-  
16 DLE, AND HIGH”;

17 (B) by striking “primary and middle” and  
18 inserting “primary, middle, and high”; and

19 (C) by striking “eighth grade” and insert-  
20 ing “12th grade”.

21 **SEC. 2002. SAFETY INCENTIVE PROGRAMS.**

22 (a) **FORMULA SAFETY INCENTIVE PROGRAM.**—Chap-  
23 ter 1 of title 23, United States Code, is amended by add-  
24 ing at the end the following:

1 **“§ 171. Formula safety incentive program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) METROPOLITAN PLANNING ORGANIZATION;  
4 URBANIZED AREA.—The terms ‘metropolitan plan-  
5 ning organization’ and ‘urbanized area’ have the  
6 meaning given those terms in section 134(b).

7 “(2) TRANSPORTATION MANAGEMENT AREA.—  
8 The term ‘transportation management area’ means  
9 a transportation management area identified or des-  
10 ignated by the Secretary under section 134(k)(1).

11 “(3) VULNERABLE ROAD USER.—The term  
12 ‘vulnerable road user’ means a nonmotorist (as that  
13 term is used in the Fatality Analysis Reporting Sys-  
14 tem of the National Highway Traffic Safety Admin-  
15 istration).

16 “(4) VULNERABLE ROAD USER SAFETY FOCUS  
17 AREA.—The term ‘vulnerable road user safety focus  
18 area’ means—

19 “(A) an urbanized area with combined fa-  
20 tality rate of vulnerable road users that is  
21 greater than 1.5 per 100,000 individuals; or

22 “(B) a State in which fatalities of vulner-  
23 able road users combined represents not less  
24 than 15 percent of the total annual crash fatali-  
25 ties in the State.

26 “(b) FORMULA FUNDING AWARDS.—

1           “(1) IN GENERAL.—For each fiscal year, the  
2 Secretary shall distribute among the States the  
3 amounts made available to carry out this section for  
4 that fiscal year in accordance with paragraph (2).

5           “(2) DISTRIBUTION.—The amount for each  
6 State shall be determined by multiplying the total  
7 amount of funding made available to carry out this  
8 section for the applicable fiscal year by the ratio  
9 that—

10                   “(A) the total base apportionment for the  
11 State under section 104(c); bears to

12                   “(B) the total base apportionments for all  
13 States under section 104(c).

14           “(c) SAFETY SUPPLEMENTAL.—

15           “(1) IN GENERAL.—A State shall use 50 per-  
16 cent of the amount distributed to the State under  
17 subsection (b) for each fiscal year to carry out the  
18 eligible activities under paragraph (2).

19           “(2) ELIGIBLE ACTIVITIES.—

20                   “(A) STATES.—Subject to paragraph  
21 (4)(A), a State shall use the funds under para-  
22 graph (1) for a highway safety improvement  
23 project or strategy included on the State stra-  
24 tegic highway safety plan (as defined in section  
25 148(a)) of the State.

1           “(B) MPOs.—Subject to paragraph  
2           (4)(B), a metropolitan planning organization  
3           that is required to obligate funds under sub-  
4           section (e) shall use the funds under paragraph  
5           (1) for a highway safety improvement project  
6           (as defined in section 148(a)).

7           “(3) FEDERAL SHARE.—The Federal share of  
8           the cost of a project carried out with funds under  
9           paragraph (1) shall be determined in accordance  
10          with section 120.

11          “(4) LIMITATION ON FLEXIBILITY.—

12                 “(A) STATES.—Notwithstanding para-  
13                 graph (2)(A), a State that is a vulnerable road  
14                 user safety focus area shall use the funds under  
15                 paragraph (1) for a highway safety improve-  
16                 ment project (as defined in section 148(a)) to  
17                 improve the safety of vulnerable road users, re-  
18                 gardless of whether the project is included on  
19                 the State strategic highway safety plan (as de-  
20                 fined in section 148(a)) of the State.

21                 “(B) MPOs.—Notwithstanding paragraph  
22                 (2)(B), a metropolitan planning organization  
23                 that is required to obligate funds under sub-  
24                 section (e) that contains an area designated as  
25                 a vulnerable road user safety focus area shall

1 use the funds under paragraph (1) for a high-  
2 way safety improvement project (as defined in  
3 section 148(a)) to improve the safety of vulner-  
4 able road users.

