

In the Senate of the United States,

July 30, 2015.

Resolved, That the bill from the House of Representatives (H.R. 22) entitled “An Act to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Developing a Reliable*
3 *and Innovative Vision for the Economy Act” or the*
4 *“DRIVE Act”.*

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 2 **CONTENTS.**

3 (a) *DIVISIONS.*—*This Act is organized into 9 divisions*
 4 *as follows:*

5 (1) *Division A—Federal-aid Highways and High-*
 6 *way Safety Construction Programs.*

7 (2) *Division B—Public Transportation.*

8 (3) *Division C—Comprehensive Transportation*
 9 *and Consumer Protection Act of 2015.*

10 (4) *Division D—Freight and Major Projects.*

11 (5) *Division E—Finance.*

12 (6) *Division F—Miscellaneous.*

13 (7) *Division G—Surface Transportation Exten-*
 14 *sion.*

15 (8) *Division H—Budgetary Effects.*

16 (9) *Division I—Export-Import Bank of the*
 17 *United States.*

18 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 19 *this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Definitions.

Sec. 4. Effective date.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY
CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 11001. Authorization of appropriations.

Sec. 11002. Obligation ceiling.

Sec. 11003. Apportionment.

- Sec. 11004. Surface transportation program.*
- Sec. 11005. Metropolitan transportation planning.*
- Sec. 11006. Statewide and nonmetropolitan transportation planning.*
- Sec. 11007. Highway use tax evasion projects.*
- Sec. 11008. Bundling of bridge projects.*
- Sec. 11009. Flexibility for certain rural road and bridge projects.*
- Sec. 11010. Construction of ferry boats and ferry terminal facilities.*
- Sec. 11011. Highway safety improvement program.*
- Sec. 11012. Data collection on unpaved public roads.*
- Sec. 11013. Congestion mitigation and air quality improvement program.*
- Sec. 11014. Transportation alternatives.*
- Sec. 11015. Consolidation of programs.*
- Sec. 11016. State flexibility for National Highway System modifications.*
- Sec. 11017. Toll roads, bridges, tunnels, and ferries.*
- Sec. 11018. HOV facilities.*
- Sec. 11019. Interstate system reconstruction and rehabilitation pilot program.*
- Sec. 11020. Emergency relief for federally owned roads.*
- Sec. 11021. Bridges requiring closure or load restrictions.*
- Sec. 11022. National electric vehicle charging and natural gas fueling corridors.*
- Sec. 11023. Asset management.*
- Sec. 11024. Tribal transportation program amendment.*
- Sec. 11025. Nationally significant Federal lands and Tribal projects program.*
- Sec. 11026. Federal lands programmatic activities.*
- Sec. 11027. Federal lands transportation program.*
- Sec. 11028. Innovative project delivery.*
- Sec. 11029. Obligation and release of funds.*

Subtitle B—Acceleration of Project Delivery

- Sec. 11101. Categorical exclusion for projects of limited Federal assistance.*
- Sec. 11102. Programmatic agreement template.*
- Sec. 11103. Agency coordination.*
- Sec. 11104. Initiation of environmental review process.*
- Sec. 11105. Improving collaboration for accelerated decision making.*
- Sec. 11106. Accelerated decisionmaking in environmental reviews.*
- Sec. 11107. Improving transparency in environmental reviews.*
- Sec. 11108. Integration of planning and environmental review.*
- Sec. 11109. Use of programmatic mitigation plans.*
- Sec. 11110. Adoption of Departmental environmental documents.*
- Sec. 11111. Technical assistance for States.*
- Sec. 11112. Surface transportation project delivery program.*
- Sec. 11113. Categorical exclusions for multimodal projects.*
- Sec. 11114. Modernization of the environmental review process.*
- Sec. 11115. Service club, charitable association, or religious service signs.*
- Sec. 11116. Satisfaction of requirements for certain historic sites.*
- Sec. 11117. Bridge exemption from consideration under certain provisions.*
- Sec. 11118. Elimination of barriers to improve at-risk bridges.*
- Sec. 11119. At-risk project preagreement authority.*

Subtitle C—Miscellaneous

- Sec. 11201. Credits for untaxed transportation fuels.*
- Sec. 11202. Justification reports for access points on the Interstate System.*
- Sec. 11203. Exemptions.*
- Sec. 11204. High priority corridors on the National Highway System.*
- Sec. 11205. Repeat intoxicated driver law.*

- Sec. 11206. Vehicle-to-infrastructure equipment.*
Sec. 11207. Relinquishment.
Sec. 11208. Transfer and sale of toll credits.
Sec. 11209. Regional infrastructure accelerator demonstration program.
Sec. 11210. Sonoran Corridor Interstate development.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

- Sec. 12001. Research, technology, and education.*
Sec. 12002. Intelligent transportation systems.
Sec. 12003. Future interstate study.
Sec. 12004. Researching surface transportation system funding alternatives.

Subtitle B—Data

- Sec. 12101. Tribal data collection.*
Sec. 12102. Performance management data support program.

Subtitle C—Transparency and Best Practices

- Sec. 12201. Every Day Counts initiative.*
Sec. 12202. Department of Transportation performance measures.
Sec. 12203. Grant program for achievement in transportation for performance and innovation.
Sec. 12204. Highway trust fund transparency and accountability.
Sec. 12205. Report on highway trust fund administrative expenditures.
Sec. 12206. Availability of reports.
Sec. 12207. Performance period adjustment.
Sec. 12208. Design standards.

TITLE III—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

- Sec. 13001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.*

TITLE IV—TECHNICAL CORRECTIONS

- Sec. 14001. Technical corrections.*

TITLE V—MISCELLANEOUS

- Sec. 15001. Appalachian development highway system.*
Sec. 15002. Appalachian regional development program.
Sec. 15003. Water infrastructure finance and innovation.
Sec. 15004. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.
Sec. 15005. Study on performance of bridges.
Sec. 15006. Sport fish restoration and recreational boating safety.

DIVISION B—PUBLIC TRANSPORTATION

TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

- Sec. 21001. Short title.*
Sec. 21002. Definitions.
Sec. 21003. Metropolitan transportation planning.

- Sec. 21004. Statewide and nonmetropolitan transportation planning.*
- Sec. 21005. Urbanized area formula grants.*
- Sec. 21006. Fixed guideway capital investment grants.*
- Sec. 21007. Mobility of seniors and individuals with disabilities.*
- Sec. 21008. Formula grants for rural areas.*
- Sec. 21009. Research, development, demonstration, and deployment program.*
- Sec. 21010. Private sector participation.*
- Sec. 21011. Innovative procurement.*
- Sec. 21012. Human resources and training.*
- Sec. 21013. General provisions.*
- Sec. 21014. Project management oversight.*
- Sec. 21015. Public transportation safety program.*
- Sec. 21016. State of good repair grants.*
- Sec. 21017. Authorizations.*
- Sec. 21018. Grants for bus and bus facilities.*
- Sec. 21019. Salary of Federal Transit Administrator.*
- Sec. 21020. Technical and conforming amendments.*

*DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER
PROTECTION ACT OF 2015*

- Sec. 31001. Short title.*
- Sec. 31002. References to title 49, United States Code.*
- Sec. 31003. Effective date.*

TITLE XXXI—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

- Sec. 31101. Delegation of authority.*
- Sec. 31102. Infrastructure Permitting Improvement Center.*
- Sec. 31103. Accelerated decision-making in environmental reviews.*
- Sec. 31104. Environmental review alignment and reform.*
- Sec. 31105. Multimodal categorical exclusions.*
- Sec. 31106. Improving transparency in environmental reviews.*
- Sec. 31107. Local transportation infrastructure program.*
- Sec. 31108. Authorization of grants for positive train control.*

Subtitle B—Research

- Sec. 31201. Findings.*
- Sec. 31202. Modal research plans.*
- Sec. 31203. Consolidated research prospectus and strategic plan.*
- Sec. 31204. Research Ombudsman.*
- Sec. 31205. Smart cities transportation planning study.*
- Sec. 31206. Bureau of Transportation Statistics independence.*
- Sec. 31207. Conforming amendments.*
- Sec. 31208. Repeal of obsolete office.*

Subtitle C—Port Performance Act

- Sec. 31301. Short title.*
- Sec. 31302. Findings.*
- Sec. 31303. Port performance freight statistics program.*

*TITLE XXXII—COMMERCIAL MOTOR VEHICLE AND DRIVER
PROGRAMS*

Subtitle A—Compliance, Safety, and Accountability Reform

- Sec. 32001. Correlation study.*
- Sec. 32002. Safety improvement metrics.*
- Sec. 32003. Data certification.*
- Sec. 32004. Data improvement.*
- Sec. 32005. Accident report information.*
- Sec. 32006. Post-accident report review.*
- Sec. 32007. Recognizing excellence in safety.*
- Sec. 32008. High risk carrier reviews.*

Subtitle B—Transparency and Accountability

- Sec. 32201. Petitions for regulatory relief.*
- Sec. 32202. Inspector standards.*
- Sec. 32203. Technology improvements.*

Subtitle C—Trucking Rules Updated by Comprehensive and Key Safety Reform

- Sec. 32301. Update on statutory requirements.*
- Sec. 32302. Statutory rulemaking.*
- Sec. 32303. Guidance reform.*
- Sec. 32304. Petitions.*
- Sec. 32305. Regulatory reform.*

Subtitle D—State Authorities

- Sec. 32401. Emergency route working group.*
- Sec. 32402. Additional State authority.*
- Sec. 32403. Commercial driver access.*

Subtitle E—Motor Carrier Safety Grant Consolidation

- Sec. 32501. Definitions.*
- Sec. 32502. Grants to States.*
- Sec. 32503. New entrant safety review program study.*
- Sec. 32504. Performance and registration information systems management.*
- Sec. 32505. Authorization of appropriations.*
- Sec. 32506. Commercial driver's license program implementation.*
- Sec. 32507. Extension of Federal motor carrier safety programs for fiscal year
2016.*
- Sec. 32508. Motor carrier safety assistance program allocation.*
- Sec. 32509. Maintenance of effort calculation.*

Subtitle F—Miscellaneous Provisions

- Sec. 32601. Windshield technology.*
- Sec. 32602. Electronic logging devices requirements.*
- Sec. 32603. Lapse of required financial security; suspension of registration.*
- Sec. 32604. Access to National Driver Register.*
- Sec. 32605. Study on commercial motor vehicle driver commuting.*
- Sec. 32606. Household goods consumer protection working group.*
- Sec. 32607. Interstate van operations.*
- Sec. 32608. Report on design and implementation of wireless roadside inspection
systems.*

- Sec. 32609. Motorcoach hours of service study.*
Sec. 32610. GAO Review of school bus safety.
Sec. 32611. Use of hair testing for preemployment and random controlled substances tests.

TITLE XXXIII—HAZARDOUS MATERIALS

- Sec. 33101. Endorsements.*
Sec. 33102. Enhanced reporting.
Sec. 33103. Hazardous material information.
Sec. 33104. National emergency and disaster response.
Sec. 33105. Authorization of appropriations.

TITLE XXXIV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

- Sec. 34101. Authorization of appropriations.*
Sec. 34102. Highway safety programs.
Sec. 34103. Grants for alcohol-ignition interlock laws and 24–7 sobriety programs.
Sec. 34104. Repeat offender criteria.
Sec. 34105. Study on the national roadside survey of alcohol and drug use by drivers.
Sec. 34106. Increasing public awareness of the dangers of drug-impaired driving.
Sec. 34107. Improvement of data collection on child occupants in vehicle crashes.

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

- Sec. 34121. Short title.*
Sec. 34122. Grant restriction.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

- Sec. 34131. Short title.*
Sec. 34132. Distracted driving incentive grants.
Sec. 34133. Barriers to data collection report.
Sec. 34134. Minimum requirements for State graduated driver licensing incentive grant program.

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 34141. Technical corrections to the Motor Vehicle and Highway Safety Improvement Act of 2012.*

Subtitle B—Vehicle Safety

- Sec. 34201. Authorization of appropriations.*
Sec. 34202. Inspector General recommendations.
Sec. 34203. Improvements in availability of recall information.
Sec. 34204. Recall process.
Sec. 34205. Pilot grant program for State notification to consumers of motor vehicle recall status.
Sec. 34206. Recall obligations under bankruptcy.
Sec. 34207. Dealer requirement to check for open recall.
Sec. 34208. Extension of time period for remedy of tire defects.

- Sec. 34209. Rental car safety.*
Sec. 34210. Increase in civil penalties for violations of motor vehicle safety.
Sec. 34211. Electronic odometer disclosures.
Sec. 34212. Corporate responsibility for NHTSA reports.
Sec. 34213. Direct vehicle notification of recalls.
Sec. 34214. Unattended children warning.
Sec. 34215. Tire pressure monitoring system.

Subtitle C—Research and Development and Vehicle Electronics

- Sec. 34301. Report on operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies.*
Sec. 34302. Cooperation with foreign governments.

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

- Sec. 34401. Short title.*
Sec. 34402. Limitations on data retrieval from vehicle event data recorders.
Sec. 34403. Vehicle event data recorder study.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

- Sec. 34421. Short title.*
Sec. 34422. Passenger motor vehicle information.

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

- Sec. 34431. Short title.*
Sec. 34432. Tire fuel efficiency minimum performance standards.
Sec. 34433. Tire registration by independent sellers.
Sec. 34434. Tire recall database.

TITLE XXXV—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

- Sec. 35001. Short title.*
Sec. 35002. Passenger transportation; definitions.

Subtitle A—Authorization of Appropriations

- Sec. 35101. Authorization of grants to Amtrak.*
Sec. 35102. National infrastructure and safety investments.
Sec. 35103. Authorization of appropriations for National Transportation Safety Board rail investigations.
Sec. 35104. Authorization of appropriations for Amtrak Office of Inspector General.
Sec. 35105. National cooperative rail research program.

Subtitle B—Amtrak Reform

- Sec. 35201. Amtrak grant process.*
Sec. 35202. 5-year business line and assets plans.
Sec. 35203. State-supported route committee.
Sec. 35204. Route and service planning decisions.
Sec. 35205. Competition.
Sec. 35206. Rolling stock purchases.
Sec. 35207. Food and beverage policy.

- Sec. 35208. Local products and promotional events.*
Sec. 35209. Right-of-way leveraging.
Sec. 35210. Station development.
Sec. 35211. Amtrak debt.
Sec. 35212. Amtrak pilot program for passengers transporting domesticated cats and dogs.
Sec. 35213. Amtrak board of directors.
Sec. 35214. Amtrak boarding procedures.

Subtitle C—Intercity Passenger Rail Policy

- Sec. 35301. Competitive operating grants.*
Sec. 35302. Federal-State partnership for state of good repair.
Sec. 35303. Large capital project requirements.
Sec. 35304. Small business participation study.
Sec. 35305. Gulf coast rail service working group.
Sec. 35306. Integrated passenger rail working group.
Sec. 35307. Shared-use study.
Sec. 35308. Northeast Corridor Commission.
Sec. 35309. Northeast Corridor through-ticketing and procurement efficiencies.
Sec. 35310. Data and analysis.
Sec. 35311. Performance-based proposals.
Sec. 35312. Amtrak Inspector General.
Sec. 35313. Miscellaneous provisions.

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

- Sec. 35401. Highway-rail grade crossing safety.*
Sec. 35402. Speed limit action plans.
Sec. 35403. Signage.
Sec. 35404. Alerters.
Sec. 35405. Signal protection.
Sec. 35406. Technology implementation plans.
Sec. 35407. Commuter rail track inspections.
Sec. 35408. Emergency response.
Sec. 35409. Private highway-rail grade crossings.
Sec. 35410. Repair and replacement of damaged track inspection equipment.
Sec. 35411. Rail police officers.
Sec. 35412. Operation deep dive; report.
Sec. 35413. Post-accident assessment.
Sec. 35414. Technical and conforming amendments.
Sec. 35415. GAO study on use of locomotive horns at highway-rail grade crossings.
Sec. 35416. Bridge inspection reports.

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

- Sec. 35421. Consolidated rail infrastructure and safety improvements.*

PART III—HAZARDOUS MATERIALS BY RAIL SAFETY AND OTHER SAFETY ENHANCEMENTS

- Sec. 35431. Real-time emergency response information.*
Sec. 35432. Thermal blankets.
Sec. 35433. Comprehensive oil spill response plans.

- Sec. 35434. Hazardous materials by rail liability study.*
Sec. 35435. Study and testing of electronically-controlled pneumatic brakes.
Sec. 35436. Recording devices.
Sec. 35437. Rail passenger transportation liability.
Sec. 35438. Modification reporting.
Sec. 35439. Report on crude oil characteristics research study.

PART IV—POSITIVE TRAIN CONTROL

- Sec. 35441. Coordination of spectrum.*
Sec. 35442. Updated plans.
Sec. 35443. Early adoption and interoperability.
Sec. 35444. Positive train control at grade crossings effectiveness study.

Subtitle E—Project Delivery

- Sec. 35501. Short title.*
Sec. 35502. Preservation of public lands.
Sec. 35503. Efficient environmental reviews.
Sec. 35504. Advance acquisition.
Sec. 35505. Railroad rights-of-way.
Sec. 35506. Savings clause.
Sec. 35507. Transition.

Subtitle F—Financing

- Sec. 35601. Short title; references.*
Sec. 35602. Definitions.
Sec. 35603. Eligible applicants.
Sec. 35604. Eligible purposes.
Sec. 35605. Program administration.
Sec. 35606. Loan terms and repayment.
Sec. 35607. Credit risk premiums.
Sec. 35608. Master credit agreements.
Sec. 35609. Priorities and conditions.
Sec. 35610. Savings provision.

DIVISION D—FREIGHT AND MAJOR PROJECTS

TITLE XLI—FREIGHT POLICY

- Sec. 41001. Establishment of freight chapter.*
Sec. 41002. National multimodal freight policy.
Sec. 41003. National multimodal freight network.

TITLE XLII—PLANNING

- Sec. 42001. National freight strategic plan.*
Sec. 42002. State freight advisory committees.
Sec. 42003. State freight plans.
Sec. 42004. Freight data and tools.
Sec. 42005. Savings provision.

TITLE XLIII—FORMULA FREIGHT PROGRAM

- Sec. 43001. National highway freight program.*

TITLE XLIV—GRANTS

- Sec. 44001. Purpose; definitions; administration.*
Sec. 44002. Grants.

DIVISION E—FINANCE

- Sec. 50001. Short title.*

TITLE LI—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

- Sec. 51101. Extension of trust fund expenditure authority.*
Sec. 51102. Extension of highway-related taxes.

Subtitle B—Additional Transfers to Highway Trust Fund

- Sec. 51201. Further additional transfers to trust fund.*
Sec. 51202. Transfer to Highway Trust Fund of certain motor vehicle safety penalties.
Sec. 51203. Appropriation from Leaking Underground Storage Tank Trust Fund.

TITLE LII—OFFSETS

Subtitle A—Tax Provisions

- Sec. 52101. Consistent basis reporting between estate and person acquiring property from decedent.*
Sec. 52102. Revocation or denial of passport in case of certain unpaid taxes.
Sec. 52103. Clarification of 6-year statute of limitations in case of overstatement of basis.
Sec. 52104. Additional information on returns relating to mortgage interest.
Sec. 52105. Return due date modifications.
Sec. 52106. Reform of rules relating to qualified tax collection contracts.
Sec. 52107. Special compliance personnel program.
Sec. 52108. Transfers of excess pension assets to retiree health accounts.

Subtitle B—Fees and Receipts

- Sec. 52201. Extension of deposits of security service fees in the general fund.*
Sec. 52202. Adjustment for inflation of fees for certain customs services.
Sec. 52203. Dividends and surplus funds of Reserve banks.
Sec. 52204. Strategic Petroleum Reserve drawdown and sale.
Sec. 52205. Extension of enterprise guarantee fee.

Subtitle C—Outlays

- Sec. 52301. Interest on overpayment.*

DIVISION F—MISCELLANEOUS

TITLE LXI—FEDERAL PERMITTING IMPROVEMENT

- Sec. 61001. Definitions.*
Sec. 61002. Federal Permitting Improvement Council.
Sec. 61003. Permitting process improvement.
Sec. 61004. Interstate compacts.
Sec. 61005. Coordination of required reviews.

- Sec. 61006. Delegated State permitting programs.*
Sec. 61007. Litigation, judicial review, and savings provision.
Sec. 61008. Report to Congress.
Sec. 61009. Funding for governance, oversight, and processing of environmental reviews and permits.
Sec. 61010. Application.
Sec. 61011. GAO Report.

TITLE LXII—ADDITIONAL PROVISIONS

- Sec. 62001. Hire More Heroes.*

DIVISION G—SURFACE TRANSPORTATION EXTENSION

- Sec. 70001. Short title.*

TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

- Sec. 71001. Extension of Federal-aid highway programs.*
Sec. 71002. Administrative expenses.

TITLE LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

- Sec. 72001. Formula grants for rural areas.*
Sec. 72002. Apportionment of appropriations for formula grants.
Sec. 72003. Authorizations for public transportation.
Sec. 72004. Bus and bus facilities formula grants.

TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Subtitle A—Extension of Highway Safety Programs

- Sec. 73101. Extension of National Highway Traffic Safety Administration highway safety programs.*
Sec. 73102. Extension of Federal Motor Carrier Safety Administration programs.
Sec. 73103. Dingell-Johnson Sport Fish Restoration Act.

Subtitle B—Hazardous Materials

- Sec. 73201. Authorization of appropriations.*

TITLE LXXIV—REVENUE PROVISIONS

- Sec. 74001. Extension of trust fund expenditure authority.*

DIVISION H—BUDGETARY EFFECTS

- Sec. 80001. Budgetary effects.*
Sec. 80002. Maintenance of highway trust fund cash balance.
Sec. 80003. Prohibition on rescissions of certain contract authority.

DIVISION I—EXPORT-IMPORT BANK OF THE UNITED STATES

- Sec. 90001. Short title.*

*TITLE XCI—TAXPAYER PROTECTION PROVISIONS AND INCREASED
ACCOUNTABILITY*

- Sec. 91001. Reduction in authorized amount of outstanding loans, guarantees,
and insurance.*
- Sec. 91002. Increase in loss reserves.*
- Sec. 91003. Review of fraud controls.*
- Sec. 91004. Office of Ethics.*
- Sec. 91005. Chief Risk Officer.*
- Sec. 91006. Risk Management Committee.*
- Sec. 91007. Independent audit of bank portfolio.*
- Sec. 91008. Pilot program for reinsurance.*

TITLE XCII—PROMOTION OF SMALL BUSINESS EXPORTS

- Sec. 92001. Increase in small business lending requirements.*
- Sec. 92002. Report on programs for small and medium-sized businesses.*

TITLE XCIII—MODERNIZATION OF OPERATIONS

- Sec. 93001. Electronic payments and documents.*
- Sec. 93002. Reauthorization of information technology updating.*

TITLE XCIV—GENERAL PROVISIONS

- Sec. 94001. Extension of authority.*
- Sec. 94002. Certain updated loan terms and amounts.*

TITLE XCV—OTHER MATTERS

- Sec. 95001. Prohibition on discrimination based on industry.*
- Sec. 95002. Negotiations to end export credit financing.*
- Sec. 95003. Study of financing for information and communications technology
systems.*

1 SEC. 3. DEFINITIONS.

2 *In this Act:*

3 (1) *DEPARTMENT.*—*The term “Department”*
4 *means the Department of Transportation.*

5 (2) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Transportation.*

7 SEC. 4. EFFECTIVE DATE.

8 *Except as otherwise provided, divisions A, B, C, and*
9 *D, including the amendments made by those divisions, take*
10 *effect on October 1, 2015.*

1 ***DIVISION A—FEDERAL-AID HIGH-***
2 ***WAYS AND HIGHWAY SAFETY***
3 ***CONSTRUCTION PROGRAMS***
4 ***TITLE I—FEDERAL-AID***
5 ***HIGHWAYS***
6 ***Subtitle A—Authorizations and***
7 ***Programs***

8 ***SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.***

9 *(a) IN GENERAL.—The following sums are authorized*
10 *to be appropriated out of the Highway Trust Fund (other*
11 *than the Mass Transit Account):*

12 *(1) FEDERAL-AID HIGHWAY PROGRAM.—For the*
13 *national highway performance program under section*
14 *119 of title 23, United States Code, the surface trans-*
15 *portation program under section 133 of that title, the*
16 *highway safety improvement program under section*
17 *148 of that title, the congestion mitigation and air*
18 *quality improvement program under section 149 of*
19 *that title, the national freight program under section*
20 *167 of that title, the transportation alternatives pro-*
21 *gram under section 213 of that title, and to carry out*
22 *section 134 of that title—*

23 *(A) \$39,579,500,000 for fiscal year 2016;*

24 *(B) \$40,771,300,000 for fiscal year 2017;*

25 *(C) \$42,127,100,000 for fiscal year 2018;*

1 (D) \$43,476,400,000 for fiscal year 2019;

2 (E) \$44,570,700,000 for fiscal year 2020;

3 and

4 (F) \$45,691,900,000 for fiscal year 2021.

5 (2) *TRANSPORTATION INFRASTRUCTURE FINANCE*
6 *AND INNOVATION PROGRAM.*—*For credit assistance*
7 *under the transportation infrastructure finance and*
8 *innovation program under chapter 6 of title 23,*
9 *United States Code, \$300,000,000 for each of fiscal*
10 *years 2016 through 2021.*

11 (3) *FEDERAL LANDS AND TRIBAL TRANSPOR-*
12 *TATION PROGRAMS.*—

13 (A) *TRIBAL TRANSPORTATION PROGRAM.*—

14 *For the tribal transportation program under sec-*
15 *tion 202 of title 23, United States Code—*

16 (i) \$465,000,000 for fiscal year 2016;

17 (ii) \$475,000,000 for fiscal year 2017;

18 (iii) \$485,000,000 for fiscal year 2018;

19 (iv) \$495,000,000 for fiscal year 2019;

20 (v) \$505,000,000 for fiscal year 2020;

21 and

22 (vi) \$515,000,000 for fiscal year 2021.

23 (B) *FEDERAL LANDS TRANSPORTATION PRO-*
24 *GRAM.*—

1 (i) *AUTHORIZATION.—For the Federal*
2 *lands transportation program under section*
3 *203 of title 23, United States Code—*

4 (I) *\$305,000,000 for fiscal year*
5 *2016;*

6 (II) *\$310,000,000 for fiscal year*
7 *2017;*

8 (III) *\$315,000,000 for fiscal year*
9 *2018;*

10 (IV) *\$320,000,000 for fiscal year*
11 *2019;*

12 (V) *\$325,000,000 for fiscal year*
13 *2020; and*

14 (VI) *\$330,000,000 for fiscal year*
15 *2021.*

16 (ii) *SPECIAL RULE.—*

17 (I) *\$240,000,000 of the amount*
18 *made available for each fiscal year*
19 *shall be the amount for the National*
20 *Park Service; and*

21 (II) *\$30,000,000 of the amount*
22 *made available for each fiscal year*
23 *shall be the amount for the United*
24 *States Fish and Wildlife Service.*

1 (C) *FEDERAL LANDS ACCESS PROGRAM.*—
2 *For the Federal lands access program under sec-*
3 *tion 204 of title 23, United States Code—*

4 (i) \$250,000,000 for fiscal year 2016;

5 (ii) \$255,000,000 for fiscal year 2017;

6 (iii) \$260,000,000 for fiscal year 2018;

7 (iv) \$265,000,000 for fiscal year 2019;

8 (v) \$270,000,000 for fiscal year 2020;

9 and

10 (vi) \$275,000,000 for fiscal year 2021.

11 (4) *TERRITORIAL AND PUERTO RICO HIGHWAY*
12 *PROGRAM.*—*For the territorial and Puerto Rico high-*
13 *way program under section 165 of title 23, United*
14 *States Code, \$190,000,000 for each of fiscal years*
15 *2016 through 2021.*

16 (5) *ASSISTANCE FOR MAJOR PROJECTS PRO-*
17 *GRAM.*—*For the assistance for major projects program*
18 *under section 171 of title 23, United States Code—*

19 (A) \$250,000,000 for fiscal year 2016;

20 (B) \$300,000,000 for fiscal year 2017;

21 (C) \$350,000,000 for fiscal year 2018;

22 (D) \$400,000,000 for fiscal year 2019;

23 (E) \$400,000,000 for fiscal year 2020; and

24 (F) \$400,000,000 for fiscal year 2021.

1 **(b) RESEARCH, TECHNOLOGY, AND EDUCATION AU-**
2 **THORIZATIONS.**—

3 **(1) IN GENERAL.**—*The following sums are au-*
4 *thorized to be appropriated out of the Highway Trust*
5 *Fund (other than the Mass Transit Account):*

6 **(A) HIGHWAY RESEARCH AND DEVELOP-**
7 **MENT PROGRAM.**—*To carry out the highway re-*
8 *search and development program under section*
9 *503(b) of title 23, United States Code,*
10 *\$130,000,000 for each of fiscal years 2016*
11 *through 2021.*

12 **(B) TECHNOLOGY AND INNOVATION DEPLOY-**
13 **MENT PROGRAM.**—*To carry out the technology*
14 *and innovation deployment program under sec-*
15 *tion 503(c) of title 23, United States Code,*
16 *\$62,500,000 for each of fiscal years 2016 through*
17 *2021.*

18 **(C) TRAINING AND EDUCATION.**—*To carry*
19 *out training and education under section 504 of*
20 *title 23, United States Code, \$24,000,000 for*
21 *each of fiscal years 2016 through 2021.*

22 **(D) INTELLIGENT TRANSPORTATION SYS-**
23 **TEMS PROGRAM.**—*To carry out the intelligent*
24 *transportation systems program under sections*
25 *512 through 518 of title 23, United States Code,*

1 \$100,000,000 for each of fiscal years 2016
2 through 2021.

3 (E) UNIVERSITY TRANSPORTATION CENTERS
4 PROGRAM.—To carry out the university trans-
5 portation centers program under section 5505 of
6 title 49, United States Code, \$72,500,000 for
7 each of fiscal years 2016 through 2021.

8 (2) BUREAU OF TRANSPORTATION STATISTICS.—
9 There are authorized to be appropriated out of the
10 general fund of the Treasury to carry out chapter 63
11 of title 49, United States Code, \$26,000,000 for each
12 of fiscal years 2016 through 2021.

13 (3) ADMINISTRATION.—The Federal Highway
14 Administration shall administer the programs de-
15 scribed in subparagraphs (D) and (E) of paragraph
16 (1).

17 (4) APPLICABILITY OF TITLE 23, UNITED STATES
18 CODE.—Funds authorized to be appropriated by
19 paragraph (1) shall—

20 (A) be available for obligation in the same
21 manner as if those funds were apportioned under
22 chapter 1 of title 23, United States Code;

23 (B) remain available until expended; and

24 (C) not be transferable.

25 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

1 (1) *FINDINGS.*—Congress finds that—

2 (A) *while significant progress has occurred*
3 *due to the establishment of the disadvantaged*
4 *business enterprise program, discrimination and*
5 *related barriers continue to pose significant ob-*
6 *stacles for minority- and women-owned busi-*
7 *nesses seeking to do business in federally assisted*
8 *surface transportation markets across the United*
9 *States;*

10 (B) *the continuing barriers described in*
11 *subparagraph (A) merit the continuation of the*
12 *disadvantaged business enterprise program;*

13 (C) *Congress has received and reviewed tes-*
14 *timony and documentation of race and gender*
15 *discrimination from numerous sources, including*
16 *congressional hearings and roundtables, scientific*
17 *reports, reports issued by public and private*
18 *agencies, news stories, reports of discrimination*
19 *by organizations and individuals, and discrimi-*
20 *nation lawsuits, which show that race- and gen-*
21 *der-neutral efforts alone are insufficient to ad-*
22 *dress the problem;*

23 (D) *the testimony and documentation de-*
24 *scribed in subparagraph (C) demonstrate that*
25 *discrimination across the United States poses a*

1 *barrier to full and fair participation in surface*
2 *transportation-related businesses of women busi-*
3 *ness owners and minority business owners and*
4 *has impacted firm development and many as-*
5 *pects of surface transportation-related business*
6 *in the public and private markets; and*

7 *(E) the testimony and documentation de-*
8 *scribed in subparagraph (C) provide a strong*
9 *basis that there is a compelling need for the con-*
10 *tinuation of the disadvantaged business enter-*
11 *prise program to address race and gender dis-*
12 *crimination in surface transportation-related*
13 *business.*

14 (2) *DEFINITIONS.*—*In this subsection, the fol-*
15 *lowing definitions apply:*

16 (A) *SMALL BUSINESS CONCERN.*—

17 (i) *IN GENERAL.*—*The term “small*
18 *business concern” means a small business*
19 *concern (as the term is used in section 3 of*
20 *the Small Business Act (15 U.S.C. 632)).*

21 (ii) *EXCLUSIONS.*—*The term “small*
22 *business concern” does not include any con-*
23 *cern or group of concerns controlled by the*
24 *same socially and economically disadvan-*
25 *tagged individual or individuals that have*

1 *average annual gross receipts during the*
2 *preceding 3 fiscal years in excess of*
3 *\$23,980,000, as adjusted annually by the*
4 *Secretary for inflation.*

5 *(B) SOCIALLY AND ECONOMICALLY DIS-*
6 *ADVANTAGED INDIVIDUALS.—The term “socially*
7 *and economically disadvantaged individuals”*
8 *has the meaning given the term in section 8(d)*
9 *of the Small Business Act (15 U.S.C. 637(d))*
10 *and relevant subcontracting regulations issued*
11 *pursuant to that Act, except that women shall be*
12 *presumed to be socially and economically dis-*
13 *advantaged individuals for purposes of this sub-*
14 *section.*

15 *(3) AMOUNTS FOR SMALL BUSINESS CON-*
16 *CERNS.—Except to the extent that the Secretary deter-*
17 *mines otherwise, not less than 10 percent of the*
18 *amounts made available for any program under divi-*
19 *sions A and B of this Act and section 403 of title 23,*
20 *United States Code, shall be expended through small*
21 *business concerns owned and controlled by socially*
22 *and economically disadvantaged individuals.*

23 *(4) ANNUAL LISTING OF DISADVANTAGED BUSI-*
24 *NESS ENTERPRISES.—Each State shall annually—*

1 (A) *survey and compile a list of the small*
2 *business concerns referred to in paragraph (2) in*
3 *the State, including the location of the small*
4 *business concerns in the State; and*

5 (B) *notify the Secretary, in writing, of the*
6 *percentage of the small business concerns that*
7 *are controlled by—*

8 (i) *women;*

9 (ii) *socially and economically dis-*
10 *advantaged individuals (other than*
11 *women); and*

12 (iii) *individuals who are women and*
13 *are otherwise socially and economically dis-*
14 *advantaged individuals.*

15 (5) *UNIFORM CERTIFICATION.—*

16 (A) *IN GENERAL.—The Secretary shall es-*
17 *tablish minimum uniform criteria for use by*
18 *State governments in certifying whether a con-*
19 *cern qualifies as a small business concern for the*
20 *purpose of this subsection.*

21 (B) *INCLUSIONS.—The minimum uniform*
22 *criteria established under subparagraph (A) shall*
23 *include, with respect to a potential small busi-*
24 *ness concern—*

25 (i) *on-site visits;*

- 1 (ii) *personal interviews with personnel;*
2 (iii) *issuance or inspection of licenses;*
3 (iv) *analyses of stock ownership;*
4 (v) *listings of equipment;*
5 (vi) *analyses of bonding capacity;*
6 (vii) *listings of work completed;*
7 (viii) *examination of the resumes of*
8 *principal owners;*
9 (ix) *analyses of financial capacity;*
10 *and*
11 (x) *analyses of the type of work pre-*
12 *ferred.*

13 (6) *REPORTING.—The Secretary shall establish*
14 *minimum requirements for use by State governments*
15 *in reporting to the Secretary—*

16 (A) *information concerning disadvantaged*
17 *business enterprise awards, commitments, and*
18 *achievements; and*

19 (B) *such other information as the Secretary*
20 *determines to be appropriate for the proper mon-*
21 *itoring of the disadvantaged business enterprise*
22 *program.*

23 (7) *COMPLIANCE WITH COURT ORDERS.—Noth-*
24 *ing in this subsection limits the eligibility of an indi-*
25 *vidual or entity to receive funds made available*

1 *under divisions A and B of this Act and section 403*
2 *of title 23, United States Code, if the individual or*
3 *entity is prevented, in whole or in part, from com-*
4 *plying with paragraph (2) because a Federal court*
5 *issues a final order in which the court finds that a*
6 *requirement or the implementation of paragraph (2)*
7 *is unconstitutional.*

8 *(d) CONFORMING AMENDMENT.—Section 1101(b) of*
9 *MAP-21 (Public Law 112-141; 126 Stat. 414) is repealed.*

10 **SEC. 11002. OBLIGATION CEILING.**

11 *(a) GENERAL LIMITATION.—Subject to subsection (e),*
12 *and notwithstanding any other provision of law, the obliga-*
13 *tions for Federal-aid highway and highway safety construc-*
14 *tion programs shall not exceed—*

15 *(1) \$41,625,500,000 for fiscal year 2016;*

16 *(2) \$42,896,300,000 for fiscal year 2017;*

17 *(3) \$44,331,100,000 for fiscal year 2018;*

18 *(4) \$45,759,400,000 for fiscal year 2019;*

19 *(5) \$46,882,700,000 for fiscal year 2020; and*

20 *(6) \$48,032,900,000 for fiscal year 2021.*

21 *(b) EXCEPTIONS.—The limitations under subsection*
22 *(a) shall not apply to obligations under or for—*

23 *(1) section 125 of title 23, United States Code;*

1 (2) *section 147 of the Surface Transportation As-*
2 *istance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
3 *2714);*

4 (3) *section 9 of the Federal-Aid Highway Act of*
5 *1981 (95 Stat. 1701);*

6 (4) *subsections (b) and (j) of section 131 of the*
7 *Surface Transportation Assistance Act of 1982 (96*
8 *Stat. 2119);*

9 (5) *subsections (b) and (c) of section 149 of the*
10 *Surface Transportation and Uniform Relocation As-*
11 *istance Act of 1987 (101 Stat. 198);*

12 (6) *sections 1103 through 1108 of the Intermodal*
13 *Surface Transportation Efficiency Act of 1991 (105*
14 *Stat. 2027);*

15 (7) *section 157 of title 23, United States Code*
16 *(as in effect on June 8, 1998);*

17 (8) *section 105 of title 23, United States Code*
18 *(as in effect for fiscal years 1998 through 2004, but*
19 *only in an amount equal to \$639,000,000 for each of*
20 *those fiscal years);*

21 (9) *section 105 of title 23, United States Code*
22 *(as in effect for fiscal years 2005 through 2012, but*
23 *only in an amount equal to \$639,000,000 for each of*
24 *those fiscal years);*

1 (10) *Federal-aid highway programs for which*
2 *obligation authority was made available under the*
3 *Transportation Equity Act for the 21st Century (112*
4 *Stat. 107) or subsequent Acts for multiple years or to*
5 *remain available until expended, but only to the ex-*
6 *tent that the obligation authority has not lapsed or*
7 *been used;*

8 (11) *section 1603 of SAFETEA-LU (23 U.S.C.*
9 *118 note; 119 Stat. 1248), to the extent that funds ob-*
10 *ligated in accordance with that section were not sub-*
11 *ject to a limitation on obligations at the time at*
12 *which the funds were initially made available for ob-*
13 *ligation;*

14 (12) *section 119 of title 23, United States Code*
15 *(as in effect for fiscal years 2013 through 2015, but*
16 *only in an amount equal to \$639,000,000 for each of*
17 *those fiscal years); and*

18 (13) *section 119 of title 23, United States Code*
19 *(but, for each of fiscal years 2016 through 2021, only*
20 *in an amount equal to \$639,000,000 for each of those*
21 *fiscal years).*

22 (c) *DISTRIBUTION OF OBLIGATION AUTHORITY.—For*
23 *each of fiscal years 2016 through 2021, the Secretary*
24 *shall—*

1 (1) *not distribute obligation authority provided*
2 *by subsection (a) for the fiscal year for—*

3 (A) *amounts authorized for administrative*
4 *expenses and programs by section 104(a) of title*
5 *23, United States Code; and*

6 (B) *amounts authorized for the Bureau of*
7 *Transportation Statistics;*

8 (2) *not distribute an amount of obligation au-*
9 *thority provided by subsection (a) that is equal to the*
10 *unobligated balance of amounts—*

11 (A) *made available from the Highway Trust*
12 *Fund (other than the Mass Transit Account) for*
13 *Federal-aid highway and highway safety con-*
14 *struction programs for previous fiscal years the*
15 *funds for which are allocated by the Secretary*
16 *(or apportioned by the Secretary under section*
17 *202 or 204 of title 23, United States Code); and*

18 (B) *for which obligation authority was pro-*
19 *vided in a previous fiscal year;*

20 (3) *determine the proportion that—*

21 (A) *an amount equal to the difference be-*
22 *tween—*

23 (i) *the obligation authority provided*
24 *by subsection (a) for the fiscal year; and*

1 (ii) the aggregate amount not distrib-
2 uted under paragraphs (1) and (2); bears to
3 (B) an amount equal to the difference be-
4 tween—

5 (i) the total of the sums authorized to
6 be appropriated for the Federal-aid high-
7 way and highway safety construction pro-
8 grams (other than sums authorized to be
9 appropriated for provisions of law described
10 in paragraphs (1) through (12) of sub-
11 section (b) and sums authorized to be ap-
12 propriated for section 119 of title 23,
13 United States Code, equal to the amount re-
14 ferred to in subsection (b)(13) for the fiscal
15 year); and

16 (ii) the aggregate amount not distrib-
17 uted under paragraphs (1) and (2);

18 (4) distribute the obligation authority provided
19 by subsection (a), less the aggregate amount not dis-
20 tributed under paragraphs (1) and (2), for each of the
21 programs (other than programs to which paragraph
22 (1) applies) that are allocated by the Secretary under
23 this Act and title 23, United States Code, or appor-
24 tioned by the Secretary under section 202 or 204 of
25 that title, by multiplying—

1 (A) the proportion determined under para-
2 graph (3); by

3 (B) the amounts authorized to be appro-
4 priated for each such program for the fiscal year;
5 and

6 (5) distribute the obligation authority provided
7 by subsection (a), less the aggregate amount not dis-
8 tributed under paragraphs (1) and (2) and the
9 amounts distributed under paragraph (4), for Fed-
10 eral-aid highway and highway safety construction
11 programs that are apportioned by the Secretary
12 under title 23, United States Code, (other than the
13 amounts apportioned for the national highway per-
14 formance program under section 119 of title 23,
15 United States Code, that are exempt from the limita-
16 tion under subsection (b)(13) and the amounts appor-
17 tioned under sections 202 and 204 of that title) in the
18 proportion that—

19 (A) amounts authorized to be appropriated
20 for the programs that are apportioned under title
21 23, United States Code, to each State for the fis-
22 cal year; bears to

23 (B) the total of the amounts authorized to
24 be appropriated for the programs that are ap-

1 *portioned under title 23, United States Code, to*
2 *all States for the fiscal year.*

3 *(d) REDISTRIBUTION OF UNUSED OBLIGATION AU-*
4 *THORITY.—Notwithstanding subsection (c), the Secretary*
5 *shall, after August 1 of each of fiscal years 2016 through*
6 *2021—*

7 *(1) revise a distribution of the obligation author-*
8 *ity made available under subsection (c) if an amount*
9 *distributed cannot be obligated during that fiscal*
10 *year; and*

11 *(2) redistribute sufficient amounts to those States*
12 *able to obligate amounts in addition to those pre-*
13 *viously distributed during that fiscal year, giving pri-*
14 *ority to those States having large unobligated bal-*
15 *ances of funds apportioned under sections 144 (as in*
16 *effect on the day before the date of enactment of*
17 *MAP–21 (126 Stat. 405)) and 104 of title 23, United*
18 *States Code.*

19 *(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO*
20 *TRANSPORTATION RESEARCH PROGRAMS.—*

21 *(1) IN GENERAL.—Except as provided in para-*
22 *graph (2), obligation limitations imposed by sub-*
23 *section (a) shall apply to contract authority for trans-*
24 *portation research programs carried out under chap-*
25 *ter 5 of title 23, United States Code.*

1 (2) *EXCEPTION.—Obligation authority made*
2 *available under paragraph (1) shall—*

3 (A) *remain available for a period of 4 fiscal*
4 *years; and*

5 (B) *be in addition to the amount of any*
6 *limitation imposed on obligations for Federal-*
7 *aid highway and highway safety construction*
8 *programs for future fiscal years.*

9 (f) *REDISTRIBUTION OF CERTAIN AUTHORIZED*
10 *FUNDS.—*

11 (1) *IN GENERAL.—Not later than 30 days after*
12 *the date of distribution of obligation authority under*
13 *subsection (c) for each of fiscal years 2016 through*
14 *2021, the Secretary shall distribute to the States any*
15 *funds (excluding funds authorized for the program*
16 *under section 202 of title 23, United States Code)*
17 *that—*

18 (A) *are authorized to be appropriated for*
19 *the fiscal year for Federal-aid highway pro-*
20 *grams; and*

21 (B) *the Secretary determines will not be al-*
22 *located to the States (or will not be apportioned*
23 *to the States under section 204 of title 23,*
24 *United States Code), and will not be available*
25 *for obligation, for the fiscal year because of the*

1 *imposition of any obligation limitation for the*
 2 *fiscal year.*

3 (2) *RATIO.*—*Funds shall be distributed under*
 4 *paragraph (1) in the same proportion as the distribu-*
 5 *tion of obligation authority under subsection (c)(5).*

6 (3) *AVAILABILITY.*—*Funds distributed to each*
 7 *State under paragraph (1) shall be available for any*
 8 *purpose described in section 133(b) of title 23, United*
 9 *States Code.*

10 **SEC. 11003. APPORTIONMENT.**

11 (a) *IN GENERAL.*—*Section 104 of title 23, United*
 12 *States Code, is amended—*

13 (1) *in subsection (a)(1) by striking subpara-*
 14 *graphs (A) and (B) and inserting the following:*

15 “(A) \$456,000,000 for fiscal year 2016;

16 “(B) \$465,000,000 for fiscal year 2017;

17 “(C) \$474,000,000 for fiscal year 2018;

18 “(D) \$483,000,000 for fiscal year 2019;

19 “(E) \$492,000,000 for fiscal year 2020; and

20 “(F) \$501,000,000 for fiscal year 2021.”;

21 (2) *in subsection (b)—*

22 (A) *in the matter preceding paragraph (1),*
 23 *by striking “and the congestion mitigation and*
 24 *air quality improvement program” and insert-*
 25 *ing “the congestion mitigation and air quality*

1 *improvement program, the national freight pro-*
2 *gram”;*

3 *(B) in each of paragraphs (1), (2), and (3)*
4 *by striking “paragraphs (4) and (5)” each place*
5 *it appears and inserting “paragraphs (4), (5),*
6 *and (6), and section 213(a)”;*

7 *(C) in paragraph (1), by striking “63.7 per-*
8 *cent” and inserting “65 percent”;*

9 *(D) in paragraph (2), by striking “29.3*
10 *percent” and inserting “29 percent”;*

11 *(E) in paragraph (3), by striking “7 per-*
12 *cent” and inserting “6 percent”;*

13 *(F) in paragraph (4), in the matter pre-*
14 *ceding subparagraph (A), by striking “deter-*
15 *mined for the State under subsection (c)” and*
16 *inserting “remaining under subsection (c) after*
17 *making the set-asides in accordance with para-*
18 *graph (5) and section 213(a)”;*

19 *(G) by redesignating paragraph (5) as*
20 *paragraph (6);*

21 *(H) by inserting after paragraph (4) the*
22 *following:*

23 *“(5) NATIONAL FREIGHT PROGRAM.—*

24 *“(A) IN GENERAL.—For the national freight*
25 *program under section 167, the Secretary shall*

1 *set aside from the amount determined for a State*
2 *under subsection (c) an amount determined for*
3 *the State under subparagraphs (B) and (C).*

4 “(B) *TOTAL AMOUNT.—The total amount*
5 *set aside for the national freight program for all*
6 *States shall be—*

7 “(i) *\$1,000,000,000 for fiscal year*
8 *2016;*

9 “(ii) *\$1,450,000,000 for fiscal year*
10 *2017;*

11 “(iii) *\$2,000,000,000 for fiscal year*
12 *2018;*

13 “(iv) *\$2,300,000,000 for fiscal year*
14 *2019;*

15 “(v) *\$2,400,000,000 for fiscal year*
16 *2020; and*

17 “(vi) *\$2,500,000,000 for fiscal year*
18 *2021.*

19 “(C) *STATE SHARE.—The Secretary shall*
20 *distribute among the States the total set-aside*
21 *amount for the national freight program under*
22 *subparagraph (B) so that each State receives an*
23 *amount equal to the proportion that—*

1 “(i) the total apportionment deter-
2 mined under subsection (c) for a State;
3 bears to

4 “(ii) the total apportionments for all
5 States.

6 “(D) METROPOLITAN PLANNING.—Of the
7 amount set aside under this paragraph for a
8 State, the Secretary shall use to carry out section
9 134 an amount determined by multiplying the
10 set-aside amount by the proportion that—

11 “(i) the amount apportioned to the
12 State to carry out section 134 for fiscal
13 year 2009; bears to

14 “(ii) the total amount of funds appor-
15 tioned to the State for that fiscal year for
16 the programs referred to in section
17 105(a)(2), except for the high priority
18 projects program referred to in section
19 105(a)(2)(H) (as in effect on the day before
20 the date of enactment of MAP-21 (Public
21 Law 112-141; 126 Stat. 405).”; and

22 (I) in paragraph (6) (as redesignated by
23 subparagraph (G)), in the matter preceding sub-
24 paragraph (A), by striking “determined for the
25 State under subsection (c)” and inserting “re-

1 *maintaining under subsection (c) after making the*
2 *set-asides in accordance with paragraph (5) and*
3 *section 213(a)”; and*
4 *(3) in subsection (c) by adding at the end the fol-*
5 *lowing:*

6 *“(3) FOR FISCAL YEARS 2016 THROUGH 2021.—*

7 *“(A) STATE SHARE.—For each of fiscal*
8 *years 2016 through 2021, the amount for each*
9 *State of combined apportionments for the na-*
10 *tional highway performance program under sec-*
11 *tion 119, the surface transportation program*
12 *under section 133, the highway safety improve-*
13 *ment program under section 148, the congestion*
14 *mitigation and air quality improvement pro-*
15 *gram under section 149, the national freight pro-*
16 *gram under section 167, the transportation alter-*
17 *natives program under section 213, and to carry*
18 *out section 134, shall be determined as follows:*

19 *“(i) INITIAL AMOUNT.—The initial*
20 *amount for each State shall be determined*
21 *by multiplying the total amount available*
22 *for apportionment by the share for each*
23 *State, which shall be equal to the proportion*
24 *that—*

1 “(I) the amount of apportion-
2 ments that the State received for fiscal
3 year 2014; bears to

4 “(II) the amount of those appor-
5 tionments received by all States for
6 that fiscal year.

7 “(i) *ADJUSTMENTS TO AMOUNTS.*—
8 *The initial amounts resulting from the cal-*
9 *culatation under clause (i) shall be adjusted*
10 *to ensure that, for each State, the amount of*
11 *combined apportionments for the programs*
12 *shall not be less than 95 percent of the esti-*
13 *mated tax payments attributable to high-*
14 *way users in the State paid into the High-*
15 *way Trust Fund (other than the Mass*
16 *Transit Account) in the most recent fiscal*
17 *year for which data are available.*

18 “(B) *STATE APPORTIONMENT.*—*For each of*
19 *fiscal years 2016 through 2021, on October 1, the*
20 *Secretary shall apportion the sum authorized to*
21 *be appropriated for expenditure on the national*
22 *highway performance program under section*
23 *119, the surface transportation program under*
24 *section 133, the highway safety improvement*
25 *program under section 148, the congestion miti-*

1 *gation and air quality improvement program*
2 *under section 149, the national freight program*
3 *under section 167, the transportation alter-*
4 *natives program under section 213, and to carry*
5 *out section 134 in accordance with subparagraph*
6 *(A).”.*

7 *(b) CONFORMING AMENDMENTS.—*

8 *(1) Section 104(d)(1)(A) of title 23, United*
9 *States Code, is amended by striking “subsection*
10 *(b)(5)” each place it appears and inserting “para-*
11 *graphs (5)(D) and (6) of subsection (b)”.*

12 *(2) Section 120(c)(3) of title 23, United States*
13 *Code, is amended—*

14 *(A) in subparagraph (A), in the matter pre-*
15 *ceding clause (i), by striking “or (5)” and insert-*
16 *ing “(5)(D), or (6)”;* and

17 *(B) in subparagraph (C)(i), by striking*
18 *“and (5)” and inserting “(5)(D), and (6)”.*

19 *(3) Section 135(i) of title 23, United States*
20 *Code, is amended by striking “section 104(b)(5)” and*
21 *inserting “paragraphs (5)(D) and (6) of section*
22 *104(b)”.*

23 *(4) Section 136(b) of title 23, United States*
24 *Code, is amended in the first sentence by striking*
25 *“paragraphs (1) through (5) of section 104(b)” and*

1 *inserting “paragraphs (1) through (6) of section*
2 *104(b)”.*

3 *(5) Section 141(b)(2) of title 23, United States*
4 *Code, is amended by striking “paragraphs (1)*
5 *through (5) of section 104(b)” and inserting “para-*
6 *graphs (1) through (6) of section 104(b)”.*

7 *(6) Section 505(a) of title 23, United States*
8 *Code, is amended in the matter preceding paragraph*
9 *(1) by striking “through (4)” and inserting “through*
10 *(5)”.*

11 **SEC. 11004. SURFACE TRANSPORTATION PROGRAM.**

12 *Section 133 of title 23, United States Code, is amend-*
13 *ed—*

14 *(1) in subsection (b)—*

15 *(A) in paragraph (10), by inserting “, in-*
16 *cluding emergency evacuation plans” after “pro-*
17 *grams”; and*

18 *(B) in paragraph (13), by adding a period*
19 *at the end;*

20 *(2) in subsection (c)—*

21 *(A) in paragraph (1), by striking the semi-*
22 *colon at the end and inserting “or for projects*
23 *described in paragraphs (2), (4), (6), (7), (11),*
24 *(20), (25), and (26) of subsection (b); and”;*

25 *(B) by striking paragraph (2); and*

1 (C) by redesignating paragraph (3) as
2 paragraph (2);

3 (3) in subsection (d)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A)—

6 (I) in the matter preceding clause
7 (i), by striking “50 percent” and in-
8 serting “55 percent”; and

9 (II) in clause (ii), by striking
10 “greater than 5,000” and inserting “of
11 5,000 or more”; and

12 (ii) in subparagraph (B), by striking
13 “50 percent” and inserting “45 percent”;
14 and

15 (B) in paragraph (3)—

16 (i) by striking “paragraph (1)(A)(ii)”
17 and inserting “paragraph (1)(A)(iii)”; and

18 (ii) by striking “greater than 5,000
19 and less than 200,000” and inserting “of
20 5,000 to 200,000”;

21 (4) in subsection (f)(1)—

22 (A) by striking “104(b)(3)” and inserting
23 “104(b)(2)”; and

1 (B) by striking “the period of fiscal years
2 2011 through 2014” and inserting “each fiscal
3 year”;

4 (5) by redesignating subsection (h) as subsection
5 (i);

6 (6) in subsection (g)—

7 (A) by striking the subsection designation
8 and heading and all that follows through para-
9 graph (1) and inserting the following:

10 “(g) BRIDGES OFF THE NATIONAL HIGHWAY SYS-
11 TEM.—

12 “(1) DEFINITION OF OFF-NHS BRIDGE.—In this
13 subsection, the term ‘off-NHS bridge’ means a high-
14 way bridge located on a public road, other than a
15 bridge on the National Highway System.”; and

16 (B) in paragraph (2)—

17 (i) by striking subparagraph (A) and
18 inserting the following:

19 “(A) SET-ASIDE.—Each State shall obligate
20 for replacement (including replacement with fill
21 material), rehabilitation, preservation, and pro-
22 tection (including scour countermeasures, seismic
23 retrofits, impact protection measures, security
24 countermeasures, and protection against extreme

1 events) for off-NHS bridges an amount equal to
2 the greater of—

3 “(i) 15 percent of the amount appor-
4 tioned to the State under section 104(b)(2);
5 and

6 “(ii) an amount equal to at least 110
7 percent of the amount of funds set aside for
8 bridges not on Federal-aid highways in the
9 State for fiscal year 2014.”;

10 (ii) in subparagraph (B), by striking
11 “off-system” and inserting “off-NHS”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(C) SET-ASIDE FOR CERTAIN OFF-NHS
15 BRIDGES.—Each State shall obligate an amount
16 equal to not less than 50 percent of the amount
17 set aside under subparagraph (A) for off-NHS
18 bridges located on public roads that are not Fed-
19 eral-aid highways.”; and

20 (C) by redesignating paragraph (3) as sub-
21 section (h);

22 (7) in subsection (h) (as so redesignated)—

23 (A) by striking the heading and inserting
24 “CREDIT FOR BRIDGES NOT ON THE NATIONAL
25 HIGHWAY SYSTEM.—”;

1 (B) by redesignating subparagraphs (A)
2 and (B) as paragraphs (1) and (2), respectively,
3 and indenting appropriately; and

4 (C) in the matter preceding paragraph (1)
5 (as so redesignated)—

6 (i) by striking “the replacement of a
7 bridge or rehabilitation of”; and

8 (ii) by striking “, and is determined
9 by the Secretary upon completion to be no
10 longer a deficient bridge”;

11 (8) in subsection (i)(1) (as redesignated by para-
12 graph (5)), by striking “under subsection
13 (d)(1)(A)(iii) for each of fiscal years 2013 through
14 2014” and inserting “under subsection (d)(1)(A)(ii)
15 for each fiscal year”; and

16 (9) by adding at the end the following:

17 “(j) *BORDER STATES*.—

18 “(1) *IN GENERAL*.—After consultation with rel-
19 evant transportation planning organizations, the
20 Governor of a State that shares a land border with
21 Canada or Mexico may designate for each fiscal year
22 not more than 5 percent of funds made available to
23 the State under subsection (d)(1)(B) for border infra-
24 structure projects eligible under section 1303 of

1 *SAFETEA-LU (23 U.S.C. 101 note; Public Law*
2 *109-59).*

3 “(2) *USE OF FUNDS.—Funds designated under*
4 *this subsection shall be available under the require-*
5 *ments of section 1303 of SAFETEA-LU (23 U.S.C.*
6 *101 note; Public Law 109-59).*

7 “(3) *CERTIFICATION.—Before making a designa-*
8 *tion under paragraph (1), the Governor shall certify*
9 *that the designation is consistent with transportation*
10 *planning requirements under this title.*

11 “(4) *NOTIFICATION.—Not later than 30 days*
12 *after making a designation under paragraph (1), the*
13 *Governor shall submit to the relevant transportation*
14 *planning organizations within the border region a*
15 *written notification of any suballocated or distributed*
16 *amount of funds available for obligation by jurisdic-*
17 *tion.*

18 “(5) *LIMITATION.—This subsection applies only*
19 *to funds apportioned to a State after the date of en-*
20 *actment of the DRIVE Act.*

21 “(6) *DEADLINE FOR DESIGNATION.—A designa-*
22 *tion under paragraph (1) shall—*

23 “(A) *be submitted to the Secretary not later*
24 *than 30 days before the beginning of the fiscal*

1 year for which the designation is being made;
2 and

3 “(B) remain in effect for the funds des-
4 ignated under paragraph (1) for a fiscal year
5 until the Governor of the State notifies the Sec-
6 retary of the termination of the designation.

7 “(7) UNOBLIGATED FUNDS AFTER TERMI-
8 NATION.—On the date of a termination under para-
9 graph (6)(B), all remaining unobligated funds that
10 were designated under paragraph (1) for the fiscal
11 year for which the designation is being terminated
12 shall be made available to the State for the purposes
13 described in subsection (d)(1)(B).”.

14 **SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.**

15 Section 134 of title 23, United States Code, is amend-
16 ed—

17 (1) in subsection (a)(1), by inserting “resilient”
18 before “surface transportation systems”;

19 (2) in subsection (c)(2), by striking “and bicycle
20 transportation facilities” and inserting “, bicycle
21 transportation facilities, intermodal facilities that
22 support intercity transportation, including intercity
23 buses and intercity bus facilities, and commuter van-
24 pool providers”;

25 (3) in subsection (d)—

1 (A) by redesignating paragraphs (3)
2 through (6) as paragraphs (4) through (7), re-
3 spectively;

4 (B) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) REPRESENTATION.—

7 “(A) IN GENERAL.—Designation or selection
8 of officials or representatives under paragraph
9 (2) shall be determined by the metropolitan
10 planning organization according to the bylaws
11 or enabling statute of the organization.

12 “(B) PUBLIC TRANSPORTATION REPRESENT-
13 ATIVE.—Subject to the bylaws or enabling statute
14 of the metropolitan planning organization, a
15 representative of a provider of public transpor-
16 tation may also serve as a representative of a
17 local municipality.

18 “(C) POWERS OF CERTAIN OFFICIALS.—An
19 official described in paragraph (2)(B) shall have
20 responsibilities, actions, duties, voting rights,
21 and any other authority commensurate with
22 other officials described in paragraph (2)(B).”;
23 and

1 (C) in paragraph (5) (as redesignated by
2 subparagraph (A)), by striking “paragraph (5)”
3 and inserting “paragraph (6)”;

4 (4) in subsection (e)(4)(B), by striking “sub-
5 section (d)(5)” and inserting “subsection (d)(6)”;

6 (5) in subsection (g)(3)(A), by inserting “natural
7 disaster risk reduction,” after “environmental protec-
8 tion,”;

9 (6) in subsection (h)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (G), by striking
12 “and” at the end;

13 (ii) in subparagraph (H), by striking
14 the period at the end and inserting “; and”;
15 and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(I) improve the resilience and reliability of
19 the transportation system.”; and

20 (B) in paragraph (2)(A), by striking “and
21 in section 5301(c) of title 49” and inserting
22 “and the general purposes described in section
23 5301 of title 49”;

24 (7) in subsection (i)—

25 (A) in paragraph (2)—

1 (i) in subparagraph (A)(i), by striking
2 “transit” and inserting “public transpor-
3 tation facilities, intercity bus facilities”;

4 (ii) in subparagraph (G)—

5 (I) by striking “and provide” and
6 inserting “, provide”; and

7 (II) by inserting “, and reduce
8 vulnerability due to natural disasters
9 of the existing transportation infra-
10 structure” before the period at the end;
11 and

12 (iii) in subparagraph (H), by insert-
13 ing “, including consideration of the role
14 that intercity buses may play in reducing
15 congestion, pollution, and energy consump-
16 tion in a cost-effective manner and strate-
17 gies and investments that preserve and en-
18 hance intercity bus systems, including sys-
19 tems that are privately owned and oper-
20 ated” before the period at the end;

21 (B) in paragraph (6)(A)—

22 (i) by inserting “public ports,” before
23 “freight shippers,”; and

24 (ii) by inserting “(including intercity
25 bus operators and commuter vanpool pro-

1 *viders)*” after “*private providers of trans-*
2 *portation*”; and

3 *(C) in paragraph (8), by striking “(2)(C)”*
4 *each place it appears and inserting “(2)(E)”;*

5 *(8) in subsection (j)(5)(A), by striking “sub-*
6 *section (k)(4)” and inserting “subsection (k)(3)”;*

7 *(9) in subsection (k)—*

8 *(A) by striking paragraph (3); and*

9 *(B) by redesignating paragraphs (4) and*
10 *(5) as paragraphs (3) and (4), respectively;*

11 *(10) in subsection (l)—*

12 *(A) in paragraph (1), by adding a period*
13 *at the end; and*

14 *(B) in paragraph (2)(D), by striking “of*
15 *less than 200,000” and inserting “with a popu-*
16 *lation of 200,000 or less”;*

17 *(11) by striking subsection (n);*

18 *(12) by redesignating subsections (o) through (q)*
19 *as subsections (n) through (p), respectively;*

20 *(13) in subsection (o) (as so redesignated), by*
21 *striking “set aside under section 104(f)” and insert-*
22 *ing “apportioned under paragraphs (5)(D) and (6) of*
23 *section 104(b)” ; and*

24 *(14) by adding at the end the following:*

25 *“(q) TREATMENT OF LAKE TAHOE REGION.—*

1 “(1) *DEFINITION OF LAKE TAHOE REGION.*—*In*
2 *this subsection, the term ‘Lake Tahoe Region’ has the*
3 *meaning given the term ‘region’ in subsection (a) of*
4 *Article II of the Lake Tahoe Regional Planning Com-*
5 *pact (Public Law 96–551; 94 Stat. 3234).*

6 “(2) *TREATMENT.*—*For the purpose of this title,*
7 *the Lake Tahoe Region shall be treated as—*

8 “(A) *a metropolitan planning organization;*

9 “(B) *a transportation management area*
10 *under subsection (k); and*

11 “(C) *an urbanized area, which is comprised*
12 *of a population of 145,000 in the State of Cali-*
13 *ifornia and a population of 65,000 in the State*
14 *of Nevada.*

15 “(3) *SUBALLOCATED FUNDING.*—

16 “(A) *SECTION 133.*—*When determining the*
17 *amount under subparagraph (A) of section*
18 *133(d)(1) that shall be obligated for a fiscal year*
19 *in the States of California and Nevada under*
20 *clauses (i), (ii), and (iii) of that subparagraph,*
21 *the Secretary shall, for each of those States—*

22 “(i) *calculate the population under*
23 *each of those clauses;*

24 “(ii) *decrease the amount under section*
25 *133(d)(1)(A)(iii) by the population specified*

1 *in paragraph (2) of this subsection for the*
2 *Lake Tahoe Region in that State; and*

3 “*(iii) increase the amount under sec-*
4 *tion 133(d)(1)(A)(i) by the population spec-*
5 *ified in paragraph (2) of this subsection for*
6 *the Lake Tahoe Region in that State.*”

7 “(B) *SECTION 213.—When determining the*
8 *amount under paragraph (1) of section 213(c)*
9 *that shall be obligated for a fiscal year in the*
10 *States of California and Nevada under subpara-*
11 *graphs (A), (B), and (C) of that paragraph, the*
12 *Secretary shall, for each of those States—*

13 “*(i) calculate the population under*
14 *each of those subparagraphs;*”

15 “*(ii) decrease the amount under section*
16 *213(c)(1)(C) by the population specified in*
17 *paragraph (2) of this subsection for the*
18 *Lake Tahoe Region in that State; and*

19 “*(iii) increase the amount under sec-*
20 *tion 213(c)(1)(A) by the population speci-*
21 *fied in paragraph (2) of this subsection for*
22 *the Lake Tahoe Region in that State.*”

1 **SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANS-**
2 **PORTATION PLANNING.**

3 (a) *IN GENERAL.*—Section 135 of title 23, United
4 States Code, is amended—

5 (1) *in subsection (a)(2), by striking “and bicycle*
6 *transportation facilities” and inserting “, bicycle*
7 *transportation facilities, intermodal facilities that*
8 *support intercity transportation, including intercity*
9 *buses and intercity bus facilities, and commuter van-*
10 *pool providers”;*

11 (2) *in subsection (d)—*

12 (A) *in paragraph (1)—*

13 (i) *in subparagraph (G), by striking*
14 *“and” at the end;*

15 (ii) *in subparagraph (H), by striking*
16 *the period at the end and inserting “; and”;*
17 *and*

18 (iii) *by adding at the end the fol-*
19 *lowing:*

20 *“(I) improve the resilience and reliability of*
21 *the transportation system.”; and*

22 (B) *in paragraph (2)(A), by striking “and*
23 *in section 5301(c) of title 49” and inserting*
24 *“and the general purposes described in section*
25 *5301 of title 49”;*

1 (3) in subsection (e)(1), by striking “subsection
2 (m)” and inserting “subsection (l)”;

3 (4) in subsection (f)—

4 (A) in paragraph (2)(B)(i), by striking
5 “subsection (m)” and inserting “subsection (l)”;

6 (B) in paragraph (3)(A)—

7 (i) in clause (i), by striking “sub-
8 section (m)” and inserting “subsection (l)”;
9 and

10 (ii) in clause (ii), by inserting “(in-
11 cluding intercity bus operators and com-
12 muter vanpool providers)” after “private
13 providers of transportation”;

14 (C) in paragraph (7), in the matter pre-
15 ceding subparagraph (A), by striking “should”
16 and inserting “shall”; and

17 (D) in paragraph (8), by inserting “, in-
18 cluding consideration of the role that intercity
19 buses may play in reducing congestion, pollu-
20 tion, and energy consumption in a cost-effective
21 manner and strategies and investments that pre-
22 serve and enhance intercity bus systems, includ-
23 ing systems that are privately owned and oper-
24 ated” before the period at the end;

25 (5) in subsection (g)—

1 (A) in paragraph (2)(B)(i), by striking
2 “subsection (m)” and inserting “subsection (l)”;

3 (B) in paragraph (3)—

4 (i) by inserting “public ports,” before
5 “freight shippers”; and

6 (ii) by inserting “(including intercity
7 bus operators),” after “private providers of
8 transportation”; and

9 (C) in paragraph (6)(A), by striking “sub-
10 section (m)” and inserting “subsection (l)”;

11 (6) by striking subsection (j); and

12 (7) by redesignating subsections (k) through (m)
13 as subsections (j) through (l), respectively.

14 (b) *CONFORMING AMENDMENTS.*—Section 134(b)(5) of
15 title 23, United States Code, is amended by striking “sec-
16 tion 135(m)” and inserting “section 135(l)”.

17 **SEC. 11007. HIGHWAY USE TAX EVASION PROJECTS.**

18 Section 143(b) of title 23, United States Code, is
19 amended by striking paragraph (2)(A) and inserting the
20 following:

21 “(A) *IN GENERAL.*—From administrative
22 funds made available under section 104(a), the
23 Secretary shall deduct such sums as are nec-
24 essary, not to exceed \$4,000,000 for each fiscal
25 year, to carry out this section.”.

1 **SEC. 11008. BUNDLING OF BRIDGE PROJECTS.**

2 *Section 144 of title 23, United States Code, is amend-*
 3 *ed—*

4 *(1) in subsection (c)(2)(A), by striking “the nat-*
 5 *ural condition of the bridge” and inserting “the nat-*
 6 *ural condition of the water”;*

7 *(2) by redesignating subsection (j) as subsection*
 8 *(k);*

9 *(3) by inserting after subsection (i) the following:*
 10 *“(j) BUNDLING OF BRIDGE PROJECTS.—*

11 *“(1) PURPOSE.—The purpose of this subsection*
 12 *is to save costs and time by encouraging States to*
 13 *bundle multiple bridge projects as 1 project.*

14 *“(2) DEFINITION OF ELIGIBLE ENTITY.—In this*
 15 *subsection, the term ‘eligible entity’ means an entity*
 16 *eligible to carry out a bridge project under section*
 17 *119 or 133.*

18 *“(3) BUNDLING OF BRIDGE PROJECTS.—An eli-*
 19 *gible entity may bundle 2 or more similar bridge*
 20 *projects that are—*

21 *“(A) eligible projects under section 119 or*
 22 *133;*

23 *“(B) included as a bundled project in a*
 24 *transportation improvement program under sec-*
 25 *tion 134(j) or a statewide transportation im-*

1 *provement program under section 135, as appli-*
2 *cable; and*

3 *“(C) awarded to a single contractor or con-*
4 *sultant pursuant to a contract for engineering*
5 *and design or construction between the con-*
6 *tractor and an eligible entity.*

7 *“(4) ITEMIZATION.—Notwithstanding any other*
8 *provision of law (including regulations), an eligible*
9 *bridge project included in a bundle under this sub-*
10 *section may be listed as—*

11 *“(A) 1 project for purposes of sections 134*
12 *and 135; and*

13 *“(B) a single project within the applicable*
14 *bundle.*

15 *“(5) FINANCIAL CHARACTERISTICS.—Projects*
16 *bundled under this subsection shall have the same fi-*
17 *nancial characteristics, including—*

18 *“(A) the same funding category or sub-*
19 *category; and*

20 *“(B) the same Federal share.”; and*

21 *(4) in subsection (k)(2) (as redesignated by para-*
22 *graph (2)), by striking “104(b)(3)” and inserting*
23 *“104(b)(2)”.*

1 **SEC. 11009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND**
2 **BRIDGE PROJECTS.**

3 (a) *AUTHORITY.*—With respect to rural road and rural
4 bridge projects eligible for funding under title 23, United
5 States Code, subject to the provisions of this section and
6 on request by a State, the Secretary may—

7 (1) *exercise all existing flexibilities under and*
8 *exceptions to—*

9 (A) *the requirements of title 23, United*
10 *States Code; and*

11 (B) *other requirements administered by the*
12 *Secretary, in whole or part; and*

13 (2) *otherwise provide additional flexibility or ex-*
14 *pedited processing with respect to the requirements*
15 *described in paragraph (1).*

16 (b) *TYPES OF PROJECTS.*—A rural road or rural
17 bridge project under this section shall—

18 (1) *be located in a county that, based on the*
19 *most recent decennial census—*

20 (A) *has a population density of 80 or fewer*
21 *persons per square mile of land area; or*

22 (B) *is the county that has the lowest popu-*
23 *lation density of all counties in the State;*

24 (2) *be located within the operational right-of-*
25 *way (as defined in section 1316(b) of MAP-21 (23*

1 *U.S.C. 109 note; 126 Stat. 549)) of an existing road*
2 *or bridge; and*

3 *(3)(A) receive less than \$5,000,000 of Federal*
4 *funds; or*

5 *(B) have a total estimated cost of not more*
6 *than \$30,000,000 and Federal funds comprising*
7 *less than 15 percent of the total estimated project*
8 *cost.*

9 *(c) PROCESS TO ASSIST RURAL PROJECTS.—*

10 *(1) ASSISTANCE WITH FEDERAL REQUIRE-*
11 *MENTS.—*

12 *(A) IN GENERAL.—For projects under this*
13 *section, the Secretary shall seek to provide, to the*
14 *maximum extent practicable, regulatory relief*
15 *and flexibility consistent with this section.*

16 *(B) EXCEPTIONS, EXEMPTIONS, AND ADDI-*
17 *TIONAL FLEXIBILITY.—Exceptions, exemptions,*
18 *and additional flexibility from regulatory re-*
19 *quirements may be granted if, in the opinion of*
20 *the Secretary—*

21 *(i) the project is not expected to have*
22 *a significant adverse impact on the environ-*
23 *ment;*

24 *(ii) the project is not expected to have*
25 *an adverse impact on safety; and*

1 (iii) the assistance would be in the
2 public interest for 1 or more reasons, in-
3 cluding—

4 (I) reduced project costs;

5 (II) expedited construction, par-
6 ticularly in an area where the con-
7 struction season is relatively short and
8 not granting the waiver or additional
9 flexibility could delay the project to a
10 later construction season; or

11 (III) improved safety.

12 (2) *MAINTAINING PROTECTIONS.*—Nothing in
13 this subsection—

14 (A) waives the requirements of section 113
15 or 138 of title 23, United States Code;

16 (B) supersedes, amends, or modifies—

17 (i) the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4321 et seq.) or any
19 other Federal environmental law; or

20 (ii) any requirement of title 23, United
21 States Code; or

22 (C) affects the responsibility of any Federal
23 officer to comply with or enforce any law or re-
24 quirement described in this paragraph.

1 **SEC. 11010. CONSTRUCTION OF FERRY BOATS AND FERRY**
2 **TERMINAL FACILITIES.**

3 (a) *CONSTRUCTION OF FERRY BOATS AND FERRY*
4 *TERMINAL FACILITIES.*—Section 147 of title 23, United
5 States Code, is amended—

6 (1) *in subsection (a), by striking “IN GENERAL”*
7 *and inserting “PROGRAM”;*

8 (2) *by striking subsections (d) through (g) and*
9 *inserting the following:*

10 “(d) *FORMULA.*—Of the amounts allocated under sub-
11 section (c)—

12 “(1) *35 percent shall be allocated among eligible*
13 *entities in the proportion that—*

14 “(A) *the number of ferry passengers, includ-*
15 *ing passengers in vehicles, carried by each ferry*
16 *system in the most recent calendar year for*
17 *which data is available; bears to*

18 “(B) *the number of ferry passengers, includ-*
19 *ing passengers in vehicles, carried by all ferry*
20 *systems in the most recent calendar year for*
21 *which data is available;*

22 “(2) *35 percent shall be allocated among eligible*
23 *entities in the proportion that—*

24 “(A) *the number of vehicles carried by each*
25 *ferry system in the most recent calendar year for*
26 *which data is available; bears to*

1 “(B) the number of vehicles carried by all
2 ferry systems in the most recent calendar year
3 for which data is available; and

4 “(3) 30 percent shall be allocated among eligible
5 entities in the proportion that—

6 “(A) the total route nautical miles serviced
7 by each ferry system in the most recent calendar
8 year for which data is available; bears to

9 “(B) the total route nautical miles serviced
10 by all ferry systems in the most recent calendar
11 year for which data is available.

12 “(e) *REDISTRIBUTION OF UNOBLIGATED AMOUNTS.*—
13 *The Secretary shall—*

14 “(1) withdraw amounts allocated to an eligible
15 entity under subsection (c) that remain unobligated
16 by the end of the third fiscal year following the fiscal
17 year for which the amounts were allocated; and

18 “(2) in the subsequent fiscal year, redistribute
19 the funds referred to in paragraph (1) in accordance
20 with the formula under subsection (d) among eligible
21 entities for which no amounts were withdrawn under
22 paragraph (1).

23 “(f) *MINIMUM AMOUNT.*—*Notwithstanding subsection*
24 *(c), a State with an eligible entity that meets the require-*

1 *ments of this section shall receive not less than \$100,000*
2 *under this section for a fiscal year.*

3 “(g) *IMPLEMENTATION.*—

4 “(1) *DATA COLLECTION.*—

5 “(A) *NATIONAL FERRY DATABASE.*—
6 *Amounts made available for a fiscal year under*
7 *this section shall be allocated using the most re-*
8 *cent data available, as collected and imputed in*
9 *accordance with the national ferry database es-*
10 *tablished under section 1801(e) of SAFETEA-*
11 *LU (23 U.S.C. 129 note; 119 Stat. 1456).*

12 “(B) *ELIGIBILITY FOR FUNDING.*—*To be eli-*
13 *gible to receive funds under subsection (c), data*
14 *shall have been submitted in the most recent col-*
15 *lection of data for the national ferry database*
16 *under section 1801(e) of SAFETEA-LU (23*
17 *U.S.C. 129 note; 119 Stat. 1456) for at least 1*
18 *ferry service within the State.*

19 “(2) *ADJUSTMENTS.*—*On review of the data sub-*
20 *mitted under paragraph (1)(B), the Secretary may*
21 *make adjustments to the data as the Secretary deter-*
22 *mines necessary to correct misreported or inconsistent*
23 *data.*

24 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
25 *authorized to be appropriated out of the Highway Trust*

1 *Fund (other than the Mass Transit Account) to carry out*
2 *this section \$80,000,000 for each of fiscal years 2016*
3 *through 2021.*

4 “(i) *PERIOD OF AVAILABILITY.*—*Notwithstanding sec-*
5 *tion 118(b), funds made available to carry out this section*
6 *shall remain available until expended.*

7 “(j) *APPLICABILITY.*—*All provisions of this chapter*
8 *that are applicable to the National Highway System, other*
9 *than provisions relating to apportionment formula and*
10 *Federal share, shall apply to funds made available to carry*
11 *out this section, except as determined by the Secretary to*
12 *be inconsistent with this section.”.*

13 (b) *NATIONAL FERRY DATABASE.*—*Section 1801(e)(4)*
14 *of SAFETEA-LU (23 U.S.C. 129 note; 119 Stat. 1456) is*
15 *amended by striking subparagraph (D) and inserting the*
16 *following:*

17 “(D) *make available, from the amounts*
18 *made available for each fiscal year to carry out*
19 *chapter 63 of title 49, not more than \$500,000*
20 *to maintain the database.”.*

21 (c) *CONFORMING AMENDMENTS.*—*Section 129(c) of*
22 *title 23, United States Code, is amended—*

23 (1) *in paragraph (2), in the first sentence, by in-*
24 *serting “, or on a public transit ferry eligible under*
25 *chapter 53 of title 49” after “Interstate System”;*

1 (2) *in paragraph (3)—*

2 (A) *by striking “(3) Such ferry” and insert-*
3 *ing “(3)(A) The ferry”; and*

4 (B) *by adding at the end the following:*

5 “*(B) Any Federal participation shall not*
6 *involve the construction or purchase, for private*
7 *ownership, of a ferry boat, ferry terminal facil-*
8 *ity, or other eligible project under this section.”;*

9 (3) *in paragraph (4), by striking “and repair,”*
10 *and inserting “repair,”; and*

11 (4) *by striking paragraph (6) and inserting the*
12 *following:*

13 “*(6) The ferry service shall be maintained in ac-*
14 *cordance with section 116.*

15 “*(7)(A) No ferry boat or ferry terminal with*
16 *Federal participation under this title may be sold,*
17 *leased, or otherwise disposed of, except in accordance*
18 *with part 18 of title 49, Code of Federal Regulations*
19 *(as in effect on December 18, 2014).*

20 “*(B) The Federal share of any proceeds from a*
21 *disposition referred to in subparagraph (A) shall be*
22 *used for eligible purposes under this title.”.*

23 **SEC. 11011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

24 *Section 148 of title 23, United States Code, is amend-*
25 *ed—*

1 (1) *in subsection (a)—*

2 (A) *in paragraph (4)(B)—*

3 (i) *in the matter preceding clause (i),*
4 *by striking “includes, but is not limited to,”*
5 *and inserting “only includes”; and*

6 (ii) *by adding at the end the following:*

7 “(xxv) *Installation of vehicle-to-infra-*
8 *structure communication equipment.*

9 “(xxvi) *Pedestrian hybrid beacons.*

10 “(xxvii) *Roadway improvements that*
11 *provide separation between pedestrians and*
12 *motor vehicles, including medians and pe-*
13 *destrian crossing islands.*

14 “(xxviii) *An infrastructure safety*
15 *project not described in clauses (i) through*
16 *(xxvii).”;* and

17 (B) *by striking paragraph (10) and redesign-*
18 *ating paragraphs (11) through (13) as para-*
19 *graphs (10) through (12), respectively;*

20 (2) *in subsection (c)(1)(A), by striking “sub-*
21 *section (a)(12)” and inserting “subsection (a)(11)”;*

22 (3) *in subsection (d)(2)(B)(i), by striking “sub-*
23 *section (a)(12)” and inserting “subsection (a)(11)”;*
24 and

25 (4) *in subsection (g)(1)—*

1 (A) by striking “increases” and inserting
2 “does not decrease”; and

3 (B) by inserting “and exceeds the national
4 fatality rate on rural roads,” after “available.”.

5 **SEC. 11012. DATA COLLECTION ON UNPAVED PUBLIC**
6 **ROADS.**

7 Section 148 of title 23, United States Code, is amended
8 by adding at the end the following:

9 “(k) **DATA COLLECTION ON UNPAVED PUBLIC**
10 **ROADS.**—

11 “(1) **IN GENERAL.**—A State may elect not to col-
12 lect fundamental data elements for the model inven-
13 tory of roadway elements on public roads that are
14 gravel roads or otherwise unpaved if—

15 “(A)(i) more than 45 percent of the public
16 roads in the State are gravel roads or otherwise
17 unpaved; and

18 “(ii) less than 10 percent of fatalities in the
19 State occur on those unpaved public roads; or

20 “(B)(i) more than 70 percent of the public
21 roads in the State are gravel roads or otherwise
22 unpaved; and

23 “(ii) less than 25 percent of fatalities in the
24 State occur on those unpaved public roads.

1 “(2) *CALCULATION.*—*The percentages described*
 2 *in paragraph (1) shall be based on the average for the*
 3 *5 most recent years for which relevant data is avail-*
 4 *able.*”

5 “(3) *USE OF FUNDS.*—*If a State elects not to col-*
 6 *lect data on a road described in paragraph (1), the*
 7 *State shall not use funds provided to carry out this*
 8 *section for a project on that road until the State com-*
 9 *pletes a collection of the required model inventory of*
 10 *roadway elements for the road.*”.

11 **SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IM-**
 12 **PROVEMENT PROGRAM.**

13 *Section 149 of title 23, United States Code, is amend-*
 14 *ed—*

15 (1) *in subsection (b)—*

16 (A) *in paragraph (1)(A)(i)(I), by inserting*
 17 *“in the designated nonattainment area” after*
 18 *“air quality standard”;*

19 (B) *in paragraph (3), by inserting “or*
 20 *maintenance” after “likely to contribute to the*
 21 *attainment”;*

22 (C) *in paragraph (4), by striking “attain-*
 23 *ment of” and inserting “attainment or mainte-*
 24 *nance of the area of”;* and

25 (D) *in paragraph (8)(A)(ii)—*

1 (i) *in the matter preceding subclause*
2 (I), *by inserting “or port-related freight op-*
3 *erations” after “construction projects”; and*

4 (ii) *in subclause (II), by inserting “or*
5 *chapter 53 of title 49” after “this title”;*

6 (2) *in subsection (c)(2), by inserting “(giving*
7 *priority to corridors designated under section 151)”*
8 *after “at any location in the State”;*

9 (3) *in subsection (d)—*

10 (A) *in paragraph (2)—*

11 (i) *in subparagraph (A)—*

12 (I) *in the matter preceding clause*
13 (i), *by inserting “would otherwise be*
14 *eligible under subsection (b) if the*
15 *project were carried out in a non-*
16 *attainment or maintenance area or”*
17 *after “may use for any project that”;*
18 *and*

19 (II) *in clause (i), by striking*
20 *“(excluding the amount of funds re-*
21 *served under paragraph (1))”; and*

22 (ii) *in subparagraph (B)(i), by strik-*
23 *ing “MAP-21t” and inserting “MAP-21”;*
24 *and*

1 (B) in paragraph (3), by inserting “, in a
2 manner consistent with the approach that was in
3 effect on the day before the date of enactment of
4 MAP–21,” after “the Secretary shall modify”;

5 (4) in subsection (g)—

6 (A) in paragraph (2)(B), by striking “not
7 later that” and inserting “not later than”;

8 (B) in paragraph (3)—

9 (i) by striking “States and metropoli-
10 tan” and inserting the following:

11 “(A) *IN GENERAL.*—States and metropoli-
12 tan”;

13 (ii) by striking “are proven to reduce”
14 and inserting “reduce directly emitted”;
15 and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(B) *USE OF PRIORITY FUNDING.*—To the
19 maximum extent practicable, PM_{2.5} priority
20 funding shall be used on the most cost-effective
21 projects and programs that are proven to reduce
22 directly emitted fine particulate matter.”;

23 (5) in subsection (k)—

24 (A) in paragraph (1)—

1 (i) by striking “that has a nonattain-
2 ment or maintenance area” and inserting
3 “that has 1 or more nonattainment or
4 maintenance areas”;

5 (ii) by striking “a nonattainment or
6 maintenance area that are” and inserting
7 “the nonattainment or maintenance areas
8 that are”;

9 (iii) by striking “such area” both
10 places it appears and inserting “such
11 areas”; and

12 (iv) by striking “such fine particulate”
13 and inserting “directly-emitted fine partic-
14 ulate”;

15 (B) in paragraph (2), by striking “highway
16 construction” and inserting “transportation con-
17 struction”; and

18 (C) by adding at the end the following:

19 “(3) *PM2.5 NONATTAINMENT AND MAINTENANCE*
20 *IN LOW POPULATION DENSITY STATES.*—

21 “(A) *EXCEPTION.*—*In any State with a*
22 *population density of 80 or fewer persons per*
23 *square mile of land area, based on the most re-*
24 *cent decennial census, the requirements under*
25 *subsection (g)(3) and paragraphs (1) and (2) of*

1 *this subsection shall not apply to a nonattain-*
2 *ment or maintenance area in the State if—*

3 “(i) *the nonattainment or maintenance*
4 *area does not have projects that are part of*
5 *the emissions analysis of a metropolitan*
6 *transportation plan or transportation im-*
7 *provement program; and*

8 “(ii) *regional motor vehicle emissions*
9 *are an insignificant contributor to the air*
10 *quality problem for PM_{2.5} in the non-*
11 *attainment or maintenance area.*

12 “(B) *CALCULATION.—If subparagraph (A)*
13 *applies to a nonattainment or maintenance area*
14 *in a State, the percentage of the PM_{2.5} set-aside*
15 *under paragraph (1) shall be reduced for that*
16 *State proportionately based on the weighted pop-*
17 *ulation of the area in fine particulate matter*
18 *nonattainment.*

19 “(4) *PORT-RELATED EQUIPMENT AND VEHI-*
20 *CLES.—To meet the requirements under paragraph*
21 *(1), a State or metropolitan planning organization*
22 *may elect to obligate funds to the most cost-effective*
23 *projects to reduce emissions from port-related landside*
24 *nonroad or on-road equipment that is operated with-*

1 *in the boundaries of a PM_{2.5} nonattainment or*
 2 *maintenance area.”;*

3 (6) *in subsection (l)(1)(B), by inserting “air*
 4 *quality and traffic congestion” before “performance*
 5 *targets”; and*

6 (7) *in subsection (m), by striking “section*
 7 *104(b)(2)” and inserting “section 104(b)(4)”.*

8 **SEC. 11014. TRANSPORTATION ALTERNATIVES.**

9 (a) *IN GENERAL.*—Section 213 of title 23, United
 10 States Code, is amended—

11 (1) *by striking subsection (a) and inserting the*
 12 *following:*

13 “(a) *RESERVATION OF FUNDS.*—

14 “(1) *IN GENERAL.*—On October 1 of each fiscal
 15 year, the Secretary shall set aside from the amount
 16 determined for a State under section 104(c) an
 17 amount determined for the State under paragraphs
 18 (2) and (3).

19 “(2) *TOTAL AMOUNT.*—The total amount set
 20 aside for the program under this section shall be
 21 \$850,000,000 for each fiscal year.

22 “(3) *STATE SHARE.*—The Secretary shall dis-
 23 tribute among the States the total set-aside amount
 24 under paragraph (2) so that each State receives an
 25 amount equal to the proportion that—

1 “(A) the amount apportioned to the State
2 for the transportation enhancements program for
3 fiscal year 2009 under section 133(d)(2), as in
4 effect on the day before the date of enactment of
5 MAP-21 (Public Law 112-141; 126 Stat. 405);
6 bears to

7 “(B) the total amount of funds apportioned
8 to all States for that fiscal year for the transpor-
9 tation enhancements program for fiscal year
10 2009.”;

11 (2) in subsection (c)—

12 (A) in paragraph (1)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “Of the funds” and
15 all that follows through “shall be obligated
16 under this section” in subparagraph (A)
17 and inserting “Funds reserved in a State
18 under this section shall be obligated”;

19 (ii) by striking subparagraph (B);

20 (iii) by redesignating clauses (i)
21 through (iii) as subparagraphs (A) through
22 (C), respectively;

23 (iv) in subparagraph (B) (as so reded-
24 ignated), by striking “greater than 5,000”
25 and inserting “of 5,000 or more”; and

1 (v) in subparagraph (C) (as so redesign-
2 nated), by striking “; and” and inserting a
3 period;

4 (B) in paragraph (2), by striking “para-
5 graph (1)(A)(i)” and inserting “paragraph
6 (1)(A)”;

7 (C) in paragraph (3)(A)—

8 (i) by striking “Except as provided in
9 paragraph (1)(B), the” and inserting
10 “The”; and

11 (ii) by striking “paragraph (1)(A)(i)”
12 both places it appears and inserting “para-
13 graph (1)(A)”;

14 (D) in paragraph (4)(B)—

15 (i) in clause (vi), by striking “and” at
16 the end;

17 (ii) by redesignating clause (vii) as
18 clause (viii); and

19 (iii) by inserting after clause (vi) the
20 following:

21 “(vii) a nonprofit entity responsible for
22 the administration of local transportation
23 safety programs; and”; and

24 (E) in paragraph (5)—

1 (i) by striking “For funds reserved”
2 and inserting the following:

3 “(A) *IN GENERAL.*—For funds reserved”;

4 (ii) by striking “paragraph (1)(A)(i)”
5 and inserting “paragraph (1)(A)”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(B) *NO RESTRICTION ON SUBALLOCA-*
9 *TION.*—Nothing in this section prevents a metro-
10 politan planning organization from further sub-
11 allocating funds within the boundaries of the
12 metropolitan planning area if a competitive
13 process is implemented for the award of the sub-
14 allocated funds.”; and

15 (3) by adding at the end the following:

16 “(h) *ANNUAL REPORTS.*—

17 “(1) *IN GENERAL.*—Each State or metropolitan
18 planning organization responsible for carrying out
19 the requirements of this section shall submit to the
20 Secretary an annual report that describes—

21 “(A) the number of project applications re-
22 ceived for each fiscal year, including—

23 “(i) the aggregate cost of the projects
24 for which applications are received; and

1 “(ii) the types of project to be carried
2 out (as described in subsection (b)), ex-
3 pressed as percentages of the total appor-
4 tionment of the State under subsection (a);
5 and

6 “(B) the number of projects selected for
7 funding for each fiscal year, including the aggre-
8 gate cost and location of projects selected.

9 “(2) *PUBLIC AVAILABILITY.*—The Secretary shall
10 make available to the public, in a user-friendly for-
11 mat on the website of the Department, a copy of each
12 annual report submitted under paragraph (1).

13 “(i) *EXPEDITING INFRASTRUCTURE PROJECTS.*—

14 “(1) *IN GENERAL.*—Not later than 1 year after
15 the date of enactment of this subsection, the Secretary
16 shall develop regulations or guidance relating to the
17 implementation of this section that encourages the use
18 of the programmatic approaches to environmental re-
19 views, expedited procurement techniques, and other
20 best practices to facilitate productive and timely ex-
21 penditure for projects that are small, low-impact, and
22 constructed within an existing built environment.

23 “(2) *STATE PROCESSES.*—The Secretary shall
24 work with State departments of transportation to en-
25 sure that any regulation or guidance developed under

1 paragraph (1) is consistently implemented by States
2 and the Federal Highway Administration to avoid
3 unnecessary delays in implementing projects and to
4 ensure the effective use of Federal dollars.”.

5 (b) **CONFORMING AMENDMENT.**—Section 126(b) of title
6 23, United States Code, is amended—

7 (1) by striking “*SET-ASIDES.*—” and all that fol-
8 lows through “*Funds that*” in paragraph (1) and in-
9 serting “*SET-ASIDES.—Funds that*”;

10 (2) by striking “sections 104(d) and 133(d)” and
11 inserting “sections 104(d), 133(d), and 213(c)”;

12 (3) by striking paragraph (2).

13 **SEC. 11015. CONSOLIDATION OF PROGRAMS.**

14 Section 1519(a) of MAP–21 (Public Law 112–141; 126
15 Stat. 574) is amended in the matter preceding paragraph
16 (1) by striking “fiscal years 2013 and 2014” and inserting
17 “fiscal years 2013 through 2021”.

18 **SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY**
19 **SYSTEM MODIFICATIONS.**

20 (a) **NATIONAL HIGHWAY SYSTEM FLEXIBILITY.**—Not
21 later than 90 days after the date of enactment of this Act,
22 the Secretary shall issue guidance relating to working with
23 State departments of transportation that request assistance
24 from the division offices of the Federal Highway Adminis-
25 tration—

1 (1) *to review roads classified as principal arte-*
2 *rials in the State that were added to the National*
3 *Highway System as of October 1, 2012, so as to com-*
4 *ply with section 103 of title 23, United States Code;*
5 *and*

6 (2) *to identify any necessary functional classi-*
7 *fication changes to rural and urban principal arte-*
8 *rials.*

9 (b) *ADMINISTRATIVE ACTIONS.*—*The Secretary shall*
10 *direct the division offices of the Federal Highway Adminis-*
11 *tration to work with the applicable State department of*
12 *transportation that requests assistance under this section—*

13 (1) *to assist in the review of roads in accordance*
14 *with guidance issued under subsection (a);*

15 (2) *to expeditiously review and facilitate requests*
16 *from States to reclassify roads classified as principal*
17 *arterials; and*

18 (3) *in the case of a State that requests the with-*
19 *drawal of reclassified roads from the National High-*
20 *way System under section 103(b)(3) of title 23,*
21 *United States Code, to carry out that withdrawal if*
22 *the inclusion of the reclassified road in the National*
23 *Highway System is not consistent with the needs and*
24 *priorities of the community or region in which the re-*
25 *classified road is located.*

1 (c) *NATIONAL HIGHWAY SYSTEM MODIFICATION REG-*
2 *ULATIONS.—The Secretary shall—*

3 (1) *review the National Highway System modi-*
4 *fication process described in appendix D of part 470*
5 *of title 23, Code of Federal Regulations (or successor*
6 *regulations); and*

7 (2) *take any action necessary to ensure that a*
8 *State may submit to the Secretary a request to mod-*
9 *ify the National Highway System by withdrawing a*
10 *road from the National Highway System.*

11 (d) *REPORT TO CONGRESS.—Not later than 1 year*
12 *after the date of enactment of this Act, and annually there-*
13 *after, the Secretary shall submit to the Committee on Envi-*
14 *ronment and Public Works of the Senate and the Committee*
15 *on Transportation and Infrastructure of the House of Rep-*
16 *resentatives a report that includes a description of—*

17 (1) *each request for reclassification of National*
18 *Highway System roads;*

19 (2) *the status of each request; and*

20 (3) *if applicable, the justification for the denial*
21 *by the Secretary of a request.*

22 (e) *MODIFICATIONS TO THE NATIONAL HIGHWAY SYS-*
23 *TEM.—Section 103(b)(3)(A) of title 23, United States Code,*
24 *is amended—*

25 (1) *in the matter preceding clause (i)—*

1 (A) by striking “, including any modifica-
2 tion consisting of a connector to a major inter-
3 modal terminal,”; and

4 (B) by inserting “, including any modifica-
5 tion consisting of a connector to a major inter-
6 modal terminal or the withdrawal of a road
7 from that system,” after “the National Highway
8 System”; and

9 (2) in clause (ii)—

10 (A) by striking “(ii) enhances” and insert-
11 ing “(ii)(I) enhances”;

12 (B) by striking the period at the end and
13 inserting “; or”; and

14 (C) by adding at the end the following:

15 “(II) in the case of the withdrawal of
16 a road, is reasonable and appropriate.”.

17 **SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FER-**
18 **RIES.**

19 Section 129(a) of title 23, United States Code, is
20 amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (B)—

23 (i) by striking “(other than a highway
24 on the Interstate System)”; and

1 (ii) by inserting “non-HOV” after
2 “toll-free” each place it appears;

3 (B) by striking subparagraph (C); and

4 (C) by redesignating subparagraphs (D)
5 through (I) as subparagraphs (C) through (H),
6 respectively;

7 (2) by striking paragraph (4) and paragraph
8 (6);

9 (3) by redesignating paragraphs (5), (7), (8),
10 (9), and (10) as paragraphs (4), (5), (6), (7), and (9),
11 respectively;

12 (4) in paragraph (4)(B) (as so redesignated), by
13 striking “the Federal-aid system” and inserting “Fed-
14 eral-aid highways”; and

15 (5) by inserting after paragraph (7) (as so redesi-
16 gnated) the following:

17 “(8) *EQUAL ACCESS FOR MOTORCOACHES.*—A
18 private motorcoach that serves the public shall be pro-
19 vided access to a toll facility under the same rates,
20 terms, and conditions as public transportation buses
21 in the State.”.

22 **SEC. 11018. HOV FACILITIES.**

23 Section 166 of title 23, United States Code, is amend-
24 ed—

25 (1) in subsection (b)—

1 (A) by striking paragraph (4) and inserting
2 the following:

3 “(4) *HIGH OCCUPANCY TOLL VEHICLES.*—

4 “(A) *IN GENERAL.*—The State agency may
5 allow vehicles not otherwise exempt under this
6 subsection to use the HOV facility if the opera-
7 tors of the vehicles pay a toll charged by the
8 agency for use of the facility and the agency—

9 “(i) establishes a program that ad-
10 dresses how motorists can enroll and par-
11 ticipate in the toll program;

12 “(ii) in the case of a high occupancy
13 vehicle facility that affects a metropolitan
14 area, submits to the Secretary a written
15 statement that the metropolitan planning
16 organization designated under section 134
17 for the area has been consulted concerning
18 the placement and amount of tolls on the
19 converted facility;

20 “(iii) develops, manages, and main-
21 tains a system that will automatically col-
22 lect the toll; and

23 “(iv) establishes policies and proce-
24 dures—

1 “(I) to manage the demand to use
2 the facility by varying the toll amount
3 that is charged;

4 “(II) to enforce violations of the
5 use of the facility; and

6 “(III) to ensure that private
7 motorcoaches that serve the public are
8 provided access to the facility under
9 the same rates, terms, and conditions,
10 as public transportation buses in the
11 State.

12 “(B) EXEMPTION FROM TOLLS.—In levying
13 a toll on a facility under subparagraph (A), a
14 State agency may—

15 “(i) designate classes of vehicles that
16 are exempt from the toll; and

17 “(ii) charge different toll rates for dif-
18 ferent classes of vehicles.”;

19 (B) in paragraph (5), by striking subpara-
20 graph (A) and inserting the following:

21 “(A) INHERENTLY LOW EMISSION VEHI-
22 CLE.—If a State agency establishes procedures
23 for enforcing the restrictions on the use of a
24 HOV facility by vehicles described in clauses (i)

1 *and (ii), the State agency may allow the use of*
2 *the HOV facility by—*

3 *“(i) alternative fuel vehicles; and*

4 *“(ii) any motor vehicle described in*
5 *section 30D(d)(1) of the Internal Revenue*
6 *Code of 1986.”;*

7 *(2) in subsection (c)—*

8 *(A) in paragraph (1)—*

9 *(i) by striking “Tolls” and inserting*
10 *“Notwithstanding section 301, tolls”; and*

11 *(ii) by striking “notwithstanding sec-*
12 *tion 301 and, except as provided in para-*
13 *graphs (2) and (3)”;*

14 *(B) by striking paragraph (2); and*

15 *(C) by redesignating paragraph (3) as*
16 *paragraph (2);*

17 *(3) in subsection (d)(1), by striking subpara-*
18 *graphs (D) and (E) and inserting the following:*

19 *“(D) MAINTENANCE OF OPERATING PER-*
20 *FORMANCE.—*

21 *“(i) SUBMISSION OF PLAN.—Not later*
22 *than 180 days after the date on which a fa-*
23 *cility is degraded under paragraph (2), the*
24 *State agency with jurisdiction over the fa-*
25 *cility shall submit to the Secretary for ap-*

1 *proval a plan that details the actions the*
2 *State agency will take to bring the facility*
3 *into compliance with the minimum average*
4 *operating speed performance standard*
5 *through changes to operation of the facility,*
6 *including—*

7 *“(I) increasing the occupancy re-*
8 *quirement for HOV lanes;*

9 *“(II) varying the toll charged to*
10 *vehicles allowed under subsection (b) to*
11 *reduce demand;*

12 *“(III) discontinuing allowing*
13 *non-HOV vehicles to use HOV lanes*
14 *under subsection (b); or*

15 *“(IV) increasing the available ca-*
16 *capacity of the HOV facility.*

17 *“(ii) NOTICE OF APPROVAL OR DIS-*
18 *APPROVAL.—Not later than 60 days after*
19 *the date of receipt of a plan under clause*
20 *(i), the Secretary shall provide to the State*
21 *agency a written notice indicating whether*
22 *the Secretary has approved or disapproved*
23 *the plan based on a determination of wheth-*
24 *er the implementation of the plan will bring*
25 *the HOV facility into compliance.*

1 “(iii) *BIANNUAL PROGRESS UP-*
2 *DATES.—Until the date on which the Sec-*
3 *retary determines that the State agency has*
4 *brought the HOV facility into compliance*
5 *with this subsection, the State agency shall*
6 *submit biannual updates that describe—*

7 “(I) *the actions taken to bring the*
8 *HOV facility into compliance; and*

9 “(II) *the progress made by those*
10 *actions.*

11 “(E) *COMPLIANCE.—The Secretary shall*
12 *subject the State to appropriate program sanc-*
13 *tions under section 1.36 of title 23, Code of Fed-*
14 *eral Regulations (or successor regulations), until*
15 *the performance is no longer degraded, if—*

16 “(i) *the State agency fails to submit*
17 *an approved action plan under subpara-*
18 *graph (D) to bring a degraded facility into*
19 *compliance; or*

20 “(ii) *after the State submits and the*
21 *Secretary approves an action plan under*
22 *subparagraph (D), the Secretary determines*
23 *that, on a date that is not earlier than 1*
24 *year after the approval of the action plan,*
25 *the State agency is not making significant*

1 *progress toward bringing the HOV facility*
2 *into compliance with the minimum average*
3 *operating speed performance standard.”;*
4 *and*

5 *(4) in subsection (f)(1), in the matter preceding*
6 *subparagraph (A), by inserting “solely” before “oper-*
7 *ating”.*

8 **SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND**
9 **REHABILITATION PILOT PROGRAM.**

10 *Section 1216(b) of the Transportation Equity Act for*
11 *the 21st Century (Public Law 105–178; 112 Stat. 212) is*
12 *amended—*

13 *(1) in paragraph (3)—*

14 *(A) in subparagraph (A), by striking “the*
15 *age, condition, and intensity of use of the facil-*
16 *ity” and inserting “an analysis demonstrating*
17 *that the facility has a significant age, condition,*
18 *or intensity of use to require expedited recon-*
19 *struction or rehabilitation”;*

20 *(B) in subparagraph (D)(iii), by inserting*
21 *“, and that demonstrates the capability of that*
22 *agency to perform or oversee the building, oper-*
23 *ation, and maintenance of a toll expressway sys-*
24 *tem meeting criteria for the Interstate System”*
25 *before the semicolon at the end; and*

1 (C) by adding at the end the following:

2 “(E) An analysis showing how the State
3 plan for implementing tolls on the facility takes
4 into account the interests and use of local, re-
5 gional, and interstate travelers.

6 “(F) An explanation of how the State will
7 collect tolls using electronic toll collection, in-
8 cluding at highway speeds, if practicable.

9 “(G) A plan describing the proposed loca-
10 tion for the collection of tolls on the facility, in-
11 cluding any locations in proximity to a State
12 border.

13 “(H) Approved documentation that the
14 project—

15 “(i) has received a categorical exclu-
16 sion, a finding of no significant impact, or
17 a record of decision under the National En-
18 vironmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.); and

20 “(ii) complies with the Uniform Relo-
21 cation Assistance and Real Property Acqui-
22 sition Policies Act of 1970 (42 U.S.C. 4601
23 et seq.).”;

24 (2) by striking paragraphs (4) and (6);

1 (3) by redesignating paragraph (5) as para-
2 graph (4);

3 (4) in paragraph (4)(as so redesignated)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “Before the Secretary may per-
6 mit” and inserting “As a condition of permit-
7 ting”;

8 (B) in subparagraph (A)—

9 (i) in the matter preceding clause (i),
10 by striking “for—” and inserting “for per-
11 missible uses described in section 129(a)(3)
12 of title 23, United States Code; and”;

13 (ii) by striking clauses (i) through
14 (iii);

15 (5) by inserting after paragraph (4) (as so red-
16 igned) the following:

17 “(5) APPLICATION PROCESSING PROCEDURE.—

18 “(A) IN GENERAL.—Not later than 60 days
19 after receipt of an application under this sub-
20 section, the Secretary shall provide to the appli-
21 cant a written notice informing the applicant
22 whether—

23 “(i) the application is complete and
24 meets all requirements under this sub-
25 section; or

1 “(i) *additional information or mate-*
2 *rials are needed—*

3 “(I) *to complete the application;*

4 *or*

5 “(II) *to meet the eligibility re-*
6 *quirements under paragraph (3).*

7 “(B) *ADDITIONAL INFORMATION OR MATE-*
8 *RIALS.—*

9 “(i) *IN GENERAL.—Not later than 60*
10 *days after receipt of an application, the*
11 *Secretary shall—*

12 “(I) *identify any additional in-*
13 *formation or materials that are needed*
14 *under subparagraph (A)(ii); and*

15 “(II) *provide to the applicant*
16 *written notice specifying the details of*
17 *the additional required information or*
18 *materials.*

19 “(ii) *AMENDED APPLICATION.—Not*
20 *later than 60 days after receipt of the addi-*
21 *tional information under clause (i), the Sec-*
22 *retary shall determine if the amended ap-*
23 *plication is complete and meets all require-*
24 *ments under this subsection.*

1 “(C) *TECHNICAL ASSISTANCE.*—*On the re-*
2 *quest of a State, the Secretary shall provide tech-*
3 *nical assistance to facilitate the development of*
4 *a complete application under this paragraph*
5 *that is likely to satisfy the eligibility criteria*
6 *under paragraph (3).*

7 “(D) *APPROVAL OF APPLICATION.*—*On*
8 *written notice by the Secretary that the applica-*
9 *tion is complete and meets all requirements of*
10 *this subsection, the project is considered ap-*
11 *proved and shall be permitted to participate in*
12 *the program under this subsection.*

13 “(E) *LIMITATION ON APPROVED APPLICA-*
14 *TION.*—

15 “(i) *IN GENERAL.*—*For an application*
16 *received under this subsection on or after*
17 *the date of enactment of the DRIVE Act for*
18 *the reconstruction or rehabilitation of a fa-*
19 *ility, a State shall—*

20 “(I) *not later than 1 year after*
21 *the date on which the application is*
22 *approved, issue a solicitation for a*
23 *contract to provide for the reconstruc-*
24 *tion or rehabilitation of the facility;*
25 *and*

1 “(II) not later than 2 years after
2 the date on which the application is
3 approved, execute a contract for the re-
4 construction or rehabilitation of the fa-
5 cility.

6 “(ii) *PRIOR APPLICATIONS.*—For an
7 application that received a conditional pro-
8 visional approval under this subsection be-
9 fore the date of enactment of the *DRIVE*
10 Act, for the reconstruction or rehabilitation
11 of a facility, a State shall—

12 “(I) not later than 1 year after
13 the date of enactment of the *DRIVE*
14 Act, issue a solicitation for a contract
15 to provide for the reconstruction or re-
16 habilitation of the facility; and

17 “(II) not later than 2 years after
18 the date of enactment of the *DRIVE*
19 Act, execute a contract for the recon-
20 struction or rehabilitation of the facil-
21 ity.

22 “(iii) *CANCELLATION OR EXTEN-*
23 *SION.*—If an applicable deadline under
24 clause (i) or (ii) is not met, the Secretary
25 shall—

1 “(I) cancel the application ap-
2 proval; or

3 “(II) grant an extension of not
4 more than 1 year for the applicable
5 deadline, on the condition that—

6 “(aa) there has been demon-
7 strable progress toward meeting
8 the applicable requirements; and

9 “(bb) the requirements are
10 likely to be met within 1 year.

11 “(6) *LIMITATION ON THE USE OF NATIONAL*
12 *HIGHWAY PERFORMANCE PROGRAM FUNDS.—During*
13 *the term of the pilot program, funds apportioned for*
14 *the national highway performance program under*
15 *section 104(b)(1) of title 23, United States Code, may*
16 *not be used for a facility for which tolls are being col-*
17 *lected under the pilot program unless the funds are*
18 *used for a maintenance purpose, as defined in section*
19 *101(a) of title 23, United States Code.”;*

20 (6) by redesignating paragraphs (7) and (8) as
21 paragraphs (8) and (9), respectively;

22 (7) by inserting after paragraph (6) the fol-
23 lowing:

1 “(7) *WITHDRAWAL.*—A State may elect to with-
2 draw participation of the State in the pilot program
3 at any time.”; and

4 (8) in paragraph (8) (as redesignated by para-
5 graph (6)), by inserting “after the date of enactment
6 of the *DRIVE Act*” after “10 years”.

7 **SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED**
8 **ROADS.**

9 (a) *ELIGIBILITY.*—Section 125(d)(3) of title 23,
10 United States Code, is amended—

11 (1) in subparagraph (A), by striking “or” at the
12 end;

13 (2) in subparagraph (B), by striking the period
14 at the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(C) projects eligible for assistance under
17 this section located on tribal transportation fa-
18 cilities, Federal lands transportation facilities,
19 or other federally owned roads that are open to
20 public travel (as defined in subsection (e)(1)).”.

21 (b) *DEFINITION.*—Section 125(e) of title 23, United
22 States Code, is amended by striking paragraph (1) and in-
23 serting the following:

24 “(1) *DEFINITIONS.*—In this subsection:

1 “(A) *OPEN TO PUBLIC TRAVEL.*—The term
2 ‘open to public travel’ means, with respect to a
3 road, that, except during scheduled periods, ex-
4 treme weather conditions, or emergencies, the
5 road—

6 “(i) is maintained;

7 “(ii) is open to the general public; and

8 “(iii) can accommodate travel by a
9 standard passenger vehicle, without restric-
10 tive gates or prohibitive signs or regula-
11 tions, other than for general traffic control
12 or restrictions based on size, weight, or class
13 of registration.

14 “(B) *STANDARD PASSENGER VEHICLE.*—The
15 term ‘standard passenger vehicle’ means a vehi-
16 cle with 6 inches of clearance from the lowest
17 point of the frame, body, suspension, or differen-
18 tial to the ground.”.

19 **SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RE-**
20 **STRICTIONS.**

21 Section 144(h) of title 23, United States Code, is
22 amended—

23 (1) by redesignating paragraphs (6) and (7) as
24 paragraphs (7) and (8), respectively;

1 (2) by inserting after paragraph (5) the fol-
2 *lowing:*

3 “(6) *BRIDGES REQUIRING CLOSURE OR LOAD RE-*
4 *STRICTIONS.—*

5 “(A) *BRIDGES OWNED BY FEDERAL AGEN-*
6 *CIES OR TRIBAL GOVERNMENTS.—If a Federal*
7 *agency or tribal government fails to ensure that*
8 *any highway bridge that is open to public travel*
9 *and located in the jurisdiction of the Federal*
10 *agency or tribal government is properly closed or*
11 *restricted to loads that the bridge can carry safe-*
12 *ly, the Secretary—*

13 “(i) *shall, on learning of the need to*
14 *close or restrict loads on the bridge, require*
15 *the Federal agency or tribal government to*
16 *take action necessary—*

17 “(I) *to close the bridge within 48*
18 *hours; or*

19 “(II) *within 30 days, to restrict*
20 *public travel on the bridge to loads*
21 *that the bridge can carry safely; and*

22 “(ii) *may, if the Federal agency or*
23 *tribal government fails to take action re-*
24 *quired under clause (i), withhold all fund-*

1 *ing authorized under this title for the Fed-*
2 *eral agency or tribal government.”.*

3 *“(B) OTHER BRIDGES.—If a State fails to*
4 *ensure that any highway bridge, other than a*
5 *bridge described in subparagraph (A), that is*
6 *open to public travel and is located within the*
7 *boundaries of the State is properly closed or re-*
8 *stricted to loads the bridge can carry safely, the*
9 *Secretary—*

10 *“(i) shall, on learning of the need to*
11 *close or restrict loads on the bridge, require*
12 *the State to take action necessary—*

13 *“(I) to close the bridge within 48*
14 *hours; or*

15 *“(II) within 30 days, to restrict*
16 *public travel on the bridge to loads*
17 *that the bridge can carry safely; and*

18 *“(ii) may, if the State fails to take ac-*
19 *tion required under clause (i), withhold ap-*
20 *proval for Federal-aid projects in that*
21 *State.”; and*

22 *(3) in paragraph (8) (as redesignated by para-*
23 *graph (1)), by striking “(6)” and inserting “(7)”.*

1 **SEC. 11022. NATIONAL ELECTRIC VEHICLE CHARGING AND**
2 **NATURAL GAS FUELING CORRIDORS.**

3 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
4 Code, is amended by inserting after section 150 the fol-
5 lowing:

6 **“§ 151. National electric vehicle charging and natural**
7 **gas fueling corridors**

8 “(a) *IN GENERAL.*—Not later than 1 year after the
9 date of enactment of the *DRIVE Act*, the Secretary shall
10 designate national electric vehicle charging and natural gas
11 fueling corridors that identify the near- and long-term need
12 for, and location of, electric vehicle charging infrastructure
13 and natural gas fueling infrastructure at strategic locations
14 along major national highways to improve the mobility of
15 passenger and commercial vehicles that employ electric and
16 natural gas fueling technologies across the United States.

17 “(b) *DESIGNATION OF CORRIDORS.*—In designating
18 the corridors under subsection (a), the Secretary shall—

19 “(1) solicit nominations from State and local of-
20 ficials for facilities to be included in the corridors;

21 “(2) incorporate existing electric vehicle charging
22 and natural gas fueling corridors designated by a
23 State or group of States; and

24 “(3) consider the demand for, and location of,
25 existing electric vehicle charging and natural gas fuel-
26 ing infrastructure.

1 “(c) *STAKEHOLDERS.*—*In designating corridors under*
2 *subsection (a), the Secretary shall involve, on a voluntary*
3 *basis, stakeholders that include—*

4 “(1) *the heads of other Federal agencies;*

5 “(2) *State and local officials;*

6 “(3) *representatives of—*

7 “(A) *energy utilities;*

8 “(B) *the electric and natural gas vehicle in-*
9 *dustries;*

10 “(C) *the freight and shipping industry;*

11 “(D) *clean technology firms;*

12 “(E) *the hospitality industry;*

13 “(F) *the restaurant industry; and*

14 “(G) *highway rest stop vendors; and*

15 “(4) *such other stakeholders as the Secretary de-*
16 *termines to be necessary.*

17 “(d) *REDESIGNATION.*—*Not later than 5 years after*
18 *the date of establishment of the corridors under subsection*
19 *(a), and every 5 years thereafter, the Secretary shall update*
20 *and redesignate the corridors.*

21 “(e) *REPORT.*—*During designation and redesignation*
22 *of the corridors under this section, the Secretary shall issue*
23 *a report that—*

24 “(1) *identifies electric vehicle charging and nat-*
25 *ural gas fueling infrastructure and standardization*

1 *needs for electricity providers, natural gas providers,*
 2 *infrastructure providers, vehicle manufacturers, elec-*
 3 *tricity purchasers, and natural gas purchasers; and*

4 *“(2) establishes an aspirational goal of achieving*
 5 *strategic deployment of electric vehicle charging and*
 6 *natural gas fueling infrastructure in those corridors*
 7 *by the end of fiscal year 2021.”.*

8 **(b) CONFORMING AMENDMENT.**—*The analysis of chap-*
 9 *ter 1 of title 23, United States Code, is amended by striking*
 10 *the item relating to section 151 and inserting the following:*

“151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.”.

11 **SEC. 11023. ASSET MANAGEMENT.**

12 **(a)** *Section 119 of title 23, United States Code, is*
 13 *amended—*

14 **(1)** *in subsection (f)(2)—*

15 **(A)** *in subparagraph (A), by striking*
 16 *“structurally deficient” and inserting “being in*
 17 *poor condition”;* and

18 **(B)** *in subparagraph (B), by striking*
 19 *“structurally deficient” and inserting “being in*
 20 *poor condition”;* and

21 **(2)** *by adding at the end the following:*

22 **“(h) CRITICAL INFRASTRUCTURE.—**

23 **(1) DEFINITION OF CRITICAL INFRASTRUC-**
 24 **TURE.—***In this subsection, the term ‘critical infra-*
 25 *structure’ means those facilities the incapacity or fail-*

1 *ure of which would have a debilitating impact on na-*
2 *tional or regional economic security, national or re-*
3 *gional energy security, national or regional public*
4 *health or safety, or any combination of those matters.*

5 “(2) *DESIGNATION.*—*The asset management plan*
6 *of a State developed pursuant to subsection (e) may*
7 *include a designation of a critical infrastructure net-*
8 *work of facilities from among those facilities in the*
9 *State that are eligible under subsection (c).*

10 “(3) *RISK REDUCTION.*—*A State may use funds*
11 *apportioned under this section for projects intended to*
12 *reduce the risk of failure of facilities designated as*
13 *being on the critical infrastructure network of the*
14 *State.”.*

15 (b) *Section 144 of title 23, United States Code, is*
16 *amended—*

17 (1) *in subsection (a)(1)(B), by striking “defi-*
18 *cient”;* and

19 (2) *in subsection (b)(5), by striking “each struc-*
20 *turally deficient bridge” and inserting “each bridge*
21 *in poor condition”.*

22 (c) *Section 202(d) of title 23, United States Code, is*
23 *amended—*

24 (1) *in paragraph (1), by striking “deficient”;*

1 (2) *in paragraph (2)(B), by striking “deficient”;*

2 *and*

3 (3) *in paragraph (3)—*

4 (A) *in subparagraph (A), by striking the*
5 *semicolon at the end and inserting “; and”;*

6 (B) *in subparagraph (B), by striking “;*
7 *and” at the end and inserting a period; and*

8 (C) *by striking subparagraph (C).*

9 **SEC. 11024. TRIBAL TRANSPORTATION PROGRAM AMEND-**

10 **MENT.**

11 *Section 202 of title 23, United States Code, is amend-*
12 *ed—*

13 (1) *in subsection (a)(6), by striking “6 percent”*
14 *and inserting “5 percent”; and*

15 (2) *in subsection (d)(2), in the matter preceding*
16 *subparagraph (A) by striking “2 percent” and insert-*
17 *ing “3 percent”.*

18 **SEC. 11025. NATIONALLY SIGNIFICANT FEDERAL LANDS**

19 **AND TRIBAL PROJECTS PROGRAM.**

20 (a) *PURPOSE.—The Secretary shall establish a nation-*
21 *ally significant Federal lands and tribal projects program*
22 *(referred to in this section as the “program”) to provide*
23 *funding to construct, reconstruct, or rehabilitate nationally*
24 *significant Federal lands and tribal transportation*
25 *projects.*

1 (b) *ELIGIBLE APPLICANTS.*—

2 (1) *IN GENERAL.*—*Except as provided in para-*
3 *graph (2), entities eligible to receive funds under sec-*
4 *tions 201, 202, 203, and 204 of title 23, United States*
5 *Code, may apply for funding under the program.*

6 (2) *SPECIAL RULE.*—*A State, county, or unit of*
7 *local government may only apply for funding under*
8 *the program if sponsored by an eligible Federal land*
9 *management agency or Indian tribe.*

10 (c) *ELIGIBLE PROJECTS.*—*An eligible project under*
11 *the program shall be a single continuous project—*

12 (1) *on a Federal lands transportation facility, a*
13 *Federal lands access transportation facility, or a*
14 *Tribal transportation facility (as those terms are de-*
15 *defined in section 101 of title 23, United States Code),*
16 *except that such facility is not required to be included*
17 *on an inventory described in sections 202 or 203 of*
18 *title 23, United States Code;*

19 (2) *for which completion of activities required*
20 *under the National Environmental Policy Act of 1969*
21 *(42 U.S.C. 4321 et seq.) has been demonstrated*
22 *through—*

23 (A) *a record of decision with respect to the*
24 *project;*

1 (B) a finding that the project has no sig-
2 nificant impact; or

3 (C) a determination that the project is cat-
4 egorically excluded; and

5 (3) having an estimated cost, based on the results
6 of preliminary engineering, equal to or exceeding
7 \$25,000,000, with priority consideration given to
8 projects with an estimated cost equal to or exceeding
9 \$50,000,000.

10 (d) *ELIGIBLE ACTIVITIES.*—

11 (1) *IN GENERAL.*—Subject to paragraph (2), an
12 eligible applicant receiving funds under the program
13 may only use the funds for construction, reconstruc-
14 tion, and rehabilitation activities.

15 (2) *INELIGIBLE ACTIVITIES.*—An eligible appli-
16 cant may not use funds received under the program
17 for activities relating to project design.

18 (e) *APPLICATIONS.*—Eligible applicants shall submit
19 to the Secretary an application at such time, in such form,
20 and containing such information as the Secretary may re-
21 quire.

22 (f) *SELECTION CRITERIA.*—In selecting a project to re-
23 ceive funds under the program, the Secretary shall consider
24 the extent to which the project—

1 (1) *furtheres the goals of the Department, includ-*
2 *ing state of good repair, environmental sustainability,*
3 *economic competitiveness, quality of life, and safety;*

4 (2) *improves the condition of critical multimodal*
5 *transportation facilities;*

6 (3) *needs construction, reconstruction, or reha-*
7 *bilitation;*

8 (4) *is included in or eligible for inclusion in the*
9 *National Register of Historic Places;*

10 (5) *enhances environmental ecosystems;*

11 (6) *uses new technologies and innovations that*
12 *enhance the efficiency of the project;*

13 (7) *is supported by funds, other than the funds*
14 *received under the program, to construct, maintain,*
15 *and operate the facility;*

16 (8) *spans 2 or more States; and*

17 (9) *serves land owned by multiple Federal agen-*
18 *cies or Indian tribes.*

19 (g) *FEDERAL SHARE.—The Federal share of the cost*
20 *of a project shall be 95 percent.*

21 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out this section*
23 *\$150,000,000 for each of fiscal years 2016 through 2021,*
24 *to remain available for a period of 3 fiscal years following*
25 *the fiscal year for which the amounts were appropriated.*

1 **SEC. 11026. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**

2 *Section 201(c) of title 23, United States Code, is*
3 *amended—*

4 *(1) in paragraph (6)(A)—*

5 *(A) by redesignating clauses (i) and (ii) as*
6 *subclauses (I) and (II), respectively;*

7 *(B) in the matter preceding subclause (I)*
8 *(as so redesignated), by striking “The Secre-*
9 *taries” and inserting the following:*

10 *“(i) IN GENERAL.—The Secretaries”;*

11 *(C) by inserting a period after “tribal*
12 *transportation program”;* and

13 *(D) by striking “in accordance with” and*
14 *all that follows through “including—” and in-*
15 *serting the following:*

16 *“(ii) REQUIREMENT.—Data collected*
17 *to implement the tribal transportation pro-*
18 *gram shall be in accordance with the In-*
19 *Indian Self-Determination and Education As-*
20 *sistance Act (25 U.S.C. 450 et seq.).*

21 *“(iii) INCLUSIONS.—Data collected*
22 *under this paragraph includes—”;* and

23 *(2) by striking paragraph (7) and inserting the*
24 *following—*

25 *“(7) COOPERATIVE RESEARCH AND TECHNOLOGY*
26 *DEPLOYMENT.—The Secretary may conduct coopera-*

1 *tive research and technology deployment in coordina-*
2 *tion with Federal land management agencies, as de-*
3 *termined appropriate by the Secretary.*

4 “(8) *FUNDING.*—

5 “(A) *IN GENERAL.*—*To carry out the activi-*
6 *ties described in this subsection for Federal lands*
7 *transportation facilities, Federal lands access*
8 *transportation facilities, and other federally*
9 *owned roads open to public travel (as that term*
10 *is defined in section 125(e)), the Secretary shall*
11 *combine and use not greater than 5 percent for*
12 *each fiscal year of the funds authorized for pro-*
13 *grams under sections 203 and 204.*

14 “(B) *OTHER ACTIVITIES.*—*In addition to*
15 *the activities described in subparagraph (A),*
16 *funds described under that subparagraph may be*
17 *used for—*

18 “(i) *bridge inspections on any federally*
19 *owned bridge even if that bridge is not in-*
20 *cluded on the inventory described under sec-*
21 *tion 203; and*

22 “(ii) *transportation planning activities*
23 *carried out by Federal land management*
24 *agencies eligible for funding under this*
25 *chapter.*”

1 **SEC. 11027. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 *Section 203 of title 23, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (a)(1)—*

5 *(A) in subparagraph (B), by striking “oper-*
6 *ation” and inserting “capital, operations,”; and*

7 *(B) in subparagraph (D), by striking “sub-*
8 *paragraph (A)(iv)” and inserting “subpara-*
9 *graph (A)(iv)(I)”;*

10 *(2) in subsection (b)—*

11 *(A) in paragraph (1)(B)—*

12 *(i) in clause (iv), by striking “and” at*
13 *the end;*

14 *(ii) in clause (v), by striking the pe-*
15 *riod at the end and inserting a semicolon;*
16 *and*

17 *(iii) by adding at the end the fol-*
18 *lowing:*

19 *“(vi) the Bureau of Reclamation; and*

20 *“(vii) independent Federal agencies*
21 *with natural resource and land manage-*
22 *ment responsibilities.”; and*

23 *(B) in paragraph (2)(B), in the matter pre-*
24 *ceding clause (i), by inserting “performance*
25 *management, including” after “support”; and*

1 (3) in subsection (c)(2)(B), by adding at the end
2 the following:

3 “(vi) *The Bureau of Reclamation.*”.

4 **SEC. 11028. INNOVATIVE PROJECT DELIVERY.**

5 Section 120(c)(3) of title 23, United States Code, is
6 amended—

7 (1) in subparagraph (A)(ii)—

8 (A) by inserting “engineering or design ap-
9 proaches,” after “technologies,”; and

10 (B) by striking “or contracting” and insert-
11 ing “or contracting or project delivery”; and

12 (2) in subparagraph (B)(iii), by inserting “and
13 alternative bidding” before the semicolon at the end.

