

Graves #1

**Amendment to the Amendment in the Nature of a Substitute to H.R. 3587  
Offered by Mr. Graves of Louisiana**

On page 6, strike lines 1 through 11.

On page 6, following line 11, insert the following –

“(4) Covered Activity.

“(A) IN GENERAL.— The term ‘covered activity’ means an action that the agency carrying out such action determines is subject to Federal control and responsibility.

“(B) EXCLUSION.— The term ‘covered activity’ does not include—

“(i) An action that commenced in whole or in part prior to the enactment of this Act;

“(ii) a non-Federal action with minimal Federal funding or minimal Federal involvement where a Federal agency cannot control the outcome of the project;

“(iii) funding assistance solely in the form of general revenue sharing funds with no Federal agency control over the subsequent use of such funds;

“(iv) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the effect of the action;

“(v) farm ownership and operating loan guarantees by the Farm Service Agency pursuant to sections 305 and 311 through 319 of the Consolidated Farmers Home Administration Act of 1961 ([7 U.S.C. 1925](#) and 1941 through 1949);

“(vi) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act ([15 U.S.C. 636\(a\)](#)), or title V of the Small Business Investment Act of 1958 ([15 U.S.C. 695](#) et seq.);  
or

“(vii) bringing judicial or administrative civil or criminal enforcement actions.”