5 “(d) SAFETY PLANNING INCENTIVE.—

6 “(1) VULNERABLE ROAD USER SAFETY ASSESS-  
7 MENTS.—

8 “(A) IN GENERAL.—A State may, in con-  
9 sultation with metropolitan planning organiza-  
10 tions within the State, develop and publish a  
11 State vulnerable road user safety assessment  
12 described in subparagraph (B).

13 “(B) STATE VULNERABLE ROAD USER  
14 SAFETY ASSESSMENT DESCRIBED.—A vulner-  
15 able road user safety assessment referred to in  
16 subparagraph (A) is an assessment of the safe-  
17 ty performance of the State with respect to vul-  
18 nerable road users and the plan of the State,  
19 developed in consultation with the metropolitan  
20 planning organizations within the State, if any,  
21 to improve the safety of vulnerable road users,  
22 which shall—

23 “(i) include the approximate location  
24 within the State of each vulnerable road  
25 user fatality during the most recently re-

1 reported 2-year period of final data from the  
2 Fatality Analysis Reporting System of the  
3 National Highway Traffic Safety Adminis-  
4 tration and the operating speed of the  
5 roadway at that location;

6 “(ii) include the corridors within the  
7 State on which a vulnerable road user fa-  
8 tality has occurred during the most re-  
9 cently reported 2-year period of final data  
10 from the Fatality Analysis Reporting Sys-  
11 tem of the National Highway Traffic Safe-  
12 ty Administration and the operating speeds  
13 of those corridors;

14 “(iii) include a list of projects within  
15 the State that primarily address the safety  
16 of vulnerable road users that—

17 “(I) have been completed during  
18 the 2 most recent fiscal years prior to  
19 date of the publication of the vulner-  
20 able road user safety assessment, in-  
21 cluding the amount of funding that  
22 has been dedicated to those projects,  
23 described in total amounts and as a  
24 percentage of total capital expendi-  
25 tures;

1                   “(II) are planned to be completed  
2                   during the 2 fiscal years following the  
3                   date of the publication of the vulner-  
4                   able road user assessment, including  
5                   the amount of funding that the State  
6                   plans to be dedicated to those  
7                   projects, described in total amounts  
8                   and as a percentage of total capital  
9                   expenditures; and

10                   “(III) have the potential to be in-  
11                   cluded on the list described in sub-  
12                   clause (II) once the permitting and  
13                   approval processes for those projects  
14                   are complete, including the reason for  
15                   the delay in the completion of those  
16                   processes, if any; and

17                   “(iv) be reviewed and certified by the  
18                   Secretary to have met the requirements of  
19                   this subparagraph.

20                   “(2) ACCELERATION OF SAFETY PROJECT DE-  
21                   LIVERY.—For each project identified by a State  
22                   under paragraph (1)(B)(iii)(III), to the maximum  
23                   extent practicable, the Secretary, in consultation  
24                   with the State, shall use the authority under section

1 1420 of the FAST Act (23 U.S.C. 101 note; Public  
2 Law 114–94) to accelerate delivery of the project.

3 “(3) SAFETY PLAN INCENTIVE.—A State shall  
4 use 50 percent of the amounts made available to the  
5 State under subsection (b) for each fiscal year to  
6 carry out eligible activities under paragraph (4).

7 “(4) ELIGIBLE ACTIVITIES.—

8 “(A) IN GENERAL.—A State and any met-  
9 ropolitan planning organization in the State  
10 that is required to obligate funds under sub-  
11 section (e) may use funds under paragraph (3)  
12 for a project or strategy described in subsection  
13 (c)(2).

14 “(B) ADDITIONAL ELIGIBILITY INCEN-  
15 TIVE.—In addition to the eligible activities  
16 under subparagraph (A), a State and any met-  
17 ropolitan planning organization in the State  
18 that is required to obligate funds under sub-  
19 section (e) may use the funds under paragraph  
20 (3) for a project eligible under section 133(b)  
21 if—

22 “(i) the State has, within the fiscal  
23 year prior to the fiscal year in which the  
24 Secretary is making the grant or by a  
25 deadline established by the Secretary in

1 the fiscal year in which the Secretary is  
2 making the grant, conducted and published  
3 a vulnerable road user safety assessment  
4 described in paragraph (1)(B) that has  
5 been approved by the Secretary under  
6 clause (iv) of that paragraph; or

7 “(ii) for a State that has previously  
8 published a vulnerable road user safety as-  
9 sessment described in paragraph (1)(B)  
10 that has been approved by the Secretary  
11 under clause (iv) of that paragraph—