14 **SEC. 11029. OBLIGATION AND RELEASE OF FUNDS.**

15 Section 118(c)(2) of title 23, United States Code, is
16 amended—

17 (1) in the matter preceding subparagraph (A),
18 by striking “Any funds” and inserting the following:

19 “(A) *IN GENERAL.—Any funds*”;

20 (2) by redesignating subparagraphs (A) and (B)
21 as clauses (i) and (ii), respectively, and indenting ap-
22 propriately; and

23 (3) by adding at the end the following:

24 “(B) *SAME CLASS OF FUNDS NO LONGER*
25 *AUTHORIZED.—If the same class of funds de-*

1 *Urban Consumers published by the Bureau of Labor*
2 *Statistics of the Department of Labor.”.*

3 **SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.**

4 *(a) IN GENERAL.—Section 1318 of MAP–21 (23*
5 *U.S.C. 109 note; Public Law 112–141) is amended by add-*
6 *ing at the end the following:*

7 *“(e) PROGRAMMATIC AGREEMENT TEMPLATE.—*

8 *“(1) IN GENERAL.—The Secretary shall develop*
9 *a template programmatic agreement described in sub-*
10 *section (d) that provides for efficient and adequate*
11 *procedures for evaluating Federal actions described in*
12 *section 771.117(c) of title 23, Code of Federal Regula-*
13 *tions (as in effect on the date of enactment of this*
14 *subsection).*

15 *“(2) USE OF TEMPLATE.—The Secretary—*

16 *“(A) on receipt of a request from a State,*
17 *shall use the template programmatic agreement*
18 *developed under paragraph (1) in carrying out*
19 *this section; and*

20 *“(B) on consent of the applicable State,*
21 *may modify the template as necessary to address*
22 *the unique needs and characteristics of the State.*

23 *“(3) OUTCOME MEASUREMENTS.—The Secretary*
24 *shall establish a method to verify that actions de-*
25 *scribed in section 771.117(c) of title 23, Code of Fed-*

1 *eral Regulations (as in effect on the date of enactment*
2 *of this subsection), are evaluated and documented in*
3 *a consistent manner by the State that uses the tem-*
4 *plate programmatic agreement under this sub-*
5 *section.”.*

6 *(b) CATEGORICAL EXCLUSION DETERMINATIONS.—Not*
7 *later than 30 days after the date of enactment of this Act,*
8 *the Secretary shall revise section 771.117(g) of title 23, Code*
9 *of Federal Regulations, to allow a programmatic agreement*
10 *under this section to include responsibility for making cat-*
11 *egorical exclusion determinations—*

12 *(1) for actions described in subsections (c) and*
13 *(d) of section 771.117 of title 23, Code of Federal Reg-*
14 *ulations; and*

15 *(2) that meet the criteria for a categorical exclu-*
16 *sion under section 1508.4 of title 40, Code of Federal*
17 *Regulations (as in effect on the date of enactment of*
18 *this Act), and are identified in the programmatic*
19 *agreement.*

20 **SEC. 11103. AGENCY COORDINATION.**

21 *(a) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—*
22 *Section 139(c)(6) of title 23, United States Code, is amend-*
23 *ed—*

24 *(1) in subparagraph (A), by striking “and” at*
25 *the end;*

1 (2) *in subparagraph (B), by striking the period*
2 *at the end and inserting “; and”; and*

3 (3) *by adding at the end the following:*

4 “(C) *to consider and respond to comments*
5 *received from participating agencies on matters*
6 *within the special expertise or jurisdiction of the*
7 *participating agencies.”.*

8 (b) *PARTICIPATING AGENCY RESPONSIBILITIES.—Sec-*
9 *tion 139(d) of title 23, United States Code, is amended by*
10 *adding at the end the following:*

11 “(8) *PARTICIPATING AGENCY RESPONSIBIL-*
12 *ITIES.—An agency participating in the collaborative*
13 *environmental review process under this section*
14 *shall—*

15 “(A) *provide comments, responses, studies,*
16 *or methodologies on those areas within the spe-*
17 *cial expertise or jurisdiction of the Federal par-*
18 *ticipating or cooperating agency; and*

19 “(B) *use the process to address any environ-*
20 *mental issues of concern to the participating or*
21 *cooperating agency.”.*

22 **SEC. 11104. INITIATION OF ENVIRONMENTAL REVIEW PROC-**
23 **ESS.**

24 *Section 139 of title 23, United States Code, is amend-*
25 *ed—*

1 (1) *in subsection (a), by striking paragraph (6)*
2 *and inserting the following:*

3 “(6) *PROJECT.—*

4 “(A) *IN GENERAL.—The term ‘project’*
5 *means any highway project, public transpor-*
6 *tation capital project, or multimodal project*
7 *that, if implemented as proposed by the project*
8 *sponsor, would require approval by any oper-*
9 *ating administration or secretarial office within*
10 *the Department.*

11 “(B) *CONSIDERATIONS.—For purposes of*
12 *this paragraph, the Secretary shall take into ac-*
13 *count, if known, any sources of Federal funding*
14 *or financing identified by the project sponsor,*
15 *including discretionary grant, loan, and loan*
16 *guarantee programs administered by the Depart-*
17 *ment.”;*

18 (2) *in subsection (e)—*

19 (A) *in paragraph (1), by inserting “(in-*
20 *cluding any additional information that the*
21 *project sponsor considers to be important to ini-*
22 *tiate the process for the proposed project)” after*
23 *“location of the proposed project”; and*

24 (B) *by adding at the end the following:*

1 “(3) *REVIEW OF APPLICATION.*—Not later than
2 45 days after the date on which an application is re-
3 ceived by the Secretary under this subsection, the Sec-
4 retary shall provide to the project sponsor a written
5 response that, as applicable—

6 “(A) describes the determination of the Sec-
7 retary—

8 “(i) to initiate the environmental re-
9 view process, including a timeline and an
10 expected date for the publication in the Fed-
11 eral Register of the relevant notice of intent;
12 or

13 “(ii) to decline the application, includ-
14 ing an explanation of the reasons for that
15 decision; or

16 “(B) requests additional information, and
17 provides to the project sponsor an accounting, re-
18 garding what is necessary to initiate the envi-
19 ronmental review process.

20 “(4) *REQUEST TO DESIGNATE A LEAD AGENCY.*—

21 “(A) *IN GENERAL.*—Any project sponsor
22 may submit a request to the Secretary to des-
23 ignate a specific operating administration or
24 secretarial office within the Department of

1 *Transportation to serve as the Federal lead agen-*
2 *cy for a project.*

3 “(B) *PROPOSED SCHEDULE.*—*A request*
4 *under subparagraph (A) may include a proposed*
5 *schedule for completing the environmental review*
6 *process.*

7 “(C) *SECRETARIAL ACTION.*—

8 “(i) *IN GENERAL.*—*If a request under*
9 *subparagraph (A) is received, the Secretary*
10 *shall respond to the request not later than*
11 *45 days after the date of receipt.*

12 “(ii) *REQUIREMENTS.*—*The response*
13 *shall—*

14 “(I) *approve the request;*

15 “(II) *deny the request, with an ex-*
16 *planation of the reasons; or*

17 “(III) *require the submission of*
18 *additional information.*

19 “(iii) *ADDITIONAL INFORMATION.*—*If*
20 *additional information is submitted in ac-*
21 *cordance with clause (ii)(III), the Secretary*
22 *shall respond to that submission not later*
23 *than 45 days after the date of receipt.”; and*

24 (3) *in subsection (f)(4), by adding at the end the*
25 *following:*

1 “(E) *REDUCTION OF DUPLICATION.*—

2 “(i) *IN GENERAL.*—*In carrying out*
3 *this paragraph, the lead agency shall reduce*
4 *duplication, to the maximum extent prac-*
5 *ticable, between—*

6 “(I) *the evaluation of alternatives*
7 *under the National Environmental*
8 *Policy Act of 1969 (42 U.S.C. 4321 et*
9 *seq.); and*

10 “(II) *the evaluation of alter-*
11 *natives in the metropolitan transpor-*
12 *tation planning process under section*
13 *134 of title 23, United States Code, or*
14 *an environmental review process car-*
15 *ried out under State law (referred to*
16 *in this subparagraph as a ‘State envi-*
17 *ronmental review process’).*

18 “(ii) *CONSIDERATION OF ALTER-*
19 *NATIVES.*—*The lead agency may eliminate*
20 *from detailed consideration an alternative*
21 *proposed in an environmental impact state-*
22 *ment regarding a project if, as determined*
23 *by the lead agency—*

24 “(I) *the alternative was consid-*
25 *ered in a metropolitan planning proc-*

1 *ess or a State environmental review*
2 *process by a metropolitan planning or-*
3 *ganization or a State or local trans-*
4 *portation agency, as applicable;*

5 *“(II) the lead agency provided*
6 *guidance to the metropolitan planning*
7 *organization or State or local trans-*
8 *portation agency, as applicable, re-*
9 *garding analysis of alternatives in the*
10 *metropolitan planning process or State*
11 *environmental review process, includ-*
12 *ing guidance on the requirements*
13 *under the National Environmental*
14 *Policy Act of 1969 (42 U.S.C. 4321 et*
15 *seq.) and any other requirements of*
16 *Federal law necessary for approval of*
17 *the project;*

18 *“(III) the applicable metropolitan*
19 *planning process or State environ-*
20 *mental review process included an op-*
21 *portunity for public review and com-*
22 *ment;*

23 *“(IV) the applicable metropolitan*
24 *planning organization or State or local*
25 *transportation agency rejected the al-*

1 *ternative after considering public com-*
2 *ments;*

3 *“(V) the Federal lead agency inde-*
4 *pendently reviewed the alternative*
5 *evaluation approved by the applicable*
6 *metropolitan planning organization or*
7 *State or local transportation agency;*
8 *and*

9 *“(VI) the Federal lead agency has*
10 *determined—*

11 *“(aa) in consultation with*
12 *Federal participating or cooper-*
13 *ating agencies, that the alter-*
14 *native to be eliminated from con-*
15 *sideration is not necessary for*
16 *compliance with the National En-*
17 *vironmental Policy Act of 1969*
18 *(42 U.S.C. 4321 et seq.); or*

19 *“(bb) with the concurrence of*
20 *Federal agencies with jurisdiction*
21 *over a permit or approval re-*
22 *quired for a project, that the alter-*
23 *native to be eliminated from con-*
24 *sideration is not necessary for*

1 any permit or approval under
2 any other Federal law.”.

3 **SEC. 11105. IMPROVING COLLABORATION FOR ACCELER-**
4 **ATED DECISION MAKING.**

5 (a) *COORDINATION AND SCHEDULING.*—Section
6 139(g)(1)(B)(i) of title 23, United States Code, is amend-
7 ed—

8 (1) by striking “The lead agency” and inserting
9 “*For a project requiring an environmental impact*
10 *statement or environmental assessment, the lead agen-*
11 *cy*”; and

12 (2) by striking “may” and inserting “shall”.

13 (b) *ISSUE IDENTIFICATION AND RESOLUTION.*—Sec-
14 tion 139(h) of title 23, United States Code, is amended—

15 (1) in paragraph (4)(C), by striking “paragraph
16 (5) and” and inserting “paragraph (5)”;

17 (2) in paragraph (5)(A)(ii)(I), by inserting “,
18 including modifications to the project schedule” after
19 “review process”; and

20 (3) in paragraph (6)(B), by striking clause (ii)
21 and inserting the following:

22 “(ii) *DESCRIPTION OF DATE.*—The
23 date referred to in clause (i) is 1 of the fol-
24 lowing:

1 “(I) *The date that is 30 days after*
 2 *the date for rendering a decision as de-*
 3 *scribed in the project schedule estab-*
 4 *lished pursuant to subsection (g)(1)(B).*

5 “(II) *If no schedule exists, the*
 6 *later of—*

7 “(aa) *the date that is 180*
 8 *days after the date on which an*
 9 *application for the permit, license*
 10 *or approval is complete; or*

11 “(bb) *the date that is 180*
 12 *days after the date on which the*
 13 *Federal lead agency issues a deci-*
 14 *sion on the project under the Na-*
 15 *tional Environmental Policy Act*
 16 *of 1969 (42 U.S.C. 4321 et seq.).*

17 “(III) *A modified date consistent*
 18 *with subsection (g)(1)(D).”.*

19 **SEC. 11106. ACCELERATED DECISIONMAKING IN ENVIRON-**
 20 **MENTAL REVIEWS.**

21 (a) *IN GENERAL.*—Section 139 of title 23, United
 22 States Code, is amended by adding at the end the following:

23 “(n) *ACCELERATED DECISIONMAKING IN ENVIRON-*
 24 *MENTAL REVIEWS.*—

1 “(1) *IN GENERAL.*—*In preparing a final envi-*
2 *ronmental impact statement under the National En-*
3 *vironmental Policy Act of 1969 (42 U.S.C. 4321 et*
4 *seq.), if the lead agency modifies the statement in re-*
5 *sponse to comments that are minor and are confined*
6 *to factual corrections or explanations regarding why*
7 *the comments do not warrant additional agency re-*
8 *sponse, the lead agency may write on errata sheets at-*
9 *tached to the statement instead of rewriting the draft*
10 *statement, subject to the condition that the errata*
11 *sheets shall—*

12 “(A) *cite the sources, authorities, or reasons*
13 *that support the position of the lead agency; and*

14 “(B) *if appropriate, indicate the cir-*
15 *cumstances that would trigger agency re-*
16 *appraisal or further response.*

17 “(2) *INCORPORATION.*—*To the maximum extent*
18 *practicable, the lead agency shall expeditiously de-*
19 *velop a single document that consists of a final envi-*
20 *ronmental impact statement and a record of decision,*
21 *unless—*

22 “(A) *the final environmental impact state-*
23 *ment makes substantial changes to the proposed*
24 *action that are relevant to environmental or*
25 *safety concerns; or*

1 “(B) there are significant new cir-
2 cumstances or information that—

3 “(i) are relevant to environmental con-
4 cerns; and

5 “(ii) bear on the proposed action or the
6 impacts of the proposed action.”.

7 (b) *REPEAL.*—Section 1319 of MAP-21 (42 U.S.C.
8 4332a) is repealed.

9 **SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRON-
10 MENTAL REVIEWS.**

11 Section 139 of title 23, United States Code (as amend-
12 ed by section 11106(a)), is amended by adding at the end
13 the following:

14 “(o) *REVIEWS, APPROVALS, AND PERMITTING PLAT-
15 FORM.*—

16 “(1) *IN GENERAL.*—Not later than 2 years after
17 the date of enactment of this subsection, the Secretary
18 shall establish an online platform and, in coordina-
19 tion with agencies described in paragraph (2), issue
20 reporting standards to make publicly available the
21 status of reviews, approvals, and permits required for
22 compliance with the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.) or other applica-
24 ble Federal laws for projects and activities requiring

1 *an environmental assessment or an environmental*
2 *impact statement.*

3 “(2) *FEDERAL AGENCY PARTICIPATION.*—A Fed-
4 *eral agency of jurisdiction over a review, approval, or*
5 *permit described in paragraph (1) shall provide sta-*
6 *tus information in accordance with the standards es-*
7 *tablished by the Secretary under paragraph (1).*

8 “(3) *STATE RESPONSIBILITIES.*—A State that is
9 *assigned and assumes responsibilities under section*
10 *326 or 327 shall provide applicable status informa-*
11 *tion in accordance with standards established by the*
12 *Secretary under paragraph (1).”.*

13 **SEC. 11108. INTEGRATION OF PLANNING AND ENVIRON-**
14 **MENTAL REVIEW.**

15 *Section 168 of title 23, United States Code, is amended*
16 *to read as follows:*

17 **“§ 168. Integration of planning and environmental re-**
18 **view**

19 “(a) *DEFINITIONS.*—*In this section, the following defi-*
20 *initions apply:*

21 “(1) *ENVIRONMENTAL REVIEW PROCESS.*—*The*
22 *term ‘environmental review process’ means the process*
23 *for preparing for a project an environmental impact*
24 *statement, environmental assessment, categorical ex-*
25 *clusion, or other document prepared under the Na-*

1 *tional Environmental Policy Act of 1969 (42 U.S.C.*
2 *4321 et seq.).*

3 “(2) *LEAD AGENCY.*—*The term ‘lead agency’ has*
4 *the meaning given the term in section 139(a).*

5 “(3) *PLANNING PRODUCT.*—*The term ‘planning*
6 *product’ means a decision, analysis, study, or other*
7 *documented information that is the result of an eval-*
8 *uation or decisionmaking process carried out by a*
9 *metropolitan planning organization or a State, as*
10 *appropriate, during metropolitan or statewide trans-*
11 *portation planning under section 134 or 135, respec-*
12 *tively.*

13 “(4) *PROJECT.*—*The term ‘project’ has the mean-*
14 *ing given the term in section 139(a).*

15 “(b) *ADOPTION OF PLANNING PRODUCTS FOR USE IN*
16 *NEPA PROCEEDINGS.*—

17 “(1) *IN GENERAL.*—*Subject to subsection (d), the*
18 *Federal lead agency for a project may adopt and use*
19 *a planning product in proceedings relating to any*
20 *class of action in the environmental review process of*
21 *the project.*

22 “(2) *IDENTIFICATION.*—*If the Federal lead agen-*
23 *cy makes a determination to adopt and use a plan-*
24 *ning product, the Federal lead agency shall identify*

1 *the agencies that participated in the development of*
2 *the planning products.*

3 “(3) *PARTIAL ADOPTION OF PLANNING PROD-*
4 *UCTS.—The Federal lead agency may—*

5 “(A) *adopt an entire planning product*
6 *under paragraph (1); or*

7 “(B) *select portions of a planning project*
8 *under paragraph (1) for adoption.*

9 “(4) *TIMING.—A determination under para-*
10 *graph (1) with respect to the adoption of a planning*
11 *product may—*

12 “(A) *be made at the time the lead agencies*
13 *decide the appropriate scope of environmental re-*
14 *view for the project; or*

15 “(B) *occur later in the environmental re-*
16 *view process, as appropriate.*

17 “(c) *APPLICABILITY.—*

18 “(1) *PLANNING DECISIONS.—The lead agency in*
19 *the environmental review process may adopt decisions*
20 *from a planning product, including—*

21 “(A) *whether tolling, private financial as-*
22 *sistance, or other special financial measures are*
23 *necessary to implement the project;*

24 “(B) *a decision with respect to general trav-*
25 *el corridor or modal choice, including a decision*

1 to implement corridor or subarea study rec-
2 ommendations to advance different modal solu-
3 tions as separate projects with independent util-
4 ity;

5 “(C) the purpose and the need for the pro-
6 posed action;

7 “(D) preliminary screening of alternatives
8 and elimination of unreasonable alternatives;

9 “(E) a basic description of the environ-
10 mental setting;

11 “(F) a decision with respect to methodolo-
12 gies for analysis; and

13 “(G) an identification of programmatic
14 level mitigation for potential impacts of trans-
15 portation projects, including—

16 “(i) measures to avoid, minimize, and
17 mitigate impacts at a regional or national
18 scale;

19 “(ii) investments in regional ecosystem
20 and water resources; and

21 “(iii) a programmatic mitigation plan
22 developed in accordance with section 169.

23 “(2) *PLANNING ANALYSES.*—The lead agency in
24 the environmental review process may adopt analyses
25 from a planning product, including—

1 “(A) travel demands;

2 “(B) regional development and growth;

3 “(C) local land use, growth management,
4 and development;

5 “(D) population and employment;

6 “(E) natural and built environmental con-
7 ditions;

8 “(F) environmental resources and environ-
9 mentally sensitive areas;

10 “(G) potential environmental effects, includ-
11 ing the identification of resources of concern and
12 potential indirect and cumulative effects on those
13 resources; and

14 “(H) mitigation needs for a proposed ac-
15 tion, or for programmatic level mitigation, for
16 potential effects that the Federal lead agency de-
17 termines are most effectively addressed at a re-
18 gional or national program level.

19 “(d) *CONDITIONS.*—The lead agency in the environ-
20 mental review process may adopt and use a planning prod-
21 uct under this section if the lead agency determines, with
22 the concurrence of other participating agencies with rel-
23 evant expertise and project sponsors, as appropriate, that
24 the following conditions have been met:

1 “(1) *The planning product was developed*
2 *through a planning process conducted pursuant to*
3 *applicable Federal law.*

4 “(2) *The planning product was developed in con-*
5 *sultation with appropriate Federal and State resource*
6 *agencies and Indian tribes.*

7 “(3) *The planning process included broad multi-*
8 *disciplinary consideration of systems-level or cor-*
9 *ridor-wide transportation needs and potential effects,*
10 *including effects on the human and natural environ-*
11 *ment.*

12 “(4) *The planning process included public notice*
13 *that the planning products produced in the planning*
14 *process may be adopted during a subsequent environ-*
15 *mental review process in accordance with this section.*

16 “(5) *During the environmental review process,*
17 *the lead agency has—*

18 “(A) *made the planning documents avail-*
19 *able for public review and comment;*

20 “(B) *provided notice of the intention of the*
21 *lead agency to adopt the planning product; and*

22 “(C) *considered any resulting comments.*

23 “(6) *There is no significant new information or*
24 *new circumstance that has a reasonable likelihood of*

1 *affecting the continued validity or appropriateness of*
2 *the planning product.*

3 “(7) *The planning product has a rational basis*
4 *and is based on reliable and reasonably current data*
5 *and reasonable and scientifically acceptable meth-*
6 *odologies.*

7 “(8) *The planning product is documented in suf-*
8 *ficient detail to support the decision or the results of*
9 *the analysis and to meet requirements for use of the*
10 *information in the environmental review process.*

11 “(9) *The planning product is appropriate for*
12 *adoption and use in the environmental review process*
13 *for the project and is incorporated in accordance with*
14 *the National Environmental Policy Act of 1969 (42*
15 *U.S.C. 4321 et seq.) and section 1502.21 of title 40,*
16 *Code of Federal Regulations (as in effect on the date*
17 *of enactment of the DRIVE Act).*

18 “(e) *EFFECT OF ADOPTION.—Any planning product*
19 *adopted by the Federal lead agency in accordance with this*
20 *section may be—*

21 “(1) *incorporated directly into an environmental*
22 *review process document or other environmental docu-*
23 *ment; and*

24 “(2) *relied on and used by other Federal agencies*
25 *in carrying out reviews of the project.*

1 “(f) *RULES OF CONSTRUCTION.*—

2 “(1) *IN GENERAL.*—*This section does not make*
3 *the environmental review process applicable to the*
4 *transportation planning process conducted under this*
5 *title and chapter 53 of title 49.*

6 “(2) *TRANSPORTATION PLANNING ACTIVITIES.*—
7 *Initiation of the environmental review process as a*
8 *part of, or concurrently with, transportation plan-*
9 *ning activities does not subject transportation plans*
10 *and programs to the environmental review process.*

11 “(3) *PLANNING PRODUCTS.*—*This section does*
12 *not affect the use of planning products in the environ-*
13 *mental review process pursuant to other authorities*
14 *under any other provision of law or restrict the initi-*
15 *ation of the environmental review process during*
16 *planning.”.*

17 **SEC. 11109. USE OF PROGRAMMATIC MITIGATION PLANS.**

18 *Section 169(f) of title 23, United States Code, is*
19 *amended—*

20 (1) *by striking “may use” and inserting “shall*
21 *consider”;* and

22 (2) *by inserting “or other Federal environmental*
23 *law” before the period at the end.*

1 **SEC. 11110. ADOPTION OF DEPARTMENTAL ENVIRON-**
2 **MENTAL DOCUMENTS.**

3 (a) *IN GENERAL.*—Title 49, United States Code, is
4 amended by inserting after section 306 the following:

5 **“§ 307. Adoption of Departmental environmental doc-**
6 **uments**

7 “(a) *IN GENERAL.*—An operating administration or
8 secretarial office within the Department may adopt any
9 draft environmental impact statement, final environmental
10 impact statement, environmental assessment, or any other
11 document issued under the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.) by another operating
13 administration or secretarial office within the Depart-
14 ment—

15 “(1) without recirculating the document (except
16 that a final environmental impact statement shall be
17 recirculated prior to adoption); and

18 “(2) if the operating administration or secre-
19 tarial office adopting the document certifies that the
20 project is substantially the same as the project re-
21 viewed under the document to be adopted.

22 “(b) *COOPERATING AGENCY.*—An adopting operating
23 administration or secretarial office that was a cooperating
24 agency and certifies that the project is substantially the
25 same as the project reviewed under the document to be
26 adopted and that its comments and suggestions have been

1 *addressed may adopt a document described in subsection*
 2 *(a) without recirculating the document.”.*

3 *(b) CONFORMING AMENDMENT.—The analysis for*
 4 *chapter 3 of title 49, United States Code, is amended by*
 5 *striking the item relating to section 307 and inserting the*
 6 *following:*

“Sec. 307. Adoption of Departmental environmental documents.”.

7 **SEC. 11111. TECHNICAL ASSISTANCE FOR STATES.**

8 *Section 326 of title 23, United States Code, is amend-*
 9 *ed—*

10 *(1) in subsection (c)—*

11 *(A) by redesignating paragraphs (2)*
 12 *through (4) as paragraphs (3) through (5), re-*
 13 *spectively; and*

14 *(B) by inserting after paragraph (1) the fol-*
 15 *lowing:*

16 *“(2) ASSISTANCE TO STATES.—On request of a*
 17 *Governor of a State, the Secretary shall provide to the*
 18 *State technical assistance, training, or other support*
 19 *relating to—*

20 *“(A) assuming responsibility under sub-*
 21 *section (a);*

22 *“(B) developing a memorandum of under-*
 23 *standing under this subsection; or*

1 “(C) addressing a responsibility in need of
2 corrective action under subsection (d)(1)(B).”;
3 and
4 (2) in subsection (d), by striking paragraph (1)
5 and inserting the following:

6 “(1) *TERMINATION BY SECRETARY.*—The Sec-
7 retary may terminate the participation of any State
8 in the program, if—

9 “(A) the Secretary determines that the State
10 is not adequately carrying out the responsibil-
11 ities assigned to the State;

12 “(B) the Secretary provides to the State—

13 “(i) a notification of the determination
14 of noncompliance;

15 “(ii) a period of not less than 120 days
16 to take such corrective action as the Sec-
17 retary determines to be necessary to comply
18 with the applicable agreement; and

19 “(iii) on request of the Governor of the
20 State, a detailed description of each respon-
21 sibility in need of corrective action regard-
22 ing an inadequacy identified under sub-
23 paragraph (A); and

24 “(C) the State, after the notification and
25 period described in clauses (i) and (ii) of sub-

1 *paragraph (B), fails to take satisfactory correc-*
2 *tive action, as determined by the Secretary.”.*

3 **SEC. 11112. SURFACE TRANSPORTATION PROJECT DELIV-**
4 **ERY PROGRAM.**

5 *Section 327(j) of title 23, United States Code, is*
6 *amended by striking paragraph (1) and inserting the fol-*
7 *lowing:*

8 “(1) *TERMINATION BY SECRETARY.*—*The Sec-*
9 *retary may terminate the participation of any State*
10 *in the program if—*

11 “(A) *the Secretary determines that the State*
12 *is not adequately carrying out the responsibil-*
13 *ities assigned to the State;*

14 “(B) *the Secretary provides to the State—*

15 “(i) *a notification of the determination*
16 *of noncompliance;*

17 “(ii) *a period of not less than 120 days*
18 *to take such corrective action as the Sec-*
19 *retary determines to be necessary to comply*
20 *with the applicable agreement; and*

21 “(iii) *on request of the Governor of the*
22 *State, a detailed description of each respon-*
23 *sibility in need of corrective action regard-*
24 *ing an inadequacy identified under sub-*
25 *paragraph (A); and*

1 “(C) the State, after the notification and
2 period provided under subparagraph (B), fails to
3 take satisfactory corrective action, as determined
4 by the Secretary.”.

5 **SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL**
6 **PROJECTS.**

7 (a) *MULTIMODAL PROJECT DEFINED.*—Section 139(a)
8 of title 23, United States Code, is amended by striking
9 paragraph (5) and inserting the following:

10 “(5) *MULTIMODAL PROJECT.*—The term
11 ‘multimodal project’ means a project that requires ap-
12 proval by more than 1 Department of Transportation
13 operating administration or secretarial office.”.

14 (b) *APPLICATION OF CATEGORICAL EXCLUSIONS FOR*
15 *MULTIMODAL PROJECTS.*—Section 304 of title 49, United
16 States Code, is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by striking “oper-
19 ating authority that is not the lead authority
20 with respect to a project” and inserting “oper-
21 ating administration or secretarial office that
22 has expertise but is not the lead authority with
23 respect to a proposed multimodal project”; and

24 (B) by striking paragraph (2) and inserting
25 the following:

1 “(2) *LEAD AUTHORITY*.—The term ‘lead author-
2 ity’ means a Department of Transportation operating
3 administration or secretarial office that has the lead
4 responsibility for compliance with the National Envi-
5 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
6 for a proposed multimodal project.”;

7 (2) in subsection (b), by striking “under this
8 title” and inserting “by the Secretary of Transpor-
9 tation”;

10 (3) in subsection (c)—

11 (A) in the matter preceding paragraph

12 (1)—

13 (i) by striking “a categorical exclusion
14 designated under the implementing regula-
15 tions or” and inserting “a categorical exclu-
16 sion designated under the National Envi-
17 ronmental Policy Act of 1969 (42 U.S.C.
18 4321 et seq.) implementing regulations or”;
19 and

20 (ii) by striking “other components of
21 the” and inserting “a proposed
22 multimodal”; and

23 (B) by striking paragraphs (1) through (5)
24 and inserting the following:

1 “(1) the lead authority makes a determination,
2 in consultation with the cooperating authority, on the
3 applicability of a categorical exclusion to a proposed
4 multimodal project;

5 “(2) the cooperating authority does not object to
6 the determination of the lead authority of the applica-
7 bility of a categorical exclusion;

8 “(3) the lead authority determines that the com-
9 ponent of the proposed multimodal project to be cov-
10 ered by the categorical exclusion of the cooperating
11 authority has independent utility; and

12 “(4) the lead authority determines that—

13 “(A) the proposed multimodal project does
14 not individually or cumulatively have a signifi-
15 cant impact on the environment; and

16 “(B) extraordinary circumstances do not
17 exist that merit additional analysis and docu-
18 mentation in an environmental impact state-
19 ment or environmental assessment required
20 under the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.).”; and

22 (4) by striking subsection (d) and inserting the
23 following:

24 “(d) *COOPERATIVE AUTHORITY EXPERTISE*.—A co-
25 operating authority shall provide expertise to the lead au-

1 *thority on aspects of the multimodal project in which the*
2 *cooperating authority has expertise.”.*

3 **SEC. 11114. MODERNIZATION OF THE ENVIRONMENTAL RE-**
4 **VIEW PROCESS.**

5 *(a) IN GENERAL.—Not later than 180 days after the*
6 *date of enactment of this Act, the Secretary shall examine*
7 *ways to modernize, simplify, and improve the implementa-*
8 *tion of the National Environmental Policy Act of 1969 (42*
9 *U.S.C. 4231 et seq.) by the Department.*

10 *(b) INCLUSIONS.—In carrying out subsection (a), the*
11 *Secretary shall consider—*

12 *(1) the use of technology in the process, such*
13 *as—*

14 *(A) searchable databases;*

15 *(B) geographic information system map-*
16 *ping tools;*

17 *(C) integration of those tools with fiscal*
18 *management systems to provide more detailed*
19 *data; and*

20 *(D) other innovative technologies;*

21 *(2) ways to prioritize use of programmatic envi-*
22 *ronmental impact statements;*

23 *(3) methods to encourage cooperating agencies to*
24 *present analyses in a concise format; and*

1 (4) *any other improvements that can be made to*
2 *modernize process implementation.*

3 (c) *REPORT.*—*Not later than 1 year after the date of*
4 *enactment of this Act, the Secretary shall submit to the*
5 *Committee on Environment and Public Works of the Senate*
6 *and the Committee on Transportation and Infrastructure*
7 *of the House of Representatives a report describing the re-*
8 *sults of the review carried out under subsection (a).*

9 **SEC. 11115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**
10 **RELIGIOUS SERVICE SIGNS.**

11 *Notwithstanding section 131 of title 23, United States*
12 *Code, and part 750 of title 23, Code of Federal Regulations*
13 *(or successor regulations), a State may allow the mainte-*
14 *nance of a sign of a service club, charitable association, or*
15 *religious service that was erected as of the date of enactment*
16 *of this Act, the area of which is less than or equal to 32*
17 *square feet, if the State notifies the Federal Highway Ad-*
18 *ministration.*

19 **SEC. 11116. SATISFACTION OF REQUIREMENTS FOR CER-**
20 **TAIN HISTORIC SITES.**

21 (a) *HIGHWAYS.*—*Section 138 of title 23, United States*
22 *Code, is amended by adding at the end the following:*

23 “(c) *SATISFACTION OF REQUIREMENTS FOR CERTAIN*
24 *HISTORIC SITES.*—

25 “(1) *IN GENERAL.*—*The Secretary shall—*

1 “(A) align, to the maximum extent prac-
2 ticable, with the requirements of the National
3 Environmental Policy Act of 1969 (42 U.S.C.
4 4231 et seq.) and section 306108 of title 54, in-
5 cluding implementing regulations; and

6 “(B) not later than 90 days after the date
7 of enactment of this subsection, coordinate with
8 the Secretary of the Interior and the Executive
9 Director of the Advisory Council on Historic
10 Preservation (referred to in this subsection as the
11 ‘Council’) to establish procedures to satisfy the
12 requirements described in subparagraph (A) (in-
13 cluding regulations).

14 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

15 “(A) IN GENERAL.—If, in an analysis re-
16 quired under the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4231 et seq.), the Sec-
18 retary determines that there is no feasible or
19 prudent alternative to avoid use of an historic
20 site, the Secretary may—

21 “(i) include the determination of the
22 Secretary in the analysis required under
23 that Act;

24 “(ii) provide a notice of the determina-
25 tion to—

1 “(I) each applicable State historic
2 preservation officer and tribal historic
3 preservation officer;

4 “(II) the Council, if the Council is
5 participating in the consultation proc-
6 ess under section 306108 of title 54;
7 and

8 “(III) the Secretary of the Inte-
9 rior; and

10 “(iii) request from the applicable pres-
11 ervation officer, the Council, and the Sec-
12 retary of the Interior a concurrence that the
13 determination is sufficient to satisfy the re-
14 quirement of subsection (a)(1).

15 “(B) CONCURRENCE.—If the applicable
16 preservation officer, the Council, and the Sec-
17 retary of the Interior each provide a concurrence
18 requested under subparagraph (A)(iii), no fur-
19 ther analysis under subsection (a)(1) shall be re-
20 quired.

21 “(C) PUBLICATION.—A notice of a deter-
22 mination, together with each relevant concur-
23 rence to that determination, under subparagraph
24 (A) shall be—

1 “(i) included in the record of decision
2 or finding of no significant impact of the
3 Secretary; and

4 “(ii) posted on an appropriate Federal
5 website by not later than 3 days after the
6 date of receipt by the Secretary of all con-
7 currences requested under subparagraph
8 (A)(iii).

9 “(3) *ALIGNING HISTORICAL REVIEWS.*—

10 “(A) *IN GENERAL.*—If the Secretary, the
11 applicable preservation officer, the Council, and
12 the Secretary of the Interior concur that no fea-
13 sible and prudent alternative exists as described
14 in paragraph (2), the Secretary may provide to
15 the applicable preservation officer, the Council,
16 and the Secretary of the Interior notice of the in-
17 tent of the Secretary to satisfy the requirements
18 of subsection (a)(2) through the consultation re-
19 quirements of section 306108 of title 54.

20 “(B) *SATISFACTION OF CONDITIONS.*—To
21 satisfy the requirements of subsection (a)(2), each
22 individual described in paragraph (2)(A)(ii)
23 shall concur in the treatment of the applicable
24 historic site described in the memorandum of

1 *agreement or programmatic agreement developed*
2 *under section 306108 of title 54.”.*

3 **(b) PUBLIC TRANSPORTATION.**—*Section 303 of title*
4 *49, United States Code, is amended—*

5 *(1) in subsection (c), in the matter preceding*
6 *paragraph (1), by striking “subsection (d)” and in-*
7 *serting “subsections (d) and (e)”;* and

8 *(2) by adding at the end the following:*

9 **“(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN**
10 **HISTORIC SITES.**—

11 **“(1) IN GENERAL.**—*The Secretary shall—*

12 **“(A) align,** *to the maximum extent prac-*
13 *ticable, the requirements of this section with the*
14 *requirements of the National Environmental Pol-*
15 *icy Act of 1969 (42 U.S.C. 4231 et seq.) and sec-*
16 *tion 306108 of title 54, including implementing*
17 *regulations; and*

18 **“(B) not later than 90 days after the date**
19 *of enactment of this subsection, coordinate with*
20 *the Secretary of the Interior and the Executive*
21 *Director of the Advisory Council on Historic*
22 *Preservation (referred to in this subsection as the*
23 *‘Council’)* *to establish procedures to satisfy the*
24 *requirements described in subparagraph (A) (in-*
25 *cluding regulations).*

1 “(2) *AVOIDANCE ALTERNATIVE ANALYSIS.*—

2 “(A) *IN GENERAL.*—*If, in an analysis re-*
3 *quired under the National Environmental Policy*
4 *Act of 1969 (42 U.S.C. 4231 et seq.), the Sec-*
5 *retary determines that there is no feasible or*
6 *prudent alternative to avoid use of an historic*
7 *site, the Secretary may—*

8 “(i) *include the determination of the*
9 *Secretary in the analysis required under*
10 *that Act;*

11 “(ii) *provide a notice of the determina-*
12 *tion to—*

13 “(I) *each applicable State historic*
14 *preservation officer and tribal historic*
15 *preservation officer;*

16 “(II) *the Council, if the Council is*
17 *participating in the consultation proc-*
18 *ess under section 306108 of title 54;*
19 *and*

20 “(III) *the Secretary of the Inte-*
21 *rior; and*

22 “(iii) *request from the applicable pres-*
23 *ervation officer, the Council, and the Sec-*
24 *retary of the Interior a concurrence that the*

1 *determination is sufficient to satisfy the re-*
2 *quirement of subsection (c)(1).*

3 “(B) *CONCURRENCE.*—*If the applicable*
4 *preservation officer, the Council, and the Sec-*
5 *retary of the Interior each provide a concurrence*
6 *requested under subparagraph (A)(iii), no fur-*
7 *ther analysis under subsection (a)(1) shall be re-*
8 *quired.*

9 “(C) *PUBLICATION.*—*A notice of a deter-*
10 *mination, together with each relevant concur-*
11 *rence to that determination, under subparagraph*
12 *(A) shall be—*

13 “(i) *included in the record of decision*
14 *or finding of no significant impact of the*
15 *Secretary; and*

16 “(ii) *posted on an appropriate Federal*
17 *website by not later than 3 days after the*
18 *date of receipt by the Secretary of all con-*
19 *currences requested under subparagraph*
20 *(A)(iii).*

21 “(3) *ALIGNING HISTORICAL REVIEWS.*—

22 “(A) *IN GENERAL.*—*If the Secretary, the*
23 *applicable preservation officer, the Council, and*
24 *the Secretary of the Interior concur that no fea-*
25 *sible and prudent alternative exists as described*

1 (b) *POLICY ON LANDS, WILDLIFE AND WATERFOWL*
2 *REFUGES, AND HISTORIC SITES.*—Section 303 of title 49,
3 *United States Code, as amended by section 11116, is*
4 *amended by adding at the end the following:*

5 “(f) *BRIDGE EXEMPTION FROM CONSIDERATION.*—A
6 *common post-1945 concrete or steel bridge or culvert (as de-*
7 *scribed in 77 Fed. Reg. 68790) that is exempt from indi-*
8 *vidual review under section 306108 of title 54, United*
9 *States Code, shall be exempt from consideration under this*
10 *section.”.*

11 **SEC. 11118. ELIMINATION OF BARRIERS TO IMPROVE AT-**
12 **RISK BRIDGES.**

13 (a) *TEMPORARY AUTHORIZATION.*—

14 (1) *IN GENERAL.*—Until the Secretary of the In-
15 *terior takes the action described in subsection (b), the*
16 *take of nesting swallows to facilitate a construction*
17 *project on a bridge eligible for funding under title 23,*
18 *United States Code, with any component condition*
19 *rating of 3 or less (as defined by the National Bridge*
20 *Inventory General Condition Guidance issued by the*
21 *Federal Highway Administration) is authorized*
22 *under the Migratory Bird Treaty Act (16 U.S.C. 703*
23 *et seq.) between April 1 and August 31.*

24 (2) *MEASURES TO MINIMIZE IMPACTS.*—

1 (A) *NOTIFICATION BEFORE TAKING.*—Prior
2 to the taking of nesting swallows authorized
3 under paragraph (1), any person taking that ac-
4 tion shall submit to the Secretary of the Interior
5 a document that contains—

6 (i) the name of the person acting under
7 the authority of paragraph (1) to take nest-
8 ing swallows;

9 (ii) a list of practicable measures that
10 will be undertaken to minimize or mitigate
11 significant adverse impacts on the popu-
12 lation of that species;

13 (iii) the time period during which ac-
14 tivities will be carried out that will result
15 in the taking of that species; and

16 (iv) an estimate of the number of birds,
17 by species, to be taken in the proposed ac-
18 tion.

19 (B) *NOTIFICATION AFTER TAKING.*—Not
20 later than 60 days after the taking of nesting
21 swallows authorized under paragraph (1), any
22 person taking that action shall submit to the
23 Secretary of the Interior a document that con-
24 tains the number of birds, by species, taken in
25 the action.

1 **(b) AUTHORIZATION OF TAKE.**—

2 **(1) IN GENERAL.**—*The Secretary of the Interior,*
3 *in consultation with the Secretary, shall promulgate*
4 *a regulation under the authority of section 3 of the*
5 *Migratory Bird Treaty Act (16 U.S.C. 704) author-*
6 *izing the take of nesting swallows to facilitate bridge*
7 *repair, maintenance, or construction—*

8 **(A)** *without individual permit require-*
9 *ments; and*

10 **(B)** *under terms and conditions determined*
11 *to be consistent with treaties relating to migra-*
12 *tory birds that protect swallow species occurring*
13 *in the United States.*

14 **(2) TERMINATION.**—*On the effective date of a*
15 *final rule under this subsection by the Secretary of*
16 *the Interior, subsection (a) shall have no force or ef-*
17 *fect.*

18 **(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHOR-**
19 **IZATION.**—*If the Secretary of the Interior, in consultation*
20 *with the Secretary, determines that taking of nesting swal-*
21 *lows carried out under the authority provided in subsection*
22 *(a)(1) is having a significant adverse impact on swallow*
23 *populations, the Secretary of the Interior may suspend that*
24 *authority through publication in the Federal Register.*

1 **SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.**

2 (a) *DEFINITION OF PRELIMINARY ENGINEERING.*—In
3 this section, the term “preliminary engineering” means al-
4 lowable preconstruction project development and engineer-
5 ing costs.

6 (b) *AT-RISK PROJECT PREAGREEMENT AUTHORITY.*—
7 A recipient or subrecipient of Federal-aid funds under title
8 23, United States Code, may—

9 (1) incur preliminary engineering costs for an
10 eligible project under title 23, United States Code, be-
11 fore receiving project authorization from the State, in
12 the case of a subrecipient, and the Secretary to pro-
13 ceed with the project; and

14 (2) request reimbursement of applicable Federal
15 funds after the project authorization is received.

16 (c) *ELIGIBILITY.*—The Secretary may reimburse pre-
17 liminary engineering costs incurred by a recipient or sub-
18 recipient under subsection (b)—

19 (1) if the costs meet all applicable requirements
20 under title 23, United States Code, at the time the
21 costs are incurred and the Secretary concurs that the
22 requirements have been met;

23 (2) in the case of a project located within a des-
24 ignated nonattainment or maintenance area for air
25 quality, if the conformity requirements of the Clean
26 Air Act (42 U.S.C. 7401 et seq.) have been met; and

1 (3) *if the costs would have been allowable if in-*
2 *curring after the date of the project authorization by*
3 *the Department.*

4 (d) *AT-RISK.—A recipient or subrecipient that elects*
5 *to use the authority provided under this section shall—*

6 (1) *assume all risk for preliminary engineering*
7 *costs incurred prior to project authorization; and*

8 (2) *be responsible for ensuring and dem-*
9 *onstrating to the Secretary that all applicable cost eli-*
10 *gibility conditions are met after the authorization is*
11 *received.*

12 (e) *RESTRICTIONS.—Nothing in this section—*

13 (1) *allows a recipient or subrecipient to use the*
14 *authority under this section to advance a project be-*
15 *yond preliminary engineering prior to the completion*
16 *of the environmental review process;*

17 (2) *waives the applicability of Federal require-*
18 *ments to a project other than the reimbursement of*
19 *preliminary engineering costs incurred prior to an*
20 *authorization to proceed in accordance with this sec-*
21 *tion; or*

22 (3) *guarantees Federal funding of the project or*
23 *the eligibility of the project for future Federal-aid*
24 *highway funding.*

Subtitle C—Miscellaneous**SEC. 11201. CREDITS FOR UNTAXED TRANSPORTATION****FUELS.**

(a) *DEFINITION OF QUALIFIED REVENUES.*—In this section, the term “qualified revenues” means any amounts—

(1) *collected by a State—*

(A) *for the registration of a vehicle that operates solely on a fuel that is not subject to a Federal tax; and*

(B) *not sooner than the second registration period following the purchase of the vehicle; and*

(2) *that do not exceed, for a vehicle described in paragraph (1), an annual amount determined by the Secretary to be equal to the annual amount paid for Federal motor fuels taxes on the fuel used by an average passenger car fueled solely by gasoline.*

(b) *CREDIT.*—

(1) *IN GENERAL.*—Subject to paragraph (2), if a State contributes qualified revenues to cover not less than 5 percent of the total cost of a project eligible for assistance under this title, the Federal share payable for the project under this section may be increased by an amount that is—

1 (A) equal to the percent of the total cost of
2 the project from contributed qualified revenues;
3 but

4 (B) not more than 5 percent of the total cost
5 of the project.

6 (2) *EXPIRATION.*—The authorization of an in-
7 creased Federal share for a project pursuant to para-
8 graph (1) expires on September 30, 2023.

9 (c) *STUDY.*—

10 (1) *IN GENERAL.*—Before the expiration date of
11 the credit under subsection (b)(2), the Secretary, in
12 coordination with other appropriate Federal agencies,
13 shall submit to the Committee on Environment and
14 Public Works of the Senate and the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives a report that describes the most effi-
17 cient and equitable means of taxing motor vehicle
18 fuels not subject to a Federal tax as of the date of sub-
19 mission of the report.

20 (2) *REQUIREMENT.*—The means described in the
21 report under paragraph (1) shall parallel, as closely
22 as practicable, the structure of other Federal taxes on
23 motor fuels.

1 **SEC. 11202. JUSTIFICATION REPORTS FOR ACCESS POINTS**
2 **ON THE INTERSTATE SYSTEM.**

3 *Section 111(e) of title 23, United States Code, is*
4 *amended by inserting “(including new or modified freeway-*
5 *to-crossroad interchanges inside a transportation manage-*
6 *ment area)” after “the Interstate System”.*

7 **SEC. 11203. EXEMPTIONS.**

8 *Section 127 of title 23, United States Code, is amended*
9 *by adding at the end the following:*

10 *“(m) NATURAL GAS VEHICLES.—A vehicle, if operated*
11 *by an engine fueled primarily by natural gas, may exceed*
12 *any vehicle weight limit (up to a maximum gross vehicle*
13 *weight of 82,000 pounds) under this section by an amount*
14 *that is equal to the difference between—*

15 *“(1) the weight of the vehicle attributable to the*
16 *natural gas tank and fueling system carried by that*
17 *vehicle; and*

18 *“(2) the weight of a comparable diesel tank and*
19 *fueling system.*

20 *“(n) EMERGENCY VEHICLES.—*

21 *“(1) DEFINITION OF EMERGENCY VEHICLE.—In*
22 *this subsection, the term ‘emergency vehicle’ means a*
23 *vehicle designed to be used under emergency condi-*
24 *tions—*

25 *“(A) to transport personnel and equipment;*
26 *and*

1 “(B) to support the suppression of fires and
2 mitigation of other hazardous situations.

3 “(2) *EMERGENCY VEHICLE WEIGHT LIMIT.*—Not-
4 withstanding subsection (a), a State shall not enforce
5 against an emergency vehicle a vehicle weight limit
6 (up to a maximum gross vehicle weight of 86,000
7 pounds) of less than—

8 “(A) 24,000 pounds on a single steering
9 axle;

10 “(B) 33,500 pounds on a single drive axle;

11 “(C) 62,000 pounds on a tandem axle; or

12 “(D) 52,000 pounds on a tandem rear drive
13 steer axle.

14 “(o) *OPERATION OF CERTAIN SPECIALIZED VEHICLES*
15 *ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.*—

16 If any segment of United States Route 63 between the exits
17 for highways 14 and 75 in the State of Arkansas is des-
18 ignated as part of the Interstate System—

19 “(1) a vehicle that could legally operate on the
20 segment before the date of the designation at the post-
21 ed speed limit may continue to operate on that seg-
22 ment; and

23 “(2) a vehicle that can only travel below the
24 posted speed limit on the segment that could otherwise
25 legally operate on the segment before the date of the

1 *designation may continue to operate on that segment*
 2 *during daylight hours.”.*

3 **SEC. 11204. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
 4 **HIGHWAY SYSTEM.**

5 *Section 1105 of the Intermodal Surface Transpor-*
 6 *tation Efficiency Act of 1991 (105 Stat. 2031) is amend-*
 7 *ed—*

8 *(1) in subsection (c) (105 Stat. 2032; 112 Stat.*
 9 *190; 119 Stat. 1213)—*

10 *(A) by striking paragraph (13) and insert-*
 11 *ing the following:*

12 *“(13) Raleigh-Norfolk Corridor from Raleigh,*
 13 *North Carolina, through Rocky Mount, Williamston*
 14 *and Elizabeth City, North Carolina, to Norfolk, Vir-*
 15 *ginia.”;*

16 *(B) in paragraph (18)(D)—*

17 *(i) in clause (ii), by striking “and” at*
 18 *the end;*

19 *(ii) in clause (iii), by striking the pe-*
 20 *riod at the end and inserting “; and”; and*

21 *(iii) by adding at the end the fol-*
 22 *lowing:*

23 *“(iv) include Texas State Highway 44*
 24 *from United States Route 59 at Freer,*
 25 *Texas, to Texas State Highway 358.”; and*

1 (C) by striking paragraph (68) and insert-
2 ing the following:

3 “(68) *The Washoe County Corridor and the*
4 *Intermountain West Corridor shall generally follow:*

5 “(A) *in the case of the Washoe County Cor-*
6 *ridor, along Interstate Route 580/United States*
7 *Route 95/United States Route 95A, from Reno,*
8 *Nevada, to Las Vegas, Nevada; and*

9 “(B) *in the case of the Intermountain West*
10 *Corridor, from the vicinity of Las Vegas extend-*
11 *ing north along United States Route 95, termi-*
12 *nating at Interstate Route 80.”; and*

13 (D) by adding at the end the following:

14 “(81) *United States Route 117/Interstate Route*
15 *795 from United States Route 70 in Goldsboro,*
16 *Wayne County, North Carolina, to Interstate Route*
17 *40 west of Faison, Sampson County, North Carolina.*

18 “(82) *United States Route 70 from its intersec-*
19 *tion with Interstate Route 40 in Garner, Wake Coun-*
20 *ty, North Carolina, to the Port at Morehead City,*
21 *Carteret County, North Carolina.*

22 “(83) *The Central Texas Corridor commencing*
23 *at the logical terminus of Interstate 10, and generally*
24 *following portions of United States Route 190 east-*
25 *ward passing in the vicinity Fort Hood, Killeen,*

1 *Belton, Temple, Bryan, College Station, Huntsville,*
2 *Livingston, Woodville, and to the logical terminus of*
3 *Texas Highway 63 at the Sabine River Bridge at*
4 *Burrs Crossing.”;*

5 (2) *in subsection (e)(5)—*

6 (A) *in subparagraph (A) (109 Stat. 597;*
7 *118 Stat. 293; 119 Stat. 1213), in the first sen-*
8 *tence—*

9 (i) *by inserting “subsection (c)(13),”*
10 *after “subsection (c)(9),”;*

11 (ii) *by striking “subsections (c)(18)”*
12 *and all that follows through “(c)(36)” and*
13 *inserting “subsection (c)(18), subsection*
14 *(c)(20), subparagraphs (A) and (B)(i) of*
15 *subsection (c)(26), subsection (c)(36)” ; and*

16 (iii) *by striking “and subsection*
17 *(c)(57)” and inserting “subsection (c)(57),*
18 *subsection (c)(68)(B), subsection (c)(81),*
19 *and subsection (c)(82)”;* and

20 (B) *in subparagraph (C)(i) (109 Stat. 598;*
21 *126 Stat. 427), by striking the last sentence and*
22 *inserting “The routes referred to in subpara-*
23 *graphs (A) and (B)(i) of subsection (c)(26) and*
24 *in subsection (c)(68)(B) are designated as Inter-*
25 *state Route I-11.”.*

1 **SEC. 11205. REPEAT INTOXICATED DRIVER LAW.**

2 Section 164(a)(4) of title 23, United States Code, is
3 amended in the matter preceding subparagraph (A) by in-
4 serting “or combination of laws” after “means a State
5 law”.

6 **SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.**

7 (a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—
8 Section 119(d)(2)(L) of title 23, United States Code, is
9 amended by inserting “, including the installation of inter-
10 operable vehicle-to-infrastructure communication equip-
11 ment” after “capital improvements”.

12 (b) SURFACE TRANSPORTATION PROGRAM.—Section
13 133(b)(16) of title 23, United States Code, by inserting “,
14 including the installation of interoperable vehicle-to-infra-
15 structure communication equipment” after “capital im-
16 provements”.

17 **SEC. 11207. RELINQUISHMENT.**

18 A State transportation agency may relinquish park-
19 and-ride lot facilities or portions of park-and-ride lot facili-
20 ties to a local government agency for highway purposes if
21 authorized to do so under State law.

22 **SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.**

23 (a) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

25 (1) ELIGIBLE STATE.—The term “eligible State”
26 means a State that—

1 (A) is eligible to use a credit under section
2 120(i) of title 23, United States Code; and

3 (B) has been selected by the Secretary under
4 subsection (d)(2).

5 (2) *RECIPIENT STATE*.—The term “recipient
6 State” means a State that receives a credit by trans-
7 fer or by sale under this section from an eligible
8 State.

9 (b) *ESTABLISHMENT OF PILOT PROGRAM*.—Not later
10 than 1 year after the date of the establishment of a nation-
11 wide toll credit monitoring and tracking system under sub-
12 section (g), the Secretary shall establish and implement a
13 toll credit marketplace pilot program in accordance with
14 this section.

15 (c) *PURPOSES*.—The purposes of the pilot program es-
16 tablished under subsection (b) are—

17 (1) to identify whether a monetary value can be
18 assigned to toll credits;

19 (2) to identify the discounted rate of toll credits
20 for cash;

21 (3) to determine if the purchase of toll credits by
22 States provides the purchasing State budget flexibility
23 to deal with funding issues, including off-system
24 needs, transit systems with high operating costs, or
25 cash flow issues; and

1 (4) *to test the feasibility of expanding the toll*
2 *credit market to allow all States to participate on a*
3 *permanent basis.*

4 *(d) SELECTION OF ELIGIBLE STATES.—*

5 (1) *APPLICATION TO SECRETARY.—In order to*
6 *participate in the pilot program established under*
7 *subsection (b), a State shall submit to the Secretary*
8 *an application at such time, in such manner, and*
9 *containing such information as the Secretary may re-*
10 *quire.*

11 (2) *SELECTION.—Of the States that submit an*
12 *application under paragraph (1), the Secretary may*
13 *select not more than 10 States to be designated as an*
14 *eligible State.*

15 *(e) TRANSFER OR SALE OF CREDITS.—*

16 (1) *IN GENERAL.—In carrying out the pilot pro-*
17 *gram established under subsection (b), the Secretary*
18 *shall provide that an eligible State may transfer or*
19 *sell to a recipient State a credit not used by the eligi-*
20 *ble State under section 120(i) of title 23, United*
21 *States Code.*

22 (2) *USE OF CREDITS BY TRANSFEREE OR PUR-*
23 *CHASER.—A recipient State may use a credit received*
24 *under paragraph (1) toward the non-Federal share*
25 *requirement for any funds made available to carry*

1 *out title 23 or chapter 53 of title 49, United States*
2 *Code.*

3 (3) *CONDITION ON TRANSFER OR SALE OF CRED-*
4 *ITS.—To receive a credit under paragraph (1), a re-*
5 *ipient State shall enter into an agreement with the*
6 *Secretary described in section 120(i) of title 23,*
7 *United States Code.*

8 (f) *USE OF PROCEEDS FROM SALE OF CREDITS.—An*
9 *eligible State shall use the proceeds from the sale of a credit*
10 *under subsection (e)(1) for any project in the eligible State*
11 *that is eligible under the surface transportation program*
12 *established under section 133 of title 23, United States*
13 *Code.*

14 (g) *TOLL CREDIT MONITORING AND TRACKING.—Not*
15 *later than 180 days after the enactment of this section, the*
16 *Secretary shall establish a nationwide toll credit moni-*
17 *toring and tracking system that functions as a real-time*
18 *database on the inventory and use of toll credits among all*
19 *States (as defined in section 101(a) of title 23, United*
20 *States Code).*

21 (h) *NOTIFICATION.—Not later than 30 days after the*
22 *date on which a credit is transferred or sold under sub-*
23 *section (e)(1), the eligible State shall submit to the Sec-*
24 *retary in writing a notification of the transfer or sale.*

25 (i) *REPORTING REQUIREMENTS.—*

1 (1) *INITIAL REPORT.*—Not later than 180 days
2 after the date of establishment of the pilot program
3 under subsection (b), the Secretary shall submit to the
4 Committee on Environment and Public Works of the
5 Senate and the Committee on Transportation and In-
6 frastructure of the House of Representatives a report
7 on the progress of the pilot program.

8 (2) *STATE REPORT.*—

9 (A) *REPORT BY ELIGIBLE STATE.*—Not
10 later than 30 days after a purchase or sale under
11 subsection (e)(1), an eligible State shall submit
12 to the Secretary a report that describes—

13 (i) information on the transaction;

14 (ii) the amount of cash received and
15 the value of toll credits sold;

16 (iii) the intended use of the cash; and

17 (iv) an update on the remaining toll
18 credit balance of the State.

19 (B) *REPORT BY RECIPIENT STATE.*—Not
20 later than 30 days after a purchase or sale under
21 subsection (e)(1), a recipient State shall submit
22 to the Secretary a report that describes—

23 (i) the value of toll credits purchased;

24 (ii) the anticipated use of the toll cred-
25 its; and

1 (iii) plans for maintaining maintenance of effort for spending on Federal-aid highways projects.

2
3
4 (3) ANNUAL REPORT.—Not later than 1 year after the date on which the pilot program under subsection (b) is established and each year thereafter that the pilot program is in effect, the Secretary shall—

5 (A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

6 (i) determines whether a toll credit marketplace is viable;

7 (ii) describes the buying and selling activities of the pilot program;

8 (iii) describes the monetary value of toll credits;

9 (iv) determines whether the pilot program could be expanded to more States or all States; and

10 (v) provides updated information on the toll credit balance accumulated by each State; and

1 (B) make the report described in subpara-
2 graph (A) publicly available on the website of the
3 Department.

4 (j) *TERMINATION.*—The Secretary may terminate the
5 program established under this section or the participation
6 of any State in the program if the Secretary determines
7 that the program is not serving a public benefit.

8 **SEC. 11209. REGIONAL INFRASTRUCTURE ACCELERATOR**
9 **DEMONSTRATION PROGRAM.**

10 (a) *IN GENERAL.*—The Secretary shall establish a re-
11 gional infrastructure demonstration program (referred to in
12 this section as the “program”) to assist entities in devel-
13 oping improved infrastructure priorities and financing
14 strategies for the accelerated development of a project that
15 is eligible for funding under the TIFIA program under
16 chapter 6 of title 23, United States Code.

17 (b) *DESIGNATION OF REGIONAL INFRASTRUCTURE AC-*
18 *CELERATORS.*—In carrying out the program, the Secretary
19 may designate regional infrastructure accelerators that
20 will—

21 (1) serve a defined geographic area; and
22 (2) act as a resource in the geographic area to
23 qualified entities in accordance with this section.

24 (c) *APPLICATION.*—To be eligible for a designation
25 under subsection (b), a proposed regional infrastructure ac-

1 *celerator shall submit to the Secretary a proposal at such*
2 *time, in such manner, and containing such information as*
3 *the Secretary may require.*

4 (d) *CRITERIA.—In evaluating a proposal submitted*
5 *under subsection (c), the Secretary shall consider—*

6 (1) *the need for geographic diversity among re-*
7 *gional infrastructure accelerators; and*

8 (2) *the ability of the proposal to promote invest-*
9 *ment in covered infrastructure projects, which shall*
10 *include a plan—*

11 (A) *to evaluate and promote innovative fi-*
12 *nancing methods for local projects, including the*
13 *use of the TIFIA program under chapter 6 of*
14 *title 23, United States Code;*

15 (B) *to build capacity of State, local, and*
16 *tribal governments to evaluate and structure*
17 *projects involving the investment of private cap-*
18 *ital;*

19 (C) *to provide technical assistance and in-*
20 *formation on best practices with respect to fi-*
21 *nancing the projects;*

22 (D) *to increase transparency with respect to*
23 *infrastructure project analysis and using inno-*
24 *vative financing for public infrastructure*
25 *projects;*

1 (E) to deploy predevelopment capital pro-
2 grams designed to facilitate the creation of a
3 pipeline of infrastructure projects available for
4 investment;

5 (F) to bundle smaller-scale and rural
6 projects into larger proposals that may be more
7 attractive for investment; and

8 (G) to reduce transaction costs for public
9 project sponsors.

10 (e) ANNUAL REPORT.—Not less frequently than once
11 each year, the Secretary shall submit to Congress a report
12 that describes the findings and effectiveness of the program.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out the program
15 \$12,000,000, of which the Secretary shall use—

16 (1) \$11,750,000 for initial grants to regional in-
17 frastructure accelerators under subsection (b); and

18 (2) \$250,000 for administrative costs of carrying
19 out the program.

20 **SEC. 11210. SONORAN CORRIDOR INTERSTATE DEVELOP-**
21 **MENT.**

22 (a) FINDINGS.—Congress finds that the designation of
23 the Sonoran Corridor Interstate connecting Interstate 19 to
24 Interstate 10 south of the Tucson International Airport as
25 a future part of the Interstate System would—

1 (1) *enhance direct linkage between major trading*
2 *routes connecting growing ports, agricultural regions,*
3 *infrastructure and manufacturing centers, and exist-*
4 *ing high priority corridors of the National Highway*
5 *System; and*

6 (2) *significantly improve connectivity on the fu-*
7 *ture Interstate 11 and the CANAMEX Corridor, a*
8 *route directly linking the United States with Mexico*
9 *and Canada.*

10 (b) *HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-*
11 *WAY SYSTEM.—Section 1105(c) of the Intermodal Surface*
12 *Transportation Efficiency Act of 1991 (105 Stat. 2032; 119*
13 *Stat. 1210) (as amended by section 11204) is amended by*
14 *adding at the end the following:*

15 “(84) *State Route 410, the Sonoran Corridor*
16 *connecting Interstate 19 to Interstate 10 south of the*
17 *Tucson International Airport.”.*

18 (c) *FUTURE PARTS OF INTERSTATE SYSTEM.—Section*
19 *1105(e)(5)(A) of the Intermodal Surface Transportation Ef-*
20 *iciency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) (as*
21 *amended by section 11204) is amended in the first sentence*
22 *by striking “and subsection (c)(82)” and inserting “sub-*
23 *section (c)(82), and subsection (c)(84)”.*

1 **TITLE II—TRANSPORTATION**
2 **INNOVATION**

3 ***Subtitle A—Research***

4 **SEC. 12001. RESEARCH, TECHNOLOGY, AND EDUCATION.**

5 (a) *HIGHWAY RESEARCH AND DEVELOPMENT PRO-*
6 *GRAM.—Section 503(b)(3) of title 23, United States Code,*
7 *is amended—*

8 (1) *in subparagraph (C)—*

9 (A) *in clause (xviii), by striking “and” at*
10 *the end;*

11 (B) *in clause (xix), by striking the period*
12 *at the end and inserting a semicolon; and*

13 (C) *by adding at the end the following:*

14 “*(xx) accelerated mobile, highway-*
15 *speed, bridge inspection methods that pro-*
16 *vide quantitative data-driven decision-*
17 *making capabilities without requiring lane*
18 *closures; and*

19 “*(xxi) innovative segmental wall tech-*
20 *nology for soil bank stabilization and road-*
21 *way sound attenuation, and articulated*
22 *technology for hydraulic sheer-resistant ero-*
23 *sion control.”; and*

24 (2) *in subparagraph (D)(i), by inserting “and*
25 *section 119(e)” after “this subparagraph”.*

1 (b) *TECHNOLOGY AND INNOVATION DEPLOYMENT PRO-*
2 *GRAM.*—Section 503(c) of title 23, United States Code, is
3 *amended*—

4 (1) *in paragraph (1), in the matter preceding*
5 *subparagraph (A), by striking “carry out” and in-*
6 *serting “establish and implement”;*

7 (2) *in paragraph (2)—*

8 (A) *in subparagraph (B), by striking clause*
9 *(i) and inserting the following:*

10 *“(i) use not less than 50 percent of the*
11 *funds authorized to carry out this sub-*
12 *section to make grants to, and enter into co-*
13 *operative agreements and contracts with,*
14 *States, other Federal agencies, local govern-*
15 *ments, metropolitan planning organiza-*
16 *tions, institutions of higher education, pri-*
17 *vate sector entities, and nonprofit organiza-*
18 *tions to carry out demonstration programs*
19 *that will accelerate the deployment and*
20 *adoption of transportation research activi-*
21 *ties;”;*

22 (B) *by redesignating subparagraph (C) as*
23 *subparagraph (D); and*

24 (C) *by inserting after subparagraph (B) the*
25 *following:*

1 “(C) *INNOVATION GRANTS.*—

2 “(i) *IN GENERAL.*—*In carrying out the*
3 *program established under subparagraph*
4 *(B)(i), the Secretary shall establish a trans-*
5 *parent competitive process in which entities*
6 *described in subparagraph (B)(i) may sub-*
7 *mit an application to receive a grant under*
8 *this subsection.*

9 “(ii) *PUBLICATION OF APPLICATION*
10 *PROCESS.*—*A description of the application*
11 *process established by the Secretary shall—*

12 “(I) *be posted on a public website;*

13 “(II) *identify the information re-*
14 *quired to be included in the applica-*
15 *tion; and*

16 “(III) *identify the criteria by*
17 *which the Secretary shall select grant*
18 *recipients.*

19 “(iii) *SUBMISSION OF APPLICATION.*—
20 *To receive a grant under this paragraph, an*
21 *entity described in subparagraph (B)(i)*
22 *shall submit an application to the Sec-*
23 *retary.*

24 “(iv) *SELECTION AND APPROVAL.*—*The*
25 *Secretary shall select and approve an appli-*

1 *cation submitted under clause (iii) based on*
2 *whether the project described in the applica-*
3 *tion meets the goals of the program de-*
4 *scribed in paragraph (1).”;* and

5 *(3) in paragraph (3)(C), by striking “each of fis-*
6 *cal years 2013 through 2014” and inserting “each fis-*
7 *cal year”.*

8 *(c) CONFORMING AMENDMENT.—Section 505(c)(1) of*
9 *title 23, United States Code, is amended by striking “sec-*
10 *tion 503(c)(2)(C)” and inserting “section 503 (c)(2)(D)”.*

11 **SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.**

12 *(a) INTELLIGENT TRANSPORTATION SYSTEMS DE-*
13 *PLOYMENT.—Section 513 of title 23, United States Code,*
14 *is amended by adding at the end the following:*

15 *“(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT*
16 *GRANT PROGRAM.—*

17 *“(1) ESTABLISHMENT.—The Secretary shall es-*
18 *tablish a competitive grant program to accelerate the*
19 *deployment, operation, systems management, inter-*
20 *modal integration, and interoperability of the ITS*
21 *program and ITS-enabled operational strategies—*

22 *“(A) to measure and improve the perform-*
23 *ance of the surface transportation system;*

1 “(B) to reduce traffic congestion and the
2 economic and environmental impacts of traffic
3 congestion;

4 “(C) to minimize fatalities and injuries;

5 “(D) to enhance mobility of people and
6 goods;

7 “(E) to improve traveler information and
8 services; and

9 “(F) to optimize existing roadway capacity.

10 “(2) APPLICATION.—To be eligible for a grant
11 under this subsection, an eligible entity shall submit
12 an application to the Secretary that includes—

13 “(A) a plan to deploy and provide for the
14 long-term operation and maintenance of intel-
15 ligent transportation systems to improve safety,
16 efficiency, system performance, and return on in-
17 vestment, such as—

18 “(i) autonomous vehicle communica-
19 tion technologies;

20 “(ii) vehicle-to-vehicle or vehicle-to-in-
21 frastructure communication technologies;

22 “(iii) real-time integrated traffic, tran-
23 sit, and multimodal transportation infor-
24 mation;

1 “(iv) advanced traffic, freight, parking,
2 and incident management systems;

3 “(v) advanced technologies to improve
4 transit and commercial vehicle operations;

5 “(vi) synchronized, adaptive, and tran-
6 sit preferential traffic signals;

7 “(vii) advanced infrastructure condi-
8 tion assessment technologies; and

9 “(viii) other technologies to improve
10 system operations, including ITS applica-
11 tions necessary for multimodal systems inte-
12 gration and for achieving performance
13 goals;

14 “(B) quantifiable system performance im-
15 provements, including—

16 “(i) reductions in traffic-related crash-
17 es, congestion, and costs;

18 “(ii) optimization of system efficiency;
19 and

20 “(iii) improvement of access to trans-
21 portation services;

22 “(C) quantifiable safety, mobility, and envi-
23 ronmental benefit projections, including data-
24 driven estimates of the manner in which the
25 project will improve the efficiency of the trans-

1 *portation system and reduce traffic congestion in*
2 *the region;*

3 *“(D) a plan for partnering with the private*
4 *sector, including telecommunications industries*
5 *and public service utilities, public agencies (in-*
6 *cluding multimodal and multijurisdictional enti-*
7 *ties), research institutions, organizations rep-*
8 *resenting transportation and technology leaders,*
9 *and other transportation stakeholders;*

10 *“(E) a plan to leverage and optimize exist-*
11 *ing local and regional ITS investments; and*

12 *“(F) a plan to ensure interoperability of de-*
13 *ployed technologies with other tolling, traffic*
14 *management, and intelligent transportation sys-*
15 *tems.*

16 *“(3) SELECTION.—*

17 *“(A) IN GENERAL.—Effective beginning not*
18 *later than 1 year after the date of enactment of*
19 *the DRIVE Act, the Secretary may provide*
20 *grants to eligible entities under this subsection.*

21 *“(B) GEOGRAPHIC DIVERSITY.—In award-*
22 *ing a grant under this subsection, the Secretary*
23 *shall ensure, to the maximum extent practicable,*
24 *that grant recipients represent diverse geo-*

1 *graphical areas of the United States, including*
2 *urban, suburban, and rural areas.*

3 “(C) *NON-FEDERAL SHARE.*—*In awarding*
4 *a grant under the subsection, the Secretary shall*
5 *give priority to grant recipients that dem-*
6 *onstrate an ability to contribute a significant*
7 *non-Federal share to the cost of carrying out the*
8 *project for which the grant is received.*

9 “(4) *ELIGIBLE USES.*—*Projects for which grants*
10 *awarded under this subsection may be used include—*

11 “(A) *the deployment of autonomous vehicle*
12 *communication technologies;*

13 “(B) *the deployment of vehicle-to-vehicle or*
14 *vehicle-to-infrastructure communication tech-*
15 *nologies;*

16 “(C) *the establishment and implementation*
17 *of ITS and ITS-enabled operations strategies*
18 *that improve performance in the areas of—*

19 “(i) *traffic operations;*

20 “(ii) *emergency response to surface*
21 *transportation incidents;*

22 “(iii) *incident management;*

23 “(iv) *transit and commercial vehicle*
24 *operations improvements;*

1 “(v) *weather event response manage-*
2 *ment by State and local authorities;*

3 “(vi) *surface transportation network*
4 *and facility management;*

5 “(vii) *construction and work zone*
6 *management;*

7 “(viii) *traffic flow information;*

8 “(ix) *freight management; and*

9 “(x) *congestion management;*

10 “(D) *carrying out activities that support*
11 *the creation of networks that link metropolitan*
12 *and rural surface transportation systems into an*
13 *integrated data network, capable of collecting,*
14 *sharing, and archiving transportation system*
15 *traffic condition and performance information;*

16 “(E) *the implementation of intelligent*
17 *transportation systems and technologies that im-*
18 *prove highway safety through information and*
19 *communications systems linking vehicles, infra-*
20 *structure, mobile devices, transportation users,*
21 *and emergency responders;*

22 “(F) *the provision of services necessary to*
23 *ensure the efficient operation and management of*
24 *ITS infrastructure, including costs associated*
25 *with communications, utilities, rent, hardware,*

1 *software, labor, administrative costs, training,*
2 *and technical services;*

3 “(G) *the provision of support for the estab-*
4 *lishment and maintenance of institutional rela-*
5 *tionships between transportation agencies, police,*
6 *emergency medical services, private emergency*
7 *operators, freight operators, shippers, public*
8 *service utilities, and telecommunications pro-*
9 *viders;*

10 “(H) *carrying out multimodal and cross-ju-*
11 *risdictional planning and deployment of re-*
12 *gional transportation systems operations and*
13 *management approaches; and*

14 “(I) *performing project evaluations to deter-*
15 *mine the costs, benefits, lessons learned, and fu-*
16 *ture deployment strategies associated with the*
17 *deployment of intelligent transportation systems.*

18 “(5) *REPORT TO SECRETARY.—For each fiscal*
19 *year that an eligible entity receives a grant under*
20 *this subsection, not later than 1 year after receiving*
21 *the grant, each recipient shall submit to the Secretary*
22 *a report that describes how the project has met the ex-*
23 *pectations projected in the deployment plan submitted*
24 *with the application, including information on—*

1 “(A) *how the program has helped reduce*
2 *traffic crashes, congestion, costs, and other bene-*
3 *fits of the deployed systems;*

4 “(B) *the effect of measuring and improving*
5 *transportation system performance through the*
6 *deployment of advanced technologies;*

7 “(C) *the effectiveness of providing real-time*
8 *integrated traffic, transit, and multimodal trans-*
9 *portation information to the public that allows*
10 *the public to make informed travel decisions; and*

11 “(D) *lessons learned and recommendations*
12 *for future deployment strategies to optimize*
13 *transportation efficiency and multimodal system*
14 *performance.*

15 “(6) *REPORT TO CONGRESS.—Not later than 2*
16 *years after the date on which the first grant is award-*
17 *ed under this subsection and annually thereafter for*
18 *each fiscal year for which grants are awarded under*
19 *this subsection, the Secretary shall submit to Congress*
20 *a report that describes the effectiveness of the grant*
21 *recipients in meeting the projected deployment plan*
22 *goals, including data on how the grant program*
23 *has—*

24 “(A) *reduced traffic-related fatalities and*
25 *injuries;*

1 “(B) reduced traffic congestion and im-
2 proved travel-time reliability;

3 “(C) reduced transportation-related emis-
4 sions;

5 “(D) optimized multimodal system perform-
6 ance;

7 “(E) improved access to transportation al-
8 ternatives;

9 “(F) provided the public with access to real-
10 time integrated traffic, transit, and multimodal
11 transportation information to make informed
12 travel decisions;

13 “(G) provided cost savings to transportation
14 agencies, businesses, and the traveling public;
15 and

16 “(H) provided other benefits to transpor-
17 tation users and the general public.

18 “(7) *ADDITIONAL GRANTS.*—If the Secretary de-
19 termines, based on a report submitted under para-
20 graph (5), that a grant recipient is not complying
21 with the established grant criteria, the Secretary
22 may—

23 “(A) cease payment to the recipient of any
24 remaining grant amounts; and

1 “(B) redistribute any remaining amounts to
2 other eligible entities under this section.

3 “(8) *NON-FEDERAL SHARE.*—*The Federal share*
4 *of the cost of a project for which a grant is provided*
5 *under this subsection shall not exceed 50 percent of*
6 *the cost of the project.*

7 “(9) *FUNDING.*—*Of the funds made available*
8 *each fiscal year to carry out the intelligent transpor-*
9 *tation system program under sections 512 through*
10 *518, not less than \$30,000,000 shall be used to carry*
11 *out this subsection.”.*

12 **(b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS**
13 **AND PURPOSES.**—*Section 514(a) of title 23, United States*
14 *Code, is amended—*

15 (1) *in paragraph (4), by striking “and” at the*
16 *end; and*

17 (2) *by striking paragraph (5) and inserting the*
18 *following:*

19 “(5) *improvement of the ability of the United*
20 *States to respond to security-related or other man-*
21 *made emergencies and natural disasters; and*

22 “(6) *enhancement of the freight system of the*
23 *United States and support to freight policy goals by*
24 *conducting heavy duty vehicle demonstration activi-*

1 *ties and accelerating adoption of ITS applications in*
2 *freight operations.”.*

3 *(c) ITS ADVISORY COMMITTEE REPORT.—Section*
4 *515(h)(4) of title 23, United States Code, is amended in*
5 *the matter preceding subparagraph (A) by striking “Feb-*
6 *ruary 1 of each year after the date of enactment of the*
7 *Transportation Research and Innovative Technology Act of*
8 *2012” and inserting “May 1 of each year”.*

9 **SEC. 12003. FUTURE INTERSTATE STUDY.**

10 *(a) FINDINGS.—Congress finds that—*

11 *(1) a well-developed system of transportation in-*
12 *frastructure is critical to the economic well-being,*
13 *health, and welfare of the people of the United States;*

14 *(2) the 47,000-mile national Interstate System is*
15 *the backbone to that transportation infrastructure*
16 *system; and*

17 *(3) as of the date of enactment of this Act—*

18 *(A) many segments of the approximately*
19 *60-year-old Interstate System are well beyond*
20 *the 50-year design life of the System and yet*
21 *these aging facilities are central to the transpor-*
22 *tation infrastructure system, carrying 25 percent*
23 *of the vehicle traffic of the United States on just*
24 *1 percent of the total public roadway mileage;*

1 (B) *the need for ongoing maintenance, pres-*
2 *ervation, and reconstruction of the Interstate*
3 *System has grown due to increasing and chang-*
4 *ing travel demands; and*

5 (C) *simple maintenance of the current con-*
6 *dition and configuration of the Interstate System*
7 *is insufficient for the System to fully serve the*
8 *transportation needs of the United States for the*
9 *next 50 years.*

10 (b) *FUTURE INTERSTATE SYSTEM STUDY.*—*Not later*
11 *than 180 days after the date of enactment of this Act, the*
12 *Secretary shall enter into an agreement with the Transpor-*
13 *tation Research Board of the National Academies to conduct*
14 *a study on the actions needed to upgrade and restore the*
15 *Dwight D. Eisenhower National System of Interstate and*
16 *Defense Highways to its role as a premier system network*
17 *that meets the growing and shifting demands of the 21st*
18 *century and for the next 50 years (referred to in this section*
19 *as the “study”).*

20 (c) *METHODOLOGIES.*—*In conducting the study, the*
21 *Transportation Research Board shall build on the meth-*
22 *odologies examined and recommended in the report pre-*
23 *pared for the American Association of State Highway and*
24 *Transportation Officials entitled “National Cooperative*
25 *Highway Research Program Project 20–24(79): Specifica-*

1 *tions for a National Study of the Future 3R, 4R, and Ca-*
2 *capacity Needs of the Interstate System” and dated December*
3 *2013.*

4 *(d) RECOMMENDATIONS.—The study—*

5 *(1) shall include specific recommendations re-*
6 *garding the features, standards, capacity needs, ap-*
7 *plication of technologies, and intergovernmental roles*
8 *to upgrade the Interstate System, including any revi-*
9 *sions to law (including regulations) that the Trans-*
10 *portation Research Board determines appropriate to*
11 *achieve the goals; and*

12 *(2) is encouraged to build on the robust institu-*
13 *tional knowledge in the highway industry in apply-*
14 *ing the techniques involved in implementing the*
15 *study.*

16 *(e) CONSIDERATIONS.—In carrying out the study, the*
17 *Transportation Research Board shall determine the need for*
18 *reconstruction and improvement of the Interstate System*
19 *by considering—*

20 *(1) future demands on transportation infrastruc-*
21 *ture determined for national planning purposes, in-*
22 *cluding commercial and private traffic flows to serve*
23 *future economic activity and growth;*

1 (2) *the expected condition of the current Inter-*
2 *state System over the next 50 years, including long-*
3 *term deterioration and reconstruction needs;*

4 (3) *those National Highway System routes that*
5 *should be added to the existing Interstate System to*
6 *more efficiently serve national traffic flows;*

7 (4) *features that would take advantage of techno-*
8 *logical capabilities to address modern standards of*
9 *construction, maintenance, and operations, for pur-*
10 *poses of safety, and system management, taking into*
11 *further consideration system performance and cost;*
12 *and*

13 (5) *the resources necessary to maintain and im-*
14 *prove the Interstate System, including the resources*
15 *required to upgrade those National Highway System*
16 *routes identified in paragraph (3) to Interstate stand-*
17 *ards.*

18 (f) *CONSULTATION.—In carrying out the study, the*
19 *Transportation Research Board—*

20 (1) *shall convene and consult with a panel of na-*
21 *tional experts including current and future owners,*
22 *operators, and users of the Interstate System and pri-*
23 *vate sector stakeholders; and*

24 (2) *is encouraged to consult with—*

25 (A) *the Federal Highway Administration;*

1 (B) States;

2 (C) planning agencies at the metropolitan,
3 State, and regional levels;

4 (D) the motor carrier industry;

5 (E) freight shippers;

6 (F) highway safety groups; and

7 (G) other appropriate entities.

8 (g) *REPORT.*—Not later than 3 years after the date
9 of enactment of this Act, the Transportation Research
10 Board shall submit to the Secretary, the Committee on En-
11 vironment and Public Works of the Senate, and the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives a report on the results of the study con-
14 ducted under this section.

15 (h) *FUNDING.*—From amounts authorized to carry out
16 the Highway Research and Development Program, the Sec-
17 retary shall use up to \$5,000,000 for fiscal year 2016 to
18 carry out this section.

19 **SEC. 12004. RESEARCHING SURFACE TRANSPORTATION**
20 **SYSTEM FUNDING ALTERNATIVES.**

21 (a) *IN GENERAL.*—The Secretary shall promote the re-
22 search of user-based alternative revenue mechanisms that
23 preserve a user fee structure to maintain the long-term sol-
24 vency of the Highway Trust Fund.

1 (b) *OBJECTIVES.*—*The objectives of the research de-*
2 *scribed in subsection (a) shall be—*

3 (1) *to study uncertainties relating to the design,*
4 *acceptance, and implementation of 2 or more future*
5 *user-based alternative revenue mechanisms;*

6 (2) *to define the functionality of those user-based*
7 *alternative revenue mechanisms;*

8 (3) *to conduct or promote research activities to*
9 *demonstrate and test those user-based alternative rev-*
10 *enue mechanisms, including by conducting field*
11 *trials, by partnering with individual States, groups*
12 *of States, or other appropriate entities to conduct the*
13 *research activities;*

14 (4) *to conduct outreach to increase public aware-*
15 *ness regarding the need for alternative funding*
16 *sources for surface transportation programs and pro-*
17 *vide information on possible approaches;*

18 (5) *to provide recommendations regarding adop-*
19 *tion and implementation of those user-based alter-*
20 *native revenue mechanisms; and*

21 (6) *to minimize the administrative cost of any*
22 *potential user-based alternative revenue mechanisms.*

23 (c) *GRANTS.*—*The Secretary shall provide grants to*
24 *individual States, groups of States, or other appropriate*
25 *entities to conduct research that addresses—*

1 (1) *the implementation, interoperability, public*
2 *acceptance, and other potential hurdles to the adop-*
3 *tion of a user-based alternative revenue mechanism;*

4 (2) *the protection of personal privacy;*

5 (3) *the use of independent and private third-*
6 *party vendors to collect fees and operate the user-*
7 *based alternative revenue mechanism;*

8 (4) *equity concerns, including the impacts of the*
9 *user-based alternative revenue mechanism on differing*
10 *income groups, various geographic areas, and the rel-*
11 *ative burdens on rural and urban drivers;*

12 (5) *ease of compliance for different users of the*
13 *transportation system;*

14 (6) *the reliability and security of technology used*
15 *to implement the user-based alternative revenue mech-*
16 *anism;*

17 (7) *the flexibility and choices of user-based alter-*
18 *native revenue mechanisms, including the ability of*
19 *users to select from various technology and payment*
20 *options;*

21 (8) *the cost of administering the user-based alter-*
22 *native revenue mechanism; and*

23 (9) *the ability of the administering entity to*
24 *audit and enforce user compliance.*

25 (d) *ADVISORY COUNCIL.—*

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Secretary, in
3 consultation with the Secretary of the Treasury, shall
4 establish and lead a Surface Transportation Revenue
5 Alternatives Advisory Council (referred to in this sub-
6 section as the “Council”) to inform the selection and
7 evaluation of user-based alternative revenue mecha-
8 nisms.

9 (2) *MEMBERSHIP.*—

10 (A) *IN GENERAL.*—The members of the
11 Council shall—

12 (i) be appointed by the Secretary; and

13 (ii) include, at a minimum—

14 (I) representatives with experience
15 in user-based alternative revenue mech-
16 anisms, of which—

17 (aa) not fewer than 1 shall
18 be from the Department;

19 (bb) not fewer than 1 shall be
20 from the Department of the Treas-
21 ury; and

22 (cc) not fewer than 2 shall be
23 from State departments of trans-
24 portation;

1 (II) *representatives from applica-*
2 *ble users of the surface transportation*
3 *system; and*

4 (III) *appropriate technology and*
5 *public privacy experts.*

6 (B) *GEOGRAPHIC CONSIDERATIONS.—The*
7 *Secretary shall consider geographic diversity*
8 *when selecting members under this paragraph.*

9 (3) *FUNCTIONS.—Not later than 1 year after the*
10 *date on which the Council is established, the Council*
11 *shall, at a minimum—*

12 (A) *define the functionality of 2 or more*
13 *user-based alternative revenue mechanisms;*

14 (B) *identify technological, administrative,*
15 *institutional, privacy, and other issues that—*

16 (i) *are associated with the user-based*
17 *alternative revenue mechanisms; and*

18 (ii) *may be researched through research*
19 *activities;*

20 (C) *conduct public outreach to identify and*
21 *assess questions and concerns about the user-*
22 *based alternative revenue mechanisms for future*
23 *evaluation through research activities; and*

1 (D) *provide recommendations to the Sec-*
2 *retary on the process and criteria used for select-*
3 *ing research activities under subsection (c).*

4 (4) *EVALUATIONS.—The Council shall conduct*
5 *periodic evaluations of the research activities that*
6 *have received assistance from the Secretary under this*
7 *section.*

8 (5) *APPLICABILITY OF FEDERAL ADVISORY COM-*
9 *MITTEE ACT.—The Council shall not be subject to the*
10 *Federal Advisory Committee Act (5 U.S.C. App.).*

11 (e) *BIENNIAL REPORTS.—Not later than 2 years after*
12 *the date of enactment of this Act, and every 2 years there-*
13 *after until the completion of the research activities under*
14 *this section, the Secretary shall submit to the Secretary of*
15 *the Treasury, the Committee on Finance and the Committee*
16 *on Environment and Public Works of the Senate, and the*
17 *Committee on Ways and Means and the Committee on*
18 *Transportation and Infrastructure of the House of Rep-*
19 *resentatives a report describing the progress of the research*
20 *activities.*

21 (f) *FINAL REPORT.—On the completion of the research*
22 *activities under this section, the Secretary and the Sec-*
23 *retary of the Treasury, acting jointly, shall submit to the*
24 *Committee on Finance and the Committee on Environment*
25 *and Public Works of the Senate and the Committee on Ways*

1 *and Means and the Committee on Transportation and In-*
 2 *frastructure of the House of Representatives a report de-*
 3 *scribing the results of the research activities and any rec-*
 4 *ommendations.*

5 *(g) FUNDING.—Of the funds authorized to carry out*
 6 *section 503(b) of title 23, United States Code—*

7 *(1) \$15,000,000 shall be used to carry out this*
 8 *section in fiscal year 2016; and*

9 *(2) \$20,000,000 shall be used to carry out this*
 10 *section in each of fiscal years 2017 through 2021.*

11 ***Subtitle B—Data***

12 ***SEC. 12101. TRIBAL DATA COLLECTION.***

13 *Section 201(c)(6) of title 23, United States Code, is*
 14 *amended by adding at the end the following:*

15 *“(C) TRIBAL DATA COLLECTION.—In addi-*
 16 *tion to the data to be collected under subpara-*
 17 *graph (A), not later than 90 days after the end*
 18 *of each fiscal year, any entity carrying out a*
 19 *project under the tribal transportation program*
 20 *under section 202 shall submit to the Secretary*
 21 *and the Secretary of Interior, based on obliga-*
 22 *tions and expenditures under the tribal transpor-*
 23 *tation program during the preceding fiscal year,*
 24 *the following data:*

1 “(i) *The names of projects or activities*
2 *carried out by the entity under the tribal*
3 *transportation program during the pre-*
4 *ceding fiscal year.*

5 “(ii) *A description of the projects or*
6 *activities identified under clause (i).*

7 “(iii) *The current status of the projects*
8 *or activities identified under clause (i).*

9 “(iv) *An estimate of the number of jobs*
10 *created and the number of jobs retained by*
11 *the projects or activities identified under*
12 *clause (i).”.*

13 **SEC. 12102. PERFORMANCE MANAGEMENT DATA SUPPORT**
14 **PROGRAM.**

15 (a) *PERFORMANCE MANAGEMENT DATA SUPPORT.—*
16 *The Administrator of the Federal Highway Administration*
17 *shall develop, use, and maintain data sets and data anal-*
18 *ysis tools to assist metropolitan planning organizations,*
19 *States, and the Federal Highway Administration in car-*
20 *rying out performance management analyses (including the*
21 *performance management requirements under section 150*
22 *of title 23, United States Code).*

23 (b) *INCLUSIONS.—The data analysis activities author-*
24 *ized under subsection (a) may include—*

1 (1) *collecting and distributing vehicle probe data*
2 *describing traffic on Federal-aid highways;*

3 (2) *collecting household travel behavior data to*
4 *assess local and cross-jurisdictional travel, including*
5 *to accommodate external and through travel;*

6 (3) *enhancing existing data collection and anal-*
7 *ysis tools to accommodate performance measures, tar-*
8 *gets, and related data, so as to better understand trip*
9 *origin and destination, trip time, and mode;*

10 (4) *enhancing existing data analysis tools to im-*
11 *prove performance predictions and travel models in*
12 *reports described in section 150(e) of title 23, United*
13 *States Code; and*

14 (5) *developing tools—*

15 (A) *to improve performance analysis; and*

16 (B) *to evaluate the effects of project invest-*
17 *ments on performance.*

18 (c) *FUNDING.—From amounts authorized to carry out*
19 *the Highway Research and Development Program, the Ad-*
20 *ministrator may use up to \$10,000,000 for each of fiscal*
21 *years 2016 through 2021 to carry out this section.*

1 ***Subtitle C—Transparency and Best***
2 ***Practices***

3 ***SEC. 12201. EVERY DAY COUNTS INITIATIVE.***

4 *(a) IN GENERAL.—It is in the national interest for*
5 *the Department, State departments of transportation, and*
6 *all other recipients of Federal transportation funds—*

7 *(1) to identify, accelerate, and deploy innovation*
8 *aimed at shortening project delivery, enhancing the*
9 *safety of the roadways of the United States, and pro-*
10 *tecting the environment;*

11 *(2) to ensure that the planning, design, engineer-*
12 *ing, construction, and financing of transportation*
13 *projects is done in an efficient and effective manner;*

14 *(3) to promote the rapid deployment of proven*
15 *solutions that provide greater accountability for pub-*
16 *lic investments and encourage greater private sector*
17 *involvement; and*

18 *(4) to create a culture of innovation within the*
19 *highway community.*

20 *(b) EVERY DAY COUNTS INITIATIVE.—To advance the*
21 *policy described in subsection (a), the Administrator of the*
22 *Federal Highway Administration (referred to in this sec-*
23 *tion as the “Administrator”) shall continue the Every Day*
24 *Counts initiative to work with States, local transportation*

1 agencies, and industry stakeholders to identify and deploy
2 proven innovative practices and products that—

- 3 (1) accelerate innovation deployment;
- 4 (2) shorten the project delivery process;
- 5 (3) improve environmental sustainability;
- 6 (4) enhance roadway safety; and
- 7 (5) reduce congestion.

8 (c) *INNOVATION DEPLOYMENT.*—

9 (1) *IN GENERAL.*—At least every 2 years, the Ad-
10 ministrator shall work collaboratively with stake-
11 holders to identify a new collection of innovations,
12 best practices, and data to be deployed to highway
13 stakeholders through case studies, webinars, and dem-
14 onstration projects.

15 (2) *REQUIREMENTS.*—In identifying a collection
16 described in paragraph (1), the Secretary shall take
17 into account market readiness, impacts, benefits, and
18 ease of adoption of the innovation or practice.

19 (d) *PUBLICATION.*—Each collection identified under
20 subsection (c) shall be published by the Administrator on
21 a publicly available website.

22 **SEC. 12202. DEPARTMENT OF TRANSPORTATION PERFORM-**
23 **ANCE MEASURES.**

24 (a) *PERFORMANCE MEASURES.*—Not later than 1 year
25 after the date of enactment of this Act, the Secretary, in

1 *coordination with the heads of other Federal agencies with*
2 *responsibility for the review and approval of projects funded*
3 *under title 23, United States Code, shall measure and re-*
4 *port on—*

5 (1) *the progress made toward aligning Federal*
6 *reviews of projects funded under title 23, United*
7 *States Code, and the improvement of project delivery*
8 *associated with those projects; and*

9 (2) *as applicable, the effectiveness of the Depart-*
10 *ment in achieving the goals described in section*
11 *150(b) of title 23, United States Code, through discre-*
12 *tionary programs.*

13 (b) *REPORT.—Not later than 2 years after the date*
14 *of enactment of this Act and biennially thereafter, the Sec-*
15 *retary shall submit to the Committee on Environment and*
16 *Public Works of the Senate and the Committee on Transpor-*
17 *tation and Infrastructure of the House of Representatives*
18 *a report describing the results of the evaluation conducted*
19 *under subsection (a).*

20 (c) *INSPECTOR GENERAL REPORT.—Not later than 3*
21 *years after the date of enactment of this Act, the Inspector*
22 *General of the Department shall submit to the Committee*
23 *on Environment and Public Works of the Senate and the*
24 *Committee on Transportation and Infrastructure of the*

1 *House of Representatives a report describing the results of*
2 *the evaluation conducted under subsection (a).*

3 **SEC. 12203. GRANT PROGRAM FOR ACHIEVEMENT IN TRANS-**
4 **PORTATION FOR PERFORMANCE AND INNO-**
5 **VATION.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *ELIGIBLE ENTITY.—The term “eligible enti-*
8 *ty” includes—*

9 (A) *a State;*

10 (B) *a unit of local government;*

11 (C) *a tribal organization (as defined in sec-*
12 *tion 4 of the Indian Self-Determination and*
13 *Education Assistance Act (25 U.S.C. 450b)); and*

14 (D) *a metropolitan planning organization.*

15 (2) *STATE.—The term “State” means—*

16 (A) *a State;*

17 (B) *the District of Columbia;*

18 (C) *the Commonwealth of Puerto Rico; and*

19 (D) *any other territory (as defined in sec-*
20 *tion 165(c)(1) of title 23, United States Code).*

21 (b) *ESTABLISHMENT OF PROGRAM.—The Secretary*
22 *shall establish a competitive grant program to reward—*

23 (1) *achievement in transportation performance*
24 *management; and*

1 (2) *the implementation of strategies that achieve*
2 *innovation and efficiency in surface transportation.*

3 (c) *PURPOSE.—The purpose of the program under this*
4 *section shall be to reward entities for the implementation*
5 *of policies and procedures that—*

6 (1) *support performance-based management of*
7 *the surface transportation system and improve trans-*
8 *portation outcomes; or*

9 (2) *use innovative technologies and practices that*
10 *improve the efficiency and performance of the surface*
11 *transportation system.*

12 (d) *APPLICATION.—*

13 (1) *IN GENERAL.—An eligible entity may submit*
14 *to the Secretary an application for a grant under this*
15 *section.*

16 (2) *CONTENTS.—An application under para-*
17 *graph (1) shall indicate the means by which the eligi-*
18 *ble entity has met the requirements and purpose of*
19 *the program under this section, including by—*

20 (A) *establishing, and making progress to-*
21 *ward achieving, performance targets that exceed*
22 *the requirements of title 23, United States Code;*

23 (B) *using innovative techniques and prac-*
24 *tices that enhance the effective movement of peo-*
25 *ple, goods, and services, such as technologies that*

1 *reduce construction time, improve operational ef-*
2 *iciencies, and extend the service life of highways*
3 *and bridges; and*

4 (C) *employing transportation planning*
5 *tools and procedures that improve transparency*
6 *and the development of transportation invest-*
7 *ment strategies within the jurisdiction of the eli-*
8 *gible entity.*

9 (e) *EVALUATION CRITERIA.—In awarding a grant*
10 *under this section, the Secretary shall take into consider-*
11 *ation the extent to which the application of the applicable*
12 *eligible entity under subsection (d)—*

13 (1) *demonstrates performance in meeting the re-*
14 *quirements of subsection (c); and*

15 (2) *promotes the national goals described in sec-*
16 *tion 150(b) of title 23, United States Code.*

17 (f) *ELIGIBLE ACTIVITIES.—Amounts made available*
18 *to carry out this section shall be used for projects eligible*
19 *for funding under—*

20 (1) *title 23, United States Code; or*

21 (2) *chapter 53 of title 49, United States Code.*

22 (g) *LIMITATION.—The amount of a grant under this*
23 *section shall be not more than \$15,000,000.*

24 (h) *AUTHORIZATION OF APPROPRIATIONS.—*

1 *shall compile data in accordance with this subsection*
2 *on the use of Federal-aid highway program funds*
3 *made available under this title.*

4 “(2) *REQUIREMENTS.—The Secretary shall en-*
5 *sure that the reports required under this subsection*
6 *are made available in a user-friendly manner on the*
7 *public website of the Department of Transportation*
8 *and can be searched and downloaded by users of the*
9 *website.*

10 “(3) *CONTENTS OF REPORT.—*

11 “(A) *APPORTIONED AND ALLOCATED PRO-*
12 *GRAMS.—For each fiscal year, the report shall*
13 *include comprehensive data for each program,*
14 *organized by State, that includes—*

15 “(i) *the total amount of funds avail-*
16 *able for obligation, identifying the unobli-*
17 *gated balance of funds available at the end*
18 *of the preceding fiscal year and new fund-*
19 *ing available for the current fiscal year;*

20 “(ii) *the total amount of funding obli-*
21 *gated during the current fiscal year;*

22 “(iii) *the remaining amount of funds*
23 *available for obligation;*

24 “(iv) *changes in the obligated, unex-*
25 *pendent balance during the current fiscal*

1 *year, including the obligated, unexpended*
2 *balance at the end of the preceding fiscal*
3 *year and current fiscal year expenditures;*
4 *and*

5 *“(v) the percentage of the total amount*
6 *of obligations for the current fiscal year*
7 *used for construction and the total amount*
8 *obligated during the current fiscal year for*
9 *rehabilitation.*

10 *“(B) PROJECT DATA.—To the maximum ex-*
11 *tent practicable, the report shall include project-*
12 *specific data, including data describing—*

13 *“(i) the specific location of a project;*

14 *“(ii) whether the project is located in*
15 *an area of the State with a population of—*

16 *“(I) less than 5,000 individuals;*

17 *“(II) 5,000 or more individuals*
18 *but less than 50,000 individuals; or*

19 *“(III) 50,000 or more individuals;*

20 *“(iii) the total cost of the project;*

21 *“(iv) the amount of Federal funding*
22 *being used on the project;*

23 *“(v) the 1 or more programs from*
24 *which Federal funds are obligated on the*
25 *project;*

1 “(vi) the type of improvement being
2 made, such as categorizing the project as—
3 “(I) a road reconstruction project;
4 “(II) a new road construction
5 project;
6 “(III) a new bridge construction
7 project;
8 “(IV) a bridge rehabilitation
9 project; or
10 “(V) a bridge replacement project;
11 and
12 “(vii) the ownership of the highway or
13 bridge.

14 “(C) TRANSFERS BETWEEN PROGRAMS.—
15 The report shall include a description of the
16 amount of funds transferred between programs
17 by each State under section 126.”.

18 (b) CONFORMING AMENDMENT.—Section 1503 of
19 MAP-21 (23 U.S.C. 104 note; Public Law 112-141) is
20 amended by striking subsection (c).

21 **SEC. 12205. REPORT ON HIGHWAY TRUST FUND ADMINIS-**
22 **TRATIVE EXPENDITURES.**

23 (a) INITIAL REPORT.—Not later than 150 days after
24 the date of enactment of this Act, the Comptroller General
25 of the United States shall submit to Congress a report de-

1 *scribing the administrative expenses of the Federal High-*
2 *way Administration funded from the Highway Trust Fund*
3 *during the 3 most recent fiscal years.*

4 (b) *UPDATES.*—*Not later than 5 years after the date*
5 *on which the report is submitted under subsection (a) and*
6 *every 5 years thereafter, the Comptroller General shall sub-*
7 *mit to Congress a report that updates the information pro-*
8 *vided in the report under that subsection for the preceding*
9 *5-year period.*

10 (c) *INCLUSIONS.*—*Each report submitted under sub-*
11 *section (a) or (b) shall include a description of the—*

12 (1) *types of administrative expenses of programs*
13 *and offices funded by the Highway Trust Fund;*

14 (2) *tracking and monitoring of administrative*
15 *expenses;*

16 (3) *controls in place to ensure that funding for*
17 *administrative expenses is used as efficiently as prac-*
18 *ticable; and*

19 (4) *flexibility of the Department to reallocate*
20 *amounts from the Highway Trust Fund between full-*
21 *time equivalent employees and other functions.*

22 **SEC. 12206. AVAILABILITY OF REPORTS.**

23 (a) *IN GENERAL.*—*The Secretary shall make available*
24 *to the public on the website of the Department any report*

1 *required to be submitted by the Secretary to Congress after*
2 *the date of enactment of this Act.*

3 (b) *DEADLINE.—Each report described in subsection*
4 *(a) shall be made available on the website not later than*
5 *30 days after the report is submitted to Congress.*

6 **SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.**

7 (a) *NATIONAL HIGHWAY PERFORMANCE PROGRAM.—*
8 *Section 119 of title 23, United States Code, is amended—*
9 (1) *in subsection (e)(7), by striking “for 2 con-*
10 *secutive reports submitted under this paragraph shall*
11 *include in the next report submitted” and inserting*
12 *“shall include as part of the performance target re-*
13 *port under section 150(e)”;* and

14 (2) *in subsection (f)(1)(A), by striking “If, dur-*
15 *ing 2 consecutive reporting periods, the condition of*
16 *the Interstate System, excluding bridges on the Inter-*
17 *state System, in a State falls” and inserting “If a*
18 *State reports that the condition of the Interstate Sys-*
19 *tem, excluding bridges on the Interstate System, has*
20 *fallen”.*

21 (b) *HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Sec-*
22 *tion 148(i) of title 23, United States Code, is amended—*
23 (1) *in the matter preceding paragraph (1), by*
24 *striking “performance targets of the State established*
25 *under section 150(d) by the date that is 2 years after*

1 *the date of the establishment of the performance tar-*
2 *gets” and inserting “safety performance targets of the*
3 *State established under section 150(d)”;* and

4 (2) *in paragraphs (1) and (2), by inserting*
5 *“safety” before “performance targets” each place it*
6 *appears.*

7 **SEC. 12208. DESIGN STANDARDS.**

8 (a) *IN GENERAL.*—Section 109 of title 23, United
9 States Code, is amended—

10 (1) *in subsection (c)—*

11 (A) *in paragraph (1)—*

12 (i) *in the matter preceding subpara-*
13 *graph (A), by striking “may take into ac-*
14 *count” and inserting “shall consider”;* and

15 (ii) *in subparagraph (C), by striking*
16 *“access for” and inserting “access and safe-*
17 *ty for”;* and

18 (B) *in paragraph (2)—*

19 (i) *in subparagraph (C), by striking*
20 *“and” at the end;*

21 (ii) *by redesignating subparagraph (D)*
22 *as subparagraph (F); and*

23 (iii) *by inserting after subparagraph*
24 *(C) the following:*

1 “(D) the publication entitled ‘Highway
2 Safety Manual’ of the American Association of
3 State Highway and Transportation Officials;

4 “(E) the publication entitled ‘Urban Street
5 Design Guide’ of the National Association of
6 City Transportation Officials; and”;

7 (2) in subsection (f), by inserting “pedestrian
8 walkways,” after “bikeways,”; and

9 (3) by adding at the end the following:

10 “(s) SAFETY FOR MOTORIZED AND NONMOTORIZED
11 USERS.—

12 “(1) IN GENERAL.—Not later than 2 years after
13 the date of the enactment of this subsection, the Sec-
14 retary shall establish standards to ensure that the de-
15 sign of Federal surface transportation projects pro-
16 vides for the safe and adequate accommodation (as
17 determined by the State or other direct recipient of
18 funds), in all phases of project planning, development,
19 and operation, of all users of the transportation net-
20 work, including motorized and nonmotorized users.

21 “(2) WAIVER FOR STATE LAW OR POLICY.—The
22 Secretary may waive the application of standards es-
23 tablished under paragraph (1) to a State that has
24 adopted a law or policy that provides for the safe and
25 adequate accommodation (as determined by the State

1 or other direct recipient of funds), in all phases of
2 project planning and development, of users of the
3 transportation network on federally funded surface
4 transportation projects.

5 “(3) COMPLIANCE.—

6 “(A) IN GENERAL.—Each State department
7 of transportation shall submit a report to the
8 Secretary, at such time, in such manner, and
9 containing such information as the Secretary
10 shall require, that describes measures imple-
11 mented by the State to comply with this sub-
12 section.

13 “(B) DETERMINATION BY SECRETARY.—
14 Upon the receipt of a report from a State under
15 subparagraph (A), the Secretary shall determine
16 whether the State is in compliance with this sec-
17 tion.”.

18 (b) DESIGN STANDARD FLEXIBILITY.—Notwith-
19 standing section 109(o) of title 23, United States Code, a
20 local jurisdiction may use a roadway design guide that is
21 different from the roadway design guide used by the State
22 in which the local jurisdiction is located for the design of
23 projects on all roadways under the ownership of the local
24 jurisdiction (other than a highway on the Interstate Sys-
25 tem) if—

1 (1) *the local jurisdiction is the project sponsor;*

2 (2) *the roadway design guide—*

3 (A) *is recognized by the Federal Highway*
4 *Administration; and*

5 (B) *is adopted by the local jurisdiction; and*

6 (3) *the design complies with all other applicable*
7 *Federal laws.*

8 **TITLE III—TRANSPORTATION IN-**
9 **FRASTRUCTURE FINANCE**
10 **AND INNOVATION ACT OF**
11 **1998 AMENDMENTS**

12 **SEC. 13001. TRANSPORTATION INFRASTRUCTURE FINANCE**
13 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

14 (a) *DEFINITIONS.—Section 601(a) of title 23, United*
15 *States Code, is amended—*

16 (1) *in the matter preceding paragraph (1)—*

17 (A) *by striking “In this chapter, the” and*
18 *inserting “The”; and*

19 (B) *by inserting “to sections 601 through*
20 *609” after “apply”;*

21 (2) *in paragraph (2)—*

22 (A) *in subparagraph (B), by striking “and”*
23 *at the end;*

24 (B) *in subparagraph (C), by striking the*
25 *period at the end and inserting “; and”; and*

1 (C) by adding at the end the following:

2 “(D) capitalizing a rural projects fund
3 using the proceeds of a secured loan made to a
4 State infrastructure bank in accordance with
5 sections 602 and 603, for the purpose of making
6 loans to sponsors of rural infrastructure projects
7 in accordance with section 610.”;

8 (3) in paragraph (3), by striking “this chapter”
9 and inserting “the TIFIA program”;

10 (4) in paragraph (10)—

11 (A) in the matter preceding subparagraph
12 (A)—

13 (i) by inserting “related” before
14 “projects”; and

15 (ii) by striking “(which shall receive
16 an investment grade rating from a rating
17 agency)”;

18 (B) in subparagraph (A), by striking “sub-
19 ject to the availability of future funds being
20 made available to carry out this chapter;” and
21 inserting “subject to—

22 “(i) the availability of future funds
23 being made available to carry out the
24 TIFIA program; and

1 “(ii) the satisfaction of all of the condi-
2 tions for the provision of credit assistance
3 under the TIFIA program, including sec-
4 tion 603(b)(1);” and

5 (C) in subparagraph (D)—

6 (i) by redesignating clauses (ii) and
7 (iii) as clauses (iii) and (iv), respectively;

8 (ii) by inserting after clause (i) the fol-
9 lowing:

10 “(ii) receiving an investment grade
11 rating from a rating agency;”;

12 (iii) in clause (iii) (as so redesign-
13 ated), by striking “section 602(c)” and in-
14 serting “including sections 602(c) and
15 603(b)(1);” and

16 (iv) in clause (iv) (as so redesignated),
17 by striking “this chapter” and inserting
18 “the TIFIA program”;

19 (5) in paragraph (12)—

20 (A) in subparagraph (D)(iv), by striking
21 the period at the end and inserting “; and”; and

22 (B) by adding at the end the following:

23 “(E) a project to improve or construct pub-
24 lic infrastructure that is located within walking
25 distance of, and accessible to, a fixed guideway

1 *transit facility, passenger rail station, intercity*
2 *bus station, or intermodal facility, including a*
3 *transportation, public utility, and capital*
4 *project described in section 5302(3)(G)(v) of title*
5 *49, and related infrastructure;*

6 “(F) a project for the acquisition of plant
7 and wildlife habitat pursuant to a conservation
8 plan that—

9 “(i) has been approved by the Sec-
10 retary of the Interior pursuant to section 10
11 of the Endangered Species Act of 1973 (16
12 U.S.C. 1539); and

13 “(ii) as determined by the Secretary of
14 the Interior, would mitigate the environ-
15 mental impacts of transportation infra-
16 structure projects otherwise eligible for as-
17 sistance under the TIFIA program; and

18 “(G) the capitalization of a rural projects
19 fund by a State infrastructure bank with the
20 proceeds of a secured loan made in accordance
21 with sections 602 and 603, for the purpose of
22 making loans to sponsors of rural infrastructure
23 projects in accordance with section 610.”;

24 (6) in paragraph (15), by striking “means” and
25 all that follows through the period at the end and in-

1 serting “means a surface transportation infrastruc-
2 ture project located in an area that is outside of an
3 urbanized area with a population greater than
4 150,000 individuals, as determined by the Bureau of
5 the Census.”;

6 (7) by redesignating paragraphs (16), (17), (18),
7 (19), and (20) as paragraphs (17), (18), (20), (21),
8 and (22), respectively;

9 (8) by inserting after paragraph (15) the fol-
10 lowing:

11 “(16) *RURAL PROJECTS FUND*.—The term ‘rural
12 projects fund’ means a fund—

13 “(A) established by a State infrastructure
14 bank in accordance with section 610(d)(4);

15 “(B) capitalized with the proceeds of a se-
16 cured loan made to the bank in accordance with
17 sections 602 and 603; and

18 “(C) for the purpose of making loans to
19 sponsors of rural infrastructure projects in ac-
20 cordance with section 610.”;

21 (9) by inserting after paragraph (18) (as redesi-
22 gnated) the following:

23 “(19) *STATE INFRASTRUCTURE BANK*.—The term
24 ‘State infrastructure bank’ means an infrastructure
25 bank established under section 610.”; and

1 (10) in paragraph (22) (as redesignated), by in-
2 serting “established under sections 602 through 609”
3 after “Department”.

4 (b) *DETERMINATION OF ELIGIBILITY AND PROJECT*
5 *SELECTION.*—Section 602 of title 23, United States Code,
6 *is amended—*

7 (1) in subsection (a)—

8 (A) in paragraph (1), in the matter pre-
9 ceding subparagraph (A), by striking “this chap-
10 ter” and inserting “the TIFIA program”;

11 (B) in paragraph (2)(A), by striking “this
12 chapter” and inserting “the TIFIA program”;

13 (C) in paragraph (3), by striking “this
14 chapter” and inserting “the TIFIA program”;

15 (D) in paragraph (5)—

16 (i) by striking the heading and insert-
17 ing “*ELIGIBLE PROJECT COST PARAM-*
18 *ETERS.—*”;

19 (ii) in subparagraph (A)—

20 (I) in the matter preceding clause
21 (i), by striking “subparagraph (B), to
22 be eligible for assistance under this
23 chapter, a project” and inserting “sub-
24 paragraphs (B) and (C), a project
25 under the TIFIA program”;

1 (II) by striking clause (i) and in-
2 serting the following:

3 “(i) \$50,000,000; and”; and

4 (III) in clause (ii), by striking
5 “assistance”; and

6 (iii) in subparagraph (B)—

7 (I) by striking the subparagraph
8 designation and heading and all that
9 follows through “In the case” and in-
10 serting the following:

11 “(B) EXCEPTIONS.—

12 “(i) INTELLIGENT TRANSPORTATION
13 SYSTEMS.—In the case”; and

14 (II) by adding at the end the fol-
15 lowing:

16 “(ii) TRANSIT-ORIENTED DEVELOP-
17 MENT PROJECTS.—In the case of a project
18 described in section 601(a)(12)(E), eligible
19 project costs shall be reasonably anticipated
20 to equal or exceed \$10,000,000.

21 “(iii) RURAL PROJECTS.—In the case
22 of a rural infrastructure project or a project
23 capitalizing a rural projects fund, eligible
24 project costs shall be reasonably anticipated

1 to equal or exceed \$10,000,000, but not to
2 exceed \$100,000,000.

3 “(iv) LOCAL INFRASTRUCTURE
4 PROJECTS.—Eligible project costs shall be
5 reasonably anticipated to equal or exceed
6 \$10,000,000 in the case of projects or pro-
7 grams of projects—

8 “(I) in which the applicant is a
9 local government, public authority, or
10 instrumentality of local government;

11 “(II) located on a facility owned
12 by a local government; or

13 “(III) for which the Secretary de-
14 termines that a local government is
15 substantially involved in the develop-
16 ment of the project.”;

17 (E) in paragraph (9), in the matter pre-
18 ceding subparagraph (A), by striking “this chap-
19 ter” and inserting “the TIFIA program”; and

20 (F) in paragraph (10)—

21 (i) by striking “To be eligible” and in-
22 serting the following:

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), to be eligible”;

1 (ii) by striking “this chapter” each
2 place it appears and inserting “the TIFIA
3 program”;

4 (iii) by striking “not later than” and
5 inserting “no later than”; and

6 (iv) by adding at the end the following:

7 “(B) *RURAL PROJECTS FUND.*—In the case
8 of a project capitalizing a rural projects fund,
9 the State infrastructure bank shall demonstrate,
10 not later than 2 years after the date on which a
11 secured loan is obligated for the project under the
12 TIFIA program, that the bank has executed a
13 loan agreement with a borrower for a rural in-
14 frastructure project in accordance with section
15 610. After the demonstration is made, the bank
16 may draw upon the secured loan. At the end of
17 the 2-year period, to the extent the bank has not
18 used the loan commitment, the Secretary may
19 extend the term of the loan or withdraw the loan
20 commitment.”;

21 (2) in subsection (b), by striking paragraph (2)
22 and inserting the following:

23 “(2) *MASTER CREDIT AGREEMENTS.*—

24 “(A) *PROGRAM OF RELATED PROJECTS.*—

25 The Secretary may enter into a master credit

1 *agreement for a program of related projects se-*
2 *cured by a common security pledge on terms ac-*
3 *ceptable to the Secretary.*

4 “(B) *ADEQUATE FUNDING NOT AVAIL-*
5 *ABLE.—If the Secretary fully obligates funding*
6 *to eligible projects for a fiscal year and adequate*
7 *funding is not available to fund a credit instru-*
8 *ment, a project sponsor of an eligible project*
9 *may elect to enter into a master credit agreement*
10 *and wait to execute a credit instrument until the*
11 *fiscal year for which additional funds are avail-*
12 *able to receive credit assistance.”;*

13 (3) *in subsection (c)(1), in the matter preceding*
14 *subparagraph (A), by striking “this chapter” and in-*
15 *serting “the TIFIA program”; and*

16 (4) *in subsection (e), by striking “this chapter”*
17 *and inserting “the TIFIA program”.*

18 (c) *SECURED LOAN TERMS AND LIMITATIONS.—Sec-*
19 *tion 603(b) of title 23, United States Code, is amended—*

20 (1) *in paragraph (2)—*

21 (A) *by striking “The amount of” and in-*
22 *serting the following:*

23 “(A) *IN GENERAL.—Except as provided in*
24 *subparagraph (B), the amount of”;* and

25 (B) *by adding at the end the following:*

1 “(B) *RURAL PROJECTS FUND*.—*In the case*
2 *of a project capitalizing a rural projects fund,*
3 *the maximum amount of a secured loan made to*
4 *a State infrastructure bank shall be determined*
5 *in accordance with section 602(a)(5)(B)(iii).”;*

6 (2) *in paragraph (3)(A)(i)—*

7 (A) *in subclause (III), by striking “or” at*
8 *the end;*

9 (B) *in subclause (IV), by striking “and” at*
10 *the end and inserting “or”; and*

11 (C) *by adding at the end the following:*

12 “(V) *in the case of a secured loan*
13 *for a project capitalizing a rural*
14 *projects fund, any other dedicated rev-*
15 *enue sources available to a State infra-*
16 *structure bank, including repayments*
17 *from loans made by the bank for rural*
18 *infrastructure projects; and”;*

19 (3) *in paragraph (4)(B)—*

20 (A) *in clause (i), by striking “under this*
21 *chapter” and inserting “or a rural projects fund*
22 *under the TIFIA program”; and*

23 (B) *in clause (ii), by inserting “and rural*
24 *project funds” after “rural infrastructure*
25 *projects”;*

1 (4) in paragraph (5)—

2 (A) by redesignating subparagraphs (A)
3 and (B) as clauses (i) and (ii), respectively, and
4 indenting appropriately;

5 (B) in the matter preceding subparagraph
6 (A), by striking “The final” and inserting the
7 following:

8 “(A) *IN GENERAL.*—Except as provided in
9 subparagraph (B), the final”; and

10 (C) by adding at the end the following:

11 “(B) *RURAL PROJECTS FUND.*—In the case
12 of a project capitalizing a rural projects fund,
13 the final maturity date of the secured loan shall
14 not exceed 35 years after the date on which the
15 secured loan is obligated.”;

16 (5) in paragraph (8), by striking “this chapter”
17 and inserting “the TIFIA program”; and

18 (6) in paragraph (9)—

19 (A) by striking “The total Federal assist-
20 ance provided on a project receiving a loan
21 under this chapter” and inserting the following:

22 “(A) *IN GENERAL.*—The total Federal as-
23 sistance provided for a project receiving a loan
24 under the TIFIA program”; and

25 (B) by adding at the end the following:

1 “(B) *RURAL PROJECTS FUND*.—A project
2 *capitalizing a rural projects fund shall satisfy*
3 *clause (i) through compliance with the Federal*
4 *share requirement described in section*
5 *610(e)(3)(B).*”.

6 (d) *PROGRAM ADMINISTRATION*.—Section 605 of title
7 23, *United States Code*, is amended—

8 (1) by striking “*this chapter*” each place it ap-
9 *pears and inserting “the TIFIA program”; and*

10 (2) by adding at the end the following:

11 “(f) *ASSISTANCE TO SMALL PROJECTS*.—

12 “(1) *RESERVATION OF FUNDS*.—Of the funds
13 *made available to carry out the TIFIA program for*
14 *each fiscal year, and after the set-aside under section*
15 *608(a)(6), not less than \$2,000,000 shall be made*
16 *available for the Secretary to use in lieu of fees col-*
17 *lected under subsection (b) for projects under the*
18 *TIFIA program having eligible project costs that are*
19 *reasonably anticipated not to equal or exceed*
20 *\$75,000,000.*

21 “(2) *RELEASE OF FUNDS*.—Any funds not used
22 *under paragraph (1) shall be made available on Octo-*
23 *ber 1 of the following fiscal year to provide credit as-*
24 *sistance to any project under the TIFIA program.*”.

1 (e) *STATE AND LOCAL PERMITS.*—Section 606 of title
2 23, United States Code, is amended in the matter preceding
3 paragraph (1) by striking “this chapter” and inserting “the
4 TIFIA program”.

5 (f) *REGULATIONS.*—Section 607 of title 23, United
6 States Code, is amended by striking “this chapter” and in-
7 serting “the TIFIA program”.

8 (g) *FUNDING.*—Section 608 of title 23, United States
9 Code, is amended—

10 (1) by striking “this chapter” each place it ap-
11 pears and inserting “the TIFIA program”; and

12 (2) in subsection (a)—

13 (A) in paragraph (2), by inserting “of”
14 after “504(f)”;

15 (B) in paragraph (3)—

16 (i) in subparagraph (A), by inserting
17 “or rural projects funds” after “rural infra-
18 structure projects”; and

19 (ii) in subparagraph (B), by inserting
20 “or rural projects funds” after “rural infra-
21 structure projects”;

22 (C) by striking paragraph (4) and redesign-
23 ating paragraphs (5) and (6) as paragraphs
24 (4) and (5), respectively; and

1 (D) in paragraph (5) (as so redesignated),
2 by striking “0.50 percent” and inserting “1.5
3 percent”.

4 (h) *REPORTS TO CONGRESS*.—Section 609 of title 23,
5 United States Code, is amended by striking “this chapter
6 (other than section 610)” each place it appears and insert-
7 ing “the TIFIA program”.

8 (i) *STATE INFRASTRUCTURE BANK PROGRAM*.—Sec-
9 tion 610 of title 23, United States Code, is amended—

10 (1) in subsection (a), by adding at the end the
11 following:

12 “(11) *RURAL INFRASTRUCTURE PROJECT*.—The
13 term ‘rural infrastructure project’ has the meaning
14 given the term in section 601.

15 “(12) *RURAL PROJECTS FUND*.—The term ‘rural
16 projects fund’ has the meaning given the term in sec-
17 tion 601.”;

18 (2) in subsection (d)—

19 (A) in paragraph (1)(A), by striking “each
20 of fiscal years” and all that follows through the
21 end of subparagraph (A) and inserting “each fis-
22 cal year under each of paragraphs (1), (2), and
23 (5) of section 104(b); and”;

1 (B) in paragraph (2), by striking “in each
2 of fiscal years 2005 through 2009” and inserting
3 “in each fiscal year”;

4 (C) in paragraph (3), by striking “in each
5 of fiscal years 2005 through 2009” and inserting
6 “in each fiscal year”;

7 (D) by redesignating paragraphs (4)
8 through (6) as paragraphs (5) through (7), re-
9 spectively;

10 (E) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) *RURAL PROJECTS FUND.*—Subject to sub-
13 section (j), the Secretary may permit a State entering
14 into a cooperative agreement under this section to es-
15 tablish a State infrastructure bank to deposit into the
16 rural projects fund of the bank the proceeds of a se-
17 cured loan made to the bank in accordance with sec-
18 tion 602 and 603.”; and

19 (F) in paragraph (6) (as redesignated), by
20 striking “section 133(d)(3)” and inserting “sec-
21 tion 133(d)(1)(A)(i)”;

22 (3) by striking subsection (e) and inserting the
23 following:

24 “(e) *FORMS OF ASSISTANCE FROM STATE INFRA-*
25 *STRUCTURE BANKS.*—

1 “(1) *IN GENERAL.*—A State infrastructure bank
2 established under this section may—

3 “(A) with funds deposited into the highway
4 account, transit account, or rail account of the
5 bank, make loans or provide other forms of credit
6 assistance to a public or private entity to carry
7 out a project eligible for assistance under this
8 section; and

9 “(B) with funds deposited into the rural
10 projects fund, make loans to a public or private
11 entity to carry out a rural infrastructure project.

12 “(2) *SUBORDINATION OF LOAN.*—The amount of
13 a loan or other form of credit assistance provided for
14 a project described in paragraph (1) may be subordi-
15 nated to any other debt financing for the project.

16 “(3) *MAXIMUM AMOUNT OF ASSISTANCE.*—A
17 State infrastructure bank established under this sec-
18 tion may—

19 “(A) with funds deposited into the highway
20 account, transit account, or rail account, make
21 loans or provide other forms of credit assistance
22 to a public or private entity in an amount up
23 to 100 percent of the cost of carrying out a
24 project eligible for assistance under this section;
25 and

1 “(B) with funds deposited into the rural
2 projects fund, make loans to a public or private
3 entity in an amount not to exceed 80 percent of
4 the cost of carrying out a rural infrastructure
5 project.

6 “(4) INITIAL ASSISTANCE.—Initial assistance
7 provided with respect to a project from Federal funds
8 deposited into a State infrastructure bank under this
9 section may not be made in the form of a grant.”;

10 (4) in subsection (g)—

11 (A) in paragraph (1), by striking “each ac-
12 count” and inserting “the highway account, the
13 transit account, and the rail account”; and

14 (B) in paragraph (4), by inserting “, except
15 that any loan funded from the rural projects
16 fund of the bank shall bear interest at or below
17 the interest rate charged for the TIFIA loan pro-
18 vided to the bank under section 603” after “fea-
19 sible”; and

20 (5) in subsection (k), by striking “For each of
21 fiscal years 2005 through 2009” and inserting “For
22 each fiscal year”.

1 **TITLE IV—TECHNICAL**
2 **CORRECTIONS**

3 **SEC. 14001. TECHNICAL CORRECTIONS.**

4 (a) Section 101(a)(29) of title 23, United States Code,
5 is amended—

6 (1) in subparagraph (B), by inserting a comma
7 after “disabilities”; and

8 (2) in subparagraph (F)(i), by striking
9 “133(b)(11)” and inserting “133(b)(14)”.

10 (b) Section 119(d)(1)(A) of title 23, United States
11 Code, is amended by striking “mobility,” and inserting
12 “congestion reduction, system reliability,”.

13 (c) Section 126(b) of title 23, United States Code (as
14 amended by section 11014(b)), is amended by striking
15 “133(d)” and inserting “133(d)(1)(A)”.

16 (d) Section 127(a)(3) of title 23, United States Code,
17 is amended by striking “118(b)(2) of this title” and insert-
18 ing “118(b)”.

19 (e) Section 150(c)(3)(B) of title 23, United States
20 Code, is amended by striking the semicolon at the end and
21 inserting a period.

22 (f) Section 153(h)(2) of title 23, United States Code,
23 is amended by striking “paragraphs (1) through (3)” and
24 inserting “paragraphs (1), (2), and (4)”.

1 (g) Section 163(f)(2) of title 23, United States Code,
2 is amended by striking “118(b)(2)” and inserting “118(b)”.

3 (h) Section 165(c)(7) of title 23, United States Code,
4 is amended by striking “paragraphs (2), (4), (7), (8), (14),
5 and (19)” and inserting “paragraphs (2), (4), (6), (7), and
6 (14)”.

7 (i) Section 202(b)(3) of title 23, United States Code,
8 is amended—

9 (1) in subparagraph (A)(i), in the matter pre-
10 ceding subclause (I), by inserting “(a)(6),” after “sub-
11 sections”; and

12 (2) in subparagraph (C)(ii)(IV), by striking
13 “(III).J” and inserting “(III).”.

14 (j) Section 217(a) of title 23, United States Code, is
15 amended by striking “104(b)(3)” and inserting
16 “104(b)(4)”.

17 (k) Section 327(a)(2)(B)(iii) of title 23, United States
18 Code, is amended by striking “(42 U.S.C. 13 4321 et seq.)”
19 and inserting “(42 U.S.C. 4321 et seq.)”.

20 (l) Section 504(a)(4) of title 23, United States Code,
21 is amended by striking “104(b)(3)” and inserting
22 “104(b)(2)”.

23 (m) Section 515 of title 23, United States Code, is
24 amended by striking “this chapter” each place it appears
25 and inserting “sections 512 through 518”.

1 (n) Section 518(a) of title 23, United States Code, is
 2 amended by inserting “a report” after “House of Represent-
 3 atives”.

4 (o) Section 6302(b)(3)(B)(vi)(III) of title 49, United
 5 States Code, is amended by striking “6310” and inserting
 6 “6309”.

7 (p) Section 1301(l)(3) of SAFETEA-LU (23 U.S.C.
 8 101 note; Public Law 109–59) is amended—

9 (1) in subparagraph (A)(i), by striking “com-
 10 plied” and inserting “compiled”; and

11 (2) in subparagraph (B), by striking “paragraph
 12 (1)” and inserting “subparagraph (A)”.

13 (q) Section 4407 of SAFETEA-LU (Public Law 109–
 14 59; 119 Stat. 1777), is amended by striking “hereby enacted
 15 into law” and inserting “granted”.

16 (r) Section 51001(a)(1) of the Transportation Research
 17 and Innovative Technology Act of 2012 (126 Stat. 864) is
 18 amended by striking “sections 503(b), 503(d), and 509” and
 19 inserting “section 503(b)”.

20 **TITLE V—MISCELLANEOUS**

21 **SEC. 15001. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**

22 **TEM.**

23 Section 1528 of MAP–21 (40 U.S.C. 14501 note; Pub-
 24 lic Law 112–141) is amended—

1 (1) *by striking “2021” each place it appears and*
2 *inserting “2050”; and*

3 (2) *by striking “shall be 100 percent” each place*
4 *it appears and inserting “shall be up to 100 percent,*
5 *as determined by the State”.*

6 **SEC. 15002. APPALACHIAN REGIONAL DEVELOPMENT PRO-**
7 **GRAM.**

8 (a) *HIGH-SPEED BROADBAND DEVELOPMENT INITIA-*
9 *TIVE.—*

10 (1) *IN GENERAL.—Subchapter I of chapter 145*
11 *of subtitle IV of title 40, United States Code, is*
12 *amended by adding at the end the following:*

13 **“§ 14509. High-speed broadband deployment initiative**

14 “(a) *IN GENERAL.—The Appalachian Regional Com-*
15 *mission may provide technical assistance, make grants,*
16 *enter into contracts, or otherwise provide amounts to indi-*
17 *viduals or entities in the Appalachian region for projects*
18 *and activities—*

19 “(1) *to increase affordable access to broadband*
20 *networks throughout the Appalachian region;*

21 “(2) *to conduct research, analysis, and training*
22 *to increase broadband adoption efforts in the Appa-*
23 *lachian region;*

1 “(3) to provide technology assets, including com-
2 puters, smartboards, and video projectors to edu-
3 cational systems throughout the Appalachian region;

4 “(4) to increase distance learning opportunities
5 throughout the Appalachian region;

6 “(5) to increase the use of telehealth technologies
7 in the Appalachian region; and

8 “(6) to promote e-commerce applications in the
9 Appalachian region.

