

112TH CONGRESS
1ST SESSION

H. R. 2426

To amend title 23, United States Code, to limit claims in connection with decisions to issue permits, licenses, and approvals for highway and public transportation capital projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2011

Mr. LONG introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to limit claims in connection with decisions to issue permits, licenses, and approvals for highway and public transportation capital projects, 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. ISSUANCE OF PERMITS, LICENSES, AND AP-**
4 **PROVALS FOR HIGHWAY AND PUBLIC TRANS-**
5 **PORTATION CAPITAL PROJECTS.**

6 Section 139(l) of title 23, United States Code, is
7 amended to read as follows:

8 “(l) LIMITATIONS ON CLAIMS.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, a decision of a Federal agency to
3 issue a permit, license, or approval for a highway or
4 public transportation capital project shall be final
5 and shall not be subject to judicial review. Nothing
6 in this paragraph shall place any limit on filing a
7 claim that a person has violated the terms of a per-
8 mit, license, or approval.

9 “(2) NEW INFORMATION.—The Secretary shall
10 consider new information received after the close of
11 a comment period if the information satisfies the re-
12 quirements for a supplemental environmental impact
13 statement under section 771.130 of title 23, Code of
14 Federal Regulations. The preparation of a supple-
15 mental environmental impact statement when re-
16 quired shall be considered a separate final agency
17 action. Notwithstanding any other provision of law,
18 such an agency action shall be final and shall not be
19 subject to judicial review.”.

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