12 “(I) the State has, within the fis-  
13 cal year prior to the fiscal year in  
14 which the Secretary is making the  
15 grant or by a deadline established by  
16 the Secretary in the fiscal year in  
17 which the Secretary is making the  
18 grant, updated the estimates de-  
19 scribed in clauses (i) and (ii) of para-  
20 graph (1)(B); and

21 “(II) the State and the metro-  
22 politan planning organization have,  
23 within the 4 fiscal years prior to the  
24 fiscal year in which the Secretary is  
25 making the grant or by a deadline es-

1                   tablished by the Secretary in the fiscal  
2                   year in which the Secretary is making  
3                   the grant, incorporated a vulnerable  
4                   road user safety assessment described  
5                   in paragraph (1)(B) into—

6                   “(aa) a long-range transpor-  
7                   tation plan developed by the met-  
8                   ropolitan planning organization  
9                   under section 134(c), if any; and

10                  “(bb) the long-range state-  
11                  wide transportation plan devel-  
12                  oped by the State under section  
13                  135(f)(1).

14                  “(5) FEDERAL SHARE.—The Federal share of  
15                  the cost of a project carried out using funds under  
16                  paragraph (3)—

17                  “(A) in the case of a State or metropolitan  
18                  planning organization within a State that meets  
19                  the requirements under paragraph (4)(B), may  
20                  be up to 100 percent, at the discretion of the  
21                  State; and

22                  “(B) in the case of a State or metropolitan  
23                  planning organization within a State that is not  
24                  described in subparagraph (A), shall be deter-  
25                  mined in accordance with section 120.

1 “(e) SUBALLOCATION REQUIREMENTS.—

2 “(1) IN GENERAL.—For each fiscal year, of the  
3 funds made available to a State under subsections  
4 (c) and (d)—

5 “(A) 65 percent of each amount shall be  
6 obligated, in proportion to their relative shares  
7 of the population of the State—

8 “(i) in urbanized areas of the State  
9 with an urbanized area population of over  
10 200,000; and

11 “(ii) in other areas of the State; and

12 “(B) the remainder may be obligated in  
13 any area of the State.

14 “(2) METROPOLITAN AREAS.—Funds attributed  
15 to an urbanized area under paragraph (1)(A)(i) may  
16 be obligated in the metropolitan area established  
17 under section 134 that encompasses the urbanized  
18 area.

19 “(3) DISTRIBUTION AMONG URBANIZED AREAS  
20 OF OVER 200,000 POPULATION.—

21 “(A) IN GENERAL.—Except as provided in  
22 subparagraph (B), the amount that a State is  
23 required to obligate under paragraph (1)(A)(i)  
24 shall be obligated in urbanized areas described

1 in paragraph (1)(A)(i) based on the relative  
2 population of the areas.

3 “(B) OTHER FACTORS.—The State may  
4 obligate the funds described in subparagraph  
5 (A) based on other factors if—

6 “(i) the State and the relevant metro-  
7 politan planning organizations jointly apply  
8 to the Secretary for the permission to base  
9 the obligation on other factors; and

10 “(ii) the Secretary grants the request.

11 “(4) CONSULTATION IN URBANIZED AREAS.—  
12 Before obligating funds for an activity under sub-  
13 section (c) or (d) in an urbanized area that is not  
14 a transportation management area, a State shall  
15 consult with any metropolitan planning organization  
16 that represents the urbanized area prior to deter-  
17 mining which activities should be carried out.

18 “(5) CONSULTATION IN RURAL AREAS.—Before  
19 obligating funds for an eligible activity under sub-  
20 sections (c) and (d) in a rural area, a State shall  
21 consult with any regional transportation planning  
22 organization or metropolitan planning organization  
23 that represents a rural area of the State prior to de-  
24 termining which activities should be carried out.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-  
2 tions for chapter I of title 23, United States Code, is  
3 amended by adding at the end the following:

“171. Formula safety incentive program.”.

4 **SEC. 2003. STOPPING THREATS ON PEDESTRIANS.**

5 (a) DEFINITION OF BOLLARD INSTALLATION  
6 PROJECT.—In this section, the term “bollard installation  
7 project” means a project to install raised concrete or metal  
8 posts on a sidewalk adjacent to a roadway that are de-  
9 signed to slow or stop a motor vehicle.

10 (b) ESTABLISHMENT.—Not later than 1 year after  
11 the date of enactment of this Act and subject to the avail-  
12 ability of appropriations, the Secretary shall establish and  
13 carry out a competitive grant pilot program to provide as-  
14 sistance to local government entities for bollard installa-  
15 tion projects designed to prevent pedestrian injuries and  
16 acts of terrorism in areas used by large numbers of pedes-  
17 trians.