10 “(b) *LIMITATION ON AVAILABLE AMOUNTS.*—Of the
11 *cost of any activity eligible for a grant under this section—*

12 “(1) not more than 50 percent may be provided
13 from amounts appropriated to carry out this section;
14 and

15 “(2) notwithstanding paragraph (1)—

16 “(A) in the case of a project to be carried
17 out in a county for which a distressed county
18 designation is in effect under section 14526, not
19 more than 80 percent may be provided from
20 amounts appropriated to carry out this section;
21 and

22 “(B) in the case of a project to be carried
23 out in a county for which an at-risk designation
24 is in effect under section 14526, not more than

1 70 percent may be provided from amounts ap-
2 propriated to carry out this section.

3 “(c) *SOURCES OF ASSISTANCE*.—Subject to subsection
4 (b), a grant provided under this section may be provided
5 from amounts made available to carry out this section in
6 combination with amounts made available—

7 “(1) under any other Federal program; or

8 “(2) from any other source.

9 “(d) *FEDERAL SHARE*.—Notwithstanding any provi-
10 sion of law limiting the Federal share under any other Fed-
11 eral program, amounts made available to carry out this sec-
12 tion may be used to increase that Federal share, as the Ap-
13 palachian Regional Commission determines to be appro-
14 priate.”.

15 (2) *CONFORMING AMENDMENT*.—The analysis for
16 chapter 145 of title 40, United States Code, is amend-
17 ed by inserting after the item relating to section
18 14508 the following:

“14509. *High-speed broadband deployment initiative*.”.

19 (b) *AUTHORIZATION OF APPROPRIATIONS*.—Section
20 14703 of title 40, United States Code, is amended—

21 (1) in subsection (a)(5), by striking “fiscal year
22 2012” and inserting “each of fiscal years 2012
23 through 2021”;

24 (2) by redesignating subsections (c) and (d) as
25 subsections (d) and (e), respectively; and

1 (1) *in subsection (a), by inserting “(including*
2 *the enhancement of habitat and forage for polli-*
3 *nators)” before “adjacent”; and*

4 (2) *by adding at the end the following:*

5 “(c) *ENCOURAGEMENT OF POLLINATOR HABITAT AND*
6 *FORAGE DEVELOPMENT AND PROTECTION ON TRANSPOR-*
7 *TATION RIGHTS-OF-WAY.—In carrying out any program*
8 *administered by the Secretary under this title, the Secretary*
9 *shall, in conjunction with willing States, as appropriate—*

10 “(1) *encourage integrated vegetation manage-*
11 *ment practices on roadsides and other transportation*
12 *rights-of-way, including reduced mowing; and*

13 “(2) *encourage the development of habitat and*
14 *forage for Monarch butterflies, other native polli-*
15 *nators, and honey bees through plantings of native*
16 *forbs and grasses, including noninvasive, native milk-*
17 *weed species that can serve as migratory way stations*
18 *for butterflies and facilitate migrations of other polli-*
19 *nators.”.*

20 (b) *PROVISION OF HABITAT, FORAGE, AND MIGRATORY*
21 *WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NA-*
22 *TIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1)*
23 *of title 23, United States Code, is amended by inserting*
24 *“provision of habitat, forage, and migratory way stations*

1 *for Monarch butterflies, other native pollinators, and honey*
2 *bees,” before “and aesthetic enhancement”.*

3 **SEC. 15005. STUDY ON PERFORMANCE OF BRIDGES.**

4 *(a) IN GENERAL.—Subject to subsection (c), the Ad-*
5 *ministrator of the Federal Highway Administration (re-*
6 *ferred to in this section as the “Administrator”) shall com-*
7 *mission the Transportation Research Board of the National*
8 *Academy of Sciences to conduct a study on the performance*
9 *of bridges that received funding under the innovative bridge*
10 *research and construction program (referred to in this sec-*
11 *tion as the “program”) under section 503(b) of title 23,*
12 *United States Code (as in effect on the day before the date*
13 *of enactment of SAFETEA–LU (Public Law 109–59; 119*
14 *Stat. 1144)) in meeting the goals of that program, which*
15 *included—*

16 *(1) the development of new, cost-effective innova-*
17 *tive material highway bridge applications;*

18 *(2) the reduction of maintenance costs and*
19 *lifecycle costs of bridges, including the costs of new*
20 *construction, replacement, or rehabilitation of defi-*
21 *cient bridges;*

22 *(3) the development of construction techniques to*
23 *increase safety and reduce construction time and traf-*
24 *fic congestion;*

1 (4) *the development of engineering design cri-*
2 *teria for innovative products and materials for use in*
3 *highway bridges and structures;*

4 (5) *the development of cost-effective and innova-*
5 *tive techniques to separate vehicle and pedestrian*
6 *traffic from railroad traffic;*

7 (6) *the development of highway bridges and*
8 *structures that will withstand natural disasters, in-*
9 *cluding alternative processes for the seismic retrofit of*
10 *bridges; and*

11 (7) *the development of new nondestructive bridge*
12 *evaluation technologies and techniques.*

13 (b) *CONTENTS.—The study commissioned under sub-*
14 *section (a) shall include—*

15 (1) *an analysis of the performance of bridges*
16 *that received funding under the program in meeting*
17 *the goals described in paragraphs (1) through (7) of*
18 *subsection (a);*

19 (2) *an analysis of the utility, compared to con-*
20 *ventional materials and technologies, of each of the*
21 *innovative materials and technologies used in projects*
22 *for bridges under the program in meeting the needs*
23 *of the United States in 2015 and in the future for a*
24 *sustainable and low lifecycle cost transportation sys-*
25 *tem;*

1 (1) *in subsection (a), in the matter preceding*
2 *paragraph (1) by striking “2015” and inserting*
3 *“2021”; and*

4 (2) *in subsection (b)(1)(A) by striking “2015”*
5 *and inserting “2021”.*

6 ***DIVISION B—PUBLIC***
7 ***TRANSPORTATION***
8 ***TITLE XXI—FEDERAL PUBLIC***
9 ***TRANSPORTATION ACT***

10 ***SEC. 21001. SHORT TITLE.***

11 *This title may be cited as the “Federal Public Trans-*
12 *portation Act of 2015”.*

13 ***SEC. 21002. DEFINITIONS.***

14 *Section 5302 of title 49, United States Code, is amend-*
15 *ed—*

16 (1) *in paragraph (1)(E), by striking “bicycle*
17 *storage facilities and installing equipment” and in-*
18 *serting “bicycle storage shelters and parking facilities*
19 *and the installation of equipment”;*

20 (2) *in paragraph (3)—*

21 (A) *by striking subparagraph (F) and in-*
22 *serting the following:*

23 *“(F) leasing equipment or a facility for use*
24 *in public transportation;”;*

25 (B) *in subparagraph (G)—*

1 (i) in clause (iv), by adding “and” at
2 the end;

3 (ii) in clause (v), by striking “and” at
4 the end; and

5 (iii) by striking clause (vi);

6 (C) in subparagraph (K), by striking “or”
7 at the end;

8 (D) in subparagraph (L), by striking the
9 period at the end and inserting a semicolon; and

10 (E) by adding at the end the following:

11 “(M) associated transit improvements; or

12 “(N) technological changes or innovations to
13 modify low or no emission vehicles (as defined in
14 section 5339(c)) or facilities.”; and

15 (3) by adding at the end the following:

16 “(24) VALUE CAPTURE.—The term ‘value cap-
17 ture’ means recovering the increased value to property
18 located near public transportation resulting from in-
19 vestments in public transportation.”.

20 **SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.**

21 Section 5303 of title 49, United States Code, is amend-
22 ed—

23 (1) in subsection (a)(1), by inserting “resilient”
24 after “development of”;

1 (2) *in subsection (c)(2), by striking “and bicycle*
2 *transportation facilities” and inserting “, bicycle*
3 *transportation facilities, intermodal facilities that*
4 *support intercity transportation, including intercity*
5 *buses and intercity bus facilities, and commuter van-*
6 *pool providers”;*

7 (3) *in subsection (d)—*

8 (A) *by redesignating paragraphs (3)*
9 *through (6) as paragraphs (4) through (7), re-*
10 *spectively;*

11 (B) *by inserting after paragraph (2) the fol-*
12 *lowing:*

13 “(3) *REPRESENTATION.—*

14 “(A) *IN GENERAL.—Designation or selection*
15 *of officials or representatives under paragraph*
16 *(2) shall be determined by the metropolitan*
17 *planning organization according to the bylaws*
18 *or enabling statute of the organization.*

19 “(B) *PUBLIC TRANSPORTATION REPRESENT-*
20 *ATIVE.—Subject to the bylaws or enabling statute*
21 *of the metropolitan planning organization, a*
22 *representative of a provider of public transpor-*
23 *tation may also serve as a representative of a*
24 *local municipality.*

1 “(C) *POWERS OF CERTAIN OFFICIALS.*—An
2 official described in paragraph (2)(B) shall have
3 responsibilities, actions, duties, voting rights,
4 and any other authority commensurate with
5 other officials described in paragraph (2)(B).”;
6 and

7 (C) in paragraph (5), as so redesignated, by
8 striking “paragraph (5)” and inserting “para-
9 graph (6)”;

10 (4) in subsection (e)(4)(B), by striking “sub-
11 section (d)(5)” and inserting “subsection (d)(6)”;

12 (5) in subsection (g)(3)(A), by inserting “natural
13 disaster risk reduction,” after “environmental protec-
14 tion,”;

15 (6) in subsection (h)(1)—

16 (A) in subparagraph (G), by striking “and”
17 at the end;

18 (B) in subparagraph (H), by striking the
19 period at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(I) improve the resilience and reliability of
22 the transportation system.”;

23 (7) in subsection (i)—

24 (A) in paragraph (2)—

1 (i) in subparagraph (A)(i), by striking
2 “transit” and inserting “public transpor-
3 tation facilities, intercity bus facilities”;

4 (ii) in subparagraph (G)—

5 (I) by striking “and provide” and
6 inserting “, provide”; and

7 (II) by inserting before the period
8 at the end the following: “, and reduce
9 vulnerability due to natural disasters
10 of the existing transportation infra-
11 structure”; and

12 (iii) in subparagraph (H), by insert-
13 ing before the period at the end the fol-
14 lowing: “, including consideration of the
15 role that intercity buses may play in reduc-
16 ing congestion, pollution, and energy con-
17 sumption in a cost-effective manner and
18 strategies and investments that preserve and
19 enhance intercity bus systems, including
20 systems that are privately owned and oper-
21 ated”;

22 (B) in paragraph (6)(A)—

23 (i) by inserting “public ports,” before
24 “freight shippers”; and

1 (ii) by inserting “(including intercity
2 bus operators and commuter vanpool pro-
3 viders)” after “private providers of trans-
4 portation”; and

5 (C) in paragraph (8), by striking “para-
6 graph (2)(C)” each place that term appears and
7 inserting “paragraph (2)(E)”;

8 (8) in subsection (j)(5)(A), by striking “sub-
9 section (k)(4)” and inserting “subsection (k)(3)”;

10 (9) in subsection (k)—

11 (A) by striking paragraph (3); and

12 (B) by redesignating paragraphs (4) and
13 (5) as paragraphs (3) and (4), respectively;

14 (10) in subsection (l)—

15 (A) in paragraph (1), by adding a period
16 at the end; and

17 (B) in paragraph (2)(D), by striking “of
18 less than 200,000” and inserting “with a popu-
19 lation of 200,000 or less”;

20 (11) by striking subsection (n);

21 (12) by redesignating subsections (o), (p), and
22 (q) as subsections (n), (o), and (p), respectively;

23 (13) in subsection (o), as so redesignated, by
24 striking “set aside under section 104(f) of title 23”

1 and inserting “apportioned under paragraphs (5)(D)
2 and (6) of section 104(b) of title 23”; and

3 (14) by adding at the end the following:

4 “(q) *TREATMENT OF LAKE TAHOE REGION.*—

5 “(1) *DEFINITION OF LAKE TAHOE REGION.*—*In*
6 *this subsection, the term ‘Lake Tahoe Region’ has the*
7 *meaning given the term ‘region’ in subsection (a) of*
8 *Article II of the Lake Tahoe Regional Planning Com-*
9 *pact (Public Law 96–551; 94 Stat. 3234).*

10 “(2) *TREATMENT.*—*For purposes of this title, the*
11 *Lake Tahoe Region shall be treated as—*

12 “(A) *a metropolitan planning organization;*

13 “(B) *a transportation management area*
14 *under subsection (k); and*

15 “(C) *an urbanized area, which is comprised*
16 *of—*

17 “(i) *a population of 145,000 and 25*
18 *square miles of land area in the State of*
19 *California; and*

20 “(ii) *a population of 65,000 and 12*
21 *square miles of land area in the State of*
22 *Nevada.”.*

1 **SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANS-**
2 **PORTATION PLANNING.**

3 (a) *IN GENERAL.*—Section 5304 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a)(2), by striking “and bicycle
6 transportation facilities” and inserting “, bicycle
7 transportation facilities, intermodal facilities that
8 support intercity transportation, including intercity
9 buses and intercity bus facilities, and commuter van-
10 pool providers”;

11 (2) in subsection (d)—

12 (A) in paragraph (1)—

13 (i) in subparagraph (G), by striking
14 “and” at the end;

15 (ii) in subparagraph (H), by striking
16 the period at the end and inserting “; and”;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(I) improve the resilience and reliability of
21 the transportation system.”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (B)(ii), by strik-
24 ing “urbanized areas with a population of
25 fewer than 200,000 individuals, as cal-
26 culated according to the most recent decen-

1 *nial census, and” and inserting “areas”;*

2 *and*

3 *(ii) in subparagraph (C)—*

4 *(I) by striking “title 23” and in-*
5 *serting “this chapter”;* *and*

6 *(II) by striking “urbanized areas*
7 *with a population of fewer than*
8 *200,000 individuals, as calculated ac-*
9 *cording to the most recent decennial*
10 *census, and” and inserting “areas”;*

11 *(3) in subsection (e)(1)—*

12 *(A) by striking “In” and inserting “In”;*

13 *and*

14 *(B) by striking “subsection (l)” and insert-*
15 *ing “subsection (k)”;*

16 *(4) in subsection (f)—*

17 *(A) in paragraph (2)(B)(i), by striking*
18 *“subsection (l)” and inserting “subsection (k)”;*

19 *(B) in paragraph (3)(A)—*

20 *(i) in clause (i), by striking “sub-*
21 *section (l)” and inserting “subsection (k)”;*

22 *and*

23 *(ii) in clause (ii), by inserting “(in-*
24 *cluding intercity bus operators and com-*

1 *muter vanpool providers)” after “private*
2 *providers of transportation”;*

3 *(C) in paragraph (7), in the matter pre-*
4 *ceding subparagraph (A), by striking “should”*
5 *and inserting “shall”; and*

6 *(D) in paragraph (8), by inserting “, in-*
7 *cluding consideration of the role that intercity*
8 *buses may play in reducing congestion, pollu-*
9 *tion, and energy consumption in a cost-effective*
10 *manner and strategies and investments that pre-*
11 *serve and enhance intercity bus systems, includ-*
12 *ing systems that are privately owned and oper-*
13 *ated” before the period at the end;*

14 *(5) in subsection (g)—*

15 *(A) in paragraph (2)(B)(i), by striking*
16 *“subsection (l)” and inserting “subsection (k)”;*

17 *(B) in paragraph (3)—*

18 *(i) by inserting “public ports,” before*
19 *“freight shippers”; and*

20 *(ii) by inserting “(including intercity*
21 *bus operators)” after “private providers of*
22 *transportation”; and*

23 *(C) in paragraph (6)(A), by striking “sub-*
24 *section (l)” and inserting “subsection (k)”;*

25 *(6) by striking subsection (i); and*

1 (7) by redesignating subsections (j), (k), and (l)
2 as subsections (i), (j), and (k), respectively.

3 (b) *CONFORMING AMENDMENT.*—Section 5303(b)(5) of
4 title 49, United States Code, is amended by striking “sec-
5 tion 5304(l)” and inserting “section 5304(k)”.

6 **SEC. 21005. URBANIZED AREA FORMULA GRANTS.**

7 Section 5307 of title 49, United States Code, is amend-
8 ed—

9 (1) in subsection (a)—

10 (A) in paragraph (2), by inserting “or gen-
11 eral public demand response service” before
12 “during” each place that term appears; and

13 (B) by adding at the end the following:

14 “(3) *EXCEPTION TO SPECIAL RULE.*—Notwith-
15 standing paragraph (2), if a public transportation
16 system described in that paragraph executes a written
17 agreement with 1 or more other public transportation
18 systems within the urbanized area to allocate funds
19 for the purposes described in that paragraph by a
20 method other than by measuring vehicle revenue
21 hours, each public transportation system that is a
22 party to the written agreement may follow the terms
23 of the written agreement without regard to measured
24 vehicle revenue hours referred to in that paragraph.

25 “(4) *TEMPORARY AND TARGETED ASSISTANCE.*—

1 “(A) *ELIGIBILITY.*—*The Secretary may*
2 *make a grant under this section to finance the*
3 *operating cost of equipment and facilities to a*
4 *recipient for use in public transportation in an*
5 *area that the Secretary determines has—*

6 “(i) *a population of not fewer than*
7 *200,000 individuals, as determined by the*
8 *Bureau of the Census; and*

9 “(ii) *a 3-month unemployment rate, as*
10 *reported by the Bureau of Labor Statistics,*
11 *that is—*

12 “(I) *greater than 7 percent; and*

13 “(II) *at least 2 percentage points*
14 *greater than the lowest 3-month unem-*
15 *ployment rate for the area during the*
16 *5-year period preceding the date of the*
17 *determination.*

18 “(B) *AWARD OF GRANT.*—

19 “(i) *IN GENERAL.*—*Except as otherwise*
20 *provided in this subparagraph, the Sec-*
21 *retary may make a grant under this para-*
22 *graph for not more than 2 consecutive fiscal*
23 *years.*

24 “(ii) *ADDITIONAL YEAR.*—*If, at the*
25 *end of the second fiscal year following the*

1 *date on which the Secretary makes a deter-*
2 *mination under subparagraph (A) with re-*
3 *spect to an area, the Secretary determines*
4 *that the 3-month unemployment rate for the*
5 *area is at least 2 percentage points greater*
6 *than the unemployment rate for the area at*
7 *the time the Secretary made the determina-*
8 *tion under subparagraph (A), the Secretary*
9 *may make a grant to a recipient in the*
10 *area for 1 additional consecutive fiscal*
11 *year.*

12 “(iii) *EXCLUSION PERIOD.*—*Beginning*
13 *on the last day of the last consecutive fiscal*
14 *year for which a recipient receives a grant*
15 *under this paragraph, the Secretary may*
16 *not make a subsequent grant under this*
17 *paragraph to the recipient for a number of*
18 *fiscal years equal to the number of consecu-*
19 *tive fiscal years in which the recipient re-*
20 *ceived a grant under this paragraph.*

21 “(C) *LIMITATION.*—

22 “(i) *FIRST FISCAL YEAR.*—*For the first*
23 *fiscal year following the date on which the*
24 *Secretary makes a determination under*
25 *subparagraph (A) with respect to an area,*

1 *not more than 25 percent of the amount ap-*
2 *portioned to a designated recipient under*
3 *section 5336 for the fiscal year shall be*
4 *available for operating assistance for the*
5 *area.*

6 “(ii) *SECOND AND THIRD FISCAL*
7 *YEARS.—For the second and third fiscal*
8 *years following the date on which the Sec-*
9 *retary makes a determination under sub-*
10 *paragraph (A) with respect to an area, not*
11 *more than 20 percent of the amount appor-*
12 *tioned to a designated recipient under sec-*
13 *tion 5336 for the fiscal year shall be avail-*
14 *able for operating assistance for the area.*

15 “(D) *PERIOD OF AVAILABILITY FOR OPER-*
16 *ATING ASSISTANCE.—Operating assistance*
17 *awarded under this paragraph shall be available*
18 *for expenditure to a recipient in an area until*
19 *the end of the second fiscal year following the*
20 *date on which the Secretary makes a determina-*
21 *tion under subparagraph (A) with respect to the*
22 *area, after which time any unexpended funds*
23 *shall be available to the recipient for other eligi-*
24 *ble activities under this section.*

1 “(E) *CERTIFICATION.*—*The Secretary may*
2 *make a grant for operating assistance under this*
3 *paragraph for a fiscal year only if the recipient*
4 *certifies that—*

5 “(i) *the recipient will maintain public*
6 *transportation service levels at or above the*
7 *current service level, which shall be dem-*
8 *onstrated by providing an equal or greater*
9 *number of vehicle hours of service in the fis-*
10 *cal year than the number of vehicle hours of*
11 *service provided in the preceding fiscal*
12 *year;*

13 “(ii) *any non-Federal entity that pro-*
14 *vides funding to the recipient, including a*
15 *State or local governmental entity, will*
16 *maintain the tax rate or rate of allocations*
17 *dedicated to public transportation at or*
18 *above the rate for the preceding fiscal year;*

19 “(iii) *the recipient has allocated the*
20 *maximum amount of funding under this*
21 *section for preventive maintenance costs eli-*
22 *gible as a capital expense necessary to*
23 *maintain the level and quality of service*
24 *provided in the preceding fiscal year; and*

1 “(iv) the recipient will not use funding
2 under this section for new capital assets ex-
3 cept as necessary for the existing system to
4 maintain or achieve a state of good repair,
5 assure safety, or replace obsolete tech-
6 nology.”; and

7 (2) in subsection (c)(1)—

8 (A) in subparagraph (C), by inserting “in
9 a state of good repair” after “equipment and fa-
10 cilities”;

11 (B) in subparagraph (J), by adding “and”
12 at the end;

13 (C) by striking subparagraph (K); and

14 (D) by redesignating subparagraph (L) as
15 subparagraph (K).

16 **SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT**
17 **GRANTS.**

18 (a) *IN GENERAL.*—Section 5309 of title 49, United
19 *States Code*, is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (3), by striking “and
22 weekend days”;

23 (B) in paragraph (6)—

1 (i) in subparagraph (A), by inserting
2 “, small start projects,” after “new fixed
3 guideway capital projects”; and

4 (ii) by striking subparagraph (B) and
5 inserting the following:

6 “(B) 2 or more projects that are any com-
7 bination of new fixed guideway capital projects,
8 small start projects, and core capacity improve-
9 ment projects.”; and

10 (C) in paragraph (7)—

11 (i) in subparagraph (A), by striking
12 “\$75,000,000” and inserting
13 “\$100,000,000”; and

14 (ii) in subparagraph (B), by striking
15 “\$250,000,000” and inserting
16 “\$300,000,000”;

17 (2) in subsection (d)—

18 (A) in paragraph (1)(B), by striking “,
19 policies and land use patterns that promote pub-
20 lic transportation,”; and

21 (B) in paragraph (2)(A)—

22 (i) in clause (iii), by adding “and” at
23 the end;

24 (ii) by striking clause (iv); and

1 (iii) by redesignating clause (v) as
2 clause (iv);

3 (3) in subsection (g)(2)(A)(i), by striking “, the
4 policies and land use patterns that support public
5 transportation,”;

6 (4) in subsection (i)—

7 (A) in paragraph (1), by striking “sub-
8 section (d) or (e)” and inserting “subsection (d),
9 (e), or (h)”;

10 (B) in paragraph (2)—

11 (i) in the matter preceding subpara-
12 graph (A), by inserting “new fixed guide-
13 way capital project or core capacity im-
14 provement” after “federally funded”;

15 (ii) by striking subparagraph (D) and
16 inserting the following:

17 “(D) the program of interrelated projects,
18 when evaluated as a whole—

19 “(i) meets the requirements of sub-
20 section (d)(2), subsection (e)(2), or para-
21 graphs (3) and (4) of subsection (h), as ap-
22 plicable, if the program is comprised en-
23 tirely of—

24 “(I) new fixed guideway capital
25 projects;

1 “(II) core capacity improvement
2 projects; or

3 “(III) small start projects; or

4 “(ii) meets the requirements of sub-
5 section (d)(2) if the program is comprised of
6 any combination of new fixed guideway
7 projects, small start projects, and core ca-
8 pacity improvement projects;” and

9 (iii) in subparagraph (F), by inserting
10 “or (h)(5), as applicable” after “subsection
11 (f)”; and

12 (C) in paragraph (3), by striking subpara-
13 graph (A) and inserting the following:

14 “(A) *PROJECT ADVANCEMENT*.—A project
15 receiving a grant under this section that is part
16 of a program of interrelated projects may not
17 advance—

18 “(i) in the case of a small start project,
19 from the project development phase to the
20 construction phase unless the Secretary de-
21 termines that the program of interrelated
22 projects meets the applicable requirements of
23 this section and there is a reasonable likeli-
24 hood that the program will continue to meet
25 such requirements; or

1 “(ii) in the case of a new fixed guide-
2 way capital project or a core capacity im-
3 provement project, from the project develop-
4 ment phase to the engineering phase, or
5 from the engineering phase to the construc-
6 tion phase, unless the Secretary determines
7 that the program of interrelated projects
8 meets the applicable requirements of this
9 section and there is a reasonable likelihood
10 that the program will continue to meet such
11 requirements.”; and

12 (5) by adding at the end the following:

13 “(p) *JOINT PUBLIC TRANSPORTATION AND INTERCITY*
14 *PASSENGER RAIL PROJECTS.*—

15 “(1) *IN GENERAL.*—The Secretary may make
16 grants for new fixed guideway capital projects and
17 core capacity improvement projects that provide both
18 public transportation and intercity passenger rail
19 service.

20 “(2) *ELIGIBLE COSTS.*—Eligible costs for a
21 project under this subsection shall be limited to the
22 net capital costs of the public transportation costs at-
23 tributable to the project based on projected use of the
24 new segment or expanded capacity of the project cor-
25 ridor, not including project elements designed to

1 *achieve or maintain a state of good repair, as deter-*
2 *mined by the Secretary under paragraph (4).*

3 “(3) *PROJECT JUSTIFICATION AND LOCAL FINAN-*
4 *CIAL COMMITMENT.—A project under this subsection*
5 *shall be evaluated for project justification and local*
6 *financial commitment under subsections (d), (e), (f),*
7 *and (h), as applicable to the project, based on—*

8 “(A) *the net capital costs of the public*
9 *transportation costs attributable to the project as*
10 *determined under paragraph (4); and*

11 “(B) *the share of funds dedicated to the*
12 *project from sources other than this section in-*
13 *cluded in the unified finance plan for the project.*

14 “(4) *CALCULATION OF NET CAPITAL PROJECT*
15 *COST.—The Secretary shall estimate the net capital*
16 *costs of a project under this subsection based on—*

17 “(A) *engineering studies;*

18 “(B) *studies of economic feasibility;*

19 “(C) *the expected use of equipment or facili-*
20 *ties; and*

21 “(D) *the public transportation costs attrib-*
22 *utable to the project.*

23 “(5) *GOVERNMENT SHARE OF NET CAPITAL*
24 *PROJECT COST.—*

1 “(A) *GOVERNMENT SHARE*.—*The Govern-*
2 *ment share shall not exceed 80 percent of the net*
3 *capital cost attributable to the public transpor-*
4 *tation costs of a project under this subsection as*
5 *determined under paragraph (4).*”

6 “(B) *NON-GOVERNMENT SHARE*.—*The re-*
7 *mainder of the net capital cost attributable to*
8 *the public transportation costs of a project under*
9 *this subsection shall be provided from an undis-*
10 *tributed cash surplus, a replacement or deprecia-*
11 *tion cash fund or reserve, or new capital.*”

12 (b) *EXPEDITED PROJECT DELIVERY FOR CAPITAL IN-*
13 *VESTMENT GRANTS PILOT PROGRAM*.—

14 (1) *DEFINITIONS*.—*In this subsection, the fol-*
15 *lowing definitions shall apply:*

16 (A) *APPLICANT*.—*The term “applicant”*
17 *means a State or local governmental authority*
18 *that applies for a grant under this subsection.*

19 (B) *CAPITAL PROJECT; FIXED GUIDEWAY;*
20 *LOCAL GOVERNMENTAL AUTHORITY; PUBLIC*
21 *TRANSPORTATION; STATE; STATE OF GOOD RE-*
22 *PAIR*.—*The terms “capital project”, “fixed guide-*
23 *way”, “local governmental authority”, “public*
24 *transportation”, “State”, and “state of good re-*

1 *pair*” have the meanings given those terms in
2 section 5302 of title 49, United States Code.

3 (C) CORE CAPACITY IMPROVEMENT
4 PROJECT.—The term “core capacity improve-
5 ment project”—

6 (i) means a substantial corridor-based
7 capital investment in an existing fixed
8 guideway system that increases the capacity
9 of a corridor by not less than 10 percent;
10 and

11 (ii) may include project elements de-
12 signed to aid the existing fixed guideway
13 system in making substantial progress to-
14 wards achieving a state of good repair.

15 (D) CORRIDOR-BASED BUS RAPID TRANSIT
16 PROJECT.—The term “corridor-based bus rapid
17 transit project” means a small start project uti-
18 lizing buses in which the project represents a
19 substantial investment in a defined corridor as
20 demonstrated by features that emulate the serv-
21 ices provided by rail fixed guideway public
22 transportation systems—

23 (i) including—

24 (I) defined stations;

1 (II) traffic signal priority for
2 public transportation vehicles;

3 (III) short headway bidirectional
4 services for a substantial part of week-
5 days; and

6 (IV) any other features the Sec-
7 retary may determine support a long-
8 term corridor investment; and

9 (ii) the majority of which does not op-
10 erate in a separated right-of-way dedicated
11 for public transportation use during peak
12 periods.

13 (E) *ELIGIBLE PROJECT.*—The term “eligible
14 project” means a new fixed guideway capital
15 project, a small start project, or a core capacity
16 improvement project that has not entered into a
17 full funding grant agreement with the Federal
18 Transit Administration before the date of enact-
19 ment of this Act.

20 (F) *FIXED GUIDEWAY BUS RAPID TRANSIT*
21 *PROJECT.*—The term “fixed guideway bus rapid
22 transit project” means a bus capital project—

23 (i) in which the majority of the project
24 operates in a separated right-of-way dedi-

1 cated for public transportation use during
2 peak periods;

3 (ii) that represents a substantial in-
4 vestment in a single route in a defined cor-
5 ridor or subarea; and

6 (iii) that includes features that emu-
7 late the services provided by rail fixed
8 guideway public transportation systems, in-
9 cluding—

10 (I) defined stations;

11 (II) traffic signal priority for
12 public transportation vehicles;

13 (III) short headway bidirectional
14 services for a substantial part of week-
15 days and weekend days; and

16 (IV) any other features the Sec-
17 retary may determine are necessary to
18 produce high-quality public transpor-
19 tation services that emulate the services
20 provided by rail fixed guideway public
21 transportation systems.

22 (G) *NEW FIXED GUIDEWAY CAPITAL*
23 *PROJECT.*—The term “new fixed guideway cap-
24 ital project” means—

1 (i) a fixed guideway project that is a
2 minimum operable segment or extension to
3 an existing fixed guideway system; or

4 (ii) a fixed guideway bus rapid transit
5 project that is a minimum operable segment
6 or an extension to an existing bus rapid
7 transit system.

8 (H) *RECIPIENT*.—The term “recipient”
9 means a recipient of funding under chapter 53
10 of title 49, United States Code.

11 (I) *SMALL START PROJECT*.—The term
12 “small start project” means a new fixed guide-
13 way capital project, a fixed guideway bus rapid
14 transit project, or a corridor-based bus rapid
15 transit project for which—

16 (i) the Federal assistance provided or
17 to be provided under this subsection is less
18 than \$75,000,000; and

19 (ii) the total estimated net capital cost
20 is less than \$300,000,000.

21 (2) *GENERAL AUTHORITY*.—The Secretary may
22 make grants under this subsection to States and local
23 governmental authorities to assist in financing—

24 (A) new fixed guideway capital projects or
25 small start projects, including the acquisition of

1 *real property, the initial acquisition of rolling*
2 *stock for the system, the acquisition of rights-of-*
3 *way, and relocation, for projects in the advanced*
4 *stages of planning and design; and*

5 *(B) core capacity improvement projects, in-*
6 *cluding the acquisition of real property, the ac-*
7 *quisition of rights-of-way, double tracking, sig-*
8 *nalization improvements, electrification, expand-*
9 *ing system platforms, acquisition of rolling stock*
10 *associated with corridor improvements increas-*
11 *ing capacity, construction of infill stations, and*
12 *such other capacity improvement projects as the*
13 *Secretary determines are appropriate to increase*
14 *the capacity of an existing fixed guideway sys-*
15 *tem corridor by not less than 10 percent. Core*
16 *capacity improvement projects do not include*
17 *elements to improve general station facilities or*
18 *parking, or acquisition of rolling stock alone.*

19 *(3) GRANT REQUIREMENTS.—*

20 *(A) IN GENERAL.—The Secretary may make*
21 *not more than 10 grants under this subsection*
22 *for an eligible project if the Secretary determines*
23 *that—*

24 *(i) the eligible project is part of an ap-*
25 *proved transportation plan required under*

1 *sections 5303 and 5304 of title 49, United*
2 *States Code;*

3 *(ii) the applicant has, or will have—*

4 *(I) the legal, financial, and tech-*
5 *nical capacity to carry out the eligible*
6 *project, including the safety and secu-*
7 *rity aspects of the eligible project;*

8 *(II) satisfactory continuing con-*
9 *trol over the use of the equipment or*
10 *facilities;*

11 *(III) the technical and financial*
12 *capacity to maintain new and existing*
13 *equipment and facilities; and*

14 *(IV) advisors providing guidance*
15 *to the applicant on the terms and*
16 *structure of the project that are inde-*
17 *pendent from investors in the project;*

18 *(iii) the eligible project is supported, or*
19 *will be supported, in part, through a public-*
20 *private partnership, provided such support*
21 *is determined by local policies, criteria, and*
22 *decisionmaking under section 5306(a) of*
23 *title 49, United States Code;*

1 (iv) the eligible project is justified
2 based on findings presented by the project
3 sponsor to the Secretary, including—

4 (I) mobility improvements attrib-
5 utable to the project;

6 (II) environmental benefits associ-
7 ated with the project;

8 (III) congestion relief associated
9 with the project;

10 (IV) economic development effects
11 derived as a result of the project; and

12 (V) estimated ridership projec-
13 tions; and

14 (v) the eligible project is supported by
15 an acceptable degree of local financial com-
16 mitment (including evidence of stable and
17 dependable financing sources).

18 (B) CERTIFICATION.—An applicant that
19 has submitted the certifications required under
20 subparagraphs (A), (B), (C), and (H) of section
21 5307(c)(1) of title 49, United States Code, shall
22 be deemed to have provided sufficient informa-
23 tion upon which the Secretary may make the de-
24 terminations required under this paragraph.

1 (C) *TECHNICAL CAPACITY.*—*The Secretary*
2 *shall use an expedited technical capacity review*
3 *process for applicants that have recently and*
4 *successfully completed not less than 1 new fixed*
5 *guideway capital project, small start project, or*
6 *core capacity improvement project, if—*

7 (i) *the applicant achieved budget, cost,*
8 *and ridership outcomes for the project that*
9 *are consistent with or better than projec-*
10 *tions; and*

11 (ii) *the applicant demonstrates that*
12 *the applicant continues to have the staff ex-*
13 *pertise and other resources necessary to im-*
14 *plement a new project.*

15 (D) *FINANCIAL COMMITMENT.*—

16 (i) *REQUIREMENTS.*—*In determining*
17 *whether an eligible project is supported by*
18 *an acceptable degree of local financial com-*
19 *mitment and shows evidence of stable and*
20 *dependable financing sources for purposes of*
21 *subparagraph (A)(v), the Secretary shall re-*
22 *quire that—*

23 (I) *each proposed source of capital*
24 *and operating financing is stable, reli-*

1 able, and available within the proposed
2 eligible project timetable; and

3 (II) resources are available to re-
4 capitalize, maintain, and operate the
5 overall existing and proposed public
6 transportation system, including essen-
7 tial feeder bus and other services nec-
8 essary, without degradation to the ex-
9 isting level of public transportation
10 services.

11 (ii) *CONSIDERATIONS.*—In assessing
12 the stability, reliability, and availability of
13 proposed sources of financing under clause
14 (i), the Secretary shall consider—

15 (I) the reliability of the fore-
16 casting methods used to estimate costs
17 and revenues made by the applicant
18 and the contractors to the applicant;

19 (II) existing grant commitments;

20 (III) the degree to which financ-
21 ing sources are dedicated to the pro-
22 posed eligible project;

23 (IV) any debt obligation that ex-
24 ists or is proposed by the applicant, for

1 *the proposed eligible project or other*
2 *public transportation purpose; and*

3 (V) *private contributions to the el-*
4 *igible project, including cost-effective*
5 *project delivery, management or trans-*
6 *fer of project risks, expedited project*
7 *schedule, financial partnering, and*
8 *other public-private partnership strate-*
9 *gies.*

10 (E) *LABOR STANDARDS.—The requirements*
11 *under section 5333 of title 49, United States*
12 *Code, shall apply to each recipient of a grant*
13 *under this subsection.*

14 (4) *PROJECT ADVANCEMENT.—An applicant that*
15 *desires a grant under this subsection and meets the*
16 *requirements of paragraph (3) shall submit to the*
17 *Secretary, and the Secretary shall approve for ad-*
18 *vancement, a grant request that contains—*

19 (A) *identification of an eligible project;*

20 (B) *a schedule and finance plan for the con-*
21 *struction and operation of the eligible project;*

22 (C) *an analysis of the efficiencies of the pro-*
23 *posed eligible project development and delivery*
24 *methods and innovative financing arrangement*

1 *for the eligible project, including any documents*
2 *related to the—*

3 *(i) public-private partnership required*
4 *under paragraph (3)(A)(iii); and*

5 *(ii) project justification required under*
6 *paragraph (3)(A)(iv); and*

7 *(D) a certification that the existing public*
8 *transportation system of the applicant or, in the*
9 *event that the applicant does not operate a pub-*
10 *lic transportation system, the public transpor-*
11 *tation system to which the proposed project will*
12 *be attached, is in a state of good repair.*

13 (5) *WRITTEN NOTICE FROM THE SECRETARY.—*

14 *(A) IN GENERAL.—Not later than 120 days*
15 *after the date on which the Secretary receives a*
16 *grant request of an applicant under paragraph*
17 *(4), the Secretary shall provide written notice to*
18 *the applicant—*

19 *(i) of approval of the grant request; or*

20 *(ii) if the grant request does not meet*
21 *the requirements under paragraph (4), of*
22 *disapproval of the grant request, including*
23 *a detailed explanation of the reasons for the*
24 *disapproval.*

1 (B) *CONCURRENT NOTICE.*—*The Secretary*
2 *shall provide concurrent notice of an approval or*
3 *disapproval of a grant request under subpara-*
4 *graph (A) to the Committee on Banking, Hous-*
5 *ing, and Urban Affairs of the Senate and the*
6 *Committee on Transportation and Infrastructure*
7 *of the House of Representatives.*

8 (6) *WAIVER.*—*The Secretary may grant a waiv-*
9 *er to an applicant that does not comply with para-*
10 *graph (4)(D) if—*

11 (A) *the eligible project meets the definition*
12 *of a core capacity improvement project; and*

13 (B) *the Secretary certifies that the eligible*
14 *project will allow the applicant to make substan-*
15 *tial progress in achieving a state of good repair.*

16 (7) *SELECTION CRITERIA.*—*The Secretary may*
17 *enter into a full funding grant agreement with an ap-*
18 *plicant under this subsection for an eligible project*
19 *for which an application has been submitted and ap-*
20 *proved for advancement by the Secretary under para-*
21 *graph (4), only if the applicant has completed the*
22 *planning and activities required under the National*
23 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
24 *seq.).*

1 (8) *LETTERS OF INTENT AND FULL FUNDING*
2 *GRANT AGREEMENTS.*—

3 (A) *LETTERS OF INTENT.*—

4 (i) *AMOUNTS INTENDED TO BE OBLI-*
5 *GATED.*—*The Secretary may issue a letter*
6 *of intent to an applicant announcing an in-*
7 *tention to obligate, for an eligible project*
8 *under this subsection, an amount from fu-*
9 *ture available budget authority specified in*
10 *law that is not more than the amount stip-*
11 *ulated as the financial participation of the*
12 *Secretary in the eligible project. When a let-*
13 *ter is issued for an eligible project under*
14 *this subsection, the amount shall be suffi-*
15 *cient to complete at least an operable seg-*
16 *ment.*

17 (ii) *TREATMENT.*—*The issuance of a*
18 *letter under clause (i) is deemed not to be*
19 *an obligation under section 1108(c), 1501,*
20 *or 1502(a) of title 31, United States Code,*
21 *or an administrative commitment.*

22 (B) *FULL FUNDING GRANT AGREEMENTS.*—

23 (i) *IN GENERAL.*—*Except as provided*
24 *in clause (v), an eligible project shall be*

1 *carried out under this subsection through a*
2 *full funding grant agreement.*

3 *(ii) CRITERIA.—The Secretary shall*
4 *enter into a full funding grant agreement,*
5 *based the requirements of this subpara-*
6 *graph, with each applicant receiving assist-*
7 *ance for an eligible project that has received*
8 *a written notice of approval under para-*
9 *graph (5)(A)(i).*

10 *(iii) TERMS.—A full funding grant*
11 *agreement shall—*

12 *(I) establish the terms of partici-*
13 *pation by the Federal Government in*
14 *the eligible project;*

15 *(II) establish the maximum*
16 *amount of Federal financial assistance*
17 *for the eligible project;*

18 *(III) include the period of time*
19 *for completing construction of the eligi-*
20 *ble project, consistent with the terms of*
21 *the public-private partnership agree-*
22 *ment, even if that period extends be-*
23 *yond the period of an authorization;*
24 *and*

1 (IV) *make timely and efficient*
2 *management of the eligible project easi-*
3 *er according to the law of the United*
4 *States.*

5 (iv) *SPECIAL FINANCIAL RULES.—*

6 (I) *IN GENERAL.—A full funding*
7 *grant agreement under this subpara-*
8 *graph obligates an amount of available*
9 *budget authority specified in law and*
10 *may include a commitment, contingent*
11 *on amounts to be specified in law in*
12 *advance for commitments under this*
13 *subparagraph, to obligate an addi-*
14 *tional amount from future available*
15 *budget authority specified in law.*

16 (II) *STATEMENT OF CONTINGENT*
17 *COMMITMENT.—A full funding grant*
18 *agreement shall state that the contin-*
19 *gent commitment is not an obligation*
20 *of the Federal Government.*

21 (III) *INTEREST AND OTHER FI-*
22 *NANCING COSTS.—Interest and other fi-*
23 *nancing costs of efficiently carrying*
24 *out a part of the eligible project within*
25 *a reasonable time are a cost of car-*

1 *rying out the eligible project under a*
2 *full funding grant agreement, except*
3 *that eligible costs may not be more*
4 *than the cost of the most favorable fi-*
5 *nancing terms reasonably available for*
6 *the eligible project at the time of bor-*
7 *rowing. The applicant shall certify, in*
8 *a way satisfactory to the Secretary,*
9 *that the applicant has shown reason-*
10 *able diligence in seeking the most fa-*
11 *vorable financing terms.*

12 *(IV) COMPLETION OF OPERABLE*
13 *SEGMENT.—The amount stipulated in*
14 *an agreement under this subparagraph*
15 *for a new fixed guideway capital*
16 *project, core capacity improvement*
17 *project, or small start project shall be*
18 *sufficient to complete at least an oper-*
19 *able segment.*

20 *(v) EXCEPTION.—*

21 *(I) IN GENERAL.—The Secretary,*
22 *to the maximum extent practicable,*
23 *shall provide Federal assistance under*
24 *this subsection for a small start project*
25 *in a single grant. If the Secretary can-*

1 *not provide such a single grant, the*
2 *Secretary may execute an expedited*
3 *grant agreement in order to include a*
4 *commitment on the part of the Sec-*
5 *retary to provide funding for the*
6 *project in future fiscal years.*

7 *(II) TERMS OF EXPEDITED GRANT*
8 *AGREEMENTS.—In executing an expe-*
9 *dited grant agreement under this*
10 *clause, the Secretary may include in*
11 *the agreement terms similar to those*
12 *established under clause (iii).*

13 *(C) LIMITATION ON AMOUNTS.—*

14 *(i) IN GENERAL.—The Secretary may*
15 *enter into full funding grant agreements*
16 *under this paragraph for eligible projects*
17 *that contain contingent commitments to*
18 *incur obligations in such amounts as the*
19 *Secretary determines are appropriate.*

20 *(ii) APPROPRIATION REQUIRED.—An*
21 *obligation may be made under this para-*
22 *graph only when amounts are appropriated*
23 *for obligation.*

24 *(D) NOTIFICATION TO CONGRESS.—*

1 (i) *IN GENERAL.*—Not later than 30
2 days before the date on which the Secretary
3 issues a letter of intent or enters into a full
4 funding grant agreement for an eligible
5 project under this paragraph, the Secretary
6 shall notify, in writing, the Committee on
7 Banking, Housing, and Urban Affairs and
8 the Committee on Appropriations of the
9 Senate and the Committee on Transpor-
10 tation and Infrastructure and the Com-
11 mittee on Appropriations of the House of
12 Representatives of the proposed letter of in-
13 tent or full funding grant agreement.

14 (ii) *CONTENTS.*—The written notifica-
15 tion under clause (i) shall include a copy of
16 the proposed letter of intent or full funding
17 grant agreement for the eligible project.

18 (9) *GOVERNMENT SHARE OF NET CAPITAL*
19 *PROJECT COST.*—

20 (A) *IN GENERAL.*—A grant for an eligible
21 project shall not exceed 25 percent of the net cap-
22 ital project cost.

23 (B) *REMAINDER OF NET CAPITAL PROJECT*
24 *COST.*—The remainder of the net capital project
25 cost shall be provided from an undistributed cash

1 *surplus, a replacement or depreciation cash fund*
2 *or reserve, or new capital.*

3 (C) *LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be con-*
4 *strued as authorizing the Secretary to require a*
5 *non-Federal financial commitment for a project*
6 *that is more than 75 percent of the net capital*
7 *project cost.*

8 (D) *SPECIAL RULE FOR ROLLING STOCK*
9 *COSTS.—In addition to amounts allowed pursu-*
10 *ant to subparagraph (A), a planned extension to*
11 *a fixed guideway system may include the cost of*
12 *rolling stock previously purchased if the appli-*
13 *cant satisfies the Secretary that only amounts*
14 *other than amounts provided by the Federal Gov-*
15 *ernment were used and that the purchase was*
16 *made for use on the extension. A refund or re-*
17 *duction of the remainder may be made only if*
18 *a refund of a proportional amount of the grant*
19 *of the Federal Government is made at the same*
20 *time.*

21 (E) *FAILURE TO CARRY OUT PROJECT.—If*
22 *an applicant does not carry out an eligible*
23 *project for reasons within the control of the ap-*
24 *plicant, the applicant shall repay all Federal*
25

1 *funds awarded for the eligible project from all*
2 *Federal funding sources, for all eligible project*
3 *activities, facilities, and equipment, plus reason-*
4 *able interest and penalty charges allowable by*
5 *law.*

6 *(F) CREDITING OF FUNDS RECEIVED.—Any*
7 *funds received by the Federal Government under*
8 *this paragraph, other than interest and penalty*
9 *charges, shall be credited to the appropriation*
10 *account from which the funds were originally de-*
11 *rived.*

12 *(10) AVAILABILITY OF AMOUNTS.—*

13 *(A) IN GENERAL.—An amount made avail-*
14 *able for an eligible project shall remain available*
15 *to that eligible project for 5 fiscal years, includ-*
16 *ing the fiscal year in which the amount is made*
17 *available. Any amounts that are unobligated to*
18 *the eligible project at the end of the 5-fiscal-year*
19 *period may be used by the Secretary for any*
20 *purpose under this subsection.*

21 *(B) USE OF DEOBLIGATED AMOUNTS.—An*
22 *amount available under this subsection that is*
23 *deobligated may be used for any purpose under*
24 *this subsection.*

1 (11) *ANNUAL REPORT ON EXPEDITED PROJECT*
2 *DELIVERY FOR CAPITAL INVESTMENT GRANTS.*—*Not*
3 *later than the first Monday in February of each year,*
4 *the Secretary shall submit to the Committee on Bank-*
5 *ing, Housing, and Urban Affairs and the Committee*
6 *on Appropriations of the Senate and the Committee*
7 *on Transportation and Infrastructure and the Com-*
8 *mittee on Appropriations of the House of Representa-*
9 *tives a report that includes a proposed amount to be*
10 *available to finance grants for anticipated projects*
11 *under this subsection.*

12 (12) *BEFORE AND AFTER STUDY AND REPORT.*—

13 (A) *STUDY REQUIRED.*—*Each recipient*
14 *shall conduct a study that—*

15 (i) *describes and analyzes the impacts*
16 *of the eligible project on public transpor-*
17 *tation services and public transportation*
18 *ridership;*

19 (ii) *describes and analyzes the consist-*
20 *ency of predicted and actual benefits and*
21 *costs of the innovative project development*
22 *and delivery methods or innovative financ-*
23 *ing for the eligible project; and*

1 (iii) identifies reasons for any dif-
2 ferences between predicted and actual out-
3 comes for the eligible project.

4 (B) *SUBMISSION OF REPORT.*—Not later
5 than 2 years after an eligible project that is se-
6 lected under this subsection begins revenue oper-
7 ations, the recipient shall submit to the Sec-
8 retary a report on the results of the study con-
9 ducted under subparagraph (A).

10 (13) *RULE OF CONSTRUCTION.*—Nothing in this
11 subsection shall be construed to—

12 (A) require the privatization of the oper-
13 ation or maintenance of any project for which
14 an applicant seeks funding under this subsection;

15 (B) revise the determinations by local poli-
16 cies, criteria, and decisionmaking under section
17 5306(a) of title 49, United States Code;

18 (C) alter the requirements for locally devel-
19 oped, coordinated, and implemented transpor-
20 tation plans under sections 5303 and 5304 of
21 title 49, United States Code; or

22 (D) alter the eligibilities or priorities for
23 assistance under this subsection or section 5309
24 of title 49, United States Code.

1 **SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH**
2 **DISABILITIES.**

3 (a) *COORDINATION OF PUBLIC TRANSPORTATION*
4 *SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL*
5 *TRANSPORTATION SERVICES.*—

6 (1) *DEFINITIONS.*—*In this subsection—*

7 (A) *the term “allocated cost model” means*
8 *a method of determining the cost of trips by allo-*
9 *cating the cost to each trip purpose served by a*
10 *transportation provider in a manner that is pro-*
11 *portional to the level of transportation service*
12 *that the transportation provider delivers for each*
13 *trip purpose, to the extent permitted by applica-*
14 *ble Federal requirements; and*

15 (B) *the term “Council” means the Inter-*
16 *agency Transportation Coordinating Council on*
17 *Access and Mobility established under Executive*
18 *Order 13330 (49 U.S.C. 101 note).*

19 (2) *COORDINATING COUNCIL ON ACCESS AND MO-*
20 *BILITY STRATEGIC PLAN.*—*Not later than 2 years*
21 *after the date of enactment of this Act, the Council*
22 *shall publish a strategic plan for the Council that—*

23 (A) *outlines the role and responsibilities of*
24 *each Federal agency with respect to local trans-*
25 *portation coordination, including non-emergency*
26 *medical transportation;*

1 (B) identifies a strategy to strengthen inter-
2 agency collaboration;

3 (C) addresses any outstanding recommenda-
4 tions made by the Council in the 2005 Report to
5 the President relating to the implementation of
6 Executive Order 13330, including—

7 (i) a cost-sharing policy endorsed by
8 the Council; and

9 (ii) recommendations to increase par-
10 ticipation by recipients of Federal grants in
11 locally developed, coordinated planning
12 processes; and

13 (D) to the extent feasible, addresses rec-
14 ommendations by the Comptroller General of the
15 United States concerning local coordination of
16 transportation services.

17 (3) *DEVELOPMENT OF COST-SHARING POLICY IN*
18 *COMPLIANCE WITH APPLICABLE FEDERAL REQUIRE-*
19 *MENTS.—In establishing the cost-sharing policy re-*
20 *quired under paragraph (2), the Council may con-*
21 *sider, to the extent practicable—*

22 (A) the development of recommended strate-
23 gies for grantees of programs funded by members
24 of the Council, including strategies for grantees
25 of programs that fund non-emergency medical

1 *transportation, to use the cost-sharing policy in*
2 *a manner that does not violate applicable Fed-*
3 *eral requirements; and*

4 *(B) optional incorporation of an allocated*
5 *cost model to facilitate local coordination efforts*
6 *that comply with applicable requirements of pro-*
7 *grams funded by members of the Council, such*
8 *as—*

9 *(i) eligibility requirements;*

10 *(ii) service delivery requirements; and*

11 *(iii) reimbursement requirements.*

12 *(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED*
13 *ACCESS AND MOBILITY.—*

14 *(1) DEFINITIONS.—In this subsection—*

15 *(A) the term “eligible project” has the*
16 *meaning given the term “capital project” in sec-*
17 *tion 5302 of title 49, United States Code; and*

18 *(B) the term “eligible recipient” means a*
19 *recipient or subrecipient, as those terms are de-*
20 *fined in section 5310 of title 49, United States*
21 *Code.*

22 *(2) GENERAL AUTHORITY.—The Secretary may*
23 *make grants under this subsection to eligible recipi-*
24 *ents to assist in financing innovative projects for the*
25 *transportation disadvantaged that improve the co-*

1 *ordination of transportation services and non-emer-*
2 *gency medical transportation services, including—*

3 *(A) the deployment of coordination tech-*
4 *nology;*

5 *(B) projects that create or increase access to*
6 *community One-Call/One-Click Centers; and*

7 *(C) such other projects as determined by the*
8 *Secretary.*

9 *(3) APPLICATION.—An eligible recipient shall*
10 *submit to the Secretary an application that, at a*
11 *minimum, contains—*

12 *(A) a detailed description of the eligible*
13 *project;*

14 *(B) an identification of all eligible project*
15 *partners and their specific role in the eligible*
16 *project, including—*

17 *(i) private entities engaged in the co-*
18 *ordination of non-emergency medical trans-*
19 *portation services for the transportation*
20 *disadvantaged; or*

21 *(ii) nonprofit entities engaged in the*
22 *coordination of non-emergency medical*
23 *transportation services for the transpor-*
24 *tation disadvantaged;*

1 (C) a description of how the eligible project
2 would—

3 (i) improve local coordination or access
4 to coordinated transportation services;

5 (ii) reduce duplication of service, if ap-
6 plicable; and

7 (iii) provide innovative solutions in
8 the State or community; and

9 (D) specific performance measures the eligi-
10 ble project will use to quantify actual outcomes
11 against expected outcomes.

12 (4) GOVERNMENT SHARE OF COSTS.—

13 (A) IN GENERAL.—The Government share of
14 the cost of an eligible project carried out under
15 this subsection shall not exceed 80 percent.

16 (B) NON-GOVERNMENT SHARE.—The non-
17 Government share of the cost of an eligible
18 project carried out under this subsection may be
19 derived from in-kind contributions.

20 (5) RULE OF CONSTRUCTION.—For purposes of
21 this subsection, non-emergency medical transportation
22 services shall be limited to services eligible under Fed-
23 eral programs other than programs authorized under
24 chapter 53 of title 49, United States Code.

1 (c) *TECHNICAL CORRECTION.*—Section 5310(a) of title
2 49, United States Code, is amended by striking paragraph
3 (1) and inserting the following:

4 “(1) *RECIPIENT.*—The term ‘recipient’ means—
5 “(A) a designated recipient or a State that
6 receives a grant under this section directly; or
7 “(B) a State or local governmental entity
8 that operates a public transportation service.”.

9 **SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.**

10 Section 5311 of title 49, United States Code, is amend-
11 ed—

12 (1) in subsection (c)(1), as amended by division
13 G, by striking subparagraphs (A) and (B) and insert-
14 ing the following:

15 “(A) \$5,000,000 for each fiscal year shall be
16 distributed on a competitive basis by the Sec-
17 retary.

18 “(B) \$30,000,000 for each fiscal year shall
19 be apportioned as formula grants, as provided in
20 subsection (j).”; and

21 (2) in subsection (j)(1)—

22 (A) in subparagraph (A)(iii), by striking
23 “(as defined by the Bureau of the Census)” and
24 inserting “(American Indian Areas, Alaska Na-

1 *tive Areas, and Hawaiian Home Lands, as de-*
2 *finied by the Bureau of the Census)”; and*

3 *(B) by adding at the end the following:*

4 *“(E) ALLOCATION BETWEEN MULTIPLE IN-*
5 *DIAN TRIBES.—If more than 1 Indian tribe pro-*
6 *vides public transportation service on tribal*
7 *lands in a single Tribal Statistical Area, and the*
8 *Indian tribes do not determine how to allocate*
9 *the funds apportioned under clause (iii) of sub-*
10 *paragraph (A) between the Indian tribes, the*
11 *Secretary shall allocate the funds such that each*
12 *Indian tribe shall receive an amount equal to the*
13 *total amount apportioned under such clause (iii)*
14 *multiplied by the ratio of the number of annual*
15 *unlinked passenger trips provided by each In-*
16 *Indian tribe, as reported to the National Transit*
17 *Database, to the total unlinked passenger trips*
18 *provided by all the Indian tribes in the Tribal*
19 *Statistical Area.”.*

20 **SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
21 **AND DEPLOYMENT PROGRAM.**

22 *(a) IN GENERAL.—Section 5312 of title 49, United*
23 *States Code, is amended—*

24 *(1) in the section heading, by striking*
25 **“projects”** *and inserting “***program***”;*

1 (2) *in subsection (a), in the subsection heading,*
2 *by striking “PROJECTS” and inserting “PROGRAM”;*

3 (3) *in subsection (d)—*

4 (A) *in paragraph (3)—*

5 (i) *in the matter preceding subpara-*
6 *graph (A), by inserting “demonstration, de-*
7 *ployment, or evaluation” before “project*
8 *that”;*

9 (ii) *in subparagraph (A), by striking*
10 *“and” at the end;*

11 (iii) *in subparagraph (B), by striking*
12 *the period at the end and inserting “; or”;*
13 *and*

14 (iv) *by adding at the end the following:*

15 “(C) *the deployment of low or no emission*
16 *vehicles, zero emission vehicles, or associated ad-*
17 *vanced technology.”; and*

18 (B) *by striking paragraph (5) and inserting*
19 *the following:*

20 “(5) *PROHIBITION.—The Secretary may not*
21 *make grants under this subsection for the demonstra-*
22 *tion, deployment, or evaluation of a vehicle that is in*
23 *revenue service unless the Secretary determines that*
24 *the project makes significant technological advance-*
25 *ments in the vehicle.*

1 “(6) *DEFINITIONS.*—*In this subsection—*

2 “(A) *the term ‘direct carbon emissions’*
3 *means the quantity of direct greenhouse gas*
4 *emissions from a vehicle, as determined by the*
5 *Administrator of the Environmental Protection*
6 *Agency;*

7 “(B) *the term ‘low or no emission vehicle’*
8 *means—*

9 “(i) *a passenger vehicle used to provide*
10 *public transportation that the Secretary de-*
11 *termines sufficiently reduces energy con-*
12 *sumption or harmful emissions, including*
13 *direct carbon emissions, when compared to*
14 *a comparable standard vehicle; or*

15 “(ii) *a zero emission vehicle used to*
16 *provide public transportation; and*

17 “(C) *the term ‘zero emission vehicle’ means*
18 *a low or no emission vehicle that produces no*
19 *carbon or particulate matter.”;*

20 (4) *by redesignating subsections (e) and (f) as*
21 *subsections (f) and (g), respectively;*

22 (5) *by inserting after subsection (d) the fol-*
23 *lowing:*

24 “(e) *LOW OR NO EMISSION VEHICLE COMPONENT AS-*
25 *SESSMENT.*—

1 “(1) *DEFINITIONS.*—*In this subsection—*

2 “(A) *the term ‘covered institution of higher*
3 *education’ means an institution of higher edu-*
4 *cation with which the Secretary enters into a*
5 *contract or cooperative agreement, or to which*
6 *the Secretary makes a grant, under paragraph*
7 *(2)(B) to operate a facility designated under*
8 *paragraph (2)(A);*

9 “(B) *the terms ‘direct carbon emissions’ and*
10 *‘low or no emission vehicle’ have the meanings*
11 *given those terms in subsection (d)(6);*

12 “(C) *the term ‘institution of higher edu-*
13 *cation’ has the meaning given the term in sec-*
14 *tion 102 of the Higher Education Act of 1965*
15 *(20 U.S.C. 1002); and*

16 “(D) *the term ‘low or no emission vehicle*
17 *component’ means an item that is separately in-*
18 *stalled in and removable from a low or no emis-*
19 *sion vehicle.*

20 “(2) *ASSESSING LOW OR NO EMISSION VEHICLE*
21 *COMPONENTS.*—

22 “(A) *IN GENERAL.*—*The Secretary shall*
23 *designate not more than 2 facilities to conduct*
24 *testing, evaluation, and analysis of low or no*

1 *emission vehicle components intended for use in*
2 *low or no emission vehicles.*

3 “(B) *OPERATION AND MAINTENANCE.*—

4 “(i) *IN GENERAL.*—*The Secretary shall*
5 *enter into a contract or cooperative agree-*
6 *ment with, or make a grant to, not more*
7 *than 2 institutions of higher education to*
8 *each operate and maintain a facility des-*
9 *ignated under subparagraph (A).*

10 “(ii) *REQUIREMENTS.*—*An institution*
11 *of higher education described in clause (i)*
12 *shall have—*

13 “(I) *previous experience with*
14 *transportation-related advanced com-*
15 *ponent and vehicle evaluation;*

16 “(II) *laboratories capable of test-*
17 *ing and evaluation;*

18 “(III) *direct access to or a part-*
19 *nership with a testing facility capable*
20 *of emulating real-world circumstances*
21 *in order to test low or no emission ve-*
22 *hicle components installed on the in-*
23 *tended vehicle;*

24 “(IV) *extensive knowledge of pub-*
25 *lic-private partnerships in the trans-*

1 *portation sector, with emphasis on de-*
2 *velopment and evaluation of materials,*
3 *products, and components;*

4 *“(V) the ability to reduce costs to*
5 *partners by leveraging existing pro-*
6 *grams to provide complementary re-*
7 *search, development, testing, and eval-*
8 *uation; and*

9 *“(VI) the means to conduct per-*
10 *formance assessments on low or no*
11 *emission vehicle components based on*
12 *industry standards.*

13 *“(C) FEES.—A covered institution of higher*
14 *education shall establish and collect fees, which*
15 *shall be approved by the Secretary, for the assess-*
16 *ment of low or no emission components at the*
17 *applicable facility designated under subpara-*
18 *graph (A).*

19 *“(D) AVAILABILITY OF AMOUNTS TO PAY*
20 *FOR ASSESSMENT.—The Secretary shall enter*
21 *into a contract or cooperative agreement with, or*
22 *make a grant to, each covered institution of*
23 *higher education under which—*

24 *“(i) the Secretary shall pay 50 percent*
25 *of the cost of assessing a low or no emission*

1 *vehicle component at the applicable facility*
2 *designated under subparagraph (A) from*
3 *amounts made available to carry out this*
4 *section; and*

5 “(ii) *the remaining 50 percent of such*
6 *cost shall be paid from amounts recovered*
7 *through the fees established and collected*
8 *pursuant to subparagraph (C).*

9 “(E) *VOLUNTARY TESTING.—A manufac-*
10 *turer of a low or no emission vehicle component*
11 *is not required to assess the low or no emission*
12 *vehicle component at a facility designated under*
13 *subparagraph (A).*

14 “(F) *COMPLIANCE WITH SECTION 5318.—*
15 *Notwithstanding whether a low or no emission*
16 *vehicle component is assessed at a facility des-*
17 *ignated under subparagraph (A), each new bus*
18 *model shall comply with the requirements under*
19 *section 5318.*

20 “(G) *SEPARATE FACILITY.—Each facility*
21 *designated under subparagraph (A) shall be sep-*
22 *arate and distinct from the facility operated and*
23 *maintained under section 5318.*

24 “(3) *LOW OR NO EMISSION VEHICLE COMPONENT*
25 *PERFORMANCE REPORTS.—Not later than 2 years*

1 *after the date of enactment of the Federal Public*
2 *Transportation Act of 2015, and annually thereafter,*
3 *the Secretary shall issue a report on low or no emis-*
4 *sion vehicle component assessments conducted at each*
5 *facility designated under paragraph (2)(A), which*
6 *shall include information related to the maintain-*
7 *ability, reliability, performance, structural integrity,*
8 *efficiency, and noise of those low or no emission vehi-*
9 *cle components.*

10 “(4) *PUBLIC AVAILABILITY OF ASSESSMENTS.—*
11 *Each assessment conducted at a facility designated*
12 *under paragraph (2)(A) shall be made publically*
13 *available, including to affected industries.*

14 “(5) *RULE OF CONSTRUCTION.—Nothing in this*
15 *subsection shall be construed to require—*

16 “(A) *a low or no emission vehicle compo-*
17 *nent to be tested at a facility designated under*
18 *paragraph (2)(A); or*

19 “(B) *the development or disclosure of a pri-*
20 *vately funded component assessment.”;*

21 (6) *in subsection (f), as so redesignated—*

22 (A) *in paragraph (2), by striking “and” at*
23 *the end;*

24 (B) *by redesignating paragraph (3) as*
25 *paragraph (4);*

1 (C) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) a list of any projects that returned negative
4 results in the preceding fiscal year and an analysis
5 of such results; and”;

6 (D) in paragraph (4), as so redesignated, by
7 inserting before the period at the end the fol-
8 lowing: “based on projects in the pipeline, ongo-
9 ing projects, and anticipated research efforts nec-
10 essary to advance certain projects to a subse-
11 quent research phase”;

12 (7) by adding at the end the following:

13 “(h) COOPERATIVE RESEARCH PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish—

16 “(A) a public transportation cooperative re-
17 search program under this subsection; and

18 “(B) an independent governing board for
19 the program, which shall recommend public
20 transportation research, development, and tech-
21 nology transfer activities the Secretary considers
22 appropriate.

23 “(2) FEDERAL ASSISTANCE.—The Secretary may
24 make grants to, and cooperative agreements with, the
25 National Academy of Sciences to carry out activities

1 *under this subsection that the Secretary determines*
 2 *appropriate.*

3 “(3) *GOVERNMENT SHARE.*—*If there would be a*
 4 *clear and direct financial benefit to an entity under*
 5 *a grant or contract financed under this section, the*
 6 *Secretary shall establish a Government share con-*
 7 *sistent with that benefit.”.*

8 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

9 (1) *TITLE 49.*—*Chapter 53 of title 49, United*
 10 *States Code, is amended by striking section 5313.*

11 (2) *TABLE OF SECTIONS AMENDMENT.*—*The table*
 12 *of sections for chapter 53 of title 49, United States*
 13 *Code, is amended by striking the items relating to sec-*
 14 *tions 5312 and 5313 and inserting the following:*

 “5312. *Research, development, demonstration, and deployment program.*

 “[5313. *Repealed.*]”.

15 **SEC. 21010. PRIVATE SECTOR PARTICIPATION.**

16 (a) *IN GENERAL.*—*Section 5315 of title 49, United*
 17 *States Code, is amended by adding at the end the following:*

18 “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
 19 *tion shall be construed to alter—*

20 “*(1) the eligibilities, requirements, or priority*
 21 *for assistance provided under this chapter; or*

22 “*(2) the requirements of section 5306(a).”.*

23 (b) *MAP-21 TECHNICAL CORRECTION.*—*Section*
 24 *20013(d) of the Moving Ahead for Progress in the 21st Cen-*

1 tury Act (Public Law 112–141; 126 Stat. 694) is amended
2 by striking “5307(c)” and inserting “5307(b)”.

3 **SEC. 21011. INNOVATIVE PROCUREMENT.**

4 (a) *IN GENERAL.*—Chapter 53 of title 49, United
5 States Code, is amended by inserting after section 5315 the
6 following:

7 **“§ 5316. Innovative procurement**

8 “(a) *DEFINITION.*—In this section, the term ‘grantee’
9 means a recipient or subrecipient of assistance under this
10 chapter.

11 “(b) *COOPERATIVE PROCUREMENT.*—

12 “(1) *DEFINITIONS; GENERAL RULES.*—

13 “(A) *DEFINITIONS.*—In this subsection—

14 “(i) the term ‘cooperative procurement
15 contract’ means a contract—

16 “(I) entered into between a State
17 government or eligible nonprofit and 1
18 or more vendors; and

19 “(II) under which the vendors
20 agree to provide an option to purchase
21 rolling stock and related equipment to
22 multiple participants;

23 “(ii) the term ‘eligible nonprofit entity’
24 means—

1 “(I) a nonprofit entity that is not
2 a grantee; or

3 “(II) a consortium of entities de-
4 scribed in subclause (I);

5 “(iii) the terms ‘lead nonprofit entity’
6 and ‘lead procurement agency’ mean an eli-
7 gible nonprofit entity or a State govern-
8 ment, respectively, that acts in an adminis-
9 trative capacity on behalf of each partici-
10 pant in a cooperative procurement contract;

11 “(iv) the term ‘participant’ means a
12 grantee that participates in a cooperative
13 procurement contract; and

14 “(v) the term ‘participate’ means to
15 purchase rolling stock and related equip-
16 ment under a cooperative procurement con-
17 tract using assistance provided under this
18 chapter.

19 “(B) GENERAL RULES.—

20 “(i) *PROCUREMENT NOT LIMITED TO*
21 *INTRASTATE PARTICIPANTS.*—A grantee
22 may participate in a cooperative procure-
23 ment contract without regard to whether the
24 grantee is located in the same State as the
25 parties to the contract.

1 “(ii) *VOLUNTARY PARTICIPATION.*—
2 *Participation by grantees in a cooperative*
3 *procurement contract shall be voluntary.*

4 “(iii) *CONTRACT TERMS.*—*The lead*
5 *procurement agency or lead nonprofit entity*
6 *for a cooperative procurement contract shall*
7 *develop the terms of the contract.*

8 “(iv) *DURATION.*—*A cooperative pro-*
9 *curement contract—*

10 “(I) *subject to subclauses (II) and*
11 *(III), may be for an initial term of not*
12 *more than 2 years;*

13 “(II) *may include not more than*
14 *3 optional extensions for terms of not*
15 *more than 1 year each; and*

16 “(III) *may be in effect for a total*
17 *period of not more than 5 years, in-*
18 *cluding each extension authorized*
19 *under subclause (II).*

20 “(v) *ADMINISTRATIVE EXPENSES.*—*A*
21 *lead procurement agency or lead nonprofit*
22 *entity, as applicable, that enters into a co-*
23 *operative procurement contract—*

24 “(I) *may charge the participants*
25 *in the contract for the cost of admin-*

1 *istering, planning, and providing tech-*
 2 *nical assistance for the contract in an*
 3 *amount that is not more than 1 per-*
 4 *cent of the total value of the contract;*
 5 *and*

6 *“(II) with respect to the cost de-*
 7 *scribed in subclause (I), may incor-*
 8 *porate the cost into the price of the*
 9 *contract or directly charge the partici-*
 10 *pants for the cost, but not both.*

11 *“(2) STATE COOPERATIVE PROCUREMENT*
 12 *SCHEDULES.—*

13 *“(A) AUTHORITY.—A State government*
 14 *may enter into a cooperative procurement con-*
 15 *tract with 1 or more vendors if—*

16 *“(i) the vendors agree to provide an*
 17 *option to purchase rolling stock and related*
 18 *equipment to the State government and any*
 19 *other participant; and*

20 *“(ii) the State government acts*
 21 *throughout the term of the contract as the*
 22 *lead procurement agency.*

23 *“(B) APPLICABILITY OF POLICIES AND PRO-*
 24 *CEDURES.—In procuring rolling stock and re-*
 25 *lated equipment under a cooperative procure-*

1 *ment contract under this subsection, a State gov-*
2 *ernment shall comply with the policies and pro-*
3 *cedures that apply to procurement by the State*
4 *government when using non-Federal funds, to the*
5 *extent that the policies and procedures are in*
6 *conformance with applicable Federal law.*

7 “(3) *PILOT PROGRAM FOR NONPROFIT COOPERA-*
8 *TIVE PROCUREMENTS.—*

9 “(A) *ESTABLISHMENT.—The Secretary shall*
10 *establish and carry out a pilot program to dem-*
11 *onstrate the effectiveness of cooperative procure-*
12 *ment contracts administered by nonprofit enti-*
13 *ties.*

14 “(B) *DESIGNATION.—In carrying out the*
15 *program under this paragraph, the Secretary*
16 *shall designate not less than 1 eligible nonprofit*
17 *entity to enter into a cooperative procurement*
18 *contract under which the nonprofit entity acts*
19 *throughout the term of the contract as the lead*
20 *nonprofit entity.*

21 “(C) *NUMBER OF ENTITIES.—The Secretary*
22 *may designate not more than 3 geographically*
23 *diverse eligible nonprofit entities under subpara-*
24 *graph (B).*

1 “(D) *NOTICE OF INTENT TO PARTICI-*
2 *PATE.—At a time determined appropriate by the*
3 *lead nonprofit entity, each participant in a co-*
4 *operative procurement contract under this para-*
5 *graph shall submit to the lead nonprofit entity*
6 *a nonbinding notice of intent to participate.*

7 “(c) *LEASING ARRANGEMENTS.—*

8 “(1) *CAPITAL LEASE DEFINED.—*

9 “(A) *IN GENERAL.—In this subsection, the*
10 *term ‘capital lease’ means any agreement under*
11 *which a grantee acquires the right to use rolling*
12 *stock or related equipment for a specified period*
13 *of time, in exchange for a periodic payment.*

14 “(B) *MAINTENANCE.—A capital lease may*
15 *require that the lessor provide maintenance of*
16 *the rolling stock or related equipment covered by*
17 *the lease.*

18 “(2) *PROGRAM TO SUPPORT INNOVATIVE LEASING*
19 *ARRANGEMENTS.—*

20 “(A) *AUTHORITY.—A grantee may use as-*
21 *sistance provided under this chapter to enter into*
22 *a capital lease if—*

23 “(i) *the rolling stock or related equip-*
24 *ment covered under the lease is eligible for*
25 *capital assistance under this chapter; and*

1 “(ii) there is or will be no Federal in-
2 terest in the rolling stock or related equip-
3 ment covered under the lease as of the date
4 on which the lease takes effect.

5 “(B) *GRANTEE REQUIREMENTS*.—A grantee
6 that enters into a capital lease shall—

7 “(i) maintain an inventory of the roll-
8 ing stock or related equipment acquired
9 under the lease; and

10 “(ii) maintain on the accounting
11 records of the grantee the liability of the
12 grantee under the lease.

13 “(C) *ELIGIBLE LEASE COSTS*.—The costs
14 for which a grantee may use assistance under
15 this chapter, with respect to a capital lease, in-
16 clude—

17 “(i) the cost of the rolling stock or re-
18 lated equipment;

19 “(ii) associated financing costs, includ-
20 ing interest, legal fees, and financial advi-
21 sor fees;

22 “(iii) ancillary costs such as delivery
23 and installation charges; and

24 “(iv) maintenance costs.

1 “(D) *TERMS.*—*A grantee shall negotiate the*
2 *terms of any lease agreement that the grantee en-*
3 *ters into.*

4 “(E) *APPLICABILITY OF PROCUREMENT RE-*
5 *QUIREMENTS.*—

6 “(i) *LEASE REQUIREMENTS.*—*Part 639*
7 *of title 49, Code of Federal Regulations, or*
8 *any successor regulation, and implementing*
9 *guidance applicable to leasing shall not*
10 *apply to a capital lease.*

11 “(ii) *BUY AMERICA.*—*The requirements*
12 *under section 5323(j) shall apply to a cap-*
13 *ital lease.*

14 “(3) *INCENTIVE PROGRAM FOR CAPITAL LEASING*
15 *OF ROLLING STOCK.*—

16 “(A) *AUTHORITY.*—*The Secretary shall*
17 *carry out an incentive program for capital leas-*
18 *ing of rolling stock (referred to in this paragraph*
19 *as the ‘program’).*

20 “(B) *SELECTION OF PARTICIPANTS.*—

21 “(i) *IN GENERAL.*—*The Secretary shall*
22 *select not less than 6 grantees to participate*
23 *in the program, which shall be—*

24 “(I) *geographically diverse; and*

1 “(II) evenly distributed among
2 grantees in accordance with clause (ii).

3 “(ii) *POPULATION SIZE.*—In selecting
4 an even distribution of grantees under
5 clause (i)(II), the Secretary shall select not
6 less than—

7 “(I) 2 grantees that serve rural
8 areas;

9 “(II) 2 grantees that serve urban-
10 ized areas with a population of fewer
11 than 200,000 individuals, as deter-
12 mined by the Bureau of the Census;
13 and

14 “(III) 2 grantees that serve ur-
15 banized areas with a population of
16 200,000 or more individuals, as deter-
17 mined by the Bureau of the Census.

18 “(iii) *WAIVER.*—The Secretary may
19 waive a requirement under clause (ii) if an
20 insufficient number of eligible grantees of a
21 particular population size apply to partici-
22 pate in the program.

23 “(C) *PARTICIPANT REQUIREMENTS.*—

24 “(i) *IN GENERAL.*—A grantee that par-
25 ticipates in the program shall—

1 “(I) enter into a capital lease for
2 a period of not less than 5 years; and

3 “(II) replace not less than $\frac{1}{4}$ of
4 the grantee’s fleet through the capital
5 lease.

6 “(ii) *VEHICLE REQUIREMENTS.*—The
7 vehicles replaced under clause (i)(II), with
8 respect to the fleet as constituted on the day
9 before the date on which the capital lease is
10 entered into, shall—

11 “(I) be the oldest vehicles in the
12 fleet; or

13 “(II) produce the highest quantity
14 of direct greenhouse gas emissions rel-
15 ative to the other vehicles in the fleet,
16 as determined by the Administrator of
17 the Environmental Protection Agency.

18 “(iii) *WAIVER OF FEDERAL INTEREST*
19 *REQUIREMENTS.*—If a grantee partici-
20 pating in the program seeks to replace vehi-
21 cles that have a remaining Federal interest,
22 the Secretary shall—

23 “(I) evaluate the economic and
24 environmental benefits of waiving the

1 *Federal interest, as demonstrated by*
2 *the grantee;*

3 “(II) *if the grantee demonstrates a*
4 *net economic or environmental benefit,*
5 *grant an early disposition of the vehi-*
6 *cles; and*

7 “(III) *publish each evaluation*
8 *and final determination of the Sec-*
9 *retary under this clause in a con-*
10 *spicuous location on the website of the*
11 *Federal Transit Administration.*

12 “(D) *PARTICIPANT BENEFIT.—During the*
13 *period during which a capital lease described in*
14 *subparagraph (C)(i)(I), entered into by a grant-*
15 *ee participating in the program, is in effect, the*
16 *limit on the Government share of operating ex-*
17 *penses under subsection (d)(2) of section 5307,*
18 *subsection (d)(2) of section 5310, or subsection*
19 *(g)(2) of section 5311 shall not apply with re-*
20 *spect to any grant awarded to the grantee under*
21 *the applicable section.*

22 “(E) *REPORTING REQUIREMENT.—Not later*
23 *than 3 years after the date on which a grantee*
24 *enters into a capital lease under the program,*

1 *the grantee shall submit to the Secretary a report*
2 *that contains—*

3 “(i) *an evaluation of the overall costs*
4 *and benefits of leasing rolling stock;*

5 “(ii) *a cost comparison of leasing*
6 *versus buying rolling stock;*

7 “(iii) *a comparison of the expected*
8 *short-term and long-term maintenance costs*
9 *of leasing versus buying rolling stock; and*

10 “(iv) *a projected budget showing the*
11 *changes in overall operating and capital ex-*
12 *penditures due to the capital lease that the*
13 *grantee entered into under the program.*

14 “(4) *INCENTIVE PROGRAM FOR CAPITAL LEASING*
15 *OF CERTAIN ZERO EMISSION VEHICLE COMPO-*
16 *NENTS.—*

17 “(A) *DEFINITIONS.—In this paragraph—*

18 “(i) *the term ‘removable power*
19 *source’—*

20 “(I) *means a power source that is*
21 *separately installed in, and removable*
22 *from, a zero emission vehicle; and*

23 “(II) *may include a battery, a*
24 *fuel cell, an ultra-capacitor, or other*

1 *advanced power source used in a zero*
2 *emission vehicle; and*

3 “(ii) the term ‘zero emission vehicle’
4 *has the meaning given the term in section*
5 *5339(c).*

6 “(B) *LEASED POWER SOURCES.*—*Notwith-*
7 *standing any other provision of law, for pur-*
8 *poses of this subsection, the cost of a removable*
9 *power source that is necessary for the operation*
10 *of a zero emission vehicle shall not be treated as*
11 *part of the cost of the vehicle if the removable*
12 *power source is acquired using a capital lease.*

13 “(C) *ELIGIBLE CAPITAL LEASE.*—*A grantee*
14 *may acquire a removable power source by itself*
15 *through a capital lease.”.*

16 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

17 (1) *TABLE OF SECTIONS.*—*The table of sections*
18 *for chapter 53 of title 49, United States Code, is*
19 *amended by inserting after the item relating to sec-*
20 *tion 5315 the following:*

“5316. *Innovative procurement.*”.

21 (2) *CONFORMING AMENDMENT.*—*Section*
22 *5325(e)(2) of title 49, United States Code, is amended*
23 *by inserting after “this subsection” the following: “,*
24 *section 5316.”.*

1 **SEC. 21012. HUMAN RESOURCES AND TRAINING.**

2 *Section 5322 of title 49, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (b)—*

5 *(A) in paragraph (1), in the paragraph*
6 *heading, by striking “PROGRAM ESTABLISHED”*
7 *and inserting “IN GENERAL”;*

8 *(B) by redesignating paragraph (2) as*
9 *paragraph (3);*

10 *(C) by inserting after paragraph (1) the fol-*
11 *lowing:*

12 *“(2) PROGRAMS.—A program eligible for assist-*
13 *ance under subsection (a) shall—*

14 *“(A) provide skills training, on-the-job*
15 *training, and work-based learning;*

16 *“(B) offer career pathways that support the*
17 *movement from initial or short-term employment*
18 *opportunities to sustainable careers;*

19 *“(C) address current or projected workforce*
20 *shortages;*

21 *“(D) replicate successful workforce develop-*
22 *ment models; or*

23 *“(E) respond to such other workforce needs*
24 *as the Secretary determines appropriate.”;*

25 *(D) in paragraph (3), as so redesignated—*

1 (i) in subparagraph (G), by striking
2 “and” at the end;

3 (ii) in subparagraph (H), by striking
4 the period at the end and inserting “; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(I) give priority to minorities,
9 women, individuals with disabilities,
10 veterans, low-income populations, and
11 other underserved populations.”; and

12 (E) by adding at the end the following:

13 “(4) COORDINATION.—A recipient of assistance
14 under this subsection shall—

15 “(A) identify the workforce needs and com-
16 mensurate training needs at the local level in co-
17 ordination with entities such as local employers,
18 local public transportation operators, labor
19 union organizations, workforce development
20 boards, State workforce agencies, State appren-
21 ticeship agencies (where applicable), university
22 transportation centers, community colleges, and
23 community-based organizations representing mi-
24 norities, women, disabled individuals, veterans,
25 and low-income populations; and

1 “(B) to the extent practicable, conduct local
2 training programs in coordination with existing
3 local training programs supported by the Sec-
4 retary, the Department of Labor (including reg-
5 istered apprenticeship programs), and the De-
6 partment of Education.

7 “(5) *PROGRAM OUTCOMES.*—A recipient of as-
8 sistance under this subsection shall demonstrate out-
9 comes for any program that includes skills training,
10 on-the-job training, and work-based learning, includ-
11 ing—

12 “(A) the impact on reducing public trans-
13 portation workforce shortages in the area served;

14 “(B) the diversity of training participants;

15 “(C) the number of participants obtaining
16 certifications or credentials required for specific
17 types of employment;

18 “(D) employment outcomes, including job
19 placement, job retention, and wages, using per-
20 formance metrics established in consultation
21 with the Secretary and the Secretary of Labor
22 and consistent with metrics used by programs
23 under the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3101 et seq.); and

1 “(E) to the extent practical, evidence that
2 the program did not preclude workers who are
3 participating in skills training, on-the-job train-
4 ing, and work-based learning from being referred
5 to, or hired on, projects funded under this chap-
6 ter without regard to the length of time of their
7 participation in the program.”; and

8 (2) in subsection (d), by striking paragraph (4)
9 and inserting the following:

10 “(4) *USE FOR TECHNICAL ASSISTANCE.*—The
11 Secretary may use not more than 1 percent of the
12 amounts made available to carry out this section to
13 provide technical assistance for activities and pro-
14 grams developed, conducted, and overseen under this
15 subsection.

16 “(5) *AVAILABILITY OF AMOUNTS.*—

17 “(A) *IN GENERAL.*—Not more than 0.5 per-
18 cent of the amounts made available to a recipi-
19 ent under sections 5307, 5337, and 5339 is
20 available for expenditure by the recipient, with
21 the approval of the Secretary, to pay not more
22 than 80 percent of the cost of eligible activities
23 under this subsection.

24 “(B) *EXISTING PROGRAMS.*—A recipient
25 may use amounts made available under para-

1 *graph (A) to carry out existing local education*
2 *and training programs for public transportation*
3 *employees supported by the Secretary, the De-*
4 *partment of Labor, or the Department of Edu-*
5 *cation.”.*

6 **SEC. 21013. GENERAL PROVISIONS.**

7 *Section 5323 of title 49, United States Code, is amend-*
8 *ed—*

9 *(1) in subsection (j)—*

10 *(A) in paragraph (2), by striking subpara-*
11 *graph (C) and inserting the following:*

12 *“(C) when procuring rolling stock (includ-*
13 *ing train control, communication, and traction*
14 *power equipment, and rolling stock prototypes)*
15 *under this chapter—*

16 *“(i) the cost of components and sub-*
17 *components produced in the United*
18 *States—*

19 *“(I) for fiscal years 2016 and*
20 *2017, is more than 60 percent of the*
21 *cost of all components of the rolling*
22 *stock;*

23 *“(II) for fiscal years 2018 and*
24 *2019, is more than 65 percent of the*

1 *cost of all components of the rolling*
2 *stock; and*

3 “*(III) for fiscal year 2020 and*
4 *each fiscal year thereafter, is more*
5 *than 70 percent of the cost of all com-*
6 *ponents of the rolling stock; and*

7 “*(ii) final assembly of the rolling stock*
8 *has occurred in the United States; or”;*

9 *(B) by redesignating paragraphs (5)*
10 *through (9) as paragraphs (7) through (11), re-*
11 *spectively;*

12 *(C) by inserting after paragraph (4) the fol-*
13 *lowing:*

14 “*(5) ROLLING STOCK FRAMES OR CAR SHELLS.—*
15 *In carrying out paragraph (2)(C) in the case of a*
16 *rolling stock procurement receiving assistance under*
17 *this chapter in which the average cost of a rolling*
18 *stock vehicle in the procurement is more than*
19 *\$300,000, if rolling stock frames or car shells are not*
20 *produced in the United States, the Secretary shall in-*
21 *clude in the calculation of the domestic content of the*
22 *rolling stock the cost of steel or iron used in the roll-*
23 *ing stock frames or car shells if—*

24 “*(A) all manufacturing processes for the*
25 *steel or iron occur in the United States; and*

1 “(B) *the amount of steel or iron used in the*
2 *rolling stock frames or car shells is significant.*”

3 “(6) *CERTIFICATION OF DOMESTIC SUPPLY AND*
4 *DISCLOSURE.—*

5 “(A) *CERTIFICATION OF DOMESTIC SUP-*
6 *PLY.—If the Secretary denies an application for*
7 *a waiver under paragraph (2), the Secretary*
8 *shall provide to the applicant a written certifi-*
9 *cation that—*

10 “(i) *the steel, iron, or manufactured*
11 *goods, as applicable, (referred to in this sub-*
12 *paragraph as the ‘item’) is produced in the*
13 *United States in a sufficient and reason-*
14 *ably available amount;*

15 “(ii) *the item produced in the United*
16 *States is of a satisfactory quality; and*

17 “(iii) *includes a list of known manu-*
18 *facturers in the United States from which*
19 *the item can be obtained.*

20 “(B) *DISCLOSURE.—The Secretary shall*
21 *disclose the waiver denial and the written certifi-*
22 *cation to the public in an easily identifiable lo-*
23 *cation on the website of the Department of*
24 *Transportation.”;*

1 (D) in paragraph (8), as so redesignated, by
2 striking “Federal Public Transportation Act of
3 2012” and inserting “Federal Public Transpor-
4 tation Act of 2015”; and

5 (E) by inserting after paragraph (11), as so
6 redesignated, the following:

7 “(12) *PRODUCTION IN UNITED STATES.*—For
8 purposes of this subsection, steel and iron may be con-
9 sidered produced in the United States if all the man-
10 ufacturing processes, except metallurgical processes
11 involving refinement of steel additives, took place in
12 the United States.

13 “(13) *DEFINITION OF SMALL PURCHASE.*—For
14 purposes of determining whether a purchase qualifies
15 for a general public interest waiver under paragraph
16 (2)(A) of this subsection, including under any regula-
17 tion promulgated under that paragraph, the term
18 ‘small purchase’ means a purchase of not more than
19 \$150,000.”;

20 (2) in subsection (q)(1), by striking the second
21 sentence; and

22 (3) by adding at the end the following:

23 “(s) *VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL*
24 *SHARE.*—Notwithstanding any other provision of law, a re-
25 cipient of assistance under this chapter may use the revenue

1 *generated from value capture financing mechanisms as*
2 *local matching funds for capital projects and operating*
3 *costs eligible under this chapter.*

4 “(t) *VALUE ENGINEERING.*—*Nothing in this chapter*
5 *shall be construed to authorize the Secretary to mandate*
6 *the use of value engineering in projects funded under this*
7 *chapter.*”

8 **SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.**

9 *Section 5327 of title 49, United States Code, is amend-*
10 *ed—*

11 (1) *in subsection (c), by striking “section*
12 *5338(i)” and inserting “section 5338(h)”;* and

13 (2) *in subsection (d)—*

14 (A) *in paragraph (1)—*

15 (i) *by striking “section 5338(i)” and*
16 *inserting “section 5338(h)”;* and

17 (ii) *by striking “and” at the end;* and

18 (B) *by striking paragraph (2) and inserting*

19 *the following:*

20 “(2) *a requirement that oversight—*

21 “(A) *begin during the project development*
22 *phase of a project, unless the Secretary finds it*
23 *more appropriate to begin the oversight during*
24 *another phase of the project, to maximize the*

1 *transportation benefits and cost savings associ-*
2 *ated with project management oversight; and*

3 *“(B) be limited to quarterly reviews of com-*
4 *pliance by the recipient with the project manage-*
5 *ment plan approved under subsection (b) unless*
6 *the Secretary finds that the recipient requires*
7 *more frequent oversight because the recipient has,*
8 *for 2 consecutive quarterly reviews, failed to meet*
9 *the requirements of such plan and the project is*
10 *at risk of going over budget or becoming behind*
11 *schedule; and*

12 *“(3) a process for recipients that the Secretary*
13 *has found require more frequent oversight to return to*
14 *quarterly reviews for purposes of paragraph (2)(B).”.*

15 **SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

16 *(a) IN GENERAL.—Section 5329 of title 49, United*
17 *States Code, is amended—*

18 *(1) in subsection (b)(2)—*

19 *(A) in subparagraph (C), by striking “and”*
20 *at the end;*

21 *(B) by redesignating subparagraph (D) as*
22 *subparagraph (E); and*

23 *(C) by inserting after subparagraph (C) the*
24 *following:*

1 “(D) *minimum safety standards to ensure*
2 *the safe operation of public transportation sys-*
3 *tems that—*

4 “(i) *are not related to performance*
5 *standards for public transportation vehicles*
6 *developed under subparagraph (C); and*

7 “(ii) *to the extent practicable, take into*
8 *consideration—*

9 “(I) *relevant recommendations of*
10 *the National Transportation Safety*
11 *Board;*

12 “(II) *best practices standards de-*
13 *veloped by the public transportation*
14 *industry;*

15 “(III) *any minimum safety*
16 *standards or performance criteria*
17 *being implemented across the public*
18 *transportation industry; and*

19 “(IV) *any additional information*
20 *that the Secretary determines necessary*
21 *and appropriate; and”;*

22 (2) *in subsection (f)(2), by inserting after “pub-*
23 *lic transportation system of a recipient” the fol-*
24 *lowing: “or the public transportation industry gen-*
25 *erally”;* *and*

1 (3) *in subsection (g)(1), in the matter preceding*
2 *subparagraph (A), by striking “an eligible State, as*
3 *defined in subsection (e),” and inserting “a recipi-*
4 *ent”.*

5 ***(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY***
6 ***STANDARDS.—***

7 ***(1) REVIEW REQUIRED.—***

8 ***(A) IN GENERAL.—****Not later than 90 days*
9 *after the date of enactment of this Act, the Sec-*
10 *retary shall commence a review of the safety*
11 *standards and protocols used in rail fixed guide-*
12 *way public transportation systems in the United*
13 *States that examines the efficacy of existing*
14 *standards and protocols.*

15 ***(B) CONTENTS OF REVIEW.—****In conducting*
16 *the review under this paragraph, the Secretary*
17 *shall review—*

18 ***(i) minimum safety performance***
19 *standards developed by the public transpor-*
20 *tation industry;*

21 ***(ii) safety performance standards,***
22 *practices, or protocols in use by rail fixed*
23 *guideway public transportation systems, in-*
24 *cluding—*

1 (I) written emergency plans and
2 procedures for passenger evacuations;

3 (II) training programs to ensure
4 public transportation personnel com-
5 pliance and readiness in emergency
6 situations;

7 (III) coordination plans with
8 local emergency responders having ju-
9 risdiction over a rail fixed guideway
10 public transportation system, includ-
11 ing—

12 (aa) emergency preparedness
13 training, drills, and familiariza-
14 tion programs for those first re-
15 sponders; and

16 (bb) the scheduling of regular
17 field exercises to ensure appro-
18 priate response and effective radio
19 and public safety communica-
20 tions;

21 (IV) maintenance, testing, and in-
22 spection programs to ensure the proper
23 functioning of—

24 (aa) tunnel, station, and ve-
25 hicle ventilation systems;

1 *(bb) signal and train control*
2 *systems, track, mechanical sys-*
3 *tems, and other infrastructure;*
4 *and*

5 *(cc) other systems as nec-*
6 *essary;*

7 *(V) certification requirements for*
8 *train and bus operators and control*
9 *center employees;*

10 *(VI) consensus-based standards,*
11 *practices, or protocols available to the*
12 *public transportation industry; and*

13 *(VII) any other standards, prac-*
14 *tices, or protocols the Secretary deter-*
15 *mines appropriate; and*

16 *(iii) vehicle safety standards, practices,*
17 *or protocols in use by public transportation*
18 *systems, concerning—*

19 *(I) bus design and the workstation*
20 *of bus operators, as it relates to—*

21 *(aa) the reduction of blind-*
22 *spots that contribute to accidents*
23 *involving pedestrians; and*

24 *(bb) protecting bus operators*
25 *from the risk of assault; and*

1 (II) *scheduling fixed route bus*
2 *service with adequate time and access*
3 *for operators to use restroom facilities.*

4 (2) *EVALUATION.*—*After conducting the review*
5 *under paragraph (1), the Secretary shall, in consulta-*
6 *tion with representatives of the public transportation*
7 *industry, evaluate the need to establish Federal min-*
8 *imum public transportation safety standards, includ-*
9 *ing—*

10 (A) *standards governing worker safety;*

11 (B) *standards for the operation of signals,*
12 *track, on-track equipment, mechanical systems,*
13 *and control systems; and*

14 (C) *any other areas the Secretary, in con-*
15 *sultation with the public transportation indus-*
16 *try, determines require further evaluation.*

17 (3) *REPORT.*—*Upon completing the review and*
18 *evaluation required under paragraphs (1) and (2), re-*
19 *spectively, and not later than 1 year after the date of*
20 *enactment of this Act, the Secretary shall submit to*
21 *the Committee on Banking, Housing, and Urban Af-*
22 *airs of the Senate and the Committee on Transpor-*
23 *tation and Infrastructure of the of House of Rep-*
24 *resentatives a report that includes—*

1 (A) findings based on the review conducted
2 under paragraph (1);

3 (B) the outcome of the evaluation conducted
4 under paragraph (2);

5 (C) a comprehensive set of recommendations
6 to improve the safety of the public transportation
7 industry, including recommendations for legisla-
8 tive changes where applicable; and

9 (D) actions that the Secretary will take to
10 address the recommendations provided under
11 subparagraph (C), including, if necessary, the es-
12 tablishment of Federal minimum public trans-
13 portation safety standards.

14 **SEC. 21016. STATE OF GOOD REPAIR GRANTS.**

15 Section 5337 of title 49, United States Code, is amend-
16 *ed—*

17 (1) *in subsection (c)—*

18 (A) *by striking paragraph (1) and inserting*
19 *the following:*

20 “(1) *IN GENERAL.—Of the amount authorized or*
21 *made available for a fiscal year under section*
22 *5338(a)(2)(L)—*

23 “(A) *\$100,000,000 shall be made available*
24 *in accordance with this subsection; and*

1 “(B) 97.15 percent of the remainder shall be
2 apportioned to recipients in accordance with this
3 subsection.”; and

4 (B) in paragraph (2)(B), by inserting “the
5 provisions of” before “section 5336(b)(1)”;

6 (2) in subsection (d)—

7 (A) in paragraph (2), by striking “section
8 5338(a)(2)(I), 2.85 percent” and inserting “sec-
9 tion 5338(a)(2)(L), the remainder after the ap-
10 plication of subsection (c)(1)”;

11 (B) by adding at the end the following:

12 “(5) *USE OF FUNDS.*—Amounts apportioned
13 under this subsection may be used for any project
14 that is an eligible project under subsection (b)(1).”;
15 and

16 (3) by adding at the end the following:

17 “(e) *GOVERNMENT SHARE OF COSTS.*—

18 “(1) *CAPITAL PROJECTS.*—A grant for a capital
19 project under this section shall be for 80 percent of the
20 net project cost of the project. The recipient may pro-
21 vide additional local matching amounts.

22 “(2) *REMAINING COSTS.*—The remainder of the
23 net project costs shall be provided from an undistrib-
24 uted cash surplus, a replacement or depreciation cash
25 fund or reserve, or new capital.”.

1 **SEC. 21017. AUTHORIZATIONS.**

2 *Section 5338 of title 49, United States Code, as amend-*
 3 *ed by division G, is amended to read as follows:*

4 **“§ 5338. Authorizations**

5 *“(a) GRANTS.—*

6 *“(1) IN GENERAL.—There shall be available from*
 7 *the Mass Transit Account of the Highway Trust Fund*
 8 *to carry out sections 5305, 5307, 5310, 5311, 5312,*
 9 *5314, 5318, 5322(b), 5322(d), 5335, 5337, 5339, and*
 10 *5340, section 20005(b) of the Federal Public Trans-*
 11 *portation Act of 2012, and section 21007(b) of the*
 12 *Federal Public Transportation Act of 2015—*

13 *“(A) \$9,184,747,400 for fiscal year 2016;*

14 *“(B) \$9,380,039,349 for fiscal year 2017;*

15 *“(C) \$9,685,745,744 for fiscal year 2018;*

16 *“(D) \$10,101,051,238 for fiscal year 2019;*

17 *“(E) \$10,351,763,806 for fiscal year 2020;*

18 *and*

19 *“(F) \$10,609,442,553 for fiscal year 2021.*

20 *“(2) ALLOCATION OF FUNDS.—Of the amounts*
 21 *made available under paragraph (1)—*

22 *“(A) \$132,020,000 for fiscal year 2016,*
 23 *\$134,934,342 for fiscal year 2017, \$138,004,098*
 24 *for fiscal year 2018, \$141,328,616 for fiscal year*
 25 *2019, \$144,893,631 for fiscal year 2020, and*

1 *\$148,557,701 for fiscal year 2021 shall be avail-*
2 *able to carry out section 5305;*

3 *“(B) \$10,000,000 for each of fiscal years*
4 *2016 through 2021 shall be available to carry*
5 *out section 20005(b) of the Federal Public Trans-*
6 *portation Act of 2012;*

7 *“(C) \$4,538,905,700 for fiscal year 2016,*
8 *\$4,639,102,043 for fiscal year 2017,*
9 *\$4,794,641,615 for fiscal year 2018,*
10 *\$4,975,879,158 for fiscal year 2019,*
11 *\$5,101,395,710 for fiscal year 2020, and*
12 *\$5,230,399,804 for fiscal year 2021 shall be allo-*
13 *cated in accordance with section 5336 to provide*
14 *financial assistance for urbanized areas under*
15 *section 5307;*

16 *“(D) \$263,466,000 for fiscal year 2016,*
17 *\$269,282,012 for fiscal year 2017, \$275,408,178*
18 *for fiscal year 2018, \$288,264,292 for fiscal year*
19 *2019, \$295,535,759 for fiscal year 2020, and*
20 *\$303,009,267 for fiscal year 2021 shall be avail-*
21 *able to provide financial assistance for services*
22 *for the enhanced mobility of seniors and individ-*
23 *uals with disabilities under section 5310;*

24 *“(E) \$2,000,000 for each of fiscal years*
25 *2016 through 2021 shall be available for the pilot*

1 *program for innovative coordinated access and*
2 *mobility under section 21007(b) of the Federal*
3 *Public Transportation Act of 2015;*

4 *“(F) \$619,956,000 for fiscal year 2016,*
5 *\$633,641,529 for fiscal year 2017, \$648,056,873*
6 *for fiscal year 2018, \$678,308,311 for fiscal year*
7 *2019, \$695,418,638 for fiscal year 2020, and*
8 *\$713,004,385 for fiscal year 2021 shall be avail-*
9 *able to provide financial assistance for rural*
10 *areas under section 5311, of which not less*
11 *than—*

12 *“(i) \$35,000,000 for each of fiscal*
13 *years 2016 through 2021 shall be available*
14 *to carry out section 5311(c)(1); and*

15 *“(ii) \$20,000,000 for each of fiscal*
16 *years 2016 through 2021 shall be available*
17 *to carry out section 5311(c)(2);*

18 *“(G) \$30,000,000 for each of fiscal years*
19 *2016 through 2021 shall be available to carry*
20 *out section 5312, of which—*

21 *“(i) \$5,000,000 for each of fiscal years*
22 *2016 through 2021 shall be available to*
23 *carry out section 5312(e); and*

1 “(i) \$5,000,000 for each of fiscal years
2 2016 through 2021 shall be available to
3 carry out section 5312(h);

4 “(H) \$4,000,000 for each of fiscal years
5 2016 through 2021 shall be available to carry
6 out section 5314;

7 “(I) \$3,000,000 for each of fiscal years 2016
8 through 2021 shall be available for bus testing
9 under section 5318;

10 “(J) \$5,000,000 for each of fiscal years 2016
11 through 2021 shall be available for the national
12 transit institute under section 5322(d);

13 “(K) \$4,000,000 for each of fiscal years
14 2016 through 2021 shall be available to carry
15 out section 5335;

16 “(L) \$2,428,342,500 for fiscal year 2016,
17 \$2,479,740,661 for fiscal year 2017,
18 \$2,533,879,761 for fiscal year 2018,
19 \$2,592,511,924 for fiscal year 2019,
20 \$2,655,385,537 for fiscal year 2020, and
21 \$2,720,006,127 for fiscal year 2021 shall be
22 available to carry out section 5337;

23 “(M) \$430,794,600 for fiscal year 2016,
24 \$440,304,391 for fiscal year 2017, \$495,321,316
25 for fiscal year 2018, \$585,851,498 for fiscal year

1 2019, \$605,422,352 for fiscal year 2020, and
2 \$625,536,993 for fiscal year 2021 shall be avail-
3 able for the bus and bus facilities program under
4 section 5339(a);

5 “(N) \$180,000,000 for each of fiscal years
6 2016 and 2017, \$185,000,000 for fiscal year
7 2018, and \$190,000,000 for each of fiscal years
8 2019 through 2021 shall be available for bus and
9 bus facilities competitive grants under section
10 5339(b) and no or low emission grants under
11 section 5339(c), of which \$55,000,000 for each of
12 fiscal years 2016 through 2021 shall be available
13 to carry out section 5339(c);

14 “(O) \$533,262,600 for fiscal year 2016,
15 \$545,034,372 for fiscal year 2017, \$557,433,904
16 for fiscal year 2018, \$586,907,438 for fiscal year
17 2019, \$601,712,178 for fiscal year 2020, and
18 \$616,928,276 for fiscal year 2021 shall be allo-
19 cated in accordance with section 5340 to provide
20 financial assistance for urbanized areas under
21 section 5307 and rural areas under section 5311;
22 and

23 “(P) \$4,000,000 for each of fiscal years
24 2019 through 2021 shall be available to carry
25 out section 5322(b).

1 “(b) *RESEARCH, DEVELOPMENT, DEMONSTRATION,*
2 *AND DEPLOYMENT PROGRAM.*—*There are authorized to be*
3 *appropriated to carry out section 5312, other than sub-*
4 *sections (e) and (h) of that section, \$20,000,000 for each*
5 *of fiscal years 2016 through 2021.*

6 “(c) *TECHNICAL ASSISTANCE AND STANDARDS DEVEL-*
7 *OPMENT.*—*There are authorized to be appropriated to carry*
8 *out section 5314, \$7,000,000 for each of fiscal years 2016*
9 *through 2021.*

10 “(d) *HUMAN RESOURCES AND TRAINING.*—*There are*
11 *authorized to be appropriated to carry out subsections (a),*
12 *(b), (c), and (e) of section 5322, \$5,000,000 for each of fiscal*
13 *years 2016 through 2021.*

14 “(e) *EMERGENCY RELIEF PROGRAM.*—*There are au-*
15 *thorized to be appropriated such sums as are necessary to*
16 *carry out section 5324.*

17 “(f) *CAPITAL INVESTMENT GRANTS.*—*There are au-*
18 *thorized to be appropriated to carry out section 5309 of this*
19 *title and section 21006(b) of the Federal Public Transpor-*
20 *tation Act of 2015, \$2,301,785,760 for fiscal year 2016,*
21 *\$2,352,597,681 for fiscal year 2017, \$2,406,119,278 for fis-*
22 *cal year 2018, \$2,464,082,691 for fiscal year 2019,*
23 *\$2,526,239,177 for fiscal year 2020, and \$2,590,122,713 for*
24 *fiscal year 2021, of which \$276,214,291 for fiscal year 2016,*
25 *\$282,311,722 for fiscal year 2017, \$288,734,313 for fiscal*

1 *year 2018, \$295,689,923 for fiscal year 2019, \$303,148,701*
2 *for fiscal year 2020, and \$310,814,726 for fiscal year 2021*
3 *shall be available to carry out section 21006(b) of the Fed-*
4 *eral Public Transportation Act of 2015.*

5 “(g) *ADMINISTRATION.—*

6 “(1) *IN GENERAL.—There are authorized to be*
7 *appropriated to carry out section 5334, \$115,016,543*
8 *for fiscal year 2016, \$117,555,533 for fiscal year*
9 *2017, \$120,229,921 for fiscal year 2018, \$123,126,260*
10 *for fiscal year 2019, \$126,232,120 for fiscal year*
11 *2020, and \$129,424,278 for fiscal year 2021.*

12 “(2) *SECTION 5329.—Of the amounts authorized*
13 *to be appropriated under paragraph (1), not less than*
14 *\$8,000,000 for each of fiscal years 2016 through 2021*
15 *shall be available to carry out section 5329.*

16 “(3) *SECTION 5326.—Of the amounts made avail-*
17 *able under paragraph (2), not less than \$2,000,000*
18 *for each of fiscal years 2016 through 2021 shall be*
19 *available to carry out section 5326.*

20 “(h) *OVERSIGHT.—*

21 “(1) *IN GENERAL.—Of the amounts made avail-*
22 *able to carry out this chapter for a fiscal year, the*
23 *Secretary may use not more than the following*
24 *amounts for the activities described in paragraph (2):*

1 “(A) 0.5 percent of amounts made available
2 to carry out section 5305.

3 “(B) 0.75 percent of amounts made avail-
4 able to carry out section 5307.

5 “(C) 1 percent of amounts made available
6 to carry out section 5309.

7 “(D) 1 percent of amounts made available
8 to carry out section 601 of the Passenger Rail
9 Investment and Improvement Act of 2008 (Pub-
10 lic Law 110–432; 126 Stat. 4968).

11 “(E) 0.5 percent of amounts made available
12 to carry out section 5310.

13 “(F) 0.5 percent of amounts made available
14 to carry out section 5311.

15 “(G) 1 percent of amounts made available
16 to carry out section 5337, of which not less than
17 0.25 percent shall be available to carry out sec-
18 tion 5329.

19 “(H) 0.75 percent of amounts made avail-
20 able to carry out section 5339.

21 “(2) *ACTIVITIES.*—*The activities described in*
22 *this paragraph are as follows:*

23 “(A) *Activities to oversee the construction of*
24 *a major capital project.*

1 “(B) *Activities to review and audit the safe-*
2 *ty and security, procurement, management, and*
3 *financial compliance of a recipient or sub-*
4 *recipient of funds under this chapter.*

5 “(C) *Activities to provide technical assist-*
6 *ance generally, and to provide technical assist-*
7 *ance to correct deficiencies identified in compli-*
8 *ance reviews and audits carried out under this*
9 *section.*

10 “(3) *GOVERNMENT SHARE OF COSTS.—The Gov-*
11 *ernment shall pay the entire cost of carrying out a*
12 *contract under this subsection.*

13 “(4) *AVAILABILITY OF CERTAIN FUNDS.—Funds*
14 *made available under paragraph (1)(C) shall be made*
15 *available to the Secretary before allocating the funds*
16 *appropriated to carry out any project under a full*
17 *funding grant agreement.*

18 “(i) *GRANTS AS CONTRACTUAL OBLIGATIONS.—*

19 “(1) *GRANTS FINANCED FROM HIGHWAY TRUST*
20 *FUND.—A grant or contract that is approved by the*
21 *Secretary and financed with amounts made available*
22 *from the Mass Transit Account of the Highway Trust*
23 *Fund pursuant to this section is a contractual obliga-*
24 *tion of the Government to pay the Government share*
25 *of the cost of the project.*

1 “(2) *GRANTS FINANCED FROM GENERAL FUND.*—
 2 *A grant or contract that is approved by the Secretary*
 3 *and financed with amounts appropriated in advance*
 4 *from the General Fund of the Treasury pursuant to*
 5 *this section is a contractual obligation of the Govern-*
 6 *ment to pay the Government share of the cost of the*
 7 *project only to the extent that amounts are appro-*
 8 *riated for such purpose by an Act of Congress.*”

9 “(j) *AVAILABILITY OF AMOUNTS.*—*Amounts made*
 10 *available by or appropriated under this section shall re-*
 11 *main available until expended.*”

12 **SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.**

13 (a) *IN GENERAL.*—*Chapter 53 of title 49, United*
 14 *States Code, as amended by division G, is amended by*
 15 *striking section 5339 and inserting the following:*

16 **“§ 5339. Grants for bus and bus facilities**

17 “(a) *FORMULA GRANTS.*—

18 “(1) *DEFINITIONS.*—*In this subsection—*

19 “(A) *the term ‘low or no emission vehicle’*
 20 *has the meaning given that term in subsection*
 21 *(c)(1);*

22 “(B) *the term ‘State’ means a State of the*
 23 *United States; and*

24 “(C) *the term ‘territory’ means the District*
 25 *of Columbia, Puerto Rico, the Northern Mariana*

1 *Islands, Guam, American Samoa, and the*
2 *United States Virgin Islands.*

3 “(2) *GENERAL AUTHORITY.*—*The Secretary may*
4 *make grants under this subsection to assist eligible re-*
5 *cipients described in paragraph (4)(A) in financing*
6 *capital projects—*

7 “(A) *to replace, rehabilitate, and purchase*
8 *buses and related equipment, including techno-*
9 *logical changes or innovations to modify low or*
10 *no emissions vehicles or facilities; and*

11 “(B) *to construct bus-related facilities.*

12 “(3) *GRANT REQUIREMENTS.*—*The requirements*
13 *of—*

14 “(A) *section 5307 shall apply to recipients*
15 *of grants made in urbanized areas under this*
16 *subsection; and*

17 “(B) *section 5311 shall apply to recipients*
18 *of grants made in rural areas under this sub-*
19 *section.*

20 “(4) *ELIGIBLE RECIPIENTS AND SUBRECIPI-*
21 *ENTS.*—

22 “(A) *RECIPIENTS.*—*Eligible recipients*
23 *under this subsection are—*

24 “(i) *designated recipients that allocate*
25 *funds to fixed route bus operators; or*

1 “(ii) *State or local governmental enti-*
2 *ties that operate fixed route bus service.*

3 “(B) *SUBRECIPIENTS.—A recipient that re-*
4 *ceives a grant under this subsection may allocate*
5 *amounts of the grant to subrecipients that are*
6 *public agencies or private nonprofit organiza-*
7 *tions engaged in public transportation.*

8 “(5) *DISTRIBUTION OF GRANT FUNDS.—Funds*
9 *allocated under section 5338(a)(2)(M) shall be distrib-*
10 *uted as follows:*

11 “(A) *NATIONAL DISTRIBUTION.—*
12 *\$103,000,000 for each of fiscal years 2016*
13 *through 2021 shall be allocated to all States and*
14 *territories, with each State receiving \$2,000,000*
15 *for each such fiscal year and each territory re-*
16 *ceiving \$500,000 for each such fiscal year.*

17 “(B) *DISTRIBUTION USING POPULATION*
18 *AND SERVICE FACTORS.—The remainder of the*
19 *funds not otherwise distributed under subpara-*
20 *graph (A) shall be allocated pursuant to the for-*
21 *mula set forth in section 5336 other than sub-*
22 *section (b).*

23 “(6) *TRANSFERS OF APPORTIONMENTS.—*

24 “(A) *TRANSFER FLEXIBILITY FOR NATIONAL*
25 *DISTRIBUTION FUNDS.—The Governor of a State*

1 *may transfer any part of the State’s apportion-*
2 *ment under paragraph (5)(A) to supplement*
3 *amounts apportioned to the State under section*
4 *5311(c) of this title or amounts apportioned to*
5 *urbanized areas under subsections (a) and (c) of*
6 *section 5336 of this title.*

7 “(B) *TRANSFER FLEXIBILITY FOR POPU-*
8 *LATION AND SERVICE FACTORS FUNDS.—The*
9 *Governor of a State may expend in an urbanized*
10 *area with a population of less than 200,000 any*
11 *amounts apportioned under paragraph (5)(B)*
12 *that are not allocated to designated recipients in*
13 *urbanized areas with a population of 200,000 or*
14 *more.*

15 “(7) *GOVERNMENT SHARE OF COSTS.—*

16 “(A) *CAPITAL PROJECTS.—A grant for a*
17 *capital project under this subsection shall be for*
18 *80 percent of the net capital costs of the project.*
19 *A recipient of a grant under this subsection may*
20 *provide additional local matching amounts.*

21 “(B) *REMAINING COSTS.—The remainder of*
22 *the net project cost shall be provided—*

23 “(i) *in cash from non-Government*
24 *sources other than revenues from providing*
25 *public transportation services;*

1 “(ii) from revenues derived from the
2 sale of advertising and concessions;

3 “(iii) from an undistributed cash sur-
4 plus, a replacement or depreciation cash
5 fund or reserve, or new capital;

6 “(iv) from amounts received under a
7 service agreement with a State or local so-
8 cial service agency or private social service
9 organization; or

10 “(v) from revenues generated from
11 value capture financing mechanisms.

12 “(8) *PERIOD OF AVAILABILITY TO RECIPIENTS.*—
13 Amounts made available under this subsection may be
14 obligated by a recipient for 3 fiscal years after the fis-
15 cal year in which the amount is apportioned. Not
16 later than 30 days after the end of the 3-fiscal-year
17 period described in the preceding sentence, any
18 amount that is not obligated on the last day of that
19 period shall be added to the amount that may be ap-
20 portioned under this subsection in the next fiscal
21 year.

22 “(b) *BUS AND BUS FACILITIES COMPETITIVE*
23 *GRANTS.*—

24 “(1) *IN GENERAL.*—The Secretary may make
25 grants under this subsection to designated recipients

1 *to assist in the financing of bus and bus facilities*
2 *capital projects, including—*

3 *“(A) replacing, rehabilitating, purchasing,*
4 *or leasing buses or related equipment; and*

5 *“(B) rehabilitating, purchasing, con-*
6 *structing, or leasing bus-related facilities.*

7 *“(2) GRANT CONSIDERATIONS.—In making*
8 *grants under this subsection, the Secretary shall con-*
9 *sider the age and condition of buses, bus fleets, related*
10 *equipment, and bus-related facilities.*

11 *“(3) STATEWIDE APPLICATIONS.—A State may*
12 *submit a statewide application on behalf of a public*
13 *agency or private nonprofit organization engaged in*
14 *public transportation in rural areas or other areas*
15 *for which the State allocates funds. The submission of*
16 *a statewide application shall not preclude the submis-*
17 *sion and consideration of any application under this*
18 *subsection from other eligible recipients in an urban-*
19 *ized area in a State.*

20 *“(4) REQUIREMENTS FOR THE SECRETARY.—The*
21 *Secretary shall—*

22 *“(A) disclose all metrics and evaluation*
23 *procedures to be used in considering grant appli-*
24 *cations under this subsection upon issuance of*

1 *the notice of funding availability in the Federal*
2 *Register; and*

3 “(B) *publish a summary of final scores for*
4 *selected projects, metrics, and other evaluations*
5 *used in awarding grants under this subsection in*
6 *the Federal Register.*

7 “(5) *RURAL PROJECTS.—Not less 10 percent of*
8 *the amounts made available under this subsection in*
9 *a fiscal year shall be distributed to projects in rural*
10 *areas.*

11 “(6) *GRANT REQUIREMENTS.—*

12 “(A) *IN GENERAL.—A grant under this sub-*
13 *section shall be subject to the requirements of—*

14 “(i) *section 5307 for recipients of*
15 *grants made in urbanized areas; and*

16 “(ii) *section 5311 for recipients of*
17 *grants made in rural areas.*

18 “(B) *GOVERNMENT SHARE OF COSTS.—The*
19 *Government share of the cost of an eligible*
20 *project carried out under this subsection shall*
21 *not exceed 80 percent.*

22 “(7) *AVAILABILITY OF FUNDS.—Any amounts*
23 *made available to carry out this subsection—*

1 “(A) shall remain available for 2 fiscal
2 years after the fiscal year for which the amount
3 is made available; and

4 “(B) that remain unobligated at the end of
5 the period described in subparagraph (A) shall
6 be added to the amount made available to an eli-
7 gible project in the following fiscal year.

8 “(8) *LIMITATION.*—Of the amounts made avail-
9 able under this subsection, not more than 15 percent
10 may be awarded to a single grantee.

11 “(c) *LOW OR NO EMISSION GRANTS.*—

12 “(1) *DEFINITIONS.*—In this subsection—

13 “(A) the term ‘direct carbon emissions’
14 means the quantity of direct greenhouse gas
15 emissions from a vehicle, as determined by the
16 Administrator of the Environmental Protection
17 Agency;

18 “(B) the term ‘eligible project’ means a
19 project or program of projects in an eligible area
20 for—

21 “(i) acquiring low or no emission vehi-
22 cles;

23 “(ii) leasing low or no emission vehi-
24 cles;

1 “(iii) acquiring low or no emission ve-
2 hicles with a leased power source;

3 “(iv) constructing facilities and related
4 equipment for low or no emission vehicles;

5 “(v) leasing facilities and related
6 equipment for low or no emission vehicles;

7 “(vi) constructing new public transpor-
8 tation facilities to accommodate low or no
9 emission vehicles; or

10 “(vii) rehabilitating or improving ex-
11 isting public transportation facilities to ac-
12 commodate low or no emission vehicles;

13 “(C) the term ‘leased power source’ means a
14 removable power source, as defined in paragraph
15 (4)(A) of section 5316(c), that is made available
16 through a capital lease under that section;

17 “(D) the term ‘low or no emission bus’
18 means a bus that is a low or no emission vehicle;

19 “(E) the term ‘low or no emission vehicle’
20 means—

21 “(i) a passenger vehicle used to provide
22 public transportation that the Secretary de-
23 termines sufficiently reduces energy con-
24 sumption or harmful emissions, including

1 *direct carbon emissions, when compared to*
2 *a comparable standard vehicle; or*

3 “(ii) *a zero emission vehicle used to*
4 *provide public transportation;*

5 “(F) *the term ‘recipient’ means a des-*
6 *ignated recipient, a local governmental author-*
7 *ity, or a State that receives a grant under this*
8 *subsection for an eligible project; and*

9 “(G) *the term ‘zero emission vehicle’ means*
10 *a low or no emission vehicle that produces no*
11 *carbon or particulate matter.*

12 “(2) *GENERAL AUTHORITY.—The Secretary may*
13 *make grants to recipients to finance eligible projects*
14 *under this subsection.*

15 “(3) *GRANT REQUIREMENTS.—*

16 “(A) *IN GENERAL.—A grant under this sub-*
17 *section shall be subject to the requirements of sec-*
18 *tion 5307.*

19 “(B) *GOVERNMENT SHARE OF COSTS FOR*
20 *CERTAIN PROJECTS.—Section 5323(i) applies to*
21 *eligible projects carried out under this subsection,*
22 *unless the recipient requests a lower grant per-*
23 *centage.*

24 “(C) *COMBINATION OF FUNDING*
25 *SOURCES.—*

1 “(i) *COMBINATION PERMITTED.*—An
2 eligible project carried out under this sub-
3 section may receive funding under section
4 5307 or any other provision of law.

5 “(ii) *GOVERNMENT SHARE.*—Nothing
6 in this subparagraph shall be construed to
7 alter the Government share required under
8 paragraph (7), section 5307, or any other
9 provision of law.

10 “(4) *COMPETITIVE PROCESS.*—The Secretary
11 shall—

12 “(A) not later than 30 days after the date
13 on which amounts are made available for obliga-
14 tion under this subsection for a full fiscal year,
15 solicit grant applications for eligible projects on
16 a competitive basis; and

17 “(B) award a grant under this subsection
18 based on the solicitation under subparagraph (A)
19 not later than the earlier of—

20 “(i) 75 days after the date on which
21 the solicitation expires; or

22 “(ii) the end of the fiscal year in which
23 the Secretary solicited the grant applica-
24 tions.

1 “(5) *CONSIDERATION.*—*In awarding grants*
2 *under this subsection, the Secretary shall only con-*
3 *sider eligible projects relating to the acquisition or*
4 *leasing of low or no emission buses that—*

5 “(A) *make greater reductions in energy con-*
6 *sumption and harmful emissions, including di-*
7 *rect carbon emissions, than comparable standard*
8 *buses or other low or no emission buses; and*

9 “(B) *are part of a long-term integrated fleet*
10 *management plan for the recipient.*

11 “(6) *AVAILABILITY OF FUNDS.*—*Any amounts*
12 *made available to carry out this subsection—*

13 “(A) *shall remain available to an eligible*
14 *project for 2 fiscal years after the fiscal year for*
15 *which the amount is made available; and*

16 “(B) *that remain unobligated at the end of*
17 *the period described in subparagraph (A) shall*
18 *be added to the amount made available to an eli-*
19 *gible project in the following fiscal year.*

20 “(7) *GOVERNMENT SHARE OF COSTS.*—

21 “(A) *IN GENERAL.*—*The Federal share of*
22 *the cost of an eligible project carried out under*
23 *this subsection shall not exceed 80 percent.*

24 “(B) *NON-FEDERAL SHARE.*—*The non-Fed-*
25 *eral share of the cost of an eligible project car-*

1 ried out under this subsection may be derived
2 from in-kind contributions.”.

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
4 table of sections for chapter 53 of title 49, United States
5 Code, is amended by striking the item relating to section
6 5339 and inserting the following:

“5339. Grants for bus and bus facilities.”.

7 **SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINISTRATOR.**

8 (a) *IN GENERAL.*—Section 5313 of title 5, United
9 States Code, is amended by adding at the end the following:
10 “Federal Transit Administrator.”.

11 (b) *CONFORMING AMENDMENT.*—Section 5314 of title
12 5, United States Code, is amended by striking “Federal
13 Transit Administrator.”.

14 (c) *EFFECTIVE DATE.*—The amendments made by this
15 section shall take effect on the first day of the first pay pe-
16 riod beginning on or after the first day of the first fiscal
17 year beginning after the date of enactment of this Act.

18 **SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.**

19 (a) *CHAPTER 53 OF TITLE 49, UNITED STATES*
20 *CODE.*—

21 (1) *IN GENERAL.*—Chapter 53 of title 49, United
22 States Code, is amended—

23 (A) by striking section 5319;

24 (B) in section 5325—

1 (i) in subsection (e)(2), by striking “at
2 least two”; and

3 (ii) in subsection (h), by striking “Fed-
4 eral Public Transportation Act of 2012”
5 and inserting “Federal Public Transpor-
6 tation Act of 2015”;

7 (C) in section 5336—

8 (i) in subsection (a), by striking “sub-
9 section (h)(4)” and inserting “subsection
10 (h)(5)”; and

11 (ii) in subsection (h), as amended by
12 division G—

13 (I) by striking paragraph (1) and
14 inserting the following:

15 “(1) \$30,000,000 for each fiscal year shall be set
16 aside to carry out section 5307(h);” and

17 (II) in paragraph (3), by striking
18 “1.5 percent” and inserting “2 per-
19 cent”; and

20 (D) in section 5340(b), by striking “section
21 5338(b)(2)(M)” and inserting “section
22 5338(a)(2)(O)”.

23 (2) *TABLE OF SECTIONS.*—The table of sections
24 for chapter 53 of title 49, United States Code, is

1 *amended by striking the item relating to section 5319*
2 *and inserting the following:*

 “[5319. Repealed.]”.

3 (b) *CHAPTER 105 OF TITLE 49, UNITED STATES*
4 *CODE.—Section 10501(c) of title 49, United States Code,*
5 *is amended—*

6 (1) *in paragraph (1)—*

7 (A) *in subparagraph (A)(i), by striking*
8 *“section 5302(a)” and inserting “section 5302”;*
9 *and*

10 (B) *in subparagraph (B)—*

11 (i) *by striking “mass transportation”*
12 *and inserting “public transportation”; and*
13 (ii) *by striking “section 5302(a)” and*
14 *inserting “section 5302”; and*

15 (2) *in paragraph (2)(A), by striking “mass*
16 *transportation” and inserting “public transpor-*
17 *tation”.*

18 ***DIVISION C—COMPREHENSIVE***
19 ***TRANSPORTATION AND CON-***
20 ***SUMER PROTECTION ACT OF***
21 ***2015***

22 ***SEC. 31001. SHORT TITLE.***

23 *This division may be cited as the “Comprehensive*
24 *Transportation and Consumer Protection Act of 2015.”*

1 **SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES**
 2 **CODE.**

3 *Except as otherwise expressly provided, wherever in*
 4 *this division an amendment or repeal is expressed in terms*
 5 *of an amendment to, or repeal of, a section or other provi-*
 6 *sion, the reference shall be considered to be made to a section*
 7 *or other provision of title 49, United States Code.*

8 **SEC. 31003. EFFECTIVE DATE.**

9 *Subtitle A of title XXXII, sections 33103, 34101(g),*
 10 *34105, 34106, 34107, 34133, 34141, 34202, 34203, 34204,*
 11 *34205, 34206, 34207, 34208, 34211, 34212, 34213, 34214,*
 12 *34215, subtitles C and D of title XXXIV, and title XXXV*
 13 *take effect on the date of enactment of this Act.*

14 **TITLE XXXI—OFFICE OF THE**
 15 **SECRETARY**

16 **Subtitle A—Accelerating Project**
 17 **Delivery**

18 **SEC. 31101. DELEGATION OF AUTHORITY.**

19 *(a) IN GENERAL.—Chapter 1 is amended by adding*
 20 *at the end the following:*

21 **“§ 116. Administrations; acting officers**

22 *“No person designated to serve as the acting head of*
 23 *an administration in the department of transportation*
 24 *under section 3345 of title 5 may continue to perform the*
 25 *functions and duties of the office if the time limitations in*

1 *section 3346 of that title would prevent the person from con-*
 2 *tinuing to serve in a formal acting capacity.”*

3 (b) *CONFORMING AMENDMENT.—The table of contents*
 4 *for chapter 1 is amended by inserting after the item relating*
 5 *to section 115 the following:*

“116. Administrations; acting officers.”

6 (c) *APPLICATION.—The amendment under subsection*
 7 *(a) shall apply to any applicable office with a position des-*
 8 *ignated for a Senate confirmed official.*

9 **SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT**
 10 **CENTER.**

11 (a) *IN GENERAL.—Subchapter I of chapter 3, as*
 12 *amended by sections 31104 and 31106 of this Act, is further*
 13 *amended by adding after section 311 the following:*

14 **“§312. Interagency Infrastructure Permitting Im-**
 15 **provement Center**

16 *“(a) IN GENERAL.—There is established in the Office*
 17 *of the Secretary an Interagency Infrastructure Permitting*
 18 *Improvement Center (referred to in this section as the ‘Cen-*
 19 *ter’).*

20 *“(b) ROLES AND RESPONSIBILITIES.—*

21 *“(1) GOVERNANCE.—The Center shall report to*
 22 *the chair of the Steering Committee described in*
 23 *paragraph (2) to ensure that the perspectives of all*
 24 *member agencies are represented.*

1 “(2) *INFRASTRUCTURE PERMITTING STEERING*
2 *COMMITTEE.—An Infrastructure Permitting Steering*
3 *Committee (referred to in this section as the ‘Steering*
4 *Committee’) is established to oversee the work of the*
5 *Center. The Steering Committee shall be chaired by*
6 *the Federal Chief Performance Officer in consultation*
7 *with the Chair of the Council on Environmental*
8 *Quality and shall be comprised of Deputy-level rep-*
9 *resentatives from the following departments and agen-*
10 *cies:*

11 “(A) *The Department of Defense.*

12 “(B) *The Department of the Interior.*

13 “(C) *The Department of Agriculture.*

14 “(D) *The Department of Commerce.*

15 “(E) *The Department of Transportation.*

16 “(F) *The Department of Energy.*

17 “(G) *The Department of Homeland Secu-*
18 *rity.*

19 “(H) *The Environmental Protection Agen-*
20 *cy.*

21 “(I) *The Advisory Council on Historic Pres-*
22 *ervation.*

23 “(J) *The Department of the Army.*

24 “(K) *The Department of Housing and*
25 *Urban Development.*

1 “(L) Other agencies the Chair of the Steer-
2 ing Committee invites to participate.

