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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of Transportation to issue a notice of proposed rulemaking with respect to categorical exclusions of the Maritime Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. PELTOLA introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of Transportation to issue a notice of proposed rulemaking with respect to categorical exclusions of the Maritime Administration, 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.**

4 This Act may be cited as the “Port Infrastructure
5 Permitting Empowerment Act”.

6 **SEC. 2. MARITIME ADMINISTRATION.**

7 (a) CATEGORICAL EXCLUSIONS.—

1 (1) RECIPROCAL USE OF CATEGORICAL EXCLU-
2 SIONS.—Not later than 6 months after the date of
3 enactment of this Act, the Secretary of Transpor-
4 tation shall issue a notice of proposed rulemaking to
5 establish that the Maritime Administrator shall ap-
6 prove any action qualifying as a categorical exclusion
7 established by the Federal Highway Administration,
8 the Federal Transit Administration, or the Federal
9 Railroad Administration, as outlined in part 771 of
10 title 23, Code of Federal Regulations, when the ap-
11 plicable requirements of that categorical exclusion
12 have been met.

13 (2) NEW CATEGORICAL EXCLUSIONS.—

14 (A) IN GENERAL.—Not later than 6
15 months after the date of enactment of this Act,
16 the Secretary shall publish a notice of proposed
17 rulemaking to propose new Maritime Adminis-
18 tration categorical exclusions for port authority
19 projects that require the approval of the Sec-
20 retary under the National Environmental Policy
21 Act of 1969 (42 U.S.C. 4321 et seq.).

22 (B) EXPANDING LIST.—The Maritime Ad-
23 ministration's list of categorical exclusions shall
24 be expanded with the goal of having a list that
25 allows the Maritime Administration to issue

1 categorical exclusions that maritime port au-
2 thorities would typically use, independently of
3 the lists of other Department of Transportation
4 modal agencies, including categorical exclu-
5 sions—

6 (i) corresponding to project types that
7 have typically been granted a Finding of
8 No Significant Impact in past Maritime
9 Administration- granted projects and could
10 feasibly be categorical exclusions; and

11 (ii) that the Secretary determines
12 would be useful to maritime port authori-
13 ties in the course of Federal grant-funded
14 projects.

15 (3) PROCESS FOR REGULAR UPDATES.—The
16 Secretary shall include in the rule required by para-
17 graph (2) a process by which the Maritime Adminis-
18 tration will update the list of categorical exclusions
19 every 4 years to reflect lessons learned in grant ad-
20 ministration and project construction that lead to
21 new efficiencies in the requirements of the National
22 Environmental Policy Act of 1969 (42 U.S.C. 4321
23 et seq.).

1 (b) APPLICATION TIMELINES.—Section 54301(a)(5)
2 of title 46, United States Code, is amended by adding at
3 the end the following:

4 “(C) DELAYED NOTICE OF FUNDING OP-
5 PORTUNITY.—If an amendment is made to a
6 published solicitation for grant applications
7 such that an applicant would need the informa-
8 tion contained in the amendment to draft an
9 application, other than an amendment of the
10 amount of grant funding available, the Sec-
11 retary shall extend the application deadline by
12 the number of days between the initial solicita-
13 tion and the amendment.”.

14 (c) PROJECT BUDGET REVIEWS.—Section
15 54301(a)(9) of title 46, United States Code, is amended—

16 (1) in subparagraph (B) by striking “and” at
17 the end;

18 (2) in subparagraph (C) by striking the period
19 at the end and inserting “; and”; and

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

21 “(D) grant contracts are approved effi-
22 ciently by the Secretary, minimizing delays for
23 minor adjustments to project scopes and budg-
24 ets due to inflationary effects on projects.”.

1 (d) STAFFING AND GRANT TIMELINES.—Section
2 54301(a)(11) of title 46, United States Code, is amended
3 by adding at the end the following:

4 “(C) ADMINISTRATIVE AND OVERSIGHT
5 REPORT.—Not later than 365 days after the
6 date of the enactment of this subparagraph,
7 and each year thereafter, the Secretary shall
8 submit to Congress a report on the average
9 length of grant obligation timelines and the na-
10 ture of any staffing shortages relevant to ad-
11 ministering this program.”.

12 **SEC. 3. FEDERAL PERMITTING IMPROVEMENT STEERING**
13 **COUNCIL.**

14 Section 41001(6)(A)(i)(II) of the FAST Act (42
15 U.S.C. 4370m(6)(A)(i)(II)) is amended by inserting “, ex-
16 cept for projects sponsored by a port authority” after
17 “\$200,000,000”.

18 **SEC. 4. BUILD AMERICA BUY AMERICA.**

19 (a) LIMITED WAIVERS.—Section 54301(a)(11) of
20 title 46, United States Code, is amended by adding at the
21 end the following:

22 “(C) CERTIFICATION OF DOMESTIC SUP-
23 PLY.—If the Secretary denies an application for
24 a waiver under the procedures outlined in sec-
25 tion 8301 of title 41, the Secretary shall pro-

1 vide to the applicant a written certification
2 that—

3 “(i) the steel, iron, or manufactured
4 goods, as applicable, (referred to in this
5 subparagraph as the ‘item’) is produced in
6 the United States in a sufficient and rea-
7 sonably available amount;

8 “(ii) the item produced in the United
9 States is of a satisfactory quality; and

10 “(iii) includes a list of known manu-
11 facturers in the United States from which
12 the item can be obtained.”.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that, to build the necessary domestic manufacturing
15 capabilities, port authorities should be permitted to make
16 group or pooled purchases of equipment, also known as
17 “piggybacking”, in which the post-award use of a contrac-
18 tual document allows multiple port authorities to purchase
19 the same supplies or equipment through the original con-
20 tractual document.