18 (c) APPLICATION.—To be eligible to receive a grant  
19 under this section, a local government entity shall submit  
20 to the Secretary an application at such time, in such form,  
21 and containing such information as the Secretary deter-  
22 mines to be appropriate, which shall include, at a min-  
23 imum—

24 (1) a description of the proposed bollard instal-  
25 lation project to be carried out;

1           (2) a description of the pedestrian injury or ter-  
2           rorism risks with respect to the proposed installation  
3           area; and

4           (3) an analysis of how the proposed bollard in-  
5           stallation project will mitigate those risks.

6           (d) USE OF FUNDS.—A recipient of a grant under  
7           this section may only use the grant funds for a bollard  
8           installation project.

9           (e) FEDERAL SHARE.—The Federal share of the  
10          costs of a bollard installation project carried out with a  
11          grant under this section may be up to 100 percent.

12          (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
13          authorized to be appropriated to the Secretary to carry  
14          out this section \$5,000,000 for each of fiscal years 2021  
15          through 2025.

16 **SEC. 2004. CYBER SECURITY TOOL; CYBER COORDINATOR.**

17          (a) DEFINITIONS.—In this section:

18               (1) ADMINISTRATOR.—The term “Adminis-  
19               trator” means the Administrator of the Federal  
20               Highway Administration.

21               (2) CYBER INCIDENT.—The term “cyber inci-  
22               dent” has the meaning given the term “significant  
23               cyber incident” in Presidential Policy Directive–41  
24               (July 26, 2016, relating to cyber incident coordina-  
25               tion).

1           (3) TRANSPORTATION AUTHORITY.—The term  
2 “transportation authority” means—

3           (A) a public authority (as defined in sec-  
4 tion 101(a) of title 23, United States Code);

5           (B) an owner or operator of a highway (as  
6 defined in section 101(a) of title 23, United  
7 States Code);

8           (C) a manufacturer that manufactures a  
9 product related to transportation; and

10           (D) a division office of the Federal High-  
11 way Administration.

12 (b) CYBERSECURITY TOOL.—

13           (1) IN GENERAL.—Not later than 2 years after  
14 the date of enactment of this Act, the Administrator  
15 shall develop a tool to assist transportation authori-  
16 ties in identifying, detecting, protecting against, re-  
17 sponding to, and recovering from cyber incidents.

18           (2) REQUIREMENTS.—In developing the tool  
19 under paragraph (1), the Administrator shall—

20           (A) use the cybersecurity framework estab-  
21 lished by the National Institute of Standards  
22 and Technology and required by Executive  
23 Order 13636 of February 12, 2013 (78 Fed.  
24 Reg. 11739; relating to improving critical infra-  
25 structure cybersecurity);

1 (B) establish a structured cybersecurity as-  
2 sessment and development program;

3 (C) consult with appropriate transportation  
4 authorities, operating agencies, industry stake-  
5 holders, and cybersecurity experts; and

6 (D) provide for a period of public comment  
7 and review on the tool.

8 (e) DESIGNATION OF CYBER COORDINATOR.—

9 (1) IN GENERAL.—Not later than 2 years after  
10 the date of enactment of this Act, the Administrator  
11 shall designate an office as a “cyber coordinator”,  
12 which shall be responsible for monitoring, alerting,  
13 and advising transportation authorities of cyber inci-  
14 dents.

15 (2) REQUIREMENTS.—The office designated  
16 under paragraph (1) shall—

17 (A) provide to transportation authorities a  
18 secure method of notifying a single Federal en-  
19 tity of cyber incidents;

20 (B) monitor cyber incidents that affect  
21 transportation authorities;

22 (C) alert transportation authorities to  
23 cyber incidents that affect those transportation  
24 authorities;

1 (D) investigate unaddressed cyber inci-  
2 dents that affect transportation authorities; and

3 (E) provide to transportation authorities  
4 educational resources, outreach, and awareness  
5 on fundamental principles and best practices in  
6 cybersecurity for transportation systems.