3 “(3) *ACTIVITIES.*—The Center shall support the
4 Chair of the Steering Committee and undertake the
5 following:

6 “(A) Coordinate and support implementa-
7 tion of priority reform actions for Federal agen-
8 cy permitting and reviews for areas as defined
9 and identified by the Steering Committee.

10 “(B) Support modernization efforts at Fed-
11 eral agencies and interagency pilots for innova-
12 tive approaches to the permitting and review of
13 infrastructure projects.

14 “(C) Provide technical assistance and train-
15 ing to field and headquarters staff of Federal
16 agencies on policy changes, innovative ap-
17 proaches to project delivery, and other topics as
18 appropriate.

19 “(D) Identify, develop, and track metrics
20 for timeliness of permit reviews, permit deci-
21 sions, and project outcomes.

22 “(E) Administer and expand the use of on-
23 line transparency tools providing for—

24 “(i) tracking and reporting of metrics;

1 “(ii) development and posting of sched-
2 ules for permit reviews and permit deci-
3 sions; and

4 “(iii) sharing of best practices related
5 to efficient project permitting and reviews.

6 “(F) Provide reporting to the President on
7 progress toward achieving greater efficiency in
8 permitting decisions and review of infrastructure
9 projects and progress toward achieving better
10 outcomes for communities and the environment.

11 “(G) Meet not less frequently than annually
12 with groups or individuals representing State,
13 Tribal, and local governments that are engaged
14 in the infrastructure permitting process.

15 “(4) *INFRASTRUCTURE SECTORS COVERED.*—The
16 Center shall support process improvements in the per-
17 mitting and review of infrastructure projects in the
18 following sectors:

19 “(A) Surface transportation.

20 “(B) Aviation.

21 “(C) Ports and waterways.

22 “(D) Water resource projects.

23 “(E) Renewable energy generation.

24 “(F) Electricity transmission.

25 “(G) Broadband.

1 “(H) Pipelines.

2 “(I) Other sectors, as determined by the
3 Steering Committee.

4 “(c) PERFORMANCE MEASURES.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of the Comprehensive Transpor-
7 tation and Consumer Protection Act of 2015, the Sec-
8 retary, in coordination with the heads of other Fed-
9 eral agencies on the Steering Committee with respon-
10 sibility for the review and approval of infrastructure
11 projects sectors described in subsection (b)(4), shall
12 evaluate and report on—

13 “(A) the progress made toward aligning
14 Federal reviews of such projects and the improve-
15 ment of project delivery associated with those
16 projects; and

17 “(B) the effectiveness of the Center in
18 achieving reduction of permitting time and
19 project delivery time.

20 “(2) PERFORMANCE TARGETS.—Not later than
21 180 days after the date on which the Secretary of
22 Transportation establishes performance measures in
23 accordance with paragraph (1), the Secretary shall es-
24 tablish performance targets relating to each of the

1 *measures and standards described in subparagraphs*
2 *(A) and (B) of paragraph (1).*

3 “(3) *REPORT TO CONGRESS.*—*Not later than 2*
4 *years after the date of enactment of the Comprehen-*
5 *sive Transportation and Consumer Protection Act of*
6 *2015 and biennially thereafter, the Secretary shall*
7 *submit a report to the Committee on Commerce,*
8 *Science, and Transportation of the Senate and the*
9 *Committee on Transportation and Infrastructure of*
10 *the House of Representatives that describes—*

11 “(A) *the results of the evaluation conducted*
12 *under paragraph (1); and*

13 “(B) *the progress towards achieving the tar-*
14 *gets established under paragraph (2).*

15 “(4) *INSPECTOR GENERAL REPORT.*—*Not later*
16 *than 3 years after the date of enactment of the Com-*
17 *prehensive Transportation and Consumer Protection*
18 *Act of 2015, the Inspector General of the Department*
19 *of Transportation shall submit a report to the Com-*
20 *mittee on Commerce, Science, and Transportation of*
21 *the Senate and the Committee on Transportation and*
22 *Infrastructure of the House of Representatives that*
23 *describes—*

24 “(A) *the results of the evaluation conducted*
25 *under paragraph (1); and*

1 “(B) *the progress towards achieving the tar-*
2 *gets established under paragraph (2).*”.

3 (b) *CONFORMING AMENDMENT.*—*The table of contents*
4 *of chapter 3, as amended by sections 31104 and 31106 of*
5 *this Act, is further amended by inserting after the item re-*
6 *lating to section 311 the following:*

 “312. *Interagency Infrastructure Permitting Improvement Center.*”.

7 **SEC. 31103. ACCELERATED DECISION-MAKING IN ENVIRON-**
8 **MENTAL REVIEWS.**

9 (a) *IN GENERAL.*—*Subchapter I of chapter 3 is*
10 *amended by inserting after section 304 the following:*

11 **“§304a. Accelerated decision-making in environ-**
12 **mental reviews**

13 “(a) *IN GENERAL.*—*In preparing a final environ-*
14 *mental impact statement under the National Environ-*
15 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the*
16 *Department of Transportation, when acting as lead agency,*
17 *modifies the statement in response to comments that are*
18 *minor and are confined to factual corrections or expla-*
19 *nations of why the comments do not warrant additional*
20 *Departmental response, the Department may write on er-*
21 *rata sheets attached to the statement instead of rewriting*
22 *the draft statement, subject to the condition that the errata*
23 *sheets—*

24 “(1) *cite the sources, authorities, or reasons that*
25 *support the position of the Department; and*

1 *Consumer Protection Act of 2015, the Department of Trans-*
2 *portation, in coordination with the Steering Committee de-*
3 *scribed in section 312 of this title, shall develop a coordi-*
4 *nated and concurrent environmental review and permitting*
5 *process for transportation projects when initiating an envi-*
6 *ronmental impact statement under the National Environ-*
7 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred*
8 *to in this section as ‘NEPA’). The coordinated and concur-*
9 *rent environmental review and permitting process shall—*

10 “(1) ensure that the Department of Transpor-

11 *tation and Federal agencies of jurisdiction possess*
12 *sufficient information early in the review process to*
13 *determine a statement of a transportation project’s*
14 *purpose and need and range of alternatives for anal-*
15 *ysis that the lead agency and agencies of jurisdiction*
16 *will rely upon for concurrent environmental reviews*
17 *and permitting decisions required for the proposed*
18 *project;*

19 “(2) achieve early concurrence or issue resolution

20 *during the NEPA scoping process on the Department*
21 *of Transportation’s statement of a project’s purpose*
22 *and need and during development of the environ-*
23 *mental impact statement on the range of alternatives*
24 *for analysis that the lead agency and agencies of ju-*
25 *risdiction will rely upon for concurrent environ-*

1 *mental reviews and permitting decisions required for*
2 *the proposed project absent circumstances that require*
3 *reconsideration in order to meet an agency of juris-*
4 *isdiction’s legal obligations; and*

5 *“(3) achieve concurrence or issue resolution in*
6 *an expedited manner if circumstances arise that re-*
7 *quire a reconsideration of the purpose and need or*
8 *range of alternatives considered during any Federal*
9 *agency’s environmental or permitting review in order*
10 *to meet an agency of jurisdiction’s legal obligations.*

11 *“(b) ENVIRONMENTAL CHECKLIST.—The Secretary of*
12 *Transportation and Federal agencies of jurisdiction likely*
13 *to have substantive review or approval responsibilities on*
14 *transportation projects, not later than 90 days after the*
15 *date of enactment of the Comprehensive Transportation and*
16 *Consumer Protection Act of 2015, shall jointly develop a*
17 *checklist to help project sponsors identify potential natural,*
18 *cultural, and historic resources in the area of a proposed*
19 *project. The purpose of the checklist is—*

20 *“(1) to identify agencies of jurisdiction and co-*
21 *operating agencies,*

22 *“(2) to develop the information needed for the*
23 *purpose and need and alternatives for analysis; and*

1 “(3) to improve interagency collaboration to help
2 expedite the permitting process for the lead agency
3 and Federal agencies of jurisdiction.

4 “(c) *INTERAGENCY COLLABORATION.*—Consistent with
5 Federal environmental statutes and the priority reform ac-
6 tions for Federal agency permitting and reviews defined
7 and identified by the Steering Committee established under
8 section 312, the Secretary shall facilitate annual inter-
9 agency collaboration sessions at the appropriate jurisdic-
10 tional level to coordinate business plans and facilitate co-
11 ordination of workload planning and workforce manage-
12 ment. This engagement shall ensure agency staff is fully en-
13 gaged and utilizing the flexibility of existing regulations,
14 policies, and guidance and identifying additional actions
15 to facilitate high quality, efficient, and targeted environ-
16 mental reviews and permitting decisions. The sessions and
17 the interagency collaborations they generate shall focus on
18 how to work with State and local transportation entities
19 to improve project planning, siting, and application qual-
20 ity and how to consult and coordinate with relevant stake-
21 holders and Federal, tribal, State, and local representatives
22 early in permitting processes.

23 “(d) *PERFORMANCE MEASUREMENT.*—Not later than
24 1 year after the date of enactment of the Comprehensive
25 Transportation and Consumer Protection Act of 2015, the

1 *Secretary of Transportation, in coordination with the*
2 *Steering Committee established under section 312 of this*
3 *title, shall establish a program to measure and report on*
4 *progress towards aligning Federal reviews as outlined in*
5 *this section.”.*

6 (b) *CONFORMING AMENDMENT.—The table of contents*
7 *of subchapter I of chapter 3 is amended by inserting after*
8 *the item relating to section 309 the following:*

“310. Aligning Federal environmental reviews.”.

9 **SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.**

10 *Section 304 is amended—*

11 (1) *in subsection (a)—*

12 (A) *in paragraph (1)—*

13 (i) *by striking “operating authority”*
14 *and inserting “operating administration or*
15 *secretarial office”;*

16 (ii) *by inserting “has expertise but”*
17 *before “is not the lead”; and*

18 (iii) *by inserting “proposed*
19 *multimodal” before “project”;*

20 (B) *by amending paragraph (2) to read as*
21 *follows:*

22 “(2) *LEAD AUTHORITY.—The term ‘lead author-*
23 *ity’ means a Department of Transportation operating*
24 *administration or secretarial office that has the lead*

1 *responsibility for a proposed multimodal project.”;*
2 *and*

3 *(C) in paragraph (3), by striking “has the*
4 *meaning given the term in section 139(a) of title*
5 *23” and inserting “means an action by the De-*
6 *partment of Transportation that involves exper-*
7 *tise of 1 or more Department of Transportation*
8 *operating administrations or secretarial offices”;*

9 *(2) in subsection (b), by striking “under this*
10 *title” and inserting “by the Secretary of Transpor-*
11 *tation”;*

12 *(3) in subsection (c)—*

13 *(A) in the matter preceding paragraph*

14 *(1)—*

15 *(i) by striking “a categorical exclusion*
16 *designated under the implementing regula-*
17 *tions or” and inserting “categorical exclu-*
18 *sions designated under the National Envi-*
19 *ronmental Policy Act of 1969 (42 U.S.C.*
20 *4321 et seq.) implementing”;* *and*

21 *(ii) by striking “other components of*
22 *the” and inserting “a proposed*
23 *multimodal”;*

24 *(B) by amending paragraphs (1) and (2) to*
25 *read as follows:*

1 “(1) the lead authority makes a preliminary de-
2 termination on the applicability of a categorical ex-
3 clusion to a proposed multimodal project and notifies
4 the cooperating authority of its intent to apply the co-
5 operating authority categorical exclusion;

6 “(2) the cooperating authority does not object to
7 the lead authority’s preliminary determination of its
8 applicability;”;

9 (C) in paragraph (3)—

10 (i) by inserting “the lead authority de-
11 termines that” before “the component of”;
12 and

13 (ii) by inserting “proposed
14 multimodal” before “project to be covered”;
15 and

16 (D) by amending paragraph (4) to read as
17 follows:

18 “(4) the lead authority, with the concurrence of
19 the cooperating authority—

20 “(A) follows implementing regulations or
21 procedures under the National Environmental
22 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

23 “(B) determines that the proposed
24 multimodal project does not individually or cu-

1 *portation shall establish an online platform and, in coordi-*
2 *nation with Federal agencies described in subsection (b),*
3 *issue reporting standards to make publicly available the*
4 *status and progress with respect to compliance with appli-*
5 *cable requirements under the National Environmental Pol-*
6 *icy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Fed-*
7 *eral approval required under applicable laws for projects*
8 *and activities requiring an environmental assessment or an*
9 *environmental impact statement.*

10 “(b) *FEDERAL AGENCY PARTICIPATION.*—A Federal
11 *agency of jurisdiction over an approval required for a*
12 *project under applicable laws shall provide information re-*
13 *garding the status and progress of the approval to the online*
14 *platform, consistent with the standards established under*
15 *subsection (a).*

16 “(c) *ASSIGNMENT OF RESPONSIBILITIES.*—An entity
17 *with assigned authority for responsibilities under the Na-*
18 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
19 *et seq.), under section 326 or section 327 of title 23 shall*
20 *be responsible for supplying project development and com-*
21 *pliance status for all applicable projects.”.*

22 “(b) *CONFORMING AMENDMENT.*—The table of contents
23 *of subchapter I of chapter 3, as amended by section 31104*
24 *of this Act, is further amended by inserting after the item*
25 *relating to section 310, the following:*

“311. *Improving transparency in environmental reviews.*”.

1 **SEC. 31107. LOCAL TRANSPORTATION INFRASTRUCTURE**
2 **PROGRAM.**

3 *Section 610 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (d)—*

6 *(A) in paragraph (1), by striking subpara-*
7 *graph (A) and inserting the following:*

8 *“(A) 10 percent of the funds apportioned to*
9 *the State for each of fiscal years 2016 through*
10 *2021 under each of sections 104(b)(1), 104(b)(2),*
11 *and 144; and”;*

12 *(B) in paragraph (2), by striking “2005*
13 *through 2009” and inserting “2016 through*
14 *2021”;*

15 *(C) in paragraph (3), by striking “2005*
16 *through 2009” and inserting “2016 through*
17 *2021”; and*

18 *(D) in paragraph (5), by striking “section*
19 *133(d)(3)” and inserting “section 133(d)(4)”;*
20 *and*

21 *(2) in subsection (k), by striking “2005 through*
22 *2009” and inserting “2016 through 2021”.*

23 **SEC. 31108. AUTHORIZATION OF GRANTS FOR POSITIVE**
24 **TRAIN CONTROL.**

25 *(a) IN GENERAL.—There shall be available from the*
26 *Mass Transit Account of the Highway Trust Fund to carry*

1 out this section \$199,000,000 for fiscal year 2016 to assist
2 in financing the installation of positive train control sys-
3 tems.

4 (b) *PROGRAMS.*—The amounts made available under
5 subsection (a) of this section may be used to assist in fi-
6 nancing the installation of positive train control systems
7 through—

8 (1) grants made under the rail safety technology
9 grants program under section 20158 of title 49,
10 United States Code;

11 (2) grants made under the consolidated rail in-
12 frastructure and safety improvements program under
13 section 24408 of title 49, United States Code; and

14 (3) funding the cost, including the subsidy cost
15 or cost of credit risk premiums, of direct loans and
16 loan guarantees under sections 502 through 504 of the
17 Railroad Revitalization and Regulatory Reform Act
18 of 1976 (45 U.S.C. 801 et seq.).

19 (c) *ELIGIBLE RECIPIENTS.*—The amounts made avail-
20 able under subsection (a) of this section may be used only
21 to assist a recipient of funds under chapter 53 of title 49,
22 United States Code, through the programs described in sub-
23 section (b).

24 (d) *PROJECT MANAGEMENT OVERSIGHT.*—The Sec-
25 retary may withhold up to 1 percent from the amounts

1 *made available under subsection (a) of this section for the*
2 *costs of project management oversight of grants authorized*
3 *under that subsection.*

4 *(e) SAVINGS CLAUSE.—Nothing in this section may be*
5 *construed as authorizing the amounts appropriated under*
6 *subsection (a) to be used for any purpose other than financ-*
7 *ing the installation of positive train control systems.*

8 *(f) GRANTS FINANCED FROM HIGHWAY TRUST*
9 *FUND.—A grant, contract, direct loan, or loan guarantee*
10 *that is approved by the Secretary and financed with*
11 *amounts made available from the Mass Transit Account of*
12 *the Highway Trust Fund under this section is a contractual*
13 *obligation of the Government to pay the Government share*
14 *of the cost of the project.*

15 *(g) AVAILABILITY OF AMOUNTS.—Notwithstanding*
16 *subsection (h), amounts made available under this section*
17 *shall remain available until expended.*

18 *(h) SUNSET.—The Secretary of Transportation shall*
19 *provide the grants, direct loans, and loan guarantees under*
20 *subsection (b) by September 30, 2017.*

21 ***Subtitle B—Research***

22 ***SEC. 31201. FINDINGS.***

23 *Congress makes the followings findings:*

24 *(1) Federal transportation research planning*
25 *and coordination—*

1 (A) should occur within the Office of the
2 Secretary; and

3 (B) should be, to the extent practicable,
4 multi-modal and not occur solely within the sub-
5 agencies of the Department of Transportation.

6 (2) *Managing a multi-modal research portfolio*
7 *within the Office of the Secretary will—*

8 (A) help identify opportunities where re-
9 search could be applied across modes; and

10 (B) prevent duplication of efforts and waste
11 of limited Federal resources.

12 (3) *An ombudsman for research at the Depart-*
13 *ment of Transportation will—*

14 (A) give stakeholders a formal opportunity
15 to address concerns;

16 (B) ensure unbiased research; and

17 (C) improve the overall research products of
18 the Department.

19 (4) *Increasing transparency of transportation re-*
20 *search efforts will—*

21 (A) build stakeholder confidence in the final
22 product; and

23 (B) lead to the improved implementation of
24 research findings.

1 **SEC. 31202. MODAL RESEARCH PLANS.**

2 (a) *IN GENERAL.*—Not later than June 15 of the year
3 preceding the research fiscal year, the head of each modal
4 administration and joint program office of the Department
5 of Transportation shall submit a comprehensive annual
6 modal research plan to the Assistant Secretary for Research
7 and Technology of the Department of Transportation (re-
8 ferred to in this subtitle as the “Assistant Secretary”).

9 (b) *REVIEW.*—

10 (1) *IN GENERAL.*—Not later than October 1 of
11 each year, the Assistant Secretary, for each plan sub-
12 mitted pursuant to subsection (a), shall—

13 (A) review the scope of the research; and

14 (B)(i) approve the plan; or

15 (ii) request that the plan be revised.

16 (2) *PUBLICATIONS.*—Not later than January 30
17 of each year, the Secretary shall publish each plan
18 that has been approved under paragraph (1)(B)(i) on
19 a public website.

20 (3) *REJECTION OF DUPLICATIVE RESEARCH EF-*
21 *FORTS.*—The Assistant Secretary may not approve
22 any plan submitted by the head of a modal adminis-
23 tration or joint program office pursuant to subsection
24 (a) if such plan duplicates the research efforts of any
25 other modal administration.

1 (c) *FUNDING LIMITATIONS.*—No funds may be ex-
2 pended by the Department of Transportation on research
3 that has not previously been approved as part of a modal
4 research plan approved by the Assistant Secretary unless—

5 (1) such research is required by an Act of Con-
6 gress;

7 (2) such research was part of a contract that was
8 funded before the date of enactment of this Act; or

9 (3) the Secretary of Transportation certifies to
10 Congress that such research is necessary before the ap-
11 proval of a modal research plan.

12 (d) *DUPLICATIVE RESEARCH.*—

13 (1) *IN GENERAL.*—Except as provided in para-
14 graph (2), no funds may be expended by the Depart-
15 ment of Transportation on research projects that the
16 Secretary identifies as duplicative under subsection
17 (b)(3).

18 (2) *EXCEPTIONS.*—Paragraph (1) shall not
19 apply to—

20 (A) updates to previously commissioned re-
21 search;

22 (B) research commissioned to carry out an
23 Act of Congress; or

24 (C) research commissioned before the date of
25 enactment of this Act.

1 (e) *CERTIFICATION.*—

2 (1) *IN GENERAL.*—*The Secretary shall annually*
3 *certify to Congress that—*

4 (A) *each modal research plan has been re-*
5 *viewed; and*

6 (B) *there is no duplication of study for re-*
7 *search directed, commissioned, or conducted by*
8 *the Department of Transportation.*

9 (2) *CORRECTIVE ACTION PLAN.*—*If the Secretary,*
10 *after submitting a certification under paragraph (1),*
11 *identifies duplication of research within the Depart-*
12 *ment of Transportation, the Secretary shall—*

13 (A) *notify Congress of the duplicative re-*
14 *search; and*

15 (B) *submit a corrective action plan to Con-*
16 *gress that will eliminate such duplicative re-*
17 *search.*

18 **SEC. 31203. CONSOLIDATED RESEARCH PROSPECTUS AND**

19 **STRATEGIC PLAN.**

20 (a) *PROSPECTUS.*—

21 (1) *IN GENERAL.*—*The Secretary shall annually*
22 *publish, on a public website, a comprehensive pro-*
23 *spectus on all research projects conducted by the De-*
24 *partment of Transportation, including, to the extent*

1 *practicable, research funded through University*
2 *Transportation Centers.*

3 (2) *CONTENTS.—The prospectus published under*
4 *paragraph (1) shall—*

5 (A) *include the consolidated modal research*
6 *plans approved under section 1302;*

7 (B) *describe the research objectives, progress,*
8 *and allocated funds for each research project;*

9 (C) *identify research projects with multi-*
10 *modal applications;*

11 (D) *specify how relevant modal administra-*
12 *tions have assisted, will contribute to, or plan to*
13 *use the findings from the research projects identi-*
14 *fied under paragraph (1);*

15 (E) *identify areas in which multiple modal*
16 *administrations are conducting research projects*
17 *on similar subjects or subjects which have bear-*
18 *ing on multiple modes;*

19 (F) *describe the interagency and cross*
20 *modal communication and coordination that has*
21 *occurred to prevent duplication of research ef-*
22 *forts within the Department of Transportation;*

23 (G) *indicate how research is being dissemi-*
24 *nated to improve the efficiency and safety of*
25 *transportation systems;*

1 (H) describe how agencies developed their
2 research plans; and

3 (I) describe the opportunities for public and
4 stakeholder input.

5 (b) *FUNDING REPORT.*—In conjunction with each of
6 the President’s annual budget requests under section 1105
7 of title 31, United States Code, the Secretary shall submit
8 a report to appropriate committees of Congress that de-
9 scribes—

10 (1) the amount spent in the last completed fiscal
11 year on transportation research and development; and

12 (2) the amount proposed in the current budget
13 for transportation research and development.

14 (c) *PERFORMANCE PLANS AND REPORTS.*—In the
15 plans and reports submitted under sections 1115 and 1116
16 of title 31, United States Code, the Secretary shall in-
17 clude—

18 (1) a summary of the Federal transportation re-
19 search and development activities for the previous fis-
20 cal year in each topic area;

21 (2) the amount spent in each topic area;

22 (3) a description of the extent to which the re-
23 search and development is meeting the expectations
24 set forth in subsection (d)(3)(A); and

1 (4) *any amendments to the strategic plan devel-*
2 *oped under subsection (d).*

3 (d) *TRANSPORTATION RESEARCH AND DEVELOPMENT*
4 *STRATEGIC PLAN.—*

5 (1) *IN GENERAL.—The Secretary shall develop a*
6 *5-year transportation research and development stra-*
7 *tegic plan to guide future Federal transportation re-*
8 *search and development activities.*

9 (2) *CONSISTENCY.—The strategic plan developed*
10 *under paragraph (1) shall be consistent with—*

11 (A) *section 306 of title 5, United States*
12 *Code;*

13 (B) *sections 1115 and 1116 of title 31,*
14 *United States Code; and*

15 (C) *any other research and development*
16 *plan within the Department of Transportation.*

17 (3) *CONTENTS.—The strategic plan developed*
18 *under paragraph (1) shall—*

19 (A) *describe the primary purposes of the*
20 *transportation research and development pro-*
21 *gram, which shall include—*

22 (i) *promoting safety;*

23 (ii) *reducing congestion;*

24 (iii) *improving mobility;*

1 (iv) preserving the existing transpor-
2 tation system;

3 (v) improving the durability and ex-
4 tending the life of transportation infrastruc-
5 ture; and

6 (vi) improving goods movement;

7 (B) for each of the purposes referred to in
8 subparagraph (A), list the primary research and
9 development topics that the Department of
10 Transportation intends to pursue to accomplish
11 that purpose, which may include—

12 (i) fundamental research in the phys-
13 ical and natural sciences;

14 (ii) applied research;

15 (iii) technology research; and

16 (iv) social science research intended for
17 each topic; and

18 (C) for each research and development
19 topic—

20 (i) identify the anticipated annual
21 funding levels for the period covered by the
22 strategic plan; and

23 (ii) include any additional informa-
24 tion the Department of Transportation ex-
25 pects to discover at the end of the period

1 *covered by the strategic plan as a result of*
2 *the research and development in that topic*
3 *area.*

4 (4) *CONSIDERATIONS.—The Secretary shall en-*
5 *sure that the strategic plan developed under this sec-*
6 *tion—*

7 (A) *reflects input from a wide range of*
8 *stakeholders;*

9 (B) *includes and integrates the research and*
10 *development programs of all the Department of*
11 *Transportation’s modal administrations, includ-*
12 *ing aviation, transit, rail, and maritime; and*

13 (C) *takes into account how research and de-*
14 *velopment by other Federal, State, private sector,*
15 *and nonprofit institutions—*

16 (i) *contributes to the achievement of*
17 *the purposes identified under paragraph*
18 *(3)(A); and*

19 (ii) *avoids unnecessary duplication of*
20 *such efforts.*

21 (e) *TECHNICAL AND CONFORMING AMENDMENTS.—*

22 (1) *CHAPTER 5 OF TITLE 23.—Chapter 5 of title*
23 *23, United States Code, is amended—*

24 (A) *by striking section 508;*

1 (B) in the table of contents, by striking the
2 item relating to section 508;

3 (C) in section 502—

4 (i) in subsection (a)(9), by striking
5 “transportation research and technology de-
6 velopment strategic plan developed under
7 section 508” and inserting “transportation
8 research and development strategic plan
9 under section 31203 of the Comprehensive
10 Transportation and Consumer Protection
11 Act of 2015”; and

12 (ii) in subsection (b)(4), by striking
13 “transportation research and development
14 strategic plan of the Secretary developed
15 under section 508” and inserting “transporta-
16 tion research and development strategic
17 plan under section 31203 of the Comprehen-
18 sive Transportation and Consumer Protec-
19 tion Act of 2015”; and

20 (D) in section 512(b), by striking “as part
21 of the transportation research and development
22 strategic plan developed under section 508”.

23 (2) INTELLIGENT TRANSPORTATION SYSTEMS.—

24 Section 5205 of the Intelligent Transportation Sys-
25 tems Act of 1998 (23 U.S.C. 502 note) is amended—

1 (A) in subsection (b), by striking “as part
2 of the Surface Transportation Research and De-
3 velopment Strategic Plan developed under sec-
4 tion 508 of title 23, United States Code” and in-
5 serting “as part of the transportation research
6 and development strategic plan under section
7 31203 of the Comprehensive Transportation and
8 Consumer Protection Act of 2015”; and

9 (B) in subsection (e)(2)(A), by striking “or
10 the Surface Transportation Research and Devel-
11 opment Strategic Plan developed under section
12 508 of title 23, United States Code” and insert-
13 ing “or the transportation research and develop-
14 ment strategic plan under section 31203 of the
15 Comprehensive Transportation and Consumer
16 Protection Act of 2015”.

17 (3) INTELLIGENT TRANSPORTATION SYSTEM RE-
18 SEARCH.—Subtitle C of title V of the Safe, Account-
19 able, Flexible, Efficient Transportation Equity Act: A
20 Legacy for Users (23 U.S.C. 512 note) is amended—

21 (A) in section 5305(h)(3)(A), by striking
22 “the strategic plan under section 508 of title 23,
23 United States Code” and inserting “the 5-year
24 transportation research and development stra-
25 tegic plan under section 31203 of the Com-

1 *prehensive Transportation and Consumer Protec-*
 2 *tion Act of 2015”;* and

3 *(B) in section 5307(c)(2)(A), by striking*
 4 *“or the surface transportation research and de-*
 5 *velopment strategic plan developed under section*
 6 *508 of title 23, United States Code” and insert-*
 7 *ing “or the 5-year transportation research and*
 8 *development strategic plan under section 31203*
 9 *of the Comprehensive Transportation and Con-*
 10 *sumer Protection Act of 2015”.*

11 **SEC. 31204. RESEARCH OMBUDSMAN.**

12 *(a) IN GENERAL.—Subtitle III is amended by insert-*
 13 *ing after chapter 63 the following:*

14 **“CHAPTER 65—RESEARCH OMBUDSMAN**

 “Sec.
 “6501. Research ombudsman.

15 **“§ 6501. Research ombudsman**

16 *“(a) ESTABLISHMENT.—The Assistant Secretary for*
 17 *Research and Technology shall appoint a career Federal*
 18 *employee to serve as Research Ombudsman. This appoint-*
 19 *ment shall not diminish the authority of peer review of re-*
 20 *search.*

21 *“(b) QUALIFICATIONS.—The Research Ombudsman*
 22 *appointed under subsection (a), to the extent practicable—*

1 “(1) shall have a background in academic re-
2 search and a strong understanding of sound study de-
3 sign;

4 “(2) shall develop a working knowledge of the
5 stakeholder communities and research needs of the
6 transportation field; and

7 “(3) shall not have served as a political ap-
8 pointee of the Department.

9 “(c) *RESPONSIBILITIES.*—

10 “(1) *ADDRESSING COMPLAINTS AND QUES-*
11 *TIONS.*—*The Research Ombudsman shall—*

12 “(A) receive complaints and questions
13 about—

14 “(i) significant alleged omissions, im-
15 proprieties, and systemic problems; and

16 “(ii) excessive delays of, or within, a
17 specific research project; and

18 “(B) evaluate and address the complaints
19 and questions described in subparagraph (A).

20 “(2) *PETITIONS.*—

21 “(A) *REVIEW.*—*The Research Ombudsman*
22 *shall review petitions relating to—*

23 “(i) conflicts of interest;

24 “(ii) the study design and method-
25 ology;

1 “(iii) assumptions and potential bias;
2 “(iv) the length of the study; and
3 “(v) the composition of any data sam-
4 pled.

5 “(B) *RESPONSE TO PETITIONS.*—*The Re-*
6 *search Ombudsman shall—*

7 “(i) respond to relevant petitions with-
8 in a reasonable period;

9 “(ii) identify deficiencies in the peti-
10 tion’s study design; and

11 “(iii) propose a remedy for such defi-
12 ciencies to the administrator of the modal
13 administration responsible for completing
14 the research project.

15 “(C) *RESPONSE TO PROPOSED REMEDY.*—
16 *The administrator of the modal administration*
17 *charged with completing the research project*
18 *shall respond to the proposed research remedy.*

19 “(3) *REQUIRED REVIEWS.*—*The Research Om-*
20 *budsman shall evaluate the study plan for all statu-*
21 *torily required studies and reports before the com-*
22 *mencement of such studies to ensure that the research*
23 *plan has an appropriate sample size and composition*
24 *to address the stated purpose of the study.*

25 “(d) *REPORTS.*—

1 “(1) *IN GENERAL.*—Upon the completion of each
2 review under subsection (c), the Research Ombudsman
3 shall—

4 “(A) submit a report containing the results
5 of such review to—

6 “(i) the Secretary;

7 “(ii) the head of the relevant modal ad-
8 ministration; and

9 “(iii) the study or research leader; and

10 “(B) publish such results on a public
11 website, with the modal administration response
12 required under subsection (c)(2)(C).

13 “(2) *INDEPENDENCE.*—Each report required
14 under this section shall be provided directly to the in-
15 dividuals described in paragraph (1) without any
16 comment or amendment from the Secretary, the Dep-
17 uty Secretary of Transportation, the head of any
18 modal administration of the Department, or any
19 other officer or employee of the Department or the Of-
20 fice of Management and Budget.

21 “(e) *REPORT TO INSPECTOR GENERAL.*—The Research
22 Ombudsman shall submit any evidence of misfeasance, mal-
23 feasance, waste, fraud, or abuse uncovered during a review
24 under this section to the Inspector General for further re-
25 view.

1 “(f) *REMOVAL.—The Research Ombudsman shall be*
2 *subject to adverse employment action for misconduct or*
3 *good cause in accordance with the procedures and grounds*
4 *set forth in chapter 75 of title 5.”.*

5 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
6 *table of chapters for subtitle III is amended by inserting*
7 *after the item relating to chapter 63 the following:*

 “65. *Research ombudsman* 6501”.

8 **SEC. 31205. SMART CITIES TRANSPORTATION PLANNING**
9 **STUDY.**

10 (a) *IN GENERAL.—The Secretary shall conduct a*
11 *study of digital technologies and information technologies,*
12 *including shared mobility, data, transportation network*
13 *companies, and on-demand transportation services—*

14 (1) *to understand the degree to which cities are*
15 *adopting these technologies;*

16 (2) *to assess future planning, infrastructure and*
17 *investment needs; and*

18 (3) *to provide best practices to plan for smart*
19 *cities in which information and technology are*
20 *used—*

21 (A) *to improve city operations;*

22 (B) *to grow the local economy;*

23 (C) *to improve response in times of emer-*
24 *gencies and natural disasters; and*

25 (D) *to improve the lives of city residents.*

1 (b) *COMPONENTS.*—*The study conducted under sub-*
2 *section (a) shall—*

3 (1) *identify broad issues that influence the abil-*
4 *ity of the United States to plan for and invest in*
5 *smart cities, including barriers to collaboration and*
6 *access to scientific information; and*

7 (2) *review how the expanded use of digital tech-*
8 *nologies, mobile devices, and information may—*

9 (A) *enhance the efficiency and effectiveness*
10 *of existing transportation networks;*

11 (B) *optimize demand management services;*

12 (C) *impact low-income and other disadvan-*
13 *taged communities;*

14 (D) *assess opportunities to share, collect,*
15 *and use data;*

16 (E) *change current planning and invest-*
17 *ment strategies; and*

18 (F) *provide opportunities for enhanced co-*
19 *ordination and planning.*

20 (c) *REPORTING.*—*Not later than 18 months after the*
21 *date of enactment of this Act, the Secretary shall publish*
22 *the report containing the results of the study required under*
23 *subsection (a) to a public website.*

1 **SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS**
2 **INDEPENDENCE.**

3 *Section 6302 is amended by adding at the end the fol-*
4 *lowing:*

5 “(d) *INDEPENDENCE OF BUREAU.—*

6 “(1) *IN GENERAL.—The Director shall not be re-*
7 *quired—*

8 “(A) *to obtain the approval of any other of-*
9 *ficer or employee of the Department with respect*
10 *to the collection or analysis of any information;*
11 *or*

12 “(B) *prior to publication, to obtain the ap-*
13 *proval of any other officer or employee of the*
14 *United States Government with respect to the*
15 *substance of any statistical technical reports or*
16 *press releases lawfully prepared by the Director.*

17 “(2) *BUDGET AUTHORITY.—The Director shall*
18 *have a significant role in the disposition and alloca-*
19 *tion of the Bureau’s authorized budget, including—*

20 “(A) *all hiring, grants, cooperative agree-*
21 *ments, and contracts awarded by the Bureau to*
22 *carry out this section; and*

23 “(B) *the disposition and allocation of*
24 *amounts paid to the Bureau for cost-reimburs-*
25 *able projects.*

1 “(3) *EXCEPTIONS.*—*The Secretary shall direct*
 2 *external support functions, such as the coordination*
 3 *of activities involving multiple modal administra-*
 4 *tions.*”

5 “(4) *INFORMATION TECHNOLOGY.*—*The Depart-*
 6 *ment Chief Information Officer shall consult with the*
 7 *Director to ensure decisions related to information*
 8 *technology guarantee the protection of the confiden-*
 9 *tiality of information provided solely for statistical*
 10 *purposes, in accordance with the Confidential Infor-*
 11 *mation Protection and Statistical Efficiency Act of*
 12 *2002 (44 U.S.C. 3501 note).”*

13 **SEC. 31207. CONFORMING AMENDMENTS.**

14 (a) *TITLE 49 AMENDMENTS.*—

15 (1) *ASSISTANT SECRETARIES; GENERAL COUN-*
 16 *SEL.*—*Section 102(e) is amended—*

17 (A) *in paragraph (1), by striking “5” and*
 18 *inserting “6”; and*

19 (B) *in paragraph (1)(A), by inserting “an*
 20 *Assistant Secretary for Research and Tech-*
 21 *nology,” before “and an Assistant Secretary”.*

22 (2) *OFFICE OF THE ASSISTANT SECRETARY FOR*
 23 *RESEARCH AND TECHNOLOGY OF THE DEPARTMENT*
 24 *OF TRANSPORTATION.*—*Section 112 is repealed.*

1 (3) *TABLE OF CONTENTS.*—*The table of contents*
2 *of chapter 1 is amended by striking the item relating*
3 *to section 112.*

4 (4) *RESEARCH CONTRACTS.*—*Section 330 is*
5 *amended—*

6 (A) *in the section heading, by striking*
7 *“contracts” and inserting “activities”;*

8 (B) *in subsection (a), by inserting “IN GEN-*
9 *ERAL.—” before “The Secretary”;*

10 (C) *in subsection (b), by inserting “RE-*
11 *SPONSIBILITIES.—” before “In carrying out”;*

12 (D) *in subsection (c), by inserting “PUBLI-*
13 *CATIONS.—” before “The Secretary”; and*

14 (E) *by adding at the end the following:*

15 “(d) *DUTIES.*—*The Secretary shall provide for the fol-*
16 *lowing:*

17 “(1) *Coordination, facilitation, and review of the*
18 *Department’s research and development programs*
19 *and activities.*

20 “(2) *Advancement, and research and develop-*
21 *ment, of innovative technologies, including intelligent*
22 *transportation systems.*

23 “(3) *Comprehensive transportation statistics re-*
24 *search, analysis, and reporting.*

1 “(4) *Education and training in transportation*
2 *and transportation-related fields.*

3 “(5) *Activities of the Volpe National Transpor-*
4 *tation Systems Center.*

5 “(e) *ADDITIONAL AUTHORITIES.—The Secretary*
6 *may—*

7 “(1) *enter into grants and cooperative agree-*
8 *ments with Federal agencies, State and local govern-*
9 *ment agencies, other public entities, private organiza-*
10 *tions, and other persons—*

11 “(A) *to conduct research into transportation*
12 *service and infrastructure assurance; and*

13 “(B) *to carry out other research activities of*
14 *the Department;*

15 “(2) *carry out, on a cost-shared basis, collabo-*
16 *rative research and development to encourage innova-*
17 *tive solutions to multimodal transportation problems*
18 *and stimulate the deployment of new technology*
19 *with—*

20 “(A) *non-Federal entities, including State*
21 *and local governments, foreign governments, in-*
22 *stitutions of higher education, corporations, in-*
23 *stitutions, partnerships, sole proprietorships, and*
24 *trade associations that are incorporated or estab-*
25 *lished under the laws of any State;*

1 “(B) *Federal laboratories; and*

2 “(C) *other Federal agencies; and*

3 “(3) *directly initiate contracts, grants, coopera-*
4 *tive research and development agreements (as defined*
5 *in section 12 of the Stevenson-Wydler Technology In-*
6 *novation Act of 1980 (15 U.S.C. 3710a)), and other*
7 *agreements to fund, and accept funds from, the*
8 *Transportation Research Board of the National Re-*
9 *search Council of the National Academy of Sciences,*
10 *State departments of transportation, cities, counties,*
11 *institutions of higher education, associations, and the*
12 *agents of those entities to carry out joint transpor-*
13 *tation research and technology efforts.*

14 “(f) *FEDERAL SHARE.—*

15 “(1) *IN GENERAL.—Subject to paragraph (2), the*
16 *Federal share of the cost of an activity carried out*
17 *under subsection (e)(3) shall not exceed 50 percent.*

18 “(2) *EXCEPTION.—If the Secretary determines*
19 *that the activity is of substantial public interest or*
20 *benefit, the Secretary may approve a greater Federal*
21 *share.*

22 “(3) *NON-FEDERAL SHARE.—All costs directly*
23 *incurred by the non-Federal partners, including per-*
24 *sonnel, travel, facility, and hardware development*

1 *costs, shall be credited toward the non-Federal share*
2 *of the cost of an activity described in paragraph (1).*

3 “(g) *PROGRAM EVALUATION AND OVERSIGHT.—For*
4 *fiscal years 2016 through 2021, the Secretary is authorized*
5 *to expend not more than 1 and a half percent of the*
6 *amounts authorized to be appropriated for necessary ex-*
7 *penses for administration and operations of the Office of*
8 *the Assistant Secretary for Research and Technology for the*
9 *coordination, evaluation, and oversight of the programs ad-*
10 *ministered under this section.*

11 “(h) *USE OF TECHNOLOGY.—The research, develop-*
12 *ment, or use of a technology under a contract, grant, cooper-*
13 *ative research and development agreement, or other agree-*
14 *ment entered into under this section, including the terms*
15 *under which the technology may be licensed and the result-*
16 *ing royalties may be distributed, shall be subject to the Ste-*
17 *venson-Wydler Technology Innovation Act of 1980 (15*
18 *U.S.C. 3701 et seq.).*

19 “(i) *WAIVER OF ADVERTISING REQUIREMENTS.—Sec-*
20 *tion 6101 of title 41 shall not apply to a contract, grant,*
21 *or other agreement entered into under this section.”.*

22 (5) *TABLE OF CONTENTS.—The item relating to*
23 *section 330 in the table of contents of chapter 3 is*
24 *amended by striking “Contracts” and inserting “Ac-*
25 *tivities”.*

1 (6) *BUREAU OF TRANSPORTATION STATISTICS.*—

2 *Section 6302(a) is amended to read as follows:*

3 “(a) *IN GENERAL.*—*There shall be within the Depart-*
4 *ment the Bureau of Transportation Statistics.*”.

5 (b) *TITLE 5 AMENDMENTS.*—

6 (1) *POSITIONS AT LEVEL II.*—*Section 5313 of*
7 *title 5, United States Code, is amended by striking*
8 *“Under Secretary of Transportation for Security.”.*

9 (2) *POSITIONS AT LEVEL III.*—*Section 5314 of*
10 *title 5, United States Code, is amended by striking*
11 *“Administrator, Research and Innovative Technology*
12 *Administration.”.*

13 (3) *POSITIONS AT LEVEL IV.*—*Section 5315 of*
14 *title 5, United States Code, is amended by striking*
15 *“(4)” in the undesignated item relating to Assistant*
16 *Secretaries of Transportation and inserting “(5)”.*

17 (4) *POSITIONS AT LEVEL V.*—*Section 5316 is*
18 *amended by striking “Associate Deputy Secretary,*
19 *Department of Transportation.”.*

20 **SEC. 31208. REPEAL OF OBSOLETE OFFICE.**

21 (a) *IN GENERAL.*—*Section 5503 is repealed.*

22 (b) *TABLE OF CONTENTS.*—*The table of contents of*
23 *chapter 55 is amended by striking the item relating to sec-*
24 *tion 5503.*

1 ***Subtitle C—Port Performance Act***

2 ***SEC. 31301. SHORT TITLE.***

3 *This subtitle may be cited as the “Port Performance*
4 *Act”.*

5 ***SEC. 31302. FINDINGS.***

6 *Congress finds the following:*

7 *(1) America’s ports play a critical role in the*
8 *Nation’s transportation supply chain network.*

9 *(2) Reliable and efficient movement of goods*
10 *through the Nation’s ports ensures that American*
11 *goods are available to customers throughout the world.*

12 *(3) Breakdowns in the transportation supply*
13 *chain network, particularly at the Nation’s ports, can*
14 *result in tremendous economic losses for agriculture,*
15 *businesses, and retailers that rely on timely ship-*
16 *ments.*

17 *(4) A clear understanding of terminal and port*
18 *productivity and throughput should help—*

19 *(A) to identify freight bottlenecks;*

20 *(B) to indicate performance and trends over*
21 *time; and*

22 *(C) to inform investment decisions.*

1 **SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS**
2 **PROGRAM.**

3 (a) *IN GENERAL.*—Chapter 63 is amended by adding
4 at the end the following:

5 **“§ 6314. Port performance freight statistics program**

6 “(a) *IN GENERAL.*—The Director shall establish, on be-
7 half of the Secretary, a port performance statistics program
8 to provide nationally consistent measures of performance
9 of, at a minimum—

10 “(1) the Nation’s top 25 ports by tonnage;

11 “(2) the Nation’s top 25 ports by 20-foot equiva-
12 lent unit; and

13 “(3) the Nation’s top 25 ports by dry bulk.

14 “(b) *ANNUAL REPORTS.*—

15 “(1) *PORT CAPACITY AND THROUGHPUT.*—Not
16 later than January 15 of each year, the Director shall
17 submit an annual report to Congress that includes
18 statistics on capacity and throughput at the ports de-
19 scribed in subsection (a).

20 “(2) *PORT PERFORMANCE MEASURES.*—The Di-
21 rector shall collect monthly port performance meas-
22 ures for each of the United States ports referred to in
23 subsection (a) that receives Federal assistance or is
24 subject to Federal regulation to submit an annual re-
25 port to the Bureau of Transportation Statistics that
26 includes monthly statistics on capacity and through-

1 *put as applicable to the specific configuration of the*
2 *port.*

3 “(A) *MONTHLY MEASURES.—The Director*
4 *shall collect monthly measures, including—*

5 “(i) *the average number of lifts per*
6 *hour of containers by crane;*

7 “(ii) *the average vessel turn time by*
8 *vessel type;*

9 “(iii) *the average cargo or container*
10 *dwelt time;*

11 “(iv) *the average truck time at ports;*

12 “(v) *the average rail time at ports; and*

13 “(vi) *any additional metrics, as deter-*
14 *mined by the Director after receiving rec-*
15 *ommendations from the working group es-*
16 *tablished under subsection (c).*

17 “(B) *MODIFICATIONS.—The Director may*
18 *consider a modification to a metric under sub-*
19 *paragraph (A) if the modification meets the in-*
20 *tent of the section.*

21 “(c) *RECOMMENDATIONS.—*

22 “(1) *IN GENERAL.—The Director shall obtain*
23 *recommendations for—*

1 “(A) specifications and data measurements
2 for the port performance measures listed in sub-
3 section (b)(2);

4 “(B) additionally needed data elements for
5 measuring port performance; and

6 “(C) a process for the Department of Trans-
7 portation to collect timely and consistent data,
8 including identifying safeguards to protect pro-
9 prietary information described in subsection
10 (b)(2).

11 “(2) *WORKING GROUP*.—Not later than 60 days
12 after the date of the enactment of the Port Perform-
13 ance Act, the Director shall commission a working
14 group composed of—

15 “(A) operating administrations of the De-
16 partment of Transportation;

17 “(B) the Coast Guard;

18 “(C) the Federal Maritime Commission;

19 “(D) U.S. Customs and Border Protection;

20 “(E) the Marine Transportation System
21 National Advisory Council;

22 “(F) the Army Corps of Engineers;

23 “(G) the Saint Lawrence Seaway Develop-
24 ment Corporation;

1 “(H) *the Advisory Committee on Supply*
2 *Chain Competitiveness;*

3 “(I) *1 representative from the rail industry;*

4 “(J) *1 representative from the trucking in-*
5 *dustry;*

6 “(K) *1 representative from the maritime*
7 *shipping industry;*

8 “(L) *1 representative from a labor organi-*
9 *zation for each industry described in subpara-*
10 *graphs (I) through (K);*

11 “(M) *1 representative from a port author-*
12 *ity;*

13 “(N) *1 representative from a terminal oper-*
14 *ator;*

15 “(O) *representatives of the National Freight*
16 *Advisory Committee of the Department; and*

17 “(P) *representatives of the Transportation*
18 *Research Board of the National Academies.*

19 “(3) *RECOMMENDATIONS.—Not later than 1 year*
20 *after the date of the enactment of the Port Perform-*
21 *ance Act, the working group commissioned under this*
22 *subsection shall submit its recommendations to the*
23 *Director.*

24 “(d) *ACCESS TO DATA.—The Director shall ensure that*
25 *the statistics compiled under this section are readily acces-*

1 sible to the public, consistent with applicable security con-
2 straints and confidentiality interests.”.

3 (b) *PROHIBITION ON CERTAIN DISCLOSURES.*—Sec-
4 tion 6307(b)(1) is amended by inserting “or section
5 6314(b)” after “section 6302(b)(3)(B)” each place it ap-
6 pears.

7 (c) *COPIES OF REPORTS.*—Section 6307(b)(2)(A) is
8 amended by inserting “or section 6314(b)” after “section
9 6302(b)(3)(B)”.

10 (d) *TECHNICAL AND CONFORMING AMENDMENT.*—The
11 table of contents for chapter 63 is amended by adding at
12 the end the following:

“6314. Port performance freight statistics program.”.

13 **TITLE XXXII—COMMERCIAL**
14 **MOTOR VEHICLE AND DRIVER**
15 **PROGRAMS**

16 **Subtitle A—Compliance, Safety,**
17 **and Accountability Reform**

18 **SEC. 32001. CORRELATION STUDY.**

19 (a) *IN GENERAL.*—The Administrator of the Federal
20 Motor Carrier Safety Administration (referred to in this
21 subtitle as the “Administrator”) shall commission the Na-
22 tional Research Council of the National Academies to con-
23 duct a study of—

24 (1) the Safety Measurement System (referred to
25 in this subtitle as “SMS”); and

1 (2) *the Compliance, Safety, Accountability pro-*
2 *gram (referred to in this subtitle as the “CSA pro-*
3 *gram”).*

4 (b) *SCOPE OF STUDY.—In carrying out the study com-*
5 *missioned pursuant to subsection (a), the National Research*
6 *Council—*

7 (1) *shall analyze—*

8 (A) *the accuracy with which the Behavior*
9 *Analysis and Safety Improvement Categories*
10 *(referred to in this subtitle as “BASIC”) safety*
11 *measures used by SMS—*

12 (i) *identify high risk drivers and car-*
13 *riers; and*

14 (ii) *predict or be correlated with future*
15 *crash risk, crash severity, or other safety in-*
16 *dicators for individual drivers, motor car-*
17 *riers, and the highest risk carriers;*

18 (B) *the methodology used to calculate*
19 *BASIC percentiles and identify carriers for en-*
20 *forcement, including the weights assigned to par-*
21 *ticular violations, and the tie between crash risk*
22 *and specific regulatory violations, in order to ac-*
23 *curately identify and predict future crash risk*
24 *for motor carriers;*

1 (C) the relative value of inspection informa-
2 tion and roadside enforcement data;

3 (D) any data collection gaps or data suffi-
4 ciency problems that may exist and the impact
5 of those data gaps and insufficiencies on the effi-
6 cacy of the CSA program; and

7 (E) the accuracy of data processing; and
8 (2) should consider—

9 (A) whether the current SMS provides com-
10 parable precision and confidence for SMS alerts
11 and percentiles for the relative crash risk of indi-
12 vidual large and small motor carriers;

13 (B) whether alternative systems would iden-
14 tify high risk carriers or identify high risk driv-
15 ers and motor carriers more accurately; and

16 (C) the recommendations and findings of
17 the Comptroller General of the United States and
18 the Inspector General, and independent review
19 team reports issued before the date of the enact-
20 ment of this Act.

21 (c) *REPORT.*—Not later than 18 months after the date
22 of enactment of this Act, the Administrator shall submit
23 a report containing the results of the completed study to—

24 (1) the Committee on Commerce, Science, and
25 Transportation of the Senate;

1 (2) *the Committee on Transportation and Infra-*
2 *structure of the House of Representatives;*

3 (3) *the Inspector General of the Department of*
4 *Transportation; and*

5 (4) *the Comptroller General of the United States.*

6 (d) *CORRECTIVE ACTION PLAN.—*

7 (1) *IN GENERAL.—Not later than 120 days after*
8 *the Administrator submits a report under subsection*
9 *(c) that identifies a deficiency or opportunity for im-*
10 *provement in the CSA program or in any element of*
11 *SMS, the Administrator shall submit a corrective ac-*
12 *tion plan to the Committee on Commerce, Science,*
13 *and Transportation of the Senate and the Committee*
14 *on Transportation and Infrastructure of the House of*
15 *Representatives that—*

16 (A) *responds to the concerns highlighted by*
17 *the report;*

18 (B) *identifies how the Federal Motor Car-*
19 *rier Safety Administration will address such*
20 *concerns; and*

21 (C) *provides an estimate of the cost, includ-*
22 *ing changes in staffing, enforcement, and data*
23 *collection necessary to implement the rec-*
24 *ommendations.*

1 (2) *PROGRAM REFORMS.*—*The corrective action*
2 *plan submitted under paragraph (1) shall include an*
3 *implementation plan that—*

4 (A) *includes benchmarks;*

5 (B) *includes programmatic reforms, revi-*
6 *sions to regulations, or proposals for legislation;*
7 *and*

8 (C) *shall be considered in any rulemaking*
9 *by the Department of Transportation that relates*
10 *to the CSA program, including the SMS data*
11 *sets or analysis.*

12 (e) *INSPECTOR GENERAL REVIEW.*—*Not later than*
13 *120 days after the Administrator issues a corrective action*
14 *plan under subsection (d), the Inspector General of the De-*
15 *partment of Transportation shall—*

16 (1) *review the extent to which such plan imple-*
17 *ments—*

18 (A) *recommendations contained in the re-*
19 *port submitted under subsection (c); and*

20 (B) *recommendations issued by the Comp-*
21 *troller General or the Inspector General before*
22 *the date of enactment of this Act; and*

23 (2) *submit a report to the Committee on Com-*
24 *merce, Science, and Transportation of the Senate and*
25 *the Committee on Transportation and Infrastructure*

1 *of the House of Representatives on the responsiveness*
2 *of the corrective action plan to the recommendations*
3 *described in paragraph (1).*

4 (f) *FISCAL LIMITATION.*—*The Administrator shall*
5 *carry out the study required under this section using*
6 *amounts appropriated to the Federal Motor Carrier Safety*
7 *Administration and available for obligation and expendi-*
8 *ture as of the date of the enactment of this Act.*

9 **SEC. 32002. SAFETY IMPROVEMENT METRICS.**

10 (a) *IN GENERAL.*—*The Administrator shall incor-*
11 *porate a methodology into the CSA program or establish*
12 *a third-party process to allow recognition, including credit,*
13 *improved score, or by establishing a safety BASIC in SMS*
14 *for safety technology, tools, programs, and systems approved*
15 *by the Administrator through the qualification process de-*
16 *veloped under subsection (b) that exceed regulatory require-*
17 *ments or are used to enhance safety performance, includ-*
18 *ing—*

19 (1) *the installation of qualifying advanced safety*
20 *equipment, such as—*

21 (A) *collision mitigation systems;*

22 (B) *lane departure warnings;*

23 (C) *speed limiters;*

24 (D) *electronic logging devices;*

25 (E) *electronic stability control;*

- 1 (F) critical event recorders; and
- 2 (G) strengthening rear guards and
- 3 sideguards for underride protection;
- 4 (2) the use of enhanced driver fitness measures
- 5 that exceed current regulatory requirements, such
- 6 as—
- 7 (A) additional new driver training;
- 8 (B) enhanced and ongoing driver training;
- 9 and
- 10 (C) remedial driver training to address spe-
- 11 cific deficiencies as identified in roadside inspec-
- 12 tion or enforcement reports;
- 13 (3) the adoption of qualifying administrative
- 14 fleet safety management tools technologies, driver per-
- 15 formance and behavior management technologies, and
- 16 programs; and
- 17 (4) technologies and measures identified through
- 18 the process described in subsection (c).
- 19 (b) *QUALIFICATION.*—The Administrator, through a
- 20 notice and comment process, shall develop technical or other
- 21 performance standards for technology, advanced safety
- 22 equipment, enhanced driver fitness measures, tools, pro-
- 23 grams, or systems used by motor carriers that will qualify
- 24 for credit under this section.

1 (c) *ADDITIONAL REQUIREMENTS.*—*In modifying the*
2 *CSA program under subsection (a), the Administrator,*
3 *through notice and comment, shall develop a process for*
4 *identifying and reviewing other technology, advanced safety*
5 *equipment, enhanced driver fitness measures, tools, pro-*
6 *grams, or systems used by motor carriers to improve safety*
7 *performance that—*

8 (1) *provides for a petition for reviewing tech-*
9 *nology, advanced safety equipment, enhanced driver*
10 *fitness measures, tools, programs, or systems;*

11 (2) *seeks input and participation from industry*
12 *stakeholders, including drivers, technology manufac-*
13 *turers, vehicle manufacturers, motor carriers, enforce-*
14 *ment communities, and safety advocates, and the*
15 *Motor Carrier Safety Advisory Committee; and*

16 (3) *includes technology, advanced safety equip-*
17 *ment, enhanced driver fitness measures, tools, pro-*
18 *grams, or systems with a date certain for future stat-*
19 *utory or regulatory implementation.*

20 (d) *SAFETY IMPROVEMENT METRICS USE AND*
21 *VERIFICATION.*—*The Administrator, through notice and*
22 *comment process, shall develop a process for—*

23 (1) *providing recognition or credit within a*
24 *motor carrier’s SMS score for the installation and use*

1 *of measures in paragraphs (1) through (4) of sub-*
2 *section (a);*

3 *(2) ensuring that the safety improvement metrics*
4 *developed under this section are presented with other*
5 *SMS data;*

6 *(3) verifying the installation or use of such tech-*
7 *nology, advanced safety equipment, enhanced driver*
8 *fitness measures, tools, programs, or systems;*

9 *(4) modifying or removing recognition or credit*
10 *upon verification of noncompliance with this section;*

11 *(5) ensuring that the credits or recognition re-*
12 *ferred to in paragraph (1) reflect the safety improve-*
13 *ment anticipated as a result of the installation or use*
14 *of the specific technology, advanced safety equipment,*
15 *enhanced driver fitness measure, tool, program, or*
16 *system;*

17 *(6) verifying the deployment and use of quali-*
18 *fying equipment or management systems by a motor*
19 *carrier through a certification from the vehicle manu-*
20 *facturer, the system or service provider, the insurance*
21 *carrier, or through documents submitted by the motor*
22 *carrier to the Department of Transportation;*

23 *(7) annually reviewing the list of qualifying*
24 *safety technology, advanced safety equipment, en-*

1 *hanced driver fitness measures, tools, programs, or*
2 *systems; and*

3 (8) *removing systems mandated by law or regu-*
4 *lation, or if such systems demonstrate a lack of effi-*
5 *cacy, from the list of qualifying technologies, ad-*
6 *vanced safety equipment, enhanced driver fitness*
7 *measures, tools, programs, or systems eligible for cred-*
8 *it under the CSA program.*

9 (e) *DISSEMINATION OF INFORMATION.*—*The Adminis-*
10 *trator shall maintain a public website that contains infor-*
11 *mation regarding—*

12 (1) *the technology, advanced safety equipment,*
13 *enhanced driver fitness measures, tools, programs, or*
14 *systems eligible for credit and improved scores;*

15 (2) *any petitions for study of the technology, ad-*
16 *vanced safety equipment, enhanced driver fitness*
17 *measures, tools, programs, or systems; and*

18 (3) *statistics and information relating to the use*
19 *of such technology, advanced safety equipment, en-*
20 *hanced driver fitness measures, tools, programs, or*
21 *systems.*

22 (f) *PUBLIC REPORT.*—*Not later than 1 year after the*
23 *establishment of the Safety Improvement Metrics System*
24 *(referred to in this section as “SIMS”) under this section,*

1 *and annually thereafter, the Administrator shall publish,*
2 *on a public website, a report that identifies—*

3 (1) *the types of technology, advanced safety*
4 *equipment, enhanced driver fitness measures, tools,*
5 *programs, or systems that are eligible for credit;*

6 (2) *the number of instances in which each tech-*
7 *nology, advanced safety equipment, enhanced driver*
8 *fitness measure, tool, program, or system is used;*

9 (3) *the number of motor carriers, and a descrip-*
10 *tion of the carrier's fleet size, that received recognition*
11 *or credit under the modified CSA program; and*

12 (4) *the pre- and post-adoption safety perform-*
13 *ance of the motor carriers described in paragraph (3).*

14 (g) *IMPLEMENTATION AND OVERSIGHT RESPONSI-*
15 *BILITY.—The Administrator shall ensure that the activities*
16 *described in subsections (a) through (f) of this section are*
17 *not required under section 31102 of title 49, United States*
18 *Code, as amended by this Act.*

19 (h) *EVALUATION.—*

20 (1) *IN GENERAL.—Not later than 2 years after*
21 *the implementation of SIMS under this section, the*
22 *Administrator shall conduct an evaluation of the ef-*
23 *fectiveness of SIMS by reviewing the impacts of SIMS*
24 *on—*

1 (A) law enforcement, commercial drivers
2 and motor carriers, and motor carrier safety;
3 and

4 (B) safety and adoption of new technologies.

5 (2) *REPORT*.—Not later than 30 months after the
6 implementation of the program, the Administrator
7 shall submit a report to the Committee on Commerce,
8 Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of
10 the House of Representatives that describes—

11 (A) the results of the evaluation conducted
12 under paragraph (1); and

13 (B) the actions the Federal Motor Carrier
14 Safety Administration plans to take to modify
15 the demonstration program based on such re-
16 sults.

17 (i) *USE OF ESTIMATES OF SAFETY EFFECTS*.—In con-
18 ducting regulatory impact analyses for rulemakings relat-
19 ing to the technology, advanced safety equipment, enhanced
20 driver fitness measures, tools, programs, or systems selected
21 for credit under the CSA program, the Administrator, to
22 the extent practicable, shall use the data gathered under this
23 section and appropriate statistical methodology, including
24 sufficient sample sizes, composition, and appropriate com-
25 parison groups, including representative motor carriers of

1 *all sizes, to estimate the effects on safety performance and*
2 *reduction in the number and severity of accidents with*
3 *qualifying technology, advanced safety equipment, tools,*
4 *programs, and systems.*

5 (j) *SAVINGS PROVISION.—Nothing in this section may*
6 *be construed to provide the Administrator with additional*
7 *authority to change the requirements for the operation of*
8 *a commercial motor vehicle.*

9 **SEC. 32003. DATA CERTIFICATION.**

10 (a) *LIMITATION.—Beginning not later than 1 day*
11 *after the date of enactment of this Act, none of the analysis*
12 *of violation information, enforcement prioritization, not-at-*
13 *fault crashes, alerts, or the relative percentile for each Be-*
14 *havioral Analysis and Safety Improvement Category devel-*
15 *oped through the CSA program may be made available to*
16 *the general public, but violation and inspection information*
17 *submitted by the States may be presented, until the Inspec-*
18 *tor General of the Department of Transportation certifies*
19 *that—*

20 (1) *any deficiencies identified in the correlation*
21 *study required under section 32001 have been ad-*
22 *dressed;*

23 (2) *the corrective action plan has been imple-*
24 *mented and the concerns raised by the correlation*
25 *study under section 32001 have been addressed;*

1 (3) *the Administrator has fully implemented or*
2 *satisfactorily addressed the issues raised in the Feb-*
3 *ruary 2014 GAO report entitled “Modifying the Com-*
4 *pliance, Safety, Accountability Program Would Im-*
5 *prove the Ability to Identify High Risk Carriers”*
6 *(GAO–14–114), which called into question the accu-*
7 *racy and completeness of safety performance calcula-*
8 *tions;*

9 (4) *the study required under section 32001 has*
10 *been published on a public website; and*

11 (5) *the CSA program has been modified in ac-*
12 *cordance with section 32002.*

13 (b) *LIMITATION ON USE OF CSA ANALYSIS.—The en-*
14 *forcement prioritization, alerts, or the relative percentile for*
15 *each Behavioral Analysis and Safety Improvement Cat-*
16 *egory developed through the CSA program within the SMS*
17 *system may not be used for safety fitness determinations*
18 *until the requirements under subsection (a) have been satis-*
19 *fied.*

20 (c) *CONTINUED PUBLIC AVAILABILITY OF DATA.—In-*
21 *spection and violation information submitted to the Federal*
22 *Motor Carrier Safety Administration by commercial motor*
23 *vehicle inspectors and qualified law enforcement officials*
24 *shall remain available for public viewing.*

25 (d) *EXCEPTIONS.—*

1 (1) *IN GENERAL.*—*Notwithstanding the limita-*
2 *tions set forth in subsections (a) and (b)—*

3 (A) *the Federal Motor Carrier Safety Ad-*
4 *ministration and State and local commercial*
5 *motor vehicle enforcement agencies may only use*
6 *the information referred to in subsection (a) for*
7 *purposes of investigation and enforcement*
8 *prioritization;*

9 (B) *motor carriers and commercial motor*
10 *vehicle drivers may access information referred*
11 *to in subsection (a) that relates directly to the*
12 *motor carrier or driver, respectively; and*

13 (C) *the data analysis of motorcoach opera-*
14 *tors may be provided online, with a notation in-*
15 *dicating that the ratings or alerts listed are not*
16 *intended to imply any Federal safety rating of*
17 *the carrier.*

18 (2) *NOTATION.*—*The notation described under*
19 *paragraph (1)(C) shall include: “Readers should not*
20 *draw conclusions about a carrier’s overall safety con-*
21 *dition simply based on the data displayed in this sys-*
22 *tem. Unless a motor carrier has received an UNSAT-*
23 *ISFACTORY safety rating under part 385 of title 49,*
24 *Code of Federal Regulations, or has otherwise been or-*
25 *dered to discontinue operations by the Federal Motor*

1 *Carrier Safety Administration, it is authorized to op-*
2 *erate on the Nation’s roadways.”.*

3 (3) *LIMITATION.*—*Nothing in subparagraphs (A)*
4 *and (B) of paragraph (1) may be construed to restrict*
5 *the official use by State enforcement agencies of the*
6 *data collected by State enforcement personnel.*

7 (e) *CERTIFICATION.*—*The certification process de-*
8 *scribed in subsection (a) shall occur concurrently with the*
9 *implementation of SIMS under section 32002.*

10 (f) *COMPLETION.*—*The Secretary shall modify the CSA*
11 *program in accordance with section 32002 not later than*
12 *1 year after the date of completion of the report described*
13 *in section 32001(c).*

14 **SEC. 32004. DATA IMPROVEMENT.**

15 (a) *FUNCTIONAL SPECIFICATIONS.*—*Not later than*
16 *180 days after the date of enactment of this Act, the Admin-*
17 *istrator shall develop functional specifications to ensure the*
18 *consistent and accurate input of data into systems and*
19 *databases relating to the CSA program.*

20 (b) *FUNCTIONALITY.*—*The specifications developed*
21 *pursuant to subsection (a)—*

22 (1) *shall provide for the hardcoding and smart*
23 *logic functionality for roadside inspection data collec-*
24 *tion systems and databases; and*

1 (2) shall be made available to public and private
2 sector developers.

3 (c) *EFFECTIVE DATA MANAGEMENT.*—The Adminis-
4 trator shall ensure that internal systems and databases ac-
5 cept and effectively manage data using uniform standards.

6 (d) *CONSULTATION WITH THE STATES.*—Before im-
7 plementing the functional specifications described in sub-
8 section (a) or the standards described in subsection (c), the
9 Administrator shall seek input from the State agencies re-
10 sponsible for enforcing section 31102 of title 49, United
11 States Code.

12 **SEC. 32005. ACCIDENT REPORT INFORMATION.**

13 (a) *REVIEW.*—The Administrator shall initiate a dem-
14 onstration program that allows motor carriers and drivers
15 to request a review of crashes, and the removal of crash data
16 for use in the Federal Motor Carrier Safety Administra-
17 tion’s safety measurement system of crashes, and removal
18 from any weighting, or carrier safety analysis, if the com-
19 mercial motor vehicle was operated legally and another mo-
20 torist in connection with the crash is found—

21 (1) to have been driving under the influence;

22 (2) to have been driving the wrong direction on
23 a roadway;

24 (3) to have struck the commercial motor vehicle
25 in the rear;

1 (4) *to have struck the commercial motor vehicle*
2 *which was legally stopped;*

3 (5) *by the investigating officer or agency to have*
4 *been responsible for the crash; or*

5 (6) *to have committed other violations deter-*
6 *mined by the Administrator.*

7 (b) *DOCUMENTS.—As part of a request for review*
8 *under subsection (a), the motor carrier or driver shall sub-*
9 *mit a copy of available police reports, crash investigations,*
10 *judicial actions, insurance claim information, and any re-*
11 *lated court actions submitted by each party involved in the*
12 *accident.*

13 (c) *SOLICITATION OF OTHER INFORMATION.—Fol-*
14 *lowing a notice and comment period, the Administrator*
15 *may solicit other types of information to be collected under*
16 *subsection (b) to facilitate appropriate reviews under this*
17 *section.*

18 (d) *EVALUATION.—The Federal Motor Carrier Safety*
19 *Administration shall review the information submitted*
20 *under subsections (b) and (c).*

21 (e) *RESULTS.—Subject to subsection (h)(2), the results*
22 *of the review under subsection (a)—*

23 (1) *shall be used to recalculate the motor car-*
24 *rier's crash BASIC percentile;*

1 (2) *if the carrier is determined not to be respon-*
2 *sible for the crash incident, such information, shall be*
3 *reflected on the website of the Federal Motor Carrier*
4 *Safety Administration; and*

5 (3) *shall not be admitted as evidence or otherwise*
6 *used in a civil action.*

7 (f) *FEE SYSTEM.—*

8 (1) *ESTABLISHMENT.—The Administrator may*
9 *establish a fee system, in accordance with section*
10 *9701 of title 31, United States Code, in which a*
11 *motor carrier is charged a fee for each review of a*
12 *crash requested by such motor carrier under this sec-*
13 *tion.*

14 (2) *DISPOSITION OF FEES.—Fees collected under*
15 *this section—*

16 (A) *may be credited to the Department of*
17 *Transportation appropriations account for pur-*
18 *pose of carrying out this section; and*

19 (B) *shall be used to fully fund the operation*
20 *of the review program authorized under this sec-*
21 *tion.*

22 (g) *REVIEW AND REPORT.—Not earlier than 2 years*
23 *after the establishment of the demonstration program under*
24 *this section, the Administrator shall—*

1 (1) *conduct a review of the internal crash review*
2 *program to determine if other crash types should be*
3 *included; and*

4 (2) *submit a report to Congress that describes—*

5 (A) *the number of crashes reviewed;*

6 (B) *the number of crashes for which the*
7 *commercial motor vehicle operator was deter-*
8 *mined not to be at fault; and*

9 (C) *relevant information relating to the*
10 *program, including the cost to operate the pro-*
11 *gram and the fee structure established.*

12 (h) *IMPLEMENTATION AND OVERSIGHT RESPONSI-*
13 *BILITY.—*

14 (1) *IN GENERAL.—The Administrator shall en-*
15 *sure that the activities described in subsections (a)*
16 *through (d) of this section are not required under sec-*
17 *tion 31102 of title 49, United States Code, as amend-*
18 *ed by this Act.*

19 (2) *REVIEWS INVOLVING FATALITIES.—If a re-*
20 *view under subsection (a) involves a fatality, the In-*
21 *spector General of the Department of Transportation*
22 *shall audit and certify the review prior to making*
23 *any changes under subsection (e).*

1 **SEC. 32006. POST-ACCIDENT REPORT REVIEW.**

2 (a) *IN GENERAL.*—Not later than 120 days after the
3 date of enactment of this Act, the Secretary shall convene
4 a working group—

5 (1) *to review the data elements of post-accident*
6 *reports, for tow-away accidents involving commercial*
7 *motor vehicles, that are reported to the Federal Gov-*
8 *ernment; and*

9 (2) *to report to the Secretary its findings and*
10 *any recommendations, including best practices for*
11 *State post-accident reports to achieve the data ele-*
12 *ments described in subsection (c).*

13 (b) *COMPOSITION.*—Not less than 51 percent of the
14 working group should be composed of individuals rep-
15 resenting the States or State law enforcement officials. The
16 remaining members of the working group shall represent
17 industry, labor, safety advocates, and other interested par-
18 ties.

19 (c) *CONSIDERATIONS.*—The working group shall con-
20 sider requiring additional data elements, including—

21 (1) *the primary cause of the accident, if the pri-*
22 *mary cause can be determined;*

23 (2) *the physical characteristics of the commercial*
24 *motor vehicle and any other vehicle involved in the*
25 *accident, including—*

26 (A) *the vehicle configuration;*

1 (B) the gross vehicle weight if the weight
2 can be readily determined;

3 (C) the number of axles; and

4 (D) the distance between axles, if the dis-
5 tance can be readily determined; and

6 (3) any data elements that could contribute to
7 the appropriate consideration of requests under sec-
8 tion 32005.

9 (d) *REPORT.*—Not later than 1 year after the date of
10 enactment of this Act, the Secretary shall—

11 (1) review the findings of the working group;

12 (2) identify the best practices for State post-acci-
13 dent reports that are reported to the Federal Govern-
14 ment, including identifying the data elements that
15 should be collected following a tow-away commercial
16 motor vehicle accident; and

17 (3) recommend to the States the adoption of new
18 data elements to be collected following reportable com-
19 mercial motor vehicle accidents.

20 **SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.**

21 (a) *IN GENERAL.*—The Administrator shall establish
22 a program to publicly recognize motor carriers and drivers
23 whose safety records and programs exceed compliance with
24 the Federal Motor Carrier Safety Administration’s safety

1 *regulations and demonstrate clear and outstanding safety*
2 *practices.*

3 (b) *RESTRICTION.*—*The program established under*
4 *subsection (a) may not be deemed to be an endorsement of,*
5 *or a preference for, motor carriers or drivers recognized*
6 *under the program.*

7 **SEC. 32008. HIGH RISK CARRIER REVIEWS.**

8 (a) *IN GENERAL.*—*After the completion of the certifi-*
9 *cation under section 32003 of this Act, and the establish-*
10 *ment of the Safety Fitness Determination program, the Sec-*
11 *retary shall ensure that a review is completed on each motor*
12 *carrier that demonstrates through performance data that it*
13 *poses the highest safety risk. At a minimum, a review shall*
14 *be conducted whenever a motor carrier is among the highest*
15 *risk carriers for 4 consecutive months.*

16 (b) *REPORT.*—*Not later than 180 days after the com-*
17 *pletion of the certification under section 32003 of this Act*
18 *and the establishment of the Safety Fitness Determination*
19 *program, the Secretary shall post on a public website a re-*
20 *port on the actions the Secretary has taken to comply with*
21 *this section, including the number of high risk carriers*
22 *identified and the high risk carriers reviewed.*

23 (c) *CONFORMING AMENDMENT.*—*Section 4138 of the*
24 *Safe, Accountable, Flexible, Efficient Transportation Eq-*

1 *uity Act: A Legacy for Users (49 U.S.C. 31144 note) is re-*
2 *pealed.*

3 ***Subtitle B—Transparency and***
4 ***Accountability***

5 **SEC. 32201. PETITIONS FOR REGULATORY RELIEF.**

6 (a) *APPLICATIONS FOR REGULATORY RELIEF.*—Not-
7 *withstanding subpart C of part 381 of title 49, Code of Fed-*
8 *eral Regulations, the Secretary shall allow an applicant*
9 *representing a class or group of motor carriers to apply*
10 *for a specific exemption from any provision of the regula-*
11 *tions under part 395 of title 49, Code of Federal Regula-*
12 *tions, for commercial motor vehicle drivers.*

13 (b) *REVIEW PROCESS.*—

14 (1) *IN GENERAL.*—*The Secretary shall establish*
15 *the procedures for the application for and the review*
16 *of an exemption under subsection (a).*

17 (2) *PUBLICATION.*—*Not later than 30 days after*
18 *the date of receipt of an application for an exemption,*
19 *the Secretary shall publish the application in the*
20 *Federal Register and provide the public with an op-*
21 *portunity to comment.*

22 (3) *PUBLIC COMMENT.*—

23 (A) *IN GENERAL.*—*Each application shall*
24 *be available for public comment for a 30-day pe-*
25 *riod, but the Secretary may extend the oppor-*

1 *tunity for public comment for up to 60 days if*
2 *it is a significant or complex request.*

3 *(B) REVIEW.—Beginning on the date that*
4 *the public comment period under subparagraph*
5 *(A) ends, the Secretary shall have 60 days to re-*
6 *view all of the comments received.*

7 *(4) DETERMINATION.—At the end of the 60-day*
8 *period under paragraph (3)(B), the Secretary shall*
9 *publish a determination in the Federal Register, in-*
10 *cluding—*

11 *(A) the reason for granting or denying the*
12 *application; and*

13 *(B) if the application is granted—*

14 *(i) the specific class of persons eligible*
15 *for the exemption;*

16 *(ii) each provision of the regulations to*
17 *which the exemption applies; and*

18 *(iii) any conditions or limitations ap-*
19 *plied to the exemption.*

20 *(5) CONSIDERATIONS.—In making a determina-*
21 *tion whether to grant or deny an application for an*
22 *exemption, the Secretary shall consider the safety im-*
23 *pacts of the request and may provide appropriate*
24 *conditions or limitations on the use of the exemption.*

1 (c) *OPPORTUNITY FOR RESUBMISSION.*—If an appli-
2 cation is denied and the applicant can reasonably address
3 the reason for the denial, the Secretary may allow the appli-
4 cant to resubmit the application.

5 (d) *PERIOD OF APPLICABILITY.*—

6 (1) *IN GENERAL.*—Except as provided in para-
7 graph (2) of this subsection and subsection (f), each
8 exemption granted under this section shall be valid
9 for a period of 5 years unless the Secretary identifies
10 a compelling reason for a shorter exemption period.

11 (2) *RENEWAL.*—At the end of the 5-year period
12 under paragraph (1)—

13 (A) the Secretary, at the Secretary's discre-
14 tion, may renew the exemption for an additional
15 5-year period; or

16 (B) an applicant may apply under sub-
17 section (a) for a permanent exemption from each
18 applicable provision of the regulations.

19 (e) *LIMITATION.*—No exemption under this section
20 may be granted to or used by any motor carrier that has
21 an unsatisfactory or conditional safety fitness determina-
22 tion.

23 (f) *PERMANENT EXEMPTIONS.*—

24 (1) *IN GENERAL.*—The Secretary shall make per-
25 manent the following limited exceptions:

1 (A) *Department of Defense Military Surface*
2 *Deployment and Distribution Command trans-*
3 *port of weapons, munitions, and sensitive classi-*
4 *fied cargo as published in the Federal Register*
5 *Volume 80 on April 16, 2015 (80 Fed. Reg.*
6 *20556).*

7 (B) *Department of Energy transport of se-*
8 *curity-sensitive radioactive materials as pub-*
9 *lished in the Federal Register Volume 80 on*
10 *June 22, 2015 (80 Fed. Reg. 35703).*

11 (C) *Motor carriers that transport hazardous*
12 *materials shipments requiring security plans*
13 *under regulations of the Pipeline and Hazardous*
14 *Materials Safety Administration as published in*
15 *the Federal Register Volume 80 on May 1, 2015*
16 *(80 Fed. Reg. 25004).*

17 (D) *Perishable construction products as*
18 *published in the Federal Register Volume 80 on*
19 *April 2, 2015 (80 Fed. Reg. 17819).*

20 (E) *Passenger vehicle record of duty status*
21 *change as published in the Federal Register Vol-*
22 *ume 80 on June 4, 2015 (80 Fed. Reg. 31961).*

23 (F) *Transport of commercial bee hives as*
24 *published in the Federal Register Volume 80 on*
25 *June 19, 2018. (80 Fed. Reg. 35425).*

1 (G) *Specialized carriers and drivers respon-*
2 *sible for transporting loads requiring special per-*
3 *mits as published in the Federal Register Volume*
4 *80 on June 18, 2015 (80 Fed. Reg. 34957).*

5 (H) *Safe transport of livestock as published*
6 *in the Federal Register Volume 80 on June 12,*
7 *2015 (80 Fed. Reg. 33584).*

8 (2) *ADDITIONAL EXEMPTIONS.—The Secretary*
9 *may make any temporary exemption from any provi-*
10 *sion of the regulations under part 395 of title 49,*
11 *Code of Federal Regulations, for commercial motor*
12 *vehicle drivers that is in effect on the date of enact-*
13 *ment of this Act permanent if the Secretary deter-*
14 *mines that the permanent exemption will not degrade*
15 *safety. The Secretary shall provide public notice and*
16 *comment on a list of the additional temporary exemp-*
17 *tions to be made permanent under this paragraph.*

18 (3) *REVOCAION OF EXEMPTIONS.—The Sec-*
19 *retary may revoke an exemption issued under this*
20 *section if the Secretary can demonstrate that the ex-*
21 *emption has had a negative impact on safety.*

22 **SEC. 32202. INSPECTOR STANDARDS.**

23 *Not later than 90 days after the date of enactment of*
24 *this Act, the Administrator of the Federal Motor Carrier*
25 *Safety Administration shall revise the regulations under*

1 *part 385 of title 49, Code of Federal Regulations, as nec-*
2 *essary, to incorporate by reference the certification stand-*
3 *ards for roadside inspectors issued by the Commercial Vehi-*
4 *cle Safety Alliance.*

5 **SEC. 32203. TECHNOLOGY IMPROVEMENTS.**

6 (a) *IN GENERAL.*—*Not later than 1 year after the date*
7 *of enactment of this Act, the Government Accountability Of-*
8 *fice shall conduct a comprehensive analysis on the Federal*
9 *Motor Carrier Safety Administration’s information tech-*
10 *nology and data collection and management systems.*

11 (b) *REQUIREMENTS.*—*The study conducted under sub-*
12 *section (a) shall—*

13 (1) *evaluate the efficacy of the existing informa-*
14 *tion technology, data collection, processing systems,*
15 *and data management systems and programs, includ-*
16 *ing their interaction with each other and their effi-*
17 *cacy in meeting user needs;*

18 (2) *identify any redundancies among the systems*
19 *and programs described in paragraph (1);*

20 (3) *explore the feasibility of consolidating data*
21 *collection and processing systems;*

22 (4) *evaluate the ability of the systems and pro-*
23 *grams described in paragraph (1) to meet the needs*
24 *of—*

1 (A) *the Federal Motor Carrier Safety Ad-*
2 *ministration, at both the headquarters and State*
3 *level;*

4 (B) *the State agencies that implement the*
5 *Motor Carrier Safety Assistance Program under*
6 *section 31102 of title 49, United States Code;*
7 *and*

8 (C) *other users;*

9 (5) *evaluate the adaptability of the systems and*
10 *programs described in paragraph (1), in order to*
11 *make necessary future changes to ensure user needs*
12 *are met in an easier, timely, and more cost efficient*
13 *manner;*

14 (6) *investigate and make recommendations re-*
15 *garding—*

16 (A) *deficiencies in existing data sets im-*
17 *acting program effectiveness; and*

18 (B) *methods to improve any and all user*
19 *interfaces; and*

20 (7) *evaluate the appropriate role the Federal*
21 *Motor Carrier Safety Administration should take*
22 *with respect to software and information systems de-*
23 *sign, development, and maintenance for the purpose*
24 *of improving the efficacy of the systems and programs*
25 *described in paragraph (1).*

1 ***Subtitle C—Trucking Rules Up-***
2 ***dated by Comprehensive and Key***
3 ***Safety Reform***

4 **SEC. 32301. UPDATE ON STATUTORY REQUIREMENTS.**

5 (a) *IN GENERAL.*—Not later than 90 days after the
6 date of enactment of this Act, and every 90 days thereafter
7 until a final rule has been issued for each of the require-
8 ments described under paragraphs (1) through (5), the Ad-
9 ministrator of the Federal Motor Carrier Safety Adminis-
10 tration shall submit to the Committee on Commerce,
11 Science, and Transportation of the Senate and the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives a report on the status of a final rule
14 for—

15 (1) *the minimum entry-level training require-*
16 *ments for an individual operating a commercial*
17 *motor vehicle under section 31305(c) of title 49,*
18 *United States Code;*

19 (2) *motor carrier safety fitness determinations;*

20 (3) *visibility of agricultural equipment under*
21 *section 31601 of division C of the Moving Ahead for*
22 *Progress in the 21st Century Act (49 U.S.C. 30111*
23 *note);*

24 (4) *regulations to require commercial motor ve-*
25 *hicles in interstate commerce and operated by a driv-*

1 *er subject to the hours of service and record of duty*
2 *status requirements under part 395 of title 49, Code*
3 *of Federal Regulations, be equipped with an electronic*
4 *control module capable of limiting the maximum*
5 *speed of the vehicle; and*

6 *(5) any outstanding commercial motor vehicle*
7 *safety regulation required by law and incomplete for*
8 *more than 2 years.*

9 *(b) CONTENTS.—Each report under subsection (a)*
10 *shall include a description of the work plan, an updated*
11 *rulemaking timeline, current staff allocations, any resource*
12 *constraints, and any other details associated with the devel-*
13 *opment of the rulemaking.*

14 **SEC. 32302. STATUTORY RULEMAKING.**

15 *The Administrator of the Federal Motor Carrier Safety*
16 *Administration shall prioritize the use of Federal Motor*
17 *Carrier Safety Administration resources for the completion*
18 *of each outstanding statutory requirement for a rulemaking*
19 *before beginning any new rulemaking unless the Secretary*
20 *certifies to Congress that there is a significant need to move*
21 *forward with a new rulemaking.*

22 **SEC. 32303. GUIDANCE REFORM.**

23 *(a) GUIDANCE.—*

24 *(1) POINT OF CONTACT.—Each guidance docu-*
25 *ment, other than a regulatory action, issued by the*

1 *Federal Motor Carrier Safety Administration shall*
2 *have a date of publication or a date of revision, as*
3 *applicable, and the name and contact information of*
4 *a point of contact at the Federal Motor Carrier Safe-*
5 *ty Administration who can respond to questions re-*
6 *garding the general applicability of the guidance.*

7 (2) *PUBLIC ACCESSIBILITY.—*

8 (A) *IN GENERAL.—Each guidance document*
9 *and interpretation issued by the Federal Motor*
10 *Carrier Safety Administration shall be published*
11 *on the Department of Transportation’s public*
12 *website on the date of issuance.*

13 (B) *REDACTION.—The Administrator of the*
14 *Federal Motor Carrier Safety Administration*
15 *may redact from a guidance document or inter-*
16 *pretation under subparagraph (A) any informa-*
17 *tion that would reveal investigative techniques*
18 *that would compromise Federal Motor Carrier*
19 *Safety Administration enforcement efforts.*

20 (3) *RULEMAKING.—Not later than 5 years after*
21 *the date that a guidance document is published under*
22 *paragraph (2) or during the comprehensive review*
23 *under subsection (c), whichever is earlier, the Sec-*
24 *retary, in consultation with the Administrator, shall*

1 *revise the applicable regulations to incorporate the*
2 *guidance document to the extent practicable.*

3 (4) *REISSUANCE.—If a guidance document is*
4 *not incorporated into the applicable regulations under*
5 *paragraph (3), the Secretary shall—*

6 (A) *reissue an updated guidance document;*
7 *and*

8 (B) *review and reissue an updated guidance*
9 *document every 5 years during the comprehen-*
10 *sive review process under subsection (c) until the*
11 *date that the guidance document is removed or*
12 *incorporated into the applicable regulations*
13 *under paragraph (3) of this subsection.*

14 (b) *UPDATE.—Not later than 1 year after the date of*
15 *enactment of this Act, the Secretary shall review regula-*
16 *tions, guidance, and enforcement policies published on the*
17 *Department of Transportation’s public website to ensure the*
18 *regulations, guidance, and enforcement policies are current,*
19 *readily accessible to the public, and meet the standards*
20 *under subsection (c)(1).*

21 (c) *REVIEW.—*

22 (1) *IN GENERAL.—Subject to paragraph (2), not*
23 *less than once every 5 years, the Administrator of the*
24 *Federal Motor Carrier Safety Administration shall*

1 *conduct a comprehensive review of its guidance and*
2 *enforcement policies to determine whether—*

3 *(A) the guidance and enforcement policies*
4 *are consistent and clear;*

5 *(B) the guidance is uniformly and consist-*
6 *ently enforceable; and*

7 *(C) the guidance is still necessary.*

8 *(2) NOTICE AND COMMENT.—Prior to beginning*
9 *the review, the Administrator shall publish in the*
10 *Federal Register a notice and request for comment so-*
11 *liciting input from stakeholders on which regulations*
12 *should be updated or eliminated.*

13 *(3) PRIORITIZATION OF OUTSTANDING PETI-*
14 *TIONS.—As part of the review under paragraph (1),*
15 *the Administrator shall prioritize consideration of*
16 *each outstanding petition (as defined in section*
17 *32304(b) of this Act) submitted by a stakeholder for*
18 *rulemaking.*

19 *(4) REPORT.—*

20 *(A) IN GENERAL.—Not later than 60 days*
21 *after the date that a review under paragraph (1)*
22 *is complete, the Administrator shall publish on*
23 *the Department of Transportation’s public*
24 *website a report detailing the review and a full*
25 *inventory of guidance and enforcement policies.*

1 (B) *INCLUSIONS.*—*The report under sub-*
2 *paragraph (A) of this paragraph shall include a*
3 *summary of the response of the Federal Motor*
4 *Carrier Safety Administration to each comment*
5 *received under paragraph (2) indicating each re-*
6 *quest the Federal Motor Carrier Safety Adminis-*
7 *tration is granting.*

8 **SEC. 32304. PETITIONS.**

9 (a) *IN GENERAL.*—*The Administrator of the Federal*
10 *Motor Carrier Safety Administration shall—*

11 (1) *publish on the Department of Transpor-*
12 *tation’s public website all petitions for regulatory ac-*
13 *tion submitted;*

14 (2) *prioritize stakeholder petitions based on the*
15 *likelihood of providing safety improvements;*

16 (3) *formally respond to each petition by indi-*
17 *cating whether the Administrator will accept, deny,*
18 *or further review, the petition not later than 180 days*
19 *after the date the petition is published under para-*
20 *graph (1);*

21 (4) *prioritize resulting actions consistent with*
22 *an action’s potential to reduce crashes, improve en-*
23 *forcement, and reduce unnecessary burdens; and*

24 (5) *not later than 60 days after the date of re-*
25 *ceipt, publish, and update as necessary, on the De-*

1 *partment of Transportation’s public website an in-*
2 *ventory of the petitions described in paragraph (1),*
3 *including any applicable disposition information for*
4 *that petition.*

5 *(b) DEFINITION OF PETITION.—In this section, the*
6 *term “petition” means a request for new regulations, regu-*
7 *latory interpretations or clarifications, or retrospective re-*
8 *view of regulations to eliminate or modify obsolete, ineffec-*
9 *tive, or overly-burdensome rules.*

10 **SEC. 32305. REGULATORY REFORM.**

11 *(a) REGULATORY IMPACT ANALYSIS.—*

12 *(1) IN GENERAL.—Within each regulatory im-*
13 *port analysis of a proposed or final rule issued by the*
14 *Federal Motor Carrier Safety Administration, the*
15 *Secretary shall whenever practicable—*

16 *(A) consider effects of the proposed or final*
17 *rule on a carrier with differing characteristics;*
18 *and*

19 *(B) formulate estimates and findings on the*
20 *best available science.*

21 *(2) SCOPE.—To the extent feasible and appro-*
22 *priate, and consistent with law, the analysis described*
23 *in paragraph (1) shall—*

24 *(A) use data generated from a representa-*
25 *tive sample of commercial vehicle operators,*

1 *motor carriers, or both, that will be covered*
2 *under the proposed or final rule; and*

3 *(B) consider effects on commercial truck*
4 *and bus carriers of various sizes and types.*

5 *(b) PUBLIC PARTICIPATION.—*

6 *(1) IN GENERAL.—Before promulgating a pro-*
7 *posed rule under part B of subtitle VI of title 49,*
8 *United States Code, if the proposed rule is likely to*
9 *lead to the promulgation of a major rule the Sec-*
10 *retary shall—*

11 *(A) issue an advance notice of proposed*
12 *rulemaking; or*

13 *(B) determine to proceed with a negotiated*
14 *rulemaking.*

15 *(2) REQUIREMENTS.—Each advance notice of*
16 *proposed rulemaking issued under paragraph (1)*
17 *shall—*

18 *(A) identify the compelling public concern*
19 *for a potential regulatory action, such as failures*
20 *of private markets to protect or improve the safe-*
21 *ty of the public, the environment, or the well-*
22 *being of the American people;*

23 *(B) identify and request public comment on*
24 *the best available science or technical informa-*

1 tion on the need for regulatory action and on the
2 potential regulatory alternatives;

3 (C) request public comment on the benefits
4 and costs of potential regulatory alternatives
5 reasonably likely to be included or analyzed as
6 part of the notice of proposed rulemaking; and

7 (D) request public comment on the available
8 alternatives to direct regulation, including pro-
9 viding economic incentives to encourage the de-
10 sired behavior.

11 (3) *WAIVER.*—This subsection shall not apply
12 when the Secretary, for good cause, finds (and incor-
13 porates the finding and a brief statement of reasons
14 for such finding in the proposed or final rule) an ad-
15 vance notice of proposed rulemaking impracticable,
16 unnecessary, or contrary to the public interest.

17 (c) *SAVINGS CLAUSE.*—Nothing in this section may be
18 construed to limit the contents of any Advance Notice of
19 Proposed Rulemaking.

20 **Subtitle D—State Authorities**

21 **SEC. 32401. EMERGENCY ROUTE WORKING GROUP.**

22 (a) *IN GENERAL.*—

23 (1) *ESTABLISHMENT.*—Not later than 1 year
24 after the date of enactment of this Act, the Secretary
25 shall establish a working group to determine best

1 *practices for expeditious State approval of special*
2 *permits for vehicles involved in emergency response*
3 *and recovery.*

4 (2) *MEMBERS.—The working group shall include*
5 *representatives from—*

6 (A) *State highway transportation depart-*
7 *ments or agencies;*

8 (B) *relevant modal agencies within the De-*
9 *partment of Transportation;*

10 (C) *emergency response or recovery experts;*

11 (D) *relevant safety groups; and*

12 (E) *persons affected by special permit re-*
13 *strictions during emergency response and recov-*
14 *ery efforts.*

15 (b) *CONSIDERATIONS.—In determining best practices*
16 *under subsection (a), the working group shall consider*
17 *whether—*

18 (1) *hurdles currently exist that prevent the expe-*
19 *ditious State approval for special permits for vehicles*
20 *involved in emergency response and recovery;*

21 (2) *it is possible to pre-identify and establish*
22 *emergency routes between States through which infra-*
23 *structure repair materials could be delivered following*
24 *a natural disaster or an emergency;*

1 (3) a State could pre-designate an emergency
2 route identified under paragraph (1) as a certified
3 emergency route if a motor vehicle that exceeds the
4 otherwise applicable Federal and State truck length
5 or width limits may safely operate along such route
6 during period of emergency recovery; and

7 (4) an online map could be created to identify
8 each pre-designated emergency route under paragraph
9 (2), including information on specific limitations, ob-
10 ligations, and notification requirements along that
11 route.

12 (c) *REPORT.*—Not later than 1 year after the date of
13 enactment of this Act, the working group shall submit to
14 the Secretary a report of its findings under this section and
15 any recommendations for the implementation of the best
16 practices for expeditious State approval of special permits
17 for vehicles involved in emergency recovery. Upon receipt,
18 the Secretary shall publish the report on a public website.

19 (d) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*
20 *TION.*—The Federal Advisory Committee Act (5 U.S.C.
21 App.) shall not apply to the working group established
22 under this section.

23 **SEC. 32402. ADDITIONAL STATE AUTHORITY.**

24 Notwithstanding any other provision of law, not later
25 than 180 days after the date of enactment of this Act, any

1 *State impacted by section 4006 of the Intermodal Surface*
2 *Transportation Efficiency Act of 1991 (Public Law 102–*
3 *240; 105 Stat. 2148) shall be provided the option to update*
4 *the routes listed in the final list as long as the update shifts*
5 *routes to divided highways or does not increase centerline*
6 *miles by more than 5 percent and the change is expected*
7 *to increase safety performance.*

8 **SEC. 32403. COMMERCIAL DRIVER ACCESS.**

9 *(a) INTERSTATE COMPACT PILOT PROGRAM.—*

10 *(1) IN GENERAL.—The Administrator of the Fed-*
11 *eral Motor Carrier Safety Administration may estab-*
12 *lish a 6-year pilot program to study the feasibility,*
13 *benefits, and safety impacts of allowing a licensed*
14 *driver between the ages of 18 and 21 to operate a*
15 *commercial motor vehicle in interstate commerce.*

16 *(2) INTERSTATE COMPACTS.—The Secretary*
17 *shall allow States, including the District of Columbia,*
18 *to enter into an interstate compact with contiguous*
19 *States to allow a licensed driver between the ages of*
20 *18 and 21 to operate a motor vehicle across the appli-*
21 *cable State lines. The Secretary shall approve as*
22 *many as 3 interstate compacts, with no more than 4*
23 *States per compact participating in each interstate*
24 *compact.*

1 (3) *MUTUAL RECOGNITION OF LICENSES.*—A
2 *valid intrastate commercial driver’s licenses issued by*
3 *a State participating in an interstate compact under*
4 *paragraph (2) shall be recognized as valid not more*
5 *than 100 air miles from the border of the driver’s*
6 *State of licensure in each State that is participating*
7 *in that interstate compact.*

8 (4) *STANDARDS.*—*In developing an interstate*
9 *compact under this subsection, participating States*
10 *shall provide for minimum licensure standards ac-*
11 *ceptable for interstate travel under this section, which*
12 *may include, for a licensed driver between the ages of*
13 *18 and 21 participating in the pilot program—*

14 (A) *age restrictions;*

15 (B) *distance from origin (measured in air*
16 *miles);*

17 (C) *reporting requirements; or*

18 (D) *additional hours of service restrictions.*

19 (5) *LIMITATIONS.*—*An interstate compact under*
20 *paragraph (2) may not permit special configuration*
21 *or hazardous cargo operations to be transported by a*
22 *licensed driver under the age of 21.*

23 (6) *ADDITIONAL REQUIREMENTS.*—*The Secretary*
24 *may—*

1 (A) prescribe such additional requirements,
2 including training, for a licensed driver between
3 the ages of 18 and 21 participating in the pilot
4 program as the Secretary considers necessary;
5 and

6 (B) provide risk mitigation restrictions and
7 limitations.

8 (b) APPROVAL.—An interstate compact under sub-
9 section (a)(2) may not go into effect until it has been ap-
10 proved by the governor of each State (or the Mayor of the
11 District of Columbia, if applicable) that is a party to the
12 interstate compact, after consultation with the Secretary of
13 Transportation and the Administrator of the Federal Motor
14 Carrier Safety Administration.

15 (c) DATA COLLECTION.—The Secretary shall collect
16 and analyze data relating to accidents (as defined in section
17 390.5 of title 49, Code of Federal Regulations) in which
18 a driver under the age of 21 participating in the pilot pro-
19 gram is involved.

20 (d) REPORT.—Beginning 3 years after the date the
21 first compact is established and approved, the Secretary
22 shall submit to Congress a report containing the data collec-
23 tion and findings of the pilot program, a determination of
24 whether a licensed driver between the ages of 18 and 21
25 can operate a commercial motor vehicle in interstate com-

1 *merce with an equivalent level of safety, and the reasons*
 2 *for that determination. The Secretary may extend the air*
 3 *mileage requirements under subsection (a)(3) to expand op-*
 4 *eration areas and gather additional data for analysis.*

5 *(e) TERMINATION.—The Secretary may terminate the*
 6 *pilot program if the data collected under subsection (c) in-*
 7 *dicates that drivers under the age of 21 do not operate in*
 8 *interstate commerce with an equivalent level of safety of*
 9 *those drivers age 21 and over.*

10 ***Subtitle E—Motor Carrier Safety***
 11 ***Grant Consolidation***

12 ***SEC. 32501. DEFINITIONS.***

13 *(a) IN GENERAL.—Section 31101 is amended—*

14 *(1) by redesignating paragraph (4) as para-*
 15 *graph (5); and*

16 *(2) by inserting after paragraph (3) the fol-*
 17 *lowing:*

18 *“(4) ‘Secretary’ means the Secretary of Trans-*
 19 *portation.”.*

20 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*
 21 *Section 31101, as amended by subsection (a), is amended—*

22 *(1) in paragraph (1)(B), by inserting a comma*
 23 *after “passengers”; and*

24 *(2) in paragraph (1)(C), by striking “of Trans-*
 25 *portation”.*

1 **SEC. 32502. GRANTS TO STATES.**

2 (a) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
3 *GRAM.*—Section 31102 is amended to read as follows:

4 **“§ 31102. Motor Carrier Safety Assistance Program**

5 “(a) *IN GENERAL.*—The Secretary shall administer a
6 *motor carrier safety assistance program funded under sec-*
7 *tion 31104.*

8 “(b) *GOAL.*—The goal of the program is to ensure that
9 *the Secretary, States, local governments, other political ju-*
10 *risdictions, federally-recognized Indian tribes, and other*
11 *persons work in partnership to establish programs to im-*
12 *prove motor carrier, commercial motor vehicle, and driver*
13 *safety to support a safe and efficient surface transportation*
14 *system—*

15 “(1) *by making targeted investments to promote*
16 *safe commercial motor vehicle transportation, includ-*
17 *ing the transportation of passengers and hazardous*
18 *materials;*

19 “(2) *by investing in activities likely to generate*
20 *maximum reductions in the number and severity of*
21 *commercial motor vehicle crashes and fatalities result-*
22 *ing from such crashes;*

23 “(3) *by adopting and enforcing effective motor*
24 *carrier, commercial motor vehicle, and driver safety*
25 *regulations and practices consistent with Federal re-*
26 *quirements; and*

1 “(4) by assessing and improving statewide per-
2 formance by setting program goals and meeting per-
3 formance standards, measures, and benchmarks.

4 “(c) STATE PLANS.—

5 “(1) IN GENERAL.—The Secretary shall prescribe
6 procedures for a State to submit a multiple-year
7 plan, and annual updates thereto, under which the
8 State agrees to assume responsibility for improving
9 motor carrier safety, adopting and enforcing compat-
10 ible regulations, standards, and orders of the Federal
11 Government on commercial motor vehicle safety and
12 hazardous materials transportation safety.

13 “(2) CONTENTS.—The Secretary shall approve a
14 plan if the Secretary determines that the plan is ade-
15 quate to comply with the requirements of this section,
16 and the plan—

17 “(A) implements performance-based activi-
18 ties, including deployment and maintenance of
19 technology to enhance the efficiency and effective-
20 ness of commercial motor vehicle safety pro-
21 grams;

22 “(B) designates a lead State commercial
23 motor vehicle safety agency responsible for ad-
24 ministering the plan throughout the State;

1 “(C) contains satisfactory assurances that
2 the lead State commercial motor vehicle safety
3 agency has or will have the legal authority, re-
4 sources, and qualified personnel necessary to en-
5 force the regulations, standards, and orders;

6 “(D) contains satisfactory assurances that
7 the State will devote adequate resources to the
8 administration of the plan and enforcement of
9 the regulations, standards, and orders;

10 “(E) provides a right of entry and inspec-
11 tion to carry out the plan;

12 “(F) provides that all reports required
13 under this section be available to the Secretary
14 on request;

15 “(G) provides that the lead State commer-
16 cial motor vehicle safety agency will adopt the
17 reporting requirements and use the forms for rec-
18 ordkeeping, inspections, and investigations that
19 the Secretary prescribes;

20 “(H) requires all registrants of commercial
21 motor vehicles to demonstrate knowledge of ap-
22 plicable safety regulations, standards, and orders
23 of the Federal Government and the State;

24 “(I) provides that the State will grant max-
25 imum reciprocity for inspections conducted

1 *under the North American Inspection Standards*
2 *through the use of a nationally-accepted system*
3 *that allows ready identification of previously in-*
4 *pected commercial motor vehicles;*

5 “(J) ensures that activities described in sub-
6 section (h), if financed through grants to the
7 State made under this section, will not diminish
8 the effectiveness of the development and imple-
9 mentation of the programs to improve motor car-
10 rier, commercial motor vehicle, and driver safety
11 as described in subsection (b);

12 “(K) ensures that the lead State commercial
13 motor vehicle safety agency will coordinate the
14 plan, data collection, and information systems
15 with the State highway safety improvement pro-
16 gram required under section 148(c) of title 23;

17 “(L) ensures participation in appropriate
18 Federal Motor Carrier Safety Administration in-
19 formation technology and data systems and other
20 information systems by all appropriate jurisdic-
21 tions receiving Motor Carrier Safety Assistance
22 Program funding;

23 “(M) ensures that information is exchanged
24 among the States in a timely manner;

1 “(N) provides satisfactory assurances that
2 the State will undertake efforts that will empha-
3 size and improve enforcement of State and local
4 traffic safety laws and regulations related to
5 commercial motor vehicle safety;

6 “(O) provides satisfactory assurances in the
7 plan that the State will address national prior-
8 ities and performance goals, including—

9 “(i) activities aimed at removing im-
10 paired commercial motor vehicle drivers
11 from the highways of the United States
12 through adequate enforcement of regulations
13 on the use of alcohol and controlled sub-
14 stances and by ensuring ready roadside ac-
15 cess to alcohol detection and measuring
16 equipment;

17 “(ii) activities aimed at providing an
18 appropriate level of training to State motor
19 carrier safety assistance program officers
20 and employees on recognizing drivers im-
21 paired by alcohol or controlled substances;
22 and

23 “(iii) when conducted with an appro-
24 priate commercial motor vehicle inspection,
25 criminal interdiction activities, and appro-

1 *appropriate strategies for carrying out those*
2 *interdiction activities, including interdiction*
3 *activities that affect the transportation*
4 *of controlled substances (as defined under*
5 *section 102 of the Comprehensive Drug*
6 *Abuse Prevention and Control Act of 1970*
7 *(21 U.S.C. 802) and listed in part 1308 of*
8 *title 21, Code of Federal Regulations, as up-*
9 *dated and republished from time to time)*
10 *by any occupant of a commercial motor ve-*
11 *hicle;*

12 *“(P) provides that the State has established*
13 *and dedicated sufficient resources to a program*
14 *to ensure that—*

15 *“(i) the State collects and reports to*
16 *the Secretary accurate, complete, and timely*
17 *motor carrier safety data; and*

18 *“(ii) the State participates in a na-*
19 *tional motor carrier safety data correction*
20 *system prescribed by the Secretary;*

21 *“(Q) ensures that the State will cooperate*
22 *in the enforcement of financial responsibility re-*
23 *quirements under sections 13906, 31138, and*
24 *31139 of this title, and regulations issued under*
25 *these sections;*

1 “(R) ensures consistent, effective, and rea-
2 sonable sanctions;

3 “(S) ensures that roadside inspections will
4 be conducted at locations that are adequate to
5 protect the safety of drivers and enforcement per-
6 sonnel;

7 “(T) provides that the State will include in
8 the training manuals for the licensing examina-
9 tion to drive both noncommercial motor vehicles
10 and commercial motor vehicles information on
11 best practices for driving safely in the vicinity of
12 noncommercial and commercial motor vehicles;

13 “(U) provides that the State will enforce the
14 registration requirements of sections 13902 and
15 31134 of this title by prohibiting the operation
16 of any vehicle discovered to be operated by a
17 motor carrier without a registration issued
18 under those sections or to be operated beyond the
19 scope of the motor carrier’s registration;

20 “(V) provides that the State will conduct
21 comprehensive and highly visible traffic enforce-
22 ment and commercial motor vehicle safety in-
23 spection programs in high-risk locations and cor-
24 ridors;

1 “(W) *except in the case of an imminent*
2 *hazard or obvious safety hazard, ensures that an*
3 *inspection of a vehicle transporting passengers*
4 *for a motor carrier of passengers is conducted at*
5 *a station, terminal, border crossing, maintenance*
6 *facility, destination, or other location where ade-*
7 *quate food, shelter, and sanitation facilities are*
8 *available for passengers, and reasonable accom-*
9 *modations are available for passengers with dis-*
10 *abilities;*

11 “(X) *ensures that the State will transmit to*
12 *its roadside inspectors the notice of each Federal*
13 *exemption granted under section 31315(b) of this*
14 *title and sections 390.23 and 390.25 of title 49*
15 *of the Code of Federal Regulations and provided*
16 *to the State by the Secretary, including the name*
17 *of the person granted the exemption and any*
18 *terms and conditions that apply to the exemp-*
19 *tion;*

20 “(Y) *except as provided in subsection (d),*
21 *provides that the State—*

22 “(i) *will conduct safety audits of inter-*
23 *state and, at the State’s discretion, intra-*
24 *state new entrant motor carriers under sec-*
25 *tion 31144(g) of this title; and*

1 “(i) if the State authorizes a third
2 party to conduct safety audits under section
3 31144(g) on its behalf, the State verifies the
4 quality of the work conducted and remains
5 solely responsible for the management and
6 oversight of the activities;

7 “(Z) provides that the State agrees to fully
8 participate in the performance and registration
9 information system management under section
10 31106(b) not later than October 1, 2020, by com-
11 plying with the conditions for participation
12 under paragraph (3) of that section;

13 “(AA) provides that a State that shares a
14 land border with another country—

15 “(i) will conduct a border commercial
16 motor vehicle safety program focusing on
17 international commerce that includes en-
18 forcement and related projects; or

19 “(ii) will forfeit all funds calculated by
20 the Secretary based on border-related activi-
21 ties if the State declines to conduct the pro-
22 gram described in clause (i) in its plan;
23 and

24 “(BB) provides that a State that meets the
25 other requirements of this section and agrees to

1 *comply with the requirements established in sub-*
2 *section (l)(3) may fund operation and mainte-*
3 *nance costs associated with innovative technology*
4 *deployment under subsection (l)(3) with Motor*
5 *Carrier Safety Assistance Program funds author-*
6 *ized under section 31104(a)(1).*

7 “(3) *PUBLICATION.*—

8 “(A) *IN GENERAL.*—*Subject to subpara-*
9 *graph (B), the Secretary shall publish each ap-*
10 *proved State multiple-year plan, and each an-*
11 *annual update thereto, on the Department of*
12 *Transportation’s public website not later than 30*
13 *days after the date the Secretary approves the*
14 *plan or update.*

15 “(B) *LIMITATION.*—*Before posting an ap-*
16 *proved State multiple-year plan or annual up-*
17 *date under subparagraph (A), the Secretary shall*
18 *redact any information identified by the State*
19 *that, if disclosed—*

20 “(i) *would reasonably be expected to*
21 *interfere with enforcement proceedings; or*

22 “(ii) *would reveal enforcement tech-*
23 *niques or procedures that would reasonably*
24 *be expected to risk circumvention of the law.*

1 “(d) *EXCLUSION OF U.S. TERRITORIES.*—*The require-*
2 *ment that a State conduct safety audits of new entrant*
3 *motor carriers under subsection (c)(2)(Y) does not apply*
4 *to a territory of the United States unless required by the*
5 *Secretary.*

6 “(e) *INTRASTATE COMPATIBILITY.*—*The Secretary*
7 *shall prescribe regulations specifying tolerance guidelines*
8 *and standards for ensuring compatibility of intrastate com-*
9 *mercial motor vehicle safety laws, including regulations,*
10 *with Federal motor carrier safety regulations to be enforced*
11 *under subsections (b) and (c). To the extent practicable, the*
12 *guidelines and standards shall allow for maximum flexi-*
13 *bility while ensuring a degree of uniformity that will not*
14 *diminish motor vehicle safety.*

15 “(f) *MAINTENANCE OF EFFORT.*—

16 “(1) *BASELINE.*—*Except as provided under*
17 *paragraphs (2) and (3) and in accordance with sec-*
18 *tion 32508 of the Comprehensive Transportation and*
19 *Consumer Protection Act of 2015, a State plan under*
20 *subsection (c) shall provide that the total expenditure*
21 *of amounts of the lead State commercial motor vehicle*
22 *safety agency responsible for administering the plan*
23 *will be maintained at a level each fiscal year at least*
24 *equal to—*

1 “(A) *the average level of that expenditure*
2 *for fiscal years 2004 and 2005; or*

3 “(B) *the level of that expenditure for the*
4 *year in which the Secretary implements a new*
5 *allocation formula under section 32508 of the*
6 *Comprehensive Transportation and Consumer*
7 *Protection Act of 2015.*

8 “(2) *ADJUSTED BASELINE AFTER FISCAL YEAR*
9 *2017.—At the request of a State, the Secretary may*
10 *evaluate additional documentation related to the*
11 *maintenance of effort and may make reasonable ad-*
12 *justments to the maintenance of effort baseline after*
13 *the year in which the Secretary implements a new al-*
14 *location formula under section 32508 of the Com-*
15 *prehensive Transportation and Consumer Protection*
16 *Act of 2015, and this adjusted baseline will replace*
17 *the maintenance of effort requirement under para-*
18 *graph (1).*

19 “(3) *WAIVERS.—At the request of a State, the*
20 *Secretary may waive or modify the requirements of*
21 *this subsection for 1 fiscal year if the Secretary deter-*
22 *mines that a waiver or modification is reasonable,*
23 *based on circumstances described by the State, to en-*
24 *sure the continuation of commercial motor vehicle en-*
25 *forcement activities in the State.*

1 “(4) *LEVEL OF STATE EXPENDITURES.*—*In esti-*
2 *inating the average level of State expenditure under*
3 *paragraph (1), the Secretary—*

4 “(A) *may allow the State to exclude State*
5 *expenditures for Federally-sponsored demonstra-*
6 *tion and pilot programs and strike forces;*

7 “(B) *may allow the State to exclude expend-*
8 *itures for activities related to border enforcement*
9 *and new entrant safety audits; and*

10 “(C) *shall require the State to exclude State*
11 *matching amounts used to receive Federal fi-*
12 *nancing under section 31104.*

13 “(g) *USE OF UNIFIED CARRIER REGISTRATION FEES*
14 *AGREEMENT.*—*Amounts generated under section 14504a of*
15 *this title and received by a State and used for motor carrier*
16 *safety purposes may be included as part of the State’s*
17 *match required under section 31104 of this title or mainte-*
18 *nance of effort required by subsection (f) of this section.*

19 “(h) *USE OF GRANTS TO ENFORCE OTHER LAWS.*—
20 *When approved in the States’ plan under subsection (c),*
21 *a State may use Motor Carrier Safety Assistance Program*
22 *funds received under this section—*

23 “(1) *if the activities are carried out in conjunc-*
24 *tion with an appropriate inspection of a commercial*

1 *motor vehicle to enforce Federal or State commercial*
2 *motor vehicle safety regulations, for—*

3 *“(A) enforcement of commercial motor vehi-*
4 *cle size and weight limitations at locations, ex-*
5 *cluding fixed weight facilities, such as near steep*
6 *grades or mountainous terrains, where the*
7 *weight of a commercial motor vehicle can signifi-*
8 *cantly affect the safe operation of the vehicle, or*
9 *at ports where intermodal shipping containers*
10 *enter and leave the United States; and*

11 *“(B) detection of and enforcement actions*
12 *taken as a result of criminal activity, including*
13 *the trafficking of human beings, in a commercial*
14 *motor vehicle or by any occupant, including the*
15 *operator, of the commercial motor vehicle;*

16 *“(2) for documented enforcement of State traffic*
17 *laws and regulations designed to promote the safe op-*
18 *eration of commercial motor vehicles, including docu-*
19 *mented enforcement of such laws and regulations re-*
20 *lating to noncommercial motor vehicles when nec-*
21 *essary to promote the safe operation of commercial*
22 *motor vehicles, if—*

23 *“(A) the number of motor carrier safety ac-*
24 *tivities, including roadside safety inspections,*
25 *conducted in the State is maintained at a level*

1 *at least equal to the average level of such activi-*
2 *ties conducted in the State in fiscal years 2004*
3 *and 2005; and*

4 “(B) *the State does not use more than 10*
5 *percent of the basic amount the State receives*
6 *under a grant awarded under section*
7 *31104(a)(1) for enforcement activities relating to*
8 *noncommercial motor vehicles necessary to pro-*
9 *mote the safe operation of commercial motor ve-*
10 *hicles unless the Secretary determines that a*
11 *higher percentage will result in significant in-*
12 *creases in commercial motor vehicle safety; and*

13 “(3) *for the enforcement of household goods regu-*
14 *lations on intrastate and interstate carriers if the*
15 *State has adopted laws or regulations compatible*
16 *with the Federal household goods regulations.*

17 “(i) *EVALUATION OF PLANS AND AWARD OF*
18 *GRANTS.—*

19 “(1) *AWARDS.—The Secretary shall establish cri-*
20 *teria for the application, evaluation, and approval of*
21 *State plans under this section. Subject to subsection*
22 *(j), the Secretary may allocate the amounts made*
23 *available under section 31104(a)(1) among the States.*

24 “(2) *OPPORTUNITY TO CURE.—If the Secretary*
25 *disapproves a plan under this section, the Secretary*

1 *shall give the State a written explanation of the rea-*
2 *sons for disapproval and allow the State to modify*
3 *and resubmit the plan for approval.*

4 “(j) *ALLOCATION OF FUNDS.—*

5 “(1) *IN GENERAL.—The Secretary, by regulation,*
6 *shall prescribe allocation criteria for funds made*
7 *available under section 31104(a)(1).*

8 “(2) *ANNUAL ALLOCATIONS.—On October 1 of*
9 *each fiscal year, or as soon as practicable thereafter,*
10 *and after making a deduction under section 31104(c),*
11 *the Secretary shall allocate amounts made available*
12 *in section 31104(a)(1) to carry out this section for the*
13 *fiscal year among the States with plans approved*
14 *under this section in accordance with the criteria*
15 *under paragraph (1).*

16 “(3) *ELECTIVE ADJUSTMENTS.—Subject to the*
17 *availability of funding and notwithstanding fluctua-*
18 *tions in the data elements used by the Secretary to*
19 *calculate the annual allocation amounts, after the cre-*
20 *ation of a new allocation formula under section*
21 *32508 of the Comprehensive Transportation and Con-*
22 *sumer Protection Act of 2015 the Secretary may not*
23 *make elective adjustments to the allocation formula*
24 *that decrease a State’s Federal funding levels by more*
25 *than 3 percent in a fiscal year. The 3 percent limit*

1 *shall not apply to the withholding provisions of sub-*
2 *section (k).*

3 “(k) *PLAN MONITORING.*—

4 “(1) *IN GENERAL.*—*On the basis of reports sub-*
5 *mitted by the lead State agency responsible for ad-*
6 *ministering an approved State plan and an inves-*
7 *tigation by the Secretary, the Secretary shall periodi-*
8 *cally evaluate State implementation of and compli-*
9 *ance with the State plan.*

10 “(2) *WITHHOLDING OF FUNDS.*—

11 “(A) *DISAPPROVAL.*—*If, after notice and an*
12 *opportunity to be heard, the Secretary finds that*
13 *the State plan previously approved is not being*
14 *followed or has become inadequate to ensure en-*
15 *forcement of the regulations, standards, or or-*
16 *ders, or the State is otherwise not in compliance*
17 *with the requirements of this section, the Sec-*
18 *retary may withdraw approval of the plan and*
19 *notify the State. The plan is no longer in effect*
20 *once the State receives notice, and the Secretary*
21 *shall withhold all funding under this section.*

22 “(B) *NONCOMPLIANCE WITHHOLDING.*—*In*
23 *lieu of withdrawing approval of the plan, the*
24 *Secretary may, after providing notice and an*
25 *opportunity to be heard, withhold funding from*

1 *the State to which the State would otherwise be*
2 *entitled under this section for the period of the*
3 *State’s noncompliance. In exercising this option,*
4 *the Secretary may withhold—*

5 “(i) up to 5 percent of funds during
6 *the fiscal year that the Secretary notifies*
7 *the State of its noncompliance;*

8 “(ii) up to 10 percent of funds for the
9 *first full fiscal year of noncompliance;*

10 “(iii) up to 25 percent of funds for the
11 *second full fiscal year of noncompliance;*
12 *and*

13 “(iv) not more than 50 percent of
14 *funds for the third and any subsequent full*
15 *fiscal year of noncompliance.*

16 “(3) *JUDICIAL REVIEW.*—*A State adversely af-*
17 *ected by a determination under paragraph (2) may*
18 *seek judicial review under chapter 7 of title 5. Not-*
19 *withstanding the disapproval of a State plan under*
20 *paragraph (2)(A) or the withholding under para-*
21 *graph (2)(B), the State may retain jurisdiction in an*
22 *administrative or a judicial proceeding that com-*
23 *menced before the notice of disapproval or with-*
24 *holding if the issues involved are not related directly*
25 *to the reasons for the disapproval or withholding.*

1 “(1) *HIGH PRIORITY FINANCIAL ASSISTANCE PRO-*
2 *GRAM.*—

3 “(1) *IN GENERAL.*—*The Secretary shall admin-*
4 *ister a high priority financial assistance program*
5 *funded under section 31104 for the purposes described*
6 *in paragraphs (2) and (3).*

7 “(2) *ACTIVITIES RELATED TO MOTOR CARRIER*
8 *SAFETY.*—*The purpose of this paragraph is to make*
9 *discretionary grants to and cooperative agreements*
10 *with States, local governments, federally-recognized*
11 *Indian tribes, other political jurisdictions as nec-*
12 *essary, and any person to carry out high priority ac-*
13 *tivities and projects that augment motor carrier safe-*
14 *ty activities and projects planned in accordance with*
15 *subsections (b) and (c), including activities and*
16 *projects that—*

17 “(A) *increase public awareness and edu-*
18 *cation on commercial motor vehicle safety;*

19 “(B) *target unsafe driving of commercial*
20 *motor vehicles and non-commercial motor vehi-*
21 *cles in areas identified as high risk crash cor-*
22 *ridors;*

23 “(C) *support the enforcement of State house-*
24 *hold goods regulations on intrastate and inter-*
25 *state carriers if the State has adopted laws or*

1 *regulations compatible with the Federal house-*
2 *hold good laws;*

3 “(D) *improve the safe and secure movement*
4 *of hazardous materials;*

5 “(E) *improve safe transportation of goods*
6 *and persons in foreign commerce;*

7 “(F) *demonstrate new technologies to im-*
8 *prove commercial motor vehicle safety;*

9 “(G) *support participation in performance*
10 *and registration information systems manage-*
11 *ment under section 31106(b)—*

12 “(i) *for entities not responsible for sub-*
13 *mitting the plan under subsection (c); or*

14 “(ii) *for entities responsible for submit-*
15 *ting the plan under subsection (c)—*

16 “(I) *before October 1, 2020, to*
17 *achieve compliance with the require-*
18 *ments of participation; and*

19 “(II) *beginning on October 1,*
20 *2020, or once compliance is achieved,*
21 *whichever is sooner, for special initia-*
22 *tives or projects that exceed routine op-*
23 *erations required for participation;*

24 “(H) *conduct safety data improvement*
25 *projects—*

1 “(i) that complete or exceed the re-
2 quirements under subsection (c)(2)(P) for
3 entities not responsible for submitting the
4 plan under subsection (c); or

5 “(ii) that exceed the requirements
6 under subsection (c)(2)(P) for entities re-
7 sponsible for submitting the plan under sub-
8 section (c); and

9 “(I) otherwise improve commercial motor
10 vehicle safety and compliance with commercial
11 motor vehicle safety regulations.

12 “(3) *INNOVATIVE TECHNOLOGY DEPLOYMENT*
13 *GRANT PROGRAM.*—

14 “(A) *IN GENERAL.*—*The Secretary shall es-*
15 *tablish an innovative technology deployment*
16 *grant program to make discretionary grants*
17 *funded under section 31104(a)(2) to eligible*
18 *States for the innovative technology deployment*
19 *of commercial motor vehicle information systems*
20 *and networks.*

21 “(B) *PURPOSES.*—*The purposes of the pro-*
22 *gram shall be—*

23 “(i) to advance the technological capa-
24 bility and promote the deployment of intel-
25 ligent transportation system applications

1 *for commercial motor vehicle operations, in-*
2 *cluding commercial motor vehicle, commer-*
3 *cial driver, and carrier-specific information*
4 *systems and networks; and*

5 “(i) to support and maintain com-
6 mercial motor vehicle information systems
7 and networks—

8 “(I) to link Federal motor carrier
9 safety information systems with State
10 commercial motor vehicle systems;

11 “(II) to improve the safety and
12 productivity of commercial motor vehi-
13 cles and drivers; and

14 “(III) to reduce costs associated
15 with commercial motor vehicle oper-
16 ations and Federal and State commer-
17 cial vehicle regulatory requirements.

18 “(C) *ELIGIBILITY.*—To be eligible for a
19 grant under this paragraph, a State shall—

20 “(i) have a commercial motor vehicle
21 information systems and networks program
22 plan approved by the Secretary that de-
23 scribes the various systems and networks at
24 the State level that need to be refined, re-
25 vised, upgraded, or built to accomplish de-

1 *ployment of commercial motor vehicle infor-*
2 *mation systems and networks capabilities;*

3 *“(ii) certify to the Secretary that its*
4 *commercial motor vehicle information sys-*
5 *tems and networks deployment activities,*
6 *including hardware procurement, software*
7 *and system development, and infrastructure*
8 *modifications—*

9 *“(I) are consistent with the na-*
10 *tional intelligent transportation sys-*
11 *tems and commercial motor vehicle in-*
12 *formation systems and networks archi-*
13 *tectures and available standards; and*

14 *“(II) promote interoperability*
15 *and efficiency to the extent practicable;*
16 *and*

17 *“(iii) agree to execute interoperability*
18 *tests developed by the Federal Motor Carrier*
19 *Safety Administration to verify that its sys-*
20 *tems conform with the national intelligent*
21 *transportation systems architecture, appli-*
22 *cable standards, and protocols for commer-*
23 *cial motor vehicle information systems and*
24 *networks.*

1 “(D) *USE OF FUNDS.*—Grant funds may be
2 used—

3 “(i) *for deployment activities and ac-*
4 *tivities to develop new and innovative ad-*
5 *vanced technology solutions that support*
6 *commercial motor vehicle information sys-*
7 *tems and networks;*

8 “(ii) *for planning activities, including*
9 *the development or updating of program or*
10 *top level design plans in order to become el-*
11 *igible or maintain eligibility under sub-*
12 *paragraph (C); and*

13 “(iii) *for the operation and mainte-*
14 *nance costs associated with innovative tech-*
15 *nology.*

16 “(E) *SECRETARY AUTHORIZATION.*—The
17 Secretary is authorized to award a State fund-
18 ing for the operation, and maintenance costs as-
19 sociated with innovative technology deployment
20 with funds made available under both sections
21 31104(a)(1) and 31104(a)(2) of this title.”.

22 (b) *COMMERCIAL MOTOR VEHICLE OPERATORS GRANT*
23 *PROGRAM.*—Section 31103 is amended to read as follows:

1 **“§31103. Commercial Motor Vehicle Operators Grant**
2 **Program**

3 “(a) *IN GENERAL.*—*The Secretary shall administer a*
4 *commercial motor vehicle operators grant program funded*
5 *under section 31104.*

6 “(b) *PURPOSE.*—*The purpose of the grant program is*
7 *to train individuals in the safe operation of commercial*
8 *motor vehicles (as defined in section 31301).”.*

9 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
10 *31104 is amended to read as follows:*

11 **“§31104. Authorization of appropriations**

12 “(a) *FINANCIAL ASSISTANCE PROGRAMS.*—*The fol-*
13 *lowing sums are authorized to be appropriated from the*
14 *Highway Trust Fund for the following Federal Motor Car-*
15 *rier Safety Administration Financial Assistance Programs:*

16 “(1) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
17 *GRAM.*—*Subject to paragraph (2) of this subsection*
18 *and subsection (c) of this section, to carry out section*
19 *31102—*

20 “(A) \$295,636,000 for fiscal year 2017;

21 “(B) \$301,845,000 for fiscal year 2018;

22 “(C) \$308,183,000 for fiscal year 2019;

23 “(D) \$314,655,000 for fiscal year 2020; and

24 “(E) \$321,263,000 for fiscal year 2021.

25 “(2) *HIGH PRIORITY ACTIVITIES FINANCIAL AS-*
26 *SISTANCE PROGRAM.*—*Subject to subsection (c), to*

1 *make grants and cooperative agreements under sec-*
2 *tion 31102(l) of this title, the Secretary may set aside*
3 *from amounts made available under paragraph (1) of*
4 *this subsection up to—*

5 “(A) \$42,323,000 for fiscal year 2017;

6 “(B) \$43,212,000 for fiscal year 2018;

7 “(C) \$44,119,000 for fiscal year 2019;

8 “(D) \$45,046,000 for fiscal year 2020; and

9 “(E) \$45,992,000 for fiscal year 2021.

10 “(3) *COMMERCIAL MOTOR VEHICLE OPERATORS*
11 *GRANT PROGRAM.—To carry out section 31103—*

12 “(A) \$1,000,000 for fiscal year 2017;

13 “(B) \$1,000,000 for fiscal year 2018;

14 “(C) \$1,000,000 for fiscal year 2019;

15 “(D) \$1,000,000 for fiscal year 2020; and

16 “(E) \$1,000,000 for fiscal year 2021.

17 “(4) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
18 *IMPLEMENTATION FINANCIAL ASSISTANCE PRO-*
19 *GRAM.—Subject to subsection (c), to carry out section*
20 *31313—*

21 “(A) \$31,273,000 for fiscal year 2017;

22 “(B) \$31,930,000 for fiscal year 2018;

23 “(C) \$32,600,000 for fiscal year 2019;

24 “(D) \$33,285,000 for fiscal year 2020; and

25 “(E) \$33,984,000 for fiscal year 2021.

