

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. GRAVES OF LOUISIANA**

At the end of subtitle F of title I of division B of the bill, add the following:

1 **SEC. ____ . APPLICATION OF EXISTING DEPARTMENT OF**
2 **ENERGY DETERMINATIONS TO SELECT AIR-**
3 **PORT INFRASTRUCTURE PROJECTS.**

4 (a) APPLICATION OF EXISTING DEPARTMENT OF EN-
5 ERGY DETERMINATIONS.—Consistent with determinations
6 made by Department of Energy as of the date of enact-
7 ment of this Act, a covered airport development activity
8 (as defined in subsection (e)) shall be presumed to be cov-
9 ered by a categorical exclusion (as defined in section
10 1508.4 of title 40, Code of Federal Regulations) under
11 chapter 5 of Federal Aviation Administration Order
12 1050.1F, or any successor document .

13 (b) FAA ENVIRONMENTAL PROJECTS.—A covered
14 airport environmental activity (as defined in subsection
15 (e)) shall be presumed to be covered by a categorical exclu-
16 sion (as defined in section 1508.4 of title 40, Code of Fed-
17 eral Regulations) under chapter 5 of Federal Aviation Ad-
18 ministration Order 1050.1F, or any successor document.

1 (c) GUIDANCE.—Coverage under subsection (a) or (b)
2 shall be subject to such guidance that the Administrator
3 of the Federal Aviation Administration considers appro-
4 priate.

5 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to impact any aviation safety au-
7 thority of the Administrator.

8 (e) DEFINITIONS.—In this section—

9 (1) the term “alternative fuel vehicle” has the
10 same meaning given the term in section 166 of title
11 23, United States Code (as amended by this Act);

12 (2) the term “covered airport development ac-
13 tivity” means an action taken by the Administration
14 to approve, permit, finance, or otherwise facilitate a
15 project undertaken by the sponsor, owner, or oper-
16 ator of a public-use airport—

17 (A) to install, modify, operate, or remove a
18 solar photovoltaic system or wind turbine sys-
19 tem (including related equipment) that is—

20 (i) located on or mounted to a build-
21 ing or other structure, including a rooftop,
22 a parking lot or facility, signage, or a
23 fence; or

24 (ii) located on not more than 10 acres
25 of previously disturbed or developed land;

1 (B) to install, modify, operate, or remove
2 a zero-emission vehicle charging station;

3 (C) to install, modify, operate, or remove a
4 fueling station for an alternative fuel vehicle on
5 a site that was previously disturbed or devel-
6 oped;

7 (D) to install, modify, operate, or remove
8 a small-scale renewable energy pilot project on
9 a site that was previously disturbed or devel-
10 oped;

11 (E) to construct and subsequently operate
12 a short pipeline segment conveying materials
13 between an existing source facility and a facility
14 at an airport provided that the pipeline segment
15 is within previously disturbed or developed
16 rights-of-way;

17 (F) to install, modify, operate, or remove a
18 commercially available small-scale ground
19 source heat pump to support operations at an
20 airport facility if—

21 (i) the heat pump would be in a place
22 where—

23 (I) major associated activities, in-
24 cluding drilling and discharge, are
25 regulated; and

1 (II) appropriate leakage and con-
2 tainment control measures would be
3 in place, including for cross-contami-
4 nation between aquifers;

5 (ii) the heat pump would not have the
6 potential to cause significant changes in
7 subsurface temperature; and

8 (iii) the site of the heat pump was
9 previously disturbed or developed;

10 (3) the term “covered airport environmental ac-
11 tivity” means an action taken by the Administration
12 to approve, permit, finance, or otherwise facilitate a
13 project undertaken by the sponsor, owner, or oper-
14 ator of a public-use airport—

15 (A) that meets the definition of “airport
16 development” under subparagraphs (F), (K),
17 (L), (P), or (Q) of section 47102(3) of title 49,
18 United States Code;

19 (B) under section 47136 or 47140 of title
20 49, United States Code;

21 (C) to install, modify, operate, or remove a
22 charging station for aircraft using partially or
23 fully electrified propulsion systems; and

24 (D) to install, modify, operate, or remove
25 a fueling station for hydrogen-powered aircraft,

1 including aircraft powered by liquid hydrogen
2 or hydrogen fuel cells;

3 (4) the terms “public-use airport” and “spon-
4 sor” have the same meaning given those terms in
5 section 47102 of title 49, United States Code; and

6 (5) the term “zero-emission vehicle” has the
7 same meaning given that term in section 47136 of
8 title 49, United States Code.

9 (d) IMMEDIATE APPLICABILITY.—Section 1001 shall
10 not apply to this section.