7 **SEC. 2005. INCREASED SELF DEFENSE ON RECREATIONAL**  
8 **LANDS.**

9 (a) PROTECTING THE RIGHT OF INDIVIDUALS TO  
10 BEAR ARMS AT WATER RESOURCES DEVELOPMENT  
11 PROJECTS.—The Secretary of the Army shall not promul-  
12 gate or enforce any regulation that prohibits an individual  
13 from possessing a firearm, including an assembled, func-  
14 tional, or loaded firearm, at a water resources development  
15 project covered under section 327.0 of title 36, Code of  
16 Federal Regulations (as in effect on the date of enactment  
17 of this Act), if—

18 (1) the individual is not otherwise prohibited by  
19 law from possessing the firearm; and

20 (2) the possession of the firearm is in compli-  
21 ance with the law of the State in which the water  
22 resources development project is located.

1 **TITLE III—STREAMLINING FED-**  
2 **ERAL BUREAUCRACY FOR EF-**  
3 **FICIENT ENVIRONMENTAL**  
4 **REVIEWS ON FEDERAL AND**  
5 **TRIBAL TRANSPORTATION**  
6 **INITIATIVES**

7 **SEC. 3001. EFFICIENT ENVIRONMENTAL REVIEWS FOR**  
8 **PROJECT DECISION MAKING AND ONE FED-**  
9 **ERAL DECISION.**

10 (a) IN GENERAL.—Section 139 of title 23, United  
11 States Code, is amended—

12 (1) in the section heading, by striking “**deci-**  
13 **sionmaking**” and inserting “**decisionmaking**  
14 **and One Federal Decision**”;

15 (2) in subsection (a)—

16 (A) by redesignating paragraphs (2)  
17 through (8) as paragraphs (4), (5), (6), (8),  
18 (9), (10), and (11), respectively;

19 (B) by inserting after paragraph (1) the  
20 following:

21 “(2) AUTHORIZATION.—The term ‘authoriza-  
22 tion’ means any environmental license, permit, ap-  
23 proval, finding, or other administrative decision re-  
24 lated to the environmental review process that is re-

1 required under Federal law to site, construct, or re-  
2 construct a project.

3 “(3) ENVIRONMENTAL DOCUMENT.—The term  
4 ‘environmental document’ includes an environmental  
5 assessment, finding of no significant impact, notice  
6 of intent, environmental impact statement, or record  
7 of decision under the National Environmental Policy  
8 Act of 1969 (42 U.S.C. 4321 et seq.).”;

9 (C) in subparagraph (B) of paragraph (5)  
10 (as so redesignated), by striking “process for  
11 and completion of any environmental permit”  
12 and inserting “process and schedule, including  
13 a timetable for and completion of any environ-  
14 mental permit”; and

15 (D) by inserting after paragraph (6) (as so  
16 redesignated) the following:

17 “(7) MAJOR PROJECT.—

18 “(A) IN GENERAL.—The term ‘major  
19 project’ means a project for which—

20 “(i) multiple permits, approvals, re-  
21 views, or studies are required under a Fed-  
22 eral law other than the National Environ-  
23 mental Policy Act of 1969 (42 U.S.C.  
24 4321 et seq.);

1 “(ii) the project sponsor has identified  
2 the reasonable availability of funds suffi-  
3 cient to complete the project;

4 “(iii) the project is not a covered  
5 project (as defined in section 41001 of the  
6 FAST Act (42 U.S.C. 4370m)); and

7 “(iv)(I) the head of the lead agency  
8 has determined that an environmental im-  
9 pact statement is required; or

10 “(II) the head of the lead agency has  
11 determined that an environmental assess-  
12 ment is required, and the project sponsor  
13 requests that the project be treated as a  
14 major project.

15 “(B) CLARIFICATION.—In this section, the  
16 term ‘major project’ does not have the same  
17 meaning as the term ‘major project’ as de-  
18 scribed in section 106(h).”;

19 (3) in subsection (b)(1)—

20 (A) by inserting “, including major  
21 projects,” after “all projects”; and

22 (B) by inserting “as requested by a project  
23 sponsor and” after “applied,”;

24 (4) in subsection (c)—

25 (A) in paragraph (6)—

1 (i) in subparagraph (B), by striking  
2 “and” at the end;

3 (ii) in subparagraph (C), by striking  
4 the period at the end and inserting “;  
5 and”; and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(D) to calculate annually the average  
9 time taken by the lead agency to complete all  
10 environmental documents for each project dur-  
11 ing the previous fiscal year.”; and

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

13 “(7) PROCESS IMPROVEMENTS FOR  
14 PROJECTS.—

15 “(A) IN GENERAL.—The Secretary shall  
16 review—

17 “(i) existing practices, procedures,  
18 rules, regulations, and applicable laws to  
19 identify impediments to meeting the re-  
20 quirements applicable to projects under  
21 this section; and

22 “(ii) best practices, programmatic  
23 agreements, and potential changes to inter-  
24 nal departmental procedures that would fa-

1 cilitate an efficient environmental review  
2 process for projects.