1 “(b) *REIMBURSEMENT AND PAYMENT TO RECIPIENTS*
2 *FOR GOVERNMENT SHARE OF COSTS.*—

3 “(1) *IN GENERAL.*—*Amounts made available*
4 *under subsection (a) shall be used to reimburse finan-*
5 *cial assistance recipients proportionally for the Fed-*
6 *eral Government’s share of the costs incurred.*

7 “(2) *REIMBURSEMENT AMOUNTS.*—*The Secretary*
8 *shall reimburse a recipient, in accordance with a fi-*
9 *nancial assistance agreement made under section*
10 *31102, 31103, or 31313, an amount that is at least*
11 *85 percent of the costs incurred by the recipient in a*
12 *fiscal year in developing and implementing programs*
13 *under these sections. The Secretary shall pay the re-*
14 *recipient an amount not more than the Federal Govern-*
15 *ment share of the total costs approved by the Federal*
16 *Government in the financial assistance agreement.*
17 *The Secretary shall include a recipient’s in-kind con-*
18 *tributions in determining the reimbursement.*

19 “(3) *VOUCHERS.*—*Each recipient shall submit*
20 *vouchers at least quarterly for costs the recipient in-*
21 *currs in developing and implementing programs under*
22 *section 31102, 31103, or 31313.*

23 “(c) *DEDUCTIONS FOR PARTNER TRAINING AND PRO-*
24 *GRAM SUPPORT.*—*On October 1 of each fiscal year, or as*
25 *soon after that date as practicable, the Secretary may de-*

1 duct from amounts made available under paragraphs (1),
2 (2), and (4) of subsection (a) for that fiscal year not more
3 than 1.50 percent of those amounts for partner training and
4 program support in that fiscal year. The Secretary shall
5 use at least 75 percent of those deducted amounts to train
6 non-Federal Government employees and to develop related
7 training materials in carrying out these programs.

8 “(d) *GRANTS AND COOPERATIVE AGREEMENTS AS*
9 *CONTRACTUAL OBLIGATIONS.*—The approval of a financial
10 assistance agreement by the Secretary under section 31102,
11 31103, or 31313 is a contractual obligation of the Federal
12 Government for payment of the Federal Government’s share
13 of costs in carrying out the provisions of the grant or coop-
14 erative agreement.

15 “(e) *ELIGIBLE ACTIVITIES.*—The Secretary shall es-
16 tablish criteria for eligible activities to be funded with fi-
17 nancial assistance agreements under this section and pub-
18 lish those criteria in a notice of funding availability before
19 the financial assistance program application period.

20 “(f) *PERIOD OF AVAILABILITY OF FINANCIAL ASSIST-*
21 *ANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-*
22 *TURES.*—

23 “(1) *IN GENERAL.*—The period of availability
24 for a recipient to expend a grant or cooperative agree-
25 ment authorized under subsection (a) is as follows:

1 “(A) For grants made for carrying out sec-
2 tion 31102, other than section 31102(l), for the
3 fiscal year in which it is obligated and for the
4 next fiscal year.

5 “(B) For grants or cooperative agreements
6 made for carrying out section 31102(l)(2), for
7 the fiscal year in which it is obligated and for
8 the next 2 fiscal years.

9 “(C) For grants made for carrying out sec-
10 tion 31102(l)(3), for the fiscal year in which it
11 is obligated and for the next 4 fiscal years.

12 “(D) For grants made for carrying out sec-
13 tion 31103, for the fiscal year in which it is obli-
14 gated and for the next fiscal year.

15 “(E) For grants or cooperative agreements
16 made for carrying out 31313, for the fiscal year
17 in which it is obligated and for the next 4 fiscal
18 years.

19 “(2) REOBLIGATION.—Amounts not expended by
20 a recipient during the period of availability shall be
21 released back to the Secretary for reobligation for any
22 purpose under sections 31102, 31103, 31104, and
23 31313 in accordance with subsection (i) of this sec-
24 tion.

1 “(g) *CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*
2 *ABILITY.*—Amounts authorized from the Highway Trust
3 *Fund* by this section shall be available for obligation on
4 *the date of their apportionment or allocation or on October*
5 *1 of the fiscal year for which they are authorized, whichever*
6 *occurs first.*

7 “(h) *AVAILABILITY OF FUNDING.*—Amounts made
8 *available under this section shall remain available until ex-*
9 *pended.*

10 “(i) *TRANSFER OF OBLIGATION AUTHORITY.*—

11 “(1) *IN GENERAL.*—Of the contract authority au-
12 *thorized for motor carrier safety grants, the Secretary*
13 *shall have authority to transfer available unobligated*
14 *contract authority and associated liquidating cash*
15 *within or between Federal financial assistance pro-*
16 *grams authorized under this section and make new*
17 *Federal financial assistance awards under this sec-*
18 *tion.*

19 “(2) *COST ESTIMATES.*—Of the funds trans-
20 *ferred, the contract authority and associated liqui-*
21 *dating cash or obligations and expenditures stemming*
22 *from Federal financial assistance awards made with*
23 *this contract authority shall not be scored as new ob-*
24 *ligations by the Office of Management and Budget or*
25 *by the Secretary.*

1 “(3) *NO LIMITATION ON TOTAL OF OBLIGA-*
2 *TIONS.—Notwithstanding any other provision of law,*
3 *no limitation on the total of obligations for Federal*
4 *financial assistance programs carried out by the Fed-*
5 *eral Motor Carrier Safety Administration under this*
6 *section shall apply to unobligated funds transferred*
7 *under this subsection.”.*

8 *(d) TECHNICAL AND CONFORMING AMENDMENTS.—*

9 *(1) SAFETY FITNESS OF OWNERS AND OPERATOR;*
10 *SAFETY REVIEWS OF NEW OPERATORS.—Section*
11 *31144(g) is amended by striking paragraph (5).*

12 *(2) INFORMATION SYSTEMS; PERFORMANCE AND*
13 *REGISTRATION INFORMATION PROGRAM.—Section*
14 *31106(b) is amended by striking paragraph (4).*

15 *(3) BORDER ENFORCEMENT GRANTS.—Section*
16 *31107 is repealed.*

17 *(4) PERFORMANCE AND REGISTRATION INFORMA-*
18 *TION SYSTEM MANAGEMENT.—Section 31109 is re-*
19 *pealed.*

20 *(5) TABLE OF CONTENTS.—The table of contents*
21 *of chapter 311 is amended—*

22 *(A) by striking the items relating to 31107*
23 *and 31109; and*

1 (B) by striking the items relating to sections
2 31102, 31103, and 31104 and inserting the fol-
3 lowing:

“31102. *Motor Carrier Safety Assistance Program.*

“31103. *Commercial Motor Vehicle Operators Grant Program.*

“31104. *Authorization of appropriations.*”.

4 (6) *GRANTS FOR COMMERCIAL DRIVER’S LICENSE*
5 *PROGRAM IMPLEMENTATION.*—Section 31313(a), as
6 amended by section 32506 of this Act, is further
7 amended by striking “The Secretary of Transpor-
8 tation shall administer a financial assistance pro-
9 gram for commercial driver’s license program imple-
10 mentation for the purposes described in paragraphs
11 (1) and (2)” and inserting “The Secretary of Trans-
12 portation shall administer a financial assistance pro-
13 gram for commercial driver’s license program imple-
14 mentation funded under section 31104 of this title for
15 the purposes described in paragraphs (1) and (2)”.

16 (7) *COMMERCIAL VEHICLE INFORMATION SYS-*
17 *TEMS AND NETWORKS DEPLOYMENT.*—Section 4126 of
18 *SAFETEA-LU (49 U.S.C. 31106 note) is repealed.*

19 (8) *SAFETY DATA IMPROVEMENT PROGRAM.*—
20 Section 4128 of *SAFETEA-LU (49 U.S.C. 31100*
21 *note) is repealed.*

22 (9) *GRANT PROGRAM FOR COMMERCIAL MOTOR*
23 *VEHICLE OPERATORS.*—Section 4134 of *SAFETEA-*
24 *LU (49 U.S.C. 31301 note) is repealed.*

1 (10) *WINTER HOME HEATING OIL DELIVERY*
2 *STATE FLEXIBILITY PROGRAM.*—Section 346 of Na-
3 *tional Highway System Designation Act of 1995 (49*
4 *U.S.C. 31166 note) is repealed.*

5 (11) *MAINTENANCE OF EFFORT AS CONDITION ON*
6 *GRANTS TO STATES.*—Section 103(c) of the *Motor*
7 *Carrier Safety Improvement Act of 1999 (49 U.S.C.*
8 *31102 note) is repealed.*

9 (12) *STATE COMPLIANCE WITH CDL REQUIRE-*
10 *MENTS.*—Section 103(e) of the *Motor Carrier Safety*
11 *Improvement Act of 1999 (49 U.S.C. 31102 note) is*
12 *repealed.*

13 (13) *BORDER STAFFING STANDARDS.*—Section
14 218(d) of the *Motor Carrier Safety Improvement Act*
15 *of 1999 (49 U.S.C. 31133 note) is amended—*

16 (A) *in paragraph (1), by striking “under*
17 *section 31104(f)(2)(B) of title 49, United States*
18 *Code” and inserting “section 31104(a)(1) of title*
19 *49, United States Code”;* and

20 (B) *by striking paragraph (3).*

21 (e) *EFFECTIVE DATE.*—*The amendments made by this*
22 *section shall take effect on October 1, 2016.*

23 (f) *TRANSITION.*—*Notwithstanding the amendments*
24 *made by this section, the Secretary shall carry out sections*
25 *31102, 31103, 31104 of title 49, United States Code, and*

1 *any sections repealed under subsection (d) of this section,*
2 *as necessary, as those sections were in effect on the day be-*
3 *fore October 1, 2016, with respect to applications for grants,*
4 *cooperative agreements, or contracts under those sections*
5 *submitted before October 1, 2016.*

6 **SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM**
7 **STUDY.**

8 (a) *IN GENERAL.*—*Not later than 1 year after the date*
9 *of enactment of this Act, the Office of Inspector General of*
10 *the Department of Transportation shall report to the Com-*
11 *mittee on Commerce, Science, and Transportation of the*
12 *Senate and the Committee on Transportation and Infra-*
13 *structure in the House of Representatives on its assessment*
14 *of the new operator safety review program, required under*
15 *section 31144(g) of title 49, United States Code, including*
16 *the program’s effectiveness in reducing commercial motor*
17 *vehicles involved in crashes, fatalities, and injuries, and in*
18 *improving commercial motor vehicle safety.*

19 (b) *REPORT.*—*Not later than 90 days after completion*
20 *of the report under subsection (a), the Secretary shall sub-*
21 *mit to the Committee on Commerce, Science, and Transpor-*
22 *tation of the Senate and the Committee on Transportation*
23 *and Infrastructure in the House of Representatives a report*
24 *on the actions the Secretary will take to address any rec-*
25 *ommendations included in the study under subsection (a).*

1 (c) *PAPERWORK REDUCTION ACT OF 1995; EXCEP-*
 2 *TION.—The study and the Office of the Inspector General*
 3 *assessment shall not be subject to section 3506 or section*
 4 *3507 of title 44, United States Code.*

5 **SEC. 32504. PERFORMANCE AND REGISTRATION INFORMA-**
 6 **TION SYSTEMS MANAGEMENT.**

7 Section 31106(b) is amended in the heading by strik-
 8 *ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.*

9 **SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) *IN GENERAL.—Subchapter I of chapter 311 is*
 11 *amended by adding at the end the following:*

12 **“§ 31110. Authorization of appropriations**

13 “(a) *ADMINISTRATIVE EXPENSES.—There are author-*
 14 *ized to be appropriated from the Highway Trust Fund*
 15 *(other than the Mass Transit Account) for the Secretary of*
 16 *Transportation to pay administrative expenses of the Fed-*
 17 *eral Motor Carrier Safety Administration—*

18 “(1) \$264,439,000 for fiscal year 2016;

19 “(2) \$269,992,000 for fiscal year 2017;

20 “(3) \$275,662,000 for fiscal year 2018;

21 “(4) \$281,451,000 for fiscal year 2019;

22 “(5) \$287,361,000 for fiscal year 2020; and

23 “(6) \$293,396,000 for fiscal year 2021.

24 “(b) *USE OF FUNDS.—The funds authorized by this*
 25 *section shall be used—*

1 “(1) for personnel costs;

2 “(2) for administrative infrastructure;

3 “(3) for rent;

4 “(4) for information technology;

5 “(5) for programs for research and technology,
6 information management, regulatory development, the
7 administration of the performance and registration
8 information systems management;

9 “(6) for programs for outreach and education
10 under subsection (d);

11 “(7) to fund the motor carrier safety facility
12 working capital fund established under subsection (c);

13 “(8) for other operating expenses;

14 “(9) to conduct safety reviews of new operators;
15 and

16 “(10) for such other expenses as may from time
17 to time become necessary to implement statutory
18 mandates of the Federal Motor Carrier Safety Admin-
19 istration not funded from other sources.

20 “(c) *MOTOR CARRIER SAFETY FACILITY WORKING*
21 *CAPITAL FUND.*—

22 “(1) *IN GENERAL.*—The Secretary may establish
23 a motor carrier safety facility working capital fund.

24 “(2) *PURPOSE.*—Amounts in the fund shall be
25 available for modernization, construction, leases, and

1 *expenses related to vacating, occupying, maintaining,*
2 *and expanding motor carrier safety facilities, and as-*
3 *sociated activities.*

4 “(3) *AVAILABILITY.*—*Amounts in the fund shall*
5 *be available without regard to fiscal year limitation.*

6 “(4) *FUNDING.*—*Amounts may be appropriated*
7 *to the fund from the amounts made available in sub-*
8 *section (a).*

9 “(5) *FUND TRANSFERS.*—*The Secretary may*
10 *transfer funds to the working capital fund from the*
11 *amounts made available in subsection (a) or from*
12 *other funds as identified by the Secretary.*

13 “(d) *OUTREACH AND EDUCATION PROGRAM.*—

14 “(1) *IN GENERAL.*—*The Secretary may conduct,*
15 *through any combination of grants, contracts, cooper-*
16 *ative agreements, or other activities, an internal and*
17 *external outreach and education program to be ad-*
18 *ministered by the Administrator of the Federal Motor*
19 *Carrier Safety Administration.*

20 “(2) *FEDERAL SHARE.*—*The Federal share of an*
21 *outreach and education program for which a grant,*
22 *contract, or cooperative agreement is made under this*
23 *subsection may be up to 100 percent of the cost of the*
24 *grant, contract, or cooperative agreement.*

1 “(3) *FUNDING.*—From amounts made available
2 in subsection (a), the Secretary shall make available
3 such sums as are necessary to carry out this sub-
4 section each fiscal year.

5 “(e) *CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*
6 *ABILITY.*—Amounts authorized from the Highway Trust
7 Fund by this section shall be available for obligation on
8 the date of their apportionment or allocation or on October
9 1 of the fiscal year for which they are authorized, whichever
10 occurs first.

11 “(f) *FUNDING AVAILABILITY.*—Amounts made avail-
12 able under this section shall remain available until ex-
13 pended.

14 “(g) *CONTRACTUAL OBLIGATION.*—The approval of
15 funds by the Secretary under this section is a contractual
16 obligation of the Federal Government for payment of the
17 Federal Government’s share of costs.”.

18 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

19 (1) *ADMINISTRATIVE EXPENSES; AUTHORIZATION*
20 *OF APPROPRIATIONS.*—Section 31104 is amended—

21 (A) by striking subsection (i); and

22 (B) by redesignating subsections (j) and (k)
23 and subsections (i) and (j), respectively.

24 (2) *USE OF AMOUNTS MADE AVAILABLE UNDER*
25 *SUBSECTION (I).*—Section 4116(d) of SAFETEA-LU

1 (49 U.S.C. 31104 note) is amended by striking “sec-
2 tion 31104(i)” and inserting “section 31110”.

3 (3) *INTERNAL COOPERATION*.—Section 31161 is
4 amended by striking “31104(i)” and inserting
5 “31110”.

6 (4) *SAFETEA-LU; OUTREACH AND EDU-
7 CATION*.—Section 4127 of *SAFETEA-LU* (119 Stat.
8 1741; Public Law 109–59) is repealed.

9 (5) *TABLE OF CONTENTS*.—The table of contents
10 of subchapter I of chapter 311 is amended by adding
11 at the end the following:

“31110. Authorization of appropriations.”.

12 **SEC. 32506. COMMERCIAL DRIVER’S LICENSE PROGRAM IM-
13 PLEMENTATION.**

14 (a) *IN GENERAL*.—Section 31313 is amended to read
15 as follows:

16 **“§31313. Commercial driver’s license program imple-
17 mentation financial assistance program**

18 “(a) *IN GENERAL*.—The Secretary of Transportation
19 shall administer a financial assistance program for com-
20 mercial driver’s license program implementation for the
21 purposes described in paragraphs (1) and (2).

22 “(1) *STATE COMMERCIAL DRIVER’S LICENSE
23 PROGRAM IMPLEMENTATION GRANTS*.—The Secretary
24 of Transportation may make a grant to a State agen-
25 cy in a fiscal year—

1 “(A) to comply with the requirements of sec-
2 tion 31311;

3 “(B) in the case of a State that is making
4 a good faith effort toward substantial compliance
5 with the requirements of section 31311, to im-
6 prove its implementation of its commercial driv-
7 er’s license program, including expenses—

8 “(i) for computer hardware and soft-
9 ware;

10 “(ii) for publications, testing, per-
11 sonnel, training, and quality control;

12 “(iii) for commercial driver’s license
13 program coordinators; and

14 “(iv) to implement or maintain a sys-
15 tem to notify an employer of an operator of
16 a commercial motor vehicle of the suspen-
17 sion or revocation of the operator’s commer-
18 cial driver’s license consistent with the
19 standards developed under section 32303(b)
20 of the Commercial Motor Vehicle Safety En-
21 hancement Act of 2012 (49 U.S.C. 31304
22 note).

23 “(2) *PRIORITY ACTIVITIES.*—The Secretary may
24 make a grant or cooperative agreement in a fiscal
25 year to a State agency, local government, or any per-

1 son for research, development or testing, demonstra-
2 tion projects, public education, or other special activi-
3 ties and projects relating to commercial driver’s li-
4 censing and motor vehicle safety that—

5 “(A) benefit all jurisdictions of the United
6 States;

7 “(B) address national safety concerns and
8 circumstances;

9 “(C) address emerging issues relating to
10 commercial driver’s license improvements;

11 “(D) support innovative ideas and solutions
12 to commercial driver’s license program issues; or

13 “(E) address other commercial driver’s li-
14 cense issues, as determined by the Secretary.

15 “(b) *PROHIBITIONS.*—A recipient may not use finan-
16 cial assistance funds awarded under this section to rent,
17 lease, or buy land or buildings.

18 “(c) *REPORT.*—The Secretary shall issue an annual
19 report on the activities carried out under this section.

20 “(d) *APPORTIONMENT.*—All amounts made available
21 to carry out this section for a fiscal year shall be appor-
22 tioned to a State or recipient described in subsection (a)(2)
23 according to criteria prescribed by the Secretary.”.

24 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
25 The table of contents of chapter 313 is amended by striking

1 *the item relating to section 31313 and inserting the fol-*
 2 *lowing:*

“31313. Commercial driver’s license program implementation financial assistance program.”.

3 **SEC. 32507. EXTENSION OF FEDERAL MOTOR CARRIER**
 4 **SAFETY PROGRAMS FOR FISCAL YEAR 2016.**

5 (a) *MOTOR CARRIER SAFETY ASSISTANCE PROGRAM*
 6 *GRANT EXTENSION.*—*Section 31104(a) is amended—*

7 (1) *in the matter preceding paragraph (1), by*
 8 *inserting “and, for fiscal year 2016, sections 31102,*
 9 *31107, and 31109 of this title and section 4128 of*
 10 *SAFETEA–LU (49 U.S.C. 31100 note)” after*
 11 *“31102”;*

12 (2) *in paragraph (9), by striking “and” at the*
 13 *end; and*

14 (3) *by striking paragraph (10) and inserting the*
 15 *following:*

16 *“(10) \$218,000,000 for fiscal year 2015; and*

17 *“(11) \$259,000,000 for fiscal year 2016.”.*

18 (b) *EXTENSION OF GRANT PROGRAMS.*—*Section*
 19 *4101(c) SAFETEA–LU (119 Stat. 1715; Public Law 109–*
 20 *59), is amended to read as follows:*

21 *“(c) GRANT PROGRAMS FUNDING.—There are author-*
 22 *ized to be appropriated from the Highway Trust Fund the*
 23 *following sums for the following Federal Motor Carrier*
 24 *Safety Administration programs:*

1 “(1) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
2 *IMPROVEMENT GRANTS.*—*For carrying out the com-*
3 *mmercial driver’s license program improvement grants*
4 *program under section 31313 of title 49, United*
5 *States Code, \$30,000,000 for fiscal year 2016.*

6 “(2) *BORDER ENFORCEMENT GRANTS.*—*From*
7 *amounts made available under section 31104(a) of*
8 *title 49, United States Code, for border enforcement*
9 *grants under section 31107 of that title, \$32,000,000*
10 *for fiscal year 2016.*

11 “(3) *PERFORMANCE AND REGISTRATION INFOR-*
12 *MATION SYSTEMS MANAGEMENT GRANT PROGRAMS.*—
13 *From amounts made available under section 31104(a)*
14 *of title 49, United States Code, for the performance*
15 *and registration information systems management*
16 *grant program under section 31109 of that title,*
17 *\$5,000,000 for fiscal year 2016.*

18 “(4) *COMMERCIAL VEHICLE INFORMATION SYS-*
19 *TEMS AND NETWORKS DEPLOYMENT.*—*For carrying*
20 *out the commercial vehicle information systems and*
21 *networks deployment program under section 4126 of*
22 *this Act (the innovative technology deployment pro-*
23 *gram), \$25,000,000, for fiscal year 2016.*

24 “(5) *SAFETY DATA IMPROVEMENT GRANTS.*—
25 *From amounts made available under section 31104(a)*

1 of title 49, United States Code, for safety data im-
2 provement grants under section 4128 of this Act,
3 \$3,000,000 for fiscal year 2016.”.

4 (c) *HIGH-PRIORITY ACTIVITIES.*—Section 31104(j)(2),
5 as redesignated by section 32505 of this Act is amended by
6 striking “2015” and inserting “2016”.

7 (d) *NEW ENTRANT AUDITS.*—Section 31144(g)(5)(B)
8 is amended to read as follows:

9 “(B) *SET ASIDE.*—The Secretary shall set
10 aside from amounts made available by section
11 31104(a) up to \$32,000,000 for fiscal year 2016
12 for audits of new entrant motor carriers con-
13 ducted under this paragraph.”.

14 (e) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*
15 *CLE OPERATORS.*—Section 4134(c) of *SAFETEA-LU* (49
16 *U.S.C. 31301 note*) is amended to read as follows:

17 “(c) *FUNDING.*—From amounts made available under
18 section 31110 of title 49, United States Code, the Secretary
19 shall make available, \$1,000,000 for fiscal year 2016 to
20 carry out the commercial motor vehicle operators grant pro-
21 gram.”.

22 (f) *COMMERCIAL VEHICLE INFORMATION SYSTEMS*
23 *AND NETWORKS DEPLOYMENT.*—

1 (1) *IN GENERAL.*—Section 4126 of SAFETEA–
2 *LU* (49 U.S.C. 31106 note; 119 Stat. 1738; Public
3 *Law 109–59*) is amended—

4 (A) in subsection (c)—

5 (i) in paragraph (2), by adding at the
6 end the following: “Funds deobligated by the
7 Secretary from previous year grants shall
8 not be counted towards the \$2,500,000 max-
9 imum aggregate amount for core deploy-
10 ment.”; and

11 (ii) in paragraph (3), by adding at the
12 end the following: “Funds may also be used
13 for planning activities, including the devel-
14 opment or updating of program or top level
15 design plans.”; and

16 (B) in subsection (d)(4), by adding at the
17 end the following: “Funds may also be used for
18 planning activities, including the development or
19 updating of program or top level design plans.”.

20 (2) *INNOVATIVE TECHNOLOGY DEPLOYMENT PRO-*
21 *GRAM.*—For fiscal year 2016, the commercial vehicle
22 information systems and networks deployment pro-
23 gram under section 4126 of SAFETEA–*LU* (119
24 Stat. 1738; Public Law 109–59) may also be referred
25 to as the innovative technology deployment program.

1 **SEC. 32508. MOTOR CARRIER SAFETY ASSISTANCE PRO-**
2 **GRAM ALLOCATION.**

3 (a) *WORKING GROUP.*—

4 (1) *ESTABLISHMENT.*—*Not later than 180 days*
5 *after the date of enactment of this Act, the Secretary*
6 *shall establish a motor carrier safety assistance pro-*
7 *gram formula working group (referred to in this sec-*
8 *tion as the “working group”).*

9 (2) *MEMBERSHIP.*—

10 (A) *IN GENERAL.*—*Subject to subparagraph*
11 *(B), the working group shall consist of represent-*
12 *atives of the following:*

13 (i) *The Federal Motor Carrier Safety*
14 *Administration.*

15 (ii) *The lead State commercial motor*
16 *vehicle safety agencies responsible for ad-*
17 *ministering the plan required by section*
18 *31102 of title 49, United States Code.*

19 (iii) *An organization representing*
20 *State agencies responsible for enforcing a*
21 *program for inspection of commercial motor*
22 *vehicles.*

23 (iv) *Such other persons as the Sec-*
24 *retary considers necessary.*

25 (B) *COMPOSITION.*—*Representatives of*
26 *State commercial motor vehicle safety agencies*

1 *shall comprise at least 51 percent of the member-*
2 *ship.*

3 (3) *NEW ALLOCATION FORMULA.*—*The working*
4 *group shall analyze requirements and factors for a*
5 *new motor carrier safety assistance program alloca-*
6 *tion formula.*

7 (4) *RECOMMENDATION.*—*Not later than 1 year*
8 *after the date the working group is established under*
9 *paragraph (1), the working group shall make a rec-*
10 *ommendation to the Secretary regarding a new Motor*
11 *Carrier Safety Assistance Program allocation for-*
12 *mula.*

13 (5) *FACA EXEMPTION.*—*The Federal Advisory*
14 *Committee Act (5 U.S.C. App.) shall not apply to the*
15 *working group established under this subsection.*

16 (6) *PUBLICATION.*—*The Administrator of the*
17 *Federal Motor Carrier Safety Administration shall*
18 *publish on a public website summaries of its meet-*
19 *ings, and the final recommendation provided to the*
20 *Secretary.*

21 (b) *NOTICE OF PROPOSED RULEMAKING.*—*After re-*
22 *ceiving the recommendation under subsection (a)(4), the*
23 *Secretary shall publish in the Federal Register a notice*
24 *seeking public comment on a new allocation formula for*

1 *the motor carrier safety assistance program under section*
2 *31102 of title 49, United States Code.*

3 *(c) BASIS FOR FORMULA.—The Secretary shall ensure*
4 *that the new allocation formula is based on factors that re-*
5 *flect, at a minimum—*

6 *(1) the relative needs of the States to comply*
7 *with section 31102 of title 49, United States Code;*

8 *(2) the relative administrative capacities of and*
9 *challenges faced by States in complying with section*
10 *31102 of title 49, United States Code;*

11 *(3) the average of each State’s new entrant motor*
12 *carrier inventory for the 3-year period prior to the*
13 *date of enactment of this Act;*

14 *(4) the number of international border inspec-*
15 *tion facilities and border crossings by commercial ve-*
16 *hicles in each State; and*

17 *(5) any other factors the Secretary considers ap-*
18 *propriate.*

19 *(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF*
20 *A NEW ALLOCATION FORMULA.—*

21 *(1) INTERIM FORMULA.—Prior to the develop-*
22 *ment of the new allocation formula, the Secretary*
23 *may calculate the interim funding amounts for the*
24 *motor carrier safety assistance program in fiscal year*
25 *2017 (and later fiscal years, as necessary) under sec-*

1 *tion 31104(a)(1) of title 49, United States Code, as*
2 *amended by section 32502 of this Act, by the fol-*
3 *lowing methodology:*

4 *(A) The Secretary shall calculate the fund-*
5 *ing amount using the allocation formula the Sec-*
6 *retary used to award motor carrier safety assist-*
7 *ance program funding in fiscal year 2016 under*
8 *section 2507 of this Act.*

9 *(B) The Secretary shall average the funding*
10 *awarded or other equitable amounts to a State*
11 *in fiscal years 2013, 2014, and 2015 for border*
12 *enforcement grants awarded under section*
13 *32603(c) of MAP-21 (126 Stat. 807; Public Law*
14 *112-141) and new entrant audit grants awarded*
15 *under that section, or other equitable amounts.*

16 *(C) The Secretary shall add the amounts*
17 *calculated in subparagraphs (A) and (B).*

18 *(2) ADJUSTMENTS.—Subject to the availability*
19 *of funding and notwithstanding fluctuations in the*
20 *data elements used by the Secretary, the initial*
21 *amounts resulting from the calculation described in*
22 *paragraph (1) shall be adjusted to ensure that, for*
23 *each State, the amount shall not be less than 97 per-*
24 *cent of the average amount of funding received or*

1 *other equitable amounts in fiscal years 2013, 2014,*
2 *and 2015 for—*

3 *(A) motor carrier safety assistance program*
4 *funds awarded under section 32603(a) of MAP–*
5 *21 (126 Stat. 807; Public Law 112–141);*

6 *(B) border enforcement grants awarded*
7 *under section 32603(a) of MAP–21 (126 Stat.*
8 *807; Public Law 112–141); and*

9 *(C) new entrant audit grants awarded*
10 *under section 32603(a) of MAP–21 (126 Stat.*
11 *807; Public Law 112–141).*

12 *(3) IMMEDIATE RELIEF.—In developing the new*
13 *allocation formula, the Secretary shall provide imme-*
14 *diate relief for at least 3 fiscal years to all States cur-*
15 *rently subject to the withholding provisions of Motor*
16 *Carrier Safety Assistance Program funds for matters*
17 *of noncompliance.*

18 *(4) FUTURE WITHHOLDINGS.—Beginning on the*
19 *date that the new allocation formula is implemented,*
20 *the Secretary shall impose all future withholdings in*
21 *accordance with section 31102(k) of title 49, United*
22 *States Code, as amended by section 32502 of this Act.*

23 *(e) TERMINATION OF EFFECTIVENESS.—This section*
24 *expires upon the implementation of a new Motor Carrier*
25 *Safety Assistance Program Allocation Formula.*

1 **SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.**

2 (a) *BEFORE NEW ALLOCATION FORMULA.*—

3 (1) *FISCAL YEAR 2017.*—*If a new allocation for-*
4 *mula has not been established for fiscal year 2017,*
5 *then, for fiscal year 2017, the Secretary of Transpor-*
6 *tation shall calculate the maintenance of effort re-*
7 *quired under section 31102(f) of title 49, United*
8 *States Code, as amended by section 32502 of this Act,*
9 *by averaging the expenditures for fiscal years 2004*
10 *and 2005 required by section 32601(a)(5) of MAP-21*
11 *(Public Law 112-141), as that section was in effect*
12 *on the day before the date of enactment of this Act.*

13 (2) *SUBSEQUENT FISCAL YEARS.*—*The Secretary*
14 *may use the methodology for calculating the mainte-*
15 *nance of effort for fiscal year 2017 and each fiscal*
16 *year thereafter if a new allocation formula has not*
17 *been established.*

18 (b) *BEGINNING WITH NEW ALLOCATION FORMA-*
19 *TION.*—

20 (1) *IN GENERAL.*—*Subject to paragraphs (2) and*
21 *(3)(B), beginning on the date that a new allocation*
22 *formula is established under section 2508, upon the*
23 *request of a State, the Secretary may modify the base-*
24 *line maintenance of effort required by section*
25 *31102(e) of title 49, United States Code, as amended*
26 *by section 32502 of this Act, for the purpose of estab-*

1 *lishing a new baseline maintenance of effort if the*
2 *Secretary determines that a waiver or modification—*

3 *(A) is equitable due to reasonable cir-*
4 *cumstances;*

5 *(B) will ensure the continuation of commer-*
6 *cial motor vehicle enforcement activities in the*
7 *State; and*

8 *(C) is necessary to ensure that the total*
9 *amount of State maintenance of effort and*
10 *matching expenditures required under sections*
11 *31102 and 31104 of title 49, United States Code,*
12 *as amended by section 32502 of this Act, does*
13 *not exceed a sum greater than the average of the*
14 *total amount of State maintenance of effort and*
15 *matching expenditures for the 3 fiscal years*
16 *prior to the date of enactment of this Act.*

17 *(2) ADJUSTMENT METHODOLOGY.—If requested*
18 *by a State, the Secretary may modify the mainte-*
19 *nance of effort baseline according to the following*
20 *methodology:*

21 *(A) The Secretary shall establish the main-*
22 *tenance of effort using the average of fiscal years*
23 *2004 and 2005, as required by section*
24 *32601(a)(5) of MAP-21 (Public Law 112-141).*

1 (B) *The Secretary shall calculate the aver-*
2 *age required match by a lead State commercial*
3 *motor vehicle safety agency for fiscal years 2013,*
4 *2014, and 2015 for motor carrier safety assist-*
5 *ance grants established at 20 percent by section*
6 *31103 of title 49, United States Code, as that*
7 *section was in effect on the day before the date*
8 *of enactment of this Act.*

9 (C) *The Secretary shall calculate the esti-*
10 *mated match required under section 31104(b) of*
11 *title 49, United States Code, as amended by sec-*
12 *tion 32502 of this Act.*

13 (D) *The Secretary will subtract the amount*
14 *in subparagraph (B) from the amount in sub-*
15 *paragraph (C) and—*

16 (i) *if the number is greater than 0,*
17 *then the Secretary shall subtract the number*
18 *from the amount in subparagraph (A); or*

19 (ii) *if the number is not greater than*
20 *0, then the Secretary shall calculate the*
21 *maintenance of effort using the methodology*
22 *in subparagraph (A).*

23 (3) *MAINTENANCE OF EFFORT AMOUNT.—*

24 (A) *IN GENERAL.—The Secretary shall use*
25 *the amount calculated in paragraph (2) as the*

1 *baseline maintenance of effort required in section*
2 *31102(f) of title 49, United States Code, as*
3 *amended by section 32502 of this Act.*

4 *(B) DEADLINE.—If a State does not request*
5 *a waiver or modification under this subsection*
6 *before September 30 during the first fiscal year*
7 *that the Secretary implements the new allocation*
8 *formula under section 32508, the Secretary shall*
9 *calculate the maintenance of effort using the*
10 *methodology in paragraph (2)(A) of this sub-*
11 *section.*

12 *(4) MAINTENANCE OF EFFORT DESCRIBED.—The*
13 *maintenance of effort calculated under this section is*
14 *the amount required under section 31102(f) of title*
15 *49, United States Code, as amended by section 32502*
16 *of this Act.*

17 *(c) TERMINATION OF EFFECTIVENESS.—The authority*
18 *under this section terminates effective on the date that the*
19 *new maintenance of effort is calculated based on the new*
20 *allocation formula implemented under section 32508.*

21 ***Subtitle F—Miscellaneous***

22 ***Provisions***

23 ***SEC. 32601. WINDSHIELD TECHNOLOGY.***

24 *(a) IN GENERAL.—Not later than 180 days after the*
25 *date of enactment of this Act, the Secretary shall revise the*

1 *regulations in section 393.60(e) of title 49, Code of Federal*
2 *Regulations (relating to the prohibition on obstructions to*
3 *the driver’s field of view) to exempt from that section the*
4 *voluntary mounting on a windshield of vehicle safety tech-*
5 *nology likely to achieve a level of safety that is equivalent*
6 *to or greater than the level of safety that would be achieved*
7 *absent the exemption.*

8 **(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.**—
9 *In this section, “vehicle safety technology” includes fleet-*
10 *related incident management system, performance or behav-*
11 *ior management system, speed management system, lane de-*
12 *parture warning system, forward collision warning or miti-*
13 *gation system, active cruise control system, and any other*
14 *technology that the Secretary considers applicable.*

15 **(c) RULE OF CONSTRUCTION.**—*For purposes of this*
16 *section, any windshield mounted technology with a short*
17 *term exemption under part 381 of title 49, Code of Federal*
18 *Regulations, on the day before the date of enactment of this*
19 *Act, shall be considered likely to achieve a level of safety*
20 *that is equivalent to or greater than the level of safety that*
21 *would be achieved absent an exemption under subsection*
22 *(a).*

23 **SEC. 32602. ELECTRONIC LOGGING DEVICES REQUIRE-**
24 **MENTS.**

25 *Section 31137(b) is amended—*

1 (1) in paragraph (1)(C), by striking “apply to”
2 and inserting “except as provided in paragraph (3),
3 apply to”; and

4 (2) by adding at the end the following:

5 “(3) *EXCEPTION.*—A motor carrier, when trans-
6 porting a motor home or recreation vehicle trailer
7 within the definition of ‘driveaway-towaway oper-
8 ation’ (as defined in section 390.5 of title 49, Code of
9 Federal Regulations) may comply with the hours of
10 service requirements by requiring each driver to use—

11 “(A) a paper record of duty status form; or

12 “(B) an electronic logging device.”.

13 **SEC. 32603. LAPSE OF REQUIRED FINANCIAL SECURITY;**

14 **SUSPENSION OF REGISTRATION.**

15 Section 13906(e) is amended by inserting “or suspend”
16 after “revoke”.

17 **SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTER.**

18 Section 30305(b) is amended by adding at the end the
19 following:

20 “(13) The Administrator of the Federal Motor
21 Carrier Safety Administration may request the chief
22 driver licensing official of a State to provide informa-
23 tion under subsection (a) of this section about an in-
24 dividual in connection with a safety investigation
25 under the Administrator’s jurisdiction.”.

1 **SEC. 32605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**
2 **ER COMMUTING.**

3 (a) *EFFECTS OF COMMUTING.*—*The Administrator of*
4 *the Federal Motor Carrier Safety Administration shall con-*
5 *duct a study of the effects of motor carrier operator com-*
6 *muting exceeding 150 minutes commuting time on safety and*
7 *commercial motor vehicle driver fatigue.*

8 (b) *STUDY.*—*In conducting the study, the Adminis-*
9 *trator shall consider—*

10 (1) *the prevalence of driver commuting in the*
11 *commercial motor vehicle industry, including the*
12 *number and percentage of drivers who commute;*

13 (2) *the distances traveled, time zones crossed,*
14 *time spent commuting, and methods of transportation*
15 *used;*

16 (3) *research on the impact of excessive com-*
17 *muting on safety and commercial motor vehicle driver*
18 *fatigue;*

19 (4) *the commuting practices of commercial motor*
20 *vehicle drivers and policies of motor carriers;*

21 (5) *the Federal Motor Carrier Safety Adminis-*
22 *tration regulations, policies, and guidance regarding*
23 *driver commuting; and*

24 (6) *any other matters the Administrator con-*
25 *siders appropriate.*

1 (c) *REPORT.*—Not later than 18 months after the date
2 of enactment of this Act, the Administrator shall submit
3 to Congress a report containing the findings under the
4 study and any recommendations for legislative action con-
5 cerning driver commuting.

6 **SEC. 32606. HOUSEHOLD GOODS CONSUMER PROTECTION**
7 **WORKING GROUP.**

8 (a) *WORKING GROUP.*—The Secretary shall establish
9 a working group for the purpose of developing recommenda-
10 tions on how to best convey to inexperienced consumers the
11 information such consumers need to know with respect to
12 the Federal laws concerning the interstate transportation
13 of household goods by motor carrier.

14 (b) *MEMBERSHIP.*—The Secretary shall ensure that
15 the working group is comprised of individuals with exper-
16 tise in consumer affairs, educators with expertise in how
17 people learn most effectively, and representatives of the
18 household goods moving industry.

19 (c) *RECOMMENDATIONS.*—

20 (1) *CONTENTS.*—The recommendations developed
21 by the working group shall include, at a minimum,
22 recommendations on—

23 (A) condensing publication ESA 03005 of
24 the Federal Motor Carrier Safety Administration

1 into a format that is more easily used by con-
2 sumers;

3 (B) using state-of-the-art education tech-
4 niques and technologies, including optimizing
5 the use of the Internet as an educational tool;
6 and

7 (C) reducing and simplifying the paperwork
8 required of motor carriers and shippers in inter-
9 state transportation.

10 (2) *DEADLINE.*—Not later than one year after
11 the date of enactment of this Act, the working group
12 shall make the recommendations described in para-
13 graph (1) which the Secretary shall publish on a pub-
14 lic website.

15 (d) *REPORT.*—Not later than 1 year after the date on
16 which the working group makes its recommendations, the
17 Secretary shall issue a report to Congress on the implemen-
18 tation of such recommendations.

19 (e) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*
20 *TION.*—The Federal Advisory Committee Act (5 U.S.C.
21 App.) shall not apply to the working group established
22 under this section.

23 (f) *TERMINATION.*—The working group shall terminate
24 2 years after the date of enactment of this Act.

1 **SEC. 32607. INTERSTATE VAN OPERATIONS.**

2 *Section 4136 of SAFETEA-LU (Public Law 109–59;*
3 *119 Stat. 1745; 49 U.S.C. 3116 note) is amended by insert-*
4 *ing “with the exception of commuter vanpool operations,*
5 *which shall remain exempt” before the period at the end.*

6 **SEC. 32608. REPORT ON DESIGN AND IMPLEMENTATION OF**
7 **WIRELESS ROADSIDE INSPECTION SYSTEMS.**

8 *(a) IN GENERAL.—Not later than 180 days after the*
9 *date of enactment of this Act, the Secretary shall submit*
10 *to the Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate and the Committee on Transportation*
12 *and Infrastructure of the House of Representatives a report*
13 *regarding the design, development, testing, and implemen-*
14 *tation of wireless roadside inspection systems.*

15 *(b) ELEMENTS.—The report required under subsection*
16 *(a) shall include a determination as to whether wireless*
17 *roadside inspection systems—*

18 *(1) conflict with existing non-Federal electronic*
19 *screening systems, or create capabilities already*
20 *available;*

21 *(2) require additional statutory authority to in-*
22 *corporate generated inspection data into the safety*
23 *measurement system or the safety fitness determina-*
24 *tions program; and*

1 (3) *provide appropriate restrictions to specifi-*
2 *cally address privacy concerns of affected motor car-*
3 *riers and operators.*

4 **SEC. 32609. MOTORCOACH HOURS OF SERVICE STUDY.**

5 (a) *REQUIREMENT BEFORE IMPLEMENTING NEW*
6 *RULES.—*

7 (1) *IN GENERAL.—The Secretary may not*
8 *amend, adjust, or revise the driver hours of service*
9 *regulations for motor carriers of passengers, by rule-*
10 *making or any other means, until the Secretary con-*
11 *ducts a formal study that properly accounts for oper-*
12 *ational differences and variances in crash data for*
13 *drivers in intercity motorcoach service and interstate*
14 *property carrier operations and between segments of*
15 *the intercity motorcoach industry.*

16 (2) *CONTENTS.—The study required under para-*
17 *graph (1) shall include—*

18 (A) *the impact of the current hours of serv-*
19 *ice regulations for motor carriers of passengers*
20 *on fostering safe operation of intercity*
21 *motorcoaches;*

22 (B) *the separation of the failures of the cur-*
23 *rent passenger carrier hours-of-service regula-*
24 *tions and the lack of enforcement of the current*
25 *regulations by Federal and State agencies;*

1 (C) the correlation of noncompliance with
2 current passenger carrier hours of service rule to
3 passenger carrier accidents using data from 2000
4 through 2013; and

5 (D) how passenger carrier crashes could
6 have been mitigated by any changes to passenger
7 carrier hours of service rules.

8 (b) *EMERGENCY REGULATIONS.*—Nothing in this sec-
9 tion may be construed to affect the Secretary’s existing au-
10 thority to provide relief from the hours of service regulations
11 in the event of an emergency under section 390.232 of title
12 49, Code of Federal Regulations.

13 **SEC. 32610. GAO REVIEW OF SCHOOL BUS SAFETY.**

14 Not later than 1 year after the date of enactment of
15 this Act, the Comptroller General of the United States shall
16 submit, to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on Trans-
18 portation and Infrastructure of the House of Representa-
19 tives, a review of the following:

20 (1) Existing Federal and State rules and guid-
21 ance, as of the date of the review, concerning school
22 bus transportation of elementary school and sec-
23 ondary school students engaging in home-to-school
24 transport or other transport determined by the Comp-
25 troller General to be a routine part of kindergarten

1 *through grade 12 education, including regulations*
2 *and guidance regarding driver training programs, ca-*
3 *capacity requirements, programs for special needs stu-*
4 *dents, inspection standards, vehicle age requirements,*
5 *best practices, and public access to inspection results*
6 *and crash records.*

7 (2) *Any correlation between public or private*
8 *school bus fleet operators whose vehicles are involved*
9 *in an accident as defined by section 390.5 of title 49,*
10 *Code of Federal Regulations, and each of the fol-*
11 *lowing:*

12 (A) *A failure by those same operators of*
13 *State or local safety inspections.*

14 (B) *The average age or odometer readings of*
15 *the school buses in the fleets of such operators.*

16 (C) *Violations of Federal laws administered*
17 *by the Department of Transportation, or of State*
18 *law equivalents of such laws.*

19 (D) *Violations of State or local law relating*
20 *to illegal passing of a school bus.*

21 (3) *A regulatory framework comparison of public*
22 *and private school bus operations.*

23 (4) *Expert recommendations on best practices for*
24 *safe and reliable school bus transportation, including*
25 *driver training programs, inspection standards,*

1 *school bus age and odometer reading maximums for*
2 *retirement, the percentage of buses in a local bus fleet*
3 *needed as spare buses, and capacity levels per school*
4 *bus for different age groups.*

5 **SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT**
6 **AND RANDOM CONTROLLED SUBSTANCES**
7 **TESTS.**

8 *(a) SHORT TITLE.—This section may be cited as the*
9 *“Drug Free Commercial Driver Act of 2015”.*

10 *(b) AUTHORIZATION OF HAIR TESTING AS AN ACCEPT-*
11 *ABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM*
12 *CONTROLLED SUBSTANCE TESTS.—Section 31306 is*
13 *amended—*

14 *(1) in subsection (b)(1)—*

15 *(A) by redesignating subparagraph (B) as*
16 *subparagraph (C); and*

17 *(B) in subparagraph (A), by striking “The*
18 *regulations shall permit such motor carriers to*
19 *conduct preemployment testing of such employees*
20 *for the use of alcohol.” and inserting the fol-*
21 *lowing:*

22 *“(B) The regulations prescribed under subparagraph*
23 *(A) shall permit motor carriers—*

1 “(i) to conduct preemployment testing of com-
2 mercial motor vehicle operators for the use of alcohol;
3 and

4 “(ii) to use hair testing as an acceptable alter-
5 native to urinalysis—

6 “(I) in conducting preemployment screening
7 for the use of a controlled substance; and

8 “(II) in conducting random screening for
9 the use of a controlled substance by individuals
10 who were subject to preemployment screening.”;

11 and

12 (2) in subsection (c)(2)—

13 (A) in subparagraph (B), by striking “and”
14 at the end;

15 (B) in subparagraph (C), by inserting
16 “and” after the semicolon; and

17 (C) by adding at the end the following:

18 “(D) laboratory protocols and cut-off levels
19 for hair testing to detect the use of a controlled
20 substance;”.

21 (c) *EXEMPTION FROM MANDATORY URINALYSIS.*—

22 (1) *IN GENERAL.*—Any motor carrier that dem-
23 onstrates, to the satisfaction of the Administrator of
24 the Federal Motor Carrier Safety Administration, in
25 consultation with the Department of Health and

1 *Human Services, that it can carry out an applicable*
2 *hair testing program, consistent with generally ac-*
3 *cepted industry standards, to detect the use of a con-*
4 *trolled substance by commercial motor vehicle opera-*
5 *tors, may apply to the Administrator for an exemp-*
6 *tion from the mandatory urinalysis testing require-*
7 *ments set forth in subpart C of part 382 of title 49,*
8 *Code of Federal Regulations until a final rule is*
9 *issued implementing the amendments made by sub-*
10 *section (b).*

11 (2) *EVALUATION OF APPLICATIONS.—*

12 (A) *IN GENERAL.—In evaluating applica-*
13 *tions for an exemption under paragraph (1), the*
14 *Administrator, in consultation with the Depart-*
15 *ment of Health and Human Services, shall deter-*
16 *mine if the applicant’s testing program employs*
17 *procedures and protections similar to fleets that*
18 *have carried out hair testing programs for at*
19 *least 1 year.*

20 (B) *REQUIREMENTS.—A testing program*
21 *may not receive an exemption under paragraph*
22 *(1) unless the applicable testing laboratories—*

23 (i) *have obtained laboratory accredita-*
24 *tion specific to hair testing from an accred-*
25 *iting body, compliant with international or*

1 *other Federal standards, as appropriate,*
2 *such as the College of American Patholo-*
3 *gists; and*

4 *(ii) utilize hair testing assays that*
5 *have been cleared by the Food and Drug*
6 *Administration under section 510(k) of the*
7 *Federal Food, Drug and Cosmetic Act (21*
8 *U.S.C. 360(k)).*

9 (3) *DEADLINE FOR DECISIONS.*—*Not later than*
10 *90 days after receiving an application from a motor*
11 *carrier under this subsection, the Administrator, in*
12 *consultation with the Secretary of Health and*
13 *Human Services, shall determine whether the motor*
14 *carrier is exempt from the testing requirements de-*
15 *scribed in paragraph (1).*

16 (4) *REPORTING REQUIREMENT.*—*Any motor car-*
17 *rier that is granted an exemption under paragraph*
18 *(1) shall submit records to the national clearinghouse*
19 *established under section 31306a of title 49, United*
20 *States Code, relating to all positive test results and*
21 *test refusals from the hair testing program described*
22 *in that paragraph.*

23 (d) *GUIDELINES FOR HAIR TESTING.*—*Not later than*
24 *1 year after the date of the enactment of this Act, the Sec-*
25 *retary of Health and Human Services shall issue scientific*

1 *and technical guidelines for hair testing as a method of de-*
2 *tecting the use of a controlled substance for purposes of sec-*
3 *tion 31306 of title 49, United States Code, as amended by*
4 *subsection (b). When issuing the scientific and technical*
5 *guidelines, the Secretary of Health and Human Services*
6 *may consider differentiating between exposure to, and usage*
7 *of, various controlled substances.*

8 (e) *ANNUAL REPORT TO CONGRESS.—The Secretary*
9 *shall submit an annual report to Congress that—*

10 (1) *summarizes the results of preemployment and*
11 *random drug testing using both hair testing and uri-*
12 *nalysis;*

13 (2) *evaluates the efficacy of each method; and*

14 (3) *determines which method provides the most*
15 *accurate means of detecting the use of controlled sub-*
16 *stances over time.*

17 **TITLE XXXIII—HAZARDOUS**
18 **MATERIALS**

19 **SEC. 33101. ENDORSEMENTS.**

20 (a) *EXCLUSIONS.—Section 5117(d)(1) is amended—*

21 (1) *in subparagraph (B), by striking “and” at*
22 *the end;*

23 (2) *in subparagraph (C), by striking the period*
24 *at the end and inserting “; and”; and*

25 (3) *by adding at the end the following:*

1 “(D) a service vehicle (as defined in section
2 33101 of the Comprehensive Transportation and
3 Consumer Protection Act of 2015) carrying die-
4 sel fuel in quantities of 3,785 liters (1,000 gal-
5 lons) or less that is—

6 “(i) driven by a class A commercial
7 driver’s license holder who is a custom har-
8 vester, an agricultural retailer, an agricul-
9 tural business employee, an agricultural co-
10 operative employee, or an agricultural pro-
11 ducer; and

12 “(ii) clearly marked with a placard
13 reading ‘Diesel Fuel’.”.

14 (b) *HAZARDOUS MATERIALS ENDORSEMENT EXEMP-*
15 *TION.—The Secretary shall exempt all class A commercial*
16 *driver’s license holders who are custom harvesters, agricul-*
17 *tural retailers, agricultural business employees, agricul-*
18 *tural cooperative employees, or agricultural producers from*
19 *the requirement to obtain a hazardous materials endorse-*
20 *ment under part 383 of title 49, Code of Federal Regula-*
21 *tions, while operating a service vehicle carrying diesel fuel*
22 *in quantities of 3,785 liters (1,000 gallons) or less if the*
23 *tank containing such fuel is clearly marked with a placard*
24 *reading “Diesel Fuel”.*

1 (c) *DEFINITION OF SERVICE VEHICLE.*—*In this sec-*
 2 *tion, the term “service vehicle” means a vehicle carrying*
 3 *diesel fuel that will be deductible as a profit-seeking activ-*
 4 *ity—*

5 (1) *under section 162 of the Internal Revenue*
 6 *Code of 1986 as a business expense; or*

7 (2) *under section 212 of the Internal Revenue*
 8 *Code of 1986 as a production of income expense.*

9 **SEC. 33102. ENHANCED REPORTING.**

10 *Section 5121(h) is amended by striking “transmit to*
 11 *the Committee on Transportation and Infrastructure of the*
 12 *House of Representatives and the Committee on Commerce,*
 13 *Science, and Transportation of the Senate” and inserting*
 14 *“post on the Department of Transportation public website”.*

15 **SEC. 33103. HAZARDOUS MATERIAL INFORMATION.**

16 (a) *DERAILMENT DATA.*—

17 (1) *IN GENERAL.*—*Not later than 180 days after*
 18 *the date of enactment of this Act, the Secretary shall*
 19 *revise the form for reporting a rail equipment acci-*
 20 *dent or incident under section 225.21 of title 49, Code*
 21 *of Federal Regulations (Form FRA F 6180.54, Rail*
 22 *Equipment Accident/Incident Report), including to*
 23 *its instructions, to require additional data concerning*
 24 *rail cars carrying crude oil or ethanol that are in-*

1 *involved in a reportable rail equipment accident or in-*
2 *cident under part 225 of that title.*

3 (2) *CONTENTS.—The data under subsection (a)*
4 *shall include—*

5 (A) *the number of rail cars carrying crude*
6 *oil or ethanol;*

7 (B) *the number of rail cars carrying crude*
8 *oil or ethanol damaged or derailed; and*

9 (C) *the number of rail cars releasing crude*
10 *oil or ethanol.*

11 (3) *DIFFERENTIATION.—The data described in*
12 *paragraph (2) shall be reported separately for crude*
13 *oil and for ethanol.*

14 (b) *DATABASE CONNECTIVITY.—*

15 (1) *IN GENERAL.—Not later than 180 days after*
16 *the date of enactment of this Act, the Secretary shall*
17 *implement information management practices to en-*
18 *sure that the Pipeline and Hazardous Materials Safe-*
19 *ty Administration Hazardous Materials Incident Re-*
20 *ports Database (referred to in this section as “Inci-*
21 *dent Reports Database”)* and the Federal Railroad
22 *Administration Railroad Safety Information System*
23 *contain accurate and consistent data on a reportable*
24 *rail equipment accident or incident under part 225*

1 of title 49, Code of Federal Regulations, involving the
2 release of hazardous materials.

3 (2) *IDENTIFIERS.*—The Secretary shall ensure
4 that the Incident Reports Database uses a searchable
5 Federal Railroad Administration report number, or
6 other applicable unique identifier that is linked to the
7 Federal Railroad Safety Information System, for each
8 reportable rail equipment accident or incident under
9 part 225 of title 49, Code of Federal Regulations, in-
10 volving the release of hazardous materials.

11 (c) *EVALUATION.*—

12 (1) *IN GENERAL.*—The Department of Transpor-
13 tation Inspector General shall—

14 (A) evaluate the accuracy of information in
15 the Incident Reports Database, including deter-
16 mining whether any inaccuracies exist in—

17 (i) the type of hazardous materials re-
18 leased;

19 (ii) the quantity of hazardous mate-
20 rials released;

21 (iii) the location of hazardous mate-
22 rials released;

23 (iv) the damages or effects of hazardous
24 materials released; and

1 (v) any other data contained in the
2 database; and

3 (B) considering the requirements in sub-
4 section (b), evaluate the consistency and accu-
5 racy of data involving accidents or incidents re-
6 portable to both the Pipeline and Hazardous Ma-
7 terials Safety Administration and the Federal
8 Railroad Administration, including whether the
9 Incident Reports Database uses a searchable
10 identifier described in subsection (b)(2).

11 (2) *REPORT.*—Not later than 18 months after the
12 date of enactment of this Act, the Department of
13 Transportation Inspector General shall submit to the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representa-
17 tives a report of the findings under subparagraphs
18 (A) and (B) of paragraph (1) and recommendations
19 for resolving any inconsistencies or inaccuracies.

20 (d) *SAVINGS CLAUSE.*—Nothing in this section may
21 be construed to prohibit the Secretary from requiring other
22 commodity-specific information for any reportable rail
23 equipment accident or incident under part 225 of title 49,
24 Code of Federal Regulations.

1 **SEC. 33104. NATIONAL EMERGENCY AND DISASTER RE-**
2 **SPONSE.**

3 (a) *PURPOSE.*—Section 5101 is amended by inserting
4 and “and to facilitate the safe movement of hazardous mate-
5 rials during national emergencies” after “commerce”.

6 (b) *GENERAL REGULATORY AUTHORITY.*—Section
7 5103 is amended—

8 (1) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively; and

10 (2) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) *FEDERALLY DECLARED DISASTER AND EMER-*
13 *GENCY AREAS.*—The Secretary, in consultation with the
14 Secretary of Homeland Security, may prescribe standards
15 to facilitate the safe movement of hazardous materials into,
16 from, and within a federally declared disaster area or a
17 national emergency area.”.

18 **SEC. 33105. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 5128 is amended to read as follows:

20 **“§ 5128. Authorization of appropriations**

21 “(a) *IN GENERAL.*—There are authorized to be appro-
22 priated to the Secretary to carry out this chapter (except
23 sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

24 “(1) \$43,660,000 for fiscal year 2016;

25 “(2) \$44,577,000 for fiscal year 2017;

26 “(3) \$45,513,000 for fiscal year 2018;

1 “(4) \$46,469,000 for fiscal year 2019;

2 “(5) \$47,445,000 for fiscal year 2020; and

3 “(6) \$48,441,000 for fiscal year 2021.

4 “(b) *HAZARDOUS MATERIALS EMERGENCY PRE-*
5 *PAREDNESS FUND.*—*From the Hazardous Materials Emer-*
6 *gency Preparedness Fund established under section 5116(i),*
7 *the Secretary may expend, during each of fiscal years 2016*
8 *through 2021—*

9 “(1) \$188,000 to carry out section 5115;

10 “(2) \$21,800,000 to carry out subsections (a)
11 *and (b) of section 5116, of which not less than*
12 *\$13,650,000 shall be available to carry out section*
13 *5116(b);*

14 “(3) \$150,000 to carry out section 5116(f);

15 “(4) \$625,000 to publish and distribute the
16 *Emergency Response Guidebook under section*
17 *5116(i)(3); and*

18 “(5) \$1,000,000 to carry out section 5116(j).

19 “(c) *HAZARDOUS MATERIALS TRAINING GRANTS.*—
20 *From the Hazardous Materials Emergency Preparedness*
21 *Fund established pursuant to section 5116(i), the Secretary*
22 *may expend \$4,000,000 for each of the fiscal years 2016*
23 *through 2021 to carry out section 5107(e).*

24 “(d) *CREDITS TO APPROPRIATIONS.*—

1 “(1) *EXPENSES.*—*In addition to amounts other-*
 2 *wise made available to carry out this chapter, the*
 3 *Secretary may credit amounts received from a State,*
 4 *Indian tribe, or other public authority or private en-*
 5 *tity for expenses the Secretary incurs in providing*
 6 *training to the State, authority, or entity.*

7 “(2) *AVAILABILITY OF AMOUNTS.*—*Amounts*
 8 *made available under this section shall remain avail-*
 9 *able until expended.”.*

10 ***TITLE XXXIV—HIGHWAY AND***
 11 ***MOTOR VEHICLE SAFETY***

12 ***Subtitle A—Highway Traffic Safety***

13 ***PART I—HIGHWAY SAFETY***

14 ***SEC. 34101. AUTHORIZATION OF APPROPRIATIONS.***

15 *(a) IN GENERAL.*—*The following sums are authorized*
 16 *to be appropriated out of the Highway Trust Fund (other*
 17 *than the Mass Transit Account):*

18 *(1) HIGHWAY SAFETY PROGRAMS.*—*For carrying*
 19 *out section 402 of title 23, United States Code—*

20 *(A) \$243,526,500 for fiscal year 2016;*

21 *(B) \$252,267,972 for fiscal year 2017;*

22 *(C) \$261,229,288 for fiscal year 2018;*

23 *(D) \$270,415,429 for fiscal year 2019;*

24 *(E) \$279,831,482 for fiscal year 2020; and*

25 *(F) \$289,482,646 for fiscal year 2021.*

1 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
2 *MENT.—For carrying out section 403 of title 23,*
3 *United States Code—*

4 (A) \$137,835,000 for fiscal year 2016;

5 (B) \$140,729,535 for fiscal year 2017;

6 (C) \$143,684,855 for fiscal year 2018;

7 (D) \$146,702,237 for fiscal year 2019;

8 (E) \$149,782,984 for fiscal year 2020; and

9 (F) \$152,928,427 for fiscal year 2021.

10 (3) *NATIONAL PRIORITY SAFETY PROGRAMS.—*
11 *For carrying out section 405 of title 23, United States*
12 *Code—*

13 (A) \$274,720,000 for fiscal year 2016;

14 (B) \$277,467,200 for fiscal year 2017;

15 (C) \$280,241,872 for fiscal year 2018;

16 (D) \$283,044,291 for fiscal year 2019;

17 (E) \$285,874,734 for fiscal year 2020; and

18 (F) \$288,733,481 for fiscal year 2021.

19 (4) *NATIONAL DRIVER REGISTER.—For the Na-*
20 *tional Highway Traffic Safety Administration to*
21 *carry out chapter 303 of title 49, United States*
22 *Code—*

23 (A) \$5,105,000 for fiscal year 2016;

24 (B) \$5,212,205 for fiscal year 2017;

25 (C) \$5,321,661 for fiscal year 2018;

1 (D) \$5,433,416 for fiscal year 2019;

2 (E) \$5,547,518 for fiscal year 2020; and

3 (F) \$5,664,016 for fiscal year 2021.

4 (5) *HIGH VISIBILITY ENFORCEMENT PROGRAM.*—

5 *For carrying out section 2009 of SAFETEA-LU (23*

6 *U.S.C. 402 note)*—

7 (A) \$29,290,000 for fiscal year 2016;

8 (B) \$29,582,900 for fiscal year 2017;

9 (C) \$29,878,729 for fiscal year 2018;

10 (D) \$30,177,516 for fiscal year 2019;

11 (E) \$30,479,291 for fiscal year 2020; and

12 (F) \$30,784,084 for fiscal year 2021.

13 (6) *ADMINISTRATIVE EXPENSES.*—*For adminis-*

14 *trative and related operating expenses of the National*

15 *Highway Traffic Safety Administration in carrying*

16 *out chapter 4 of title 23, United States Code, and this*

17 *subtitle*—

18 (A) \$25,755,000 for fiscal year 2016;

19 (B) \$26,012,550 for fiscal year 2017;

20 (C) \$26,272,676 for fiscal year 2018;

21 (D) \$26,535,402 for fiscal year 2019;

22 (E) \$26,800,756 for fiscal year 2020; and

23 (F) \$27,068,764 for fiscal year 2021.

24 (b) *PROHIBITION ON OTHER USES.*—*Except as other-*

25 *wise provided in chapter 4 of title 23, United States Code,*

1 *in this subtitle, and in the amendments made by this sub-*
2 *title, the amounts made available from the Highway Trust*
3 *Fund (other than the Mass Transit Account) for a program*
4 *under such chapter—*

5 (1) *shall only be used to carry out such program;*
6 *and*

7 (2) *may not be used by States or local govern-*
8 *ments for construction purposes.*

9 (c) *APPLICABILITY OF TITLE 23.—Except as otherwise*
10 *provided in chapter 4 of title 23, United States Code, and*
11 *in this subtitle, amounts made available under subsection*
12 *(a) for fiscal years 2016 through 2021 shall be available*
13 *for obligation in the same manner as if such funds were*
14 *apportioned under chapter 1 of title 23, United States Code.*

15 (d) *REGULATORY AUTHORITY.—Grants awarded*
16 *under this subtitle shall be in accordance with regulations*
17 *issued by the Secretary.*

18 (e) *STATE MATCHING REQUIREMENTS.—If a grant*
19 *awarded under this subtitle requires a State to share in*
20 *the cost, the aggregate of all expenditures for highway safety*
21 *activities made during any fiscal year by the State and*
22 *its political subdivisions (exclusive of Federal funds) for*
23 *carrying out the grant (other than planning and adminis-*
24 *tration) shall be available for the purpose of crediting the*
25 *State during such fiscal year for the non-Federal share of*

1 *the cost of any project under this subtitle (other than plan-*
2 *ning or administration) without regard to whether such ex-*
3 *penditures were actually made in connection with such*
4 *project.*

5 (f) *GRANT APPLICATION AND DEADLINE.*—*To receive*
6 *a grant under this subtitle, a State shall submit an applica-*
7 *tion, and the Secretary shall establish a single deadline for*
8 *such applications to enable the award of grants early in*
9 *the next fiscal year.*

10 (g) *TRANSFERS.*—*Section 405(a)(1)(G) of title 23,*
11 *United States Code, is amended to read as follows:*

12 “(G) *TRANSFERS.*—*Notwithstanding sub-*
13 *paragraphs (A) through (F), the Secretary shall*
14 *reallocate, before the last day of any fiscal year,*
15 *any amounts remaining available of the*
16 *amounts allocated to carry out any of the activi-*
17 *ties described in subsections (b) through (g) to*
18 *increase the amount made available to carry out*
19 *section 402, in order to ensure, to the maximum*
20 *extent possible, that all such amounts are obli-*
21 *gated during such fiscal year.”.*

22 **SEC. 34102. HIGHWAY SAFETY PROGRAMS.**

23 (a) *RESTRICTION.*—*Section 402(g) of title 23, United*
24 *States Code, is amended to read as follows:*

1 “(g) *RESTRICTION*.—Nothing in this section may be
2 construed to authorize the appropriation or expenditure of
3 funds for highway construction, maintenance, or design
4 (other than design of safety features of highways to be incor-
5 porated into guidelines).”.

6 (b) *USE OF FUNDS*.—

7 (1) *HIGHWAY SAFETY PROGRAMS*.—Section
8 402(c)(2) of title 23, United States Code, is amended
9 by inserting “A State may provide the funds appor-
10 tioned under this section to a political subdivision of
11 a State, including Indian tribal governments.” after
12 “neighboring States.”.

13 (2) *NATIONAL PRIORITY SAFETY PROGRAMS*.—
14 Section 405(a)(1) is amended by adding at the end
15 the following:

16 “(I) *POLITICAL SUBDIVISIONS*.—A State
17 may provide the funds awarded under this sec-
18 tion to a political subdivision of a State, includ-
19 ing Indian tribal governments.”.

20 (c) *TRACKING PROCESS*.—Section 412 of title 23,
21 United States Code, is amended by adding at the end the
22 following:

23 “(f) *TRACKING PROCESS*.—The Secretary shall develop
24 a process to identify and mitigate possible systemic issues
25 across States and regional offices by reviewing oversight

1 *findings and recommended actions identified in triennial*
2 *State management reviews.”.*

3 (d) *HIGHWAY SAFETY PLANS.*—Section 402(k)(5)(A)
4 *of title 23, United States Code, is amended by striking “60”*
5 *and inserting “45”.*

6 (e) *MAINTENANCE OF EFFORT.*—Section 405(a)(1)(H)
7 *of title 23, United States Code, is amended to read as fol-*
8 *lows:*

9 “(H) *MAINTENANCE OF EFFORT CERTIFI-*
10 *CATION.*—As part of the grant application re-
11 *quired in section 402(k)(3)(F), a State receiving*
12 *a grant in any fiscal year under subsection (b),*
13 *subsection (c), or subsection (d) of this section*
14 *shall provide certification that the lead State*
15 *agency responsible for programs described in any*
16 *of those sections is maintaining aggregate ex-*
17 *penditures at or above the average level of such*
18 *expenditures in the 2 fiscal years prior to the*
19 *date of enactment of the Comprehensive Trans-*
20 *portation and Consumer Protection Act of*
21 *2015.”.*

22 **SEC. 34103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK**
23 **LAWS AND 24–7 SOBRIETY PROGRAMS.**

24 Section 405(d) of title 23, United States Code, is
25 *amended—*

1 (1) *in paragraph (6)—*

2 (A) *by amending the heading to read as fol-*
3 *lows: “ADDITIONAL GRANTS.—”;*

4 (B) *in subparagraph (A), by amending the*
5 *heading to read as follows: “GRANTS TO STATES*
6 *WITH ALCOHOL-IGNITION INTERLOCK LAWS.—”;*

7 (C) *by redesignating subparagraphs (B)*
8 *through (D) as subparagraphs (C) through (E),*
9 *respectively;*

10 (D) *by inserting after subparagraph (A),*
11 *the following:*

12 “(B) GRANTS TO STATES WITH 24-7 SOBRI-

13 *ETY PROGRAMS.—The Secretary shall make a*
14 *separate grant under this subsection to each*
15 *State that—*

16 “(i) *adopts and is enforcing a law that*
17 *requires all individuals convicted of driving*
18 *under the influence of alcohol or of driving*
19 *while intoxicated to receive a restriction on*
20 *driving privileges; and*

21 “(ii) *provides a 24-7 sobriety pro-*
22 *gram.”;*

23 (E) *in subparagraph (C), as redesignated,*
24 *by inserting “and subparagraph (B)” after “sub-*
25 *paragraph (A)”;*

1 (F) in subparagraph (D), as redesignated,
2 by inserting “and subparagraph (B)” after “sub-
3 paragraph (A)”;

4 (G) by amending subparagraph (E), as re-
5 designated, to read as follows:

6 “(E) FUNDING.—

7 “(i) FUNDING FOR GRANTS TO STATES
8 WITH ALCOHOL-IGNITION INTERLOCK
9 LAWS.—Not more than 12 percent of the
10 amounts made available to carry out this
11 subsection in a fiscal year shall be made
12 available by the Secretary for making
13 grants under subparagraph (A).

14 “(ii) FUNDING FOR GRANTS TO STATES
15 WITH 24-7 SOBRIETY PROGRAMS.—Not more
16 than 3 percent of the amounts made avail-
17 able to carry out this subsection in a fiscal
18 year shall be made available by the Sec-
19 retary for making grants under subpara-
20 graph (B).”;

21 (H) by adding at the end the following:

22 “(F) EXCEPTIONS.—A State alcohol-igni-
23 tion interlock law under subparagraph (A) may
24 include exceptions for the following cir-
25 cumstances:

1 “(i) *The individual is required to oper-*
2 *ate an employer’s motor vehicle in the*
3 *course and scope of employment and the*
4 *business entity that owns the vehicle is not*
5 *owned or controlled by the individual.*

6 “(ii) *The individual is certified by a*
7 *medical doctor as being unable to provide a*
8 *deep lung breath sample for analysis by an*
9 *ignition interlock device.”; and*

10 (2) *in paragraph (7)(A)—*

11 (A) *in the matter preceding clause (i)—*

12 (i) *by striking “or a State agency”*
13 *and inserting “or an agency with jurisdic-*
14 *tion”;* and

15 (ii) *by inserting “bond,” before “sen-*
16 *tence”;*

17 (B) *in clause (i), by striking “who plead*
18 *guilty or” and inserting “who was arrested,*
19 *plead guilty, or”;* and

20 (C) *in clause (ii), by inserting “at a testing*
21 *location” after “per day”.*

22 **SEC. 34104. REPEAT OFFENDER CRITERIA.**

23 *Section 164(a) of title 23, United States Code, is*
24 *amended—*

1 (1) by redesignating paragraphs (1) through (4)
2 as paragraphs (2) through (5), respectively;

3 (2) by inserting before paragraph (2), as redesign-
4 nated, the following:

5 “(1) 24–7 SOBRIETY PROGRAM.—The term ‘24–
6 7 sobriety program’ has the meaning given the term
7 in section 405(d)(7)(A).”;

8 (3) in paragraph (5), as redesignated—

9 (A) in the matter preceding subparagraph
10 (A), by inserting “or combination of laws or pro-
11 grams” after “State law”; and

12 (B) by amending subparagraph (A) to read
13 as follows:

14 “(A) receive, for a period of not less than 1
15 year—

16 “(i) a suspension of all driving privi-
17 leges;

18 “(ii) a restriction on driving privileges
19 that limits the individual to operating only
20 motor vehicles with an ignition interlock de-
21 vice installed, unless a special exception ap-
22 plies;

23 “(iii) a restriction on driving privi-
24 leges that limits the individual to operating
25 motor vehicles only if participating in, and

1 *complying with, a 24–7 sobriety program;*

2 *or*

3 *“(iv) any combination of clauses (i)*

4 *through (iii);”;*

5 *(C) by striking subparagraph (B);*

6 *(D) by redesignating subparagraphs (C)*

7 *and (D) as subparagraphs (B) and (C), respec-*

8 *tively; and*

9 *(E) in subparagraph (C), as redesignated—*

10 *(i) in clause (i)—*

11 *(I) in subclause (I), by striking “;*

12 *or” and inserting a semicolon;*

13 *(II) in subclause (II), by striking*

14 *“; and”; and inserting “; or”; and*

15 *(III) by adding at the end the fol-*

16 *lowing:*

17 *“(III) the State certifies that the*

18 *general practice is that such an indi-*

19 *vidual will be incarcerated; and”; and*

20 *(ii) in clause (ii)—*

21 *(I) in subclause (I), by striking “;*

22 *or” and inserting a semicolon;*

23 *(II) in subclause (II), by striking*

24 *“; and”; and inserting “; or”; and*

1 (III) by adding at the end the fol-
2 lowing:

3 “(III) the State certifies that the
4 general practice is that such an indi-
5 vidual will receive approximately 10
6 days of incarceration.”; and

7 (4) by adding at the end—

8 “(6) *SPECIAL EXCEPTION.*—The term ‘special ex-
9 ception’ means an exception under a State alcohol-ig-
10 nition interlock law for the following circumstances:

11 “(A) The individual is required to operate
12 an employer’s motor vehicle in the course and
13 scope of employment and the business entity that
14 owns the vehicle is not owned or controlled by
15 the individual.

16 “(B) The individual is certified by a med-
17 ical doctor as being unable to provide a deep
18 lung breath sample for analysis by an ignition
19 interlock device.”.

20 **SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY**
21 **OF ALCOHOL AND DRUG USE BY DRIVERS.**

22 Not later than 180 days after the date that the Comp-
23 troller General reviews and reports on the overall value of
24 the National Roadside Survey to researchers and other pub-
25 lic safety stakeholders, the differences between a National

1 *Roadside Survey site and typical law enforcement check-*
2 *points, and the effectiveness of the National Roadside Sur-*
3 *vey methodology at protecting the privacy of the driving*
4 *public, as requested by the Committee on Appropriations*
5 *of the Senate on June 5, 2014 (Senate Report 113–182),*
6 *the Secretary shall report to Congress on the National High-*
7 *way Traffic Safety Administration’s progress toward re-*
8 *viewing that report and implementing any recommenda-*
9 *tions made in that report.*

10 **SEC. 34106. INCREASING PUBLIC AWARENESS OF THE DAN-**
11 **GERs OF DRUG-IMPAIRED DRIVING.**

12 (a) *ADDITIONAL ACTIONS.*—*The Administrator of the*
13 *National Highway Traffic Safety Administration, in con-*
14 *sultation with the White House Office of National Drug*
15 *Control Policy, the Secretary of Health and Human Serv-*
16 *ices, State highway safety offices, and other interested par-*
17 *ties, as determined by the Administrator, shall identify and*
18 *carry out additional actions that should be undertaken by*
19 *the Administration to assist States in their efforts to in-*
20 *crease public awareness of the dangers of drug-impaired*
21 *driving, including the dangers of driving while under the*
22 *influence of heroin or prescription opioids.*

23 (b) *REPORT.*—*Not later than 60 days after the date*
24 *of enactment of this Act, the Administrator shall submit*
25 *a report to the Committee on Commerce, Science, and*

1 *Transportation of the Senate and the Committee on Trans-*
2 *portation and Infrastructure of the House of Representa-*
3 *tives that describes the additional actions undertaken by the*
4 *Administration pursuant to subsection (a).*

5 **SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON**
6 **CHILD OCCUPANTS IN VEHICLE CRASHES.**

7 (a) *IN GENERAL.*—*Not later than 1 year after the date*
8 *of enactment of this Act, the Secretary shall revise the crash*
9 *investigation data collection system of the National High-*
10 *way Traffic Safety Administration to include the collection*
11 *of the following data in connection with vehicle crashes*
12 *whenever a child restraint system was in use in a vehicle*
13 *involved in a crash:*

14 (1) *The type or types of child restraint systems*
15 *in use during the crash in any vehicle involved in the*
16 *crash, including whether a five-point harness or belt-*
17 *positioning booster.*

18 (2) *If a five-point harness child restraint system*
19 *was in use during the crash, whether the child re-*
20 *straint system was forward-facing or rear-facing in*
21 *the vehicle concerned.*

22 (b) *CONSULTATION.*—*In implementing subsection (a),*
23 *the Secretary shall work with law enforcement officials,*
24 *safety advocates, the medical community, and research or-*
25 *ganizations to improve the recordation of data described in*

1 subsection (a) in police and other applicable incident re-
2 ports.

3 (c) *REPORT.*—Not later than 3 years after the date of
4 enactment of this Act, the Secretary shall submit to the
5 Committee on Commerce, Science, and Transportation of
6 the Senate and the Committee on Energy and Commerce
7 of the House of Representatives a report on child occupant
8 crash data collection in the crash investigation data collec-
9 tion system of the National Highway Traffic Safety Admin-
10 istration pursuant to the revision required by subsection
11 (a).

12 **PART II—STOP MOTORCYCLE CHECKPOINT**

13 **FUNDING ACT**

14 **SEC. 34121. SHORT TITLE.**

15 This part may be cited as the “Stop Motorcycle Check-
16 point Funding Act”.

17 **SEC. 34122. GRANT RESTRICTION.**

18 Notwithstanding section 153 of title 23, United States
19 Code, the Secretary may not provide a grant or any funds
20 to a State, county, town, township, Indian tribe, munici-
21 pality, or other local government that may be used for any
22 program—

23 (1) to check helmet usage; or

24 (2) to create checkpoints that specifically target
25 motorcycle operators or motorcycle passengers.

1 **PART III—IMPROVING DRIVER SAFETY ACT OF**
2 **2015**

3 **SEC. 34131. SHORT TITLE.**

4 *This part may be cited as the “Improving Driver Safe-*
5 *ty Act of 2015”.*

6 **SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.**

7 *Section 405(e) of title 23, United States Code, is*
8 *amended—*

9 (1) *in paragraph (1), by inserting “includes dis-*
10 *tracted driving issues as part of the State’s driver’s*
11 *license examination and” after “any State that”;*

12 (2) *in paragraph (2)—*

13 (A) *in subparagraph (B), by striking “and”*
14 *at the end;*

15 (B) *by amending subparagraph (C) to read*
16 *as follows:*

17 *“(C) establishes a minimum fine for a vio-*
18 *lation of the statute; and”;* and

19 (C) *by adding at the end the following:*

20 *“(D) does not provide for an exception that*
21 *specifically allows a driver to use a personal*
22 *wireless communications device for texting while*
23 *stopped in traffic.”;*

24 (3) *in paragraph (3)—*

25 (A) *by amending subparagraph (A) to read*
26 *as follows:*

1 “(A) prohibits the use of a personal wireless
2 communications device while driving for driv-
3 ers—

4 “(i) younger than 18 years of age; or
5 “(ii) in the learner’s permit and inter-
6 mediate license stages;”; and

7 (B) by striking subparagraphs (C) and (D)
8 and inserting the following:

9 “(C) establishes a minimum fine for a vio-
10 lation of the statute; and

11 “(D) does not provide for an exception that
12 specifically allows a driver to text through a per-
13 sonal wireless communications device while
14 stopped in traffic.”; and

15 (4) in paragraph (4)—

16 (A) in subparagraph (B)(ii), by striking
17 “and” at the end;

18 (B) in subparagraph (C)—

19 (i) by striking “section 31152” and in-
20 serting “section 31136”; and

21 (ii) by striking the period at the end
22 and inserting “; and”; and

23 (C) by adding at the end the following:

1 “(D) any additional exceptions determined
2 by the Secretary through the rulemaking proc-
3 ess.”;

4 (5) by amending paragraph (6) to read as fol-
5 lows:

6 “(6) *ADDITIONAL DISTRACTED DRIVING*
7 *GRANTS.—*

8 “(A) *IN GENERAL.—Notwithstanding para-*
9 *graph (1), the Secretary shall use up to 50 per-*
10 *cent of the amounts available for grants under*
11 *this subsection to award grants to any State*
12 *that—*

13 “(i) in fiscal year 2017—

14 “(I) certifies that it has enacted a
15 basic text messaging statute that—

16 “(aa) is applicable to drivers
17 of all ages; and

18 “(bb) makes violation of the
19 basic text messaging statute a pri-
20 mary offense or secondary enforce-
21 ment action as allowed by State
22 statute; and

23 “(II) is otherwise ineligible for a
24 grant under this subsection; and

25 “(ii) in fiscal year 2018—

1 “(I) meets the requirements under
2 clause (i);

3 “(II) imposes fines for violations;
4 and

5 “(III) has a statute that prohibits
6 drivers who are younger than 18 years
7 of age from using a personal wireless
8 communications device while driving.

9 “(B) USE OF GRANT FUNDS.—

10 “(i) IN GENERAL.—Notwithstanding
11 paragraph (5) and subject to clauses (ii)
12 and (iii) of this subparagraph, amounts re-
13 ceived by a State under subparagraph (A)
14 may be used for activities related to the en-
15 forcement of distracted driving laws, includ-
16 ing for public information and awareness
17 purposes.

18 “(ii) FISCAL YEAR 2017.—In fiscal year
19 2017, up to 15 percent of the amounts re-
20 ceived by a State under subparagraph (A)
21 may be used for any eligible project or ac-
22 tivity under section 402.

23 “(iii) FISCAL YEAR 2018.—In fiscal
24 year 2018, up to 25 percent of the amounts
25 received by a State under subparagraph (A)

1 *may be used for any eligible project or ac-*
2 *tivity under section 402.”; and*

3 *(6) in paragraph (9)(A)(i), by striking “, includ-*
4 *ing operation while temporarily stationary because of*
5 *traffic, a traffic light or stop sign, or otherwise”.*

6 **SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.**

7 *Not later than 180 days after the date of the enactment*
8 *of this Act, the Administrator of the National Highway*
9 *Traffic Safety Administration shall submit a report to the*
10 *Committee on Commerce, Science, and Transportation of*
11 *the Senate, the Committee on Energy and Commerce of the*
12 *House of Representatives, and the Committee on Transpor-*
13 *tation and Infrastructure of the House of Representatives*
14 *that—*

15 *(1) identifies any legal and technical barriers to*
16 *capturing adequate data on the prevalence of the use*
17 *of wireless communications devices while driving; and*

18 *(2) provides recommendations on how to address*
19 *such barriers.*

20 **SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRAD-**
21 **UATED DRIVER LICENSING INCENTIVE**
22 **GRANT PROGRAM.**

23 *Section 405(g)(2) of title 23, United States Code, is*
24 *amended—*

1 (1) *in subparagraph (A), by striking “21” and*
2 *inserting “18”; and*

3 (2) *by amending subparagraph (B) to read as*
4 *follows:*

5 “(B) *LICENSING PROCESS.—A State is in*
6 *compliance with the 2-stage licensing process de-*
7 *scribed in this subparagraph if the State’s driv-*
8 *er’s license laws include—*

9 “(i) *a learner’s permit stage that—*

10 “(I) *is at least 6 months in dura-*
11 *tion;*

12 “(II) *contains a prohibition on*
13 *the driver using a personal wireless*
14 *communications device (as defined in*
15 *subsection (e)) while driving except*
16 *under an exception permitted under*
17 *paragraph (4) of that subsection, and*
18 *makes a violation of the prohibition a*
19 *primary offense;*

20 “(III) *requires applicants to suc-*
21 *cessfully pass a vision and knowledge*
22 *assessment prior to receiving a learn-*
23 *er’s permit;*

24 “(IV) *requires that the driver be*
25 *accompanied and supervised at all*

1 *times while the driver is operating a*
2 *motor vehicle by a licensed driver who*
3 *is at least 21 years of age or is a*
4 *State-certified driving instructor;*

5 *“(V) has a requirement that the*
6 *driver—*

7 *“(aa) complete a State-cer-*
8 *tified driver education or training*
9 *course; or*

10 *“(bb) obtain at least 50 hours*
11 *of behind-the-wheel training, with*
12 *at least 10 hours at night, with a*
13 *licensed driver;*

14 *“(VI) remains in effect until the*
15 *driver—*

16 *“(aa) reaches 16 years of age*
17 *and enters the intermediate stage;*
18 *or*

19 *“(bb) reaches 18 years of age;*
20 *“(ii) an intermediate stage that—*

21 *“(I) commences immediately after*
22 *the expiration of the learner’s permit*
23 *stage and successful completion of a*
24 *driving skills assessment;*

1 “(II) is at least 6 months in du-
2 ration;

3 “(III) prohibits the driver from
4 using a personal wireless communica-
5 tions device (as defined in subsection
6 (e)) while driving except under an ex-
7 ception permitted under paragraph (4)
8 of that subsection, and makes a viola-
9 tion of the prohibition a primary of-
10 fense;

11 “(IV) for the first 6 month of the
12 intermediate stage, restricts driving at
13 night between the hours of 10:00 p.m.
14 and 5:00 a.m. when not supervised by
15 a licensed driver 21 years of age or
16 older, excluding transportation to
17 work, school, religious activities, or
18 emergencies;

19 “(V) prohibits the driver from op-
20 erating a motor vehicle with more than
21 1 nonfamilial passenger younger than
22 21 years of age unless a licensed driver
23 who is at least 21 years of age is in the
24 motor vehicle; and

1 “(VI) remains in effect until the
2 driver reaches 17 years of age; and

3 “(iii) a learner’s permit and inter-
4 mediate stage that require, in addition to
5 any other penalties imposed by State law,
6 the granting of an unrestricted driver’s li-
7 cense be automatically delayed for any indi-
8 vidual who, during the learner’s permit or
9 intermediate stage, is convicted of a driv-
10 ing-related offense during the first 6
11 months, including—

12 “(I) driving while intoxicated;

13 “(II) misrepresentation of the in-
14 dividual’s age;

15 “(III) reckless driving;

16 “(IV) driving without wearing a
17 seat belt;

18 “(V) speeding; or

19 “(VI) any other driving-related of-
20 fense, as determined by the Secretary.”.

1 **PART IV—TECHNICAL AND CONFORMING**

2 **AMENDMENTS**

3 **SEC. 34141. TECHNICAL CORRECTIONS TO THE MOTOR VE-**
4 **HICLE AND HIGHWAY SAFETY IMPROVEMENT**
5 **ACT OF 2012.**

6 (a) *HIGHWAY SAFETY PROGRAMS.*—Section 402 of
7 title 23, United States Code is amended—

8 (1) in subsection (b)(1)(C), by striking “except
9 as provided in paragraph (3),”;

10 (2) in subsection (b)(1)(E)—

11 (A) by striking “in which a State” and in-
12 serting “for which a State”; and

13 (B) by striking “subsection (f)” and insert-
14 ing “subsection (k)”; and

15 (3) in subsection (k)(4), by striking “paragraph
16 (2)(A)” and inserting “paragraph (3)(A)”.

17 (b) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
18 *MENT.*—Section 403(e) of title 23, United States Code is
19 amended by inserting “of title 49” after “chapter 301”.

20 (c) *NATIONAL PRIORITY SAFETY PROGRAMS.*—Section
21 405 of title 23, United States Code is amended—

22 (1) in subsection (d)(5), by striking “section
23 402(c)” and inserting “section 402”; and

24 (2) in subsection (f)(4)(A)(iv), by striking “de-
25 veloped under subsection (g)”.

1 **Subtitle B—Vehicle Safety**

2 **SEC. 34201. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) *IN GENERAL.*—Subject to subsection (b), there is
4 authorized to be appropriated to the Secretary to carry out
5 chapter 301 of title 49, and part C of subtitle VI of title
6 49, United States Code, amounts as follows:

7 (1) \$132,730,000 for fiscal year 2016.

8 (2) \$135,517,330 for fiscal year 2017.

9 (3) \$138,363,194 for fiscal year 2018.

10 (4) \$141,268,821 for fiscal year 2019.

11 (5) \$144,235,466 for fiscal year 2020.

12 (6) \$147,264,411 for fiscal year 2021.

13 (b) *ADDITIONAL AUTHORIZATION OF APPROPRIATIONS*
14 *IF A CERTIFICATION IS MADE.*—

15 (1) *IN GENERAL.*—In addition to the amounts
16 authorized to be appropriated under subsection (a) to
17 carry out chapter 301 of title 49, and part C of sub-
18 title VI of title 49, United States Code, if the certifi-
19 cation described in paragraph (2) is made during a
20 fiscal year there is authorized to be appropriated to
21 the Secretary for that purpose for that fiscal year and
22 subsequent fiscal years an additional amount as fol-
23 lows:

24 (A) \$46,270,000 for fiscal year 2016.

25 (B) \$51,537,670 for fiscal year 2017.

1 (C) \$57,296,336 for fiscal year 2018.

2 (D) \$62,999,728 for fiscal year 2019.

3 (E) \$69,837,974 for fiscal year 2020.

4 (F) \$76,656,407 for fiscal year 2021.

5 (2) *CERTIFICATION DESCRIBED.*—*The certifi-*
6 *cation described in this paragraph is a certification*
7 *made by the Secretary and submitted to Congress that*
8 *the National Highway Traffic Safety Administration*
9 *has implemented all of the recommendations in the*
10 *Office of Inspector General Audit Report issued June*
11 *18, 2015 (ST–2015–063). As part of the certification,*
12 *the Secretary shall review the actions the National*
13 *Highway Traffic Safety Administration has taken to*
14 *implement the recommendations and issue a report to*
15 *Congress detailing how the recommendations were im-*
16 *plemented. The Secretary shall not delegate or assign*
17 *the responsibility under this paragraph.*

18 **SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.**

19 (a) *IN GENERAL.*—*Not later than 90 days after the*
20 *date of enactment of this Act, and periodically thereafter*
21 *until the completion date, the Department of Transpor-*
22 *tation Inspector General shall report to the appropriate*
23 *committees of Congress on whether and what progress has*
24 *been made to implement the recommendations in the Office*

1 of *Inspector General Audit Report issued June 18, 2015*
2 (*ST-2015-063*).

3 (b) *IMPLEMENTATION PROGRESS.—The Administrator*
4 *of the National Highway Traffic Safety Administration*
5 *shall—*

6 (1) *not later than 90 days after the date of en-*
7 *actment of this Act, and periodically thereafter until*
8 *the completion date, provide a briefing to the appro-*
9 *priate committees of Congress on the actions the Ad-*
10 *ministrator has taken to implement the recommenda-*
11 *tions in the audit report described in subsection (a),*
12 *including a plan for implementing any remaining*
13 *recommendations; and*

14 (2) *not later than 1 year after the date of enact-*
15 *ment of this Act, issue a final report to the appro-*
16 *priate committees of Congress on the implementation*
17 *of all of the recommendations in the audit report de-*
18 *scribed in subsection (a).*

19 (c) *DEFINITIONS.—In this section:*

20 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*
21 *The term “appropriate committees of Congress”*
22 *means the Committee on Commerce, Science, and*
23 *Transportation of the Senate and the Committee on*
24 *Energy and Commerce of the House of Representa-*
25 *tives.*

1 (2) *COMPLETION DATE.*—*The term “completion*
2 *date” means the date that the National Highway*
3 *Traffic Safety Administration has implemented all of*
4 *the recommendations in the Office of Inspector Gen-*
5 *eral Audit Report issued June 18, 2015 (ST–2015–*
6 *063).*

7 **SEC. 34203. IMPROVEMENTS IN AVAILABILITY OF RECALL**
8 **INFORMATION.**

9 (a) *VEHICLE RECALL INFORMATION.*—*Not later than*
10 *2 years after the date of enactment of this Act, the Secretary*
11 *shall implement current information technology, web design*
12 *trends, and best practices that will help ensure that motor*
13 *vehicle safety recall information available to the public on*
14 *the Federal website is readily accessible and easy to use,*
15 *including—*

16 (1) *by improving the organization, availability,*
17 *readability, and functionality of the website;*

18 (2) *by accommodating high-traffic volume; and*

19 (3) *by establishing best practices for scheduling*
20 *routine website maintenance.*

21 (b) *GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC*
22 *AWARENESS REPORT.*—

23 (1) *IN GENERAL.*—*The Comptroller General shall*
24 *study the current use by consumers, dealers, and*
25 *manufacturers of the safety recall information made*

1 available to the public, including the usability and
2 content of the Federal and manufacturers' websites
3 and the National Highway Traffic Safety Adminis-
4 tration's efforts to publicize and educate consumers
5 about safety recall information.

6 (2) *REPORT.*—Not later than 2 years after the
7 date of enactment of this Act, the Comptroller General
8 shall issue a report with the findings of the study
9 under paragraph (1), including recommending any
10 actions the Secretary can take to improve public
11 awareness and use of the websites for safety recall in-
12 formation.

13 (c) *PROMOTION OF PUBLIC AWARENESS.*—Section
14 31301(c) of the *Moving Ahead for Progress in the 21st Cen-*
15 *tury Act* (49 U.S.C. 30166 note) is amended to read as fol-
16 lows:

17 “(c) *PROMOTION OF PUBLIC AWARENESS.*—The Sec-
18 retary shall improve public awareness of safety recall infor-
19 mation made publicly available by periodically updating
20 the method of conveying that information to consumers,
21 dealers, and manufacturers, such as through public service
22 announcements.”.

23 (d) *CONSUMER GUIDANCE.*—Not later than 1 year
24 after the date of enactment of this Act, the Secretary shall
25 make available to the public on the Internet detailed guid-

1 *ance for consumers submitting safety complaints, includ-*
2 *ing—*

3 *(1) a detailed explanation of what information*
4 *a consumer should include in a complaint; and*

5 *(2) a detailed explanation of the possible actions*
6 *the National Highway Traffic Safety Administration*
7 *can take to address a complaint and respond to the*
8 *consumer, including information on—*

9 *(A) the consumer records, such as photo-*
10 *graphs and police reports, that could assist with*
11 *an investigation; and*

12 *(B) the length of time a consumer should re-*
13 *tain the records described in subparagraph (A).*

14 *(e) VIN SEARCH.—*

15 *(1) IN GENERAL.—The Secretary, in coordina-*
16 *tion with industry, including manufacturers and*
17 *dealers, shall study—*

18 *(A) the feasibility of searching multiple ve-*
19 *hicle identification numbers at a time to retrieve*
20 *motor vehicle safety recall information; and*

21 *(B) the feasibility of making the search*
22 *mechanism described under subparagraph (A)*
23 *publicly available.*

24 *(2) CONSIDERATIONS.—In conducting the study*
25 *under paragraph (1), the Secretary shall consider the*

1 *potential costs, and potential risks to privacy and se-*
2 *curity in implementing such a search mechanism.*

3 **SEC. 34204. RECALL PROCESS.**

4 *(a) NOTIFICATION IMPROVEMENT.—*

5 *(1) IN GENERAL.—Not later than 270 days after*
6 *the date of enactment of this Act, the Secretary shall*
7 *prescribe a final rule revising the regulations under*
8 *section 577.7 of title 49, Code of Federal Regulations,*
9 *to include notification by electronic means in addi-*
10 *tion to notification by first class mail.*

11 *(2) DEFINITION OF ELECTRONIC MEANS.—In this*
12 *subsection, the term “electronic means” includes elec-*
13 *tronic mail and may include such other means of*
14 *electronic notification, such as social media or tar-*
15 *geted online campaigns, as determined by the Sec-*
16 *retary.*

17 *(b) NOTIFICATION BY MANUFACTURER.—Section*
18 *30118(c) is amended by inserting “or electronic mail” after*
19 *“certified mail”.*

20 *(c) RECALL COMPLETION RATES REPORT.—*

21 *(1) IN GENERAL.—Not later than 1 year after*
22 *the date of enactment of this Act, and biennially*
23 *thereafter for 4 years, the Secretary shall—*

24 *(A) conduct an analysis of vehicle safety re-*
25 *call completion rates to assess potential actions*

1 *by the National Highway Traffic Safety Admin-*
2 *istration to improve vehicle safety recall comple-*
3 *tion rates; and*

4 *(B) submit to the Committee on Commerce,*
5 *Science, and Transportation of the Senate and*
6 *the Committee on Energy and Commerce of the*
7 *House of Representatives a report on the results*
8 *of the analysis.*

9 (2) *CONTENTS.—Each report shall include—*

10 *(A) the annual recall completion rate by*
11 *manufacturer, model year, component (such as*
12 *brakes, fuel systems, and air bags), and vehicle*
13 *type (passenger car, sport utility vehicle, pas-*
14 *senger van, and pick-up truck) for each of the 5*
15 *years before the year the report is submitted;*

16 *(B) the methods by which the Secretary has*
17 *conducted analyses of these recall completion*
18 *rates to determine trends and identify risk fac-*
19 *tors associated with lower recall rates; and*

20 *(C) the actions the Secretary has planned to*
21 *improve recall completion rates based on the re-*
22 *sults of this data analysis.*

23 (d) *INSPECTOR GENERAL AUDIT OF VEHICLE RE-*
24 *CALLS.—*

1 (1) *IN GENERAL.*—*The Department of Transportation Inspector General shall conduct an audit of the*
2 *National Highway Traffic Safety Administration’s*
3 *management of vehicle safety recalls.*

4 (2) *CONTENTS.*—*The audit shall include a deter-*
5 *mination of whether the National Highway Traffic*
6 *Safety Administration—*

7 (A) *appropriately monitors recalls to ensure*
8 *the appropriateness of scope and adequacy of re-*
9 *call completion rates and remedies;*

10 (B) *ensures manufacturers provide safe*
11 *remedies, at no cost to consumers;*

12 (C) *is capable of coordinating recall rem-*
13 *edies and processes; and*

14 (D) *can improve its policy on consumer no-*
15 *tice to combat effects of recall fatigue.*

16 **SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
17 **TION TO CONSUMERS OF MOTOR VEHICLE**
18 **RECALL STATUS.**

19 (a) *IN GENERAL.*—*Not later than October 1, 2016, the*
20 *Secretary shall implement a 2-year pilot program to evalu-*
21 *ate the feasibility and effectiveness of a State process for*
22 *informing consumers of open motor vehicle recalls at the*
23 *time of motor vehicle registration in the State.*

1 (b) *GRANTS.*—To carry out this program, the Sec-
2 retary may make a grant to each eligible State, but not
3 more than 6 eligible States in total, that agrees to comply
4 with the requirements under subsection (c). Funds made
5 available to a State under this section shall be used by the
6 State for the pilot program described in subsection (a).

7 (c) *ELIGIBILITY.*—To be eligible for a grant, a State
8 shall—

9 (1) submit an application in such form and
10 manner as the Secretary prescribes;

11 (2) agree to notify, at the time of registration,
12 each owner or lessee of a motor vehicle presented for
13 registration in the State of any open recall on that
14 vehicle;

15 (3) provide the open motor vehicle recall infor-
16 mation at no cost to each owner or lessee of a motor
17 vehicle presented for registration in the State; and

18 (4) provide such other information as the Sec-
19 retary may require.

20 (d) *AWARDS.*—In selecting an applicant for an award
21 under this section, the Secretary shall consider the State's
22 methodology for determining open recalls on a motor vehi-
23 cle, for informing consumers of the open recalls, and for
24 determining performance.

1 (e) *PERFORMANCE PERIOD.*—Each grant awarded
2 under this section shall require a 2-year performance pe-
3 riod.

4 (f) *REPORT.*—Not later than 90 days after the comple-
5 tion of the performance period under subsection (e), a
6 grantee shall provide to the Secretary a report of perform-
7 ance containing such information as the Secretary con-
8 siders necessary to evaluate the extent to which open recalls
9 have been remedied.

10 (g) *EVALUATION.*—Not later than 180 days after the
11 completion of the pilot program, the Secretary shall evalu-
12 ate the extent to which open recalls identified have been
13 remedied.

14 (h) *DEFINITIONS.*—In this section:

15 (1) *CONSUMER.*—The term “consumer” includes
16 owner and lessee.

17 (2) *MOTOR VEHICLE.*—The term “motor vehicle”
18 has the meaning given the term under section
19 30102(a) of title 49, United States Code.

20 (3) *OPEN RECALL.*—The term “open recall”
21 means a recall for which a notification by a manufac-
22 turer has been provided under section 30119 of title
23 49, United States Code, and that has not been rem-
24 edied under section 30120 of that title.

1 (4) *REGISTRATION.*—The term “registration”
2 means the process for registering motor vehicles in the
3 State.

4 (5) *STATE.*—The term “State” has the meaning
5 given the term under section 101(a) of title 23,
6 United States Code.

7 **SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

8 Section 30120A is amended by striking “chapter 11
9 of title 11,” and inserting “chapter 7 or chapter 11 of title
10 11”.

11 **SEC. 34207. DEALER REQUIREMENT TO CHECK FOR OPEN**

12 **RECALL.**

13 Section 30120(f) is amended—

14 (1) by inserting “(1) *IN GENERAL.*—” before “A
15 manufacturer” and indenting appropriately;

16 (2) in paragraph (1), as redesignated, by strik-
17 ing the period at the end and inserting the following:

18 “if—

19 “(A) at the time of providing service for
20 each of the manufacturer’s motor vehicles it serv-
21 ices, the dealer notifies the owner or the indi-
22 vidual requesting the service of any open recall;
23 and

24 “(B) the notification requirement under
25 subparagraph (A) is specified in a franchise, op-

1 *erating, or other agreement between the dealer*
 2 *and the manufacturer.”; and*

3 *(3) by adding at the end the following:*

4 *“(2) DEFINITION OF OPEN RECALL.—In this sub-*
 5 *section, the term ‘open recall’ means a recall for*
 6 *which a notification by a manufacturer has been pro-*
 7 *vided under section 30119 and that has not been rem-*
 8 *edied under this section.”.*

9 **SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF**
 10 **TIRE DEFECTS.**

11 *Section 30120(b) of title 49, United States Code, is*
 12 *amended—*

13 *(1) in paragraph (1), by striking “60 days” and*
 14 *inserting “180 days”; and*

15 *(2) in paragraph (2), by striking “60-day” each*
 16 *place it appears and inserting “180-day”.*

17 **SEC. 34209. RENTAL CAR SAFETY.**

18 *(a) SHORT TITLE.—This section may be cited as the*
 19 *“Raechel and Jacqueline Houck Safe Rental Car Act of*
 20 *2015”.*

21 *(b) DEFINITIONS.—Section 30102(a) is amended—*

22 *(1) by redesignating paragraphs (10) and (11)*
 23 *as paragraphs (12) and (13), respectively;*

24 *(2) by redesignating paragraphs (1) through (9)*
 25 *as paragraphs (2) through (10), respectively;*

1 (3) by inserting before paragraph (2), as redesignated, the following:

3 “(1) ‘covered rental vehicle’ means a motor vehicle that—

5 “(A) has a gross vehicle weight rating of
6 10,000 pounds or less;

7 “(B) is rented without a driver for an initial term of less than 4 months; and

9 “(C) is part of a motor vehicle fleet of 5 or
10 more motor vehicles that are used for rental purposes by a rental company.”; and

12 (4) by inserting after paragraph (10), as redesignated, the following:

14 “(11) ‘rental company’ means a person who—

15 “(A) is engaged in the business of renting
16 covered rental vehicles; and

17 “(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.”.

19 (c) *REMEDIES FOR DEFECTS AND NONCOMPLIANCE.*—

20 Section 30120(i) is amended—

21 (1) in the subsection heading, by adding “, OR
22 RENTAL” at the end;

23 (2) in paragraph (1)—

24 (A) by striking “(1) If notification” and inserting the following:
25

1 “(1) *IN GENERAL.*—*If notification*”;

2 *(B) by indenting subparagraphs (A) and*
3 *(B) four ems from the left margin;*

4 *(C) by inserting “or the manufacturer has*
5 *provided to a rental company notification about*
6 *a covered rental vehicle in the company’s posses-*
7 *sion at the time of notification” after “time of*
8 *notification”;*

9 *(D) by striking “the dealer may sell or*
10 *lease,” and inserting “the dealer or rental com-*
11 *pany may sell, lease, or rent”;* and

12 *(E) in subparagraph (A), by striking “sale*
13 *or lease” and inserting “sale, lease, or rental*
14 *agreement”;*

15 *(3) by amending paragraph (2) to read as fol-*
16 *lows:*

17 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
18 *subsection may be construed to prohibit a dealer or*
19 *rental company from offering the vehicle or equip-*
20 *ment for sale, lease, or rent.”;* and

21 *(4) by adding at the end the following:*

22 “(3) *SPECIFIC RULES FOR RENTAL COMPA-*
23 *NIES.*—

24 “(A) *IN GENERAL.*—*Except as otherwise*
25 *provided under this paragraph, a rental com-*

1 pany shall comply with the limitations on sale,
2 lease, or rental set forth in subparagraph (C)
3 and paragraph (1) as soon as practicable, but
4 not later than 24 hours after the earliest receipt
5 of the notice to owner under subsection (b) or (c)
6 of section 30118 (including the vehicle identifica-
7 tion number for the covered vehicle) by the rental
8 company, whether by electronic means or first
9 class mail.

10 “(B) *SPECIAL RULE FOR LARGE VEHICLE*
11 *FLEETS.*—Notwithstanding subparagraph (A), if
12 a rental company receives a notice to owner cov-
13 ering more than 5,000 motor vehicles in its fleet,
14 the rental company shall comply with the limi-
15 tations on sale, lease, or rental set forth in sub-
16 paragraph (C) and paragraph (1) as soon as
17 practicable, but not later than 48 hours after the
18 earliest receipt of the notice to owner under sub-
19 section (b) or (c) of section 30118 (including the
20 vehicle identification number for the covered ve-
21 hicle) by the rental company, whether by elec-
22 tronic means or first class mail.

23 “(C) *SPECIAL RULE FOR WHEN REMEDIES*
24 *NOT IMMEDIATELY AVAILABLE.*—If a notification
25 required under subsection (b) or (c) of section

1 30118 indicates that the remedy for the defect or
2 noncompliance is not immediately available and
3 specifies actions to temporarily alter the vehicle
4 that eliminate the safety risk posed by the defect
5 or noncompliance, the rental company, after
6 causing the specified actions to be performed,
7 may rent (but may not sell or lease) the motor
8 vehicle. Once the remedy for the rental vehicle be-
9 comes available to the rental company, the rental
10 company may not rent the vehicle until the vehi-
11 cle has been remedied, as provided in subsection
12 (a).

13 “(D) *INAPPLICABILITY TO JUNK AUTO-*
14 *MOBILES.*—Notwithstanding paragraph (1), this
15 subsection does not prohibit a rental company
16 from selling a covered rental vehicle if such vehi-
17 cle—

18 “(i) meets the definition of a junk
19 automobile under section 201 of the Anti-
20 Car Theft Act of 1992 (49 U.S.C. 30501);

21 “(ii) is retitled as a junk automobile
22 pursuant to applicable State law; and

23 “(iii) is reported to the National Motor
24 Vehicle Information System, if required

1 *under section 204 of such Act (49 U.S.C.*
2 *30504).”.*

3 *(d) MAKING SAFETY DEVICES AND ELEMENTS INOP-*
4 *ERATIVE.—Section 30122(b) is amended by inserting “rent-*
5 *al company,” after “dealer,” each place such term appears.*

6 *(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—*
7 *Section 30166 is amended—*

8 *(1) in subsection (c)(2), by striking “or dealer”*
9 *each place such term appears and inserting “dealer,*
10 *or rental company”;*

11 *(2) in subsection (e), by striking “or dealer” each*
12 *place such term appears and inserting “dealer, or*
13 *rental company”; and*

14 *(3) in subsection (f), by striking “or to owners”*
15 *and inserting “; rental companies, or other owners”.*

16 *(f) RESEARCH AUTHORITY.—The Secretary of Trans-*
17 *portation may conduct a study of—*

18 *(1) the effectiveness of the amendments made by*
19 *this section; and*

20 *(2) other activities of rental companies (as de-*
21 *finied in section 30102(a)(11) of title 49, United*
22 *States Code) related to their use and disposition of*
23 *motor vehicles that are the subject of a notification re-*
24 *quired under section 30118 of title 49, United States*
25 *Code.*

1 (g) *STUDY.*—

2 (1) *ADDITIONAL REQUIREMENT.*—Section
3 32206(b)(2) of the *Moving Ahead for Progress in the*
4 *21st Century Act (Public Law 112–141; 126 Stat.*
5 *785) is amended—*

6 (A) in subparagraph (E), by striking “and”
7 at the end;

8 (B) by redesignating subparagraph (F) as
9 subparagraph (G); and

10 (C) by inserting after subparagraph (E) the
11 following:

12 “(F) evaluate the completion of safety recall
13 remedies on rental trucks; and”.

14 (2) *REPORT.*—Section 32206(c) of such Act is
15 amended—

16 (A) by redesignating paragraphs (1) and
17 (2) as subparagraphs (A) and (B), respectively;

18 (B) by striking “*REPORT.—Not later*” and
19 inserting the following:

20 “(c) *REPORTS.*—

21 “(1) *INITIAL REPORT.—Not later*”;

22 (C) in paragraph (1), by striking “sub-
23 section (b)” and inserting “subparagraphs (A)
24 through (E) and (G) of subsection (b)(2)”; and

25 (D) by adding at the end the following:

1 “(2) *SAFETY RECALL REMEDY REPORT.*—Not
2 *later than 1 year after the date of the enactment of*
3 *the ‘Raechel and Jacqueline Houck Safe Rental Car*
4 *Act of 2015’, the Secretary shall submit a report to*
5 *the congressional committees set forth in paragraph*
6 *(1) that contains—*

7 “(A) *the findings of the study conducted*
8 *pursuant to subsection (b)(2)(F); and*

9 “(B) *any recommendations for legislation*
10 *that the Secretary determines to be appro-*
11 *priate.”.*

12 (h) *PUBLIC COMMENTS.*—*The Secretary shall solicit*
13 *comments regarding the implementation of this section from*
14 *members of the public, including rental companies, con-*
15 *sumer organizations, automobile manufacturers, and auto-*
16 *mobile dealers.*

17 (i) *RULE OF CONSTRUCTION.*—*Nothing in this section*
18 *or the amendments made by this section—*

19 (1) *may be construed to create or increase any*
20 *liability, including for loss of use, for a manufacturer*
21 *as a result of having manufactured or imported a*
22 *motor vehicle subject to a notification of defect or*
23 *noncompliance under subsection (b) or (c) of section*
24 *30118 of title 49, United States Code; or*

1 (2) shall supersede or otherwise affect the con-
2 tractual obligations, if any, between such a manufac-
3 turer and a rental company (as defined in section
4 30102(a) of title 49, United States Code).

5 (j) *RULEMAKING.*—The Secretary may promulgate
6 rules, as appropriate, to implement this section and the
7 amendments made by this section.

8 (k) *EFFECTIVE DATE.*—The amendments made by this
9 section shall take effect on the date that is 180 days after
10 the date of enactment of this Act.

11 **SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLA-**
12 **TIONS OF MOTOR VEHICLE SAFETY.**

13 (a) *INCREASE IN CIVIL PENALTIES.*—Section 30165(a)
14 is amended—

15 (1) in paragraph (1)—

16 (A) by striking “\$5,000” and inserting
17 “\$21,000”; and

18 (B) by striking “\$35,000,000” and inserting
19 “\$105,000,000”; and

20 (2) in paragraph (3)—

21 (A) by striking “\$5,000” and inserting
22 “\$21,000”; and

23 (B) by striking “\$35,000,000” and inserting
24 “\$105,000,000”.

1 **(b) EFFECTIVE DATE.**—*The amendments made by sub-*
2 *section (a) of this section take effect on the date that the*
3 *Secretary certifies to Congress that the National Highway*
4 *Traffic Safety Administration has issued the final rule re-*
5 *quired by section 31203(b) of the Moving Ahead for Progress*
6 *In the 21st Century Act (Public Law 112–141; 126 Stat.*
7 *758; 49 U.S.C. 30165 note).*

8 **(c) PUBLICATION OF EFFECTIVE DATE.**—*The Sec-*
9 *retary shall publish notice of the effective date under sub-*
10 *section (b) of this section in the Federal Register.*

11 **SEC. 34211. ELECTRONIC ODOMETER DISCLOSURES.**

12 *Section 32705(g) is amended—*

13 *(1) by inserting “(1)” before “Not later than”*
14 *and indenting appropriately; and*

15 *(2) by adding at the end the following:*

16 *“(2) Notwithstanding paragraph (1) and subject*
17 *to paragraph (3), a State, without approval from the*
18 *Secretary under subsection (d), may allow for written*
19 *disclosures or notices and related matters to be pro-*
20 *vided electronically if—*

21 *“(A) in compliance with—*

22 *“(i) the requirements of subchapter 1 of*
23 *chapter 96 of title 15; or*

24 *“(ii) the requirements of a State law*
25 *under section 7002(a) of title 15; and*

1 “(B) the disclosures or notices otherwise
2 meet the requirements under this section, includ-
3 ing appropriate authentication and security
4 measures.

5 “(3) Paragraph (2) ceases to be effective on the
6 date the regulations under paragraph (1) become ef-
7 fective.”.

8 **SEC. 34212. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
9 **PORTS.**

10 Section 30166(o) is amended—

11 (1) in paragraph (1), by striking “may” and in-
12 serting “shall”; and

13 (2) by adding at the end the following:

14 “(3) **DEADLINE.**—Not later than 1 year after the
15 date of enactment of the Comprehensive Transpor-
16 tation and Consumer Protection Act of 2015, the Sec-
17 retary shall issue a final rule under paragraph (1).”.

18 **SEC. 34213. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

19 (a) **RECALL NOTIFICATION REPORT.**—Not later than
20 1 year after the date of enactment of this Act, the Secretary
21 shall issue a report on the feasibility of a technical system
22 that would operate in each new motor vehicle to indicate
23 when the vehicle is subject to an open recall.

24 (b) **DEFINITION OF OPEN RECALL.**—In this section the
25 term “open recall” means a recall for which a notification

1 *by a manufacturer has been provided under section 30119*
2 *of title 49, United States Code, and that has not been rem-*
3 *edied under section 30120 of that title.*

4 **SEC. 34214. UNATTENDED CHILDREN WARNING.**

5 *Section 31504(a) of the Moving Ahead for Progress in*
6 *the 21st Century Act (49 U.S.C. 30111 note) is amended*
7 *by striking “may” and inserting “shall”.*

8 **SEC. 34215. TIRE PRESSURE MONITORING SYSTEM.**

9 *(a) PROPOSED RULE.—Not later than 1 year after the*
10 *date of enactment of this Act, the Secretary shall publish*
11 *a proposed rule that updates the standards pertaining to*
12 *tire pressure monitoring systems to ensure that a tire pres-*
13 *sure monitoring system that is installed in a new motor*
14 *vehicle after the effective date of the revised standards can-*
15 *not, to a level other than a safe pressure level, be—*

16 *(1) overridden;*

17 *(2) reset; or*

18 *(3) recalibrated.*

19 *(b) SAFE PRESSURE LEVEL.—For the purposes of sub-*
20 *section (a), the term “safe pressure level” shall mean a pres-*
21 *sure level consistent with the TPMS detection requirements*
22 *contained in S4.2(a) of section 571.138 of title 49, Code*
23 *of Federal Regulations, or any corresponding similar regu-*
24 *lation or ruling.*

1 (c) *FINAL RULE.*—Not later than 2 years after the date
2 of enactment of this Act, after providing the public with
3 sufficient opportunity for notice and comment on the pro-
4 posed rule published under subsection (a), the Secretary
5 shall issue a final rule on the subject described in subsection
6 (a).

7 ***Subtitle C—Research and Develop-***
8 ***ment and Vehicle Electronics***

9 ***SEC. 34301. REPORT ON OPERATIONS OF THE COUNCIL FOR***
10 ***VEHICLE ELECTRONICS, VEHICLE SOFTWARE,***
11 ***AND EMERGING TECHNOLOGIES.***

12 Not later than 1 year after the date of enactment of
13 this Act, the Secretary shall submit to the Committee on
14 Commerce, Science, and Transportation of the Senate and
15 the Committee on Energy and Commerce of the House of
16 Representatives a report regarding the operations of the
17 Council for Vehicle Electronics, Vehicle Software, and
18 Emerging Technologies established under section 31401 of
19 the Moving Ahead for Progress in the 21st Century Act (49
20 U.S.C. 105 note). The report shall include information
21 about the accomplishments of the Council, the role of the
22 Council in integrating and aggregating electronic and
23 emerging technologies expertise across the National High-
24 way Traffic Safety Administration, the role of the Council

1 *in coordinating with other Federal agencies, and the prior-*
2 *ities of the Council over the next 5 years.*

3 **SEC. 34302. COOPERATION WITH FOREIGN GOVERNMENTS.**

4 (a) *TITLE 49 AMENDMENT.*—Section 30182(b) is
5 amended—

6 (1) *in paragraph (4), by striking “; and” and*
7 *inserting a semicolon;*

8 (2) *in paragraph (5), by striking the period at*
9 *the end and inserting “; and”; and*

10 (3) *by inserting after paragraph (5) the fol-*
11 *lowing:*

12 “(6) *in coordination with Department of State,*
13 *enter into cooperative agreements and collaborative*
14 *research and development agreements with foreign*
15 *governments.”.*

16 (b) *TITLE 23 AMENDMENT.*—Section 403 of title 23,
17 *United States Code, is amended—*

18 (1) *in subsection (b)(2)(C), by inserting “foreign*
19 *government (in coordination with the Department of*
20 *State)” after “institution,”; and*

21 (2) *in subsection (c)(1)(A), by inserting “foreign*
22 *governments,” after “local governments,”.*

23 (c) *AUDIT.*—*The Department of Transportation In-*
24 *spector General shall conduct an audit of the Secretary of*
25 *Transportation’s management and oversight of cooperative*

1 *agreements and collaborative research and development*
2 *agreements, including any cooperative agreements between*
3 *the Secretary of Transportation and foreign governments*
4 *under section 30182(b)(6) of title 49, United States Code,*
5 *and subsections (b)(2)(C) and (c)(1)(A) of title 23, United*
6 *States Code.*

7 ***Subtitle D—Miscellaneous***
8 ***Provisions***

9 ***PART I—DRIVER PRIVACY ACT OF 2015***

10 ***SEC. 34401. SHORT TITLE.***

11 *This part may be cited as the “Driver Privacy Act*
12 *of 2015”.*

13 ***SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-***
14 ***CLE EVENT DATA RECORDERS.***

15 *(a) OWNERSHIP OF DATA.—Any data retained by an*
16 *event data recorder (as defined in section 563.5 of title 49,*
17 *Code of Federal Regulations), regardless of when the motor*
18 *vehicle in which it is installed was manufactured, is the*
19 *property of the owner, or, in the case of a leased vehicle,*
20 *the lessee of the motor vehicle in which the event data re-*
21 *recorder is installed.*

22 *(b) PRIVACY.—Data recorded or transmitted by an*
23 *event data recorder described in subsection (a) may not be*
24 *accessed by a person other than an owner or a lessee of the*

1 *motor vehicle in which the event data recorder is installed*
2 *unless—*

3 *(1) a court or other judicial or administrative*
4 *authority having jurisdiction—*

5 *(A) authorizes the retrieval of the data; and*

6 *(B) to the extent that there is retrieved*
7 *data, the data is subject to the standards for ad-*
8 *mission into evidence required by that court or*
9 *other administrative authority;*

10 *(2) an owner or a lessee of the motor vehicle pro-*
11 *vides written, electronic, or recorded audio consent to*
12 *the retrieval of the data for any purpose, including*
13 *the purpose of diagnosing, servicing, or repairing the*
14 *motor vehicle, or by agreeing to a subscription that*
15 *describes how data will be retrieved and used;*

16 *(3) the data is retrieved pursuant to an inves-*
17 *tigation or inspection authorized under section*
18 *1131(a) or 30166 of title 49, United States Code, and*
19 *the personally identifiable information of an owner or*
20 *a lessee of the vehicle and the vehicle identification*
21 *number is not disclosed in connection with the re-*
22 *trieved data, except that the vehicle identification*
23 *number may be disclosed to the certifying manufac-*
24 *turer;*

1 (4) *the data is retrieved for the purpose of deter-*
2 *mining the need for, or facilitating, emergency med-*
3 *ical response in response to a motor vehicle crash; or*

4 (5) *the data is retrieved for traffic safety re-*
5 *search, and the personally identifiable information of*
6 *an owner or a lessee of the vehicle and the vehicle*
7 *identification number is not disclosed in connection*
8 *with the retrieved data.*

9 **SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.**

10 (a) *IN GENERAL.*—*Not later than 1 year after the date*
11 *of enactment of this Act, the Administrator of the National*
12 *Highway Traffic Safety Administration shall submit to*
13 *Congress a report that contains the results of a study con-*
14 *ducted by the Administrator to determine the amount of*
15 *time event data recorders installed in passenger motor vehi-*
16 *cles should capture and record for retrieval vehicle-related*
17 *data in conjunction with an event in order to provide suffi-*
18 *cient information to investigate the cause of motor vehicle*
19 *crashes.*

20 (b) *RULEMAKING.*—*Not later than 2 years after sub-*
21 *mitting the report required under subsection (a), the Ad-*
22 *ministrator of the National Highway Traffic Safety Ad-*
23 *ministration shall promulgate regulations to establish the*
24 *appropriate period during which event data recorders in-*
25 *stalled in passenger motor vehicles may capture and record*

1 *for retrieval vehicle-related data to the time necessary to*
2 *provide accident investigators with vehicle-related informa-*
3 *tion pertinent to crashes involving such motor vehicles.*

4 **PART II—SAFETY THROUGH INFORMED**
5 **CONSUMERS ACT OF 2015**

6 **SEC. 34421. SHORT TITLE.**

7 *This part may be cited as the “Safety Through In-*
8 *formed Consumers Act of 2015”.*

9 **SEC. 34422. PASSENGER MOTOR VEHICLE INFORMATION.**

10 *Section 32302 is amended by inserting after subsection*
11 *(b) the following:*

12 “(c) *CRASH AVOIDANCE.—Not later than 1 year after*
13 *the date of enactment of the Safety Through Informed Con-*
14 *sumers Act of 2015, the Secretary shall promulgate a rule*
15 *to ensure that crash avoidance information is indicated*
16 *next to crashworthiness information on stickers placed on*
17 *motor vehicles by their manufacturers.”.*

18 **PART III—TIRE EFFICIENCY, SAFETY, AND**
19 **REGISTRATION ACT OF 2015**

20 **SEC. 34431. SHORT TITLE.**

21 *This part may be cited as the “Tire Efficiency, Safety,*
22 *and Registration Act of 2015” or the “TESR Act”.*

23 **SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORM-**
24 **ANCE STANDARDS.**

25 *Section 32304A is amended—*

1 (1) *in the section heading, by inserting “**AND***
2 ***STANDARDS” after “CONSUMER TIRE INFORMA-***
3 ***TION”;***

4 (2) *in subsection (a)—*

5 (A) *in the heading, by striking “RULE-*
6 *MAKING” and inserting “CONSUMER TIRE IN-*
7 *FORMATION”;* and

8 (B) *in paragraph (1), by inserting “(re-*
9 *ferred to in this section as the ‘Secretary’)” after*
10 *“Secretary of Transportation”;*

11 (3) *by redesignating subsections (b) through (e)*
12 *as subsections (e) through (h), respectively; and*

13 (4) *by inserting after subsection (a) the fol-*
14 *lowing:*

15 “*(b) PROMULGATION OF REGULATIONS FOR TIRE*
16 *FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—*

17 “(1) *IN GENERAL.—The Secretary, after con-*
18 *sultation with the Secretary of Energy and the Ad-*
19 *ministrator of the Environmental Protection Agency,*
20 *shall promulgate regulations for tire fuel efficiency*
21 *minimum performance standards for—*

22 “(A) *passenger car tires with a maximum*
23 *speed capability equal to or less than 149 miles*
24 *per hour or 240 kilometers per hour; and*

1 “(B) *passenger car tires with a maximum*
2 *speed capability greater than 149 miles per hour*
3 *or 240 kilometers per hour.*

4 “(2) *TIRE FUEL EFFICIENCY MINIMUM PERFORM-*
5 *ANCE STANDARDS.—*

6 “(A) *STANDARD BASIS AND TEST PROCE-*
7 *DURES.—The minimum performance standards*
8 *promulgated under paragraph (1) shall be ex-*
9 *pressed in terms of the rolling resistance coeffi-*
10 *cient measured using the test procedure specified*
11 *in section 575.106 of title 49, Code of Federal*
12 *Regulations (as in effect on the date of enact-*
13 *ment of this Act).*

14 “(B) *NO DISPARATE EFFECT ON HIGH PER-*
15 *FORMANCE TIRES.—The Secretary shall ensure*
16 *that the minimum performance standards pro-*
17 *mulgated under paragraph (1) will not have a*
18 *disproportionate effect on passenger car high*
19 *performance tires with a maximum speed capa-*
20 *bility greater than 149 miles per hour or 240*
21 *kilometers per hour.*

22 “(C) *APPLICABILITY.—*

23 “(i) *IN GENERAL.—This subsection ap-*
24 *plies to new pneumatic tires for use on pas-*
25 *senger cars.*

1 “(i) *EXCEPTIONS.*—*This subsection*
2 *does not apply to light truck tires, deep*
3 *tread tires, winter-type snow tires, space-*
4 *saver or temporary use spare tires, or tires*
5 *with nominal rim diameters of 12 inches or*
6 *less.*

7 “(c) *PROMULGATION OF REGULATIONS FOR TIRE WET*
8 *TRACTION MINIMUM PERFORMANCE STANDARDS.*—

9 “(1) *IN GENERAL.*—*The Secretary shall promul-*
10 *gate regulations for tire wet traction minimum per-*
11 *formance standards to ensure that passenger tire wet*
12 *traction capability is not reduced to achieve improved*
13 *tire fuel efficiency.*

14 “(2) *TIRE WET TRACTION MINIMUM PERFORM-*
15 *ANCE STANDARDS.*—

16 “(A) *BASIS OF STANDARD.*—*The minimum*
17 *performance standards promulgated under para-*
18 *graph (1) shall be expressed in terms of peak co-*
19 *efficient of friction.*

20 “(B) *TEST PROCEDURES.*—*Any test proce-*
21 *dure promulgated under this subsection shall be*
22 *consistent with any test procedure promulgated*
23 *under subsection (a).*

24 “(C) *BENCHMARKING.*—*The Secretary shall*
25 *conduct testing to benchmark the wet traction*

1 *performance of tire models available for sale in*
2 *the United States as of the date of enactment of*
3 *this Act to ensure that the minimum perform-*
4 *ance standards promulgated under paragraph*
5 *(1) are tailored to—*

6 *“(i) tires sold in the United States;*

7 *and*

8 *“(ii) the needs of consumers in the*
9 *United States.*

10 *“(D) APPLICABILITY.—*

11 *“(i) IN GENERAL.—This subsection ap-*
12 *plies to new pneumatic tires for use on pas-*
13 *senger cars.*

14 *“(ii) EXCEPTIONS.—This subsection*
15 *does not apply to light truck tires, deep*
16 *tread tires, winter-type snow tires, space-*
17 *saver or temporary use spare tires, or tires*
18 *with nominal rim diameters of 12 inches or*
19 *less.*

20 *“(d) COORDINATION AMONG REGULATIONS.—*

21 *“(1) COMPATIBILITY.—The Secretary shall en-*
22 *sure that the test procedures and requirements pro-*
23 *mulgated under subsections (a), (b), and (c) are com-*
24 *patible and consistent.*

1 “(2) *COMBINED EFFECT OF RULES.*—*The Sec-*
 2 *retary shall evaluate the regulations promulgated*
 3 *under subsections (b) and (c) to ensure that compli-*
 4 *ance with the minimum performance standards pro-*
 5 *mulgated under subsection (b) will not diminish wet*
 6 *traction performance of affected tires.*

7 “(3) *RULEMAKING DEADLINES.*—*The Secretary*
 8 *shall promulgate—*

9 “(A) *the regulations under subsections (b)*
 10 *and (c) not later than 24 months after the date*
 11 *of enactment of this Act; and*

12 “(B) *the regulations under subsection (c)*
 13 *not later than the date of promulgation of the*
 14 *regulations under subsection (b).”.*

15 **SEC. 34433. TIRE REGISTRATION BY INDEPENDENT SELL-**
 16 **ERS.**

17 *Section 30117(b) is amended by striking paragraph*
 18 *(3) and inserting the following:*

19 “(3) *RULEMAKING.*—

20 “(A) *IN GENERAL.*—*The Secretary shall ini-*
 21 *tiate a rulemaking to require a distributor or*
 22 *dealer of tires that is not owned or controlled by*
 23 *a manufacturer of tires to maintain records of—*

24 “(i) *the name and address of tire pur-*
 25 *chasers and lessors and information identi-*

1 *fying the tire that was purchased or leased;*
2 *and*

3 *“(ii) any additional records the Sec-*
4 *retary considers appropriate.*

5 *“(B) ELECTRONIC TRANSMISSION.—The*
6 *rulemaking carried out under subparagraph (A)*
7 *shall require a distributor or dealer of tires that*
8 *is not owned or controlled by a manufacturer of*
9 *tires to electronically transmit the records de-*
10 *scribed in clauses (i) and (ii) of subparagraph*
11 *(A) to the manufacturer of the tires or the des-*
12 *ignee of the manufacturer by secure means at no*
13 *cost to tire purchasers or lessors.*

14 *“(C) SATISFACTION OF REQUIREMENTS.—A*
15 *regulation promulgated under subparagraph (A)*
16 *may be considered to satisfy the requirements of*
17 *paragraph (2)(B).”.*

18 **SEC. 34434. TIRE RECALL DATABASE.**

19 *(a) IN GENERAL.—The Secretary shall establish a pub-*
20 *licly available and searchable electronic database of tire re-*
21 *call information that is reported to the Administrator of*
22 *the National Highway Traffic Safety Administration.*

23 *(b) TIRE IDENTIFICATION NUMBER.—The database es-*
24 *tablished under subsection (a) shall be searchable by Tire*
25 *Identification Number (TIN) and any other criteria that*

1 *assists consumers in determining whether a tire is subject*
 2 *to a recall.*

3 **TITLE XXXV—RAILROAD RE-**
 4 **FORM, ENHANCEMENT, AND**
 5 **EFFICIENCY**

6 **SEC. 35001. SHORT TITLE.**

7 *This title may be cited as the “Railroad Reform, En-*
 8 *hancement, and Efficiency Act”.*

9 **SEC. 35002. PASSENGER TRANSPORTATION; DEFINITIONS.**

10 *Section 24102 is amended—*

11 *(1) by redesignating paragraphs (5) through (9)*
 12 *as paragraphs (6) through (10), respectively;*

13 *(2) by inserting after paragraph (4), the fol-*
 14 *lowing:*

15 *“(5) ‘long-distance route’ means a route de-*
 16 *scribed in paragraph (6)(C).”;*

17 *(3) by amending paragraph (6)(A), as redesign-*
 18 *ated, to read as follows:*

19 *“(A) the Northeast Corridor main line be-*
 20 *tween Boston, Massachusetts and the Virginia*
 21 *Avenue interlocking in the District of Columbia,*
 22 *and the facilities and services used to operate*
 23 *and maintain that line;”;*

24 *(4) in paragraph (7), as redesignated, by strik-*
 25 *ing the period at the end and inserting “, except that*

1 *the term ‘Northeast Corridor’ for the purposes of*
2 *chapter 243 means the main line between Boston,*
3 *Massachusetts and the Virginia Avenue interlocking*
4 *in the District of Columbia, and the facilities and*
5 *services used to operate and maintain that line.”; and*

6 *(5) by adding at the end the following:*

7 *“(11) ‘state-of-good-repair’ means a condition in*
8 *which physical assets, both individually and as a sys-*
9 *tem, are—*

10 *“(A) performing at a level at least equal to*
11 *that called for in their as-built or as-modified*
12 *design specification during any period when the*
13 *life cycle cost of maintaining the assets is lower*
14 *than the cost of replacing them; and*

15 *“(B) sustained through regular mainte-*
16 *nance and replacement programs.*

17 *“(12) ‘State-supported route’ means a route de-*
18 *scribed in paragraph (6)(B) or paragraph (6)(D), or*
19 *in section 24702(a).”.*

20 ***Subtitle A—Authorization of*** 21 ***Appropriations***

22 ***SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.***

23 *(a) IN GENERAL.—There are authorized to be appro-*
24 *riated to the Secretary for the use of Amtrak for deposit*

1 *into the accounts established under section 24319(a) of title*
2 *49, United States Code, the following amounts:*

3 (1) *For fiscal year 2016, \$1,450,000,000.*

4 (2) *For fiscal year 2017, \$1,550,000,000.*

5 (3) *For fiscal year 2018, \$1,700,000,000.*

6 (4) *For fiscal year 2019, \$1,900,000,000.*

7 (b) *PROJECT MANAGEMENT OVERSIGHT.—The Sec-*
8 *retary may withhold up to one half of 1 percent of the*
9 *amount appropriated under subsection (a) for the costs of*
10 *management oversight of Amtrak.*

11 (c) *COMPETITION.—In administering grants to Am-*
12 *trak under section 24318 of title 49, United States Code,*
13 *the Secretary may withhold, from amounts that would oth-*
14 *erwise be made available to Amtrak, such sums as are nec-*
15 *essary from the amount appropriated under subsection (a)*
16 *of this section to cover the operating subsidy described in*
17 *section 24711(b)(1)(E)(ii) of title 49, United States Code.*

18 (d) *STATE-SUPPORTED ROUTE COMMITTEE.—The*
19 *Secretary may withhold up to \$2,000,000 from the amount*
20 *appropriated in each fiscal year under subsection (a) of this*
21 *section for the use of the State-Supported Route Committee*
22 *established under section 24712 of title 49, United States*
23 *Code.*

24 (e) *NORTHEAST CORRIDOR COMMISSION.—The Sec-*
25 *retary may withhold up to \$5,000,000 from the amount ap-*

1 *propriated in each fiscal year under subsection (a) of this*
2 *section for the use of the Northeast Corridor Commission*
3 *established under section 24905 of title 49, United States*
4 *Code.*

5 **SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**
6 **VESTMENTS.**

7 (a) *IN GENERAL.*—*There are authorized to be appro-*
8 *priated to the Secretary for grants under chapter 244 of*
9 *title 49, United States Code, the following amounts:*

10 (1) *For fiscal year 2016, \$350,000,000.*

11 (2) *For fiscal year 2017, \$430,000,000.*

12 (3) *For fiscal year 2018, \$600,000,000.*

13 (4) *For fiscal year 2019, \$900,000,000.*

14 (b) *PROJECT MANAGEMENT OVERSIGHT.*—*The Sec-*
15 *retary may withhold up to 1 percent from the amount ap-*
16 *propriated under subsection (a) of this section for the costs*
17 *of project management oversight of grants carried out under*
18 *chapter 244 of title 49, United States Code.*

19 **SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
20 **TIONAL TRANSPORTATION SAFETY BOARD**
21 **RAIL INVESTIGATIONS.**

22 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
23 *sion of law, there are authorized to be appropriated to the*
24 *National Transportation Safety Board to carry out rail-*

1 road accident investigations under section 1131(a)(1)(C) of
2 title 49, United States Code, the following amounts:

3 (1) For fiscal year 2016, \$6,300,000.

