

112TH CONGRESS
1ST SESSION

S. 1389

To exempt any road, highway, or bridge damaged by a natural disaster, including a flood, from duplicative environmental document reviews if the road, highway, or bridge is reconstructed in the same location.

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 2011

Mr. NELSON of Nebraska introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To exempt any road, highway, or bridge damaged by a natural disaster, including a flood, from duplicative environmental document reviews if the road, highway, or bridge is reconstructed in the same location.

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. EXEMPTION.**

4 The reconstruction process of any road, highway, or
5 bridge that is in operation or under construction when
6 damaged by a natural disaster, including a flood, and re-
7 constructed in the same location shall be exempt from any
8 environmental review under—

1 (1) the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.);

3 (2) sections 402 and 404 of the Federal Water
4 Pollution Control Act (33 U.S.C. 1342, 1344);

5 (3) the National Historic Preservation Act (16
6 U.S.C. 470 et seq.);

7 (4) the Migratory Bird Treaty Act (16 U.S.C.
8 703 et seq.);

9 (5) the Wild and Scenic Rivers Act (16 U.S.C.
10 1271 et seq.);

11 (6) the Fish and Wildlife Coordination Act (16
12 U.S.C. 661 et seq.);

13 (7) the Endangered Species Act of 1973 (16
14 U.S.C. 1531 et seq.), except when the reconstruction
15 occurs in designated critical habitat for threatened
16 and endangered species;

17 (8) Executive Order 11990 (42 U.S.C. 4321
18 note; relating to the protection of wetlands); and

19 (9) any Federal law (including regulations) re-
20 quiring no net loss of wetlands.

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