3 “(B) CONSULTATION.—In conducting the  
4 review under subparagraph (A), the Secretary  
5 shall consult, as appropriate, with the heads of  
6 other Federal agencies that participate in the  
7 environmental review process.

8 “(C) REPORT.—Not later than 2 years  
9 after the date of enactment of the America’s  
10 Transportation Infrastructure Act of 2019, the  
11 Secretary shall submit to the Committee on En-  
12 vironment and Public Works of the Senate and  
13 the Committee on Transportation and Infra-  
14 structure of the House of Representatives a re-  
15 port that includes—

16 “(i) the results of the review under  
17 subparagraph (A); and

18 “(ii) an analysis of whether additional  
19 funding would help the Secretary meet the  
20 requirements applicable to projects under  
21 this section.”;

22 (5) in subsection (d)—

23 (A) in paragraph (8)—

1 (i) in the paragraph heading, by strik-  
2 ing “NEPA” and inserting “ENVIRON-  
3 MENTAL”;

4 (ii) in subparagraph (A)—

5 (I) by inserting “and except as  
6 provided in subparagraph (D)” after  
7 “paragraph (7)”;

8 (II) by striking “permits” and in-  
9 serting “authorizations”; and

10 (III) by striking “single environ-  
11 ment document” and inserting “single  
12 environmental document for each kind  
13 of environmental document”;

14 (iii) in subparagraph (B)(i)—

15 (I) by striking “an environmental  
16 document” and inserting “environ-  
17 mental documents”; and

18 (II) by striking “permits issued”  
19 and inserting “authorizations”; and

20 (iv) by adding at the end the fol-  
21 lowing:

22 “(D) EXCEPTIONS.—The lead agency may  
23 waive the application of subparagraph (A) with  
24 respect to a project if—

1           “(i) the project sponsor requests that  
2           agencies issue separate environmental doc-  
3           uments;

4           “(ii) the obligations of a cooperating  
5           agency or participating agency under the  
6           National Environmental Policy Act of  
7           1969 (42 U.S.C. 4321 et seq.) have al-  
8           ready been satisfied with respect to the  
9           project; or

10          “(iii) the lead agency determines that  
11          reliance on a single environmental docu-  
12          ment (as described in subparagraph (A))  
13          would not facilitate timely completion of  
14          the environmental review process for the  
15          project.”; and

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

17          “(10) TIMELY AUTHORIZATIONS FOR MAJOR  
18          PROJECTS.—

19                 “(A) DEADLINE.—Except as provided in  
20                 subparagraph (C), all authorization decisions  
21                 necessary for the construction of a major  
22                 project shall be completed by not later than 90  
23                 days after the date of the issuance of a record  
24                 of decision for the major project.

1           “(B) **DETAIL.**—The final environmental  
2 impact statement for a major project shall in-  
3 clude an adequate level of detail to inform deci-  
4 sions necessary for the role of the participating  
5 agencies in the environmental review process.

6           “(C) **EXTENSION OF DEADLINE.**—The  
7 head of the lead agency may extend the dead-  
8 line under subparagraph (A) if—

9                   “(i) Federal law prohibits the lead  
10 agency or another agency from issuing an  
11 approval or permit within the period de-  
12 scribed in that subparagraph;

13                   “(ii) the project sponsor requests that  
14 the permit or approval follow a different  
15 timeline; or

16                   “(iii) an extension would facilitate  
17 completion of the environmental review and  
18 authorization process of the major  
19 project.”;

20           (6) in subsection (g)(1)—

21                   (A) in subparagraph (B)—

22                           (i) in clause (ii)(IV), by striking  
23 “schedule for and cost of” and inserting  
24 “time required by an agency to conduct an  
25 environmental review and make decisions

1 under applicable Federal law relating to a  
2 project (including the issuance or denial of  
3 a permit or license) and the cost of”; and

4 (ii) by adding at the end the fol-  
5 lowing:

6 “(iii) MAJOR PROJECT SCHEDULE.—

7 To the maximum extent practicable and  
8 consistent with applicable Federal law, in  
9 the case of a major project, the lead agen-  
10 cy shall develop, in concurrence with the  
11 project sponsor, a schedule for the major  
12 project that is consistent with an agency  
13 average of not more than 2 years for the  
14 completion of the environmental review  
15 process for major projects, as measured  
16 from, as applicable—

17 “(I) the date of publication of a  
18 notice of intent to prepare an environ-  
19 mental impact statement to the record  
20 of decision; or

21 “(II) the date on which the head  
22 of the lead agency determines that an  
23 environmental assessment is required  
24 to a finding of no significant impact.”;

1 (B) by striking subparagraph (D) and in-  
2 serting the following:

3 “(D) MODIFICATION.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), the lead agency may  
6 lengthen or shorten a schedule established  
7 under subparagraph (B) for good cause.