4 (2) For fiscal year 2017, \$6,400,000.

5 (3) For fiscal year 2018, \$6,500,000.

6 (4) For fiscal year 2019, \$6,600,000.

7 (b) *INVESTIGATION PERSONNEL.*—Amounts appro-
8 priated under subsection (a) of this section shall be avail-
9 able to the National Transportation Safety Board for per-
10 sonnel, in regional offices and in Washington, DC, whose
11 duties involve railroad accident investigations.

12 **SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**
13 **TRAK OFFICE OF INSPECTOR GENERAL.**

14 *There are authorized to be appropriated to the Office*
15 *of Inspector General of Amtrak the following amounts:*

16 (1) For fiscal year 2016, \$20,000,000.

17 (2) For fiscal year 2017, \$20,500,000.

18 (3) For fiscal year 2018, \$21,000,000.

19 (4) For fiscal year 2019, \$21,500,000.

20 **SEC. 35105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**
21 **GRAM.**

22 (a) *IN GENERAL.*—Section 24910 is amended—

23 (1) *in subsection (b)*—

24 (A) *in paragraph (12), by striking “and”;*

1 (B) in paragraph (13), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(14) to improve the overall safety of intercity
5 passenger and freight rail operations.”; and

6 (2) by amending subsection (e) to read as fol-
7 lows:

8 “(e) ALLOCATION.—At least \$5,000,000 of the amounts
9 appropriated to the Secretary for a fiscal year to carry out
10 railroad research and development programs shall be avail-
11 able to carry out this section.”.

12 **Subtitle B—Amtrak Reform**

13 **SEC. 35201. AMTRAK GRANT PROCESS.**

14 (a) *REQUIREMENTS AND PROCEDURES.*—Chapter 243
15 is amended by adding at the end the following:

16 **“§ 24317. Costs and revenues**

17 “(a) ALLOCATION.—Not later than 180 days after the
18 date of enactment of the Railroad Reform, Enhancement,
19 and Efficiency Act, Amtrak shall establish and maintain
20 internal controls to ensure Amtrak’s costs, revenues, and
21 other compensation are appropriately and proportionally
22 allocated to its Northeast Corridor train services or infra-
23 structure, its State-supported routes, its long-distance
24 routes, and its other national network activities.

1 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
2 *tion shall be construed to limit the ability of Amtrak to*
3 *enter into an agreement with 1 or more States to allocate*
4 *operating and capital costs under section 209 of the Pas-*
5 *senger Rail Investment and Improvement Act of 2008 (49*
6 *U.S.C. 24101 note).*

7 “**§24318. Grant process**

8 “(a) *PROCEDURES FOR GRANT REQUESTS.*—*Not later*
9 *than 90 days after the date of enactment of the Railroad*
10 *Reform, Enhancement, and Efficiency Act, the Secretary of*
11 *Transportation shall establish and transmit to the Com-*
12 *mittee on Commerce, Science, and Transportation and the*
13 *Committee on Appropriations of the Senate and the Com-*
14 *mittee on Transportation and Infrastructure and the Com-*
15 *mittee on Appropriations of the House of Representatives*
16 *substantive and procedural requirements, including sched-*
17 *ules, for grant requests under this section.*

18 “(b) *GRANT REQUESTS.*—*Amtrak shall transmit grant*
19 *requests for Federal funds appropriated to the Secretary of*
20 *Transportation for the use of Amtrak to—*

21 “(1) *the Secretary; and*

22 “(2) *the Committee on Commerce, Science, and*
23 *Transportation, the Committee on Appropriations,*
24 *and the Committee on the Budget of the Senate and*
25 *the Committee on Transportation and Infrastructure,*

1 *the Committee on Appropriations, and the Committee*
2 *on the Budget of the House of Representatives.*

3 “(c) *CONTENTS.—A grant request under subsection (b)*
4 *shall—*

5 “(1) *describe projected operating and capital*
6 *costs for the upcoming fiscal year for Northeast Cor-*
7 *ridor train services and infrastructure, Amtrak’s*
8 *State-supported routes, and Amtrak’s long-distance*
9 *routes, and Amtrak’s other national network activi-*
10 *ties, as applicable, in comparison to prior fiscal year*
11 *actual financial performance;*

12 “(2) *describe the capital projects to be funded,*
13 *with cost estimates and an estimated timetable for*
14 *completion of the projects covered by the request;*

15 “(3) *assess Amtrak’s financial condition;*

16 “(4) *be displayed on Amtrak’s Web site within a*
17 *reasonable timeframe following its transmission under*
18 *subsection (b); and*

19 “(5) *describe how the funding requested in a*
20 *grant will be allocated to the accounts established*
21 *under section 24319(a), considering the projected op-*
22 *erating losses or capital costs for services and activi-*
23 *ties associated with such accounts over the time pe-*
24 *riod intended to be covered by the grants.*

25 “(d) *REVIEW AND APPROVAL.—*

1 “(1) *THIRTY-DAY APPROVAL PROCESS.*—

2 “(A) *IN GENERAL.*—Not later than 30 days
3 after the date that Amtrak submits a grant re-
4 quest under this section, the Secretary of Trans-
5 portation shall complete a review of the request
6 and provide notice to Amtrak that—

7 “(i) the request is approved; or

8 “(ii) the request is disapproved, in-
9 cluding the reason for the disapproval and
10 an explanation of any incomplete or defi-
11 cient items.

12 “(B) *GRANT AGREEMENT.*—If a grant re-
13 quest is approved, the Secretary shall enter into
14 a grant agreement with Amtrak that allocates
15 the grant funding to 1 of the 4 accounts estab-
16 lished under section 24319(a).

17 “(2) *FIFTEEN-DAY MODIFICATION PERIOD.*—Not
18 later than 15 days after the date of the notice under
19 paragraph (1)(A)(ii), Amtrak shall submit a modified
20 request for the Secretary’s review.

21 “(3) *MODIFIED REQUESTS.*—Not later than 15
22 days after the date that Amtrak submits a modified
23 request under paragraph (2), the Secretary shall ei-
24 ther approve the modified request, or, if the Secretary
25 finds that the request is still incomplete or deficient,

1 *the Secretary shall identify in writing to the Com-*
2 *mittee on Commerce, Science, and Transportation,*
3 *the Committee on Appropriations, and the Committee*
4 *on the Budget of the Senate and the Committee on*
5 *Transportation and Infrastructure, the Committee on*
6 *Appropriations, and the Committee on the Budget of*
7 *the House of Representatives the remaining defi-*
8 *ciencies and recommend a process for resolving the*
9 *outstanding portions of the request.*

10 *“(e) PAYMENTS TO AMTRAK.—*

11 *“(1) IN GENERAL.—A grant agreement entered*
12 *into under subsection (d) shall specify the operations,*
13 *services, and other activities to be funded by the*
14 *grant. The grant agreement shall include provisions,*
15 *consistent with the requirements of this chapter, to*
16 *measure Amtrak’s performance and ensure account-*
17 *ability in delivering the operations, services, or ac-*
18 *tivities to be funded by the grant.*

19 *“(2) SCHEDULE.—Except as provided in para-*
20 *graph (3), in each fiscal year for which amounts are*
21 *appropriated to the Secretary for the use of Amtrak,*
22 *and for which the Secretary and Amtrak have entered*
23 *into a grant agreement under subsection (d), the Sec-*
24 *retary shall disburse grant funds to Amtrak on the*
25 *following schedule:*

1 “(A) 50 percent on October 1.

2 “(B) 25 percent on January 1.

3 “(C) 25 percent on April 1.

4 “(3) *EXCEPTIONS.*—*The Secretary may make a*
5 *payment to Amtrak of appropriated funds—*

6 “(A) *more frequently than the schedule*
7 *under paragraph (2) if Amtrak, for good cause,*
8 *requests more frequent payment before the end of*
9 *a payment period; or*

10 “(B) *with a different frequency or in dif-*
11 *ferent percentage allocations in the event of a*
12 *continuing resolution or in the absence of an ap-*
13 *propriations Act for the duration of a fiscal*
14 *year.*

15 “(f) *AVAILABILITY OF AMOUNTS AND EARLY APPRO-*
16 *PRIATIONS.*—*Amounts appropriated to the Secretary for the*
17 *use of Amtrak shall remain available until expended.*
18 *Amounts for capital acquisitions and improvements may*
19 *be appropriated for a fiscal year before the fiscal year in*
20 *which the amounts will be obligated.*

21 “(g) *LIMITATIONS ON USE.*—*Amounts appropriated to*
22 *the Secretary for the use of Amtrak may not be used to*
23 *cross-subsidize operating losses or capital costs of commuter*
24 *rail passenger or freight rail transportation.*

1 **“§ 24319. Accounts**

2 “(a) *ESTABLISHMENT OF ACCOUNTS.—Beginning not*
3 *later than October 1, 2016, Amtrak, in consultation with*
4 *the Secretary of Transportation, shall define and estab-*
5 *lish—*

6 “(1) *a Northeast Corridor investment account,*
7 *including subaccounts for Amtrak train services and*
8 *infrastructure;*

9 “(2) *a State-supported account;*

10 “(3) *a long-distance account; and*

11 “(4) *an other national network activities ac-*
12 *count.*

13 “(b) *NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—*

14 “(1) *DEPOSITS.—Amtrak shall deposit in the*
15 *Northeast Corridor investment account established*
16 *under subsection (a)(1)—*

17 “(A) *a portion of the grant funds appro-*
18 *priated under the authorization in section*
19 *35101(a) of the Railroad Reform, Enhancement,*
20 *and Efficiency Act, or any subsequent Act ap-*
21 *propriating funds for the use of Amtrak, as spec-*
22 *ified in a grant agreement entered into under*
23 *section 24318;*

24 “(B) *any compensation received from com-*
25 *muter rail passenger transportation providers*
26 *for such providers’ share of capital costs on the*

1 *Northeast Corridor provided to Amtrak under*
2 *section 24905(c);*

3 “(C) *any operating surplus of the Northeast*
4 *Corridor train services or infrastructure, as allo-*
5 *cated under section 24317; and*

6 “(D) *any other net revenue received in asso-*
7 *ciation with the Northeast Corridor, including*
8 *freight access fees, electric propulsion, and com-*
9 *mmercial development.*

10 “(2) *USE OF NORTHEAST CORRIDOR INVESTMENT*
11 *ACCOUNT.—Except as provided in subsection (f),*
12 *amounts deposited in the Northeast Corridor invest-*
13 *ment account shall be made available for the use of*
14 *Amtrak for its share of—*

15 “(A) *capital projects described in section*
16 *24904(a)(2)(E)(i), and developed under the plan-*
17 *ning process established under that section, to*
18 *bring Northeast Corridor infrastructure to a*
19 *state-of-good-repair;*

20 “(B) *capital projects described in clauses*
21 *(ii) and (iv) of section 24904(a)(2)(E) that are*
22 *developed under the planning process established*
23 *under that section intended to increase corridor*
24 *capacity, improve service reliability, and reduce*
25 *travel time on the Northeast Corridor;*

1 “(C) capital projects to improve safety and
2 security;

3 “(D) capital projects to improve customer
4 service and amenities;

5 “(E) acquiring, rehabilitating, manufac-
6 turing, remanufacturing, overhauling, or im-
7 proving equipment and associated facilities used
8 for intercity rail passenger transportation by
9 Northeast Corridor train services;

10 “(F) retirement of principal and payment
11 of interest on loans for capital projects described
12 in this paragraph or for capital leases for equip-
13 ment and related to the Northeast Corridor;

14 “(G) participation in public-private part-
15 nerships, joint ventures, and other mechanisms
16 or arrangements that result in the completion of
17 capital projects described in this paragraph; and

18 “(H) indirect, common, corporate, or other
19 costs directly incurred by or allocated to the
20 Northeast Corridor.

21 “(c) STATE-SUPPORTED ACCOUNT.—

22 “(1) DEPOSITS.—Amtrak shall deposit in the
23 State-supported account established under subsection
24 (a)(2)—

1 “(A) a portion of the grant funds appro-
2 priated under the authorization in section
3 35101(a) of the Railroad Reform, Enhancement,
4 and Efficiency Act, or any subsequent Act ap-
5 propriating funds for the use of Amtrak, as spec-
6 ified in a grant agreement entered into under
7 section 24318;

8 “(B) any compensation received from States
9 provided to Amtrak under section 209 of the
10 Passenger Rail Investment and Improvement Act
11 of 2008 (42 U.S.C. 24101 note); and

12 “(C) any operating surplus from its State-
13 supported routes, as allocated under section
14 24317.

15 “(2) *USE OF STATE-SUPPORTED ACCOUNT.*—*Ex-*
16 cept as provided in subsection (f), amounts deposited
17 in the State-supported account shall be made avail-
18 able for the use of Amtrak for capital expenses and
19 operating costs, including indirect, common, cor-
20 porate, or other costs directly incurred by or allocated
21 to State-supported routes, of its State-supported
22 routes and retirement of principal and payment of
23 interest on loans or capital leases attributable to its
24 State-supported routes.

25 “(d) *LONG-DISTANCE ACCOUNT.*—

1 “(1) *DEPOSITS.*—*Amtrak shall deposit in the*
2 *long-distance account established under subsection*
3 *(a)(3)—*

4 “(A) *a portion of the grant funds appro-*
5 *priated under the authorization in section*
6 *35101(a) of the Railroad Reform, Enhancement,*
7 *and Efficiency Act, or any subsequent Act ap-*
8 *propriating funds for the use of Amtrak, as spec-*
9 *ified in a grant agreement entered into under*
10 *section 24318;*

11 “(B) *any compensation received from States*
12 *provided to Amtrak for costs associated with its*
13 *long-distance routes; and*

14 “(C) *any operating surplus from its long-*
15 *distance routes, as allocated under section 24317.*

16 “(2) *USE OF LONG-DISTANCE ACCOUNT.*—*Except*
17 *as provided in subsection (f), amounts deposited in*
18 *the long-distance account shall be made available for*
19 *the use of Amtrak for capital expenses and operating*
20 *costs, including indirect, common, corporate, or other*
21 *costs directly incurred by or allocated to long-distance*
22 *routes, of its long-distance routes and retirement of*
23 *principal and payment of interest on loans or capital*
24 *leases attributable to the long-distance routes.*

1 “(e) *OTHER NATIONAL NETWORK ACTIVITIES AC-*
2 *COUNT.*—

3 “(1) *DEPOSITS.*—*Amtrak shall deposit in the*
4 *other national network activities account established*
5 *under subsection (a)(4)—*

6 “(A) *a portion of the grant funds appro-*
7 *priated under the authorization in section*
8 *35101(a) of the Railroad Reform, Enhancement,*
9 *and Efficiency Act, or any subsequent Act ap-*
10 *propriating funds for the use of Amtrak, as spec-*
11 *ified in a grant agreement entered into under*
12 *section 24318;*

13 “(B) *any compensation received from States*
14 *provided to Amtrak for costs associated with its*
15 *other national network activities; and*

16 “(C) *any operating surplus from its other*
17 *national network activities.*

18 “(2) *USE OF OTHER NATIONAL NETWORK ACTIVI-*
19 *TIES ACCOUNT.*—*Except as provided in subsection (f),*
20 *amounts deposited into the other national network ac-*
21 *tivities account shall be made available for the use of*
22 *Amtrak for capital and operating costs not allocated*
23 *to the Northeast Corridor investment account, State-*
24 *supported account, or long-distance account, and re-*
25 *tirement of principal and payment of interest on*

1 *loans or capital leases attributable to other national*
2 *network activities.*

3 “(f) *TRANSFER AUTHORITY.*—

4 “(1) *AUTHORITY.*—*Amtrak may transfer any*
5 *funds appropriated under the authorization in section*
6 *35101(a) of the Railroad Reform, Enhancement, and*
7 *Efficiency Act, or any subsequent Act appropriating*
8 *funds for the use of Amtrak for deposit into the ac-*
9 *counts described in that section, or any surplus gen-*
10 *erated by operations, between the Northeast Corridor,*
11 *State-supported, long-distance, and other national*
12 *network activities accounts—*

13 “(A) *upon the expiration of 10 days after*
14 *the date that Amtrak notifies the Amtrak Board*
15 *of Directors, including the Secretary, of the*
16 *planned transfer; and*

17 “(B) *with the approval of the Secretary.*

18 “(2) *REPORT.*—*Not later than 5 days after the*
19 *date that Amtrak notifies the Amtrak Board of Direc-*
20 *tors of a planned transfer under paragraph (1), Am-*
21 *trak shall transmit to the Committee on Commerce,*
22 *Science, and Transportation and the Committee on*
23 *Appropriations of the Senate and the Committee on*
24 *Transportation and Infrastructure and the Committee*

1 *on Appropriations of the House of Representatives a*
2 *report that includes—*

3 “(A) *the amount of the transfer; and*

4 “(B) *a detailed explanation of the reason*
5 *for the transfer, including—*

6 “(i) *the effects on Amtrak services*
7 *funded by the account from which the trans-*
8 *fer is drawn, in comparison to a scenario*
9 *in which no transfer was made; and*

10 “(ii) *the effects on Amtrak services*
11 *funded by the account receiving the transfer,*
12 *in comparison to a scenario in which no*
13 *transfer was made.*

14 “(3) *NOTIFICATIONS.—*

15 “(A) *STATE-SUPPORTED ACCOUNT.—Not*
16 *later than 5 days after the date that Amtrak no-*
17 *tifies the Amtrak Board of Directors of a*
18 *planned transfer under paragraph (1) of funds*
19 *to or from the State-supported account, Amtrak*
20 *shall transmit to each State that sponsors a*
21 *State-supported route a letter that includes the*
22 *information described under subparagraphs (A)*
23 *and (B) of paragraph (2).*

24 “(B) *NORTHEAST CORRIDOR ACCOUNT.—*
25 *Not later than 5 days after the date that Amtrak*

1 *notifies the Amtrak Board of Directors of a*
2 *planned transfer under paragraph (1) of funds*
3 *to or from the Northeast Corridor account, Am-*
4 *trak shall transmit to the Northeast Corridor*
5 *Commission a letter that includes the informa-*
6 *tion described under subparagraphs (A) and (B)*
7 *of paragraph (2).*

8 “(g) *ENFORCEMENT.*—*The Secretary shall enforce the*
9 *provisions of each grant agreement under section 24318(d),*
10 *including any deposit into an account under this section.*

11 “(h) *LETTERS OF INTENT.*—

12 “(1) *REQUIREMENT.*—*The Secretary may issue a*
13 *letter of intent to Amtrak announcing an intention to*
14 *obligate, for a major capital project described in*
15 *clauses (ii) and (iv) of section 24904(a)(2)(E), an*
16 *amount from future available budget authority speci-*
17 *fied in law that is not more than the amount stipu-*
18 *lated as the financial participation of the Secretary*
19 *in the project.*

20 “(2) *NOTICE TO CONGRESS.*—*At least 30 days*
21 *before issuing a letter under paragraph (1), the Sec-*
22 *retary shall notify in writing the Committee on Com-*
23 *merce, Science, and Transportation and the Com-*
24 *mittee on Appropriations of the Senate and the Com-*
25 *mittee on Transportation and Infrastructure and the*

1 *Committee on Appropriations of the House of Rep-*
2 *resentatives of the proposed letter. The Secretary shall*
3 *include with the notice a copy of the proposed letter,*
4 *the criteria used for selecting the project for a grant*
5 *award, and a description of how the project meets the*
6 *criteria under this section.*

7 *“(3) CONTINGENT NATURE OF OBLIGATION OR*
8 *COMMITMENT.—An obligation or administrative com-*
9 *mitment may be made only when amounts are appro-*
10 *priated. The letter of intent shall state that the con-*
11 *tingent commitment is not an obligation of the Fed-*
12 *eral Government, and is subject to the availability of*
13 *appropriations under Federal law and to Federal*
14 *laws in force or enacted after the date of the contin-*
15 *gent commitment.”.*

16 *(b) CONFORMING AMENDMENTS.—The table of contents*
17 *for chapter 243 is amended by adding at the end the fol-*
18 *lowing:*

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

19 *(c) REPEALS.—*

20 *(1) ESTABLISHMENT OF GRANT PROCESS.—Sec-*
21 *tion 206 of the Passenger Rail Investment and Im-*
22 *provement Act of 2008 (49 U.S.C. 24101 note) and*
23 *the item relating to that section in the table of con-*
24 *tents of that Act are repealed.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*
2 *tion 24104 and the item relating to that section in*
3 *the table of contents of chapter 241 are repealed.*

4 **SEC. 35202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

5 (a) *AMTRAK 5-YEAR BUSINESS LINE AND ASSET*
6 *PLANS.*—*Chapter 243, as amended by section 35201 of this*
7 *Act, is further amended by inserting after section 24319 the*
8 *following:*

9 **“§ 24320. Amtrak 5-year business line and asset plans**

10 “(a) *IN GENERAL.*—

11 “(1) *FINAL PLANS.*—*Not later than February 15*
12 *of each year, Amtrak shall submit to Congress and the*
13 *Secretary final 5-year business line plans and 5-year*
14 *asset plans prepared in accordance with this section.*
15 *These final plans shall form the basis for Amtrak’s*
16 *general and legislative annual report to the President*
17 *and Congress required by section 24315(b).*

18 “(2) *FISCAL CONSTRAINT.*—*Each plan prepared*
19 *under this section shall be based on funding levels au-*
20 *thorized or otherwise available to Amtrak in a fiscal*
21 *year. In the absence of an authorization or appro-*
22 *propriation of funds for a fiscal year, the plans shall be*
23 *based on the amount of funding available in the pre-*
24 *vious fiscal year, plus inflation. Amtrak may include*
25 *an appendix to the asset plan required in subsection*

1 (c) that describes any capital funding requirements in
2 excess of amounts authorized or otherwise available to
3 Amtrak in a fiscal year for capital investment.

4 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

5 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
6 prepare a 5-year business line plan for each of the fol-
7 lowing business lines and services:

8 “(A) Northeast Corridor train services.

9 “(B) State-supported routes operated by
10 Amtrak.

11 “(C) Long-distance routes operated by Am-
12 trak.

13 “(D) Ancillary services operated by Amtrak,
14 including commuter operations and other rev-
15 enue generating activities as determined by the
16 Secretary in consultation with Amtrak.

17 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
18 PLANS.—The 5-year business line plan for each busi-
19 ness line shall include, at a minimum—

20 “(A) a statement of Amtrak’s vision, goals,
21 and service plan for the business line, coordi-
22 nated with any entities that are contributing
23 capital or operating funding to support pas-
24 senger rail services within those business lines,

1 *and aligned with Amtrak’s Strategic Plan and*
2 *5-year asset plans under subsection (c);*

3 “(B) *all projected revenues and expenditures*
4 *for the business line, including identification of*
5 *revenues and expenditures incurred by—*

6 “(i) *passenger operations;*

7 “(ii) *non-passenger operations that are*
8 *directly related to the business line; and*

9 “(iii) *governmental funding sources,*
10 *including revenues and other funding re-*
11 *ceived from States;*

12 “(C) *projected ridership levels for all pas-*
13 *senger operations;*

14 “(D) *estimates of long-term and short-term*
15 *debt and associated principal and interest pay-*
16 *ments (both current and forecasts);*

17 “(E) *annual profit and loss statements and*
18 *forecasts and balance sheets;*

19 “(F) *annual cash flow forecasts;*

20 “(G) *a statement describing the methodolo-*
21 *gies and significant assumptions underlying esti-*
22 *mates and forecasts;*

23 “(H) *specific performance measures that*
24 *demonstrate year over year changes in the results*
25 *of Amtrak’s operations;*

1 “(I) *financial performance for each route*
2 *within each business line, including descriptions*
3 *of the cash operating loss or contribution and*
4 *labor productivity for each route;*

5 “(J) *specific costs and savings estimates re-*
6 *sulting from reform initiatives;*

7 “(K) *prior fiscal year and projected equip-*
8 *ment reliability statistics; and*

9 “(L) *an identification and explanation of*
10 *any major adjustments made from previously-*
11 *approved plans.*

12 “(3) *5-YEAR BUSINESS LINE PLANS PROCESS.—*

13 *In meeting the requirements of this section, Amtrak*
14 *shall—*

15 “(A) *coordinate the development of the busi-*
16 *ness line plans with the Secretary;*

17 “(B) *for the Northeast Corridor business*
18 *line plan, coordinate with the Northeast Corridor*
19 *Commission and transmit to the Commission the*
20 *final plan under subsection (a)(1), and consult*
21 *with other entities, as appropriate;*

22 “(C) *for the State-supported route business*
23 *line plan, coordinate with the State-Supported*
24 *Route Committee established under section*
25 *24712;*

1 “(D) for the long-distance route business
2 line plan, coordinate with any States or Inter-
3 state Compacts that provide funding for such
4 routes, as appropriate;

5 “(E) ensure that Amtrak’s annual budget
6 request to Congress is consistent with the infor-
7 mation in the 5-year business line plans; and

8 “(F) identify the appropriate Amtrak offi-
9 cials that are responsible for each business line.

10 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
11 BILITY.—In meeting the requirements under this sub-
12 section, Amtrak shall use the categories specified in
13 the financial accounting and reporting system devel-
14 oped under section 203 of the Passenger Rail Invest-
15 ment and Improvement Act of 2008 (49 U.S.C. 24101
16 note) when preparing its 5-year business line plans.

17 “(c) AMTRAK 5-YEAR ASSET PLANS.—

18 “(1) ASSET CATEGORIES.—Amtrak shall prepare
19 a 5-year asset plan for each of the following asset cat-
20 egories:

21 “(A) Infrastructure, including all Amtrak-
22 controlled Northeast Corridor assets and other
23 Amtrak-owned infrastructure, and the associated
24 facilities that support the operation, mainte-
25 nance, and improvement of those assets.

1 “(B) *Passenger rail equipment, including*
2 *all Amtrak-controlled rolling stock, locomotives,*
3 *and mechanical shop facilities that are used to*
4 *overhaul equipment.*

5 “(C) *Stations, including all Amtrak-con-*
6 *trolled passenger rail stations and elements of*
7 *other stations for which Amtrak has legal respon-*
8 *sibility or intends to make capital investments.*

9 “(D) *National assets, including national*
10 *reservations, security, training and training cen-*
11 *ters, and other assets associated with Amtrak’s*
12 *national passenger rail transportation system.*

13 “(2) *CONTENTS OF 5-YEAR ASSET PLANS.—Each*
14 *asset plan shall include, at a minimum—*

15 “(A) *a summary of Amtrak’s 5-year stra-*
16 *tegic plan for each asset category, including*
17 *goals, objectives, any relevant performance*
18 *metrics, and statutory or regulatory actions af-*
19 *fecting the assets;*

20 “(B) *an inventory of existing Amtrak cap-*
21 *ital assets, to the extent practicable, including*
22 *information regarding shared use or ownership,*
23 *if applicable;*

24 “(C) *a prioritized list of proposed capital*
25 *investments that—*

1 “(i) categorizes each capital project as
2 being primarily associated with—

3 “(I) normalized capital replace-
4 ment;

5 “(II) backlog capital replacement;

6 “(III) improvements to support
7 service enhancements or growth;

8 “(IV) strategic initiatives that
9 will improve overall operational per-
10 formance, lower costs, or otherwise im-
11 prove Amtrak’s corporate efficiency; or

12 “(V) statutory, regulatory, or
13 other legal mandates;

14 “(ii) identifies each project or program
15 that is associated with more than 1 category
16 described in clause (i); and

17 “(iii) describes the anticipated business
18 outcome of each project or program identi-
19 fied under this subparagraph, including an
20 assessment of—

21 “(I) the potential effect on pas-
22 senger operations, safety, reliability,
23 and resilience;

24 “(II) the potential effect on Am-
25 trak’s ability to meet regulatory re-

1 requirements if the project or program is
2 not funded; and

3 “(III) the benefits and costs; and
4 “(D) annual profit and loss statements and
5 forecasts and balance sheets for each asset cat-
6 egory.

7 “(3) 5-YEAR ASSET PLAN PROCESS.—In meeting
8 the requirements of this subsection, Amtrak shall—

9 “(A) coordinate with each business line de-
10 scribed in subsection (b)(1) in the preparation of
11 each 5-year asset plan and ensure integration of
12 each 5-year asset plan with the 5-year business
13 line plans;

14 “(B) as applicable, coordinate with the
15 Northeast Corridor Commission, the State-Sup-
16 ported Route Committee, and owners of assets af-
17 fected by 5-year asset plans; and

18 “(C) identify the appropriate Amtrak offi-
19 cials that are responsible for each asset category.

20 “(4) EVALUATION OF NATIONAL ASSETS
21 COSTS.—The Secretary shall—

22 “(A) evaluate the costs and scope of all na-
23 tional assets; and

24 “(B) determine the activities and costs that
25 are—

1 “(i) required in order to ensure the ef-
2 ficient operations of a national passenger
3 rail system;

4 “(ii) appropriate for allocation to 1 of
5 the other Amtrak business lines; and

6 “(iii) extraneous to providing an effi-
7 cient national passenger rail system or are
8 too costly relative to the benefits or perform-
9 ance outcomes they provide.

10 “(5) DEFINITION OF NATIONAL ASSETS.—In this
11 section, the term ‘national assets’ means the Nation’s
12 core rail assets shared among Amtrak services, includ-
13 ing national reservations, security, training and
14 training centers, and other assets associated with Am-
15 trak’s national passenger rail transportation system.

16 “(6) RESTRUCTURING OF NATIONAL ASSETS.—
17 Not later than 1 year after the date of completion of
18 the evaluation under paragraph (4), the Adminis-
19 trator of the Federal Railroad Administration, in
20 consultation with the Amtrak Board of Directors, the
21 governors of each relevant State, and the Mayor of the
22 District of Columbia, or their designees, shall restruc-
23 ture or reallocate, or both, the national assets costs in
24 accordance with the determination under that section,

1 *including making appropriate updates to Amtrak’s*
2 *cost accounting methodology and system.”.*

3 (b) *EFFECTIVE DATE.*—*The requirements for Amtrak*
4 *to submit final 5-year business line plans and 5-year asset*
5 *plans under section 24320 of title 49, United States Code,*
6 *shall take effect 1 year after the date of enactment of this*
7 *Act.*

8 (c) *CONFORMING AMENDMENTS.*—*The table of contents*
9 *for chapter 243, as amended by section 35201 of this Act,*
10 *is further amended by adding at the end the following:*

 “24320. *Amtrak 5-year business line and asset plans.*”.

11 (d) *REPEAL OF 5-YEAR FINANCIAL PLAN.*—*Section*
12 *204 of the Passenger Rail Investment and Improvement Act*
13 *of 2008 (49 U.S.C. 24101 note), and the item relating to*
14 *that section in the table of contents of that Act, are repealed.*

15 (e) *IDENTIFICATION OF DUPLICATIVE REPORTING RE-*
16 *QUIREMENTS.*—*Not later than 1 year after the date of en-*
17 *actment of this Act, the Secretary shall—*

18 (1) *review existing Amtrak reporting require-*
19 *ments and identify where the existing requirements*
20 *are duplicative with the business line and capital*
21 *plans required by section 24320 of title 49, United*
22 *States Code;*

23 (2) *if the duplicative reporting requirements are*
24 *administrative, the Secretary shall eliminate the du-*
25 *plicative requirements; and*

1 (3) *submit to Congress a report with any rec-*
2 *ommendations for repealing any other duplicative*
3 *Amtrak reporting requirements.*

4 **SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.**

5 (a) *AMENDMENT.—Chapter 247 is amended by adding*
6 *at the end the following:*

7 **“§ 24712. State-supported routes operated by Amtrak**

8 “(a) *STATE-SUPPORTED ROUTE COMMITTEE.—*

9 “(1) *ESTABLISHMENT.—Not later than 180 days*
10 *after the date of enactment of the Railroad Reform,*
11 *Enhancement, and Efficiency Act, the Secretary of*
12 *Transportation shall establish the State-Supported*
13 *Route Committee (referred to in this section as the*
14 *‘Committee’) to promote mutual cooperation and*
15 *planning pertaining to the rail operations of Amtrak*
16 *and related activities of trains operated by Amtrak on*
17 *State-supported routes and to further implement sec-*
18 *tion 209 of the Passenger Rail Investment and Im-*
19 *provement Act of 2008 (49 U.S.C. 24101 note).*

20 “(2) *MEMBERSHIP.—*

21 “(A) *IN GENERAL.—The Committee shall*
22 *consist of—*

23 “(i) *members representing Amtrak;*

1 “(ii) members representing the Depart-
2 ment of Transportation, including the Fed-
3 eral Railroad Administration; and

4 “(iii) members representing States.

5 “(B) NON-VOTING MEMBERS.—The Com-
6 mittee may invite and accept other non-voting
7 members to participate in Committee activities,
8 as appropriate.

9 “(3) DECISIONMAKING.—The Committee shall es-
10 tablish a bloc voting system under which, at a min-
11 imum—

12 “(A) there are 3 separate voting blocs to
13 represent the Committee’s voting members, in-
14 cluding—

15 “(i) 1 voting bloc to represent the
16 members described in paragraph (2)(A)(i);

17 “(ii) 1 voting bloc to represent the
18 members described in paragraph (2)(A)(ii);

19 and

20 “(iii) 1 voting bloc to represent the
21 members described in paragraph (2)(A)(iii);

22 “(B) each voting bloc has 1 vote;

23 “(C) the vote of the voting bloc representing
24 the members described in paragraph (2)(A)(iii)

1 *requires the support of at least two-thirds of that*
2 *voting bloc's members; and*

3 “(D) *the Committee makes decisions by*
4 *unanimous consent of the 3 voting blocs.*

5 “(4) *MEETINGS; RULES AND PROCEDURES.—The*
6 *Committee shall convene a meeting and shall define*
7 *and implement the rules and procedures governing the*
8 *Committee's proceedings not later than 180 days after*
9 *the date of establishment of the Committee by the Sec-*
10 *retary. The rules and procedures shall—*

11 “(A) *incorporate and further describe the*
12 *decisionmaking procedures to be used in accord-*
13 *ance with paragraph (3); and*

14 “(B) *be adopted in accordance with such de-*
15 *cisionmaking procedures.*

16 “(5) *COMMITTEE DECISIONS.—Decisions made*
17 *by the Committee in accordance with the Committee's*
18 *rules and procedures, once established, are binding on*
19 *all Committee members.*

20 “(6) *COST ALLOCATION METHODOLOGY.—*

21 “(A) *IN GENERAL.—Subject to subpara-*
22 *graph (B), the Committee may amend the cost*
23 *allocation methodology required and previously*
24 *approved under section 209 of the Passenger*

1 *Rail Investment and Improvement Act of 2008*
2 *(49 U.S.C. 24101 note).*

3 “(B) *PROCEDURES FOR CHANGING METH-*
4 *ODOLOGY.—The rules and procedures imple-*
5 *mented under paragraph (4) shall include proce-*
6 *dures for changing the cost allocation method-*
7 *ology.*

8 “(C) *REQUIREMENTS.—The cost allocation*
9 *methodology shall—*

10 “(i) *ensure equal treatment in the pro-*
11 *vision of like services of all States and*
12 *groups of States; and*

13 “(ii) *allocate to each route the costs in-*
14 *curring only for the benefit of that route and*
15 *a proportionate share, based upon factors*
16 *that reasonably reflect relative use, of costs*
17 *incurred for the common benefit of more*
18 *than 1 route.*

19 “(b) *INVOICES AND REPORTS.—Not later than Feb-*
20 *ruary 15, 2016, and monthly thereafter, Amtrak shall pro-*
21 *vide to each State that sponsors a State-supported route a*
22 *monthly invoice of the cost of operating such route, includ-*
23 *ing fixed costs and third-party costs. The Committee shall*
24 *determine the frequency and contents of the financial and*
25 *performance reports that Amtrak shall provide to the*

1 *States, as well as the planning and demand reports that*
2 *the States shall provide to Amtrak.*

3 “(c) *DISPUTE RESOLUTION.*—

4 “(1) *REQUEST FOR DISPUTE RESOLUTION.*—*If a*
5 *dispute arises with respect to the rules and procedures*
6 *implemented under subsection (a)(4), an invoice or a*
7 *report provided under subsection (b), implementation*
8 *or compliance with the cost allocation methodology*
9 *developed under section 209 of the Passenger Rail In-*
10 *vestment and Improvement Act of 2008 (49 U.S.C.*
11 *24101 note) or amended under subsection (a)(6) of*
12 *this section, either Amtrak or the State may request*
13 *that the Surface Transportation Board conduct dis-*
14 *pute resolution under this subsection.*

15 “(2) *PROCEDURES.*—*The Surface Transportation*
16 *Board shall establish procedures for resolution of dis-*
17 *putes brought before it under this subsection, which*
18 *may include provision of professional mediation serv-*
19 *ices.*

20 “(3) *BINDING EFFECT.*—*A decision of the Sur-*
21 *face Transportation Board under this subsection shall*
22 *be binding on the parties to the dispute.*

23 “(4) *OBLIGATION.*—*Nothing in this subsection*
24 *shall affect the obligation of a State to pay an*
25 *amount not in dispute.*

1 “(d) *ASSISTANCE.*—

2 “(1) *IN GENERAL.*—*The Secretary may provide*
3 *assistance to the parties in the course of negotiations*
4 *for a contract for operation of a State-supported*
5 *route.*

6 “(2) *FINANCIAL ASSISTANCE.*—*From among*
7 *available funds, the Secretary shall—*

8 “(A) *provide financial assistance to Amtrak*
9 *or 1 or more States to perform requested inde-*
10 *pendent technical analysis of issues before the*
11 *Committee; and*

12 “(B) *reimburse Members for travel expenses,*
13 *including per diem in lieu of subsistence, in ac-*
14 *cordance with section 5703 of title 5.*

15 “(e) *PERFORMANCE METRICS.*—*In negotiating a con-*
16 *tract for operation of a State-supported route, Amtrak and*
17 *the State or States that sponsor the route shall consider in-*
18 *cluding provisions that provide penalties and incentives for*
19 *performance.*

20 “(f) *STATEMENT OF GOALS AND OBJECTIVES.*—

21 “(1) *IN GENERAL.*—*The Committee shall develop*
22 *a statement of goals, objectives, and associated rec-*
23 *ommendations concerning the future of State-sup-*
24 *ported routes operated by Amtrak. The statement*
25 *shall identify the roles and responsibilities of Com-*

1 *mittee members and any other relevant entities, such*
2 *as host railroads, in meeting the identified goals and*
3 *objectives, or carrying out the recommendations. The*
4 *Committee may consult with such relevant entities, as*
5 *the Committee considers appropriate, when developing*
6 *the statement.*

7 *“(2) TRANSMISSION OF STATEMENT OF GOALS*
8 *AND OBJECTIVES.—Not later than 2 years after the*
9 *date of enactment of the Railroad Reform, Enhance-*
10 *ment, and Efficiency Act the Committee shall trans-*
11 *mit the statement developed under paragraph (1) to*
12 *the Committee on Commerce, Science, and Transporta-*
13 *tion of the Senate and the Committee on Transporta-*
14 *tion and Infrastructure of the House of Representa-*
15 *tives.*

16 *“(g) RULE OF CONSTRUCTION.—The decisions of the*
17 *Committee—*

18 *“(1) shall pertain to the rail operations of Am-*
19 *trak and related activities of trains operated by Am-*
20 *trak on State-sponsored routes; and*

21 *“(2) shall not pertain to the rail operations or*
22 *related activities of services operated by other rail*
23 *passenger carriers on State-supported routes.*

1 “(h) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Fed-*
 2 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
 3 *apply to the Committee.*

4 “(i) *DEFINITION OF STATE.*—*In this section, the term*
 5 *‘State’ means any of the 50 States, the District of Columbia,*
 6 *or a public entity that sponsor the operation of trains by*
 7 *Amtrak on a State-supported route.”.*

8 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 9 *The table of contents for chapter 247 is amended by adding*
 10 *at the end the following:*

“24712. *State-supported routes operated by Amtrak.*”.

11 **SEC. 35204. ROUTE AND SERVICE PLANNING DECISIONS.**

12 *Section 208 of the Passenger Rail Investment and Im-*
 13 *provement Act of 2008 (49 U.S.C. 24101 note) is amended*
 14 *to read as follows:*

15 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**
 16 **SERVICE PLANNING DECISIONS.**

17 “(a) *METHODOLOGY DEVELOPMENT.*—*Not later than*
 18 *180 days after the date of enactment of the Railroad Re-*
 19 *form, Enhancement, and Efficiency Act, as a condition of*
 20 *receiving a grant under section 101 of that Act, Amtrak*
 21 *shall obtain the services of an independent entity to develop*
 22 *and recommend objective methodologies for Amtrak to use*
 23 *in determining what intercity rail passenger transportation*
 24 *routes and services it should provide, including the estab-*
 25 *lishment of new routes, the elimination of existing routes,*

1 *and the contraction or expansion of services or frequencies*
2 *over such routes.*

3 “(b) *CONSIDERATIONS.—Amtrak shall require the*
4 *independent entity, in developing the methodologies de-*
5 *scribed in subsection (a), to consider—*

6 “(1) *the current and expected performance and*
7 *service quality of intercity rail passenger transpor-*
8 *tation operations, including cost recovery, on-time*
9 *performance, ridership, on-board services, stations, fa-*
10 *cilities, equipment, and other services;*

11 “(2) *the connectivity of a route with other routes;*

12 “(3) *the transportation needs of communities*
13 *and populations that are not well served by intercity*
14 *rail passenger transportation service or by other*
15 *forms of intercity transportation;*

16 “(4) *the methodologies of Amtrak and major*
17 *intercity rail passenger transportation service pro-*
18 *viders in other countries for determining intercity*
19 *passenger rail routes and services;*

20 “(5) *the financial and operational effects on the*
21 *overall network, including the effects on indirect costs;*

22 “(6) *the views of States and the recommenda-*
23 *tions described in State rail plans, rail carriers that*
24 *own infrastructure over which Amtrak operates,*
25 *Interstate Compacts established by Congress and*

1 *States, Amtrak employee representatives, stakeholder*
2 *organizations, and other interested parties; and*

3 “(7) *the funding levels that will be available*
4 *under authorization levels that have been enacted into*
5 *law.*

6 “(c) *RECOMMENDATIONS.—Not later than 1 year after*
7 *the date of enactment of the Railroad Reform, Enhance-*
8 *ment, and Efficiency Act, Amtrak shall transmit to the*
9 *Committee on Commerce, Science, and Transportation of*
10 *the Senate and the Committee on Transportation and In-*
11 *frastructure of the House of Representatives recommenda-*
12 *tions developed by the independent entity under subsection*
13 *(a).*

14 “(d) *CONSIDERATION OF RECOMMENDATIONS.—Not*
15 *later than 90 days after the date the recommendations are*
16 *transmitted under subsection (c), Amtrak shall consider the*
17 *adoption of each recommendation and transmit to the Com-*
18 *mittee on Commerce, Science, and Transportation of the*
19 *Senate and the Committee on Transportation and Infra-*
20 *structure of the House of Representatives a report explain-*
21 *ing the reasons for adopting or not adopting each rec-*
22 *ommendation.”.*

23 **SEC. 35205. COMPETITION.**

24 (a) *ALTERNATE PASSENGER RAIL SERVICE PILOT*
25 *PROGRAM.—Section 24711 is amended to read as follows:*

1 **“§24711. Alternate passenger rail service pilot pro-**
2 **gram**

3 “(a) *IN GENERAL.*—Not later than 18 months after the
4 date of enactment of the Railroad Reform, Enhancement,
5 and Efficiency Act, the Secretary of Transportation shall
6 promulgate a rule to implement a pilot program for com-
7 petitive selection of rail carriers for long-distance routes (as
8 defined in section 24102).

9 “(b) *PILOT PROGRAM REQUIREMENTS.*—

10 “(1) *IN GENERAL.*—The pilot program shall—

11 “(A) allow a party described in paragraph
12 (2) to petition the Secretary to provide intercity
13 rail passenger transportation over a long-dis-
14 tance route in lieu of Amtrak for an operations
15 period of 4 years from the date of commencement
16 of service by the winning bidder and, at the op-
17 tion of the Secretary, consistent with the rule
18 promulgated under subsection (a), allow the con-
19 tract to be renewed for an additional operations
20 period of 4 years, but not to exceed a total of 3
21 operations periods;

22 “(B) require the Secretary to—

23 “(i) notify the petitioner and Amtrak
24 of receipt of the petition under subpara-
25 graph (A) and to publish in the Federal

1 *Register a notice of receipt not later than*
2 *30 days after the date of receipt; and*

3 “(ii) *establish a deadline, of not more*
4 *than 120 days after the notice of receipt is*
5 *published in the Federal Register under*
6 *clause (i), by which both the petitioner and*
7 *Amtrak, if Amtrak chooses to do so, would*
8 *be required to submit a complete bid to pro-*
9 *vide intercity rail passenger transportation*
10 *over the applicable route;*

11 “(C) *require that each bid—*

12 “(i) *describe the capital needs, finan-*
13 *cial projections, and operational plans, in-*
14 *cluding staffing plans, for the service, and*
15 *such other factors as the Secretary considers*
16 *appropriate; and*

17 “(ii) *be made available by the winning*
18 *bidder to the public after the bid award;*

19 “(D) *for a route that receives funding from*
20 *a State or States, require that for each bid re-*
21 *ceived from a party described in paragraph (2),*
22 *other than a State, the Secretary have the con-*
23 *currence of the State or States that provide fund-*
24 *ing for that route;*

1 “(E) for a winning bidder that is not or
2 does not include Amtrak, require the Secretary to
3 execute a contract not later than 270 days after
4 the deadline established under subparagraph
5 (B)(ii) and award to the winning bidder—

6 “(i) subject to paragraphs (3) and (4),
7 the right and obligation to provide intercity
8 rail passenger transportation over that
9 route subject to such performance standards
10 as the Secretary may require; and

11 “(ii) an operating subsidy, as deter-
12 mined by the Secretary, for—

13 “(I) the first year at a level that
14 does not exceed 90 percent of the level
15 in effect for that specific route during
16 the fiscal year preceding the fiscal year
17 in which the petition was received, ad-
18 justed for inflation; and

19 “(II) any subsequent years at the
20 level calculated under subclause (I),
21 adjusted for inflation; and

22 “(F) for a winning bidder that is or in-
23 cludes Amtrak, award to that bidder an oper-
24 ating subsidy, as determined by the Secretary,
25 over the applicable route that will not change

1 *during the fiscal year in which the bid was sub-*
2 *mitted solely as a result of the winning bid.*

3 “(2) *ELIGIBLE PETITIONERS.—The following*
4 *parties are eligible to submit petitions under para-*
5 *graph (1):*

6 “(A) *A rail carrier or rail carriers that own*
7 *the infrastructure over which Amtrak operates a*
8 *long-distance route.*

9 “(B) *A rail passenger carrier with a writ-*
10 *ten agreement with the rail carrier or rail car-*
11 *riers that own the infrastructure over which Am-*
12 *trak operates a long-distance route and that host*
13 *or would host the intercity rail passenger trans-*
14 *portation.*

15 “(C) *A State, group of States, or State-sup-*
16 *ported joint powers authority or other sub-State*
17 *governance entity responsible for provision of*
18 *intercity rail passenger transportation with a*
19 *written agreement with the rail carrier or rail*
20 *carriers that own the infrastructure over which*
21 *Amtrak operates a long-distance route and that*
22 *host or would host the intercity rail passenger*
23 *transportation.*

24 “(D) *A State, group of States, or State-sup-*
25 *ported joint powers authority or other sub-State*

1 *governance entity responsible for provision of*
2 *intercity rail passenger transportation and a*
3 *rail passenger carrier with a written agreement*
4 *with the rail carrier or rail carriers that own the*
5 *infrastructure over which Amtrak operates a*
6 *long-distance route and that host or would host*
7 *the intercity rail passenger transportation.*

8 “(3) *PERFORMANCE STANDARDS.—If the win-*
9 *ning bidder under paragraph (1)(E)(i) is not or does*
10 *not include Amtrak, the performance standards shall*
11 *be consistent with the performance required of or*
12 *achieved by Amtrak on the applicable route during*
13 *the last fiscal year.*

14 “(4) *AGREEMENT GOVERNING ACCESS ISSUES.—*
15 *Unless the winning bidder already has applicable ac-*
16 *cess agreements in place or includes a rail carrier*
17 *that owns the infrastructure used in the operation of*
18 *the route, the winning bidder under paragraph*
19 *(1)(E)(i) shall enter into a written agreement gov-*
20 *erning access issues between the winning bidder and*
21 *the rail carrier or rail carriers that own the infra-*
22 *structure over which the winning bidder would oper-*
23 *ate and that host or would host the intercity rail pas-*
24 *senger transportation.*

1 “(c) *ACCESS TO FACILITIES; EMPLOYEES.*—If the Sec-
2 retary awards the right and obligation to provide rail pas-
3 senger transportation over a route under this section to an
4 entity in lieu of Amtrak—

5 “(1) the Secretary shall require Amtrak to pro-
6 vide access to the Amtrak-owned reservation system,
7 stations, and facilities directly related to operations of
8 the awarded routes to the rail passenger carrier
9 awarded a contract under this section, in accordance
10 with subsection (g), as necessary to carry out the pur-
11 poses of this section;

12 “(2) an employee of any person, except for a
13 freight railroad or a person employed or contracted
14 by a freight railroad, used by such rail passenger car-
15 rier in the operation of a route under this section
16 shall be considered an employee of that rail passenger
17 carrier and subject to the applicable Federal laws and
18 regulations governing similar crafts or classes of em-
19 ployees of Amtrak; and

20 “(3) the winning bidder shall provide hiring
21 preference to qualified Amtrak employees displaced by
22 the award of the bid, consistent with the staffing plan
23 submitted by the bidder, and shall be subject to the
24 grant conditions under section 24405.

1 “(d) *CESSATION OF SERVICE.*—If a rail passenger car-
2 rier awarded a route under this section ceases to operate
3 the service or fails to fulfill an obligation under the contract
4 required under subsection (b)(1)(E), the Secretary shall take
5 any necessary action consistent with this title to enforce the
6 contract and ensure the continued provision of service, in-
7 cluding—

8 “(1) *the installment of an interim rail passenger*
9 *carrier;*

10 “(2) *providing to the interim rail passenger car-*
11 *rier under paragraph (1) an operating subsidy nec-*
12 *essary to provide service; and*

13 “(3) *rebidding the contract to operate the rail*
14 *passenger transportation.*

15 “(e) *BUDGET AUTHORITY.*—

16 “(1) *IN GENERAL.*—The Secretary shall provide
17 to a winning bidder that is not or does not include
18 Amtrak and that is selected under this section any
19 appropriations withheld under section 35101(c) of the
20 *Railroad Reform, Enhancement, and Efficiency Act,*
21 *or any subsequent appropriation for the same pur-*
22 *pose, necessary to cover the operating subsidy de-*
23 *scribed in subsection (b)(1)(E)(ii).*

24 “(2) *AMTRAK.*—If the Secretary selects a win-
25 ning bidder that is not or does not include Amtrak,

1 *the Secretary may provide to Amtrak an appropriate*
2 *portion of the appropriations under section 35101(a)*
3 *of the Railroad Reform, Enhancement, and Efficiency*
4 *Act, or any subsequent appropriation for the same*
5 *purpose, to cover any cost directly attributable to the*
6 *termination of Amtrak service on the route and any*
7 *indirect costs to Amtrak imposed on other Amtrak*
8 *routes as a result of losing service on the route oper-*
9 *ated by the winning bidder. Any amount provided by*
10 *the Secretary to Amtrak under this paragraph shall*
11 *not be deducted from or have any effect on the oper-*
12 *ating subsidy described in subsection (b)(1)(E)(ii).*

13 *“(f) DEADLINE.—If the Secretary does not promulgate*
14 *the final rule and implement the program before the dead-*
15 *line under subsection (a), the Secretary shall submit to the*
16 *Committee on Commerce, Science, and Transportation of*
17 *the Senate and the Committee on Transportation and In-*
18 *frastructure of the House of Representatives a letter, signed*
19 *by the Secretary and Administrator of the Federal Railroad*
20 *Administration, each month until the rule is complete, in-*
21 *cluding—*

22 *“(1) the reasons why the rule has not been*
23 *issued;*

24 *“(2) an updated staffing plan for completing the*
25 *rule as soon as feasible;*

1 “(3) the contact information of the official that
2 will be overseeing the execution of the staffing plan;
3 and

4 “(4) the estimated date of completion of the rule.

5 “(g) *DISPUTES.*—If Amtrak and the rail passenger
6 carrier awarded a route under this section cannot agree
7 upon terms to carry out subsection (c)(1), and the Surface
8 Transportation Board finds that access to Amtrak’s facili-
9 ties or equipment, or the provision of services by Amtrak,
10 is necessary under subsection (c)(1) and that the operation
11 of Amtrak’s other services will not be impaired thereby, the
12 Surface Transportation Board shall issue an order that the
13 facilities and equipment be made available, and that serv-
14 ices be provided, by Amtrak, and shall determine reasonable
15 compensation, liability, and other terms for use of the facili-
16 ties and equipment and provision of the services.

17 “(h) *LIMITATION.*—Not more than 3 long-distance
18 routes may be selected under this section for operation by
19 a winning bidder that is not or does not include Amtrak.

20 “(i) *PRESERVATION OF RIGHT TO COMPETITION ON*
21 *STATE-SUPPORTED ROUTES.*—Nothing in this section shall
22 be construed as prohibiting a State from introducing com-
23 petition for intercity rail passenger transportation or serv-
24 ices on its State-supported route or routes.”.

1 **(b) REPORT.**—Not later than 4 years after the date
2 of implementation of the pilot program under section 24711
3 of title 49, United States Code, and quadrennially there-
4 after until the pilot program is discontinued, the Secretary
5 shall submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on Trans-
7 portation and Infrastructure of the House of Representa-
8 tives a report on the results on the pilot program to date
9 and any recommendations for further action.

10 **SEC. 35206. ROLLING STOCK PURCHASES.**

11 **(a) IN GENERAL.**—Prior to entering into any contract
12 in excess of \$100,000,000 for rolling stock and locomotive
13 procurements Amtrak shall submit a business case analysis
14 to the Secretary, the Committee on Commerce, Science, and
15 Transportation and the Committee on Appropriations of
16 the Senate and the Committee on Transportation and In-
17 frastructure and the Committee on Appropriations of the
18 House of Representatives, on the utility of such procure-
19 ments.

20 **(b) CONTENTS.**—The business case analysis shall—

21 (1) include a cost and benefit comparison that
22 describes the total lifecycle costs and the anticipated
23 benefits related to revenue, operational efficiency, reli-
24 ability, and other factors;

25 (2) set forth the total payments by fiscal year;

1 (3) *identify the specific source and amounts of*
2 *funding for each payment, including Federal funds,*
3 *State funds, Amtrak profits, Federal, State, or pri-*
4 *ivate loans or loan guarantees, and other funding;*

5 (4) *include an explanation of whether any pay-*
6 *ment under the contract will increase Amtrak’s grant*
7 *request, as required under section 24318 of title 49,*
8 *United States Code, in that particular fiscal year;*
9 *and*

10 (5) *describe how Amtrak will adjust the procure-*
11 *ment if future funding is not available.*

12 (c) **RULE OF CONSTRUCTION.**—*Nothing in this section*
13 *shall be construed as requiring Amtrak to disclose confiden-*
14 *tial information regarding a potential vendor’s proposed*
15 *pricing or other sensitive business information prior to con-*
16 *tract execution.*

17 **SEC. 35207. FOOD AND BEVERAGE POLICY.**

18 (a) **IN GENERAL.**—*Chapter 243, as amended in section*
19 *35202 of this Act, is further amended by adding after sec-*
20 *tion 24320 the following:*

21 **“§ 24321. Food and beverage reform**

22 “(a) **PLAN.**—*Not later than 90 days after the date of*
23 *enactment of the Railroad Reform, Enhancement, and Effi-*
24 *ciency Act, Amtrak shall develop and begin implementing*
25 *a plan to eliminate, not later than 4 years after the date*

1 *of enactment of that Act, the operating loss associated with*
2 *providing food and beverage service on board Amtrak*
3 *trains.*

4 “(b) *CONSIDERATIONS.—In developing and imple-*
5 *menting the plan under subsection (a), Amtrak shall con-*
6 *sider a combination of cost management and revenue gen-*
7 *eration initiatives, including—*

8 “(1) *scheduling optimization;*

9 “(2) *onboard logistics;*

10 “(3) *product development and supply chain effi-*
11 *ciency;*

12 “(4) *training, awards, and accountability;*

13 “(5) *technology enhancements and process im-*
14 *provements; and*

15 “(6) *ticket revenue allocation.*

16 “(c) *SAVINGS CLAUSE.—Amtrak shall ensure that no*
17 *Amtrak employee holding a position as of the date of enact-*
18 *ment of the Railroad Reform, Enhancement, and Efficiency*
19 *Act is involuntarily separated because of—*

20 “(1) *the development and implementation of the*
21 *plan required under subsection (a); or*

22 “(2) *any other action taken by Amtrak to imple-*
23 *ment this section.*

24 “(d) *NO FEDERAL FUNDING FOR OPERATING*
25 *LOSSES.—Beginning on the date that is 4 years after the*

1 *date of enactment of the Railroad Reform, Enhancement,*
 2 *and Efficiency Act, no Federal funds may be used to cover*
 3 *any operating loss associated with providing food and bev-*
 4 *erage service on a route operated by Amtrak or an alter-*
 5 *native passenger rail service provider that operates a route*
 6 *in lieu of Amtrak under section 24711.*

7 “(e) *REPORT.—Not later than 120 days after the date*
 8 *of enactment of the Railroad Reform, Enhancement, and*
 9 *Efficiency Act, and annually thereafter for a period of 4*
 10 *years, Amtrak shall transmit to the Committee on Com-*
 11 *merce, Science, and Transportation of the Senate and the*
 12 *Committee on Transportation and Infrastructure of the*
 13 *House of Representatives a report on the plan developed*
 14 *under subsection (a) and a description of progress in the*
 15 *implementation of the plan.”.*

16 “(b) *CONFORMING AMENDMENT.—The table of contents*
 17 *for chapter 243, as amended in section 35202 of this Act,*
 18 *is amended by adding at the end the following:*

“24321. *Food and beverage reform.”.*

19 **SEC. 35208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

20 “(a) *IN GENERAL.—Not later than 6 months after the*
 21 *date of enactment of this Act, Amtrak shall establish a pilot*
 22 *program for a State or States that sponsor a State-sup-*
 23 *ported route operated by Amtrak to facilitate—*

24 (1) *onboard purchase and sale of local food and*
 25 *beverage products; and*

1 (2) *partnerships with local entities to hold pro-*
2 *motional events on trains or in stations.*

3 (b) *PROGRAM DESIGN.—The pilot program under*
4 *paragraph (1) shall allow a State or States—*

5 (1) *to nominate and select a local food and bev-*
6 *erage products supplier or suppliers or local pro-*
7 *motional event partner;*

8 (2) *to charge a reasonable price or fee for local*
9 *food and beverage products or promotional events and*
10 *related activities to help defray the costs of program*
11 *administration and State-supported routes; and*

12 (3) *a mechanism to ensure that State products*
13 *can effectively be handled and integrated into existing*
14 *food and beverage services, including compliance with*
15 *all applicable regulations and standards governing*
16 *such services.*

17 (c) *PROGRAM ADMINISTRATION.—The pilot program*
18 *shall—*

19 (1) *for local food and beverage products, ensure*
20 *the products are integrated into existing food and bev-*
21 *erage services, including compliance with all applica-*
22 *ble regulations and standards;*

23 (2) *for promotional events, ensure the events are*
24 *held in compliance with all applicable regulations*

1 *and standards, including terms to address insurance*
2 *requirements; and*

3 (3) *require an annual report that documents rev-*
4 *enues and costs and indicates whether the products or*
5 *events resulted in a reduction in the financial con-*
6 *tribution of a State or States to the applicable State-*
7 *supported route.*

8 (d) *REPORT.*—*Not later than 4 years after the date*
9 *of establishment of the pilot programs under this section,*
10 *Amtrak shall report to the Committee on Commerce,*
11 *Science, and Transportation of the Senate and the Com-*
12 *mittee on Transportation and Infrastructure of the House*
13 *of Representatives on which States have participated in the*
14 *pilot programs under this section. The report shall summa-*
15 *rize the financial and operational outcomes of the pilot pro-*
16 *grams.*

17 (e) *RULE OF CONSTRUCTION.*—*Nothing in this sub-*
18 *section shall be construed as limiting Amtrak's ability to*
19 *operate special trains in accordance with section 216 of the*
20 *Passenger Rail Investment and Improvement Act of 2008*
21 *(49 U.S.C. 24308 note).*

22 **SEC. 35209. RIGHT-OF-WAY LEVERAGING.**

23 (a) *REQUEST FOR PROPOSALS.*—

24 (1) *IN GENERAL.*—*Not later than 1 year after*
25 *the date of enactment of this Act, Amtrak shall issue*

1 *a Request for Proposals seeking qualified persons or*
2 *entities to utilize right-of-way and real estate owned,*
3 *controlled, or managed by Amtrak for telecommuni-*
4 *cations systems, energy distribution systems, and*
5 *other activities considered appropriate by Amtrak.*

6 (2) *CONTENTS.—The Request for Proposals shall*
7 *provide sufficient information on the right-of-way*
8 *and real estate assets to enable respondents to propose*
9 *an arrangement that will monetize or generate addi-*
10 *tional revenue from such assets through revenue shar-*
11 *ing or leasing agreements with Amtrak, to the extent*
12 *possible.*

13 (b) *CONSIDERATION OF PROPOSALS.—Not later than*
14 *180 days following the deadline for the receipt of proposals*
15 *under subsection (a), Amtrak shall review and consider each*
16 *qualified proposal. Amtrak may enter into such agreements*
17 *as are necessary to implement any qualified proposal.*

18 (c) *REPORT.—Not later than 270 days following the*
19 *deadline for the receipt of proposals under subsection (a),*
20 *Amtrak shall transmit to the Committee on Commerce,*
21 *Science, and Transportation of the Senate and the Com-*
22 *mittee on Transportation and Infrastructure of the House*
23 *of Representatives a report on the Request for Proposals re-*
24 *quired by this section, including summary information of*

1 *any proposals submitted to Amtrak and any proposals ac-*
2 *cepted by Amtrak.*

3 (d) *SAVINGS CLAUSE.*—*Nothing in this section shall*
4 *be construed to limit Amtrak’s ability to utilize right-of-*
5 *way or real estate assets that it currently owns, controls,*
6 *or manages or constrain Amtrak’s ability to enter into*
7 *agreements with other parties to utilize such assets.*

8 **SEC. 35210. STATION DEVELOPMENT.**

9 (a) *REPORT ON DEVELOPMENT OPTIONS.*—*Not later*
10 *than 1 year after the date of the enactment of this Act, Am-*
11 *trak shall submit a report to the Committee on Commerce,*
12 *Science, and Transportation of the Senate and the Com-*
13 *mittee on Transportation and Infrastructure of the House*
14 *of Representatives that describes—*

15 (1) *options to enhance economic development and*
16 *accessibility of and around Amtrak stations and ter-*
17 *minals, for the purposes of—*

18 (A) *improving station condition,*
19 *functionality, capacity, and customer amenities;*

20 (B) *generating additional investment cap-*
21 *ital and development-related revenue streams;*

22 (C) *increasing ridership and revenue;*

23 (D) *complying with the applicable sections*
24 *of the Americans with Disabilities Act of 1990*

1 (42 U.S.C. 12101 *et seq.*) and the Rehabilitation
2 Act of 1973 (29 U.S.C. 701 *et seq.*); and

3 (E) strengthening multimodal connections,
4 including transit, intercity buses, roll-on and
5 roll-off bicycles, and airports, as appropriate;
6 and

7 (2) options for additional Amtrak stops that
8 would have a positive incremental financial impact
9 to Amtrak, based on Amtrak feasibility studies that
10 demonstrate a financial benefit to Amtrak by gener-
11 ating additional revenue that exceeds any incremental
12 costs.

13 (b) *REQUEST FOR INFORMATION.*—Not later than 90
14 days after the date the report is transmitted under sub-
15 section (a), Amtrak shall issue a Request of Information
16 for 1 or more owners of stations served by Amtrak to for-
17 mally express an interest in completing the requirements
18 of this section.

19 (c) *PROPOSALS.*—

20 (1) *REQUEST FOR PROPOSALS.*—Not later than
21 180 days after the date the Request for Information
22 is issued under subsection (a), Amtrak shall issue a
23 Request for Proposals from qualified persons, includ-
24 ing small business concerns owned and controlled by
25 socially and economically disadvantaged individuals

1 *and veteran-owned small businesses, to lead, partici-*
2 *pate, or partner with Amtrak, a station owner that*
3 *responded under subsection (b), and other entities in*
4 *enhancing development in and around such stations*
5 *and terminals using applicable options identified*
6 *under subsection (a) at facilities selected by Amtrak.*

7 (2) *CONSIDERATION OF PROPOSALS.—Not later*
8 *than 1 year after the date the Request for Proposals*
9 *are issued under paragraph (1), Amtrak shall review*
10 *and consider qualified proposals submitted under*
11 *paragraph (1). Amtrak or a station owner that re-*
12 *sponded under subsection (b) may enter into such*
13 *agreements as are necessary to implement any quali-*
14 *fied proposal.*

15 (d) *REPORT.—Not later than 3 years after the date*
16 *of enactment of this Act, Amtrak shall transmit to the Com-*
17 *mittee on Commerce, Science, and Transportation of the*
18 *Senate and the Committee on Transportation and Infra-*
19 *structure of the House of Representatives a report on the*
20 *Request for Proposals process required under this section,*
21 *including summary information of any qualified proposals*
22 *submitted to Amtrak and any proposals acted upon by Am-*
23 *trak or a station owner that responded under subsection (b).*

24 (e) *DEFINITIONS.—In this section, the terms “small*
25 *business concern”, “socially and economically disadvan-*

1 *taged individual*”, and *“veteran-owned small business”*
2 *have the meanings given the terms in section 304(c) of this*
3 *Act.*

4 (f) *SAVINGS CLAUSE.—Nothing in this section shall be*
5 *construed to limit Amtrak’s ability to develop its stations,*
6 *terminals, or other assets, to constrain Amtrak’s ability to*
7 *enter into and carry out agreements with other parties to*
8 *enhance development at or around Amtrak stations or ter-*
9 *minals, or to affect any station development initiatives on-*
10 *going as of the date of enactment of this Act.*

11 **SEC. 35211. AMTRAK DEBT.**

12 *Section 205 of the Passenger Rail Investment and Im-*
13 *provement Act of 2008 (49 U.S.C. 24101 note) is amend-*
14 *ed—*

15 (1) *by striking “as of the date of enactment of*
16 *this Act” each place it appears;*

17 (2) *in subsection (a)—*

18 (A) *by inserting “, to the extent provided in*
19 *advance in appropriations Acts” after “Amtrak’s*
20 *indebtedness”; and*

21 (B) *by striking the second sentence;*

22 (3) *in subsection (b), by striking “The Secretary*
23 *of the Treasury, in consultation” and inserting “To*
24 *the extent amounts are provided in advance in appro-*

1 *provisions Acts, the Secretary of the Treasury, in con-*
2 *sultation”;*

3 *(4) in subsection (d), by inserting “, to the extent*
4 *provided in advance in appropriations Acts” after*
5 *“as appropriate”;*

6 *(5) in subsection (e)—*

7 *(A) in paragraph (1), by striking “by sec-*
8 *tion 102 of this division”; and*

9 *(B) in paragraph (2), by striking “by sec-*
10 *tion 102” and inserting “for Amtrak”;*

11 *(6) in subsection (g), by inserting “, unless that*
12 *debt receives credit assistance, including direct loans*
13 *and loan guarantees, under chapter 6 of title 23,*
14 *United States Code or title V of the Railroad Revital-*
15 *ization and Regulatory Act of 1976 (45 U.S.C. 821*
16 *et seq.)” after “Secretary”; and*

17 *(7) by striking subsection (h).*

18 **SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS**
19 **TRANSPORTING DOMESTICATED CATS AND**
20 **DOGS.**

21 *(a) IN GENERAL.—Not later than 1 year after the date*
22 *of enactment of this Act, Amtrak shall develop a pilot pro-*
23 *gram that allows passengers to transport domesticated cats*
24 *or dogs on certain trains operated by Amtrak.*

1 **(b) PET POLICY.**—*In developing the pilot program re-*
2 *quired under subsection (a), Amtrak shall—*

3 *(1) in the case of a passenger train that is com-*
4 *prised of more than 1 car, designate, where feasible,*
5 *at least 1 car in which a ticketed passenger may*
6 *transport a domesticated cat or dog in the same man-*
7 *ner as carry-on baggage if—*

8 *(A) the cat or dog is contained in a pet ken-*
9 *nel;*

10 *(B) the pet kennel complies with Amtrak*
11 *size requirements for carriage of carry-on bag-*
12 *gage;*

13 *(C) the passenger is traveling on a train op-*
14 *erating on a route described in subparagraph*
15 *(A), (B), or (D) of section 24102(6) of title 49,*
16 *United States Code; and*

17 *(D) the passenger pays a fee described in*
18 *paragraph (3);*

19 *(2) allow a ticketed passenger to transport a do-*
20 *mesticated cat or dog on a train in the same manner*
21 *as cargo if—*

22 *(A) the cat or dog is contained in a pet ken-*
23 *nel;*

24 *(B) the pet kennel is stowed in accordance*
25 *with Amtrak requirements for cargo stowage;*

1 (C) the passenger is traveling on a train op-
2 erating on a route described in subparagraph
3 (A), (B), or (D) of section 24102(6) of title 49,
4 United States Code;

5 (D) the cargo area is temperature controlled
6 in a manner protective of cat and dog safety and
7 health; and

8 (E) the passenger pays a fee described in
9 paragraph (3); and

10 (3) collect fees for each cat or dog transported by
11 a ticketed passenger in an amount that, in the aggre-
12 gate and at a minimum, covers the full costs of the
13 pilot program.

14 (c) *REPORT.*—Not later than 1 year after the pilot pro-
15 gram required under subsection (a) is first implemented,
16 Amtrak shall transmit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the Com-
18 mittee on Transportation and Infrastructure of the House
19 of Representatives a report containing an evaluation of the
20 pilot program.

21 (d) *LIMITATION ON STATUTORY CONSTRUCTION.*—

22 (1) *SERVICE ANIMALS.*—The pilot program
23 under subsection (a) shall be separate from and in
24 addition to the policy governing Amtrak passengers
25 traveling with service animals. Nothing in this sec-

1 *tion may be interpreted to limit or waive the rights*
2 *of passengers to transport service animals.*

3 (2) *ADDITIONAL TRAIN CARS.*—*Nothing in this*
4 *section may be interpreted to require Amtrak to add*
5 *additional train cars or modify existing train cars.*

6 (3) *FEDERAL FUNDS.*—*No Federal funds may be*
7 *used to implement the pilot program required under*
8 *this section.*

9 **SEC. 35213. AMTRAK BOARD OF DIRECTORS.**

10 (a) *IN GENERAL.*—*Section 24302(a) is amended to*
11 *read as follows:*

12 “(a) *COMPOSITION AND TERMS.*—

13 “(1) *IN GENERAL.*—*The Amtrak Board of Direc-*
14 *tors (referred to in this section as the ‘Board’) is com-*
15 *posed of the following 9 directors, each of whom must*
16 *be a citizen of the United States:*

17 “(A) *The Secretary of Transportation.*

18 “(B) *The President of Amtrak.*

19 “(C) *7 individuals appointed by the Presi-*
20 *dent of the United States, by and with the advice*
21 *and consent of the Senate, with general business*
22 *and financial experience, experience or qualifica-*
23 *tions in transportation, freight and passenger*
24 *rail transportation, travel, hospitality, or pas-*
25 *senger air transportation businesses, or rep-*

1 *representatives of employees or users of passenger*
2 *rail transportation or a State government.*

3 “(2) *SELECTION.—In selecting individuals de-*
4 *scribed in paragraph (1)(C) for nominations for ap-*
5 *pointments to the Board, the President shall consult*
6 *with the Speaker of the House of Representatives, the*
7 *minority leader of the House of Representatives, the*
8 *majority leader of the Senate, and the minority leader*
9 *of the Senate. The individuals appointed to the Board*
10 *under paragraph (1)(C) shall be composed of the fol-*
11 *lowing;*

12 *“(A) 2 individuals from the Northeast Cor-*
13 *ridor.*

14 *“(B) 4 individuals from regions of the coun-*
15 *try outside of the Northeast Corridor and geo-*
16 *graphically distributed with—*

17 *“(i) 2 individuals from States with*
18 *long-distance routes operated by Amtrak;*
19 *and*

20 *“(ii) 2 individuals from States with*
21 *State-supported routes operated by Amtrak.*

22 *“(C) 1 individual from the Northeast Cor-*
23 *ridor or a State with long-distance or State-sup-*
24 *ported routes.*

1 “(3) *TERM.*—An individual appointed under
2 paragraph (1)(C) shall be appointed for a term of 5
3 years. The term may be extended until the individ-
4 ual’s successor is appointed and qualified. Not more
5 than 4 individuals appointed under paragraph (1)(C)
6 may be members of the same political party.

7 “(4) *CHAIRPERSON AND VICE CHAIRPERSON.*—
8 The Board shall elect a chairperson and vice chair-
9 person, other than the President of Amtrak, from
10 among its membership. The vice chairperson shall
11 serve as chairperson in the absence of the chairperson.

12 “(5) *SECRETARY’S DESIGNEE.*—The Secretary
13 may be represented at Board meetings by the Sec-
14 retary’s designee.”.

15 (b) *RULE OF CONSTRUCTION.*—Nothing in this section
16 shall be construed as affecting the term of any director serv-
17 ing on the Amtrak Board of Directors under section
18 24302(a)(1)(C) of title 49, United States Code, on the day
19 preceding the date of enactment of this Act.

20 **SEC. 35214. AMTRAK BOARDING PROCEDURES.**

21 (a) *REPORT.*—Not later than 6 months after the date
22 of enactment of this Act, the Amtrak Office of Inspector
23 General shall submit a report to the Committee on Com-
24 merce, Science, and Transportation of the Senate and the

1 *Committee on Transportation and Infrastructure of the*
2 *House of Representatives that—*

3 (1) *evaluates Amtrak’s boarding procedures for*
4 *passengers, including passengers using or trans-*
5 *porting nonmotorized transportation, such as wheel-*
6 *chairs and bicycles, at its 15 stations through which*
7 *the most people pass;*

8 (2) *compares Amtrak’s boarding procedures to—*

9 (A) *commuter railroad boarding procedures*
10 *at stations shared with Amtrak;*

11 (B) *international intercity passenger rail*
12 *boarding procedures; and*

13 (C) *fixed guideway transit boarding proce-*
14 *dures; and*

15 (3) *makes recommendations, as appropriate, in*
16 *consultation with the Transportation Security Ad-*
17 *ministration, to improve Amtrak’s boarding proce-*
18 *dures, including recommendations regarding the*
19 *queuing of passengers and free-flow of all station*
20 *users and facility improvements needed to achieve the*
21 *recommendations.*

22 (b) *CONSIDERATION OF RECOMMENDATIONS.—Not*
23 *later than 6 months after the report is submitted under sub-*
24 *section (a), Amtrak shall consider each recommendation*

1 *provided under subsection (a)(3) for implementation at ap-*
 2 *propriate locations across the Amtrak system.*

3 ***Subtitle C—Intercity Passenger***
 4 ***Rail Policy***

5 ***SEC. 35301. COMPETITIVE OPERATING GRANTS.***

6 (a) *IN GENERAL.*—*Chapter 244 is amended—*

7 (1) *by striking section 24406; and*

8 (2) *by inserting after section 24405 the fol-*
 9 *lowing:*

10 ***“§ 24406. Competitive operating grants***

11 “(a) *APPLICANT DEFINED.*—*In this section, the term*
 12 *‘applicant’ means—*

13 “(1) *a State;*

14 “(2) *a group of States;*

15 “(3) *an Interstate Compact;*

16 “(4) *a public agency or publicly chartered au-*
 17 *thority established by 1 or more States and having re-*
 18 *sponsibility for providing intercity rail passenger*
 19 *transportation or commuter rail passenger transpor-*
 20 *tation;*

21 “(5) *a political subdivision of a State;*

22 “(6) *Amtrak or another rail passenger carrier*
 23 *that provides intercity rail passenger transportation;*

1 “(7) Any rail carrier in partnership with at
2 least 1 of the entities described in paragraphs (1)
3 through (5); and

4 “(8) any combination of the entities described in
5 paragraphs (1) through (7).

6 “(b) GRANTS AUTHORIZED.—The Secretary of Trans-
7 portation shall develop and implement a program for
8 issuing 3-year operating assistance grants to applicants, on
9 a competitive basis, for the purpose of initiating, restoring,
10 or enhancing intercity rail passenger service.

11 “(c) APPLICATION.—An applicant for a grant under
12 this section shall submit to the Secretary—

13 “(1) a capital and mobilization plan that—

14 “(A) describes any capital investments,
15 service planning actions (such as environmental
16 reviews), and mobilization actions (such as qual-
17 ification of train crews) required for initiation
18 of service; and

19 “(B) includes the timeline for undertaking
20 and completing each of the investments and ac-
21 tions referred to in subparagraph (A);

22 “(2) an operating plan that describes the
23 planned operation of the service, including—

24 “(A) the identity and qualifications of the
25 train operator;

1 “(B) the identity and qualifications of any
2 other service providers;

3 “(C) service frequency;

4 “(D) the planned routes and schedules;

5 “(E) the station facilities that will be uti-
6 lized;

7 “(F) projected ridership, revenues, and
8 costs;

9 “(G) descriptions of how the projections
10 under subparagraph (F) were developed;

11 “(H) the equipment that will be utilized,
12 how such equipment will be acquired or refur-
13 bished, and where such equipment will be main-
14 tained; and

15 “(I) a plan for ensuring safe operations and
16 compliance with applicable safety regulations;

17 “(3) a funding plan that—

18 “(A) describes the funding of initial capital
19 costs and operating costs for the first 3 years of
20 operation;

21 “(B) includes a commitment by the appli-
22 cant to provide the funds described in subpara-
23 graph (A) to the extent not covered by Federal
24 grants and revenues; and

1 “(C) describes the funding of operating costs
2 and capital costs, to the extent necessary, after
3 the first 3 years of operation; and

4 “(4) a description of the status of negotiations
5 and agreements with—

6 “(A) each of the railroads or regional trans-
7 portation authorities whose tracks or facilities
8 would be utilized by the service;

9 “(B) the anticipated rail passenger carrier,
10 if such entity is not part of the applicant group;
11 and

12 “(C) any other service providers or entities
13 expected to provide services or facilities that will
14 be used by the service, including any required
15 access to Amtrak systems, stations, and facilities
16 if Amtrak is not part of the applicant group.

17 “(d) *PRIORITIES*.—In awarding grants under this sec-
18 tion, the Secretary shall give priority to applications—

19 “(1) for which planning, design, any environ-
20 mental reviews, negotiation of agreements, acquisition
21 of equipment, construction, and other actions nec-
22 essary for initiation of service have been completed or
23 nearly completed;

1 “(2) that would restore service over routes for-
2 merly operated by Amtrak, including routes with
3 international connections;

4 “(3) that would provide daily or daytime service
5 over routes where such service did not previously
6 exist;

7 “(4) that include private funding (including
8 funding from railroads), and funding or other signifi-
9 cant participation by State, local, and regional gov-
10 ernmental and private entities;

11 “(5) that include a funding plan that dem-
12 onstrates the intercity rail passenger service will be
13 financially sustainable beyond the 3-year grant pe-
14 riod;

15 “(6) that would provide service to regions and
16 communities that are underserved or not served by
17 other intercity public transportation;

18 “(7) that would foster economic development,
19 particularly in rural communities and for disadvan-
20 taged populations;

21 “(8) that would provide other non-transportation
22 benefits; and

23 “(9) that would enhance connectivity and geo-
24 graphic coverage of the existing national network of
25 intercity passenger rail service.

1 “(e) *LIMITATIONS.*—

2 “(1) *DURATION.*—*Federal operating assistance*
3 *grants authorized under this section for any indi-*
4 *vidual intercity rail passenger transportation route*
5 *may not provide funding for more than 3 years and*
6 *may not be renewed.*

7 “(2) *LIMITATION.*—*Not more than 6 of the oper-*
8 *ating assistance grants awarded pursuant to sub-*
9 *section (b) may be simultaneously active.*

10 “(3) *MAXIMUM FUNDING.*—*Grants described in*
11 *paragraph (1) may not exceed—*

12 “(A) *80 percent of the projected net oper-*
13 *ating costs for the first year of service;*

14 “(B) *60 percent of the projected net oper-*
15 *ating costs for the second year of service; and*

16 “(C) *40 percent of the projected net oper-*
17 *ating costs for the third year of service.*

18 “(f) *USE WITH CAPITAL GRANTS AND OTHER FED-*
19 *ERAL FUNDING.*—*A recipient of an operating assistance*
20 *grant under subsection (b) may use that grant in combina-*
21 *tion with other grants awarded under this chapter or any*
22 *other Federal funding that would benefit the applicable*
23 *service.*

1 “(g) *AVAILABILITY.*—Amounts appropriated for car-
2 *rying out this section shall remain available until ex-*
3 *pended.*

4 “(h) *COORDINATION WITH AMTRAK.*—If the Secretary
5 *awards a grant under this section to a rail passenger car-*
6 *rier other than Amtrak, Amtrak may be required under sec-*
7 *tion 24711(c)(1) of this title to provide access to its reserva-*
8 *tion system, stations, and facilities that are directly related*
9 *to operations to such carrier, to the extent necessary to*
10 *carry out the purposes of this section. The Secretary may*
11 *award an appropriate portion of the grant to Amtrak as*
12 *compensation for this access.*

13 “(i) *CONDITIONS.*—

14 “(1) *GRANT AGREEMENT.*—The Secretary shall
15 *require grant recipients under this section to enter*
16 *into a grant agreement that requires them to provide*
17 *similar information regarding the route performance,*
18 *financial, and ridership projections, and capital and*
19 *business plans that Amtrak is required to provide,*
20 *and such other data and information as the Secretary*
21 *deems necessary.*

22 “(2) *INSTALLMENTS; TERMINATION.*—The Sec-
23 *retary may—*

1 “(A) award grants under this section in in-
2 stallments, as the Secretary considers appro-
3 priate; and

4 “(B) terminate any grant agreement
5 upon—

6 “(i) the cessation of service; or

7 “(ii) the violation of any other term of
8 the grant agreement.

9 “(3) GRANT CONDITIONS.—Except as specifically
10 provided in this section, the use of any amounts ap-
11 propriated for grants under this section shall be sub-
12 ject to the requirements under this chapter.

13 “(j) REPORT.—Not later than 4 years after the date
14 of enactment of the Railroad Reform, Enhancement, and
15 Efficiency Act, the Secretary, after consultation with grant
16 recipients under this section, shall submit a report to Con-
17 gress that describes—

18 “(1) the implementation of this section;

19 “(2) the status of the investments and operations
20 funded by such grants;

21 “(3) the performance of the routes funded by
22 such grants;

23 “(4) the plans of grant recipients for continued
24 operation and funding of such routes; and

25 “(5) any legislative recommendations.”.

1 (b) *CONFORMING AMENDMENTS.*—Chapter 244 is
2 amended—

3 (1) *in the table of contents, by inserting after the*
4 *item relating to section 24405 the following:*

“24406. *Competitive operating grants.*”;

5 (2) *in the chapter title, by striking “**INTER-***
6 ***CITY PASSENGER RAIL SERVICE COR-***
7 ***RIDOR CAPITAL**” and inserting “**RAIL CAP-***
8 ***ITAL AND OPERATING**”;*

9 (3) *in section 24401, by striking paragraph (1);*

10 (4) *in section 24402, by striking subsection (j)*
11 *and inserting the following:*

12 “(j) *APPLICANT DEFINED.*—*In this section, the term*
13 *‘applicant’ means a State (including the District of Colum-*
14 *bia), a group of States, an Interstate Compact, a public*
15 *agency or publicly chartered authority established by 1 or*
16 *more States and having responsibility for providing inter-*
17 *city rail passenger transportation, or a political subdivi-*
18 *sion of a State.”; and*

19 (5) *in section 24405—*

20 (A) *in subsection (b)—*

21 (i) *by inserting “, or for which an op-*
22 *erating grant is issued under section*
23 *24406,” after “chapter”; and*

24 (ii) *in paragraph (2), by striking*
25 *“(43” and inserting “(45”;*

1 (B) in subsection (d)(1), in the matter pre-
2 ceding subparagraph (A), by inserting “or unless
3 Amtrak ceased providing intercity passenger
4 railroad transportation over the affected route
5 more than 3 years before the commencement of
6 new service” after “unless such service was pro-
7 vided solely by Amtrak to another entity”;

8 (C) in subsection (f), by striking “under
9 this chapter for commuter rail passenger trans-
10 portation, as defined in section 24012(4) of this
11 title.” and inserting “under this chapter for com-
12 muter rail passenger transportation (as defined
13 in section 24102(3)).”; and

14 (D) by adding at the end the following:

15 “(g) *SPECIAL TRANSPORTATION CIRCUMSTANCES.*—In
16 carrying out this chapter, the Secretary shall allocate an
17 appropriate portion of the amounts available under this
18 chapter to provide grants to States—

19 “(1) in which there is no intercity passenger rail
20 service, for the purpose of funding freight rail capital
21 projects that are on a State rail plan developed under
22 chapter 227 that provide public benefits (as defined in
23 chapter 227), as determined by the Secretary; or

24 “(2) in which the rail transportation system is
25 not physically connected to rail systems in the conti-

1 *mental United States or may not otherwise qualify for*
 2 *a grant under this section due to the unique charac-*
 3 *teristics of the geography of that State or other rel-*
 4 *evant considerations, for the purpose of funding*
 5 *transportation-related capital projects.”.*

6 **SEC. 35302. FEDERAL-STATE PARTNERSHIP FOR STATE OF**
 7 **GOOD REPAIR.**

8 *(a) AMENDMENT.—Chapter 244 is amended by insert-*
 9 *ing after section 24406, as added by section 5301 of this*
 10 *Act, the following:*

11 **“§24407. Federal-State partnership for state of good**
 12 **repair**

13 *“(a) DEFINITIONS.—In this section:*

14 *“(1) APPLICANT.—The term ‘applicant’ means—*

15 *“(A) a State (including the District of Co-*
 16 *lumbia);*

17 *“(B) a group of States;*

18 *“(C) an Interstate Compact;*

19 *“(D) a public agency or publicly chartered*
 20 *authority established by 1 or more States that*
 21 *has responsibility for providing intercity rail*
 22 *passenger transportation or commuter rail pas-*
 23 *senger transportation;*

24 *“(E) a political subdivision of a State;*

1 “(F) Amtrak, acting on its own behalf or
2 under a cooperative agreement with 1 or more
3 States; or

4 “(G) any combination of the entities de-
5 scribed in subparagraphs (A) through (F).

6 “(2) CAPITAL PROJECT.—The term ‘capital
7 project’ means—

8 “(A) a project primarily intended to re-
9 place, rehabilitate, or repair major infrastruc-
10 ture assets utilized for providing intercity pas-
11 senger rail service, including tunnels, bridges,
12 stations, and other assets, as determined by the
13 Secretary; or

14 “(B) a project primarily intended to im-
15 prove intercity passenger rail performance, in-
16 cluding reduced trip times, increased train fre-
17 quencies, higher operating speeds, and other im-
18 provements, as determined by the Secretary.

19 “(3) NORTHEAST CORRIDOR.—The term ‘North-
20 east Corridor’ means—

21 “(A) the main rail line between Boston,
22 Massachusetts and the Virginia Avenue inter-
23 locking in the District of Columbia; and

1 “(B) the branch rail lines connecting to
2 Harrisburg, Pennsylvania, Springfield, Massa-
3 chusetts, and Spuyten Duyvil, New York.

4 “(4) *QUALIFIED RAILROAD ASSET*.—The term
5 ‘qualified railroad asset’ means infrastructure, equip-
6 ment, or a facility that—

7 “(A) is owned or controlled by an eligible
8 applicant; and

9 “(B) was not in a state of good repair on
10 the date of enactment of the Railroad Reform,
11 Enhancement, and Efficiency Act.

12 “(b) *GRANT PROGRAM AUTHORIZED*.—The Secretary
13 of Transportation shall develop and implement a program
14 for issuing grants to applicants, on a competitive basis, to
15 fund capital projects that reduce the state of good repair
16 backlog on qualified railroad assets.

17 “(c) *ELIGIBLE PROJECTS*.—Projects eligible for grants
18 under this section include capital projects to replace or re-
19 habilitate qualified railroad assets, including—

20 “(1) capital projects to replace existing assets in-
21 kind;

22 “(2) capital projects to replace existing assets
23 with assets that increase capacity or provide a higher
24 level of service; and

1 “(3) capital projects to ensure that service can be
2 maintained while existing assets are brought to a
3 state of good repair.

4 “(d) *PROJECT SELECTION CRITERIA.*—In selecting an
5 applicant for a grant under this section, the Secretary
6 shall—

7 “(1) give preference to eligible projects—

8 “(A) that are consistent with the goals, ob-
9 jectives, and policies defined in any regional rail
10 planning document that is applicable to a
11 project proposal; and

12 “(B) for which the proposed Federal share
13 of total project costs does not exceed 50 percent;
14 and

15 “(2) take into account—

16 “(A) the cost-benefit analysis of the pro-
17 posed project, including anticipated private and
18 public benefits relative to the costs of the pro-
19 posed project, including—

20 “(i) effects on system and service per-
21 formance;

22 “(ii) effects on safety, competitiveness,
23 reliability, trip or transit time, and resil-
24 ience;

1 “(iii) efficiencies from improved inte-
2 gration with other modes; and

3 “(iv) ability to meet existing or antici-
4 pated demand;

5 “(B) the degree to which the proposed
6 project’s business plan considers potential pri-
7 vate sector participation in the financing, con-
8 struction, or operation of the proposed project;

9 “(C) the applicant’s past performance in
10 developing and delivering similar projects, and
11 previous financial contributions;

12 “(D) whether the applicant has, or will
13 have—

14 “(i) the legal, financial, and technical
15 capacity to carry out the project;

16 “(ii) satisfactory continuing control
17 over the use of the equipment or facilities;
18 and

19 “(iii) the capability and willingness to
20 maintain the equipment or facilities;

21 “(E) if applicable, the consistency of the
22 project with planning guidance and documents
23 set forth by the Secretary or required by law;
24 and

1 “(F) any other relevant factors, as deter-
2 mined by the Secretary.

3 “(e) *PLANNING REQUIREMENTS.*—A project is not eli-
4 gible for a grant under this section unless the project is spe-
5 cifically identified—

6 “(1) on a State rail plan prepared in accordance
7 with chapter 227; or

8 “(2) if the project is located on the Northeast
9 Corridor, on the Northeast Corridor Capital Invest-
10 ment Plan developed pursuant to section 24904(a).

11 “(f) *NORTHEAST CORRIDOR PROJECTS.*—

12 “(1) *COMPLIANCE WITH USAGE AGREEMENTS.*—
13 Grant funds may not be provided under this section
14 to an eligible recipient for an eligible project located
15 on the Northeast Corridor unless Amtrak and the
16 public authorities providing commuter rail passenger
17 transportation on the Northeast Corridor are in com-
18 pliance with section 24905(c)(2).

19 “(2) *CAPITAL INVESTMENT PLAN.*—When select-
20 ing projects located on the Northeast Corridor, the
21 Secretary shall consider the appropriate sequence and
22 phasing of projects as contained in the Northeast Cor-
23 ridor Capital Investment Plan developed pursuant to
24 section 24904(a).

25 “(g) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

1 “(1) *TOTAL PROJECT COST.*—*The Secretary shall*
2 *estimate the total cost of a project under this section*
3 *based on the best available information, including en-*
4 *gineering studies, studies of economic feasibility, envi-*
5 *ronmental analyses, and information on the expected*
6 *use of equipment or facilities.*

7 “(2) *FEDERAL SHARE.*—*The Federal share of*
8 *total costs for a project under this subsection shall not*
9 *exceed 80 percent.*

10 “(3) *TREATMENT OF AMTRAK REVENUE.*—*If Am-*
11 *trak or another rail passenger carrier is an applicant*
12 *under this section, Amtrak or the other rail passenger*
13 *carrier, as applicable, may use ticket and other reve-*
14 *nues generated from its operations and other sources*
15 *to satisfy the non-Federal share requirements.*

16 “(h) *LETTERS OF INTENT.*—

17 “(1) *IN GENERAL.*—*The Secretary may issue a*
18 *letter of intent to a grantee under this section that—*

19 “(A) *announces an intention to obligate, for*
20 *a major capital project under this section, an*
21 *amount from future available budget authority*
22 *specified in law that is not more than the*
23 *amount stipulated as the financial participation*
24 *of the Secretary in the project; and*

1 “(B) states that the contingent commit-
2 ment—

3 “(i) is not an obligation of the Federal
4 Government; and

5 “(ii) is subject to the availability of
6 appropriations under Federal law and to
7 Federal laws in force or enacted after the
8 date of the contingent commitment.

9 “(2) CONGRESSIONAL NOTIFICATION.—

10 “(A) IN GENERAL.—Not later than 30 days
11 before issuing a letter under paragraph (1), the
12 Secretary shall submit written notification to—

13 “(i) the Committee on Commerce,
14 Science, and Transportation of the Senate;

15 “(ii) the Committee on Appropriations
16 of the Senate;

17 “(iii) the Committee on Transpor-
18 tation and Infrastructure of the House of
19 Representatives; and

20 “(iv) the Committee on Appropriations
21 of the House of Representatives.

22 “(B) CONTENTS.—The notification sub-
23 mitted pursuant to subparagraph (A) shall in-
24 clude—

1 “(i) a copy of the proposed letter or
2 agreement;

3 “(ii) the criteria used under subsection
4 (d) for selecting the project for a grant
5 award; and

6 “(iii) a description of how the project
7 meets such criteria.

8 “(3) *APPROPRIATIONS REQUIRED.*—An obliga-
9 tion or administrative commitment may be made
10 under this section only when amounts are appro-
11 priated for such purpose.

12 “(i) *AVAILABILITY.*—Amounts appropriated for car-
13 rying out this section shall remain available until ex-
14 pended.

15 “(j) *GRANT CONDITIONS.*—Except as specifically pro-
16 vided in this section, the use of any amounts appropriated
17 for grants under this section shall be subject to the require-
18 ments under this chapter.”.

19 “(b) *CONFORMING AMENDMENT.*—The table of contents
20 for chapter 244 is amended by inserting after the item relat-
21 ing to section 24406 the following:

 “24407. *Federal-State partnership for state of good repair.*”.

22 **SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.**

23 Section 24402 is amended by adding at the end the
24 following:

25 “(m) *LARGE CAPITAL PROJECT REQUIREMENTS.*—

1 “(1) *IN GENERAL.*—*For a grant awarded under*
2 *this chapter for an amount in excess of*
3 *\$1,000,000,000, the following conditions shall apply:*

4 “(A) *The Secretary of Transportation may*
5 *not obligate any funding unless the applicant*
6 *demonstrates, to the satisfaction of the Secretary,*
7 *that the applicant has committed, and will be*
8 *able to fulfill, the non-Federal share required for*
9 *the grant within the applicant’s proposed project*
10 *completion timetable.*

11 “(B) *The Secretary may not obligate any*
12 *funding for work activities that occur after the*
13 *completion of final design unless—*

14 “(i) *the applicant submits a financial*
15 *plan to the Secretary that generally identi-*
16 *fies the sources of the non-Federal funding*
17 *required for any subsequent segments or*
18 *phases of the corridor service development*
19 *program covering the project for which the*
20 *grant is awarded;*

21 “(ii) *the grant will result in a useable*
22 *segment, a transportation facility, or equip-*
23 *ment, that has operational independence or*
24 *is financially sustainable; and*

1 “(iii) the intercity passenger rail bene-
2 fits anticipated to result from the grant,
3 such as increased speed, improved on-time
4 performance, reduced trip time, increased
5 frequencies, new service, safety improve-
6 ments, improved accessibility, or other sig-
7 nificant enhancements, are detailed by the
8 grantee and approved by the Secretary.

9 “(C)(i) The Secretary shall ensure that the
10 project is maintained to the level of utility that
11 is necessary to support the benefits approved
12 under subparagraph (B)(iii) for a period of 20
13 years from the date on which the useable seg-
14 ment, transportation facility, or equipment de-
15 scribed in subparagraph (B)(ii) is placed in
16 service.

17 “(ii) If the project property is not main-
18 tained as required under clause (i) for a 12-
19 month period, the grant recipient shall refund a
20 pro-rata share of the Federal contribution, based
21 upon the percentage remaining of the 20-year pe-
22 riod that commenced when the project property
23 was placed in service.

24 “(2) *EARLY WORK.*—The Secretary may allow a
25 grantee subject to this subsection to engage in at-risk

1 *work activities subsequent to the conclusion of final*
2 *design if the Secretary determines that such work ac-*
3 *tivities are reasonable and necessary.”.*

4 **SEC. 35304. SMALL BUSINESS PARTICIPATION STUDY.**

5 (a) *STUDY.*—*The Secretary shall conduct a nationwide*
6 *disparity and availability study on the availability and use*
7 *of small business concerns owned and controlled by socially*
8 *and economically disadvantaged individuals and veteran-*
9 *owned small businesses in publicly funded intercity pas-*
10 *senger rail service projects.*

11 (b) *REPORT.*—*Not later than 4 years after the date*
12 *of enactment of this Act, the Secretary shall submit a report*
13 *containing the results of the study conducted under sub-*
14 *section (a) to the Committee on Commerce, Science, and*
15 *Transportation of the Senate and the Committee on Trans-*
16 *portation and Infrastructure of the House of Representa-*
17 *tives.*

18 (c) *DEFINITIONS.*—*In this section:*

19 (1) *SMALL BUSINESS CONCERN.*—*The term*
20 *“small business concern” has the meaning given such*
21 *term in section 3 of the Small Business Act (15*
22 *U.S.C. 632), except that the term does not include*
23 *any concern or group of concerns controlled by the*
24 *same socially and economically disadvantaged indi-*
25 *vidual or individuals that have average annual gross*

1 *receipts during the preceding 3 fiscal years in excess*
2 *of \$22,410,000, as adjusted annually by the Secretary*
3 *for inflation.*

4 (2) *SOCIALLY AND ECONOMICALLY DISADVAN-*
5 *TAGED INDIVIDUAL.—The term “socially and eco-*
6 *nomically disadvantaged individual” has the mean-*
7 *ing given such term in section 8(d) of the Small Busi-*
8 *ness Act (15 U.S.C. 637(d)) and relevant subcon-*
9 *tracting regulations issued pursuant to such Act, ex-*
10 *cept that women shall be presumed to be socially and*
11 *economically disadvantaged individuals for purposes*
12 *of this section.*

13 (3) *VETERAN-OWNED SMALL BUSINESS.—The*
14 *term “veteran-owned small business” has the meaning*
15 *given the term “small business concern owned and*
16 *controlled by veterans” in section 3(q)(3) of the Small*
17 *Business Act (15 U.S.C. 632(q)(3)), except that the*
18 *term does not include any concern or group of con-*
19 *cerns controlled by the same veterans that have aver-*
20 *age annual gross receipts during the preceding 3 fis-*
21 *cal years in excess of \$22,410,000, as adjusted annu-*
22 *ally by the Secretary for inflation.*

23 **SEC. 35305. GULF COAST RAIL SERVICE WORKING GROUP.**

24 (a) *IN GENERAL.—Not later than 90 days after the*
25 *date of enactment of this Act, the Secretary shall convene*

1 *a working group to evaluate the restoration of intercity rail*
2 *passenger service in the Gulf Coast region between New Or-*
3 *leans, Louisiana, and Orlando, Florida.*

4 *(b) MEMBERSHIP.—The working group convened pur-*
5 *suant to subsection (a) shall consist of representatives of—*

6 *(1) the Federal Railroad Administration, which*
7 *shall serve as chair of the working group;*

8 *(2) Amtrak;*

9 *(3) the States along the proposed route or routes;*

10 *(4) regional transportation planning organiza-*
11 *tions and metropolitan planning organizations, mu-*
12 *nicipalities, and communities along the proposed*
13 *route or routes, which shall be selected by the Admin-*
14 *istrator;*

15 *(5) the Southern Rail Commission;*

16 *(6) freight railroad carriers whose tracks may be*
17 *used for such service; and*

18 *(7) other entities determined appropriate by the*
19 *Secretary, which may include independent passenger*
20 *rail operators that express an interest in Gulf Coast*
21 *service.*

22 *(c) RESPONSIBILITIES.—The working group shall—*

23 *(1) evaluate all options for restoring intercity*
24 *rail passenger service in the Gulf Coast region, in-*
25 *cluding options outlined in the report transmitted to*

1 Congress pursuant to section 226 of the Passenger
2 Rail Investment and Improvement Act of 2008 (divi-
3 sion B of Public Law 110–432);

4 (2) select a preferred option for restoring such
5 service;

6 (3) develop a prioritized inventory of capital
7 projects and other actions required to restore such
8 service and cost estimates for such projects or actions;
9 and

10 (4) identify Federal and non-Federal funding
11 sources required to restore such service, including op-
12 tions for entering into public-private partnerships to
13 restore such service.

14 (d) REPORT.—Not later than 9 months after the date
15 of enactment of this Act, the working group shall submit
16 a report to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on Trans-
18 portation and Infrastructure of the House of Representa-
19 tives that includes—

20 (1) the preferred option selected under subsection
21 (c)(2) and the reasons for selecting such option;

22 (2) the information described in subsection
23 (c)(3);

24 (3) the funding sources identified under sub-
25 section (c)(4);

1 (4) *the costs and benefits of restoring intercity*
2 *rail passenger transportation in the region; and*

3 (5) *any other information the working group de-*
4 *termines appropriate.*

5 **SEC. 35306. INTEGRATED PASSENGER RAIL WORKING**
6 **GROUP.**

7 (a) *IN GENERAL.*—*Not later than 180 days after the*
8 *date of enactment of this Act, the Secretary shall convene*
9 *a working group to review issues relating to—*

10 (1) *the potential operation of State-supported*
11 *routes by rail passenger carriers other than Amtrak;*
12 *and*

13 (2) *their role in establishing an integrated inter-*
14 *city passenger rail network in the United States.*

15 (b) *MEMBERSHIP.*—*The working group shall consist of*
16 *a balanced representation of—*

17 (1) *the Federal Railroad Administration, who*
18 *shall chair the Working Group;*

19 (2) *States that fund State-sponsored routes;*

20 (3) *independent passenger rail operators, includ-*
21 *ing those that carry at least 5,000,000 passengers an-*
22 *nually in United States or international rail service;*

23 (4) *Amtrak;*

24 (5) *railroads that host intercity State-supported*
25 *routes;*

1 (6) *employee representatives from railroad*
2 *unions and building trade unions with substantial*
3 *engagement in railroad rights of way construction*
4 *and maintenance; and*

5 (7) *other entities determined appropriate by the*
6 *Secretary.*

7 (c) *RESPONSIBILITIES.—The working group shall*
8 *evaluate options for improving State-supported routes and*
9 *may make recommendations, as appropriate, regarding—*

10 (1) *best practices for State or State authority*
11 *governance of State-supported routes;*

12 (2) *future sources of Federal and non-Federal*
13 *funding sources for State-supported routes;*

14 (3) *best practices in obtaining passenger rail op-*
15 *erations and services on a competitive basis with the*
16 *objective of creating the highest quality service at the*
17 *lowest cost to the taxpayer;*

18 (4) *ensuring potential interoperability of State-*
19 *supported routes as a part of a national network with*
20 *multiple providers providing integrated services in-*
21 *cluding ticketing, scheduling, and route planning;*
22 *and*

23 (5) *the interface between State-supported routes*
24 *and connecting commuter rail operations, including*

1 *maximized intra-modal and intermodal connections*
2 *and common sources of funding for capital projects.*

3 (d) *MEETINGS.*—*Not later than 60 days after the es-*
4 *tablishment of the working group by the Secretary under*
5 *subsection (a), the working group shall convene an organi-*
6 *zational meeting outside of the District of Columbia and*
7 *shall define the rules and procedures governing the pro-*
8 *ceedings of the working group. The working group shall hold*
9 *at least 3 meetings per year in States that fund State-sup-*
10 *ported routes.*

11 (e) *REPORTS.*—

12 (1) *PRELIMINARY REPORT.*—*Not later than 1*
13 *year after the date the working group is established,*
14 *the working group shall submit a preliminary report*
15 *to the Secretary, the Governors of States funding*
16 *State-supported routes, the Committee on Commerce,*
17 *Science, and Transportation of the Senate, and the*
18 *Committee on Transportation and Infrastructure of*
19 *the House of Representatives that includes—*

20 (A) *administrative recommendations that*
21 *can be implemented by a State and State au-*
22 *thority or by the Secretary; and*

23 (B) *preliminary legislative recommenda-*
24 *tions.*

1 (2) *FINAL LEGISLATIVE RECOMMENDATIONS.*—
2 *Not later than 2 years after the date the working*
3 *group is established, the working group shall submit*
4 *a report to the Committee on Commerce, Science, and*
5 *Transportation of the Senate and the Committee on*
6 *Transportation and Infrastructure of the House of*
7 *Representatives that includes final legislative rec-*
8 *ommendations.*

9 **SEC. 35307. SHARED-USE STUDY.**

10 (a) *IN GENERAL.*—*Not later than 3 years after the*
11 *date of enactment of this Act, the Secretary, in consultation*
12 *with Amtrak, commuter rail authorities, and other pas-*
13 *senger rail operators, railroad carriers that own rail infra-*
14 *structure over which both passenger and freight trains oper-*
15 *ate, States, the Surface Transportation Board, the North-*
16 *east Corridor Commission established under section 24905,*
17 *the State-Supported Route Committee established under sec-*
18 *tion 24712, and groups representing rail passengers and*
19 *customers, as appropriate, shall complete a study that eval-*
20 *uates—*

21 (1) *the shared use of right-of-way by passenger*
22 *and freight rail systems; and*

23 (2) *the operational, institutional, and legal*
24 *structures that would best support improvements to*
25 *the systems referred to in paragraph (1).*

1 **(b) AREAS OF STUDY.**—*In conducting the study under*
2 *subsection (a), the Secretary shall evaluate—*

3 *(1) the access and use of railroad right-of-way by*
4 *a rail carrier that does not own the right-of-way, such*
5 *as passenger rail services that operate over privately-*
6 *owned right-of-way, including an analysis of—*

7 *(A) access agreements;*

8 *(B) costs of access; and*

9 *(C) the resolution of disputes relating to*
10 *such access or costs;*

11 *(2) the effectiveness of existing contractual, statu-*
12 *tory, and regulatory mechanisms for establishing,*
13 *measuring, and enforcing train performance stand-*
14 *ards, including—*

15 *(A) the manner in which passenger train*
16 *delays are recorded;*

17 *(B) the assignment of responsibility for such*
18 *delays; and*

19 *(C) the use of incentives and penalties for*
20 *performance;*

21 *(3) strengths and weaknesses in the existing*
22 *mechanisms described in paragraph (2) and possible*
23 *approaches to address the weaknesses;*

24 *(4) mechanisms for measuring and maintaining*
25 *public benefits resulting from publicly funded freight*

1 or passenger rail improvements, including improve-
2 ments directed towards shared-use right-of-way by
3 passenger and freight rail;

4 (5) approaches to operations, capacity, and cost
5 estimation modeling that—

6 (A) allows for transparent decisionmaking;

7 and

8 (B) protects the proprietary interests of all
9 parties;

10 (6) liability requirements and arrangements, in-
11 cluding—

12 (A) whether to expand statutory liability
13 limits to additional parties;

14 (B) whether to revise the current statutory
15 liability limits;

16 (C) whether current insurance levels of pas-
17 senger rail operators are adequate and whether
18 to establish minimum insurance requirements for
19 such passenger rail operators; and

20 (D) whether to establish a liability regime
21 modeled after section 170 of the Atomic Energy
22 Act of 1954 (42 U.S.C. 2210);

23 (7) the effect on rail passenger services, oper-
24 ations, liability limits and insurance levels of the as-
25 sertion of sovereign immunity by a State; and

1 (8) *other issues identified by the Secretary.*

2 (c) *REPORT.*—*Not later than 60 days after the study*
3 *under subsection (a) is complete, the Secretary shall submit*
4 *to the Committee on Commerce, Science, and Transpor-*
5 *tation of the Senate and the Committee on Transportation*
6 *and Infrastructure of the House of Representatives a report*
7 *that includes—*

8 (1) *the results of the study; and*

9 (2) *any recommendations for further action, in-*
10 *cluding any legislative proposals consistent with such*
11 *recommendations.*

12 (d) *IMPLEMENTATION.*—*The Secretary shall integrate*
13 *the recommendations submitted under subsection (c) into*
14 *its financial assistance programs under subtitle V of title*
15 *49, United States Code, and section 502 of the Railroad*
16 *Revitalization and Regulatory Reform Act of 1976 (45*
17 *U.S.C. 822), as appropriate.*

18 **SEC. 35308. NORTHEAST CORRIDOR COMMISSION.**

19 (a) *COMPOSITION.*—*Section 24905(a) is amended—*

20 (1) *in paragraph (1)—*

21 (A) *in the matter preceding subparagraph*
22 *(A), by inserting “, infrastructure investments,”*
23 *after “rail operations”;*

24 (B) *by amending subparagraph (B) to read*
25 *as follows:*

1 “(B) members representing the Department of
2 Transportation, including the Office of the Secretary,
3 the Federal Railroad Administration, and the Federal
4 Transit Administration;” and

5 (C) in subparagraph (D) by inserting “and
6 commuter” after “freight”; and

7 (2) by amending paragraph (6) to read as fol-
8 lows:

9 “(6) The members of the Commission shall elect
10 co-chairs consisting of 1 member described in para-
11 graph (1)(B) and 1 member described in paragraph
12 (1)(C).”.

13 (b) STATEMENT OF GOALS AND RECOMMENDATIONS.—
14 Section 24905(b) is amended—

15 (1) in paragraph (1), by inserting “and periodi-
16 cally update” after “develop”;

17 (2) in paragraph (2)(A), by striking “beyond
18 those specified in the state of good repair plan under
19 section 211 of the Passenger Rail Investment and Im-
20 provement Act of 2008”; and

21 (3) by adding at the end the following:

22 “(3) SUBMISSION OF STATEMENT OF GOALS,
23 RECOMMENDATIONS, AND PERFORMANCE REPORTS.—
24 The Commission shall submit to the Committee on
25 Commerce, Science, and Transportation of the Senate

1 *and the Committee on Transportation and Infrastruc-*
2 *ture of the House of Representatives—*

3 “(A) *any updates made to the statement of*
4 *goals developed under paragraph (1) not later*
5 *than 60 days after such updates are made; and*

6 “(B) *annual performance reports and rec-*
7 *ommendations for improvements, as appropriate,*
8 *issued not later than March 31 of each year, for*
9 *the prior fiscal year, which summarize—*

10 “(i) *the operations and performance of*
11 *commuter, intercity, and freight rail trans-*
12 *portation along the Northeast Corridor; and*

13 “(ii) *the delivery of the capital plan*
14 *described in section 24904.”*

15 (c) *COST ALLOCATION POLICY.—Section 24905(c) is*
16 *amended—*

17 (1) *in the subsection heading, by striking “AC-*
18 *CESS COSTS” and inserting “ALLOCATION OF COSTS”;*

19 (2) *in paragraph (1)—*

20 (A) *in the paragraph heading, by striking*
21 *“FORMULA” and inserting “POLICY”;*

22 (B) *in the matter preceding subparagraph*
23 (A), *by striking “Within 2 years after the date*
24 *of enactment of the Passenger Rail Investment*

1 *and Improvement Act of 2008, the Commission”*
2 *and inserting “The Commission”;*

3 *(C) in subparagraph (A), by striking “for-*
4 *mula” and inserting “policy”; and*

5 *(D) by striking subparagraph (B) through*
6 *(D) and inserting the following:*

7 *“(B) develop a proposed timetable for im-*
8 *plementing the policy;*

9 *“(C) submit the policy and timetable devel-*
10 *oped under subparagraph (B) to the Surface*
11 *Transportation Board, the Committee on Com-*
12 *merce, Science, and Transportation of the Sen-*
13 *ate, and the Committee on Transportation and*
14 *Infrastructure of the House of Representatives;*

15 *“(D) not later than October 1, 2015, adopt*
16 *and implement the policy in accordance with the*
17 *timetable; and*

18 *“(E) with the consent of a majority of its*
19 *members, the Commission may petition the Sur-*
20 *face Transportation Board to appoint a medi-*
21 *ator to assist the Commission members through*
22 *nonbinding mediation to reach an agreement*
23 *under this section.”;*

24 *(3) in paragraph (2)—*

1 (A) by striking “formula proposed in” and
2 inserting “policy developed under”; and

3 (B) in the second sentence—

4 (i) by striking “the timetable, the Com-
5 mission shall petition the Surface Transpor-
6 tation Board to” and inserting “paragraph
7 (1)(D) or fail to comply with the policy
8 thereafter, the Surface Transportation
9 Board shall”; and

10 (ii) by striking “amounts for such serv-
11 ices in accordance with section 24904(c) of
12 this title” and inserting “for such usage in
13 accordance with the procedures and proce-
14 dural schedule applicable to a proceeding
15 under section 24903(c), after taking into
16 consideration the policy developed under
17 paragraph (1)(A), as applicable”;

18 (4) in paragraph (3), by striking “formula” and
19 inserting “policy”; and

20 (5) by adding at the end the following:

21 “(4) *REQUEST FOR DISPUTE RESOLUTION.*—If a
22 dispute arises with the implementation of, or compli-
23 ance with, the policy developed under paragraph (1),
24 the Commission, Amtrak, or public authorities pro-
25 viding commuter rail passenger transportation on the

1 *Northeast Corridor may request that the Surface*
2 *Transportation Board conduct dispute resolution. The*
3 *Surface Transportation Board shall establish proce-*
4 *dures for resolution of disputes brought before it*
5 *under this paragraph, which may include the provi-*
6 *sion of professional mediation services.”.*

7 *(d) CONFORMING AMENDMENTS.—Section 24905 is*
8 *amended—*

9 *(1) by striking subsection (d);*

10 *(2) by redesignating subsections (e) and (f) as*
11 *subsections (d) and (e), respectively;*

12 *(3) in subsection (d), as redesignated, by striking*
13 *“to the Commission such sums as may be necessary*
14 *for the period encompassing fiscal years 2009 through*
15 *2013 to carry out this section” and inserting “to the*
16 *Secretary for the use of the Commission and the*
17 *Northeast Corridor Safety Committee such sums as*
18 *may be necessary to carry out this section during fis-*
19 *cal year 2016 through 2019, in addition to amounts*
20 *withheld under section 35101(e) of the Railroad Re-*
21 *form, Enhancement, and Efficiency Act”;* and

22 *(4) in subsection (e)(2), as redesignated, by strik-*
23 *ing “on the main line.” and inserting “on the main*
24 *line and meet annually with the Commission on the*
25 *topic of Northeast Corridor safety and security.”.*

1 (e) *NORTHEAST CORRIDOR PLANNING.*—

2 (1) *AMENDMENT.*—Chapter 249 is amended—

3 (A) *by redesignating section 24904 as sec-*
4 *tion 24903; and*

5 (B) *by inserting after section 24903, as re-*
6 *designated, the following:*

7 **“§ 24904. Northeast Corridor planning**

8 “(a) *NORTHEAST CORRIDOR CAPITAL INVESTMENT*
9 *PLAN.*—

10 “(1) *REQUIREMENT.*—Not later than May 1 of
11 *each year, the Northeast Corridor Commission estab-*
12 *lished under section 24905 (referred to in this section*
13 *as the ‘Commission’) shall—*

14 “(A) *develop a capital investment plan for*
15 *the Northeast Corridor main line between Bos-*
16 *ton, Massachusetts, and the Virginia Avenue*
17 *interlocking in the District of Columbia, and the*
18 *Northeast Corridor branch lines connecting to*
19 *Harrisburg, Pennsylvania, Springfield, Massa-*
20 *chusetts, and Spuyten Duyvil, New York, includ-*
21 *ing the facilities and services used to operate and*
22 *maintain those lines; and*

23 “(B) *submit the capital investment plan to*
24 *the Secretary of Transportation and the Com-*
25 *mittee on Commerce, Science, and Transpor-*

1 *tation of the Senate and the Committee on*
2 *Transportation and Infrastructure of the House*
3 *of Representatives.*

4 “(2) *CONTENTS.—The capital investment plan*
5 *shall—*

6 “(A) *reflect coordination and network opti-*
7 *mization across the entire Northeast Corridor;*

8 “(B) *integrate the individual capital and*
9 *service plans developed by each operator using*
10 *the methods described in the cost allocation pol-*
11 *icy developed under section 24905(c);*

12 “(C) *cover a period of 5 fiscal years, begin-*
13 *ning with the first fiscal year after the date on*
14 *which the plan is completed;*

15 “(D) *notwithstanding section 24902(b),*
16 *identify, prioritize, and phase the implementa-*
17 *tion of projects and programs to achieve the serv-*
18 *ice outcomes identified in the Northeast Corridor*
19 *service development plan and the asset condition*
20 *needs identified in the Northeast Corridor asset*
21 *management plans, once available, and con-*
22 *sider—*

23 “(i) *the benefits and costs of capital in-*
24 *vestments in the plan;*

25 “(ii) *project and program readiness;*

- 1 “(iii) the operational impacts; and
- 2 “(iv) funding availability;
- 3 “(E) categorize capital projects and pro-
- 4 grams as primarily associated with;
- 5 “(i) normalized capital replacement
- 6 and basic infrastructure renewals;
- 7 “(ii) replacement or rehabilitation of
- 8 major Northeast Corridor infrastructure as-
- 9 sets, including tunnels, bridges, stations,
- 10 and other assets;
- 11 “(iii) statutory, regulatory, or other
- 12 legal mandates;
- 13 “(iv) improvements to support service
- 14 enhancements or growth; or
- 15 “(v) strategic initiatives that will im-
- 16 prove overall operational performance or
- 17 lower costs;
- 18 “(F) identify capital projects and programs
- 19 that are associated with more than 1 category
- 20 described in subparagraph (E);
- 21 “(G) describe the anticipated outcomes of
- 22 each project or program, including an assess-
- 23 ment of—

1 “(i) the potential effect on passenger
2 accessibility, operations, safety, reliability,
3 and resiliency;

4 “(ii) the ability of infrastructure own-
5 ers and operators to meet regulatory re-
6 quirements if the project or program is not
7 funded; and

8 “(iii) the benefits and costs; and

9 “(H) include a financial plan.

10 “(3) *FINANCIAL PLAN.*—*The financial plan*
11 *under paragraph (2)(H) shall—*

12 “(A) identify funding sources and financing
13 methods;

14 “(B) identify the expected allocated shares
15 of costs pursuant to the cost allocation policy de-
16 veloped under section 24905(c);

17 “(C) identify the projects and programs
18 that the Commission expects will receive Federal
19 financial assistance; and

20 “(D) identify the eligible entity or entities
21 that the Commission expects will receive the Fed-
22 eral financial assistance described under sub-
23 paragraph (C).

24 “(b) *FAILURE TO DEVELOP A CAPITAL INVESTMENT*
25 *PLAN.*—*If a capital investment plan has not been developed*

1 *by the Commission for a given fiscal year, then the funds*
2 *assigned to the account established under section 24319(b)*
3 *for that fiscal year may be spent only on—*

4 “(1) *capital projects described in clause (i) or*
5 *(iii) of subsection (a)(2)(E) of this section; or*

6 “(2) *capital projects described in subsection*
7 *(a)(2)(E)(iv) of this section that are for the sole ben-*
8 *efit of Amtrak.*

9 “(c) *NORTHEAST CORRIDOR ASSET MANAGEMENT.—*

10 “(1) *CONTENTS.—With regard to its infrastruc-*
11 *ture, Amtrak and each State and public transpor-*
12 *tation entity that owns infrastructure that supports*
13 *or provides for intercity rail passenger transportation*
14 *on the Northeast Corridor shall develop an asset man-*
15 *agement system and develop and update, as nec-*
16 *essary, a Northeast Corridor asset management plan*
17 *for each service territory described in subsection (a)*
18 *that—*

19 “(A) *are consistent with the Federal Transit*
20 *Administration process, as authorized under sec-*
21 *tion 5326, when implemented; and*

22 “(B) *include, at a minimum—*

23 “(i) *an inventory of all capital assets*
24 *owned by the developer of the asset manage-*
25 *ment plan;*

1 “(ii) an assessment of asset condition;

2 “(iii) a description of the resources
3 and processes necessary to bring or main-
4 tain those assets in a state of good repair,
5 including decision-support tools and invest-
6 ment prioritization methods; and

7 “(iv) a description of changes in asset
8 condition since the previous version of the
9 plan.

10 “(2) TRANSMITTAL.—Each entity described in
11 paragraph (1) shall transmit to the Commission—

12 “(A) not later than 2 years after the date
13 of enactment of the Railroad Reform, Enhance-
14 ment, and Efficiency Act, its Northeast Corridor
15 asset management plan developed under para-
16 graph (1); and

17 “(B) at least biennial thereafter, an update
18 to its Northeast Corridor asset management
19 plan.

20 “(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT
21 PLAN UPDATES.—Not less frequently than once every 10
22 years, the Commission shall update the Northeast Corridor
23 service development plan.”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) *NOTE AND MORTGAGE.*—Section
2 24907(a) is amended by striking “section 24904
3 of this title” and inserting “section 24903”.

4 (B) *TABLE OF CONTENTS AMENDMENT.*—
5 The table of contents for chapter 249 is amend-
6 ed—

7 (i) by redesignating the item relating
8 to section 24904 as relating to section
9 24903; and

10 (ii) by inserting after the item relating
11 to section 24903, as redesignated, the fol-
12 lowing:

“24904. *Northeast Corridor planning.*”.

13 (3) *REPEAL.*—Section 211 of the *Passenger Rail*
14 *Investment and Improvement Act of 2008 (division B*
15 *of Public Law 110–432; 49 U.S.C. 24902 note)* is re-
16 pealed.

17 **SEC. 35309. NORTHEAST CORRIDOR THROUGH-TICKETING**
18 **AND PROCUREMENT EFFICIENCIES.**

19 (a) *THROUGH-TICKETING STUDY.*—

20 (1) *IN GENERAL.*—Not later than 3 years after
21 the date of enactment of this Act, the *Northeast Cor-*
22 *ridor Commission* established under section 24905(a)
23 of title 49, *United States Code* (referred to in this sec-
24 tion as the “*Commission*”), in consultation with *Am-*
25 *trak* and the commuter rail passenger transportation

1 *providers along the Northeast Corridor shall complete*
2 *a study on the feasibility of and options for permit-*
3 *ting through-ticketing between Amtrak service and*
4 *commuter rail services on the Northeast Corridor.*

5 (2) *CONTENTS.—In completing the study under*
6 *paragraph (1), the Northeast Corridor Commission*
7 *shall—*

8 (A) *examine the current state of intercity*
9 *and commuter rail ticketing technologies, poli-*
10 *cies, and other relevant aspects on the Northeast*
11 *Corridor;*

12 (B) *consider and recommend technology,*
13 *process, policy, or other options that would per-*
14 *mit through-ticketing to allow intercity and com-*
15 *muter rail passengers to purchase, in a single*
16 *transaction, travel that utilizes Amtrak and con-*
17 *necting commuter rail services;*

18 (C) *consider options to expand through-*
19 *ticketing to include local transit services;*

20 (D) *summarize costs, benefits, opportunities,*
21 *and impediments to developing such through-*
22 *ticketing options; and*

23 (E) *develop a proposed methodology, includ-*
24 *ing cost and schedule estimates, for carrying out*

1 *a pilot program on through-ticketing on the*
2 *Northeast Corridor.*

3 (3) *REPORT.*—*Not later than 60 days after the*
4 *date the study under paragraph (1) is complete, the*
5 *Commission shall submit to the Committee on Com-*
6 *merce, Science, and Transportation of the Senate and*
7 *the Committee on Transportation and Infrastructure*
8 *of the House of Representatives a report that in-*
9 *cludes—*

10 (A) *the results of the study; and*

11 (B) *any recommendations for further ac-*
12 *tion.*

13 (b) *JOINT PROCUREMENT STUDY.*—

14 (1) *IN GENERAL.*—*Not later than 3 years after*
15 *the date of enactment of this Act, the Secretary, in co-*
16 *operation with the Commission, Amtrak, and com-*
17 *muter rail transportation authorities on the Northeast*
18 *Corridor shall complete a study of the potential bene-*
19 *fits resulting from Amtrak and such authorities un-*
20 *dertaking select joint procurements for common mate-*
21 *rials, assets, and equipment when expending Federal*
22 *funds for such purchases.*

23 (2) *CONTENTS.*—*In completing the study under*
24 *paragraph (1), the Secretary shall consider—*

1 (A) *the types of materials, assets, and*
2 *equipment that are regularly purchased by Am-*
3 *trak and such authorities that are similar and*
4 *could be jointly procured;*

5 (B) *the potential benefits of such joint pro-*
6 *curements, including lower procurement costs,*
7 *better pricing, greater market relevancy, and*
8 *other efficiencies;*

9 (C) *the potential costs of such joint procure-*
10 *ments;*

11 (D) *any significant impediments to under-*
12 *taking joint procurements, including any nec-*
13 *essary harmonization and reconciliation of Fed-*
14 *eral and State procurement or safety regulations*
15 *or standards and other requirements; and*

16 (E) *whether to create Federal incentives or*
17 *requirements relating to considering or carrying*
18 *out joint procurements when expending Federal*
19 *funds.*

20 (3) *TRANSMISSION.—Not later than 60 days*
21 *after completing the study required under this sub-*
22 *section, the Secretary shall submit to the Committee*
23 *on Commerce, Science, and Transportation of the*
24 *Senate and the Committee on Transportation and In-*

1 *frastructure of the House of Representatives a report*
2 *that includes—*

3 *(A) the results of the study; and*

4 *(B) any recommendations for further ac-*
5 *tion.*

6 *(c) NORTHEAST CORRIDOR.—In this section, the term*
7 *“Northeast Corridor” means the Northeast Corridor main*
8 *line between Boston, Massachusetts, and the Virginia Ave-*
9 *nue interlocking in the District of Columbia, and the North-*
10 *east Corridor branch lines connecting to Harrisburg, Penn-*
11 *sylvania, Springfield, Massachusetts, and Spuyten Duyvil,*
12 *New York, including the facilities and services used to oper-*
13 *ate and maintain those lines.*

14 **SEC. 35310. DATA AND ANALYSIS.**

15 *(a) DATA.—Not later than 3 years after the date of*
16 *enactment of this Act, the Secretary, in consultation with*
17 *the Surface Transportation Board, Amtrak, freight rail-*
18 *roads, State and local governments, and regional business,*
19 *tourism and economic development agencies shall conduct*
20 *a data needs assessment—*

21 *(1) to support the development of an efficient*
22 *and effective intercity passenger rail network;*

23 *(2) to identify the data needed to conduct cost-*
24 *effective modeling and analysis for intercity passenger*
25 *rail development programs;*

1 (3) to determine limitations to the data used for
2 inputs;

3 (4) to develop a strategy to address such limita-
4 tions;

5 (5) to identify barriers to accessing existing
6 data;

7 (6) to develop recommendations regarding wheth-
8 er the authorization of additional data collection for
9 intercity passenger rail travel is warranted; and

10 (7) to determine which entities will be respon-
11 sible for generating or collecting needed data.

