

AMENDMENT

OFFERED BY MS. BROWNLEY OF CALIFORNIA

At the end of subtitle C of title I of the bill, add the following:

1 **SEC. 13 ____ . AT-RISK PREAGREEMENT AUTHORITY.**

2 Section 1440 of the FAST Act (23 U.S.C. 121 note)
3 is amended—

4 (1) by striking subsection (a);

5 (2) by redesignating subsections (b) through (e)
6 as subsections (a) through (d), respectively;

7 (3) by striking “preliminary engineering” each
8 place it appears;

9 (4) in subsection (a), as so redesignated, in
10 paragraph (1) by inserting “or, in the case that the
11 project does not qualify for a categorical exclusion
12 pursuant to section 771.117(c) of title 23, Code of
13 Federal Regulations, recipients or subrecipients may
14 incur costs for right-of-way acquisition and construc-
15 tion from the date the environmental review process
16 required by the National Environmental Policy Act
17 (42 U.S.C. 4321) and its implementing regulations,
18 including section 139 of title 23, United States
19 Code, is completed” after “the project”;

1 (5) in subsection (b), as so redesignated, by
2 striking “subsection (b)” and inserting “subsection
3 (a)”;

4 (6) in subsection (d), as so redesignated, by in-
5 serting “construction” before “project”.