8 “(ii) EXCEPTIONS.—

9 “(I) MAJOR PROJECTS.—In the  
10 case of a major project, the lead agen-  
11 cy may lengthen a schedule under  
12 clause (i) for a cooperating Federal  
13 agency by not more than 1 year after  
14 the latest deadline established for the  
15 major project by the lead agency.

16 “(II) SHORTENED SCHED-  
17 ULES.—The lead agency may not  
18 shorten a schedule under clause (i) if  
19 doing so would impair the ability of a  
20 cooperating Federal agency to conduct  
21 necessary analyses or otherwise carry  
22 out relevant obligations of the Federal  
23 agency for the project.”;

24 (C) by redesignating subparagraph (E) as  
25 subparagraph (F); and

1 (D) by inserting after subparagraph (D)  
2 the following:

3 “(E) FAILURE TO MEET DEADLINE.—If a  
4 cooperating Federal agency fails to meet a  
5 deadline established under subparagraph  
6 (D)(ii)(I)—

7 “(i) the cooperating Federal agency  
8 shall submit to the Secretary a report that  
9 describes the reasons why the deadline was  
10 not met; and

11 “(ii) the Secretary shall—

12 “(I) transmit to the Committee  
13 on Environment and Public Works of  
14 the Senate and the Committee on  
15 Transportation and Infrastructure of  
16 the House of Representatives a copy  
17 of the report under clause (i); and

18 “(II) make the report under  
19 clause (i) publicly available on the  
20 internet.”; and

21 (7) by adding at the end the following:

22 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR  
23 PROJECTS.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish a performance accountability system to track  
3           each major project.

4           “(2) REQUIREMENTS.—The performance ac-  
5           countability system under paragraph (1) shall, for  
6           each major project, track, at a minimum—

7                   “(A) the environmental review process for  
8                   the major project, including the project sched-  
9                   ule;

10                   “(B) whether the lead agency, cooperating  
11                   agencies, and participating agencies are meet-  
12                   ing the schedule established for the environ-  
13                   mental review process; and

14                   “(C) the time taken to complete the envi-  
15                   ronmental review process.

16           “(q) DEVELOPMENT OF CATEGORICAL EXCLU-  
17           SIONS.—

18           “(1) IN GENERAL.—Not later than 60 days  
19           after the date of enactment of this subsection, the  
20           Secretary shall—

21                   “(A) in consultation with the agencies de-  
22                   scribed in paragraph (2), identify the categor-  
23                   ical exclusions described in section 771.117 of  
24                   title 23, Code of Federal Regulations (or suc-  
25                   cessor regulations), that would accelerate deliv-

1           ery of a project if those categorical exclusions  
2           were available to those agencies;

3           “(B) collect existing documentation and  
4           substantiating information on the categorical  
5           exclusions described in subparagraph (A); and

6           “(C) provide to each agency described in  
7           paragraph (2) a list of the categorical exclu-  
8           sions identified under subparagraph (A) and  
9           the documentation and substantiating informa-  
10          tion under subparagraph (B).

11          “(2) AGENCIES DESCRIBED.—The agencies re-  
12          ferred to in paragraph (1) are—

13                 “(A) the Department of the Interior;

14                 “(B) the Department of the Army;

15                 “(C) the Department of Commerce;

16                 “(D) the Department of Agriculture;

17                 “(E) the Department of Energy;

18                 “(F) the Department of Defense; and

19                 “(G) any other Federal agency that has  
20           participated in an environmental review process  
21           for a project, as determined by the Secretary.

22          “(3) ADOPTION OF CATEGORICAL EXCLU-  
23          SIONS.—

24                 “(A) IN GENERAL.—Not later than 1 year  
25           after the date on which the Secretary provides

1 the list under paragraph (1)(C), an agency de-  
2 scribed in paragraph (2) shall publish a notice  
3 of proposed rulemaking to propose any categor-  
4 ical exclusions from the list applicable to the  
5 agency, subject to the condition that the cat-  
6 egorical exclusion identified under paragraph  
7 (1)(A) meets the criteria for a categorical exclu-  
8 sion under section 1508.4 of title 40, Code of  
9 Federal Regulations (or successor regulations).