12 (b) *BENEFIT-COST ANALYSIS*.—Not later than 180
13 days after the date of enactment of this Act, the Secretary
14 shall enhance the usefulness of assessments of benefits and
15 costs, for intercity passenger rail and freight rail projects—

16 (1) by providing ongoing guidance and training
17 on developing benefit and cost information for rail
18 projects;

19 (2) by providing more direct and consistent re-
20 quirements for assessing benefits and costs across
21 transportation funding programs, including the ap-
22 propriate use of discount rates;

23 (3) by requiring applicants to clearly commu-
24 nicate the methodology used to calculate the project

1 *benefits and costs, including non-proprietary infor-*
2 *mation on—*

3 *(A) assumptions underlying calculations;*

4 *(B) strengths and limitations of data used;*

5 *and*

6 *(C) the level of uncertainty in estimates of*
7 *project benefits and costs; and*

8 *(4) by ensuring that applicants receive clear and*
9 *consistent guidance on values to apply for key as-*
10 *sumptions used to estimate potential project benefits*
11 *and costs.*

12 *(c) CONFIDENTIAL DATA.—The Secretary shall protect*
13 *sensitive or confidential to the greatest extent permitted by*
14 *law. Nothing in this section shall require any entity to pro-*
15 *vide information to the Secretary in the absence of a vol-*
16 *untary agreement.*

17 **SEC. 35311. PERFORMANCE-BASED PROPOSALS.**

18 *(a) SOLICITATION OF PROPOSALS.—*

19 *(1) IN GENERAL.—Not later than 30 days after*
20 *the date of enactment of this Act, the Secretary shall*
21 *issue a request for proposals for projects for the fi-*
22 *nancing, design, construction, operation, and mainte-*
23 *nance of an intercity passenger rail system, includ-*
24 *ing—*

25 *(A) the Northeast Corridor;*

- 1 (B) the California Corridor;
2 (C) the Empire Corridor;
3 (D) the Pacific Northwest Corridor;
4 (E) the South Central Corridor;
5 (F) the Gulf Coast Corridor;
6 (G) the Chicago Hub Network;
7 (H) the Florida Corridor;
8 (I) the Keystone Corridor;
9 (J) the Northern New England Corridor;
10 and
11 (K) the Southeast Corridor.

12 (2) *SUBMISSION.*—Proposals shall be submitted
13 to the Secretary not later than 180 days after the
14 publication of such request for proposals under para-
15 graph (1).

16 (3) *PERFORMANCE STANDARD.*—Proposals sub-
17 mitted under paragraph (2) shall meet any standards
18 established by the Secretary. For corridors with exist-
19 ing intercity passenger rail service, proposals shall
20 also be designed to achieve a reduction of existing
21 minimum intercity rail service trip times between the
22 main corridor city pairs by a minimum of 25 per-
23 cent. In the case of a proposal submitted with respect
24 to paragraph (1)(A), the proposal shall be designed to
25 achieve a 2-hour or less express service between Wash-

1 ington, District of Columbia, and New York City,
2 New York.

3 (4) *CONTENTS.*—A proposal submitted under
4 this subsection shall include—

5 (A) *the names and qualifications of the per-*
6 *sons submitting the proposal and the entities*
7 *proposed to finance, design, construct, operate,*
8 *and maintain the railroad, railroad equipment,*
9 *and related facilities, stations, and infrastruc-*
10 *ture;*

11 (B) *a detailed description of the proposed*
12 *rail service, including possible routes, required*
13 *infrastructure investments and improvements,*
14 *equipment needs and type, train frequencies,*
15 *peak and average operating speeds, and trip*
16 *times;*

17 (C) *a description of how the project would*
18 *comply with all applicable Federal rail safety*
19 *and security laws, orders, and regulations;*

20 (D) *the locations of proposed stations, which*
21 *maximize the usage of existing infrastructure to*
22 *the extent possible, and the populations such sta-*
23 *tions are intended to serve;*

1 (E) the type of equipment to be used, in-
2 cluding any technologies, to achieve trip time
3 goals;

4 (F) a description of any proposed legisla-
5 tion needed to facilitate all aspects of the project;

6 (G) a financing plan identifying—

7 (i) projected revenue, and sources
8 thereof;

9 (ii) the amount of any requested public
10 contribution toward the project, and pro-
11 posed sources;

12 (iii) projected annual ridership projec-
13 tions for the first 10 years of operations;

14 (iv) annual operations and capital
15 costs;

16 (v) the projected levels of capital in-
17 vestments required both initially and in
18 subsequent years to maintain a state-of-
19 good-repair necessary to provide the ini-
20 tially proposed level of service or higher lev-
21 els of service;

22 (vi) projected levels of private invest-
23 ment and sources thereof, including the
24 identity of any person or entity that has
25 made or is expected to make a commitment

1 to provide or secure funding and the
2 amount of such commitment; and

3 (vii) projected funding for the full fair
4 market compensation for any asset, prop-
5 erty right or interest, or service acquired
6 from, owned, or held by a private person or
7 Federal entity that would be acquired, im-
8 paired, or diminished in value as a result
9 of a project, except as otherwise agreed to by
10 the private person or entity;

11 (H) a description of how the project would
12 contribute to the development of the intercity
13 passenger rail system and an intermodal plan
14 describing how the system will facilitate conven-
15 ient travel connections with other transportation
16 services;

17 (I) a description of how the project will en-
18 sure compliance with Federal laws governing the
19 rights and status of employees associated with
20 the route and service, including those specified in
21 section 24405 of title 49, United States Code;

22 (J) a description of how the design, con-
23 struction, implementation, and operation of the
24 project will accommodate and allow for future

1 *growth of existing and projected intercity, com-*
2 *muter, and freight rail service;*

3 *(K) a description of how the project would*
4 *comply with Federal and State environmental*
5 *laws and regulations, of what environmental im-*
6 *pacts would result from the project, and of how*
7 *any adverse impacts would be mitigated; and*

8 *(L) a description of the project's impacts on*
9 *highway and aviation congestion, energy con-*
10 *sumption, land use, and economic development*
11 *in the service area.*

12 ***(b) DETERMINATION AND ESTABLISHMENT OF COM-***
13 ***MISSIONS.—Not later than 90 days after receipt of the pro-***
14 ***posals under subsection (a), the Secretary shall—***

15 ***(1) make a determination as to whether any such***
16 ***proposals—***

17 ***(A) contain the information required under***
18 ***paragraphs (3) and (4) of subsection (a);***

19 ***(B) are sufficiently credible to warrant fur-***
20 ***ther consideration;***

21 ***(C) are likely to result in a positive impact***
22 ***on the Nation's transportation system; and***

23 ***(D) are cost-effective and in the public in-***
24 ***terest;***

1 (2) *establish a commission under subsection (c)*
2 *for each corridor with 1 or more proposals that the*
3 *Secretary determines satisfy the requirements of para-*
4 *graph (1); and*

5 (3) *forward to each commission established*
6 *under paragraph (2) the applicable proposals for re-*
7 *view and consideration.*

8 (c) *COMMISSIONS.—*

9 (1) *MEMBERS.—Each commission established*
10 *under subsection (b)(2) shall include—*

11 (A) *the governors of the affected States, or*
12 *their respective designees;*

13 (B) *mayors of appropriate municipalities*
14 *with stops along the proposed corridor, or their*
15 *respective designees;*

16 (C) *a representative from each freight rail-*
17 *road carrier using the relevant corridor, if appli-*
18 *cable;*

19 (D) *a representative from each transit au-*
20 *thority using the relevant corridor, if applicable;*

21 (E) *representatives of nonprofit employee*
22 *labor organizations representing affected railroad*
23 *employees; and*

24 (F) *the President of Amtrak or his or her*
25 *designee.*

1 (2) *APPOINTMENT AND SELECTION.*—*The Sec-*
2 *retary shall appoint the members under paragraph*
3 *(1). In selecting each commission’s members to fulfill*
4 *the requirements under subparagraphs (B) and (E) of*
5 *paragraph (1), the Secretary shall consult with the*
6 *Chairperson and Ranking Member of the Committee*
7 *on Commerce, Science, and Transportation of the*
8 *Senate and of the Committee on Transportation and*
9 *Infrastructure of the House of Representatives.*

10 (3) *CHAIRPERSON AND VICE-CHAIRPERSON SE-*
11 *LECTION.*—*The Chairperson and Vice-Chairperson*
12 *shall be elected from among members of each commis-*
13 *sion.*

14 (4) *QUORUM AND VACANCY.*—

15 (A) *QUORUM.*—*A majority of the members*
16 *of each commission shall constitute a quorum.*

17 (B) *VACANCY.*—*Any vacancy in each com-*
18 *mission shall not affect its powers and shall be*
19 *filled in the same manner in which the original*
20 *appointment was made.*

21 (5) *APPLICATION OF LAW.*—*Except where other-*
22 *wise provided by this section, the Federal Advisory*
23 *Committee Act (5 U.S.C. App.) shall apply to each*
24 *commission created under this section.*

25 (d) *COMMISSION CONSIDERATION.*—

1 (1) *IN GENERAL.*—*Each commission established*
2 *under subsection (b)(2) shall be responsible for review-*
3 *ing the proposal or proposals forwarded to it under*
4 *that subsection and not later than 90 days after the*
5 *establishment of the commission, shall transmit to the*
6 *Secretary a report, including—*

7 (A) *a summary of each proposal received;*

8 (B) *services to be provided under each pro-*
9 *posal, including projected ridership, revenues,*
10 *and costs;*

11 (C) *proposed public and private contribu-*
12 *tions for each proposal;*

13 (D) *the advantages offered by the proposal*
14 *over existing intercity passenger rail services;*

15 (E) *public operating subsidies or assets*
16 *needed for the proposed project;*

17 (F) *possible risks to the public associated*
18 *with the proposal, including risks associated*
19 *with project financing, implementation, comple-*
20 *tion, safety, and security;*

21 (G) *a ranked list of the proposals rec-*
22 *ommended for further consideration under sub-*
23 *section (e) in accordance with each proposal's*
24 *projected positive impact on the Nation's trans-*
25 *portation system;*

1 (H) an identification of any proposed Fed-
2 eral legislation that would facilitate implementa-
3 tion of the projects and Federal legislation that
4 would be required to implement the projects; and

5 (I) any other recommendations by the com-
6 mission concerning the proposed projects.

7 (2) *VERBAL PRESENTATION.*—Proposers shall be
8 given an opportunity to make a verbal presentation
9 to the commission to explain their proposals.

10 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
11 There is authorized to be appropriated to the Sec-
12 retary for the use of each commission established
13 under subsection (b)(2) such sums as are necessary to
14 carry out this section.

15 (e) *SELECTION BY SECRETARY.*—

16 (1) *IN GENERAL.*—Not later than 60 days after
17 receiving the recommended proposals of the commis-
18 sions established under subsection (b)(2), the Sec-
19 retary shall—

20 (A) review such proposals and select any
21 proposal that provides substantial benefits to the
22 public and the national transportation system, is
23 cost-effective, offers significant advantages over
24 existing services, and meets other relevant factors
25 determined appropriate by the Secretary; and

1 (B) submit to the Committee on Commerce,
2 Science, and Transportation of the Senate and
3 the Committee on Transportation and Infra-
4 structure of the House of Representatives a re-
5 port containing any proposal with respect to
6 subsection (a)(1)(A) that is selected by the Sec-
7 retary under subparagraph (A) of this para-
8 graph, all the information regarding the pro-
9 posal provided to the Secretary under subsection
10 (d), and any other information the Secretary
11 considers relevant.

12 (2) *SUBSEQUENT REPORT.*—Following the sub-
13 mission of the report under paragraph (1)(B), the
14 Secretary shall submit to the Committee on Com-
15 merce, Science, and Transportation of the Senate and
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives a report containing
18 any proposal with respect to subparagraphs (B)
19 through (K) of subsection (a)(1) that are selected by
20 the Secretary under paragraph (1) of this subsection,
21 all the information regarding the proposal provided
22 to the Secretary under subsection (d), and any other
23 information the Secretary considers relevant.

24 (3) *LIMITATION ON REPORT SUBMISSION.*—The
25 report required under paragraph (2) shall not be sub-

1 mitted by the Secretary until the report submitted
2 under paragraph (1)(B) has been considered through
3 a hearing by the Committee on Commerce, Science,
4 and Transportation of the Senate and the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives on the report submitted under para-
7 graph (1)(B).

8 (f) *NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.*—
9 No Federal agency may take any action to implement, es-
10 tablish, facilitate, or otherwise act upon any proposal sub-
11 mitted under this section, other than those actions specifi-
12 cally authorized by this section, without explicit statutory
13 authority enacted after the date of enactment of this Act.

14 (g) *DEFINITIONS.*—In this section:

15 (1) *INTERCITY PASSENGER RAIL.*—The term
16 “intercity passenger rail” means intercity rail pas-
17 senger transportation as defined in section 24102 of
18 title 49, United States Code.

19 (2) *STATE.*—The term “State” means any of the
20 50 States or the District of Columbia.

21 **SEC. 35312. AMTRAK INSPECTOR GENERAL.**

22 (a) *AUTHORITY.*—

23 (1) *IN GENERAL.*—The Inspector General of Am-
24 trak shall have the authority available to other In-
25 spectors General, as necessary in carrying out the du-

1 *ties specified in the Inspector General Act of 1978 (5*
2 *U.S.C. App.), to investigate any alleged violation of*
3 *sections 286, 287, 371, 641, 1001, 1002 and 1516 of*
4 *title 18, United States Code.*

5 (2) *AGENCY.—For purposes of sections 286, 287,*
6 *371, 641, 1001, 1002, and 1516 of title 18, United*
7 *States Code, Amtrak and the Amtrak Office of Inspec-*
8 *tor General, shall be considered a corporation in*
9 *which the United States has a proprietary interest as*
10 *set forth in section 6 of that title.*

11 (b) *ASSESSMENT.—The Inspector General of Amtrak*
12 *shall—*

13 (1) *not later than 60 days after the date of en-*
14 *actment of this Act, initiate an assessment to deter-*
15 *mine whether current expenditures or procurements*
16 *involving Amtrak’s fulfillment of the Americans with*
17 *Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) uti-*
18 *lize competitive, market-driven provisions that are*
19 *applicable throughout the entire term of such related*
20 *expenditures or procurements; and*

21 (2) *not later than 6 months after the date of en-*
22 *actment of this Act, transmit to the Committee on*
23 *Commerce, Science, and Transportation of the Senate*
24 *and the Committee on Transportation and Infrastruc-*

1 *ture of the House of Representatives the assessment*
 2 *under paragraph (1).*

3 *(c) LIMITATION.—The authority provided by sub-*
 4 *sections (a) and (b) shall be effective only with respect to*
 5 *a fiscal year for which Amtrak receives a Federal subsidy.*

6 **SEC. 35313. MISCELLANEOUS PROVISIONS.**

7 *(a) TITLE 49 AMENDMENTS.—*

8 *(1) CONTINGENT INTEREST RECOVERIES.—Sec-*
 9 *tion 22106(b) is amended by striking “interest there-*
 10 *of” and inserting “interest thereon”.*

11 *(2) AUTHORITY.—Section 22702(b)(4) is amend-*
 12 *ed by striking “5 years for reapproval by the Sec-*
 13 *retary” and inserting “4 years for acceptance by the*
 14 *Secretary”.*

15 *(3) CONTENTS OF STATE RAIL PLANS.—Section*
 16 *22705(a) is amended by striking paragraph (12).*

17 *(4) MISSION.—Section 24101(b) is amended by*
 18 *striking “of subsection (d)” and inserting “set forth*
 19 *in subsection (c)”.*

20 *(5) TABLE OF CONTENTS AMENDMENT.—The*
 21 *table of contents for chapter 243 is amended by strik-*
 22 *ing the item relating to section 24316 and inserting*
 23 *the following:*

“24316. Plans to address the needs of families of passengers involved in rail pas-
senger accidents.”.

1 (6) *UPDATE.*—Section 24305(f)(3) is amended
2 by striking “\$1,000,000” and inserting “\$5,000,000”.

3 (7) *AMTRAK.*—Chapter 247 is amended—

4 (A) in section 24702(a), by striking “not
5 included in the national rail passenger transpor-
6 tation system”;

7 (B) in section 24706—

8 (i) in subsection (a)—

9 (I) in paragraph (1), by striking
10 “a discontinuance under section 24704
11 or or”; and

12 (II) in paragraph (2), by striking
13 “section 24704 or”; and

14 (ii) in subsection (b), by striking “sec-
15 tion 24704 or”; and

16 (C) in section 24709, by striking “The Sec-
17 retary of the Treasury and the Attorney Gen-
18 eral,” and inserting “The Secretary of Homeland
19 Security,”.

20 (b) *PASSENGER RAIL INVESTMENT AND IMPROVEMENT*
21 *ACT AMENDMENTS.*—Section 305(a) of the *Passenger Rail*
22 *Investment and Improvement Act of 2008* (49 U.S.C. 24101
23 note) is amended by inserting “nonprofit organizations rep-
24 resenting employees who perform overhaul and mainte-

1 nance of passenger railroad equipment,” after “equipment
2 manufacturers,”.

3 ***Subtitle D—Rail Safety***

4 ***PART I—SAFETY IMPROVEMENT***

5 ***SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.***

6 *(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING*
7 *ACTION PLAN.—*

8 *(1) IN GENERAL.—Not later than 1 year after*
9 *the date of enactment of this Act, the Secretary shall*
10 *develop a model of a State-specific highway-rail grade*
11 *crossing action plan and distribute the model plan to*
12 *each State.*

13 *(2) CONTENTS.—The plan developed under para-*
14 *graph (1) shall include—*

15 *(A) methodologies, tools, and data sources*
16 *for identifying and evaluating highway-rail*
17 *grade crossing safety risks, including the public*
18 *safety risks posed by blocked highway-rail grade*
19 *crossings due to idling trains;*

20 *(B) best practices to reduce the risk of high-*
21 *way-rail grade crossing accidents or incidents*
22 *and to alleviate the blockage of highway-rail*
23 *grade crossings due to idling trains, including*
24 *strategies for—*

1 (i) education, including model stake-
2 holder engagement plans or tools;

3 (ii) engineering, including the benefits
4 and costs of different designs and tech-
5 nologies used to mitigate highway-rail
6 grade crossing safety risks; and

7 (iii) enforcement, including the
8 strengths and weaknesses associated with
9 different enforcement methods;

10 (C) for each State, a customized list and
11 data set of the highway-rail grade crossing acci-
12 dents or incidents in that State over the past 3
13 years, including the location, number of deaths,
14 and number of injuries for each accident or inci-
15 dent; and

16 (D) contact information of a Department of
17 Transportation safety official available to assist
18 the State in adapting the model plan to satisfy
19 the requirements under subsection (b).

20 (b) *STATE HIGHWAY-RAIL GRADE CROSSING ACTION*
21 *PLANS.*—

22 (1) *REQUIREMENTS.*—Not later than 18 months
23 after the Secretary develops and distributes the model
24 plan under subsection (a), the Secretary shall promul-
25 gate a rule that requires—

1 (A) each State, except the 10 States identi-
2 fied under section 202 of the Rail Safety Im-
3 provement Act of 2008 (49 U.S.C. 22501 note),
4 to develop and implement a State highway-rail
5 grade crossing action plan; and

6 (B) each State that was identified under
7 section 202 of the Rail Safety Improvement Act
8 of 2008 (49 U.S.C. 22501 note), to update its
9 State action plan under that section and submit
10 to the Secretary the updated State action plan
11 and a report describing what the State did to
12 implement its previous State action plan under
13 that section and how it will continue to reduce
14 highway-rail grade crossing safety risks.

15 (2) CONTENTS.—Each State plan required under
16 this subsection shall—

17 (A) identify highway-rail grade crossings
18 that have experienced recent highway-rail grade
19 crossing accidents or incidents, or are at high-
20 risk for accidents or incidents;

21 (B) identify specific strategies for improv-
22 ing safety at highway-rail grade crossings, in-
23 cluding highway-rail grade crossing closures or
24 grade separations; and

1 (C) designate a State official responsible for
2 managing implementation of the State plan
3 under subparagraph (A) or (B) of paragraph
4 (1), as applicable.

5 (3) ASSISTANCE.—The Secretary shall provide
6 assistance to each State in developing and carrying
7 out, as appropriate, the State plan under this sub-
8 section.

9 (4) PUBLIC AVAILABILITY.—Each State shall
10 submit its final State plan under this subsection to
11 the Secretary for publication. The Secretary shall
12 make each approved State plan publicly available on
13 an official Internet Web site.

14 (5) CONDITIONS.—The Secretary may condition
15 the awarding of a grant to a State under chapter 244
16 of title 49, United States Code, on that State submit-
17 ting an acceptable State plan under this subsection.

18 (6) REVIEW OF ACTION PLANS.—Not later than
19 60 days after the date of receipt of a State plan under
20 this subsection, the Secretary shall—

21 (A) if the State plan is approved, notify the
22 State and publish the State plan under para-
23 graph (4); and

24 (B) if the State plan is incomplete or defi-
25 cient, notify the State of the specific areas in

1 *which the plan is deficient and allow the State*
2 *to complete the plan or correct the deficiencies*
3 *and resubmit the plan under paragraph (1).*

4 (7) *DEADLINE.*—*Not later than 60 days after the*
5 *date of a notice under paragraph (6)(B), a State shall*
6 *complete the plan or correct the deficiencies and re-*
7 *submit the plan.*

8 (8) *FAILURE TO COMPLETE OR CORRECT*
9 *PLAN.*—*If a State fails to meet the deadline under*
10 *paragraph (7), the Secretary shall post on the Web*
11 *site under paragraph (4) a notice that the State has*
12 *an incomplete or deficient highway-rail grade cross-*
13 *ing action plan.*

14 (c) *RAILWAY-HIGHWAY CROSSINGS FUNDS.*—*The Sec-*
15 *retary may use funds made available to carry out section*
16 *130 of title 23, United States Code, to provide States with*
17 *funds to develop a State highway-rail grade crossing action*
18 *plan under subsection (b)(1)(A) of this section or to update*
19 *a State action plan under subsection (b)(1)(B) of this sec-*
20 *tion.*

21 (d) *DEFINITIONS.*—*In this section:*

22 (1) *HIGHWAY-RAIL GRADE CROSSING.*—*The term*
23 *“highway-rail grade crossing” means a location with-*
24 *in a State, other than a location where 1 or more*

1 *railroad tracks cross 1 or more railroad tracks at*
2 *grade, where—*

3 (A) *a public highway, road, or street, or a*
4 *private roadway, including associated sidewalks*
5 *and pathways, crosses 1 or more railroad tracks*
6 *either at grade or grade-separated; or*

7 (B) *a pathway explicitly authorized by a*
8 *public authority or a railroad carrier that is*
9 *dedicated for the use of non-vehicular traffic, in-*
10 *cluding pedestrians, bicyclists, and others, that is*
11 *not associated with a public highway, road, or*
12 *street, or a private roadway, crosses 1 or more*
13 *railroad tracks either at grade or grade-sepa-*
14 *rated.*

15 (2) *STATE.—The term “State” means a State of*
16 *the United States or the District of Columbia.*

17 **SEC. 35402. SPEED LIMIT ACTION PLANS.**

18 (a) *IN GENERAL.—Not later than 90 days after the*
19 *date of enactment of this Act, each railroad carrier pro-*
20 *viding intercity rail passenger transportation or commuter*
21 *rail passenger transportation, in consultation with any ap-*
22 *plicable host railroad carrier, shall survey its entire system*
23 *and identify each main track location where there is a re-*
24 *duction of more than 20 miles per hour from the approach*

1 *speed to a curve or bridge and the maximum authorized*
2 *operating speed for passenger trains at that curve or bridge.*

3 (b) *ACTION PLANS.*—*Not later than 120 days after the*
4 *date that the survey under subsection (a) is complete, a rail*
5 *passenger carrier shall submit to the Secretary an action*
6 *plan that—*

7 (1) *identifies each main track location where*
8 *there is a reduction of more than 20 miles per hour*
9 *from the approach speed to a curve or bridge and the*
10 *maximum authorized operating speed for passenger*
11 *trains at that curve or bridge;*

12 (2) *describes appropriate actions, including*
13 *modification to automatic train control systems, if*
14 *applicable, other signal systems, increased crew size,*
15 *improved signage, or other practices, including in-*
16 *creased crew communication, to enable warning and*
17 *enforcement of the maximum authorized speed for*
18 *passenger trains at each location identified under*
19 *paragraph (1);*

20 (3) *contains milestones and target dates for im-*
21 *plementing each appropriate action described under*
22 *paragraph (2); and*

23 (4) *ensures compliance with the maximum au-*
24 *thorized speed at each location identified under para-*
25 *graph (1).*

1 (c) *APPROVAL.*—Not later than 90 days after the date
2 an action plan is submitted under subsection (a), the Sec-
3 retary shall approve, approve with conditions, or dis-
4 approve the action plan.

5 (d) *ALTERNATIVE SAFETY MEASURES.*—The Secretary
6 may exempt from the requirements of this section each seg-
7 ment of track for which operations are governed by a posi-
8 tive train control system certified under section 20157 of
9 title 49, United States Code, or any other safety technology
10 or practice that would achieve an equivalent or greater level
11 of safety in reducing derailment risk.

12 (e) *REPORT.*—Not later than 6 months after the date
13 of the enactment of this Act, the Secretary shall submit a
14 report to the Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 that describes—

18 (1) the actions the railroad carriers have taken
19 in response to Safety Advisory 2013–08, entitled
20 “Operational Tests and Inspections for Compliance
21 With Maximum Authorized Train Speeds and Other
22 Speed Restrictions”;

23 (2) the actions the railroad carriers have taken
24 in response to Safety Advisory 2015–03, entitled
25 “Operational and Signal Modifications for Compli-

1 *ance with Maximum Authorized Passenger Train*
2 *Speeds and Other Speed Restrictions”;* and

3 *(3) the actions the Federal Railroad Administra-*
4 *tion has taken to evaluate or incorporate the informa-*
5 *tion and findings arising from the safety advisories*
6 *referred to in paragraphs (1) and (2) into the devel-*
7 *opment of regulatory action and oversight activities.*

8 *(f) SAVINGS CLAUSE.—Nothing in this section shall*
9 *prohibit the Secretary from applying the requirements of*
10 *this section to other segments of track at high risk of over-*
11 *speed derailment.*

12 **SEC. 35403. SIGNAGE.**

13 *(a) IN GENERAL.—The Secretary shall promulgate*
14 *such regulations as the Secretary considers necessary to re-*
15 *quire each railroad carrier providing intercity rail pas-*
16 *senger transportation or commuter rail passenger transpor-*
17 *tation, in consultation with any applicable host railroad*
18 *carrier, to install signs to warn train crews before the train*
19 *approaches a location that the Secretary identifies as hav-*
20 *ing high risk of overspeed derailment.*

21 *(b) ALTERNATIVE SAFETY MEASURES.—The Secretary*
22 *may exempt from the requirements of this section each seg-*
23 *ment of track for which operations are governed by a posi-*
24 *tive train control system certified under section 20157 of*
25 *title 49, United States Code, or any other safety technology*

1 *or practice that would achieve an equivalent or greater level*
2 *of safety in reducing derailment risk.*

3 **SEC. 35404. ALERTERS.**

4 (a) *IN GENERAL.*—*The Secretary shall promulgate a*
5 *rule to require a working alerter in the controlling loco-*
6 *motive of each passenger train in intercity rail passenger*
7 *transportation (as defined in section 24102 of title 49,*
8 *United States Code) or commuter rail passenger transpor-*
9 *tation (as defined in section 24102 of title 49, United States*
10 *Code).*

11 (b) *RULEMAKING.*—

12 (1) *IN GENERAL.*—*The Secretary may promul-*
13 *gate a rule to specify the essential functionalities of*
14 *a working alerter, including the manner in which the*
15 *alerter can be reset.*

16 (2) *ALTERNATE PRACTICE OR TECHNOLOGY.*—
17 *The Secretary may require or allow a technology or*
18 *practice in lieu of a working alerter if the Secretary*
19 *determines that the technology or practice would*
20 *achieve an equivalent or greater level of safety in en-*
21 *hancing or ensuring appropriate locomotive control.*

22 **SEC. 35405. SIGNAL PROTECTION.**

23 (a) *IN GENERAL.*—*The Secretary shall promulgate*
24 *regulations to require, not later than 18 months after the*
25 *date of the enactment of this Act, that on-track safety regu-*

1 *lations, whenever practicable and consistent with other safe-*
 2 *ty requirements and operational considerations, include re-*
 3 *quiring implementation of redundant signal protection,*
 4 *such as shunting or other practices and technologies that*
 5 *achieve an equivalent or greater level of safety, for mainte-*
 6 *nance-of-way work crews who depend on a train dispatcher*
 7 *to provide signal protection.*

8 **(b) ALTERNATIVE SAFETY MEASURES.**—*The Secretary*
 9 *may exempt from the requirements of this section each seg-*
 10 *ment of track for which operations are governed by a posi-*
 11 *tive train control system certified under section 20157 of*
 12 *title 49, United States Code, or any other safety technology*
 13 *or practice that would achieve an equivalent or greater level*
 14 *of safety in providing additional signal protection.*

15 **SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.**

16 *Section 20156(e) is amended—*

17 **(1) in paragraph (4)—**

18 **(A) in subparagraph (A), by striking “and”**
 19 *at the end; and*

20 **(B) in subparagraph (B), by striking the**
 21 *period at the end and inserting “; and”; and*

22 **(2) by adding at the end the following:**

23 **“(C) each railroad carrier required to sub-**
 24 *mit such a plan, until the implementation of a*
 25 *positive train control system by the railroad car-*

1 rier, shall analyze and, as appropriate,
2 prioritize technologies and practices to mitigate
3 the risk of overspeed derailments.”.

4 **SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.**

5 (a) *IN GENERAL.*—The Secretary shall evaluate track
6 inspection regulations to determine if a railroad carrier
7 providing commuter rail passenger transportation on high
8 density commuter railroad lines should be required to in-
9 spect the lines in the same manner as currently required
10 for other commuter railroad lines.

11 (b) *RULEMAKING.*—Considering safety, including rail-
12 road carrier employee and contractor safety, and system ca-
13 pacity, the Secretary may promulgate a rule for high den-
14 sity commuter railroad lines. If, after the evaluation under
15 subsection (a), the Secretary determines that it is necessary
16 to promulgate a rule, the Secretary shall specifically con-
17 sider the following regulatory requirements for high density
18 commuter railroad lines:

19 (1) *At least once every 2 weeks—*

20 (A) *traverse each main line by vehicle; or*

21 (B) *inspect each main line on foot.*

22 (2) *At least once each month, traverse and in-*
23 *spect each siding by vehicle or by foot.*

24 (c) *REPORT.*—If, after the evaluation under subsection
25 (a), the Secretary determines it is not necessary to revise

1 *the regulations under this section, the Secretary, not later*
2 *than 18 months after the date of enactment of this Act, shall*
3 *transmit a report to the Committee on Commerce, Science,*
4 *and Transportation of the Senate and the Committee on*
5 *Transportation and Infrastructure of the House of Rep-*
6 *resentatives explaining the reasons for not revising the regu-*
7 *lations.*

8 *(d) CONSTRUCTION.—Nothing in this section may be*
9 *construed to limit the authority of the Secretary to promul-*
10 *gate regulations or issue orders under any other law.*

11 **SEC. 35408. EMERGENCY RESPONSE.**

12 *(a) IN GENERAL.—The Secretary, in consultation with*
13 *railroad carriers, shall conduct a study to determine wheth-*
14 *er limitations or weaknesses exist in the emergency response*
15 *information carried by train crews transporting hazardous*
16 *materials.*

17 *(b) CONTENTS.—In conducting the study under sub-*
18 *section (a), the Secretary shall evaluate the differences be-*
19 *tween the emergency response information carried by train*
20 *crews transporting hazardous materials and the emergency*
21 *response guidance provided in the Emergency Response*
22 *Guidebook issued by the Department of Transportation.*

23 *(c) REPORT.—Not later than 1 year after the date of*
24 *enactment of this Act, the Secretary shall transmit to the*
25 *Committee on Commerce, Science, and Transportation of*

1 *the Senate and the Committee on Transportation and In-*
2 *frastructure of the House of Representatives a report of the*
3 *findings of the study under subsection (a) and any rec-*
4 *ommendations for legislative action.*

5 **SEC. 35409. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

6 (a) *IN GENERAL.*—*The Secretary, in consultation with*
7 *railroad carriers, shall conduct a study—*

8 (1) *to determine whether limitations or weak-*
9 *nesses exist regarding the availability and usefulness*
10 *for safety purposes of data on private highway-rail*
11 *grade crossings; and*

12 (2) *to evaluate existing engineering practices on*
13 *private highway-rail grade crossings.*

14 (b) *CONTENTS.*—*In conducting the study under sub-*
15 *section (a), the Secretary shall make recommendations as*
16 *necessary to improve—*

17 (1) *the utility of the data on private highway-*
18 *rail grade crossings; and*

19 (2) *the implementation of private highway-rail*
20 *crossing safety measures, including signage and*
21 *warning systems.*

22 (c) *REPORT.*—*Not later than 1 year after the date of*
23 *enactment of this Act, the Secretary shall transmit to the*
24 *Committee on Commerce, Science, and Transportation of*
25 *the Senate and the Committee on Transportation and In-*

1 *frastructure of the House of Representatives a report of the*
2 *findings of the study and any recommendations for further*
3 *action.*

4 **SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED**
5 **TRACK INSPECTION EQUIPMENT.**

6 (a) *IN GENERAL.*—*Subchapter I of chapter 201 is*
7 *amended by inserting after section 20120 the following:*

8 **“§20121. Repair and replacement of damaged track**
9 **inspection equipment**

10 *“The Secretary of Transportation may receive and ex-*
11 *pend cash, or receive and utilize spare parts and similar*
12 *items, from non-United States Government sources to re-*
13 *pair damages to or replace United States Government*
14 *owned automated track inspection cars and equipment as*
15 *a result of third-party liability for such damages, and any*
16 *amounts collected under this section shall be credited di-*
17 *rectly to the Railroad Safety and Operations account of the*
18 *Federal Railroad Administration, and shall remain avail-*
19 *able until expended for the repair, operation, and mainte-*
20 *nance of automated track inspection cars and equipment*
21 *in connection with the automated track inspection pro-*
22 *gram.”.*

23 (b) *CONFORMING AMENDMENT.*—*The table of contents*
24 *for subchapter I of chapter 201 is amended by adding after*
25 *section 21020 the following:*

“20121. Repair and replacement of damaged track inspection equipment.”.

1 **SEC. 35411. RAIL POLICE OFFICERS.**

2 (a) *IN GENERAL.*—Section 28101 is amended—

3 (1) by striking “employed by” each place it ap-
4 pears and inserting “directly employed by or con-
5 tracted by”;

6 (2) in subsection (b), by inserting “or agent, as
7 applicable,” after “an employee”; and

8 (3) by adding at the end the following:

9 “(c) *TRANSFERS.*—

10 “(1) *IN GENERAL.*—If a railroad police officer
11 directly employed by or contracted by a rail carrier
12 and certified or commissioned as a police officer
13 under the laws of a State transfers primary employ-
14 ment or residence from the certifying or commis-
15 sioning State to another State or jurisdiction, the
16 railroad police officer, not later than 1 year after the
17 date of transfer, shall apply to be certified or commis-
18 sioned as a police office under the laws of the State
19 of new primary employment or residence.

20 “(2) *INTERIM PERIOD.*—During the period be-
21 ginning on the date of transfer and ending 1 year
22 after the date of transfer, a railroad police officer di-
23 rectly employed by or contracted by a rail carrier
24 and certified or commissioned as a police officer
25 under the laws of a State may enforce the laws of the
26 new jurisdiction in which the railroad police officer

1 *resides, to the same extent as provided in subsection*
2 *(a).*

3 “(d) *TRAINING.*—

4 “(1) *IN GENERAL.*—*A State shall recognize as*
5 *meeting that State’s basic police officer certification*
6 *or commissioning requirements for qualification as a*
7 *rail police officer under this section any individual*
8 *who successfully completes a program at a State-rec-*
9 *ognized police training academy in another State or*
10 *at a Federal law enforcement training center and who*
11 *is certified or commissioned as a police officer by that*
12 *other State.*

13 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
14 *subsection shall be construed as superseding or affect-*
15 *ing any unique State training requirements related to*
16 *criminal law, criminal procedure, motor vehicle code,*
17 *or State-mandated comparative or annual in-service*
18 *training academy or Federal law enforcement train-*
19 *ing center.”.*

20 “(b) *REGULATIONS.*—*Not later than 1 year after the*
21 *date of enactment of this Act, the Secretary shall revise the*
22 *regulations in part 207 of title 49, Code of Federal Regula-*
23 *tions (relating to railroad police officers), to permit a rail-*
24 *road to designate an individual, who is commissioned in*
25 *the individual’s State of legal residence or State of primary*

1 *employment and directly employed by or contracted by a*
2 *railroad to enforce State laws for the protection of railroad*
3 *property, personnel, passengers, and cargo, to serve in the*
4 *States in which the railroad owns property.*

5 (c) *CONFORMING AMENDMENTS.*—

6 (1) *AMTRAK RAIL POLICE.*—Section 24305(e) is
7 *amended—*

8 (A) *by striking “may employ” and insert-*
9 *ing “may directly employ or contract with”;*

10 (B) *by striking “employed by” and insert-*
11 *ing “directly employed by or contracted by”;* and

12 (C) *by striking “employed without” and in-*
13 *serting “directly employed or contracted with-*
14 *out”.*

15 (2) *SECURE GUN STORAGE OR SAFETY DEVICE;*
16 *EXCEPTIONS.*—Section 922(z)(2)(B) of title 18 is
17 *amended by striking “employed by” and inserting*
18 *“directly employed by or contracted by”.*

19 **SEC. 35412. OPERATION DEEP DIVE; REPORT.**

20 (a) *PROGRESS REPORTS.*—Not later than 60 days
21 *after the date of the enactment of this Act, and quarterly*
22 *thereafter until the completion date, the Administrator of*
23 *the Federal Railroad Administration shall submit a report*
24 *to the Committee on Commerce, Science, and Transpor-*
25 *tation of the Senate and the Committee on Transportation*

1 *and Infrastructure of the House of Representatives that de-*
2 *scribes the progress of Metro-North Commuter Railroad in*
3 *implementing the directives and recommendations issued by*
4 *the Federal Railroad Administration in its March 2014 re-*
5 *port to Congress titled “Operation Deep Dive Metro-North*
6 *Commuter Railroad Safety Assessment”.*

7 (b) *FINAL REPORT.*—*Not later than 30 days after the*
8 *completion date, the Administrator of the Federal Railroad*
9 *Administration shall submit a final report on the directives*
10 *and recommendations to Congress.*

11 (c) *DEFINED TERM.*—*In this section, the term “com-*
12 *pletion date” means the date on which Metro-North Com-*
13 *muter Railroad has completed all of the directives and rec-*
14 *ommendations referred to in subsection (a).*

15 **SEC. 35413. POST-ACCIDENT ASSESSMENT.**

16 (a) *IN GENERAL.*—*The Secretary of Transportation,*
17 *in cooperation with the National Transportation Safety*
18 *Board and the National Railroad Passenger Corporation*
19 *(referred to in this section as “Amtrak”), shall conduct a*
20 *post-accident assessment of the Amtrak Northeast Regional*
21 *Train #188 crash on May 12, 2015.*

22 (b) *ELEMENTS.*—*The assessment conducted pursuant*
23 *to subsection (a) shall include—*

24 (1) *a review of Amtrak’s compliance with the*
25 *plan for addressing the needs of the families of pas-*

1 *sengers involved in any rail passenger accident,*
2 *which was submitted pursuant to section 24316 of*
3 *title 49, United States Code;*

4 *(2) a review of Amtrak's compliance with the*
5 *emergency preparedness plan required under section*
6 *239.101(a) of title 49, Code of Federal Regulations;*

7 *(3) a determination of any additional action*
8 *items that should be included in the plans referred to*
9 *in paragraphs (1) and (2) to meet the needs of the*
10 *passengers involved in the crash and their families,*
11 *including—*

12 *(A) notification of emergency contacts;*

13 *(B) dedicated and trained staff to manage*
14 *family assistance;*

15 *(C) the establishment of a family assistance*
16 *center at the accident locale or other appropriate*
17 *location;*

18 *(D) a system for identifying and recovering*
19 *items belonging to passengers that were lost in*
20 *the crash; and*

21 *(E) the establishment of a single customer*
22 *service entity within Amtrak to coordinate the*
23 *response to the needs of the passengers involved*
24 *in the crash and their families;*

1 (4) *recommendations for any additional training*
2 *needed by Amtrak staff to better implement the plans*
3 *referred to in paragraphs (1) and (2), including the*
4 *establishment of a regular schedule for training drills*
5 *and exercises.*

6 (c) *REPORT TO CONGRESS.*—*Not later than 1 year*
7 *after the date of the enactment of this Act, Amtrak shall*
8 *submit a report to the Committee on Commerce, Science,*
9 *and Transportation of the Senate and the Committee on*
10 *Transportation and Infrastructure of the House of Rep-*
11 *resentatives that describes—*

12 (1) *its plan to achieve the recommendations re-*
13 *ferred to in subsection (b)(4); and*

14 (2) *steps that have been taken to address any de-*
15 *ficiencies identified through the assessment.*

16 **SEC. 35414. TECHNICAL AND CONFORMING AMENDMENTS.**

17 (a) *ASSISTANCE TO FAMILIES OF PASSENGERS IN-*
18 *VOLVED IN RAIL PASSENGER ACCIDENTS.*—*Section 1139 is*
19 *amended—*

20 (1) *in subsection (a)(1), by striking “phone num-*
21 *ber” and inserting “telephone number”;*

22 (2) *in subsection (a)(2), by striking “post trau-*
23 *ma communication with families” and inserting*
24 *“post-trauma communication with families”; and*

1 (3) in subsection (j), by striking “railroad pas-
2 senger accident” each place it appears and inserting
3 “rail passenger accident”.

4 (b) *SOLID WASTE RAIL TRANSFER FACILITY LAND-*
5 *USE EXEMPTION.*—Section 10909 is amended—

6 (1) in subsection (b), in the matter preceding
7 paragraph (1), by striking “Clean Railroad Act of
8 2008” and inserting “Clean Railroads Act of 2008”;
9 and

10 (2) in subsection (e), by striking “Upon the
11 granting of petition from the State” and inserting
12 “Upon the granting of a petition from the State”.

13 (c) *RULEMAKING PROCESS.*—Section 20116 is amend-
14 *ed—*

15 (1) by inserting “(2)” before “the code, rule,
16 standard, requirement, or practice has been subject to
17 notice and comment under a rule or order issued
18 under this part.” and indenting accordingly;

19 (2) by inserting “(1)” before “unless” and in-
20 denting accordingly;

21 (3) in paragraph (1), as redesignated, by strik-
22 ing “order, or” and inserting “order; or”; and

23 (4) in the matter preceding paragraph (1), as re-
24 designated, by striking “unless” and inserting “un-
25 less—”.

1 (d) *ENFORCEMENT REPORT*.—Section 20120(a) is
2 amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “website” and inserting “Web site”;

5 (2) in paragraph (1), by striking “accident and
6 incidence reporting” and inserting “accident and in-
7 cident reporting”;

8 (3) in paragraph (2)(G), by inserting “and” at
9 the end; and

10 (4) in paragraph (5)(B), by striking “Adminis-
11 trative Hearing Officer or Administrative Law
12 Judge” and inserting “administrative hearing officer
13 or administrative law judge”.

14 (e) *RAILROAD SAFETY RISK REDUCTION PROGRAM*.—
15 Section 20156 is amended—

16 (1) in subsection (c), by inserting a comma after
17 “In developing its railroad safety risk reduction pro-
18 gram”; and

19 (2) in subsection (g)(1)—

20 (A) by inserting a comma after “good
21 faith”; and

22 (B) by striking “non-profit” and inserting
23 “nonprofit”.

24 (f) *ROADWAY USER SIGHT DISTANCE AT HIGHWAY-*
25 *RAIL GRADE CROSSINGS*.—Section 20159 is amended by

1 *striking “the Secretary” and inserting “the Secretary of*
2 *Transportation”.*

3 (g) *NATIONAL CROSSING INVENTORY.—Section 20160*
4 *is amended—*

5 (1) *in subsection (a)(1), by striking “concerning*
6 *each previously unreported crossing through which it*
7 *operates or with respect to the trackage over which it*
8 *operates” and inserting “concerning each previously*
9 *unreported crossing through which it operates with*
10 *respect to the trackage over which it operates”; and*

11 (2) *in subsection (b)(1)(A), by striking “con-*
12 *cerning each crossing through which it operates or*
13 *with respect to the trackage over which it operates”*
14 *and inserting “concerning each crossing through*
15 *which it operates with respect to the trackage over*
16 *which it operates”.*

17 (h) *MINIMUM TRAINING STANDARDS AND PLANS.—*
18 *Section 20162(a)(3) is amended by striking “railroad com-*
19 *pliance with Federal standards” and inserting “railroad*
20 *carrier compliance with Federal standards”.*

21 (i) *DEVELOPMENT AND USE OF RAIL SAFETY TECH-*
22 *NOLOGY.—Section 20164(a) is amended by striking “after*
23 *enactment of the Railroad Safety Enhancement Act of*
24 *2008” and inserting “after the date of enactment of the Rail*
25 *Safety Improvement Act of 2008”.*

1 (j) *RAIL SAFETY IMPROVEMENT ACT OF 2008.*—

2 (1) *TABLE OF CONTENTS.*—Section 1(b) of divi-
3 sion A of the Rail Safety Improvement Act of 2008
4 (Public Law 110–432; 122 Stat. 4848) is amended—

5 (A) in the item relating to section 307, by
6 striking “website” and inserting “Web site”;

7 (B) in the item relating to title VI, by strik-
8 ing “solid waste facilities” and inserting “solid
9 waste rail transfer facilities”; and

10 (C) in the item relating to section 602, by
11 striking “solid waste transfer facilities” and in-
12 serting “solid waste rail transfer facilities”.

13 (2) *DEFINITIONS.*—Section 2(a)(1) of division A
14 of the Rail Safety Improvement Act of 2008 (Public
15 Law 110–432; 122 Stat. 4849) is amended in the
16 matter preceding subparagraph (A), by inserting a
17 comma after “at grade”.

18 (3) *RAILROAD SAFETY STRATEGY.*—Section
19 102(a)(6) of title I of division A of the Rail Safety
20 Improvement Act of 2008 (49 U.S.C. 20101 note) is
21 amended by striking “Improving the safety of rail-
22 road bridges, tunnels, and related infrastructure to
23 prevent accidents, incidents, injuries, and fatalities
24 caused by catastrophic failures and other bridge and
25 tunnel failures.” and inserting “Improving the safety

1 of railroad bridges, tunnels, and related infrastruc-
2 ture to prevent accidents, incidents, injuries, and fa-
3 talities caused by catastrophic and other failures of
4 such infrastructure.”.

5 (4) *OPERATION LIFESAVER*.—Section 206(a) of
6 title II of division A of the Rail Safety Improvement
7 Act of 2008 (49 U.S.C. 22501 note) is amended by
8 striking “Public Service Announcements” and insert-
9 ing “public service announcements”.

10 (5) *UPDATE OF FEDERAL RAILROAD ADMINIS-*
11 *TRATION’S WEB SITE*.—Section 307 of title III of di-
12 vision A of the Rail Safety Improvement Act of 2008
13 (49 U.S.C. 103 note) is amended—

14 (A) in the heading by striking “**FEDERAL**
15 **RAILROAD ADMINISTRATION’S WEBSITE**”
16 and inserting “Federal Railroad Administration
17 Web site”;

18 (B) by striking “website” each place it ap-
19 pears and inserting “Web site”; and

20 (C) by striking “website’s” and inserting
21 “Web site’s”.

22 (6) *ALCOHOL AND CONTROLLED SUBSTANCE*
23 *TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES*.—
24 Section 412 of title IV of division A of the Rail Safe-
25 ty Improvement Act of 2008 (49 U.S.C. 20140 note)

1 *is amended by striking “Secretary of Transportation”*
2 *and inserting “Secretary”.*

3 (7) *TUNNEL INFORMATION.*—Section 414 of title
4 *IV of division A of the Rail Safety Improvement Act*
5 *of 2008 (49 U.S.C. 20103 note) is amended—*

6 (A) *by striking “parts 171.8, 173.115” and*
7 *inserting “sections 171.8, 173.115”; and*

8 (B) *by striking “part 1520.5” and inserting*
9 *“section 1520.5”.*

10 (8) *SAFETY INSPECTIONS IN MEXICO.*—Section
11 *416 of title IV of division A of the Rail Safety Im-*
12 *provement Act of 2008 (49 U.S.C. 20107 note) is*
13 *amended—*

14 (A) *in the matter preceding paragraph (1),*
15 *by striking “Secretary of Transportation” and*
16 *inserting “Secretary”; and*

17 (B) *in paragraph (4), by striking “sub-*
18 *section” and inserting “section”.*

19 (9) *HEADING OF TITLE VI.*—The heading of title
20 *VI of division A of the Rail Safety Improvement Act*
21 *of 2008 (122 Stat. 4900) is amended by striking*
22 **“SOLID WASTE FACILITIES”** *and inserting*
23 **“SOLID WASTE RAIL TRANSFER FA-**
24 **CILITIES”.**

1 (10) *HEADING OF SECTION 602.*—Section 602 of
 2 *title VI of division A of the Rail Safety Improvement*
 3 *Act of 2008 (122 Stat. 4900) is amended by striking*
 4 “**SOLID WASTE TRANSFER FACILITIES**” and in-
 5 serting “**SOLID WASTE RAIL TRANSFER FACILI-**
 6 **TIES**”.

7 **SEC. 35415. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT**
 8 **HIGHWAY-RAIL GRADE CROSSINGS.**

9 *The Comptroller General of the United States shall*
 10 *submit a report to Congress containing the results of a*
 11 *study evaluating the effectiveness of the Federal Railroad*
 12 *Administration’s final rule on the use of locomotive horns*
 13 *at highway-rail grade crossings, which was published in the*
 14 *Federal Register on August 17, 2006 (71 Fed. Reg. 47614).*

15 **SEC. 35416. BRIDGE INSPECTION REPORTS.**

16 *Section 417(d) of the Rail Safety Improvement Act of*
 17 *2008 (49 U.S.C. 20103 note) is amended—*

18 (1) *by striking “The Secretary” and inserting*
 19 *the following:*

20 “(1) *IN GENERAL.*—*The Secretary*”; and

21 (2) *by adding at the end the following:*

22 “(2) *AVAILABILITY OF BRIDGE INSPECTION RE-*
 23 *PORTS.*—*The Administrator of the Federal Railroad*
 24 *Administration shall—*

1 “(A) maintain a copy of the most recent
2 bridge inspection reports prepared in accordance
3 with section (b)(5); and

4 “(B) provide copies of the reports described
5 in subparagraph (A) to appropriate State and
6 local government transportation officials, upon
7 request.”.

8 **PART II—CONSOLIDATED RAIL INFRASTRUCTURE**
9 **AND SAFETY IMPROVEMENTS**

10 **SEC. 35421. CONSOLIDATED RAIL INFRASTRUCTURE AND**
11 **SAFETY IMPROVEMENTS.**

12 (a) *IN GENERAL.*—Chapter 244, as amended by sec-
13 tion 35302 of this Act, is further amended by adding at
14 the end the following:

15 **“§24408. Consolidated rail infrastructure and safety**
16 **improvements**

17 “(a) *GENERAL AUTHORITY.*—The Secretary may make
18 grants under this section to an eligible recipient to assist
19 in financing the cost of improving passenger and freight
20 rail transportation systems in terms of safety, efficiency,
21 or reliability.

22 “(b) *ELIGIBLE RECIPIENTS.*—The following entities
23 are eligible to receive a grant under this section:

24 “(1) A State.

25 “(2) A group of States.

1 “(3) *An Interstate Compact.*

2 “(4) *A public agency or publicly chartered au-*
3 *thority established by 1 or more States and having re-*
4 *sponsibility for providing intercity rail passenger,*
5 *commuter rail passenger, or freight rail transpor-*
6 *tation service.*

7 “(5) *A political subdivision of a State.*

8 “(6) *Amtrak or another rail passenger carrier*
9 *that provides intercity rail passenger transportation*
10 *(as defined in section 24102) or commuter rail pas-*
11 *senger transportation (as defined in section 24102).*

12 “(7) *A Class II railroad or Class III railroad (as*
13 *those terms are defined in section 20102).*

14 “(8) *Any rail carrier or rail equipment manu-*
15 *facturer in partnership with at least 1 of the entities*
16 *described in paragraphs (1) through (5).*

17 “(9) *Any entity established to procure, manage,*
18 *or maintain passenger rail equipment under section*
19 *305 of the Passenger Rail Investment and Improve-*
20 *ment Act of 2008 (49 U.S.C. 24101 note).*

21 “(10) *An organization that is actively involved*
22 *in the development of operational and safety-related*
23 *standards for rail equipment and operations or the*
24 *implementation of safety-related programs.*

1 “(11) *The Transportation Research Board and*
2 *any entity with which it contracts in the development*
3 *of rail-related research, including cooperative research*
4 *programs.*

5 “(12) *A University transportation center ac-*
6 *tively engaged in rail-related research.*

7 “(13) *A non-profit labor organization rep-*
8 *resenting a class or craft of employees of railroad car-*
9 *riers or railroad carrier contractors.*

10 “(c) *ELIGIBLE PROJECTS.—The following projects are*
11 *eligible to receive grants under this section:*

12 “(1) *Deployment of railroad safety technology,*
13 *including positive train control and rail integrity in-*
14 *spection systems.*

15 “(2) *A capital project as defined in section*
16 *24401, except that a project shall not be required to*
17 *be in a State rail plan developed under chapter 227.*

18 “(3) *A capital project identified by the Secretary*
19 *as being necessary to address congestion challenges af-*
20 *fecting rail service.*

21 “(4) *A highway-rail grade crossing improve-*
22 *ment, including grade separations, private highway-*
23 *rail grade crossing improvements, and safety engi-*
24 *neering improvements to reduce risk in quiet zones or*
25 *potential quiet zones.*

1 “(5) *A rail line relocation project.*

2 “(6) *A capital project to improve short-line or*
3 *regional railroad infrastructure.*

4 “(7) *Development of public education, awareness,*
5 *and targeted law enforcement activities to reduce vio-*
6 *lations of traffic laws at highway-rail grade crossings*
7 *and to help prevent and reduce injuries and fatalities*
8 *along railroad rights-of-way.*

9 “(8) *The preparation of regional rail and cor-*
10 *ridor service development plans and corresponding*
11 *environmental analyses.*

12 “(9) *Any project that the Secretary considers*
13 *necessary to enhance multimodal connections or fa-*
14 *facilitate service integration between rail service and*
15 *other modes, including between intercity rail pas-*
16 *senger transportation and intercity bus service.*

17 “(10) *The development of rail-related capital, op-*
18 *erations, and safety standards.*

19 “(11) *The implementation and operation of a*
20 *safety program or institute designed to improve rail*
21 *safety culture and rail safety performance.*

22 “(12) *Any research that the Secretary considers*
23 *necessary to advance any particular aspect of rail-re-*
24 *lated capital, operations, or safety improvements.*

1 “(13) *Workforce development activities, coordi-*
2 *nated to the extent practicable with the existing local*
3 *training programs supported by the Department of*
4 *Transportation, Department of Labor, and Depart-*
5 *ment of Education.*

6 “(d) *APPLICATION PROCESS.—The Secretary shall*
7 *prescribe the form and manner of filing an application*
8 *under this section.*

9 “(e) *PROJECT SELECTION CRITERIA.—*

10 “(1) *IN GENERAL.—In selecting a recipient of a*
11 *grant for an eligible project, the Secretary shall—*

12 “(A) *give preference to a proposed project*
13 *for which the proposed Federal share of total*
14 *project costs does not exceed 50 percent; and*

15 “(B) *after factoring in preference to projects*
16 *under subparagraph (A), select projects that will*
17 *maximize the net benefits of the funds appro-*
18 *priated for use under this section, considering*
19 *the cost-benefit analysis of the proposed project,*
20 *including anticipated private and public benefits*
21 *relative to the costs of the proposed project and*
22 *factoring in the other considerations described in*
23 *paragraph (2).*

24 “(2) *OTHER CONSIDERATIONS.—The Secretary*
25 *shall also consider the following:*

1 “(A) *The degree to which the proposed*
2 *project’s business plan considers potential pri-*
3 *vate sector participation in the financing, con-*
4 *struction, or operation of the project;*

5 “(B) *The recipient’s past performance in*
6 *developing and delivering similar projects, and*
7 *previous financial contributions;*

8 “(C) *Whether the recipient has or will have*
9 *the legal, financial, and technical capacity to*
10 *carry out the proposed project, satisfactory con-*
11 *tinuing control over the use of the equipment or*
12 *facilities, and the capability and willingness to*
13 *maintain the equipment or facilities;*

14 “(D) *If applicable, the consistency of the*
15 *proposed project with planning guidance and*
16 *documents set forth by the Secretary or required*
17 *by law or State rail plans developed under chap-*
18 *ter 227;*

19 “(E) *If applicable, any technical evaluation*
20 *ratings that proposed project received under pre-*
21 *vious competitive grant programs administered*
22 *by the Secretary; and*

23 “(F) *Such other factors as the Secretary*
24 *considers relevant to the successful delivery of the*
25 *project.*

1 “(3) *BENEFITS.*—*The benefits described in para-*
2 *graph (1)(B) may include the effects on system and*
3 *service performance, including measures such as im-*
4 *proved safety, competitiveness, reliability, trip or*
5 *transit time, resilience, efficiencies from improved in-*
6 *tegration with other modes, and ability to meet exist-*
7 *ing or anticipated demand.*

8 “(f) *PERFORMANCE MEASURES.*—*The Secretary shall*
9 *establish performance measures for each grant recipient to*
10 *assess progress in achieving strategic goals and objectives.*
11 *The Secretary may require a grant recipient to periodically*
12 *report information related to such performance measures.*

13 “(g) *RURAL AREAS.*—

14 “(1) *IN GENERAL.*—*Of the amounts appro-*
15 *priated under this section, at least 25 percent shall be*
16 *available for projects in rural areas. The Secretary*
17 *shall consider a project to be in a rural area if all*
18 *or the majority of the project (determined by the geo-*
19 *graphic location or locations where the majority of*
20 *the project funds will be spent) is located in a rural*
21 *area.*

22 “(2) *DEFINITION OF RURAL AREA.*—*In this sub-*
23 *section, the term ‘rural area’ means any area not in*
24 *an urbanized area, as defined by the Census Bureau.*

25 “(h) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

1 “(1) *TOTAL PROJECT COSTS.*—*The Secretary*
2 *shall estimate the total costs of a project under this*
3 *subsection based on the best available information, in-*
4 *cluding engineering studies, studies of economic feasi-*
5 *bility, environmental analyses, and information on*
6 *the expected use of equipment or facilities.*

7 “(2) *FEDERAL SHARE.*—*The Federal share of*
8 *total project costs under this subsection shall not ex-*
9 *ceed 80 percent.*

10 “(3) *TREATMENT OF PASSENGER RAIL REV-*
11 *ENUE.*—*If Amtrak or another rail passenger carrier*
12 *is an applicant under this section, Amtrak or the*
13 *other rail passenger carrier, as applicable, may use*
14 *ticket and other revenues generated from its oper-*
15 *ations and other sources to satisfy the non-Federal*
16 *share requirements.*

17 “(i) *APPLICABILITY.*—*Except as specifically provided*
18 *in this section, the use of any amounts appropriated for*
19 *grants under this section shall be subject to the requirements*
20 *of this chapter.*

21 “(j) *AVAILABILITY.*—*Amounts appropriated for car-*
22 *rying out this section shall remain available until ex-*
23 *pended.”.*

24 “(b) *CONFORMING AMENDMENT.*—*The table of contents*
25 *of chapter 244, as amended by section 35302 of this Act,*

1 *is amended by adding after the item relating to section*
 2 *24407 the following:*

“24408. Consolidated rail infrastructure and safety improvements.”.

3 **PART III—HAZARDOUS MATERIALS BY RAIL**
 4 **SAFETY AND OTHER SAFETY ENHANCEMENTS**
 5 **SEC. 35431. REAL-TIME EMERGENCY RESPONSE INFORMA-**
 6 **TION.**

7 *(a) IN GENERAL.—Not later than 1 year after the date*
 8 *of enactment of this Act, the Secretary, in consultation with*
 9 *the Secretary of Homeland Security, shall promulgate regu-*
 10 *lations—*

11 *(1) to require a Class I railroad transporting*
 12 *hazardous materials—*

13 *(A) to generate accurate, real-time, and*
 14 *electronic train consist information, including—*

15 *(i) the identity, quantity, and location*
 16 *of hazardous materials on a train;*

17 *(ii) the point of origin and destination*
 18 *of the train;*

19 *(iii) any emergency response informa-*
 20 *tion or resources required by the Secretary;*
 21 *and*

22 *(iv) an emergency response point of*
 23 *contact designated by the Class I railroad;*
 24 *and*

1 (B) to enter into a memorandum of under-
2 standing with each applicable fusion center to
3 provide that fusion center with secure and con-
4 fidential access to the electronic train consist in-
5 formation described in subparagraph (A) for
6 each train transporting hazardous materials in
7 that fusion center's jurisdiction;

8 (2) to require each applicable fusion center to
9 provide the electronic train consist information de-
10 scribed in paragraph (1)(A) to first responders, emer-
11 gency response officials, and law enforcement per-
12 sonnel that are involved in the response to or inves-
13 tigation of an incident, accident, or public health or
14 safety emergency involving the rail transportation of
15 hazardous materials and that request such electronic
16 train consist information;

17 (3) upon the request of each State, political sub-
18 division of a State, or public agency responsible for
19 emergency response or law enforcement, to require
20 each applicable fusion center to provide advance no-
21 tice for each high-hazard flammable train traveling
22 through the jurisdiction of each State, political sub-
23 division of a State, or public agency, which notice
24 shall include the electronic train consist information
25 described in paragraph (1)(A) for the high-hazard

1 *flammable train, and to the extent practicable, for re-*
2 *questing States, political subdivisions, or public agen-*
3 *cies, to ensure that the fusion center shall provide at*
4 *least 12 hours of advance notice for a high-hazard*
5 *flammable train that will be traveling through the ju-*
6 *risdiction of the State, political subdivision of a*
7 *State, or public agency, and include within the notice*
8 *its best estimate of the time the train will enter the*
9 *jurisdiction;*

10 *(4) to prohibit any railroad, employee, or agent*
11 *from withholding, or causing to be withheld the train*
12 *consist information from first responders, emergency*
13 *response officials, and law enforcement personnel de-*
14 *scribed in paragraph (2) in the event of an incident,*
15 *accident, or public health or safety emergency involv-*
16 *ing the rail transportation of hazardous materials;*

17 *(5) to establish security and confidentiality pro-*
18 *tections to prevent the release of the electronic train*
19 *consist information to unauthorized persons; and*

20 *(6) to allow each Class I railroad to enter into*
21 *a memorandum of understanding with any Class II*
22 *or Class III railroad that operates trains over the*
23 *Class I railroad's line to incorporate the Class II or*
24 *Class III railroad's train consist information within*
25 *the existing framework described in paragraph (1).*

1 (b) *DEFINITIONS.—In this section:*

2 (1) *APPLICABLE FUSION CENTER.—The term*
3 *“applicable fusion center” means a fusion center with*
4 *responsibility for a geographic area in which a Class*
5 *I railroad operates.*

6 (2) *CLASS I RAILROAD.—The term “Class I rail-*
7 *road” has the meaning given the term in section*
8 *20102 of title 49, United States Code.*

9 (3) *FUSION CENTER.—The term “fusion center”*
10 *has the meaning given the term in section 124h(j) of*
11 *title 6, United States Code.*

12 (4) *HAZARDOUS MATERIALS.—The term “haz-*
13 *ardous materials” means material designated as haz-*
14 *ardous by the Secretary of Transportation under*
15 *chapter 51 of the United States Code.*

16 (5) *HIGH-HAZARD FLAMMABLE TRAIN.—The*
17 *term “high-hazard flammable train” means a single*
18 *train transporting 20 or more tank cars loaded with*
19 *a Class 3 flammable liquid in a continuous block or*
20 *a single train transporting 35 or more tank cars*
21 *loaded with a Class 3 flammable liquid throughout*
22 *the train consist.*

23 (6) *TRAIN CONSIST.—The term “train consist”*
24 *includes, with regard to a specific train, the number*

1 of rail cars and the commodity transported by each
2 rail car.

3 (c) *SAVINGS CLAUSE.*—

4 (1) *Nothing in this section may be construed to*
5 *prohibit a Class I railroad from voluntarily entering*
6 *into a memorandum of understanding, as described*
7 *in subsection (a)(1)(B), with a State emergency re-*
8 *sponse commission or an entity representing or in-*
9 *cluding first responders, emergency response officials,*
10 *and law enforcement personnel.*

11 (2) *Nothing in this section may be construed to*
12 *amend any requirement for a railroad to provide a*
13 *State Emergency Response Commission, for each*
14 *State in which it operates trains transporting*
15 *1,000,000 gallons or more of Bakken crude oil, notifi-*
16 *cation regarding the expected movement of such trains*
17 *through the counties in the State.*

18 **SEC. 35432. THERMAL BLANKETS.**

19 (a) *REQUIREMENTS.*—*Not later than 180 days after*
20 *the date of enactment of this Act, the Secretary shall pro-*
21 *mulgate such regulations as are necessary to require each*
22 *tank car built to meet the DOT-117 specification and each*
23 *non-jacketed tank car modified to meet the DOT-117R spec-*
24 *ification—*

25 (1) *to be equipped with a thermal blanket; or*

1 (2) *to have sufficient thermal resistance so that*
2 *there will be no release of any lading within the tank*
3 *car, except release through the pressure relief device,*
4 *when subjected to a pool fire for 200 minutes and a*
5 *torch fire for 30 minutes.*

6 (b) *DEFINITION OF THERMAL BLANKET.—In this sec-*
7 *tion, the term “thermal blanket” means an insulating blan-*
8 *ket that is applied between the outer surface of a tank car*
9 *tank and the inner surface of a tank car jacket and that*
10 *has thermal conductivity no greater than 2.65 Btu per inch,*
11 *per hour, per square foot, and per degree Fahrenheit at a*
12 *temperature of 2000 degrees Fahrenheit, plus or minus 100*
13 *degrees Fahrenheit.*

14 (c) *SAVINGS CLAUSE.—*

15 (1) *PRESSURE RELIEF DEVICES.—Nothing in*
16 *this section may be construed to affect or prohibit any*
17 *requirement to equip with appropriately sized pres-*
18 *sure relief devices a tank car built to meet the DOT–*
19 *117 specification or a non-jacketed tank car modified*
20 *to meet the DOT–117R specification.*

21 (2) *HARMONIZATION.—Nothing in this section*
22 *may be construed to require or allow the Secretary to*
23 *prescribe an implementation deadline or authoriza-*
24 *tion end date for the requirement under subsection (a)*
25 *that is earlier than the applicable implementation*

1 *deadline or authorization end date for other tank car*
2 *modifications necessary to meet the DOT-117R speci-*
3 *fication.*

4 **SEC. 35433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

5 *(a) REQUIREMENTS.—Not later than 120 days after*
6 *the date of enactment of this Act, the Secretary shall issue*
7 *a notice of proposed rulemaking to require each railroad*
8 *carrier transporting a Class 3 flammable liquid to main-*
9 *tain a comprehensive oil spill response plan.*

10 *(b) CONTENTS.—The regulations under subsection (a)*
11 *shall require each rail carrier described in that subsection—*

12 *(1) to include in the comprehensive oil spill re-*
13 *sponse plan procedures and resources for responding,*
14 *to the maximum extent practicable, to a worst-case*
15 *discharge;*

16 *(2) to ensure the comprehensive oil spill response*
17 *plan is consistent with the National Contingency*
18 *Plan and each applicable Area Contingency Plan;*

19 *(3) to include in the comprehensive oil spill re-*
20 *sponse plan appropriate notification and training*
21 *procedures;*

22 *(4) to review and update its comprehensive oil*
23 *spill response plan as appropriate; and*

24 *(5) to provide the comprehensive oil spill re-*
25 *sponse plan for acceptance by the Secretary.*

1 (c) *SAVINGS CLAUSE.*—*Nothing in the section may be*
2 *construed as prohibiting the Secretary from promulgating*
3 *different comprehensive oil response plan standards for*
4 *Class I, Class II, and Class III railroads.*

5 (d) *DEFINITIONS.*—*In this section:*

6 (1) *AREA CONTINGENCY PLAN.*—*The term “Area*
7 *Contingency Plan” has the meaning given the term in*
8 *section 311(a) of the Federal Water Pollution Control*
9 *Act (33 U.S.C. 1321(a)).*

10 (2) *CLASS 3 FLAMMABLE LIQUID.*—*The term*
11 *“Class 3 flammable liquid” has the meaning given the*
12 *term in section 173.120(a) of title 49, Code of Federal*
13 *Regulations.*

14 (3) *CLASS I RAILROAD, CLASS II RAILROAD, AND*
15 *CLASS III RAILROAD.*—*The terms “Class I railroad”,*
16 *“Class II railroad” and “Class III railroad” have the*
17 *meanings given the terms in section 20102 of title 49,*
18 *United States Code.*

19 (4) *NATIONAL CONTINGENCY PLAN.*—*The term*
20 *“National Contingency Plan” has the meaning given*
21 *the term in section 1001 of the Oil Pollution Act of*
22 *1990 (33 U.S.C. 2701).*

23 (5) *RAILROAD CARRIER.*—*The term “railroad*
24 *carrier” has the meaning given the term in section*
25 *20102 of title 49, United States Code.*

1 (6) *WORST-CASE DISCHARGE.*—*The term “worst-*
2 *case discharge” means a railroad carrier’s calculation*
3 *of its largest foreseeable discharge in the event of an*
4 *accident or incident.*

5 **SEC. 35434. HAZARDOUS MATERIALS BY RAIL LIABILITY**
6 **STUDY.**

7 (a) *IN GENERAL.*—*Not later than 30 days after the*
8 *date of enactment of this Act, the Secretary shall initiate*
9 *a study on the levels and structure of insurance for a rail-*
10 *road carrier transporting hazardous materials.*

11 (b) *CONTENTS.*—*In conducting the study under sub-*
12 *section (a), the Secretary shall evaluate—*

13 (1) *the level and structure of insurance, includ-*
14 *ing self-insurance, available in the private market*
15 *against the full liability potential for damages arising*
16 *from an accident or incident involving a train trans-*
17 *porting hazardous materials;*

18 (2) *the level and structure of insurance that*
19 *would be necessary and appropriate—*

20 (A) *to efficiently allocate risk and financial*
21 *responsibility for claims; and*

22 (B) *to ensure that a railroad carrier trans-*
23 *porting hazardous materials can continue to op-*
24 *erate despite the risk of an accident or incident;*

1 (3) *the potential applicability to trains trans-*
2 *porting hazardous materials of—*

3 (A) *a liability regime modeled after section*
4 *170 of the Atomic Energy Act of 1954, as*
5 *amended (42 U.S.C. 2210); and*

6 (B) *a liability regime modeled after subtitle*
7 *2 of title XXI of the Public Health Service Act*
8 *(42 U.S.C. 300aa–10 et seq.).*

9 (c) *REPORT.—Not later than 1 year after the date the*
10 *study under subsection (a) is initiated, the Secretary shall*
11 *submit a report containing the results of the study and rec-*
12 *ommendations for addressing liability issues with rail*
13 *transportation of hazardous materials to—*

14 (1) *the Committee on Commerce, Science, and*
15 *Transportation of the Senate; and*

16 (2) *the Committee on Transportation and Infra-*
17 *structure of the House of Representatives.*

18 (d) *DEFINITIONS.—In this section:*

19 (1) *HAZARDOUS MATERIAL.—The term “haz-*
20 *ardous material” means a substance or material the*
21 *Secretary designates under section 5103(a) of title 49,*
22 *United States Code.*

23 (2) *RAILROAD CARRIER.—The term “railroad*
24 *carrier” has the meaning given the term in section*
25 *20102 of title 49, United States Code.*

1 **SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-**
2 **CONTROLLED PNEUMATIC BRAKES.**

3 (a) *GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—*

4 (1) *IN GENERAL.—The Government Account-*
5 *ability Office shall complete an independent evalua-*
6 *tion of ECP brake systems pilot program data and*
7 *the Department of Transportation’s research and*
8 *analysis on the effects of ECP brake systems.*

9 (2) *STUDY ELEMENTS.—In completing the inde-*
10 *pendent evaluation under paragraph (1), the Govern-*
11 *ment Accountability Office shall examine the fol-*
12 *lowing issues related to ECP brake systems:*

13 (A) *Data and modeling results on safety*
14 *benefits relative to conventional brakes and to*
15 *other braking technologies or systems, such as*
16 *distributed power and 2-way end-of-train de-*
17 *vices.*

18 (B) *Data and modeling results on business*
19 *benefits, including the effects of dynamic brak-*
20 *ing.*

21 (C) *Data on costs, including up-front cap-*
22 *ital costs and on-going maintenance costs.*

23 (D) *Analysis of potential operational chal-*
24 *lenges, including the effects of potential loco-*
25 *motive and car segregation, technical reliability*
26 *issues, and network disruptions.*

1 (E) *Analysis of potential implementation*
2 *challenges, including installation time, positive*
3 *train control integration complexities, compo-*
4 *nent availability issues, and tank car shop capa-*
5 *bilities.*

6 (F) *Analysis of international experiences*
7 *with the use of advanced braking technologies.*

8 (3) *DEADLINE.*—*Not later than 18 months after*
9 *the date of enactment of this Act, the Government Ac-*
10 *countability Office shall transmit to the Committee on*
11 *Commerce, Science, and Transportation of the Senate*
12 *and the Committee on Transportation and Infrastruc-*
13 *ture of the House of Representatives a report on the*
14 *results of the independent evaluation under para-*
15 *graph (1).*

16 (b) *EMERGENCY BRAKING APPLICATION TESTING.*—

17 (1) *IN GENERAL.*—*The Secretary of Transpor-*
18 *tation shall enter into an agreement with the NCRRP*
19 *Board—*

20 (A) *to complete testing of ECP brake sys-*
21 *tems during emergency braking application, in-*
22 *cluding more than 1 scenario involving the un-*
23 *coupling of a train with 70 or more DOT–117-*
24 *specification or DOT–117R-specification tank*
25 *cars; and*

1 (B) to transmit, not later than 18 months
2 after the date of enactment of this Act, to the
3 Committee on Commerce, Science, and Transpor-
4 tation of the Senate and the Committee on
5 Transportation and Infrastructure of the House
6 of Representatives a report on the results of the
7 testing.

8 (2) *INDEPENDENT EXPERTS.*—In completing the
9 testing under paragraph (1), the NCRRP Board may
10 contract with 1 or more engineering or rail experts,
11 as appropriate, with relevant experience in con-
12 ducting railroad safety technology tests or similar
13 crash tests.

14 (3) *TESTING FRAMEWORK.*—In completing the
15 testing under paragraph (1), the NCRRP Board and
16 each contractor described in paragraph (2) shall en-
17 sure that the testing objectively, accurately, and reli-
18 ably measures the performance of ECP brake systems
19 relative to other braking technologies or systems, such
20 as distributed power and 2-way end-of-train devices,
21 including differences in—

22 (A) the number of cars derailed;

23 (B) the number of cars punctured;

24 (C) the measures of in-train forces; and

25 (D) the stopping distance.

1 (4) *FUNDING.*—*The Secretary shall require, as*
2 *part of the agreement under paragraph (1), that the*
3 *NCRRP Board fund the testing required under this*
4 *section—*

5 (A) *using such sums made available under*
6 *section 24910 of title 49, United States Code;*
7 *and*

8 (B) *to the extent funding under subpara-*
9 *graph (A) is insufficient or unavailable to fund*
10 *the testing required under this section, using*
11 *such sums as are necessary from the amounts*
12 *appropriated to the Office of the Secretary.*

13 (5) *EQUIPMENT.*—*The NCRRP Board and each*
14 *contractor described in paragraph (2) may receive or*
15 *use rolling stock, track, and other equipment or infra-*
16 *structure from a private entity for the purposes of*
17 *conducting the testing required under this section.*

18 (c) *EVIDENCE-BASED APPROACH.*—

19 (1) *ANALYSIS.*—*The Secretary shall—*

20 (A) *not later than 90 days after the report*
21 *date, fully incorporate and reflect the findings*
22 *from both reports into a draft updated regu-*
23 *latory impact analysis of the effects of the appli-*
24 *cable ECP brake system requirements;*

1 (B) as soon as practicable after completion
2 of the draft updated analysis under subpara-
3 graph (A), solicit public comment on the anal-
4 ysis for a period of not more than 30 days; and

5 (C) not later than 60 days after the end of
6 the public comment period, post the final up-
7 dated regulatory impact analysis on the Depart-
8 ment of Transportation Web site.

9 (2) DETERMINATION.—Not later than 180 days
10 after the report date, the Secretary shall—

11 (A) determine, based on whether the final
12 regulatory impact analysis described in para-
13 graph (1)(C) demonstrates that the benefits, in-
14 cluding safety benefits, of the applicable ECP
15 brake system requirements exceed their costs,
16 whether the applicable ECP brake system re-
17 quirements are justified; and

18 (B)(i) if the applicable ECP brake system
19 requirements are justified, publish in the Federal
20 Register the determination with the reasons for
21 it; or

22 (ii) if the Secretary does not publish the de-
23 termination under clause (i), repeal the applica-
24 ble ECP brake system requirements.

25 (d) DEFINITIONS.—In this section:

1 (1) *APPLICABLE ECP BRAKE SYSTEM REQUIRE-*
2 *MENTS.—The term “applicable brake system require-*
3 *ments” means sections 174.310(a)(3)(ii),*
4 *174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102–10,*
5 *179.202–12(g), and 179.202–13(i) of title 49, Code of*
6 *Federal Regulations, and any other regulation in ef-*
7 *fect on the date of enactment of this Act requiring the*
8 *installation of ECP brakes or operation in ECP brake*
9 *mode.*

10 (2) *CLASS 3 FLAMMABLE LIQUID.—The term*
11 *“Class 3 flammable liquid” has the meaning given the*
12 *term in section 173.120(a) of title 49, Code of Federal*
13 *Regulations.*

14 (3) *ECP.—The term “ECP” means electroni-*
15 *cally-controlled pneumatic when applied to a brake or*
16 *brakes.*

17 (4) *ECP BRAKE MODE.—The term “ECP brake*
18 *mode” includes any operation of a rail car or an en-*
19 *tire train using an ECP brake system.*

20 (5) *ECP BRAKE SYSTEM.—*

21 (A) *IN GENERAL.—The term “ECP brake*
22 *system” means a train power braking system ac-*
23 *tuated by compressed air and controlled by elec-*
24 *tronic signals from the locomotive or an ECP–*
25 *EOT to the cars in the consist for service and*

1 *emergency applications in which the brake pipe*
2 *is used to provide a constant supply of com-*
3 *pressed air to the reservoirs on each car but does*
4 *not convey braking signals to the car.*

5 *(B) INCLUSIONS.—The term “ECP brake*
6 *system” includes dual mode and stand-alone*
7 *ECP brake systems.*

8 *(6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—*
9 *The term “high-hazard flammable unit train” means*
10 *a single train transporting 70 or more loaded tank*
11 *cars containing Class 3 flammable liquid.*

12 *(7) NCRRP BOARD.—The term “NCRRP*
13 *Board” means the independent governing board of the*
14 *National Cooperative Rail Research Program.*

15 *(8) RAILROAD CARRIER.—The term “railroad*
16 *carrier” has the meaning given the term in section*
17 *20102 of title 49, United States Code.*

18 *(9) REPORT DATE.—The term “report date”*
19 *means the date that both the report under subsection*
20 *(a)(3) and the report under subsection (b)(1)(B) have*
21 *been transmitted under those subsections.*

22 **SEC. 35436. RECORDING DEVICES.**

23 *(a) IN GENERAL.—Subchapter II of chapter 201 is*
24 *amended by adding after section 20167 the following:*

1 **“§20168. Installation of audio and image recording**
2 **devices**

3 “(a) *IN GENERAL.*—Not later than 2 years after the
4 date of enactment of the Railroad Reform, Enhancement,
5 and Efficiency Act, the Secretary of Transportation shall
6 promulgate regulations to require each rail carrier that pro-
7 vides regularly scheduled intercity rail passenger or com-
8 muter rail passenger transportation to the public to install
9 inward- and outward-facing image recording devices in all
10 controlling locomotive cabs and cab car operating compart-
11 ments in such passenger trains.

12 “(b) *DEVICE STANDARDS.*—Each inward- and out-
13 ward-facing image recording device shall—

14 “(1) have a minimum 12-hour continuous re-
15 cording capability;

16 “(2) have crash and fire protections for any in-
17 cab image recordings that are stored only within a
18 controlling locomotive cab or cab car operating com-
19 partment; and

20 “(3) have recordings accessible for review during
21 an accident investigation.

22 “(c) *REVIEW.*—The Secretary shall establish a process
23 to review and approve or disapprove an inward- or out-
24 ward-facing recording device for compliance with the stand-
25 ards described in subsection (b).

1 “(d) *USES.*—A rail carrier that has installed an
2 inward- or outward-facing image recording device approved
3 under subsection (c) may use recordings from that inward-
4 or outward-facing image recording device for the following
5 purposes:

6 “(1) *Verifying that train crew actions are in ac-*
7 *cordance with applicable safety laws and the rail car-*
8 *rier’s operating rules and procedures.*

9 “(2) *Assisting in an investigation into the cau-*
10 *sation of a reportable accident or incident.*

11 “(3) *Carrying out efficiency testing and system-*
12 *wide performance monitoring programs.*

13 “(4) *Documenting a criminal act or monitoring*
14 *unauthorized occupancy of the controlling locomotive*
15 *cab or car operating compartment.*

16 “(5) *Other purposes that the Secretary considers*
17 *appropriate.*

18 “(e) *VOLUNTARY IMPLEMENTATION.*—

19 “(1) *IN GENERAL.*—Each rail carrier operating
20 freight rail service may implement any inward- or
21 outward-facing image recording devices approved
22 under subsection (c).

23 “(2) *AUTHORIZED USES.*—Notwithstanding any
24 other provision of law, each rail carrier may use re-
25 cordings from an inward- or outward-facing image

1 *recording device approved under subsection (c) for*
2 *any of the purposes described in subsection (d).*

3 “(f) *DISCRETION.*—

4 “(1) *IN GENERAL.*—*The Secretary may—*

5 “(A) *require in-cab audio recording devices*
6 *for the purposes described in subsection (d); and*

7 “(B) *define in appropriate technical detail*
8 *the essential features of the devices required*
9 *under subparagraph (A).*

10 “(2) *EXEMPTIONS.*—*The Secretary may exempt*
11 *any rail passenger carrier or any part of a rail pas-*
12 *senger carrier’s operations from the requirements*
13 *under subsection (a) if the Secretary determines that*
14 *the rail passenger carrier has implemented an alter-*
15 *native technology or practice that provides an equiva-*
16 *lent or greater safety benefit or is better suited to the*
17 *risks of the operation.*

18 “(g) *TAMPERING.*—*A rail carrier may take appro-*
19 *priate enforcement or administrative action against any*
20 *employee that tampers with or disables an audio or inward-*
21 *or outward-facing image recording device installed by the*
22 *rail carrier.*

23 “(h) *PRESERVATION OF DATA.*—*Each rail passenger*
24 *carrier subject to the requirements of subsection (a) shall*

1 *preserve recording device data for 1 year after the date of*
2 *a reportable accident or incident.*

3 “(i) *INFORMATION PROTECTIONS.*—*The Secretary may*
4 *not disclose publicly any part of an in-cab audio or image*
5 *recording or transcript of oral communications by or*
6 *among train employees or other operating employees re-*
7 *sponsible for the movement and direction of the train, or*
8 *between such operating employees and company commu-*
9 *nication centers, related to an accident investigated by the*
10 *Secretary. However, the Secretary shall make public any*
11 *part of a transcript or any written depiction of visual in-*
12 *formation that the Secretary decides is relevant to the acci-*
13 *dent at the time a majority of the other factual reports on*
14 *the accident are released to the public.*

15 “(j) *PROHIBITED USE.*—*An in-cab audio or image re-*
16 *ording obtained by a rail carrier under this section may*
17 *not be used to retaliate against an employee.*

18 “(k) *SAVINGS CLAUSE.*—*Nothing in this section may*
19 *be construed as requiring a rail carrier to cease or restrict*
20 *operations upon a technical failure of an inward- or out-*
21 *ward-facing image recording device. Such rail carrier shall*
22 *repair or replace the failed inward- or outward-facing*
23 *image recording device as soon as practicable.”.*

1 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 2 *for subchapter II of chapter 201 is amended by adding at*
 3 *the end the following:*

“20168. *Installation of audio and image recording devices.*”.

4 **SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

5 (a) *LIMITATIONS.*—*Section 28103(a) is amended—*

6 (1) *in paragraph (2), by striking*
 7 *“\$200,000,000” and inserting “\$295,000,000, except*
 8 *as provided in paragraph (3).”;* and

9 (2) *by adding at the end the following:*

10 “*(3) The liability cap under paragraph (2) shall*
 11 *be adjusted every 5 years by the Secretary of Trans-*
 12 *portation to reflect changes in the Consumer Price*
 13 *Index-All Urban Consumers.*”

14 “*(4) The Federal Government shall have no fi-*
 15 *nancial responsibility for any claims described in*
 16 *paragraph (2).”.*”

17 (b) *DEFINITION OF RAIL PASSENGER TRANSPOR-*
 18 *TATION.*—*Section 28103(e) is amended—*

19 (1) *in the heading, by striking “DEFINITION.—*
 20 *” and inserting “DEFINITIONS.—”;*

21 (2) *in paragraph (2), by striking “; and” and*
 22 *inserting a semicolon;*

23 (3) *in paragraph (3), by striking the period at*
 24 *the end and inserting “; and”;* and

25 (4) *by adding at the end the following:*

1 “(4) the term ‘rail passenger transportation’ in-
2 cludes commuter rail passenger transportation (as de-
3 fined in section 24102).”.

4 (c) *PROHIBITION.*—No Federal funds may be appro-
5 priated for the purpose of paying for the portion of an in-
6 surance premium attributable to the increase in allowable
7 awards under the amendments made by subsection (a).

8 (d) *EFFECTIVE DATE.*—The amendments made by
9 subsection (a) shall be effective for any passenger rail acci-
10 dent or incident occurring on or after May 12, 2015.

11 **SEC. 35438. MODIFICATION REPORTING.**

12 (a) *IN GENERAL.*—Not later than 1 year after the date
13 of enactment of this Act, the Secretary shall implement a
14 reporting requirement to monitor industry-wide progress
15 toward modifying tank cars used in high-hazard flammable
16 train service by the applicable deadlines or authorization
17 end dates set in regulation.

18 (b) *TANK CAR DATA.*—The Secretary shall collect data
19 from shippers and tank car owners on—

20 (1) the total number of tank cars modified to
21 meet the DOT-117R specification, or equivalent,
22 specifying—

23 (A) the type or specification of each tank
24 car before it was modified, including non-jack-
25 eted DOT-111, jacketed DOT-111, non-jacketed

1 *DOT-111 meeting the CPC-1232 standard, or*
2 *jacketed DOT-111 meeting the CPC-1232 stand-*
3 *ard; and*

4 *(B) the identification number of each Class*
5 *3 flammable liquid carried by each tank car in*
6 *the past year;*

7 *(2) the total number of tank cars built to meet*
8 *the DOT-117 specification, or equivalent; and*

9 *(3) the total number of tank cars used or likely*
10 *to be used in high-hazard flammable train service*
11 *that have not been modified, specifying—*

12 *(A) the type or specification of each tank*
13 *car not modified, including the non-jacketed*
14 *DOT-111, jacketed DOT-111, non-jacketed*
15 *DOT-111 meeting the CPC-1232 standard, or*
16 *jacketed DOT-111 meeting the CPC-1232 stand-*
17 *ard; and*

18 *(B) the identification number of each Class*
19 *3 flammable liquid carried by each tank car in*
20 *the past year.*

21 *(c) TANK CAR SHOP DATA.—The Secretary shall con-*
22 *duct a survey of tank car facilities modifying tank cars to*
23 *the DOT-117R specification, or equivalent, or building new*
24 *tank cars to the DOT-117 specification, or equivalent, to*
25 *generate statistically-valid estimates of the expected number*

1 of tank cars those facilities expect to modify to DOT-117R
2 specification, or equivalent, or build to the DOT-117 speci-
3 fication, or equivalent.

4 (d) *FREQUENCY.*—The Secretary shall collect the data
5 under subsection (b) and conduct the survey under sub-
6 section (c) annually until May 1, 2025.

7 (e) *INFORMATION PROTECTIONS.*—

8 (1) *IN GENERAL.*—The Secretary shall only re-
9 port data in industry-wide totals and shall treat com-
10 pany-specific information as confidential business in-
11 formation.

12 (2) *LEVEL OF CONFIDENTIALITY.*—The Secretary
13 shall ensure the data collected under subsection (b)
14 and the survey data under subsection (c) have the
15 same level of confidentiality as contained in the Con-
16 fidential Information Protection and Statistical Effi-
17 ciency Act of 2002 (44 U.S.C. 3501 note), as adminis-
18 tered by the Bureau of Transportation Statistics.

19 (3) *DESIGNEE.*—The Secretary may designate
20 the Director of the Bureau of Transportation Statis-
21 tics to collect data under subsection (b) and the sur-
22 vey data under subsection (c) and direct the Director
23 to ensure the confidentiality of company-specific infor-
24 mation to the maximum extent permitted by law.

1 (f) *REPORT.*—Each year, not later than 60 days after
2 the date that both the collection of the data under subsection
3 (b) and the survey under subsection (c) are complete, the
4 Secretary shall report on the aggregate results, without com-
5 pany-specific information, to—

6 (1) the Committee on Commerce, Science, and
7 Transportation of the Senate; and

8 (2) the Committee on Transportation and Infra-
9 structure of the House of Representatives.

10 (g) *DEFINITIONS.*—In this section:

11 (1) *CLASS 3 FLAMMABLE LIQUID.*—The term
12 “Class 3 flammable liquid” has the meaning given the
13 term in section 173.120(a) of title 49, Code of Federal
14 Regulations.

15 (2) *HIGH-HAZARD FLAMMABLE TRAIN.*—The
16 term “high-hazard flammable train” means a single
17 train transporting 20 or more tank cars loaded with
18 a Class 3 flammable liquid in a continuous block or
19 a single train transporting 35 or more tank cars
20 loaded with a Class 3 flammable liquid throughout
21 the train consist.

22 **SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS RE-**
23 **SEARCH STUDY.**

24 Not later than 180 days after the research completion
25 of the comprehensive Crude Oil Characteristics Research

1 *Sampling, Analysis, and Experiment (SAE) Plan study at*
2 *Sandia National Laboratories, the Secretary of Energy, in*
3 *cooperation with the Secretary of Transportation, shall sub-*
4 *mit a report to the Committee on Commerce, Science, and*
5 *Transportation of the Senate, the Committee on Energy and*
6 *Natural Resources of the Senate, the Committee on Trans-*
7 *portation and Infrastructure of the House of Representa-*
8 *tives, and the Committee on Energy and Commerce of the*
9 *House of Representatives that contains—*

10 (1) *the results of the comprehensive Crude Oil*
11 *Characteristics Research Sampling, Analysis, and*
12 *Experiment (SAE) Plan study; and*

13 (2) *recommendations, based on the findings of*
14 *the study, for—*

15 (A) *regulations that should be prescribed by*
16 *the Secretary of Transportation or the Secretary*
17 *of Energy to improve the safe transport of crude*
18 *oil; and*

19 (B) *statutes that should be enacted by Con-*
20 *gress to improve the safe transport of crude oil.*

21 **PART IV—POSITIVE TRAIN CONTROL**

22 **SEC. 35441. COORDINATION OF SPECTRUM.**

23 (a) *ASSESSMENT.*—*The Secretary, in coordination*
24 *with the Chairman of the Federal Communications Com-*
25 *mission, shall assess spectrum needs and availability for*

1 *implementing positive train control systems (as defined in*
2 *section 20157(i)(3) of title 49, United States Code). The*
3 *Secretary and the Chairman may consult with external*
4 *stakeholders in carrying out this section.*

5 **(b) REPORT.**—*Not later than 120 days after the date*
6 *of enactment of this Act, the Secretary shall submit a report*
7 *to the Committee on Commerce, Science, and Transporta-*
8 *tion of the Senate and the Committee on Transportation*
9 *and Infrastructure of the House of Representatives that con-*
10 *tains the results of the assessment conducted under sub-*
11 *section (a).*

12 **SEC. 35442. UPDATED PLANS.**

13 **(a) IMPLEMENTATION.**—*Section 20157(a) is amended*
14 *to read as follows:*

15 “(a) **IMPLEMENTATION.**—

16 “(1) **PLAN REQUIRED.**—*Each Class I railroad*
17 *carrier and each entity providing regularly scheduled*
18 *intercity or commuter rail passenger transportation*
19 *shall develop and submit to the Secretary of Trans-*
20 *portation a plan for implementing a positive train*
21 *control system by December 31, 2015, governing oper-*
22 *ations on—*

23 “(A) *its main line over which intercity rail*
24 *passenger transportation or commuter rail pas-*

1 *senger transportation (as defined in section*
2 *24102) is regularly provided;*

3 *“(B) its main line over which poison- or*
4 *toxic-by-inhalation hazardous materials (as de-*
5 *defined in sections 171.8, 173.115, and 173.132 of*
6 *title 49, Code of Federal Regulations) are trans-*
7 *ported; and*

8 *“(C) such other tracks as the Secretary may*
9 *prescribe by regulation or order.*

10 *“(2) INTEROPERABILITY AND PRIORITIZATION.—*

11 *The plan shall describe how the railroad carrier or*
12 *other entity subject to paragraph (1) will provide for*
13 *interoperability of the positive train control systems*
14 *with movements of trains of other railroad carriers*
15 *over its lines and shall, to the extent practical, imple-*
16 *ment the positive train control systems in a manner*
17 *that addresses areas of greater risk before areas of*
18 *lesser risk.*

19 *“(3) SECRETARIAL REVIEW OF UPDATED*
20 *PLANS.—*

21 *“(A) SUBMISSION OF UPDATED PLANS.—*

22 *Notwithstanding the deadline set forth in para-*
23 *graph (1), not later than 90 days after the date*
24 *of enactment of the Railroad Reform, Enhance-*
25 *ment, and Efficiency Act, each Class I railroad*

1 *carrier or other entity subject to paragraph (1)*
2 *may submit to the Secretary an updated plan*
3 *that amends the plan submitted under para-*
4 *graph (1) with an updated implementation*
5 *schedule (as described in paragraph (4)(B)) and*
6 *milestones or metrics (as described in paragraph*
7 *(4)(A)) that demonstrate that the railroad car-*
8 *rier or other entity will implement a positive*
9 *train control system as soon as practicable, if*
10 *implementing in accordance with the updated*
11 *plan will not introduce operational challenges or*
12 *risks to full, successful, and safe implementation.*

13 “(B) *REVIEW OF UPDATED PLANS.*—*Not*
14 *later than 150 days after receiving an updated*
15 *plan under subparagraph (A), the Secretary*
16 *shall review the updated plan and approve or*
17 *disapprove it. In determining whether to ap-*
18 *prove or disapprove the updated plan, the Sec-*
19 *retary shall consider whether the railroad carrier*
20 *or other entity submitting the plan—*

21 “(i)(I) *has encountered technical or*
22 *programmatic challenges identified by the*
23 *Secretary in the 2012 report transmitted to*
24 *Congress pursuant to subsection (d); and*

1 “(II) the challenges referred to in sub-
2 clause (I) have negatively affected the suc-
3 cessful implementation of positive train
4 control systems;

5 “(ii) has demonstrated due diligence in
6 its effort to implement a positive train con-
7 trol system;

8 “(iii) has included in its plan mile-
9 stones or metrics that demonstrate the rail-
10 road carrier or other entity will implement
11 a positive train control system as soon as
12 practicable, if implementing in accordance
13 with the milestones or metrics will not in-
14 troduce operational challenges or risks to
15 full, successful, and safe implementation;
16 and

17 “(iv) has set an implementation sched-
18 ule in its plan that shows the railroad will
19 comply with paragraph (7), if imple-
20 menting in accordance with the implemen-
21 tation schedule will not introduce oper-
22 ational challenges or risks to full, successful,
23 and safe implementation.

24 “(C) MODIFICATION OF UPDATED PLANS.—

25 (i) If the Secretary has not approved an updated

1 *plan under subparagraph (B) within 60 days of*
2 *receiving the updated plan under subparagraph*
3 *(A), the Secretary shall immediately—*

4 *“(I) provide a written response to the*
5 *railroad carrier or other entity that identi-*
6 *fies the reason for not approving the up-*
7 *dated plan and explains any incomplete or*
8 *deficient items;*

9 *“(II) allow the railroad carrier or*
10 *other entity to submit, within 30 days of re-*
11 *ceiving the written response under subclause*
12 *(I), a modified version of the updated plan*
13 *for the Secretary’s review; and*

14 *“(III) approve or issue final dis-*
15 *approval for a modified version of the up-*
16 *dated plan submitted under subclause (II)*
17 *not later than 60 days after receipt.*

18 *“(i) During the 60-day period described in*
19 *clause (i)(III), the railroad or other entity that*
20 *has submitted a modified version of the updated*
21 *plan under clause (i)(II) may make additional*
22 *modifications, if requested by the Secretary, for*
23 *the purposes of correcting incomplete or deficient*
24 *items to receive approval.*

1 “(D) *PUBLIC AVAILABILITY.*—Not later than
2 30 days after approving an updated plan under
3 this paragraph, the Secretary shall make the up-
4 dated plan available on the website of the Fed-
5 eral Railroad Administration.

6 “(E) *PENDING REVIEWS.*—For an applicant
7 that submits an updated plan under subpara-
8 graph (A), the Secretary shall extend the dead-
9 line for implementing a positive train control
10 system at least until the date the Secretary ap-
11 proves or issues final disapproval for the up-
12 dated plan with an updated implementation
13 schedule (as described in paragraph (4)(B)).

14 “(F) *DISAPPROVAL.*—A railroad carrier or
15 other entity that has its modified version of its
16 updated plan disapproved by the Secretary
17 under subparagraph (C)(i)(III), and that has
18 not implemented a positive train control system
19 by the deadline in subsection (a)(1), is subject to
20 enforcement action authorized under subsection
21 (e).

22 “(4) *CONTENTS OF UPDATED PLAN.*—

23 “(A) *MILESTONES OR METRICS.*—Each up-
24 dated plan submitted under paragraph (3) shall
25 describe the following milestones or metrics:

1 “(i) *The total number of components*
2 *that will be installed with positive train*
3 *control by the end of each calendar year*
4 *until positive train control is fully imple-*
5 *mented, with totals separated by each com-*
6 *ponent category.*

7 “(ii) *The number of employees that*
8 *will receive the training, as required under*
9 *the applicable positive train control system*
10 *regulations, by the end of each calendar*
11 *year until positive train control is fully im-*
12 *plemented.*

13 “(iii) *The calendar year or years in*
14 *which spectrum will be acquired and will be*
15 *available for use in all areas that it is need-*
16 *ed for positive train control implementa-*
17 *tion, if such spectrum is not already ac-*
18 *quired and ready for use.*

19 “(B) *IMPLEMENTATION SCHEDULE.—Each*
20 *updated plan submitted under paragraph (3)*
21 *shall include an implementation schedule that*
22 *identifies the dates by which the railroad carrier*
23 *or other entity will—*

24 “(i) *fully implement a positive train*
25 *control system;*

1 “(ii) complete all component installa-
2 tion, consistent with the milestones or
3 metrics described in subparagraph (A)(i);

4 “(iii) complete all employee training
5 required under the applicable positive train
6 control system regulations, consistent with
7 the milestones or metrics described in sub-
8 paragraph (A)(ii);

9 “(iv) acquire all necessary spectrum,
10 consistent with the milestones or metrics in
11 subparagraph (A)(iii); and

12 “(v) activate its positive train control
13 system.

14 “(C) *ADDITIONAL INFORMATION.*—Each up-
15 dated plan submitted under paragraph (3) shall
16 include—

17 “(i) the total number of positive train
18 control components required for implemen-
19 tation, with totals separated by each major
20 component category;

21 “(ii) the total number of employees re-
22 quiring training under the applicable posi-
23 tive train control system regulations;

1 “(iii) a summary of the remaining
2 challenges to positive train control system
3 implementation, including—

4 “(I) testing issues;

5 “(II) interoperability challenges;

6 “(III) permitting issues; and

7 “(IV) certification challenges.

8 “(D) *DEFINED TERM.*—In this paragraph,
9 the term ‘component’ means a locomotive appa-
10 ratus, a wayside interface unit (including any
11 associated legacy signal system replacements),
12 back office system hardware, a base station
13 radio, a wayside radio, or a locomotive radio.

14 “(5) *PLAN IMPLEMENTATION.*—The Class I rail-
15 road carrier or other entity subject to paragraph (1)
16 shall implement a positive train control system in ac-
17 cordance with its plan, including any amendments
18 made to the plan by its updated plan approved by the
19 Secretary under paragraph (3), and subject to section
20 35443 of the Railroad Reform, Enhancement, and Ef-
21 ficiency Act.

22 “(6) *PROGRESS REPORT.*—Each Class I railroad
23 carrier or other entity with an approved updated
24 plan shall submit an annual report to the Secretary

1 *that describes the progress made on positive train*
2 *control implementation, including—*

3 “(A) *the extent to which the railroad carrier*
4 *or other entity met or exceeded the metrics or*
5 *milestones described in paragraph (4)(A);*

6 “(B) *the extent to which the railroad carrier*
7 *or other entity complied with its implementation*
8 *schedule under paragraph (4)(B); and*

9 “(C) *any update to the information pro-*
10 *vided under paragraph (4)(C).*

11 “(7) *CONSTRAINT.—Each updated plan shall re-*
12 *flect that the railroad carrier or other entity subject*
13 *to paragraph (1) will, not later than December 31,*
14 *2018—*

15 “(A) *complete component installation and*
16 *spectrum acquisition; and*

17 “(B) *activate its positive train control sys-*
18 *tem without undue delay.”.*

19 “(b) *ENFORCEMENT.—Section 20157(e) is amended to*
20 *read as follows:*

21 “(e) *ENFORCEMENT.—The Secretary is authorized to*
22 *assess civil penalties pursuant to chapter 213 for the failure*
23 *to submit or comply with a plan for implementing positive*
24 *train control under subsection (a), including any amend-*
25 *ments to the plan made by an updated plan (including*

1 *milestones or metrics and an updated implementation*
2 *schedule) approved by the Secretary under paragraph (3)*
3 *of such subsection, subject to section 35443 of the Railroad*
4 *Reform, Enhancement, and Efficiency Act.”.*

5 *(c) DEFINITIONS.—Section 20157(i) is amended—*

6 *(1) by redesignating paragraphs (1) through (3)*
7 *as paragraphs (2) through (4), respectively; and*

8 *(2) by inserting before paragraph (2), as redesign-*
9 *ated, the following:*

10 *“(1) ACTIVATE.—The term ‘activate’ means to*
11 *initiate the use of a positive train control system in*
12 *every subdivision or district where the railroad car-*
13 *rier or other entity is prepared to do so safely, reli-*
14 *ably, and successfully, and proceed with revenue serv-*
15 *ice demonstration as necessary for system testing and*
16 *certification, prior to full implementation.”.*

17 *(d) CONFORMING AMENDMENT.—Section 20157(g) is*
18 *amended—*

19 *(1) by striking “The Secretary” and inserting*
20 *the following:*

21 *“(1) IN GENERAL.—The Secretary”; and*

22 *(2) by adding at the end the following:*

23 *“(2) CONFORMING REGULATORY AMENDMENTS.—*

24 *Immediately after the date of the enactment of the*

1 *Railroad Reform, Enhancement, and Efficiency Act,*
2 *the Secretary—*

3 “(A) shall remove or revise any references to
4 specified dates in the regulations or orders im-
5 plementing this section to the extent necessary to
6 conform with the amendments made by such Act;
7 and

8 “(B) may not enforce any such date-specific
9 deadlines or requirements that are inconsistent
10 with the amendments made by such Act.”

11 (e) SAVINGS PROVISIONS.—

12 (1) RESUBMISSION OF INFORMATION.—Nothing
13 in the amendments made by this section may be con-
14 strued to require a Class I railroad carrier or other
15 entity subject to section 20157(a) of title 49, United
16 States Code, to resubmit in its updated plan informa-
17 tion from its initial implementation plan that is not
18 changed or affected by the updated plan. The Sec-
19 retary shall consider an updated plan submitted pur-
20 suant to paragraph (3) of that section to be an adden-
21 dum that makes amendments to the initial implemen-
22 tation plan.

23 (2) SUBMISSION OF NEW PLAN.—Nothing in the
24 amendments made by this section may be construed
25 to require a Class I railroad carrier or other entity

1 *subject to section 20157(a) of title 49, United States*
2 *Code, to submit a new implementation plan pursuant*
3 *to the deadline set forth in that section.*

4 (3) *APPROVAL.—A railroad carrier or other enti-*
5 *ty subject to section 20157(a) of title 49, United*
6 *States Code, that has its updated plan, including a*
7 *modified version of the updated plan, approved by the*
8 *Secretary under subparagraph (B) or subparagraph*
9 *(C) of paragraph (3) of that section shall not be re-*
10 *quired to implement a positive train control system*
11 *by the deadline under paragraph (1) of that section.*

12 **SEC. 35443. EARLY ADOPTION AND INTEROPERABILITY.**

13 (a) *EARLY ADOPTION.—During the 1-year period be-*
14 *ginning on the date on which the last railroad carrier's or*
15 *other entity's positive train control system, subject to sec-*
16 *tion 20157(a) of title 49, United States Code, is certified*
17 *by the Secretary under subsection (h) of such section and*
18 *implemented on all of that railroad carrier's or other enti-*
19 *ty's lines required to have operations governed by a positive*
20 *train control system, any railroad carrier or other entity*
21 *shall not be subject to the operational restrictions set forth*
22 *in subpart I of part 236 of title 49, Code of Federal Regula-*
23 *tions, that would otherwise apply in the event of a positive*
24 *train control system component failure.*

1 (b) *INTEROPERABILITY PROCEDURE.*—If multiple
2 railroad carriers operate on a single railroad line through
3 a trackage or haulage agreement, each railroad carrier op-
4 erating on the railroad line shall not be subject to the oper-
5 ating restrictions set forth in subpart I of part 236 of title
6 49, Code of Federal Regulations, with respect to the railroad
7 line, until the Secretary certifies that—

8 (1) each Class I railroad carrier and each entity
9 providing regularly scheduled intercity or commuter
10 rail passenger transportation that operates on the
11 railroad line is in compliance with its positive train
12 control requirements under section 20157(a) of title
13 49, United States Code;

14 (2) each Class II or Class III railroad that oper-
15 ates on the railroad line is in compliance with the
16 applicable regulatory requirements to equip loco-
17 motives operating in positive train control territory;
18 and

19 (3) the implementation of any and all positive
20 train control systems are interoperable and oper-
21 ational on the railroad line in conformance with each
22 approved implementation plan so that each freight
23 and passenger railroad can operate on the line with
24 that freight or passenger railroad's positive train con-
25 trol equipment.

1 (c) *SMALL RAILROADS.*—Not later than 120 days after
2 the date of the enactment of this Act, the Secretary shall
3 amend section 236.1006(b)(4)(iii)(B) of title 49, Code of
4 Federal Regulations (relating to equipping locomotives for
5 applicable Class II and Class III railroads operating in
6 positive train control territory) to extend each deadline by
7 3 years.

8 (d) *ENFORCEMENT.*—

9 (1) *IN GENERAL.*—Subject to paragraph (2),
10 nothing in subsection (a) may be construed to pro-
11 hibit the Secretary from enforcing the metrics and
12 milestones under section 20157(a)(4)(A) of title 49,
13 United States Code, as amended by section 35442 of
14 this Act.

15 (2) *ACTIVATION.*—Beginning on the date in
16 which a railroad carrier or other entity subject to sec-
17 tion 20157(a) of title 49, United States Code, as
18 amended by section 35442 of this Act, has activated
19 its positive train control system, the railroad carrier
20 or other entity shall not be in violation of its plan,
21 including its updated plan, approved under this Act
22 if implementing such plan introduces operational
23 challenges or risks to full, successful, and safe imple-
24 mentation.

1 **SEC. 35444. POSITIVE TRAIN CONTROL AT GRADE CROSS-**
2 **INGS EFFECTIVENESS STUDY.**

3 (a) *STUDY.*—After the Secretary certifies that each
4 Class I railroad carrier and each entity providing regularly
5 scheduled intercity or commuter rail passenger transpor-
6 tation is in compliance with the positive train control re-
7 quirements under section 20157(a) of title 49, United States
8 Code, the Secretary shall enter into an agreement with the
9 National Cooperative Rail Research Program Board—

10 (1) to conduct a study of the possible effectiveness
11 of positive train control and related technologies on
12 reducing collisions at highway-rail grade crossings;
13 and

14 (2) to submit a report containing the results of
15 the study conducted under paragraph (1) to the Com-
16 mittee on Commerce, Science, and Transportation of
17 the Senate and the Committee on Transportation and
18 Infrastructure of the House of Representatives.

19 (b) *FUNDING.*—The Secretary may require, as part of
20 the agreement under subsection (a), that the National Coop-
21 erative Rail Research Program Board fund the study re-
22 quired under this section using such sums as may be nec-
23 essary out of the amounts made available under section
24 24910 of title 49, United States Code.

1 **Subtitle E—Project Delivery**

2 **SEC. 35501. SHORT TITLE.**

3 *This subtitle may be cited as the “Track, Railroad,*
4 *and Infrastructure Network Act”.*

5 **SEC. 35502. PRESERVATION OF PUBLIC LANDS.**

6 *(a) HIGHWAYS.—Section 138 of title 23, United States*
7 *Code, is amended—*

8 *(1) in subsection (b)(2)(A)(i), by inserting “,*
9 *taking into consideration any avoidance, minimiza-*
10 *tion, and mitigation or enhancement measures incor-*
11 *porated into the program or project” after “historic*
12 *site”; and*

13 *(2) by adding at the end the following:*

14 *“(c) RAIL AND TRANSIT.—Improvements to, or the*
15 *maintenance, rehabilitation, or operation of, railroad or*
16 *rail transit lines or elements of such lines, with the excep-*
17 *tion of stations, that are in use or were historically used*
18 *for the transportation of goods or passengers, shall not be*
19 *considered a use of an historic site under subsection (a),*
20 *regardless of whether the railroad or rail transit line or ele-*
21 *ment of such line is listed on, or eligible for listing on, the*
22 *National Register of Historic Places.”.*

23 *(b) TRANSPORTATION PROJECTS.—Section 303 is*
24 *amended—*

1 (1) in subsection (c), by striking “subsection (d)”
2 and inserting “subsections (d) and (e)”;

3 (2) in subsection (d)(2)(A)(i), by inserting “,
4 taking into consideration any avoidance, minimiza-
5 tion, and mitigation or enhancement measures incor-
6 porated into the program or project” after “historic
7 site”; and

8 (3) by adding at the end the following:

9 “(e) RAIL AND TRANSIT.—Improvements to, or the
10 maintenance, rehabilitation, or operation of, railroad or
11 rail transit lines or elements of such lines, with the excep-
12 tion of stations, that are in use or were historically used
13 for the transportation of goods or passengers, shall not be
14 considered a use of an historic site under subsection (c),
15 regardless of whether the railroad or rail transit line or ele-
16 ment of such line is listed on, or eligible for listing on, the
17 National Register of Historic Places.”.

18 **SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEWS.**

19 (a) *IN GENERAL*.—Section 304 is amended—

20 (1) in the heading, by striking “**for**
21 **multimodal projects**” and inserting “**and in-**
22 **creasing the efficiency of environmental**
23 **reviews**”; and

24 (2) by adding at the end the following:

25 “(e) *EFFICIENT ENVIRONMENTAL REVIEWS*.—

1 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
2 *tation shall apply the project development procedures,*
3 *to the greatest extent feasible, described in section 139*
4 *of title 23, United States Code, to any rail project*
5 *that requires the approval of the Secretary of Trans-*
6 *portation under the National Environmental Policy*
7 *Act of 1969 (42 U.S.C. 4321 et seq.).*

8 “(2) *REGULATIONS AND PROCEDURES.*—*The Sec-*
9 *retary of Transportation shall incorporate such*
10 *project development procedures into the agency regu-*
11 *lations and procedures pertaining to rail projects.*

12 “(f) *APPLICABILITY OF NEPA DECISIONS.*—

13 “(1) *IN GENERAL.*—*A Department of Transpor-*
14 *tation operating administration may apply a cat-*
15 *egorical exclusion designated by another Department*
16 *of Transportation operating administration under the*
17 *National Environmental Policy Act of 1969 (42*
18 *U.S.C. 4321 et seq.).*

19 “(2) *FINDINGS.*—*A Department of Transpor-*
20 *tation operating administration may adopt, in whole*
21 *or in part, another Department of Transportation op-*
22 *erating administration’s Record of Decision, Finding*
23 *of No Significant Impact, and any associated evalua-*
24 *tions, determinations, or findings demonstrating com-*

1 *pliance with any law related to environmental review*
2 *or historic preservation.”.*

3 **SEC. 35504. ADVANCE ACQUISITION.**

4 *(a) IN GENERAL.—Chapter 241 is amended by insert-*
5 *ing after section 24105 the following—*

6 **“§ 24106. Advance acquisition**

7 *“(a) RAIL CORRIDOR PRESERVATION.—The Secretary*
8 *may assist a recipient of funding in acquiring right-of-way*
9 *and adjacent real property interests before or during the*
10 *completion of the environmental reviews for any project re-*
11 *ceiving funding under subtitle V of title 49, United States*
12 *Code, that may use such property interests if the acquisition*
13 *is otherwise permitted under Federal law, and the recipient*
14 *requesting Federal funding for the acquisition certifies, with*
15 *the concurrence of the Secretary, that—*

16 *“(1) the recipient has authority to acquire the*
17 *right-of-way or adjacent real property interest; and*

18 *“(2) the acquisition of the right-of-way or adja-*
19 *cent real property interest—*

20 *“(A) is for a transportation or transpor-*
21 *tation-related purpose;*

22 *“(B) will not cause significant adverse envi-*
23 *ronmental impact;*

24 *“(C) will not limit the choice of reasonable*
25 *alternatives for the proposed project or otherwise*

1 *influence the decision of the Secretary on any*
2 *approval required for the proposed project;*

3 “(D) does not prevent the lead agency for
4 the review process from making an impartial de-
5 cision as to whether to accept an alternative that
6 is being considered;

7 “(E) complies with other applicable Federal
8 law, including regulations;

9 “(F) will be acquired through negotiation
10 and without the threat of condemnation; and

11 “(G) will not result in the elimination or
12 reduction of benefits or assistance to a displaced
13 person under the Uniform Relocation Assistance
14 and Real Property Acquisition Policies Act of
15 1970 (42 U.S.C. 4601 et seq.) and title VI of the
16 Civil Rights Act of 1964 (42 U.S.C. 2000d et
17 seq.).

18 “(b) ENVIRONMENTAL REVIEWS.—

19 “(1) COMPLETION OF NEPA REVIEW.—Before au-
20 thorizing any Federal funding for the acquisition of
21 a real property interest that is the subject of a grant
22 or other funding under this subtitle, the Secretary
23 shall complete, if required, the review process under
24 the National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.) with respect to the acquisition.

1 “(2) *COMPLETION OF SECTION 106.*—An acquisi-
 2 tion of a real property interest involving an historic
 3 site shall not occur unless the section 106 process, if
 4 required, under the National Historic Preservation
 5 Act (54 U.S.C. 306108) is complete.

6 “(3) *TIMING OF ACQUISITIONS.*—A real property
 7 interest acquired under subsection (a) may not be de-
 8 veloped in anticipation of the proposed project until
 9 all required environmental reviews for the project
 10 have been completed.”.

11 (b) *CONFORMING AMENDMENT.*—The table of contents
 12 of chapter 241 is amended by inserting after the item relat-
 13 ing to section 24105 the following:

“24106. *Advance acquisition.*”.

14 **SEC. 35505. RAILROAD RIGHTS-OF-WAY.**

15 Section 306108 of title 54, United States Code, is
 16 amended—

17 (1) by inserting “(b) *OPPORTUNITY TO COM-*
 18 *MENT.*—” before “The head of the Federal agency
 19 shall afford” and indenting accordingly;

20 (2) in the matter before subsection (b), by insert-
 21 ing “(a) *IN GENERAL.*—” before “The head of any
 22 Federal agency having direct” and indenting accord-
 23 ingly; and

24 (3) by adding at the end the following:

25 “(c) *EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.*—

1 “(1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of the Track, Railroad, and In-
3 frastructure Network Act, the Secretary of Transpor-
4 tation shall submit a proposed exemption of railroad
5 rights-of-way from the review under this chapter to
6 the Council for its consideration, consistent with the
7 exemption for interstate highways approved on March
8 10, 2005 (70 Fed. Reg. 11,928).

9 “(2) *FINAL EXEMPTION.*—Not later than 180
10 days after the date that the Secretary submits the pro-
11 posed exemption under paragraph (1) to the Council,
12 the Council shall issue a final exemption of railroad
13 rights-of-way from review under this chapter, con-
14 sistent with the exemption for interstate highways ap-
15 proved on March 10, 2005 (70 Fed. Reg. 11,928).”.

16 **SEC. 35506. SAVINGS CLAUSE.**

17 Nothing in this title, or any amendment made by this
18 title, shall be construed as superceding, amending, or modi-
19 fying the National Environmental Policy Act of 1969 (42
20 U.S.C. 4321 et seq.) or affect the responsibility of any Fed-
21 eral officer to comply with or enforce any such statute.

22 **SEC. 35507. TRANSITION.**

23 Nothing in this title, or any amendment made by this
24 title, shall affect any existing environmental review process,
25 program, agreement, or funding arrangement approved by

1 *the Secretary under title 49, United States Code, as that*
2 *title was in effect on the day preceding the date of enact-*
3 *ment of this subtitle.*

4 ***Subtitle F—Financing***

5 **SEC. 35601. SHORT TITLE; REFERENCES.**

6 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
7 *“Railroad Infrastructure Financing Improvement Act”.*

8 (b) *REFERENCES TO THE RAILROAD REVITALIZATION*
9 *AND REGULATORY REFORM ACT OF 1976.*—*Except as oth-*
10 *erwise expressly provided, wherever in this subtitle an*
11 *amendment or repeal is expressed in terms of an amend-*
12 *ment to, or repeal of, a section or other provision, the ref-*
13 *erence shall be considered to be made to a section or other*
14 *provision of the Railroad Revitalization and Regulatory*
15 *Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).*

16 **SEC. 35602. DEFINITIONS.**

17 *Section 501 (45 U.S.C. 821) is amended—*

18 (1) *by redesignating paragraph (8) as para-*
19 *graph (10);*

20 (2) *by redesignating paragraphs (6) and (7) as*
21 *paragraphs (7) and (8), respectively;*

22 (3) *by inserting after paragraph (5) the fol-*
23 *lowing:*

1 “(6) *The term ‘investment-grade rating’ means a*
2 *rating of BBB minus, Baa 3, bbb minus, BBB(low),*
3 *or higher assigned by a rating agency.’*”;

4 (4) *by inserting after paragraph (8), as redesign-*
5 *ated, the following:*

6 “(9) *The term ‘master credit agreement’ means*
7 *an agreement to make 1 or more direct loans or loan*
8 *guarantees at future dates for a program of related*
9 *projects on terms acceptable to the Secretary.’*; and

10 (5) *by adding at the end the following:*

11 “(11) *The term ‘project obligation’ means a note,*
12 *bond, debenture, or other debt obligation issued by a*
13 *borrower in connection with the financing of a*
14 *project, other than a direct loan or loan guarantee*
15 *under this title.*

16 “(12) *The term ‘railroad’ has the meaning given*
17 *the term ‘railroad carrier’ in section 20102 of title 49,*
18 *United States Code.*

19 “(13) *The term ‘rating agency’ means a credit*
20 *rating agency registered with the Securities and Ex-*
21 *change Commission as a nationally recognized statis-*
22 *tical rating organization (as defined in section 3(a)*
23 *of the Securities Exchange Act of 1934 (15 U.S.C.*
24 *78c(a)).*

25 “(14) *The term ‘substantial completion’ means—*

1 “(A) the opening of a project to passenger
2 or freight traffic; or

3 “(B) a comparable event, as determined by
4 the Secretary and specified in the direct loan.”.

5 **SEC. 35603. ELIGIBLE APPLICANTS.**

6 Section 502(a) (45 U.S.C. 822(a)) is amended—

7 (1) in paragraph (5), by striking “one railroad;
8 and” and inserting “1 of the entities described in
9 paragraph (1), (2), (3), (4), or (6);”; and

10 (2) by amending paragraph (6) to read as fol-
11 lows:

12 “(6) solely for the purpose of constructing a rail
13 connection between a plant or facility and a rail car-
14 rier, limited option freight shippers that own or oper-
15 ate a plant or other facility; and”.

16 **SEC. 35604. ELIGIBLE PURPOSES.**

17 Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

18 (1) in subparagraph (A), by inserting “, and
19 costs related to these activities, including pre-con-
20 struction costs” after “shops”;

21 (2) in subparagraph (B), by striking “subpara-
22 graph (A); or” and inserting “subparagraph (A) or
23 (C);”;

24 (3) in subparagraph (C), by striking the period
25 at the end and inserting a semicolon; and

1 (4) *by adding at the end the following:*

2 “(D) *reimburse planning and design ex-*
3 *penditures relating to projects described in subpara-*
4 *graph (A) or (C).”.*

5 **SEC. 35605. PROGRAM ADMINISTRATION.**

6 (a) *APPLICATION PROCESSING PROCEDURES.—Sec-*
7 *tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-*
8 *lows:*

9 “(i) *APPLICATION PROCESSING PROCEDURES.—*

10 “(1) *APPLICATION STATUS NOTICES.—Not later*
11 *than 30 days after the date that the Secretary receives*
12 *an application under this section, the Secretary shall*
13 *provide the applicant written notice as to whether the*
14 *application is complete or incomplete.*

15 “(2) *INCOMPLETE APPLICATIONS.—If the Sec-*
16 *retary determines that an application is incomplete,*
17 *the Secretary shall—*

18 “(A) *provide the applicant with a descrip-*
19 *tion of all of the specific information or material*
20 *that is needed to complete the application; and*

21 “(B) *allow the applicant to resubmit the in-*
22 *formation and material described under sub-*
23 *paragraph (A) to complete the application.*

24 “(3) *APPLICATION APPROVALS AND DIS-*
25 *APPROVALS.—*

1 “(A) *IN GENERAL.*—Not later than 60 days
2 after the date the Secretary notifies an applicant
3 that an application is complete under paragraph
4 (1), the Secretary shall provide the applicant
5 written notice as to whether the Secretary has
6 approved or disapproved the application.

7 “(B) *ACTIONS BY THE OFFICE OF MANAGE-*
8 *MENT AND BUDGET.*—In order to enable compli-
9 ance with the time limit under subparagraph
10 (A), the Office of Management and Budget shall
11 take any action required with respect to the ap-
12 plication within that 60-day period.

13 “(4) *EXPEDITED PROCESSING.*—The Secretary
14 shall implement procedures and measures to econo-
15 mize the time and cost involved in obtaining an ap-
16 proval or a disapproval of credit assistance under
17 this title.

18 “(5) *DASHBOARD.*—The Secretary shall post on
19 the Department of Transportation’s public Web site a
20 monthly report that includes for each application—

21 “(A) the name of the applicant or appli-
22 cants;

23 “(B) the location of the project;

24 “(C) a brief description of the project, in-
25 cluding its purpose;

1 “(D) the requested direct loan or loan guar-
2 antee amount;

3 “(E) the date on which the Secretary pro-
4 vided application status notice under paragraph
5 (1); and

6 “(F) the date that the Secretary provided
7 notice of approval or disapproval under para-
8 graph (3).”.

9 (b) *ADMINISTRATION OF DIRECT LOANS AND LOAN*
10 *GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—*

11 (1) *in subsection (a), by striking the period at*
12 *the end and inserting “, including a program guide*
13 *and standard term sheet and specific timetables.”;*

14 (2) *by redesignating subsections (c) through (l)*
15 *as subsections (d) through (m), respectively;*

16 (3) *by striking “(b) ASSIGNMENT OF LOAN*
17 *GUARANTEES.—” and inserting “(c) ASSIGNMENT OF*
18 *LOAN GUARANTEES.—”;*

19 (4) *in subsection (d), as redesignated—*

20 (A) *in paragraph (1), by striking “; and”*
21 *and inserting a semicolon;*

22 (B) *in paragraph (2), by striking the period*
23 *at the end and inserting “; and”;* and

24 (C) *by adding at the end the following:*

1 “(3) the modification cost has been covered under
2 section 502(f).”]; and

3 (5) by amending subsection (l), as redesignated,
4 to read as follows:

5 “(l) *CHARGES AND LOAN SERVICING.*—

6 “(1) *PURPOSES.*—*The Secretary may collect and*
7 *spend from each applicant, obligor, or loan party a*
8 *reasonable charge for—*

9 “(A) *the cost of evaluating the application,*
10 *amendments, modifications, and waivers, includ-*
11 *ing for evaluating project viability, applicant*
12 *creditworthiness, and the appraisal of the value*
13 *of the equipment or facilities for which the direct*
14 *loan or loan guarantee is sought, and for making*
15 *necessary determinations and findings;*

16 “(B) *the cost of award management and*
17 *project management oversight;*

18 “(C) *the cost of services from expert firms,*
19 *including counsel, and independent financial ad-*
20 *visors to assist in the underwriting, auditing,*
21 *servicing, and exercise of rights with respect to*
22 *direct loans and loan guarantees; and*

23 “(D) *the cost of all other expenses incurred*
24 *as a result of a breach of any term or condition*

1 *or any event of default on a direct loan or loan*
2 *guarantee.*

3 “(2) *STANDARDS.*—*The Secretary may charge*
4 *different amounts under this subsection based on the*
5 *different costs incurred under paragraph (1).*

6 “(3) *SERVICER.*—

7 “(A) *IN GENERAL.*—*The Secretary may ap-*
8 *point a financial entity to assist the Secretary*
9 *in servicing a direct loan or loan guarantee*
10 *under this section.*

11 “(B) *DUTIES.*—*A servicer appointed under*
12 *subparagraph (A) shall act as the agent of the*
13 *Secretary in serving a direct loan or loan guar-*
14 *antee under this section.*

15 “(C) *FEEES.*—*A servicer appointed under*
16 *subparagraph (A) shall receive a servicing fee*
17 *from the obligor or other loan party, subject to*
18 *approval by the Secretary.*

19 “(4) *SAFETY AND OPERATIONS ACCOUNT.*—
20 *Amounts collected under this subsection shall—*

21 “(A) *be credited directly to the Safety and*
22 *Operations account of the Federal Railroad Ad-*
23 *ministration; and*

24 “(B) *remain available until expended to*
25 *pay for the costs described in this subsection.”.*

1 **SEC. 35606. LOAN TERMS AND REPAYMENT.**

2 (a) *PREREQUISITES FOR ASSISTANCE.*—Section
3 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking “35
4 years from the date of its execution” and inserting “the less-
5 er of 35 years after the date of substantial completion of
6 the project or the estimated useful life of the rail equipment
7 or facilities to be acquired, rehabilitated, improved, devel-
8 oped, or established”.