10 “(B) PUBLIC COMMENT.—In a notice of  
11 proposed rulemaking under subparagraph (A),  
12 the applicable agency may solicit comments on  
13 whether any of the proposed new categorical ex-  
14 clusions meet the criteria for a categorical ex-  
15 clusion under section 1508.4 of title 40, Code  
16 of Federal Regulations (or successor regula-  
17 tions).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-  
19 ter 1 of title 23, United States Code, is amended by strik-  
20 ing the item relating to section 139 and inserting the fol-  
21 lowing:

“139. Efficient environmental reviews for project decisionmaking and One Fed-  
eral Decision.”.

1 **SEC. 3002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIB-**  
2 **AL TRANSPORTATION FACILITIES.**

3 (a) SECRETARY.—In this section, the term “Sec-  
4 retary” means the Secretary of the Interior.

5 (b) DEFINITION OF TRIBAL TRANSPORTATION SAFE-  
6 TY PROJECT.—

7 (1) IN GENERAL.—In this section, the term  
8 “tribal transportation safety project” means a  
9 project described in paragraph (2) that is eligible for  
10 funding under section 202 of title 23, United States  
11 Code.

12 (2) PROJECT DESCRIBED.—A project described  
13 in this paragraph is a project that corrects or im-  
14 proves a hazardous road location or feature or ad-  
15 dresses a highway safety problem through one or  
16 more of the activities described in any of the clauses  
17 under section 148(a)(4)(B) of title 23, United States  
18 Code.

19 (c) REVIEWS OF TRIBAL TRANSPORTATION SAFETY  
20 PROJECTS.—

21 (1) IN GENERAL.—The Secretary or the Sec-  
22 retary of Transportation, as applicable, or the head  
23 of another Federal agency responsible for a decision  
24 related to a tribal transportation safety project shall  
25 complete any approval or decision for the review of  
26 the tribal transportation safety project required

1 under the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.) or any other applica-  
3 ble Federal law on an expeditious basis using the  
4 shortest existing applicable process.

5 (2) REVIEW OF APPLICATIONS.—Not later than  
6 45 days after the date of receipt of a complete appli-  
7 cation by an Indian tribe for approval of a tribal  
8 transportation safety project, the Secretary or the  
9 Secretary of Transportation, as applicable, shall—

10 (A) take final action on the application; or

11 (B) provide the Indian tribe a schedule for  
12 completion of the review described in paragraph  
13 (1), including the identification of any other  
14 Federal agency that has jurisdiction with re-  
15 spect to the project.

16 (3) DECISIONS UNDER OTHER FEDERAL  
17 LAWS.—In any case in which a decision under any  
18 other Federal law relating to a tribal transportation  
19 safety project (including the issuance or denial of a  
20 permit or license) is required, not later than 45 days  
21 after the Secretary or the Secretary of Transpor-  
22 tation, as applicable, has made all decisions of the  
23 lead agency under the National Environmental Pol-  
24 icy Act of 1969 (42 U.S.C. 4321 et seq.) with re-

1 spect to the project, the head of the Federal agency  
2 responsible for the decision shall—

3 (A) make the applicable decision; or

4 (B) provide the Indian tribe a schedule for  
5 making the decision.

6 (4) EXTENSIONS.—The Secretary or the Sec-  
7 retary of Transportation, as applicable, or the head  
8 of the Federal agency may extend the period under  
9 paragraph (2) or (3), as applicable, by an additional  
10 30 days by providing the Indian tribe notice of the  
11 extension, including a statement of the need for the  
12 extension.

13 (5) NOTIFICATION AND EXPLANATION.—In any  
14 case in which a required action is not completed by  
15 the deadline under paragraph (2), (3), or (4), as ap-  
16 plicable, the Secretary, the Secretary of Transpor-  
17 tation, or the head of a Federal agency, as applica-  
18 ble, shall—

19 (A) notify the Committees on Indian Af-  
20 fairs and Environment and Public Works of the  
21 Senate and the Committee on Natural Re-  
22 sources of the House of Representatives of the  
23 failure to comply with the deadline; and

24 (B) provide to the Committees described in  
25 subparagraph (A) a detailed explanation of the

1 reasons for the failure to comply with the dead-  
2 line.

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