9 (b) *REPAYMENT SCHEDULES.*—Section 502(j) (45
10 U.S.C. 822(j)) is amended—

11 (1) in paragraph (1), by striking “the sixth an-
12 niversary date of the original loan disbursement” and
13 inserting “5 years after the date of substantial com-
14 pletion”; and

15 (2) by adding at the end the following:

16 “(3) *DEFERRED PAYMENTS.*—

17 “(A) *IN GENERAL.*—If at any time after the
18 date of substantial completion the project is un-
19 able to generate sufficient revenues to pay the
20 scheduled loan repayments of principal and in-
21 terest on the direct loan, the Secretary, subject to
22 subparagraph (B), may allow, for a maximum
23 aggregate time of 1 year over the duration of the
24 direct loan, the obligor to add unpaid principal
25 and interest to the outstanding balance of the di-
26 rect loan.

1 “(B) *INTEREST.*—A payment deferred
2 under subparagraph (A) shall—

3 “(i) continue to accrue interest under
4 paragraph (2) until the loan is fully repaid;
5 and

6 “(ii) be scheduled to be amortized over
7 the remaining term of the loan.

8 “(4) *PREPAYMENTS.*—

9 “(A) *USE OF EXCESS REVENUES.*—Any ex-
10 cess revenues that remain after satisfying sched-
11 uled debt service requirements on the project obli-
12 gations and direct loan and all deposit require-
13 ments under the terms of any trust agreement,
14 bond resolution, or similar agreement securing
15 project obligations may be applied annually to
16 prepay the direct loan without penalty.

17 “(B) *USE OF PROCEEDS OF REFI-*
18 *NANCING.*—The direct loan may be prepaid at
19 any time without penalty from the proceeds of
20 refinancing from non-Federal funding sources.”.

21 (c) *SALE OF DIRECT LOANS.*—Section 502 (45 U.S.C.
22 822) is amended by adding at the end the following:

23 “(k) *SALE OF DIRECT LOANS.*—

24 “(1) *IN GENERAL.*—Subject to paragraph (2)
25 and as soon as practicable after substantial comple-

1 *tion of a project, the Secretary, after notifying the ob-*
2 *ligor, may sell to another entity or reoffer into the*
3 *capital markets a direct loan for the project if the*
4 *Secretary determines that the sale or reoffering has a*
5 *high probability of being made on favorable terms.*

6 *“(2) CONSENT OF OBLIGOR.—In making a sale*
7 *or reoffering under paragraph (1), the Secretary may*
8 *not change the original terms and conditions of the*
9 *secured loan without the prior written consent of the*
10 *obligor”.*

11 *(d) NONSUBORDINATION.—Section 502 (45 U.S.C.*
12 *822), as amended in subsection (c), is further amended by*
13 *adding at the end the following:*

14 *“(l) NONSUBORDINATION.—*

15 *“(1) IN GENERAL.—Except as provided in para-*
16 *graph (2)(B), a direct loan shall not be subordinated*
17 *to the claims of any holder of project obligations in*
18 *the event of bankruptcy, insolvency, or liquidation of*
19 *the obligor.*

20 *“(2) PREEXISTING INDENTURES.—*

21 *“(A) IN GENERAL.—The Secretary may*
22 *waive the requirement under paragraph (1) for*
23 *a public agency borrower that is financing ongo-*
24 *ing capital programs and has outstanding senior*
25 *bonds under a preexisting indenture if—*

1 “(i) the direct loan is rated in the A
2 category or higher;

3 “(ii) the direct loan is secured and
4 payable from pledged revenues not affected
5 by project performance, such as a tax-based
6 revenue pledge or a system-backed pledge of
7 project revenues; and

8 “(iii) the program share, under this
9 title, of eligible project costs is 50 percent or
10 less.

11 “(B) *LIMITATION.*—*The Secretary may im-*
12 *pose limitations for the waiver of the non-*
13 *subordination requirement under this paragraph*
14 *if the Secretary determines that such limitations*
15 *would be in the financial interest of the Federal*
16 *Government.”.*

17 **SEC. 35607. CREDIT RISK PREMIUMS.**

18 Section 502(f) (45 U.S.C. 822(f)) is amended—

19 (1) in paragraph (1), by amending the first sen-
20 tence to read as follows: “In lieu of or in combination
21 with appropriations of budget authority to cover the
22 costs of direct loans and loan guarantees as required
23 under section 504(b)(1) of the Federal Credit Reform
24 Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost
25 of a modification thereof, the Secretary may accept on

1 *behalf of an applicant for assistance under this sec-*
2 *tion a commitment from a non-Federal source, in-*
3 *cluding a State or local government or agency or pub-*
4 *lic benefit corporation or public authority thereof, to*
5 *fund in whole or in part credit risk premiums and*
6 *modification costs with respect to the loan that is the*
7 *subject of the application or modification.”;*

8 *(2) in paragraph (2)—*

9 *(A) in subparagraph (D), by adding “and”*
10 *after the semicolon;*

11 *(B) by striking subparagraph (E); and*

12 *(C) by redesignating subparagraph (F) as*
13 *subparagraph (E);*

14 *(3) by striking paragraph (4);*

15 *(4) by redesignating paragraph (3) as para-*
16 *graph (4);*

17 *(5) by inserting after paragraph (2) the fol-*
18 *lowing:*

19 *“(3) CREDITWORTHINESS.—An applicant may*
20 *propose and the Secretary may accept as a basis for*
21 *determining the amount of the credit risk premium*
22 *under paragraph (2) any of the following in addition*
23 *to the value of any tangible asset:*

24 *“(A) The net present value of a future*
25 *stream of State or local subsidy income or other*

1 *dedicated revenues to secure the direct loan or*
2 *loan guarantee.*

3 “(B) *Adequate coverage requirements to en-*
4 *sure repayment, on a non-recourse basis, from*
5 *cash flows generated by the project or any other*
6 *dedicated revenue source, including—*

7 “(i) *tolls;*

8 “(ii) *user fees; or*

9 “(iii) *payments owing to the obligor*
10 *under a public-private partnership.*

11 “(C) *An investment-grade rating on the di-*
12 *rect loan or loan guarantee, as applicable, except*
13 *that if the total amount of the direct loan or loan*
14 *guarantee is greater than \$75,000,000, the appli-*
15 *cant shall have an investment-grade rating from*
16 *at least 2 rating agencies on the direct loan or*
17 *loan guarantee.”; and*

18 (6) *in paragraph (4), as redesignated, by strik-*
19 *ing “amounts” and inserting “amounts (and in the*
20 *case of a modification, before the modification is exe-*
21 *cuted), to the extent appropriations are not available*
22 *to the Secretary to meet the costs of direct loans and*
23 *loan guarantees, including costs of modifications*
24 *thereof”.*

1 **SEC. 35608. MASTER CREDIT AGREEMENTS.**

2 *Section 502 (45 U.S.C. 822), as amended by sub-*
3 *sections (c) and (d) of section 35606 of this Act, is further*
4 *amended by adding at the end the following:*

5 “(m) *MASTER CREDIT AGREEMENTS.*—

6 “(1) *IN GENERAL.*—*Subject to section 502(d)*
7 *and paragraph (2) of this subsection, the Secretary*
8 *may enter into a master credit agreement that is con-*
9 *tingent on all of the conditions for the provision of a*
10 *direct loan or loan guarantee, as applicable, under*
11 *this title and other applicable requirements being sat-*
12 *isfied prior to the issuance of the direct loan or loan*
13 *guarantee.*

14 “(2) *CONDITIONS.*—*Each master credit agree-*
15 *ment shall—*

16 “(A) *establish the maximum amount and*
17 *general terms and conditions of each applicable*
18 *direct loan or loan guarantee;*

19 “(B) *identify 1 or more dedicated non-Fed-*
20 *eral revenue sources that will secure the repay-*
21 *ment of each applicable direct loan or loan guar-*
22 *antee;*

23 “(C) *provide for the obligation of funds for*
24 *the direct loans or loan guarantees contingent on*
25 *and after all requirements have been met for the*

1 *projects subject to the master credit agreement;*
2 *and*

3 “(D) provide 1 or more dates, as determined
4 *by the Secretary, before which the master credit*
5 *agreement results in each of the direct loans or*
6 *loan guarantees or in the release of the master*
7 *credit agreement.”.*

8 **SEC. 35609. PRIORITIES AND CONDITIONS.**

9 *(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C.*
10 *822(c)) is amended—*

11 *(1) in paragraph (1), by inserting “, including*
12 *projects for the installation of a positive train control*
13 *system (as defined in section 20157(i) of title 49,*
14 *United States Code)” after “public safety”;*

15 *(2) by redesignating paragraphs (2) and (3) as*
16 *paragraphs (3) and (2), respectively;*

17 *(3) in paragraph (5), by inserting “or chapter*
18 *227 of title 49” after “section 135 of title 23”;*

19 *(4) by redesignating paragraphs (6) through (8)*
20 *as paragraphs (7) through (9), respectively; and*

21 *(5) by inserting after paragraph (5) the fol-*
22 *lowing:*

23 *“(6) improve railroad stations and passenger fa-*
24 *cilities and increase transit-oriented development;”.*

1 **(b) CONDITIONS OF ASSISTANCE.**—*Section 502(h) (45*
2 *U.S.C. 822(h)) is amended in paragraph (2), by inserting*
3 *“, if applicable” after “project”.*

4 **SEC. 35610. SAVINGS PROVISION.**

5 **(a) IN GENERAL.**—*Except as provided in subsection*
6 *(b), this subtitle, and the amendments made by this subtitle,*
7 *shall not affect any direct loan (or direct loan obligation)*
8 *or an outstanding loan guarantee (or loan guarantee com-*
9 *mitment) that was in effect prior to the date of enactment*
10 *of this Act. Any such transaction entered into before the*
11 *date of enactment of this Act shall be administered until*
12 *completion under its terms as if this Act were not enacted.*

13 **(b) MODIFICATION COSTS.**—*At the discretion of the*
14 *Secretary, the authority to accept modification costs on be-*
15 *half of an applicant under section 502(f) of the Railroad*
16 *Revitalization and Regulatory Reform Act of 1976 (45*
17 *U.S.C. 822(f)), as amended by section 35607 of this Act,*
18 *may apply with respect to any direct loan (or direct loan*
19 *obligation) or an outstanding loan guarantee (or loan guar-*
20 *antee commitment) that was in effect prior to the date of*
21 *enactment of this Act.*

1 ***DIVISION D—FREIGHT AND***
 2 ***MAJOR PROJECTS***
 3 ***TITLE XLI—FREIGHT POLICY***

4 ***SEC. 41001. ESTABLISHMENT OF FREIGHT CHAPTER.***

5 (a) *FREIGHT.*—Subtitle III of title 49, United States
 6 Code, is amended by inserting after chapter 53 the fol-
 7 lowing:

8 ***“CHAPTER 54—FREIGHT***

“5401. *Definitions.*

“5402. *National multimodal freight policy.*

“5403. *National multimodal freight network.*

“5404. *National freight strategic plan.*

“5405. *State freight advisory committees.*

“5406. *State freight plans.*

“5407. *Transportation investment planning and data tools.*

“5408. *Savings provision.*

“5409. *Assistance for freight projects.*

9 ***“§ 5401. Definitions***

10 *“In this chapter:*

11 *“(1) ECONOMIC COMPETITIVENESS.—The term*
 12 *‘economic competitiveness’ means the ability of the*
 13 *economy to efficiently move freight and people,*
 14 *produce goods, and deliver services, including—*

15 *“(A) reductions in the travel time of freight;*

16 *“(B) reductions in the congestion caused by*
 17 *the movement of freight;*

18 *“(C) improvements to freight travel time re-*
 19 *liability; and*

1 “(D) reductions in freight transportation
2 costs due to congestion and insufficient infra-
3 structure.

4 “(2) *FREIGHT*.—The term ‘freight’ means the
5 commercial transportation of cargo, including agri-
6 cultural, manufactured, retail, or other goods by ves-
7 sel, vehicle, pipeline, or rail.

8 “(3) *FREIGHT TRANSPORTATION MODES*.—The
9 term ‘freight transportation modes’ means—

10 “(A) the infrastructure supporting any
11 mode of transportation that moves freight, in-
12 cluding highways, ports, waterways, rail facili-
13 ties, and pipelines; and

14 “(B) any vehicles or equipment trans-
15 porting goods on such infrastructure.

16 “(4) *NATIONAL HIGHWAY FREIGHT NETWORK*.—
17 The term ‘national highway freight network’ means
18 the network established under section 167 of title 23.

19 “(5) *NATIONAL MULTIMODAL FREIGHT NET-*
20 *WORK*.—The term ‘national multimodal freight net-
21 work’ means the network established under section
22 5403.

23 “(6) *NATIONAL MULTIMODAL FREIGHT STRA-*
24 *TEGIC PLAN*.—The term ‘national multimodal freight

1 *strategic plan’ means the strategic plan developed*
 2 *under section 5404.*

3 “(7) *SECRETARY.*—*The term ‘Secretary’ means*
 4 *the Secretary of Transportation.*

5 “(8) *STATE.*—*The term ‘State’ means a State of*
 6 *the United States, the District of Columbia, the Com-*
 7 *monwealth of Puerto Rico, the Commonwealth of the*
 8 *Northern Mariana Islands, Guam, American Samoa,*
 9 *and the United States Virgin Islands.”.*

10 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 11 *table of chapters for subtitle III of title 49, United States*
 12 *Code, is amended by inserting after the item relating to*
 13 *chapter 53 the following:*

“54. *Freight* 5401”.

14 ***SEC. 41002. NATIONAL MULTIMODAL FREIGHT POLICY.***

15 *Chapter 54 of subtitle III of title 49, United States*
 16 *Code, as added by section 41001, is amended by adding*
 17 *after section 5401 the following:*

18 ***“§ 5402. National multimodal freight policy***

19 *“(a) POLICY.—It is the policy of the United States—*

20 *“(1) to support investment to maintain and im-*
 21 *prove the condition and performance of the national*
 22 *multimodal freight network;*

23 *“(2) to ensure that the United States maximizes*
 24 *its competitiveness in the global economy by increas-*

1 *ing the overall productivity and connectivity of the*
2 *national freight system; and*

3 *“(3) to pursue the goals described in subsection*
4 *(b).*

5 *“(b) GOALS.—The national multimodal freight policy*
6 *has the following goals:*

7 *“(1) To enhance the economic competitiveness of*
8 *the United States by investing in infrastructure im-*
9 *provements and implementing operational improve-*
10 *ments on the freight network of the United States that*
11 *achieve 1 or more of the following:*

12 *“(A) Strengthen the contribution of the na-*
13 *tional freight network to the economic competi-*
14 *tiveness of the United States.*

15 *“(B) Reduce congestion and relieve bottle-*
16 *necks in the freight transportation system.*

17 *“(C) Reduce the cost of freight transpor-*
18 *tation.*

19 *“(D) Improve the reliability of freight*
20 *transportation.*

21 *“(E) Increase productivity, particularly for*
22 *domestic industries and businesses that create*
23 *jobs.*

1 “(2) *To improve the safety, security, efficiency,*
2 *and resiliency of freight transportation in rural and*
3 *urban areas.*

4 “(3) *To improve the condition of the national*
5 *freight network.*

6 “(4) *To use advanced technology to improve the*
7 *safety and efficiency of the national freight network.*

8 “(5) *To incorporate concepts of performance, in-*
9 *novation, competition, and accountability into the op-*
10 *eration and maintenance of the national freight net-*
11 *work.*

12 “(6) *To improve the efficiency and productivity*
13 *of the national freight network.*

14 “(7) *To pursue these goals in a manner that is*
15 *not burdensome to State and local governments.*

16 “(c) *STRATEGIES.—The United States may achieve the*
17 *goals described in subsection (b) by—*

18 “(1) *providing funding to maintain and improve*
19 *freight infrastructure facilities;*

20 “(2) *implementing appropriate safety, environ-*
21 *mental, energy and other transportation policies;*

22 “(3) *utilizing advanced technology and innova-*
23 *tion;*

24 “(4) *promoting workforce development; and*

25 “(5) *using performance management activities.*

1 “(d) *IMPLEMENTATION.*—*The Under Secretary for Pol-*
2 *icy, who shall be responsible for the oversight and imple-*
3 *mentation of the national multimodal freight policy,*
4 *shall—*

5 “(1) *assist with the coordination of modal freight*
6 *planning;*

7 “(2) *ensure consistent, expedited review of*
8 *multimodal freight projects;*

9 “(3) *review the project planning and approval*
10 *processes at each modal administration to identify*
11 *modeling and metric inconsistencies, approvals, and*
12 *terminology differences that could hamper multimodal*
13 *project approval;*

14 “(4) *identify interagency data sharing opportu-*
15 *nities to promote freight planning and coordination;*

16 “(5) *identify multimodal efforts and connections;*

17 “(6) *designate the lead agency for multimodal*
18 *freight projects;*

19 “(7) *develop recommendations for State incen-*
20 *tives for multimodal planning efforts, which may in-*
21 *clude—*

22 “(A) *reducing the State cost share; or*

23 “(B) *expediting the review of agreements for*
24 *multimodal or freight specific projects;*

1 “(8) explore opportunities within existing legal
2 authorities to reduce project delays by issuing categor-
3 ical exclusions or allowing self-certifications of right-
4 of-way acquisitions for freight projects; and

5 “(9) submit a report to the Committee on Com-
6 merce, Science, and Transportation and the Com-
7 mittee on Environment and Public Works of the Sen-
8 ate and the Committee on Transportation and Infra-
9 structure of the House of Representatives that identi-
10 fies required reports, statutory requirements, and
11 other limitations on efficient freight project delivery
12 that could be streamlined or consolidated.”.

13 **SEC. 41003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

14 Chapter 54 of subtitle III of title 49, United States
15 Code, as amended by section 41002, is amended by adding
16 after section 5402 the following:

17 **“§ 5403. National multimodal freight network**

18 “(a) *IN GENERAL.*—The Secretary shall establish a na-
19 tional freight network, in accordance with this section—

20 “(1) to assist States in strategically directing re-
21 sources toward improved system performance for the
22 efficient movement of freight on transportation net-
23 works;

24 “(2) to inform freight transportation planning;

1 “(3) to assist in the prioritization of Federal in-
2 vestment; and

3 “(4) to assess and support Federal investments
4 to achieve the national multimodal freight policy
5 goals described in section 5402(b) of this title and in
6 section 150(b) of title 23.

7 “(b) *NETWORK COMPONENTS.*—The national
8 multimodal freight network established under this section
9 shall consist of all connectors, corridors, and facilities in
10 all freight transportation modes that are the most critical
11 to the current and future movement of freight, including
12 the national highway freight network, to achieve the na-
13 tional multimodal freight policy goals described in section
14 5402(b) of this title and in section 150(b) of title 23.

15 “(c) *INITIAL DESIGNATION OF PRIMARY FREIGHT SYS-*
16 *TEM.*—

17 “(1) *IN GENERAL.*—Not later than 1 year after
18 the date of enactment of the *DRIVE Act*, the Sec-
19 retary, after soliciting input from stakeholders, in-
20 cluding multimodal freight system users, transport
21 providers, metropolitan planning organizations, local
22 governments, ports, airports, railroads, and States,
23 through a public process to identify critical freight fa-
24 cilities and corridors that are vital to achieve the na-
25 tional multimodal freight policy goals described in

1 *section 5402(b) of this title and in section 150(b) of*
2 *title 23, and after providing notice and opportunity*
3 *for comment on a draft system, shall designate a pri-*
4 *mary freight system with the goal of—*

5 *“(A) improving network and intermodal*
6 *connectivity; and*

7 *“(B) using measurable data as part of the*
8 *assessment of the significance of freight move-*
9 *ment, including the consideration of points of or-*
10 *igin, destination, and linking components of do-*
11 *mestic and international supply chains.*

12 *“(2) FACTORS.—In designating or redesignating*
13 *a primary freight system, the Secretary shall con-*
14 *sider—*

15 *“(A) origins and destinations of freight*
16 *movement within, to, and from the United*
17 *States;*

18 *“(B) volume, value, tonnage, and the stra-*
19 *tegic importance of freight;*

20 *“(C) access to border crossings, airports,*
21 *seaports, and pipelines;*

22 *“(D) economic factors, including balance of*
23 *trade;*

24 *“(E) access to major areas for manufac-*
25 *turing, agriculture, or natural resources;*

1 “(F) access to energy exploration, develop-
2 ment, installation, and production areas;

3 “(G) intermodal links and intersections that
4 promote connectivity;

5 “(H) freight choke points and other impedi-
6 ments contributing to significant measurable
7 congestion, delay in freight movement, or ineffi-
8 cient modal connections;

9 “(I) impacts on all freight transportation
10 modes and modes that share significant freight
11 infrastructure;

12 “(J) elements and transportation corridors
13 identified by a multi-State coalition, a State, a
14 State advisory committee, or a metropolitan
15 planning organization, using national or local
16 data, as having critical freight importance to the
17 region;

18 “(K) intermodal connectors, major distribu-
19 tion centers, inland intermodal facilities, and
20 first- and last-mile facilities;

21 “(L) the annual average daily truck traffic
22 on principal arterials; and

23 “(M) the significance of goods movement,
24 including consideration of global and domestic
25 supply chains.

1 “(3) *REQUIREMENTS FOR DESIGNATION.*—A des-
2 ignation may be made under this subsection if the
3 freight transportation facility or infrastructure being
4 considered—

5 “(A) is in an urbanized area, regardless of
6 population;

7 “(B) has been designated under subsection
8 (d) as a critical rural freight corridor;

9 “(C) connects an intermodal facility to—

10 “(i) the primary freight network; or

11 “(ii) an intermodal freight facility;

12 “(D)(i) is located within a corridor of a
13 route on the primary freight network; and

14 “(ii) provides an alternative option impor-
15 tant to goods movement;

16 “(E) serves a major freight generator, logis-
17 tic center, agricultural region, or manufacturing,
18 warehouse, or industrial land; or

19 “(F) is important to the movement of
20 freight within a State or metropolitan region, as
21 determined by the State or the metropolitan
22 planning organization.

23 “(4) *CONSIDERATIONS.*—In designating or redesi-
24 gnating the primary freight system under subsection
25 (e), the Secretary shall—

1 “(A) use, to the extent practicable, measur-
2 able data to assess the significance of goods
3 movement, including the consideration of points
4 of origin, destination, and linking components of
5 the United States global and domestic supply
6 chains;

7 “(B) consider—

8 “(i) the factors described in subsection
9 (c)(2); and

10 “(ii) any changes in the economy or
11 freight transportation network demand; and

12 “(C) provide the States with an opportunity
13 to submit proposed designations in accordance
14 with paragraph (5).

15 “(5) STATE INPUT.—

16 “(A) IN GENERAL.—Each State that pro-
17 poses increased designations on the primary
18 freight system shall—

19 “(i) consider nominations for addi-
20 tional designations from metropolitan plan-
21 ning organizations and State freight advi-
22 sory committees within the State;

23 “(ii) consider nominations for the ad-
24 ditional designations from owners and oper-

1 ators of port, rail, pipeline, and airport fa-
2 cilities; and

3 “(iii) ensure that additional designa-
4 tions are consistent with the State Trans-
5 portation Improvement Program or freight
6 plan.

7 “(B) REVISIONS.—States may revise routes
8 certified under section 4006 of the Intermodal
9 Surface Transportation Efficiency Act of 1991
10 (Public Law 102–240; 105 Stat. 2148) to con-
11 form with the designated freight system under
12 this section.

13 “(C) SUBMISSION AND CERTIFICATION.—
14 Each State shall submit to the Secretary—

15 “(i) a list of the additional designa-
16 tions added under this subsection; and

17 “(ii) certification that—

18 “(I) the State has satisfied the re-
19 quirements under subparagraph (A);
20 and

21 “(II) the designations referred to
22 in clause (i) address the factors for re-
23 designation described in subsection
24 (c)(3).

1 “(d) *CRITICAL RURAL FREIGHT CORRIDORS.*—A State
2 may designate freight transportation infrastructure or fa-
3 cilities within the borders of the State as a critical rural
4 freight corridor if the public road or facility—

5 “(1) is a rural principal arterial roadway or fa-
6 cility;

7 “(2) provides access or service to energy explo-
8 ration, development, installation, or production areas;

9 “(3) provides access or service to—

10 “(A) a grain elevator;

11 “(B) an agricultural facility;

12 “(C) a mining facility;

13 “(D) a forestry facility; or

14 “(E) an intermodal facility;

15 “(4) connects to an international port of entry;

16 “(5) provides access to significant air, rail,
17 water, or other freight facilities in the State; or

18 “(6) has been determined by the State to be vital
19 to improving the efficient movement of freight of im-
20 portance to the economy of the State.

21 “(e) *REDESIGNATION OF PRIMARY FREIGHT SYS-*
22 *TEM.*—Beginning on the date that is 5 years after the ini-
23 tial designation under subsection (c), and every 5 years
24 thereafter, the Secretary, using the designation factors de-

1 scribed in subsection (c)(3), shall redesignate the primary
2 freight system.”

3 **TITLE XLII—PLANNING**

4 **SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.**

5 Chapter 54 of subtitle III of title 49, United States
6 Code (as amended by title XLI), is amended by adding at
7 the end the following:

8 **“§ 5404. National freight strategic plan**

9 “(a) *INITIAL DEVELOPMENT OF NATIONAL FREIGHT*
10 *STRATEGIC PLAN.*—Not later than 3 years after the date
11 of enactment of the *DRIVE Act*, the Secretary, in consulta-
12 tion with State departments of transportation, metropoli-
13 tan planning organizations, and other appropriate public
14 and private transportation stakeholders, shall develop, after
15 providing opportunity for notice and comment on a draft
16 national freight strategic plan, and post on the public
17 website of the Department of Transportation a national
18 freight strategic plan that includes—

19 “(1) *an assessment of the condition and perform-*
20 *ance of the national multimodal freight network;*

21 “(2) *an identification of bottlenecks on the na-*
22 *tional multimodal freight network that create signifi-*
23 *cant freight congestion based on a quantitative meth-*
24 *odology developed by the Secretary, which shall, at a*
25 *minimum, include—*

1 “(A) information from the Freight Analysis
2 Framework of the Federal Highway Administra-
3 tion; and

4 “(B) to the maximum extent practicable, an
5 estimate of the cost of addressing each bottleneck
6 and any operational improvements that could be
7 implemented;

8 “(3) a forecast of freight volumes, based on the
9 most recent data available, for—

10 “(A) the 5-year period beginning in the
11 year during which the plan is issued; and

12 “(B) if practicable, for the 10- and 20-year
13 period beginning in the year during which the
14 plan is issued;

15 “(4) an identification of major trade gateways
16 and national freight corridors that connect major eco-
17 nomic corridors, population centers, trade gateways,
18 and other major freight generators for current and
19 forecasted traffic and freight volumes, the identifica-
20 tion of which shall be revised, as appropriate, in sub-
21 sequent plans;

22 “(5) an assessment of statutory, regulatory, tech-
23 nological, institutional, financial, and other barriers
24 to improved freight transportation performance (in-
25 cluding opportunities for overcoming the barriers);

1 “(6) an identification of routes providing access
2 to energy exploration, development, installation, or
3 production areas;

4 “(7) routes for providing access to major areas
5 for manufacturing, agriculture, or natural resources;

6 “(8) best practices for improving the perform-
7 ance of the national freight network;

8 “(9) best practices to mitigate the impacts of
9 freight movement on communities;

10 “(10) a process for addressing multistate projects
11 and encouraging jurisdictions to collaborate on
12 multistate projects;

13 “(11) identification of locations or areas with
14 congestion involving freight traffic, and strategies to
15 address those issues;

16 “(12) strategies to improve freight intermodal
17 connectivity; and

18 “(13) best practices for improving the perform-
19 ance of the national multimodal freight network and
20 rural and urban access to critical freight corridors.

21 “(b) *UPDATES TO NATIONAL FREIGHT STRATEGIC*
22 *PLAN.*—Not later than 5 years after the date of completion
23 of the first national multimodal freight strategic plan under
24 subsection (a) and every 5 years thereafter, the Secretary
25 shall update and repost on the public website of the Depart-

1 *ment of Transportation a revised national freight strategic*
2 *plan.”.*

3 **SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.**

4 *Chapter 54 of subtitle III of title 49, United States*
5 *Code (as amended by section 42001), is amended by adding*
6 *at the end the following:*

7 **“§ 5405. State freight advisory committees**

8 *“(a) IN GENERAL.—Each State shall establish a*
9 *freight advisory committee consisting of a representative*
10 *cross-section of public and private sector freight stake-*
11 *holders, including representatives of ports, third party lo-*
12 *gistics providers, shippers, carriers, freight-related associa-*
13 *tions, the freight industry workforce, the transportation de-*
14 *partment of the State, and local governments.*

15 *“(b) ROLE OF COMMITTEE.—A freight advisory com-*
16 *mittee of a State described in subsection (a) shall—*

17 *“(1) advise the State on freight-related priorities,*
18 *issues, projects, and funding needs;*

19 *“(2) serve as a forum for discussion for State*
20 *transportation decisions affecting freight mobility;*

21 *“(3) communicate and coordinate regional prior-*
22 *ities with other organizations;*

23 *“(4) promote the sharing of information between*
24 *the private and public sectors on freight issues; and*

1 “(5) participate in the development of the freight
2 plan of the State described in section 5406.”.

3 **SEC. 42003. STATE FREIGHT PLANS.**

4 Chapter 54 of subtitle III of title 49, United States
5 Code (as amended by section 42002), is amended by adding
6 at the end the following:

7 **“§ 5406. State freight plans**

8 “(a) *IN GENERAL.*—Each State shall develop a freight
9 plan that provides a comprehensive plan for the immediate
10 and long-range planning activities and investments of the
11 State with respect to freight.

12 “(b) *PLAN CONTENTS.*—A freight plan described in
13 subsection (a) shall include, at a minimum—

14 “(1) an identification of significant freight sys-
15 tem trends, needs, and issues with respect to the
16 State;

17 “(2) a description of the freight policies, strate-
18 gies, and performance measures that will guide the
19 freight-related transportation investment decisions of
20 the State;

21 “(3) when applicable, a listing of critical rural
22 and urban freight corridors designated within the
23 State under section 5403 of this title or section 167
24 of title 23;

1 “(4) a description of how the plan will improve
2 the ability of the State to meet the national freight
3 goals established under section 5402(b) of this title
4 and section 150(b) of title 23;

5 “(5) a description of how innovative technologies
6 and operational strategies, including freight intel-
7 ligent transportation systems, that improve the safety
8 and efficiency of freight movement, were considered;

9 “(6) in the case of roadways on which travel by
10 heavy vehicles (including mining, agricultural, energy
11 cargo or equipment, and timber vehicles) is projected
12 to substantially deteriorate the condition of roadways,
13 a description of improvements that may be required
14 to reduce or impede the deterioration;

15 “(7) an inventory of facilities with freight mobil-
16 ity issues, such as bottlenecks, within the State, and
17 where the facilities are State owned or operated, a de-
18 scription of the strategies the State is employing to
19 address those freight mobility issues;

20 “(8) consideration of any significant congestion
21 or delay caused by freight movements and any strate-
22 gies to mitigate that congestion or delay; and

23 “(9) a freight investment plan that, subject to
24 subsection (c)(2), includes a list of priority projects

1 *and describes how funds made available to carry out*
2 *section 167 of title 23 would be invested and matched.*

3 “(c) *RELATIONSHIP TO LONG-RANGE PLAN.*—

4 “(1) *INCORPORATION.*—*A State freight plan de-*
5 *scribed in subsection (a) may be developed separately*
6 *from or incorporated into the statewide strategic long-*
7 *range transportation plan required by section 135 of*
8 *title 23.*

9 “(2) *FISCAL CONSTRAINT.*—*The freight invest-*
10 *ment plan component of a freight plan shall include*
11 *a project, or an identified phase of a project, only if*
12 *funding for completion of the project can reasonably*
13 *be anticipated to be available for the project within*
14 *the time period identified in the freight investment*
15 *plan.*

16 “(d) *PLANNING PERIOD.*—*The freight plan shall ad-*
17 *dress a 5-year forecast period.*

18 “(e) *UPDATES.*—

19 “(1) *IN GENERAL.*—*A State shall update the*
20 *freight plan not less frequently than once every 5*
21 *years.*

22 “(2) *FREIGHT INVESTMENT PLAN.*—*A State may*
23 *update the freight investment plan more frequently*
24 *than is required under paragraph (1).”.*

1 **SEC. 42004. FREIGHT DATA AND TOOLS.**

2 Chapter 54 of subtitle III of title 49, United States
3 Code (as amended by section 42003), is amended by adding
4 at the end the following:

5 **“§5407. Transportation investment data and plan-**
6 **ning tools**

7 “(a) *IN GENERAL.*—Not later than 1 year after the
8 date of enactment of the *DRIVE Act*, the Secretary shall—

9 “(1) *begin development of new tools and im-*
10 *provement of existing tools to support an outcome-ori-*
11 *ented, performance-based approach to evaluate pro-*
12 *posed freight-related and other transportation*
13 *projects, including—*

14 “(A) *methodologies for systematic analysis*
15 *of benefits and costs on a national or regional*
16 *basis;*

17 “(B) *tools for ensuring that the evaluation*
18 *of freight-related and other transportation*
19 *projects could consider safety, economic competi-*
20 *tiveness, urban and rural access, environmental*
21 *sustainability, and system condition in the*
22 *project selection process;*

23 “(C) *improved methods for data collection*
24 *and trend analysis;*

25 “(D) *encouragement of public-private part-*
26 *nerships to carry out data sharing activities*

1 *while maintaining the confidentiality of all pro-*
2 *prietary data; and*

3 “(E) *other tools to assist in effective trans-*
4 *portation planning;*

5 “(2) *identify transportation-related model data*
6 *elements to support a broad range of evaluation meth-*
7 *ods and techniques to assist in making transportation*
8 *investment decisions; and*

9 “(3) *at a minimum, in consultation with other*
10 *relevant Federal agencies, consider any improvements*
11 *to existing freight flow data collection efforts that*
12 *could reduce identified freight data gaps and defi-*
13 *ciencies and help improve forecasts of freight trans-*
14 *portation demand.*

15 “(b) *CONSULTATION.—The Secretary shall consult*
16 *with Federal, State, and other stakeholders to develop, im-*
17 *prove, and implement the tools and collect the data de-*
18 *scribed in subsection (a).”.*

19 **SEC. 42005. SAVINGS PROVISION.**

20 *Chapter 54 of subtitle III of title 49, United States*
21 *Code (as amended by section 42004), is amended by adding*
22 *at the end the following:*

1 **“§ 5408. Savings provision**

2 *“Nothing in this chapter provides additional authority*
 3 *to regulate or direct private activity on freight networks*
 4 *designated by this chapter.”.*

5 **TITLE XLIII—FORMULA FREIGHT**
 6 **PROGRAM**

7 **SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.**

8 *(a) IN GENERAL.—Section 167 of title 23, United*
 9 *States Code, is amended to read as follows:*

10 **“§ 167. National highway freight program**

11 *“(a) ESTABLISHMENT.—*

12 *“(1) IN GENERAL.—It is the policy of the United*
 13 *States to improve the condition and performance of*
 14 *the national highway freight network to ensure that*
 15 *the national freight network provides the foundation*
 16 *for the United States to compete in the global econ-*
 17 *omy and achieve each goal described in subsection (b).*

18 *“(2) ESTABLISHMENT.—In support of the goals*
 19 *described in subsection (b), the Federal Highway Ad-*
 20 *ministrator (referred to in this section as the ‘Admin-*
 21 *istrator’) shall establish a national highway freight*
 22 *program in accordance with this section to improve*
 23 *the efficient movement of freight on the national high-*
 24 *way freight network.*

25 *“(b) GOALS.—The goals of the national highway*
 26 *freight program are—*

1 “(1) to invest in infrastructure improvements
2 and to implement operational improvements on the
3 highways of the United States that—

4 “(A) strengthen the contribution of the na-
5 tional highway freight network to the economic
6 competitiveness of the United States;

7 “(B) reduce congestion and relieve bottle-
8 necks in the freight transportation system;

9 “(C) reduce the cost of freight transpor-
10 tation;

11 “(D) improve the reliability of freight
12 transportation; and

13 “(E) increase productivity, particularly for
14 domestic industries and businesses that create
15 high-value jobs;

16 “(2) to improve the safety, security, efficiency,
17 and resiliency of freight transportation in rural and
18 urban areas;

19 “(3) to improve the state of good repair of the
20 national highway freight network;

21 “(4) to use advanced technology to improve the
22 safety and efficiency of the national highway freight
23 network;

24 “(5) to incorporate concepts of performance, in-
25 novation, competition, and accountability into the op-

1 *eration and maintenance of the national highway*
2 *freight network;*

3 *“(6) to improve the efficiency and productivity*
4 *of the national highway freight network; and*

5 *“(7) to reduce the environmental impacts of*
6 *freight movement.*

7 *“(c) ESTABLISHMENT OF A NATIONAL HIGHWAY*
8 *FREIGHT NETWORK.—*

9 *“(1) IN GENERAL.—The Administrator shall es-*
10 *tablish a national highway freight network in accord-*
11 *ance with this section to assist States in strategically*
12 *directing resources toward improved system perform-*
13 *ance for efficient movement of freight on highways.*

14 *“(2) NETWORK COMPONENTS.—The national*
15 *highway freight network shall consist of—*

16 *“(A) the primary highway freight system,*
17 *as designated under subsection (d);*

18 *“(B) critical rural freight corridors estab-*
19 *lished under subsection (e);*

20 *“(C) critical urban freight corridors estab-*
21 *lished under subsection (f); and*

22 *“(D) the portions of the Interstate System*
23 *not designated as part of the primary highway*
24 *freight system, including designated future Inter-*

1 *state System routes as of the date of enactment*
2 *of the DRIVE Act.*

3 “(d) *DESIGNATION AND REDESIGNATION OF THE PRI-*
4 *MARY HIGHWAY FREIGHT SYSTEM.—*

5 “(1) *INITIAL DESIGNATION OF PRIMARY HIGH-*
6 *WAY FREIGHT SYSTEM.—The initial designation of*
7 *the primary highway freight system shall be—*

8 “(A) *the network designated by the Sec-*
9 *retary under section 167(d) of title 23, United*
10 *States Code, as in effect on the day before the*
11 *date of enactment of the DRIVE Act; and*

12 “(B) *all National Highway System freight*
13 *intermodal connectors.*

14 “(2) *REDESIGNATION OF PRIMARY HIGHWAY*
15 *FREIGHT SYSTEM.—*

16 “(A) *IN GENERAL.—Beginning on the date*
17 *that is 1 year after the date of enactment of the*
18 *DRIVE Act and every 5 years thereafter, using*
19 *the designation factors described in subpara-*
20 *graph (E), the Administrator shall redesignate*
21 *the primary highway freight system (including*
22 *any additional mileage added to the primary*
23 *highway freight system under this paragraph as*
24 *of the date on which the redesignation process is*
25 *effective).*

1 “(B) *MILEAGE*.—

2 “(i) *FIRST REDESIGNATION*.—*In redesi-*
3 *gnating the primary highway freight sys-*
4 *tem on the date that is 1 year after the date*
5 *of enactment of the DRIVE Act, the Admin-*
6 *istrator shall limit the system to 30,000*
7 *centerline miles, without regard to the*
8 *connectivity of the primary highway freight*
9 *system.*

10 “(ii) *SUBSEQUENT REDESIGNA-*
11 *TIONS*.—*Each redesignation after the redesi-*
12 *gnation described in clause (i), the Admin-*
13 *istrator may increase the primary highway*
14 *freight system by up to 5 percent of the*
15 *total mileage of the system, without regard*
16 *to the connectivity of the primary highway*
17 *freight system.*

18 “(C) *CONSIDERATIONS*.—

19 “(i) *IN GENERAL*.—*In redesignating*
20 *the primary highway freight system, to the*
21 *maximum extent practicable, the Adminis-*
22 *trator shall use measurable data to assess*
23 *the significance of goods movement, includ-*
24 *ing consideration of points of origin, des-*
25 *tination, and linking components of the*

1 *United States global and domestic supply*
2 *chains.*

3 “(ii) *INTERMODAL CONNECTORS.—In*
4 *redesignating the primary highway freight*
5 *system, the Administrator shall include all*
6 *National Highway System freight inter-*
7 *modal connectors.*

8 “(D) *INPUT.—In addition to the process*
9 *provided to State freight advisory committees*
10 *under paragraph (3), in redesignating the pri-*
11 *mary highway freight system, the Administrator*
12 *shall provide an opportunity for State freight*
13 *advisory committees to submit additional miles*
14 *for consideration.*

15 “(E) *FACTORS FOR REDESIGNATION.—In*
16 *redesignating the primary highway freight sys-*
17 *tem, the Administrator shall consider—*

18 “(i) *the origins and destinations of*
19 *freight movement in, to, and from the*
20 *United States;*

21 “(ii) *land and water ports of entry;*

22 “(iii) *access to energy exploration, de-*
23 *velopment, installation, or production*
24 *areas;*

1 “(iv) proximity of access to other
2 freight intermodal facilities, including rail,
3 air, water, and pipelines;

4 “(v) the total freight tonnage and value
5 moved via highways;

6 “(vi) significant freight bottlenecks, as
7 identified by the Administrator;

8 “(vii) the annual average daily truck
9 traffic on principal arterials; and

10 “(viii) the significance of goods move-
11 ment on principal arterials, including con-
12 sideration of global and domestic supply
13 chains.

14 “(3) STATE FLEXIBILITY FOR ADDITIONAL MILES
15 ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after each redesignation conducted by the Ad-
18 ministrator under paragraph (2), each State,
19 under the advisement of the State freight advi-
20 sory committee, as developed and carried out in
21 accordance with subsection (l), may increase the
22 number of miles designated as part of the pri-
23 mary highway freight system in that State by
24 not more than 10 percent of the miles designated

1 *in that State under this subsection if the addi-*
2 *tional miles—*

3 “(i) *close gaps between primary high-*
4 *way freight system segments;*

5 “(ii) *establish connections of the pri-*
6 *mary highway freight system critical to the*
7 *efficient movement of goods, including ports,*
8 *international border crossings, airports,*
9 *intermodal facilities, logistics centers, ware-*
10 *houses, and agricultural facilities; or*

11 “(iii) *designate critical emerging*
12 *freight routes.*

13 “(B) *CONSIDERATIONS.—Each State, under*
14 *the advisement of the State freight advisory com-*
15 *mittee that increases the number of miles on the*
16 *primary highway freight system under subpara-*
17 *graph (A) shall—*

18 “(i) *consider nominations for the addi-*
19 *tional miles from metropolitan planning or-*
20 *ganizations within the State;*

21 “(ii) *ensure that the additional miles*
22 *are consistent with the freight plan of the*
23 *State; and*

24 “(iii) *review the primary highway*
25 *freight system of the State designated under*

1 *paragraph (1) and redesignate miles in a*
2 *manner that is consistent with paragraph*
3 *(2).*

4 “(C) *SUBMISSION.—Each State, under the*
5 *advisement of the State freight advisory com-*
6 *mittee shall—*

7 “(i) *submit to the Administrator a list*
8 *of the additional miles added under this*
9 *subsection; and*

10 “(ii) *certify that—*

11 “(I) *the additional miles meet the*
12 *requirements of subparagraph (A); and*

13 “(II) *the State, under the advise-*
14 *ment of the State freight advisory com-*
15 *mittee, has satisfied the requirements*
16 *of subparagraph (B).*

17 “(e) *CRITICAL RURAL FREIGHT CORRIDORS.—A State*
18 *may designate a public road within the borders of the State*
19 *as a critical rural freight corridor if the public road—*

20 “(1) *is a rural principal arterial roadway and*
21 *has a minimum of 25 percent of the annual average*
22 *daily traffic of the road measured in passenger vehicle*
23 *equivalent units from trucks (Federal Highway Ad-*
24 *ministration vehicle class 8 to 13);*

1 “(2) provides access to energy exploration, devel-
2 opment, installation, or production areas;

3 “(3) connects the primary highway freight sys-
4 tem, a roadway described in paragraph (1) or (2), or
5 the Interstate System to facilities that handle more
6 than—

7 “(A) 50,000 20-foot equivalent units per
8 year; or

9 “(B) 500,000 tons per year of bulk commod-
10 ities;

11 “(4) provides access to—

12 “(A) a grain elevator;

13 “(B) an agricultural facility;

14 “(C) a mining facility;

15 “(D) a forestry facility; or

16 “(E) an intermodal facility;

17 “(5) connects to an international port of entry;

18 “(6) provides access to significant air, rail,
19 water, or other freight facilities in the State; or

20 “(7) is, in the determination of the State, vital
21 to improving the efficient movement of freight of im-
22 portance to the economy of the State.

23 “(f) **CRITICAL URBAN FREIGHT CORRIDORS.**—

24 “(1) **URBANIZED AREA WITH POPULATION OF**
25 **500,000 OR MORE.**—In an urbanized area with a pop-

1 *ulation of 500,000 or more individuals, the represent-*
2 *ative metropolitan planning organization, in con-*
3 *sultation with the State, may designate a public road*
4 *within the borders of that area of the State as a crit-*
5 *ical urban freight corridor.*

6 “(2) *URBANIZED AREA WITH A POPULATION*
7 *LESS THAN 500,000.—In an urbanized area with a*
8 *population of less than 500,000 individuals, the State,*
9 *in consultation with the representative metropolitan*
10 *planning organization, may designate a public road*
11 *within the borders of that area of the State as a crit-*
12 *ical urban freight corridor.*

13 “(3) *REQUIREMENTS FOR DESIGNATION.—A des-*
14 *ignation may be made under paragraphs (1) or (2)*
15 *if the public road—*

16 “(A) *is in an urbanized area, regardless of*
17 *population; and*

18 “(B)(i) *connects an intermodal facility to—*

19 “(I) *the primary highway freight net-*
20 *work;*

21 “(II) *the Interstate System; or*

22 “(III) *an intermodal freight facility;*

23 “(ii) *is located within a corridor of a route*
24 *on the primary highway freight network and*

1 *provides an alternative highway option impor-*
2 *tant to goods movement;*

3 *“(iii) serves a major freight generator, logis-*
4 *tic center, or manufacturing and warehouse in-*
5 *dustrial land; or*

6 *“(iv) is important to the movement of*
7 *freight within the region, as determined by the*
8 *metropolitan planning organization or the State.*

9 *“(g) DESIGNATION AND CERTIFICATION.—*

10 *“(1) DESIGNATION.—States and metropolitan*
11 *planning organizations may designate corridors*
12 *under subsections (e) and (f) and submit the des-*
13 *ignated corridors to the Administrator on a rolling*
14 *basis.*

15 *“(2) CERTIFICATION.—Each State or metropoli-*
16 *tan planning organization that designates a corridor*
17 *under subsection (e) or (f) shall certify to the Admin-*
18 *istrator that the designated corridor meets the re-*
19 *quirements of the applicable subsection.*

20 *“(h) HIGHWAY FREIGHT TRANSPORTATION CONDI-*
21 *TIONS AND PERFORMANCE REPORTS.—Not later than 2*
22 *years after the date of enactment of the DRIVE Act and*
23 *biennially thereafter, the Administrator shall prepare and*
24 *submit to Congress a report that describes the conditions*

1 *and performance of the national highway freight network*
2 *in the United States.*

3 “(i) *USE OF APPORTIONED FUNDS.*—

4 “(1) *IN GENERAL.*—*A State shall obligate funds*
5 *apportioned to the State under section 104(b)(5) to*
6 *improve the movement of freight on the national high-*
7 *way freight network.*

8 “(2) *FORMULA.*—*The Administrator shall cal-*
9 *culate for each State the proportion that—*

10 “(A) *the total mileage in the State des-*
11 *ignated as part of the primary highway freight*
12 *system; bears to*

13 “(B) *the total mileage of the primary high-*
14 *way freight system in all States.*

15 “(3) *USE OF FUNDS.*—

16 “(A) *STATES WITH HIGH PRIMARY HIGH-*
17 *WAY FREIGHT SYSTEM MILEAGE.*—*If the propor-*
18 *tion of a State under paragraph (2) is greater*
19 *than or equal to 3 percent, the State may obli-*
20 *gate funds apportioned to the State under section*
21 *104(b)(5) for projects on—*

22 “(i) *the primary highway freight sys-*
23 *tem;*

24 “(ii) *critical rural freight corridors;*

25 *and*

1 “(iii) *critical urban freight corridors.*

2 “(B) *STATES WITH LOW PRIMARY HIGHWAY*
3 *FREIGHT SYSTEM MILEAGE.—If the proportion of*
4 *a State under paragraph (2) is less than 3 per-*
5 *cent, the State may obligate funds apportioned*
6 *to the State under section 104(b)(5) for projects*
7 *on any component of the national highway*
8 *freight network.*

9 “(4) *FREIGHT PLANNING.—Notwithstanding any*
10 *other provision of law, effective beginning 2 years*
11 *after the date of enactment of the DRIVE Act, a State*
12 *may not obligate funds apportioned to the State*
13 *under section 104(b)(5) unless the State has—*

14 “(A) *established a freight advisory com-*
15 *mittee in accordance with section 5405 of title*
16 *49; and*

17 “(B) *developed a freight plan in accordance*
18 *with section 5406 of title 49, except that the*
19 *multimodal component of the plan may be in-*
20 *complete before an obligation may be made*
21 *under this section.*

22 “(5) *ELIGIBILITY.—*

23 “(A) *IN GENERAL.—Except as provided in*
24 *this subsection, for a project to be eligible for*
25 *funding under this section the project shall—*

1 “(i) contribute to the efficient move-
2 ment of freight on the national highway
3 freight network; and

4 “(ii) be consistent with a freight in-
5 vestment plan included in a freight plan of
6 the State that is in effect.

7 “(B) *OTHER PROJECTS.*—A State may obli-
8 gate not more than 10 percent of the total appor-
9 tionment of the State under section 104(b)(5) for
10 projects—

11 “(i) within the boundaries of public
12 and private freight rail, water facilities (in-
13 cluding ports), and intermodal facilities;
14 and

15 “(ii) that provide surface transpor-
16 tation infrastructure necessary to facilitate
17 direct intermodal interchange, transfer, and
18 access into and out of the facility.

19 “(C) *ELIGIBLE PROJECTS.*—Funds appor-
20 tioned to the State under section 104(b)(5) for
21 the national highway freight program may be
22 obligated to carry out 1 or more of the following:

23 “(i) Development phase activities, in-
24 cluding planning, feasibility analysis, rev-
25 enue forecasting, environmental review, pre-

1 *liminary engineering and design work, and*
2 *other preconstruction activities.*

3 “(ii) *Construction, reconstruction, re-*
4 *habilitation, acquisition of real property*
5 *(including land relating to the project and*
6 *improvements to land), construction contin-*
7 *gencies, acquisition of equipment, and oper-*
8 *ational improvements directly relating to*
9 *improving system performance.*

10 “(iii) *Intelligent transportation sys-*
11 *tems and other technology to improve the*
12 *flow of freight, including intelligent freight*
13 *transportation systems.*

14 “(iv) *Efforts to reduce the environ-*
15 *mental impacts of freight movement.*

16 “(v) *Environmental and community*
17 *mitigation of freight movement.*

18 “(vi) *Railway-highway grade separa-*
19 *tion.*

20 “(vii) *Geometric improvements to*
21 *interchanges and ramps.*

22 “(viii) *Truck-only lanes.*

23 “(ix) *Climbing and runaway truck*
24 *lanes.*

25 “(x) *Adding or widening of shoulders.*

1 “(xi) *Truck parking facilities eligible*
2 *for funding under section 1401 of MAP-21*
3 *(23 U.S.C. 137 note; Public Law 112-141).*

4 “(xii) *Real-time traffic, truck parking,*
5 *roadway condition, and multimodal trans-*
6 *portation information systems.*

7 “(xiii) *Electronic screening and*
8 *credentialing systems for vehicles, including*
9 *weigh-in-motion truck inspection tech-*
10 *nologies.*

11 “(xiv) *Traffic signal optimization, in-*
12 *cluding synchronized and adaptive signals.*

13 “(xv) *Work zone management and in-*
14 *formation systems.*

15 “(xvi) *Highway ramp metering.*

16 “(xvii) *Electronic cargo and border se-*
17 *curity technologies that improve truck*
18 *freight movement.*

19 “(xviii) *Intelligent transportation sys-*
20 *tems that would increase truck freight effi-*
21 *ciencies inside the boundaries of intermodal*
22 *facilities.*

23 “(xix) *Additional road capacity to ad-*
24 *dress highway freight bottlenecks.*

1 “(xx) A highway project, other than a
2 project described in clauses (i) through
3 (xix), to improve the flow of freight on the
4 national highway freight network.

5 “(xvi) Any other surface transpor-
6 tation project to improve the flow of freight
7 into and out of a facility described in sub-
8 paragraph (B).

9 “(6) OTHER ELIGIBLE COSTS.—In addition to
10 the eligible projects identified in paragraph (5), a
11 State may use funds apportioned under section
12 104(b)(5) for—

13 “(A) carrying out diesel retrofit or alter-
14 native fuel projects under section 149 for class 8
15 vehicles; and

16 “(B) the necessary costs of—

17 “(i) conducting analyses and data col-
18 lection related to the national highway
19 freight program;

20 “(ii) developing and updating perform-
21 ance targets to carry out this section; and

22 “(iii) reporting to the Administrator to
23 comply with section 150.

24 “(7) APPLICABILITY OF PLANNING REQUIRE-
25 MENTS.—Programming and expenditure of funds for

1 *projects under this section shall be consistent with the*
2 *requirements of sections 134 and 135.*

3 “(j) *STATE PERFORMANCE TARGETS.*—*If the Adminis-*
4 *trator determines that a State has not met or made signifi-*
5 *cant progress toward meeting the performance targets re-*
6 *lated to freight movement of the State established under sec-*
7 *tion 150(d) by the date that is 2 years after the date of*
8 *the establishment of the performance targets, until the date*
9 *on which the Administrator determines that the State has*
10 *met or has made significant progress towards meeting the*
11 *performance targets, the State shall submit to the Adminis-*
12 *trator, on a biennial basis, a freight performance improve-*
13 *ment plan that includes—*

14 “(1) *an identification of significant freight sys-*
15 *tem trends, needs, and issues within the State;*

16 “(2) *a description of the freight policies and*
17 *strategies that will guide the freight-related transpor-*
18 *tation investments of the State;*

19 “(3) *an inventory of freight bottlenecks within*
20 *the State and a description of the ways in which the*
21 *State is allocating the national highway freight pro-*
22 *gram funds to improve those bottlenecks; and*

23 “(4) *a description of the actions the State will*
24 *undertake to meet the performance targets of the*
25 *State.*

1 “(k) *STUDY OF MULTIMODAL PROJECTS.*—Not later
2 than 2 years after the date of enactment of the *DRIVE Act*,
3 the Administrator shall submit to Congress a report that
4 contains—

5 “(1) a study of freight projects identified in
6 State freight plans under section 5406 of title 49; and

7 “(2) an evaluation of multimodal freight projects
8 included in the State freight plans, or otherwise iden-
9 tified by States, that are subject to the limitation of
10 funding for such projects under this section.

11 “(l) *STATE FREIGHT ADVISORY COMMITTEES.*—A
12 State freight advisory committee shall be carried out as de-
13 scribed in section 5405 of title 49.

14 “(m) *STATE FREIGHT PLANS.*—A State freight plan
15 shall be carried out as described in section 5406 of title 49.

16 “(n) *INTELLIGENT FREIGHT TRANSPORTATION SYS-*
17 *TEM.*—

18 “(1) *DEFINITION OF INTELLIGENT FREIGHT*
19 *TRANSPORTATION SYSTEM.*—In this section, the term
20 ‘intelligent freight transportation system’ means—

21 “(A) an innovative or intelligent techno-
22 logical transportation system, infrastructure, or
23 facilities, including electronic roads, driverless
24 trucks, elevated freight transportation facilities,

1 *and other intelligent freight transportation sys-*
2 *tems; and*

3 “(B) *a communications or information*
4 *processing system used singly or in combination*
5 *for dedicated intelligent freight lanes and con-*
6 *veyances that improve the efficiency, security, or*
7 *safety of freight on the Federal-aid highway sys-*
8 *tem or that operate to convey freight or improve*
9 *existing freight movements.*

10 “(2) *LOCATION.—An intelligent freight transpor-*
11 *tation system shall be located—*

12 “(A)(i) *along existing Federal-aid high-*
13 *ways; or*

14 “(i) *in a manner that connects ports-of-*
15 *entry to existing Federal-aid highways; and*

16 “(B) *in proximity to, or within, an existing*
17 *right-of-way on a Federal-aid highway.*

18 “(3) *OPERATING STANDARDS.—The Adminis-*
19 *trator of the Federal Highway Administration shall*
20 *determine the need for establishing operating stand-*
21 *ards for intelligent freight transportation systems.*

22 “(o) *TREATMENT OF FREIGHT PROJECTS.—Notwith-*
23 *standing any other provision of law, a freight project car-*
24 *ried out under this section shall be treated as if the project*
25 *were on a Federal-aid highway.”.*

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *The analysis for chapter 1 of title 23, United*
 3 *States Code, is amended by adding at the end the fol-*
 4 *lowing:*

“167. National highway freight program.”

5 (2) *Sections 1116, 1117, and 1118 of MAP-21*
 6 *(23 U.S.C. 167 note; Public Law 112-141) are re-*
 7 *pealed.*

8 **TITLE XLIV—GRANTS**

9 **SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.**

10 (a) *IN GENERAL.*—*The purpose of the grants described*
 11 *in the amendments made by section 44002 is to assist in*
 12 *funding critical high-cost transportation infrastructure*
 13 *projects that—*

14 (1) *are difficult to complete with existing Fed-*
 15 *eral, State, local, and private funds; and*

16 (2) *will achieve 1 or more of—*

17 (A) *generation of national or regional eco-*
 18 *nomic benefits and an increase in the global eco-*
 19 *nomic competitiveness of the United States;*

20 (B) *reduction of congestion and the impacts*
 21 *of congestion;*

22 (C) *improvement of facilities vital to agri-*
 23 *culture, manufacturing, or national energy secu-*
 24 *rity;*

1 (D) *improvement of the efficiency, reli-*
2 *ability, and affordability of the movement of*
3 *freight;*

4 (E) *improvement of transportation safety;*

5 (F) *improvement of existing and designated*
6 *future Interstate System routes; or*

7 (G) *improvement of the movement of people*
8 *through improving rural connectivity and metro-*
9 *politan accessibility.*

10 (b) *DEFINITIONS.—In this section and for purposes of*
11 *the grant programs established under the amendments made*
12 *by section 44002:*

13 (1) *ELIGIBLE APPLICANT.—The term “eligible*
14 *applicant” means—*

15 (A) *a State (or a group of States);*

16 (B) *a local government (or a group of local*
17 *governments);*

18 (C) *a tribal government (or a consortium of*
19 *tribal governments);*

20 (D) *a transit agency (or a group of transit*
21 *agencies);*

22 (E) *a special purpose district or a public*
23 *authority with a transportation function;*

24 (F) *a port authority (or a group of port au-*
25 *thorities);*

1 (G) a political subdivision of a State or
2 local government;

3 (H) a Federal land management agency,
4 jointly with the applicable State; or

5 (I) a multistate or multijurisdictional
6 group of entities described in subparagraphs (A)
7 through (H).

8 (2) *RURAL AREA.*—The term “rural area” means
9 an area that is outside of an urbanized area with a
10 population greater than 150,000 individuals, as de-
11 termined by the Bureau of the Census.

12 (3) *RURAL STATE.*—The term “rural State”
13 means a State that has a population density of 80 or
14 fewer persons per square mile, based on the most re-
15 cent decennial census.

16 (c) *APPLICATIONS.*—

17 (1) *IN GENERAL.*—An eligible applicant shall
18 submit to the Secretary or the Federal Highway Ad-
19 ministrator (referred to in this section as the “Ad-
20 ministrator”), as appropriate, an application in such
21 form and containing such information as the Sec-
22 retary or Administrator, as appropriate, determines
23 necessary, including the total amount of the grant re-
24 quested.

1 (2) *CONTENTS.*—*Each application submitted*
2 *under this paragraph shall include data on the most*
3 *recent system performance, to the extent practicable,*
4 *and estimated system improvements that will result*
5 *from completion of the eligible project, including pro-*
6 *jections for improvements 5 and 10 years after com-*
7 *pletion of the project.*

8 (3) *RESUBMISSION OF APPLICATIONS.*—*An eligi-*
9 *ble applicant whose project is not selected may resub-*
10 *mit an application in a subsequent solicitation with*
11 *an addendum indicating changes to the project appli-*
12 *cation.*

13 (d) *ACCOUNTABILITY MEASURES.*—*The Secretary and*
14 *the Administrator shall establish accountability measures*
15 *for the management of the grants described in this section—*

16 (1) *to establish clear procedures for addressing*
17 *late-arriving applications;*

18 (2) *to publicly communicate decisions to accept*
19 *or reject applications; and*

20 (3) *to document major decisions in the applica-*
21 *tion evaluation and project selection process through*
22 *a decision memorandum or similar mechanism that*
23 *provides a clear rationale for decisions.*

24 (e) *GEOGRAPHIC DISTRIBUTION.*—*In awarding*
25 *grants, the Secretary or Administrator, as appropriate,*

1 *shall take measures to ensure, to the maximum extent prac-*
2 *ticable—*

3 (1) *an equitable geographic distribution of*
4 *amounts; and*

5 (2) *an appropriate balance in addressing the*
6 *needs of rural and urban communities.*

7 (f) *REPORTS.—*

8 (1) *IN GENERAL.—The Secretary or the Admin-*
9 *istrator, as appropriate, shall make available on the*
10 *website of the Department at the end of each fiscal*
11 *year an annual report that lists each project for*
12 *which a grant has been provided under this section*
13 *during that fiscal year.*

14 (2) *COMPTROLLER GENERAL.—*

15 (A) *ASSESSMENT.—The Comptroller Gen-*
16 *eral of the United States shall conduct an assess-*
17 *ment of the administrative establishment, solici-*
18 *tation, selection, and justification process with*
19 *respect to the funding of grants described in this*
20 *title.*

21 (B) *REPORT.—Not later than 1 year after*
22 *the initial awarding of grants described in this*
23 *section, the Comptroller General of the United*
24 *States shall submit to the Committee on Envi-*
25 *ronment and Public Works of the Senate, the*

1 *Committee on Commerce, Science, and Transpor-*
2 *tation of the Senate, and the Committee on*
3 *Transportation and Infrastructure of the House*
4 *of Representatives a report that describes—*

5 *(i) the adequacy and fairness of the*
6 *process by which each project was selected,*
7 *if applicable;*

8 *(ii) the justification and criteria used*
9 *for the selection of each project, if applica-*
10 *ble.*

11 **SEC. 44002. GRANTS.**

12 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
13 *Code, is amended by adding at the end the following:*

14 **“§ 171. Assistance for major projects program**

15 *“(a) PURPOSE OF PROGRAM.—The purpose of the as-*
16 *sistance for major projects program shall be the purpose de-*
17 *scribed in section 44001 of the DRIVE Act.*

18 *“(b) DEFINITIONS.—In this section—*

19 *“(1) the terms defined in section 44001 of the*
20 *DRIVE Act shall apply; and*

21 *“(2) the following definitions shall apply:*

22 *“(A) ADMINISTRATOR.—The term ‘Adminis-*
23 *trator’ means the Administrator of the Federal*
24 *Highway Administration.*

25 *“(B) ELIGIBLE PROJECT.—*

1 “(i) *IN GENERAL.*—*The term ‘eligible*
2 *project’ means a surface transportation*
3 *project, or a program of integrated surface*
4 *transportation projects closely related in the*
5 *function the projects perform, that—*

6 “(I) *is a capital project that is el-*
7 *igible for Federal financial assistance*
8 *under—*

9 “(aa) *this title; or*

10 “(bb) *chapter 53 of title 49;*

11 *and*

12 “(II) *except as provided in clause*
13 *(ii), has eligible project costs that are*
14 *reasonably anticipated to equal or ex-*
15 *ceed the lesser of—*

16 “(aa) *\$350,000,000; and*

17 “(bb)(AA) *for a project lo-*
18 *cated in a single State, 25 percent*
19 *of the amount of Federal-aid high-*
20 *way funds apportioned to the*
21 *State for the most recently com-*
22 *pleted fiscal year;*

23 “(BB) *for a project located*
24 *in a single rural State with a*
25 *population density of 80 or fewer*

1 *persons per square mile based on*
2 *the most recent decennial census,*
3 *10 percent of the amount of Fed-*
4 *eral-aid highway funds appor-*
5 *tioned to the State for the most re-*
6 *cently completed fiscal year; or*

7 *“(CC) for a project located in*
8 *more than 1 State, 75 percent of*
9 *the amount of Federal-aid high-*
10 *way funds apportioned to the par-*
11 *ticipating State that has the larg-*
12 *est apportionment for the most re-*
13 *cently completed fiscal year.*

14 *“(ii) FEDERAL LAND TRANSPORTATION*
15 *FACILITY.—In the case of a Federal land*
16 *transportation facility, the term ‘eligible*
17 *project’ means a Federal land transpor-*
18 *tation facility that has eligible project costs*
19 *that are reasonably anticipated to equal or*
20 *exceed \$150,000,000.*

21 *“(C) ELIGIBLE PROJECT COSTS.—The term*
22 *‘eligible project costs’ means the costs of—*

23 *“(i) development phase activities, in-*
24 *cluding planning, feasibility analysis, rev-*
25 *enue forecasting, environmental review, pre-*

1 *liminary engineering and design work, and*
2 *other preconstruction activities; and*

3 “(ii) *construction, reconstruction, reha-*
4 *bilitation, and acquisition of real property*
5 *(including land related to the project and*
6 *improvements to land), environmental miti-*
7 *gation, construction contingencies, acquisi-*
8 *tion of equipment directly related to im-*
9 *proving system performance, and oper-*
10 *ational improvements.*

11 “(c) *ESTABLISHMENT OF PROGRAM.—The Adminis-*
12 *trator shall establish a program in accordance with this sec-*
13 *tion to provide grants for projects that will have a signifi-*
14 *cant impact on a region or the Nation.*

15 “(d) *SOLICITATIONS AND APPLICATIONS.—*

16 “(1) *GRANT SOLICITATIONS.—The Administrator*
17 *shall conduct a transparent and competitive national*
18 *solicitation process to review eligible projects for fund-*
19 *ing under this section.*

20 “(2) *APPLICATIONS.—An eligible applicant shall*
21 *submit an application to the Administrator in such*
22 *form as described in and in accordance with section*
23 *44001 of the DRIVE Act.*

24 “(e) *CRITERIA FOR PROJECT EVALUATION AND SELEC-*
25 *TION.—*

1 “(1) *IN GENERAL.*—*The Administrator may se-*
2 *lect a project for funding under this section only if*
3 *the Administrator determines that the project—*

4 “(A) *is consistent with the national goals*
5 *described in section 150(b);*

6 “(B) *will significantly improve the perform-*
7 *ance of the national surface transportation net-*
8 *work, nationally or regionally;*

9 “(C) *is based on the results of preliminary*
10 *engineering;*

11 “(D) *is consistent with the long-range state-*
12 *wide transportation plan;*

13 “(E) *cannot be readily and efficiently com-*
14 *pleted without Federal financial assistance;*

15 “(F) *is justified based on the ability of the*
16 *project to achieve 1 or more of—*

17 “(i) *generation of national economic*
18 *benefits that reasonably exceed the costs of*
19 *the project;*

20 “(ii) *reduction of long-term congestion,*
21 *including impacts on a national, regional,*
22 *and statewide basis;*

23 “(iii) *an increase in the speed, reli-*
24 *ability, and accessibility of the movement of*
25 *people or freight; or*

1 “(iv) improvement of transportation
2 safety, including reducing transportation
3 accident and serious injuries and fatalities;
4 and

5 “(G) is supported by a sufficient amount of
6 non-Federal funding, including evidence of stable
7 and dependable financing to construct, main-
8 tain, and operate the infrastructure facility.

9 “(2) *ADDITIONAL CONSIDERATIONS.*—*In evalu-*
10 *ating a project under this section, in addition to the*
11 *criteria described in paragraph (1), the Adminis-*
12 *trator shall consider the extent to which the project—*

13 “(A) leverages Federal investment by en-
14 couraging non-Federal contributions to the
15 project, including contributions from public-pri-
16 vate partnerships;

17 “(B) is able to begin construction by the
18 date that is not later than 18 months after the
19 date on which the project is selected;

20 “(C) incorporates innovative project deliv-
21 ery and financing to the maximum extent prac-
22 ticable;

23 “(D) helps maintain or protect the environ-
24 ment;

1 “(E) improves roadways vital to national
2 energy security;

3 “(F) improves or upgrades designated fu-
4 ture Interstate System routes;

5 “(G) uses innovative technologies, including
6 intelligent transportation systems, that enhance
7 the efficiency of the project;

8 “(H) helps to improve mobility and accessi-
9 bility; and

10 “(I) address the impact of population
11 growth on the movement of people and freight.

12 “(f) GEOGRAPHIC DISTRIBUTION.—In awarding
13 grants under this section, the Administrator shall take
14 measures as described in section 44001 of the DRIVE Act.

15 “(g) FUNDING REQUIREMENTS.—

16 “(1) IN GENERAL.—Except in the case of projects
17 described in paragraph (2), the amount of a grant
18 under this section shall be at least \$50,000,000.

19 “(2) RURAL PROJECTS.—The amounts made
20 available for a fiscal year under this section for eligi-
21 ble projects located in rural areas or in rural States
22 shall not be—

23 “(A) less than 20 percent of the amount
24 made available for the fiscal year under this sec-
25 tion; and

1 “(B) *subject to paragraph (1).*

2 “(3) *LIMITATION OF FUNDS.—Not more than 20*
3 *percent of the funds made available for a fiscal year*
4 *to carry out this section shall be allocated for projects*
5 *eligible under section 167(i)(5)(B) or chapter 53 of*
6 *title 49.*

7 “(4) *STATE CAP.—*

8 “(A) *IN GENERAL.—Not more than 20 per-*
9 *cent of the funds made available for a fiscal year*
10 *to carry out this section may be awarded to*
11 *projects in a single State.*

12 “(B) *EXCEPTION FOR MULTISTATE*
13 *PROJECTS.—For purposes of the limitation de-*
14 *scribed in subparagraph (A), funds awarded for*
15 *a multistate project shall be considered to be dis-*
16 *tributed evenly to each State.*

17 “(5) *TIFIA PROGRAM.—On the request of an eli-*
18 *gible applicant under this section, the Administrator*
19 *may use amounts awarded to the entity to pay sub-*
20 *sidy and administrative costs necessary to provide the*
21 *entity Federal credit assistance under chapter 6 with*
22 *respect to the project for which the grant was award-*
23 *ed.*

24 “(h) *GRANT REQUIREMENTS.—*

1 “(1) *APPLICABILITY OF PLANNING REQUIRE-*
2 *MENTS.—The programming and expenditure of funds*
3 *for projects under this section shall be consistent with*
4 *the requirements of sections 134 and 135.*

5 “(2) *DETERMINATION OF APPLICABLE MODAL*
6 *REQUIREMENTS.—If an eligible project that receives a*
7 *grant under this section has a crossmodal component,*
8 *the Administrator—*

9 “(A) *shall determine the predominant*
10 *modal component of the project; and*

11 “(B) *may apply the applicable require-*
12 *ments of that predominant modal component to*
13 *the project.*

14 “(i) *REPORT TO THE ADMINISTRATOR.—For each*
15 *project funded under this section, the project sponsor shall*
16 *evaluate system performance and submit to the Adminis-*
17 *trator a report not later than 5, 10, and 20 years after*
18 *completion of the project to assess whether the project out-*
19 *comes have met preconstruction projections.*

20 “(j) *ADMINISTRATIVE SELECTION.—The Adminis-*
21 *trator shall award grants to eligible projects in a fiscal year*
22 *based on the criteria described in subsection (e).*

23 “(k) *REPORTS.—*

1 “(1) *IN GENERAL.*—*The Administrator shall pro-*
2 *vide an annual report as described in section 44001*
3 *of the DRIVE Act.*”

4 “(2) *COMPTROLLER GENERAL.*—*The Comptroller*
5 *General of the United States shall conduct an assess-*
6 *ment as described in section 44001 of the DRIVE*
7 *Act.*”.

8 **(b) ASSISTANCE FOR FREIGHT PROJECTS.**—*Chapter*
9 *54 of subtitle III of title 49, United States Code, as amended*
10 *by section 42005, is amended by adding after section 5408*
11 *the following:*

12 **“§ 5409. Assistance for freight projects**

13 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
14 *and implement an assistance for freight projects grant pro-*
15 *gram for capital investments in major freight transpor-*
16 *tation infrastructure projects to improve the movement of*
17 *goods through the transportation network of the United*
18 *States.*”

19 “(b) *CRITERIA FOR PROJECT EVALUATION AND SE-*
20 *LECTION.*—

21 “(1) *IN GENERAL.*—*The Secretary may select a*
22 *project for funding under this section only if the Sec-*
23 *retary determines that the project—*

24 “(A) *is consistent with the goals described*
25 *in section 5402(b);*

1 “(B) will significantly improve the national
2 or regional performance of the freight transpor-
3 tation network;

4 “(C) is based on the results of preliminary
5 engineering;

6 “(D) is consistent with the long-range state-
7 wide transportation plan;

8 “(E) cannot be readily and efficiently com-
9 pleted without Federal financial assistance;

10 “(F) is justified based on the ability of the
11 project—

12 “(i) to generate national economic ben-
13 efits that reasonably exceed the costs of the
14 project;

15 “(ii) to reduce long-term congestion,
16 including impacts on a regional and state-
17 wide basis; or

18 “(iii) to increase the speed, reliability,
19 and accessibility of the movement of freight;
20 and

21 “(G) is supported by a sufficient amount of
22 non-Federal funding, including evidence of stable
23 and dependable financing to construct, main-
24 tain, and operate the infrastructure facility.

1 “(2) *ADDITIONAL CONSIDERATIONS.*—*In evalu-*
2 *ating a project under this section, in addition to the*
3 *criteria described in paragraph (1), the Secretary*
4 *shall consider the extent to which the project—*

5 “(A) *leverages Federal investment by en-*
6 *couraging non-Federal contributions to the*
7 *project, including contributions from public-pri-*
8 *vate partnerships;*

9 “(B) *is able to begin construction by the*
10 *date that is not later than 1 year after the date*
11 *on which the project is selected;*

12 “(C) *incorporates innovative project deliv-*
13 *ery and financing to the maximum extent prac-*
14 *ticable;*

15 “(D) *improves freight facilities vital to ag-*
16 *ricultural or national energy security;*

17 “(E) *improves or upgrades current or des-*
18 *ignated future Interstate System routes;*

19 “(F) *uses innovative technologies, including*
20 *intelligent transportation systems, that enhance*
21 *the efficiency of the project;*

22 “(G) *helps to improve mobility and accessi-*
23 *bility; and*

1 “(H) improves transportation safety, in-
2 cluding reducing transportation accident and se-
3 rious injuries and fatalities.

4 “(c) *ELIGIBLE PROJECTS.*—

5 “(1) *IN GENERAL.*—A project is eligible for a
6 grant under this section if the project—

7 “(A) is difficult to complete with existing
8 Federal, State, local, and private funds;

9 “(B)(i) enhances the economic competitive-
10 ness of the United States; or

11 “(ii) improves the flow of freight or reduces
12 bottlenecks in the freight infrastructure of the
13 United States; and

14 “(C) will advance 1 or more of the following
15 objectives:

16 “(i) Generate regional or national eco-
17 nomic benefits and an increase in the global
18 economic competitiveness of the United
19 States.

20 “(ii) Improve transportation resources
21 vital to agriculture or national energy secu-
22 rity.

23 “(iii) Improve the efficiency, reli-
24 ability, and affordability of the movement
25 of freight.

1 “(iv) *Improve existing freight infra-*
2 *structure projects.*

3 “(v) *Improve the movement of people*
4 *by improving rural and metropolitan*
5 *freight routes.*

6 “(2) *EXAMPLES.—Eligible projects for grant*
7 *funding under this section shall include—*

8 “(A) *a freight intermodal facility, includ-*
9 *ing—*

10 “(i) *an intermodal facility serving a*
11 *seaport;*

12 “(ii) *an intermodal or cargo access fa-*
13 *cility serving an airport;*

14 “(iii) *an intermodal facility serving a*
15 *port on the inland waterways;*

16 “(iv) *a bulk intermodal/transload facil-*
17 *ity; or*

18 “(v) *a highway/rail intermodal facil-*
19 *ity;*

20 “(B) *a highway or bridge project eligible*
21 *under title 23;*

22 “(C) *a public transportation project that re-*
23 *duces congestion on freight corridors and is eligi-*
24 *ble under chapter 53;*

1 “(D) a freight rail transportation project
2 (including rail-grade separations); and

3 “(E) a port infrastructure investment (in-
4 cluding inland port infrastructure).

5 “(d) REQUIREMENTS.—

6 “(1) CONSIDERATIONS.—In selecting projects to
7 receive grant funding under this section, the Secretary
8 shall—

9 “(A) consider—

10 “(i) projected freight volumes; and

11 “(ii) how projects will enhance eco-
12 nomic efficiency, productivity, and competi-
13 tiveness;

14 “(iii) population growth and the im-
15 pact on freight demand; and

16 “(B) give priority to projects dedicated to—

17 “(i) improving freight infrastructure
18 facilities;

19 “(ii) reducing travel time for freight
20 projects;

21 “(iii) reducing freight transportation
22 costs; and

23 “(iv) reducing congestion caused by
24 rapid population growth on freight cor-
25 ridors.

1 “(2) *MULTIMODAL DISTRIBUTION OF FUNDS.*—*In*
2 *distributing funding for grants under this section, the*
3 *Secretary shall take such measures as the Secretary*
4 *determines necessary to ensure the investment in a*
5 *variety of transportation modes.*

6 “(3) *AMOUNT.*—

7 “(A) *IN GENERAL.*—*Except as provided in*
8 *subparagraph (B)(i), a grant under this section*
9 *shall be in an amount that is not less than*
10 *\$10,000,000 and not greater than \$100,000,000.*

11 “(B) *PROJECTS IN RURAL AREAS.*—*If a*
12 *grant awarded under this section is for a project*
13 *located in a rural area—*

14 “(i) *the amount of the grant shall be at*
15 *least \$1,000,000; and*

16 “(ii) *the Secretary may increase the*
17 *Federal share of costs to greater than 80*
18 *percent.*

19 “(4) *FEDERAL SHARE.*—*Except as provided*
20 *under paragraph (3)(B)(ii), the Federal share of the*
21 *costs for a project receiving a grant under this section*
22 *shall be up to 80 percent.*

23 “(5) *PRIORITY.*—*The Secretary shall give pri-*
24 *ority to projects that require a contribution of Federal*

1 *funds in order to complete an overall financing pack-*
2 *age.*

3 “(6) *RURAL AREAS.*—*Not less than 25 percent of*
4 *the funding provided under this section shall be used*
5 *to make grants for projects located in rural areas.*

6 “(7) *NEW COMPETITION.*—*The Secretary shall*
7 *conduct a new competition each fiscal year to select*
8 *the grants and credit assistance awarded under this*
9 *section.*

10 “(e) *CONSULTATION.*—*The Secretary shall consult*
11 *with the Secretary of Energy when considering projects that*
12 *facilitate the movement of energy resources.*

13 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

14 “(1) *IN GENERAL.*—*There is authorized to be ap-*
15 *propriated from the general fund of the Treasury,*
16 *\$200,000,000 for each of fiscal years 2016 through*
17 *2021 to carry out this section.*

18 “(2) *ADMINISTRATIVE AND OVERSIGHT COSTS.*—
19 *The Secretary may retain up to 0.5 percent of the*
20 *amounts appropriated pursuant to paragraph (1)—*

21 “(A) *to administer the assistance for freight*
22 *projects grant program; and*

23 “(B) *to oversee eligible projects funded*
24 *under this section.*

1 “(3) *ADMINISTRATION OF FUNDS.*—Amounts ap-
2 *propriated pursuant to this subsection shall be avail-*
3 *able for obligation until expended.*

4 “(g) *CONGRESSIONAL NOTIFICATION.*—Not later than
5 72 hours before public notification of a grant awarded
6 under this section, the Secretary shall notify the Committee
7 on Commerce, Science, and Transportation of the Senate,
8 the Committee on Environment and Public Works of the
9 Senate, the Committee on Banking, Housing, and Urban
10 Affairs of the Senate, the Committee on Appropriations of
11 the Senate, the Committee on Transportation and Infra-
12 structure of the House of Representatives, and the Com-
13 mittee on Appropriations of the House of Representatives
14 of such award.

15 “(h) *ACCOUNTABILITY MEASURES.*—The Secretary
16 shall provide to Congress documentation of major decisions
17 in the application evaluation and project selection process,
18 which shall include a clear rationale for decisions—

19 “(1) *to advance for senior review applications*
20 *other than those rated as highly recommended;*

21 “(2) *to not advance applications rated as highly*
22 *recommended; and*

23 “(3) *to change the technical evaluation rating of*
24 *an application.”.*

1 (c) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 1 of title 23, United States Code, is amended by*
 3 *adding at the end the following:*

“171. Assistance for major projects program.”.

4 ***DIVISION E—FINANCE***

5 ***SEC. 50001. SHORT TITLE.***

6 *This division may be cited as the “Transportation*
 7 *Funding Act of 2015”.*

8 ***TITLE LI—HIGHWAY TRUST***

9 ***FUND AND RELATED TAXES***

10 ***Subtitle A—Extension of Trust***

11 ***Fund Expenditure Authority and***

12 ***Related Taxes***

13 ***SEC. 51101. EXTENSION OF TRUST FUND EXPENDITURE AU-***

14 ***THORITY.***

15 (a) *HIGHWAY TRUST FUND.*—*Section 9503 of the In-*
 16 *ternal Revenue Code of 1986, as amended by division G,*
 17 *is amended—*

18 (1) *by striking “October 1, 2015” in subsections*
 19 *(b)(6)(B), (c)(1), and (e)(3) and inserting “October 1,*
 20 *2021”, and*

21 (2) *by striking “Surface Transportation Exten-*
 22 *sion Act of 2015” in subsections (c)(1) and (e)(3) and*
 23 *inserting “DRIVE Act”.*

1 **(b) SPORT FISH RESTORATION AND BOATING TRUST**
2 *FUND.*—Section 9504 of the Internal Revenue Code of 1986,
3 as amended by division G is amended—

4 (1) by striking “Surface Transportation Exten-
5 sion Act of 2015” each place it appears in subsection
6 (b)(2) and inserting “DRIVE Act”, and

7 (2) by striking “October 1, 2015” in subsection
8 (d)(2) and inserting “October 1, 2021”.

9 **(c) LEAKING UNDERGROUND STORAGE TANK TRUST**
10 *FUND.*—Paragraph (2) of section 9508(e) of the Internal
11 Revenue Code of 1986, as amended by division G, is amend-
12 ed by striking “October 1, 2015” and inserting “October
13 1, 2021”.

14 **(d) EFFECTIVE DATE.**—The amendments made by this
15 section shall take effect on August 1, 2015.

16 **SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.**

17 **(a) IN GENERAL.**—

18 (1) Each of the following provisions of the Inter-
19 nal Revenue Code of 1986 is amended by striking
20 “September 30, 2016” and inserting “September 30,
21 2023”:

22 (A) Section 4041(a)(1)(C)(iii)(I).

23 (B) Section 4041(m)(1)(B).

24 (C) Section 4081(d)(1).

1 (2) *Each of the following provisions of such Code*
2 *is amended by striking “October 1, 2016” and insert-*
3 *ing “October 1, 2023”:*

4 (A) *Section 4041(m)(1)(A).*

5 (B) *Section 4051(c).*

6 (C) *Section 4071(d).*

7 (D) *Section 4081(d)(3).*

8 (b) *EXTENSION OF TAX, ETC., ON USE OF CERTAIN*
9 *HEAVY VEHICLES.—Each of the following provisions of the*
10 *Internal Revenue Code of 1986 is amended by striking*
11 *“2017” each place it appears and inserting “2024”:*

12 (1) *Section 4481(f).*

13 (2) *Subsections (c)(4) and (d) of section 4482.*

14 (c) *FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of*
15 *the Internal Revenue Code of 1986 is amended—*

16 (1) *by striking “October 1, 2016” each place it*
17 *appears and inserting “October 1, 2023”,*

18 (2) *by striking “March 31, 2017” each place it*
19 *appears and inserting “March 31, 2024”, and*

20 (3) *by striking “January 1, 2017” and inserting*
21 *“January 1, 2024”.*

22 (d) *EXTENSION OF CERTAIN EXEMPTIONS.—*

23 (1) *Section 4221(a) of the Internal Revenue Code*
24 *of 1986 is amended by striking “October 1, 2016” and*
25 *inserting “October 1, 2023”.*

1 (2) *Section 4483(i) of such Code is amended by*
2 *striking “October 1, 2017” and inserting “October 1,*
3 *2024”.*

4 *(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—*

5 (1) *IN GENERAL.—Section 9503 of the Internal*
6 *Revenue Code of 1986 is amended—*

7 (A) *in subsection (b)—*

8 (i) *by striking “October 1, 2016” each*
9 *place it appears in paragraphs (1) and (2)*
10 *and inserting “October 1, 2023”,*

11 (ii) *by striking “OCTOBER 1, 2016” in*
12 *the heading of paragraph (2) and inserting*
13 *“OCTOBER 1, 2023”,*

14 (iii) *by striking “September 30, 2016”*
15 *in paragraph (2) and inserting “September*
16 *30, 2023”, and*

17 (iv) *by striking “July 1, 2017” in*
18 *paragraph (2) and inserting “July 1,*
19 *2024”, and*

20 (B) *in subsection (c)(2), by striking “July*
21 *1, 2017” and inserting “July 1, 2024”.*

22 (2) *MOTORBOAT AND SMALL-ENGINE FUEL TAX*
23 *TRANSFERS.—*

24 (A) *IN GENERAL.—Paragraphs (3)(A)(i)*
25 *and (4)(A) of section 9503(c) of such Code are*

1 each amended by striking “October 1, 2016” and
2 inserting “October 1, 2023”.

3 (B) *CONFORMING AMENDMENTS TO LAND*
4 *AND WATER CONSERVATION FUND.*—Section
5 200310 of title 54, United States Code, is
6 amended—

7 (i) by striking “October 1, 2017” each
8 place it appears and inserting “October 1,
9 2024”, and

10 (ii) by striking “October 1, 2016” and
11 inserting “October 1, 2023”.

12 (f) *EFFECTIVE DATE.*—The amendments made by this
13 section shall take effect on October 1, 2016.

14 ***Subtitle B—Additional Transfers to***
15 ***Highway Trust Fund***

16 ***SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST***
17 ***FUND.***

18 Subsection (f) of section 9503 of the Internal Revenue
19 Code of 1986 is amended by redesignating paragraph (7)
20 as paragraph (9) and by inserting after paragraph (6) the
21 following new paragraphs:

22 “(7) *FURTHER TRANSFERS TO TRUST FUND.*—
23 Out of money in the Treasury not otherwise appro-
24 priated, there is hereby appropriated—

1 “(A) \$34,401,000,000 to the Highway Ac-
2 count (as defined in subsection (e)(5)(B)) in the
3 Highway Trust Fund; and

4 “(B) \$11,214,000,000 to the Mass Transit
5 Account in the Highway Trust Fund.

6 “(8) *ADDITIONAL INCREASE IN FUND BAL-*
7 *ANCE.—There is hereby transferred to the Highway*
8 *Account (as defined in subsection (e)(5)(B)) in the*
9 *Highway Trust Fund amounts appropriated from the*
10 *Leaking Underground Storage Tank Trust Fund*
11 *under section 9508(c)(4).”.*

12 **SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CER-**
13 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

14 (a) *IN GENERAL.—Paragraph (5) of section 9503(b)*
15 *of the Internal Revenue Code of 1986 is amended—*

16 (1) *by striking “There are hereby” and inserting*
17 *the following:*

18 “(A) *IN GENERAL.—There are hereby”, and*

19 (2) *by adding at the end the following new para-*
20 *graph:*

21 “(B) *PENALTIES RELATED TO MOTOR VEHI-*
22 *CLE SAFETY.—*

23 “(i) *IN GENERAL.—There are hereby*
24 *appropriated to the Highway Trust Fund*

1 *amounts equivalent to covered motor vehicle*
2 *safety penalty collections.*

3 “(ii) *COVERED MOTOR VEHICLE SAFE-*
4 *TY PENALTY COLLECTIONS.—For purposes*
5 *of this subparagraph, the term ‘covered*
6 *motor vehicle safety penalty collections’*
7 *means any amount collected in connection*
8 *with a civil penalty under section 30165 of*
9 *title 49, United States Code, reduced by any*
10 *award authorized by the Secretary of*
11 *Transportation to be paid to any person in*
12 *connection with information provided by*
13 *such person related to a violation of chapter*
14 *301 of such title which is a predicate to*
15 *such civil penalty.”.*

16 *(b) EFFECTIVE DATE.—The amendments made by this*
17 *section shall apply to amounts collected after the date of*
18 *the enactment of this Act.*

19 **SEC. 51203. APPROPRIATION FROM LEAKING UNDER-**
20 **GROUND STORAGE TANK TRUST FUND.**

21 *(a) IN GENERAL.—Subsection (c) of section 9508 of*
22 *the Internal Revenue Code of 1986 is amended by adding*
23 *at the end the following new paragraph:*

24 “(4) *ADDITIONAL TRANSFER TO HIGHWAY TRUST*
25 *FUND.—Out of amounts in the Leaking Underground*

1 *Storage Tank Trust Fund there is hereby appro-*
 2 *priated—*

3 “(A) on the date of the enactment of the
 4 *DRIVE Act, \$100,000,000,*

5 “(B) on October 1, 2016, \$100,000,000, and

6 “(C) on October 1, 2017, \$100,000,000,

7 *to be transferred under section 9503(f)(8) to the High-*
 8 *way Account (as defined in section 9503(e)(5)(B)) in*
 9 *the Highway Trust Fund.”.*

10 (b) *CONFORMING AMENDMENT.—Section 9508(c)(1) of*
 11 *the Internal Revenue Code of 1986 is amended by striking*
 12 *“paragraphs (2) and (3)” and inserting “paragraphs (2),*
 13 *(3), and (4)”.*

14 **TITLE LII—OFFSETS**

15 **Subtitle A—Tax Provisions**

16 **SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ES-**
 17 **TATE AND PERSON ACQUIRING PROPERTY**
 18 **FROM DECEDENT.**

19 (a) *PROPERTY ACQUIRED FROM A DECEDENT.—*

20 (1) *IN GENERAL.—Section 1014 of the Internal*
 21 *Revenue Code of 1986 is amended by adding at the*
 22 *end the following new subsection:*

23 “(f) *BASIS MUST BE CONSISTENT WITH ESTATE TAX*
 24 *VALUE.—*

1 “(1) *IN GENERAL.*—*The basis under subsection*
2 *(a) of any property shall not exceed—*

3 “*(A) in the case of property the value of*
4 *which has been finally determined for purposes*
5 *of the tax imposed by chapter 11 on the estate*
6 *of such decedent, such value, and*

7 “*(B) in the case of property not described*
8 *in subparagraph (A) and with respect to which*
9 *a statement has been furnished under section*
10 *6035(a) identifying the value of such property,*
11 *such value.*

12 “(2) *DETERMINATION.*—*For purposes of para-*
13 *graph (1), the value of property has been finally de-*
14 *termined for purposes of the tax imposed by chapter*
15 *11 if—*

16 “*(A) the value of such property is shown on*
17 *a return under section 6018 and such value is*
18 *not contested by the Secretary before the expira-*
19 *tion of the time for assessing a tax under chapter*
20 *11,*

21 “*(B) in a case not described in subpara-*
22 *graph (A), the value is specified by the Secretary*
23 *and such value is not timely contested by the ex-*
24 *ecutor of the estate, or*

1 *property as reported on such return and such other*
2 *information with respect to such interest as the Sec-*
3 *retary may prescribe.*

4 “(2) *STATEMENTS BY BENEFICIARIES.*—*Each*
5 *person required to file a return under section 6018(b)*
6 *shall furnish to the Secretary and to each other per-*
7 *son who holds a legal or beneficial interest in the*
8 *property to which such return relates a statement*
9 *identifying the information described in paragraph*
10 *(1).*

11 “(3) *TIME FOR FURNISHING STATEMENT.*—

12 “(A) *IN GENERAL.*—*Each statement re-*
13 *quired to be furnished under paragraph (1) or*
14 *(2) shall be furnished at such time as the Sec-*
15 *retary may prescribe, but in no case at a time*
16 *later than the earlier of—*

17 “(i) *the date which is 30 days after the*
18 *date on which the return under section 6018*
19 *was required to be filed (including exten-*
20 *sions, if any), or*

21 “(ii) *the date which is 30 days after*
22 *the date such return is filed.*

23 “(B) *ADJUSTMENTS.*—*In any case in which*
24 *there is an adjustment to the information re-*
25 *quired to be included on a statement filed under*

1 *paragraph (1) or (2) after such statement has*
2 *been filed, a supplemental statement under such*
3 *paragraph shall be filed not later than the date*
4 *which is 30 days after such adjustment is made.*

5 “(b) *REGULATIONS.*—*The Secretary shall prescribe*
6 *such regulations as necessary to carry out this section, in-*
7 *cluding regulations relating to—*

8 “(1) *the extension of this section to property of*
9 *estates not required to file an estate tax return, and*

10 “(2) *situations in which the surviving joint ten-*
11 *ant or other recipient may have better information*
12 *than the executor regarding the basis or fair market*
13 *value of the property.”.*

14 (2) *PENALTY FOR FAILURE TO FILE.*—

15 (A) *RETURN.*—*Section 6724(d)(1) of such*
16 *Code is amended by striking “and” at the end of*
17 *subparagraph (B), by striking the period at the*
18 *end of subparagraph (C) and inserting “, and”,*
19 *and by adding at the end the following new sub-*
20 *paragraph:*

21 “(D) *any statement required to be filed with*
22 *the Secretary under section 6035.”.*

23 (B) *STATEMENT.*—*Section 6724(d)(2) of*
24 *such Code is amended by striking “or” at the*
25 *end of subparagraph (GG), by striking the pe-*

1 riod at the end of subparagraph (HH) and in-
2 serting “, or”, and by adding at the end the fol-
3 lowing new subparagraph:

4 “(II) section 6035 (other than a
5 statement described in paragraph
6 (1)(D)).”.

7 (3) *CLERICAL AMENDMENT.*—The table of sec-
8 tions for subpart A of part III of subchapter A of
9 chapter 61 of such Code is amended by inserting after
10 the item relating to section 6034A the following new
11 item:

12 **“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING**
13 **PROPERTY FROM DECEDENT.”.**

14 (4) *EFFECTIVE DATE.*—The amendments made
15 by this subsection shall take effect on the date of the
16 enactment of this Act.

17 (c) *PENALTY FOR INCONSISTENT REPORTING.*—

18 (1) *IN GENERAL.*—Subsection (b) of section 6662
19 of the Internal Revenue Code of 1986 is amended by
20 inserting after paragraph (7) the following new para-
21 graph:

22 “(8) Any inconsistent estate basis.”.

23 (2) *INCONSISTENT BASIS REPORTING.*—Section
24 6662 of such Code is amended by adding at the end
25 the following new subsection:

1 “(k) *INCONSISTENT ESTATE BASIS REPORTING.*—For
2 purposes of this section, there is an ‘inconsistent estate
3 basis’ if the basis of property (determined without regard
4 to adjustments to basis during the period the property was
5 held by the taxpayer) claimed on a return exceeds the basis
6 as determined under section 1014(f).”.

7 (3) *EFFECTIVE DATE.*—The amendments made
8 by this subsection shall apply to returns filed after the
9 date of the enactment of this Act.

10 **SEC. 52102. REVOCATION OR DENIAL OF PASSPORT IN CASE**
11 **OF CERTAIN UNPAID TAXES.**

12 (a) *IN GENERAL.*—Subchapter D of chapter 75 of the
13 Internal Revenue Code of 1986 is amended by adding at
14 the end the following new section:

15 **“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE**
16 **OF CERTAIN TAX DELINQUENCIES.**

17 “(a) *IN GENERAL.*—If the Secretary receives certifi-
18 cation by the Commissioner of Internal Revenue that any
19 individual has a seriously delinquent tax debt in an
20 amount in excess of \$50,000, the Secretary shall transmit
21 such certification to the Secretary of State for action with
22 respect to denial, revocation, or limitation of a passport
23 pursuant to section 52102(d) of the Transportation Fund-
24 ing Act of 2015.

1 “(b) *SERIOUSLY DELINQUENT TAX DEBT.*—For pur-
2 poses of this section, the term ‘seriously delinquent tax debt’
3 means an outstanding debt under this title for which a no-
4 tice of lien has been filed in public records pursuant to sec-
5 tion 6323 or a notice of levy has been filed pursuant to
6 section 6331, except that such term does not include—

7 “(1) a debt that is being paid in a timely man-
8 ner pursuant to an agreement under section 6159 or
9 7122, and

10 “(2) a debt with respect to which collection is
11 suspended because a collection due process hearing
12 under section 6330, or relief under subsection (b), (c),
13 or (f) of section 6015, is requested or pending.

14 “(c) *ADJUSTMENT FOR INFLATION.*—In the case of a
15 calendar year beginning after 2016, the dollar amount in
16 subsection (a) shall be increased by an amount equal to—

17 “(1) such dollar amount, multiplied by

18 “(2) the cost-of-living adjustment determined
19 under section 1(f)(3) for the calendar year, deter-
20 mined by substituting ‘calendar year 2015’ for ‘cal-
21 endar year 1992’ in subparagraph (B) thereof.

22 If any amount as adjusted under the preceding sentence is
23 not a multiple of \$1,000, such amount shall be rounded to
24 the next highest multiple of \$1,000.”.

1 **(b) CLERICAL AMENDMENT.**—*The table of sections for*
 2 *subchapter D of chapter 75 of the Internal Revenue Code*
 3 *of 1986 is amended by adding at the end the following new*
 4 *item:*

“Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.”.

5 **(c) AUTHORITY FOR INFORMATION SHARING.**—

6 **(1) IN GENERAL.**—*Subsection (l) of section 6103*
 7 *of the Internal Revenue Code of 1986 is amended by*
 8 *adding at the end the following new paragraph:*

9 “**(23) DISCLOSURE OF RETURN INFORMATION TO**
 10 **DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT**
 11 **REVOCAION UNDER SECTION 7345.**—

12 “(A) **IN GENERAL.**—*The Secretary shall,*
 13 *upon receiving a certification described in sec-*
 14 *tion 7345, disclose to the Secretary of State re-*
 15 *turn information with respect to a taxpayer who*
 16 *has a seriously delinquent tax debt described in*
 17 *such section. Such return information shall be*
 18 *limited to—*

19 “*(i) the taxpayer identity information*
 20 *with respect to such taxpayer, and*

21 “*(ii) the amount of such seriously de-*
 22 *linquent tax debt.*

23 “(B) **RESTRICTION ON DISCLOSURE.**—*Re-*
 24 *turn information disclosed under subparagraph*

1 (A) may be used by officers and employees of the
2 Department of State for the purposes of, and to
3 the extent necessary in, carrying out the require-
4 ments of section 52102(d) of the Transportation
5 Funding Act of 2015.”.

6 (2) *CONFORMING AMENDMENT.*—Paragraph (4)
7 of section 6103(p) of such Code is amended by strik-
8 ing “or (22)” each place it appears in subparagraph
9 (F)(ii) and in the matter preceding subparagraph (A)
10 and inserting “(22), or (23)”.

11 (d) *AUTHORITY TO DENY OR REVOKE PASSPORT.*—

12 (1) *DENIAL.*—

13 (A) *IN GENERAL.*—Except as provided
14 under subparagraph (B), upon receiving a cer-
15 tification described in section 7345 of the Inter-
16 nal Revenue Code of 1986 from the Secretary of
17 the Treasury, the Secretary of State shall not
18 issue a passport to any individual who has a se-
19 riously delinquent tax debt described in such sec-
20 tion.

21 (B) *EMERGENCY AND HUMANITARIAN SITU-*
22 *ATIONS.*—Notwithstanding subparagraph (A),
23 the Secretary of State may issue a passport, in
24 emergency circumstances or for humanitarian

1 *reasons, to an individual described in such sub-*
2 *paragraph.*

3 (2) *REVOCATION.*—

4 (A) *IN GENERAL.*—*The Secretary of State*
5 *may revoke a passport previously issued to any*
6 *individual described in paragraph (1)(A).*

7 (B) *LIMITATION FOR RETURN TO UNITED*
8 *STATES.*—*If the Secretary of State decides to re-*
9 *voke a passport under subparagraph (A), the*
10 *Secretary of State, before revocation, may—*

11 (i) *limit a previously issued passport*
12 *only for return travel to the United States;*

13 *or*

14 (ii) *issue a limited passport that only*
15 *permits return travel to the United States.*

16 (3) *HOLD HARMLESS.*—*The Secretary of the*
17 *Treasury and the Secretary of State shall not be lia-*
18 *ble to an individual for any action with respect to a*
19 *certification by the Commissioner of Internal Revenue*
20 *under section 7345 of the Internal Revenue Code of*
21 *1986.*

22 (e) *REVOCATION OR DENIAL OF PASSPORT IN CASE OF*
23 *INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUM-*
24 *BER.*—

25 (1) *DENIAL.*—

1 (A) *IN GENERAL.*—*Except as provided*
2 *under subparagraph (B), upon receiving an ap-*
3 *plication for a passport from an individual that*
4 *either—*

5 (i) *does not include the social security*
6 *account number issued to that individual,*
7 *or*

8 (ii) *includes an incorrect or invalid so-*
9 *cial security number willfully, inten-*
10 *tionally, negligently, or recklessly provided*
11 *by such individual,*

12 *the Secretary of State is authorized to deny such*
13 *application and is authorized to not issue a*
14 *passport to the individual.*

15 (B) *EMERGENCY AND HUMANITARIAN SITU-*
16 *ATIONS.*—*Notwithstanding subparagraph (A),*
17 *the Secretary of State may issue a passport, in*
18 *emergency circumstances or for humanitarian*
19 *reasons, to an individual described in subpara-*
20 *graph (A).*

21 (2) *REVOCATION.*—

22 (A) *IN GENERAL.*—*The Secretary of State*
23 *may revoke a passport previously issued to any*
24 *individual described in paragraph (1)(A).*

1 (B) *LIMITATION FOR RETURN TO UNITED*
2 *STATES.*—*If the Secretary of State decides to re-*
3 *voke a passport under subparagraph (A), the*
4 *Secretary of State, before revocation, may—*

5 *(i) limit a previously issued passport*
6 *only for return travel to the United States;*
7 *or*

8 *(ii) issue a limited passport that only*
9 *permits return travel to the United States.*

10 (f) *EFFECTIVE DATE.*—*The provisions of, and amend-*
11 *ments made by, this section shall take effect on January*
12 *1, 2016.*

13 **SEC. 52103. CLARIFICATION OF 6-YEAR STATUTE OF LIMITA-**
14 **TIONS IN CASE OF OVERSTATEMENT OF**
15 **BASIS.**

16 (a) *IN GENERAL.*—*Subparagraph (B) of section*
17 *6501(e)(1) of the Internal Revenue Code of 1986 is amend-*
18 *ed—*

19 (1) *by striking “and” at the end of clause (i), by*
20 *redesignating clause (ii) as clause (iii), and by insert-*
21 *ing after clause (i) the following new clause:*

22 *“(ii) An understatement of gross in-*
23 *come by reason of an overstatement of unre-*
24 *covered cost or other basis is an omission*
25 *from gross income; and”,*

1 (2) by inserting “(other than in the case of an
2 overstatement of unrecovered cost or other basis)” in
3 clause (iii) (as so redesignated) after “In determining
4 the amount omitted from gross income”, and

5 (3) by inserting “AMOUNT OMITTED FROM” after
6 “DETERMINATION OF” in the heading thereof.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to—

9 (1) returns filed after the date of the enactment
10 of this Act, and

11 (2) returns filed on or before such date if the pe-
12 riod specified in section 6501 of the Internal Revenue
13 Code of 1986 (determined without regard to such
14 amendments) for assessment of the taxes with respect
15 to which such return relates has not expired as of
16 such date.

17 **SEC. 52104. ADDITIONAL INFORMATION ON RETURNS RE-**
18 **LATING TO MORTGAGE INTEREST.**

19 (a) *IN GENERAL.*—Paragraph (2) of section 6050H(b)
20 of the Internal Revenue Code of 1986 is amended by strik-
21 ing “and” at the end of subparagraph (C), by redesignating
22 subparagraph (D) as subparagraph (G), and by inserting
23 after subparagraph (C) the following new subparagraphs:

1 “(D) the amount of outstanding principal
2 on the mortgage as of the beginning of such cal-
3 endar year,

4 “(E) the address of the property securing
5 such mortgage,

6 “(F) the date of the origination of such
7 mortgage, and”.

8 (b) *PAYEE STATEMENTS*.—Subsection (d) of section
9 6050H of the Internal Revenue Code of 1986 is amended
10 by striking “and” at the end of paragraph (1), by striking
11 the period at the end of paragraph (2) and inserting “,
12 and”, and by inserting after paragraph (2) the following
13 new paragraph:

14 “(3) the information required to be included on
15 the return under subparagraphs (D), (E), and (F) of
16 subsection (b)(2).”.

17 (c) *EFFECTIVE DATE*.—The amendments made by this
18 section shall apply to returns and statements the due date
19 for which (determined without regard to extensions) is after
20 December 31, 2016.

21 **SEC. 52105. RETURN DUE DATE MODIFICATIONS.**

22 (a) *NEW DUE DATE FOR PARTNERSHIP FORM 1065,*
23 *S CORPORATION FORM 1120S, AND C CORPORATION FORM*
24 *1120*.—

25 (1) *PARTNERSHIPS*.—

1 (A) *IN GENERAL.*—Section 6072 of the In-
2 ternal Revenue Code of 1986 is amended by add-
3 ing at the end the following new subsection:

4 “(f) *RETURNS OF PARTNERSHIPS.*—Returns of part-
5 nerships under section 6031 made on the basis of the cal-
6 endar year shall be filed on or before the 15th day of March
7 following the close of the calendar year, and such returns
8 made on the basis of a fiscal year shall be filed on or before
9 the 15th day of the third month following the close of the
10 fiscal year.”.

11 (B) *CONFORMING AMENDMENT.*—Section
12 6072(a) of such Code is amended by striking
13 “6017, or 6031” and inserting “or 6017”.

14 (2) *S CORPORATIONS.*—

15 (A) *IN GENERAL.*—So much of subsection
16 (b) of section 6072 of the Internal Revenue Code
17 of 1986 as precedes the second sentence thereof is
18 amended to read as follows:

19 “(b) *RETURNS OF CERTAIN CORPORATIONS.*—Returns
20 of S corporations under sections 6012 and 6037 made on
21 the basis of the calendar year shall be filed on or before
22 the 31st day of March following the close of the calendar
23 year, and such returns made on the basis of a fiscal year
24 shall be filed on or before the last day of the third month
25 following the close of the fiscal year.”.

1 (B) *CONFORMING AMENDMENTS.*—

2 (i) *Section 1362(b) of such Code is*
3 *amended—*

4 (I) *by striking “15th” each place*
5 *it appears and inserting “last”,*

6 (II) *by striking “2^{1/2}” each place*
7 *it appears in the headings and the text*
8 *and inserting “3”, and*

9 (III) *by striking “2 months and*
10 *15 days” in paragraph (4) and insert-*
11 *ing “3 months”.*

12 (ii) *Section 1362(d)(1)(C)(i) of such*
13 *Code is amended by striking “15th” and in-*
14 *serting “last”.*

15 (iii) *Section 1362(d)(1)(C)(ii) of such*
16 *Code is amended by striking “such 15th*
17 *day” and inserting “the last day of the 3d*
18 *month thereof”.*

19 (3) *CONFORMING AMENDMENTS RELATING TO C*
20 *CORPORATIONS.*—

21 (A) *Section 170(a)(2)(B) of such Code is*
22 *amended by striking “third month” and insert-*
23 *ing “4th month”.*

1 (B) Section 563 of such Code is amended by
2 striking “third month” each place it appears
3 and inserting “4th month”.

4 (C) Section 1354(d)(1)(B)(i) of such Code is
5 amended by striking “3d month” and inserting
6 “4th month”.

7 (D) Subsection (a) and (c) of section 6167
8 of such Code are each amended by striking
9 “third month” and inserting “4th month”.

10 (E) Section 6425(a)(1) of such Code is
11 amended by striking “third month” and insert-
12 ing “4th month”.

13 (F) Section 6655 of such Code is amend-
14 ed—

15 (i) by striking “3rd month” each place
16 it appears in subsections (b)(2)(A), (g)(3),
17 and (h)(1) and inserting “4th month”, and

18 (ii) in subsection (g)(4), by redesignig-
19 nating subparagraph (E) as subparagraph
20 (F) and by inserting after subparagraph
21 (D) the following new subparagraph:

22 “(E) Subsection (b)(2)(A) shall be applied
23 by substituting ‘the last day of the 3rd month’
24 for ‘the 15th day of the 4th month.’”.

25 (4) *EFFECTIVE DATES.*—

1 (A) *IN GENERAL.*—*Except as otherwise pro-*
2 *vided in this paragraph, the amendments made*
3 *by this subsection shall apply to returns for tax-*
4 *able years beginning after December 31, 2015.*

5 (B) *CONFORMING AMENDMENTS RELATING*
6 *TO S CORPORATIONS.*—*The amendments made by*
7 *paragraph (2)(B) shall apply with respect to*
8 *elections for taxable years beginning after De-*
9 *cember 31, 2015.*

10 (C) *CONFORMING AMENDMENTS RELATING*
11 *TO C CORPORATIONS.*—*The amendments made by*
12 *paragraph (3) shall apply to taxable years be-*
13 *ginning after December 31, 2015.*

14 (5) *SPECIAL RULE FOR CERTAIN C CORPORATION*
15 *IN 2025.*—*In the case of a taxable year of a C Cor-*
16 *poration ending on June 30, 2025, section 6072(a) of*
17 *the Internal Revenue Code of 1986 shall be applied by*
18 *substituting “third month” for “fourth month”.*

19 (b) *MODIFICATION OF DUE DATES BY REGULATION.*—
20 *In the case of returns for any taxable period beginning after*
21 *December 31, 2015, the Secretary of the Treasury or the*
22 *Secretary’s delegate shall modify appropriate regulations to*
23 *provide as follows:*

24 (1) *The maximum extension for the returns of*
25 *partnerships filing Form 1065 shall be a 6-month pe-*

1 *riod beginning on the due date for filing the return*
2 *(without regard to any extensions).*

3 *(2) The maximum extension for the returns of*
4 *trusts and estates filing Form 1041 shall be a 5¹/₂-*
5 *month period beginning on the due date for filing the*
6 *return (without regard to any extensions).*

7 *(3) The maximum extension for the returns of*
8 *employee benefit plans filing Form 5500 shall be an*
9 *automatic 3¹/₂-month period beginning on the due*
10 *date for filing the return (without regard to any ex-*
11 *tensions).*

12 *(4) The maximum extension for the Forms 990*
13 *(series) returns of organizations exempt from income*
14 *tax shall be an automatic 6-month period beginning*
15 *on the due date for filing the return (without regard*
16 *to any extensions).*

17 *(5) The maximum extension for the returns of*
18 *organizations exempt from income tax that are re-*
19 *quired to file Form 4720 returns of excise taxes shall*
20 *be an automatic 6-month period beginning on the due*
21 *date for filing the return (without regard to any ex-*
22 *tensions).*

23 *(6) The maximum extension for the returns of*
24 *trusts required to file Form 5227 shall be an auto-*

1 *matic 6-month period beginning on the due date for*
2 *filing the return (without regard to any extensions).*

3 (7) *The maximum extension for filing Form*
4 *6069, Return of Excise Tax on Excess Contributions*
5 *to Black Lung Benefit Trust Under Section 4953 and*
6 *Computation of Section 192 Deduction, shall be an*
7 *automatic 6-month period beginning on the due date*
8 *for filing the return (without regard to any exten-*
9 *sions).*

10 (8) *The maximum extension for a taxpayer re-*
11 *quired to file Form 8870 shall be an automatic 6-*
12 *month period beginning on the due date for filing the*
13 *return (without regard to any extensions).*

14 (9) *The due date of Form 3520-A, Annual Infor-*
15 *mation Return of a Foreign Trust with a United*
16 *States Owner, shall be the 15th day of the 3rd month*
17 *after the close of the trust's taxable year, and the*
18 *maximum extension shall be a 6-month period begin-*
19 *ning on such day.*

20 (10) *The due date of FinCEN Form 114 (relat-*
21 *ing to Report of Foreign Bank and Financial Ac-*
22 *counts) shall be April 15 with a maximum extension*
23 *for a 6-month period ending on October 15, and with*
24 *provision for an extension under rules similar to the*
25 *rules of 26 C.F.R. 1.6081-5. For any taxpayer re-*

1 *quired to file such form for the first time, the Sec-*
2 *retary of the Treasury may waive any penalty for*
3 *failure to timely request or file an extension.*

4 *(11) Taxpayers filing Form 3520, Annual Re-*
5 *turn to Report Transactions with Foreign Trusts and*
6 *Receipt of Certain Foreign Gifts, shall be allowed to*
7 *extend the time for filing such form separately from*
8 *the income tax return of the taxpayer, for an auto-*
9 *matic 6-month period beginning on the due date for*
10 *filing the return (without regard to any extensions).*

11 *(c) CORPORATIONS PERMITTED STATUTORY AUTO-*
12 *MATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.—*

13 *(1) IN GENERAL.—Section 6081(b) of the Inter-*
14 *nal Revenue Code of 1986 is amended by striking “3*
15 *months” and inserting “6 months”.*

16 *(2) EFFECTIVE DATE.—The amendments made*
17 *by this subsection shall apply to returns for taxable*
18 *years beginning after December 31, 2015.*

19 *(3) SPECIAL RULE FOR CERTAIN C CORPORA-*
20 *TIONS IN 2024.—In the case of any taxable year of a*
21 *C corporation ending on December 31, 2024, sub-*
22 *sections (a) and (b) of section 6081 of the Internal*
23 *Revenue Code of 1986 shall each be applied to returns*
24 *of income taxes under subtitle A by substituting “5*
25 *months” for “6 months”.*

1 **SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED**
2 **TAX COLLECTION CONTRACTS.**

3 (a) *REQUIREMENT TO COLLECT CERTAIN INACTIVE*
4 *TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION*
5 *CONTRACTS.*—Section 6306 of the Internal Revenue Code
6 of 1986 is amended by redesignating subsections (c) through
7 (f) as subsections (d) through (g), respectively, and by in-
8 serting after subsection (b) the following new subsection:

9 “(c) *COLLECTION OF INACTIVE TAX RECEIVABLES.*—

10 “(1) *IN GENERAL.*—Notwithstanding any other
11 provision of law, the Secretary shall enter into one or
12 more qualified tax collection contracts for the collec-
13 tion of all outstanding inactive tax receivables.

14 “(2) *INACTIVE TAX RECEIVABLES.*—For purposes
15 of this section—

16 “(A) *IN GENERAL.*—The term ‘inactive tax
17 receivable’ means any tax receivable if—

18 “(i) at any time after assessment, the
19 Internal Revenue Service removes such re-
20 ceivable from the active inventory for lack of
21 resources or inability to locate the taxpayer,

22 “(ii) more than $\frac{1}{3}$ of the period of the
23 applicable statute of limitation has lapsed
24 and such receivable has not been assigned
25 for collection to any employee of the Inter-
26 nal Revenue Service, or

1 “(iii) in the case of a receivable which
2 has been assigned for collection, more than
3 365 days have passed without interaction
4 with the taxpayer or a third party for pur-
5 poses of furthering the collection of such re-
6 ceivable.

7 “(B) TAX RECEIVABLE.—The term ‘tax re-
8 ceivable’ means any outstanding assessment
9 which the Internal Revenue Service includes in
10 potentially collectible inventory.”

11 (b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR
12 COLLECTION UNDER QUALIFIED TAX COLLECTION CON-
13 TRACTS.—Section 6306 of the Internal Revenue Code of
14 1986, as amended by subsection (a), is amended by redesign-
15 ating subsections (d) through (g) as subsections (e) through
16 (h), respectively, and by inserting after subsection (c) the
17 following new subsection:

18 “(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR
19 COLLECTION UNDER QUALIFIED TAX COLLECTIONS CON-
20 TRACTS.—A tax receivable shall not be eligible for collection
21 pursuant to a qualified tax collection contract if such re-
22 ceivable—

23 “(1) is subject to a pending or active offer-in-
24 compromise or installment agreement,

25 “(2) is classified as an innocent spouse case,

1 “(3) involves a taxpayer identified by the Sec-
2 retary as being—

3 “(A) deceased,

4 “(B) under the age of 18,

5 “(C) in a designated combat zone, or

6 “(D) a victim of tax-related identity theft,

7 “(4) is currently under examination, litigation,
8 criminal investigation, or levy, or

9 “(5) is currently subject to a proper exercise of
10 a right of appeal under this title.”.

11 (c) *CONTRACTING PRIORITY*.—Section 6306 of the In-
12 ternal Revenue Code of 1986, as amended by the preceding
13 provisions of this section, is amended by redesignating sub-
14 section (h) as subsection (i) and by inserting after sub-
15 section (g) the following new subsection:

16 “(h) *CONTRACTING PRIORITY*.—In contracting for the
17 services of any person under this section, the Secretary shall
18 utilize private collection contractors and debt collection cen-
19 ters on the schedule required under section 3711(g) of title
20 31, United States Code, including the technology and com-
21 munications infrastructure established therein, to the extent
22 such private collection contractors and debt collection cen-
23 ters are appropriate to carry out the purposes of this sec-
24 tion.”.

1 (d) *DISCLOSURE OF RETURN INFORMATION.*—Section
2 6103(k) of the Internal Revenue Code of 1986 is amended
3 by adding at the end the following new paragraph:

4 “(11) *QUALIFIED TAX COLLECTION CONTRAC-*
5 *TORS.*—Persons providing services pursuant to a
6 qualified tax collection contract under section 6306
7 may, if speaking to a person who has identified him-
8 self or herself as having the name of the taxpayer to
9 which a tax receivable (within the meaning of such
10 section) relates, identify themselves as contractors of
11 the Internal Revenue Service and disclose the business
12 name of the contractor, and the nature, subject, and
13 reason for the contact. Disclosures under this para-
14 graph shall be made only in such situations and
15 under such conditions as have been approved by the
16 Secretary.”.

17 (e) *TAXPAYERS AFFECTED BY FEDERALLY DECLARED*
18 *DISASTERS.*—Section 6306 of the Internal Revenue Code of
19 1986, as amended by the preceding provisions of this sec-
20 tion, is amended by redesignating subsection (i) as sub-
21 section (j) and by inserting after subsection (h) the fol-
22 lowing new subsection:

23 “(i) *TAXPAYERS IN PRESIDENTIALLY DECLARED DIS-*
24 *ASTER AREAS.*—The Secretary may prescribe procedures
25 under which a taxpayer determined to be affected by a Fed-

1 erally declared disaster (as defined by section 165(i)(5))
 2 may request—

3 “(1) relief from immediate collection measures by
 4 contractors under this section, and

5 “(2) a return of the inactive tax receivable to the
 6 inventory of the Internal Revenue Service to be col-
 7 lected by an employee thereof.”

8 (f) *REPORT TO CONGRESS.*—

9 (1) *IN GENERAL.*—Section 6306 of the Internal
 10 Revenue Code of 1986, as amended by the preceding
 11 provisions of this section, is amended by redesign-
 12 ating subsection (j) as subsection (k) and by insert-
 13 ing after subsection (i) the following new subsection:

14 “(j) *REPORT TO CONGRESS.*—Not later than 90 days
 15 after the last day of each fiscal year (beginning with the
 16 first such fiscal year ending after the date of the enactment
 17 of this subsection), the Secretary shall submit to the Com-
 18 mittee on Ways and Means of the House of Representatives
 19 and the Committee on Finance of the Senate a report with
 20 respect to qualified tax collection contracts under this sec-
 21 tion which shall include—

22 “(1) annually, with respect to such fiscal year—

23 “(A) the total number and amount of tax
 24 receivables provided to each contractor for collec-
 25 tion under this section,

1 “(B) the total amounts collected (and
2 amounts of installment agreements entered into
3 under subsection (b)(1)(B)) with respect to each
4 contractor and the collection costs incurred (di-
5 rectly and indirectly) by the Internal Revenue
6 Service with respect to such amounts,

7 “(C) the impact of such contracts on the
8 total number and amount of unpaid assessments,
9 and on the number and amount of assessments
10 collected by Internal Revenue Service personnel
11 after initial contact by a contractor,

12 “(D) the amount of fees retained by the Sec-
13 retary under subsection (e) and a description of
14 the use of such funds, and

15 “(E) a disclosure safeguard report in a
16 form similar to that required under section
17 6103(p)(5), and

18 “(2) biannually (beginning with the second re-
19 port submitted under this subsection)—

20 “(A) an independent evaluation of con-
21 tractor performance, and

22 “(B) a measurement plan that includes a
23 comparison of the best practices used by the pri-
24 vate collectors to the collection techniques used by
25 the Internal Revenue Service and mechanisms to

1 *identify and capture information on successful*
2 *collection techniques used by the contractors that*
3 *could be adopted by the Internal Revenue Serv-*
4 *ice.”.*

5 (2) *REPEAL OF EXISTING REPORTING REQUIRE-*
6 *MENTS WITH RESPECT TO QUALIFIED TAX COLLEC-*
7 *TION CONTRACTS.—Section 881 of the American Jobs*
8 *Creation Act of 2004 is amended by striking sub-*
9 *section (e).*

10 (g) *EFFECTIVE DATES.—*

11 (1) *IN GENERAL.—The amendments made by*
12 *subsections (a) and (b) shall apply to tax receivables*
13 *identified by the Secretary after the date of the enact-*
14 *ment of this Act.*

15 (2) *CONTRACTING PRIORITY.—The Secretary*
16 *shall begin entering into contracts and agreements as*
17 *described in the amendment made by subsection (c)*
18 *within 3 months after the date of the enactment of*
19 *this Act.*

20 (3) *DISCLOSURES.—The amendment made by*
21 *subsection (d) shall apply to disclosures made after*
22 *the date of the enactment of this Act.*

23 (4) *PROCEDURES; REPORT TO CONGRESS.—The*
24 *amendments made by subsections (e) and (f) shall*
25 *take effect on the date of the enactment of this Act.*

1 **SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.**

2 (a) *IN GENERAL.*—Subsection (e) of section 6306 of
3 the Internal Revenue Code of 1986, as redesignated by sec-
4 tion 52106, is amended by striking “for collection enforce-
5 ment activities of the Internal Revenue Service” in para-
6 graph (2) and inserting “to fund the special compliance
7 personnel program account under section 6307”.

8 (b) *SPECIAL COMPLIANCE PERSONNEL PROGRAM AC-*
9 *COUNT.*—Subchapter A of chapter 64 of the Internal Rev-
10 enue Code of 1986 is amended by adding at the end the
11 following new section:

12 **“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM**
13 **ACCOUNT.**

14 “(a) *ESTABLISHMENT OF A SPECIAL COMPLIANCE*
15 *PERSONNEL PROGRAM ACCOUNT.*—The Secretary shall es-
16 tablish an account within the Department for carrying out
17 a program consisting of the hiring, training, and employ-
18 ment of special compliance personnel, and shall transfer to
19 such account from time to time amounts retained by the
20 Secretary under section 6306(e)(2).

21 “(b) *RESTRICTIONS.*—The program described in sub-
22 section (a) shall be subject to the following restrictions:

23 “(1) No funds shall be transferred to such ac-
24 count except as described in subsection (a).

25 “(2) No other funds from any other source shall
26 be expended for special compliance personnel em-

1 *ployed under such program, and no funds from such*
2 *account shall be expended for the hiring of any per-*
3 *sonnel other than special compliance personnel.*

4 *“(3) Notwithstanding any other authority, the*
5 *Secretary is prohibited from spending funds out of*
6 *such account for any purpose other than for costs*
7 *under such program associated with the employment*
8 *of special compliance personnel and the retraining*
9 *and reassignment of current noncollections personnel*
10 *as special compliance personnel, and to reimburse the*
11 *Internal Revenue Service or other government agen-*
12 *cies for the cost of administering qualified tax collec-*
13 *tion contracts under section 6306.*

14 *“(c) REPORTING.—Not later than March of each year,*
15 *the Commissioner of Internal Revenue shall submit a report*
16 *to the Committees on Finance and Appropriations of the*
17 *Senate and the Committees on Ways and Means and Appro-*
18 *priations of the House of Representatives consisting of the*
19 *following:*

20 *“(1) For the preceding fiscal year, all funds re-*
21 *ceived in the account established under subsection (a),*
22 *administrative and program costs for the program de-*
23 *scribed in such subsection, the number of special com-*
24 *pliance personnel hired and employed under the pro-*

1 *gram, and the amount of revenue actually collected by*
2 *such personnel.*

3 “(2) *For the current fiscal year, all actual and*
4 *estimated funds received or to be received in the ac-*
5 *count, all actual and estimated administrative and*
6 *program costs, the number of all actual and estimated*
7 *special compliance personnel hired and employed*
8 *under the program, and the actual and estimated rev-*
9 *enue actually collected or to be collected by such per-*
10 *sonnel.*

11 “(3) *For the following fiscal year, an estimate of*
12 *all funds to be received in the account, all estimated*
13 *administrative and program costs, the estimated*
14 *number of special compliance personnel hired and*
15 *employed under the program, and the estimated rev-*
16 *enue to be collected by such personnel.*

17 “(d) *DEFINITIONS.—For purposes of this section—*

18 “(1) *SPECIAL COMPLIANCE PERSONNEL.—The*
19 *term ‘special compliance personnel’ means individ-*
20 *uals employed by the Internal Revenue Service as*
21 *field function collection officers or in a similar posi-*
22 *tion, or employed to collect taxes using the automated*
23 *collection system or an equivalent replacement system.*

24 “(2) *PROGRAM COSTS.—The term ‘program*
25 *costs’ means—*

1 “(A) total salaries (including locality pay
2 and bonuses), benefits, and employment taxes for
3 special compliance personnel employed or
4 trained under the program described in sub-
5 section (a), and

6 “(B) direct overhead costs, salaries, benefits,
7 and employment taxes relating to support staff,
8 rental payments, office equipment and furniture,
9 travel, data processing services, vehicle costs,
10 utilities, telecommunications, postage, printing
11 and reproduction, supplies and materials, lands
12 and structures, insurance claims, and indem-
13 nities for special compliance personnel hired and
14 employed under this section.

15 For purposes of subparagraph (B), the cost of man-
16 agement and supervision of special compliance per-
17 sonnel shall be taken into account as direct overhead
18 costs to the extent such costs, when included in total
19 program costs under this paragraph, do not represent
20 more than 10 percent of such total costs.”.

21 (c) CLERICAL AMENDMENT.—The table of sections for
22 subchapter A of chapter 64 of the Internal Revenue Code
23 of 1986 is amended by inserting after the item relating to
24 section 6306 the following new item:

“Sec. 6307. Special compliance personnel program account.”.

1 (d) *EFFECTIVE DATE.*—*The amendment made by sub-*
 2 *section (a) shall apply to amounts collected and retained*
 3 *by the Secretary after the date of the enactment of this Act.*

4 **SEC. 52108. TRANSFERS OF EXCESS PENSION ASSETS TO**
 5 **RETIREE HEALTH ACCOUNTS.**

6 (a) *IN GENERAL.*—*Section 420(b)(4) of the Internal*
 7 *Revenue Code of 1986 is amended by striking “December*
 8 *31, 2021” and inserting “December 31, 2025”.*

9 (b) *CONFORMING ERISA AMENDMENTS.*—

10 (1) *Sections 101(e)(3), 403(c)(1), and 408(b)(13)*
 11 *of the Employee Retirement Income Security Act of*
 12 *1974 (29 U.S.C. 1021(e)(3), 1103(c)(1), 1108(b)(13))*
 13 *are each amended by striking “MAP–21” and insert-*
 14 *ing “DRIVE Act”.*

15 (2) *Section 408(b)(13) of such Act (29 U.S.C.*
 16 *1108(b)(13)) is amended by striking “January 1,*
 17 *2022” and inserting “January 1, 2026”.*

18 ***Subtitle B—Fees and Receipts***

19 **SEC. 52201. EXTENSION OF DEPOSITS OF SECURITY SERV-**
 20 **ICE FEES IN THE GENERAL FUND.**

21 *Section 44940(i)(4) of title 49, United States Code, is*
 22 *amended by adding at the end the following:*

23 “(K) \$1,750,000,000 for each of fiscal years
 24 2024 and 2025.”.

1 **SEC. 52202. ADJUSTMENT FOR INFLATION OF FEES FOR**
2 **CERTAIN CUSTOMS SERVICES.**

3 (a) *IN GENERAL.*—Section 13031 of the Consolidated
4 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
5 58c) is amended by adding at the end the following:

6 “(l) *ADJUSTMENT OF FEES FOR INFLATION.*—

7 “(1) *IN GENERAL.*—The Secretary of the Treas-
8 ury shall adjust the fees established under subsection
9 (a), and the limitations on such fees under para-
10 graphs (2), (3), (5), (6), (8), and (9) of subsection (b),
11 on October 1, 2015, and annually thereafter, to reflect
12 the percentage (if any) of the increase in the average
13 of the Consumer Price Index for the preceding 12-
14 month period compared to the Consumer Price Index
15 for fiscal year 2014.

16 “(2) *SPECIAL RULES FOR CALCULATION OF AD-*
17 *JUSTMENT.*—In adjusting under paragraph (1) the
18 amount of the fees established under subsection (a),
19 and the limitations on such fees under paragraphs
20 (2), (3), (5), (6), (8), and (9) of subsection (b), the
21 Secretary—

22 “(A) shall round the amount of any in-
23 crease in the Consumer Price Index to the near-
24 est dollar; and

25 “(B) may ignore any such increase of less
26 than 1 percent.

1 “(3) *CONSUMER PRICE INDEX DEFINED.*—For
2 purposes of this subsection, the term ‘Consumer Price
3 Index’ means the Consumer Price Index for All Urban
4 Consumers published by the Bureau of Labor Statis-
5 tics of the Department of Labor.”.

6 (b) *DEPOSITS INTO CUSTOMS USER FEE ACCOUNT.*—
7 Section 13031(f) of the Consolidated Omnibus Budget Rec-
8 onciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

9 (1) in paragraph (1), in the matter preceding
10 subparagraph (A), by striking “all fees collected under
11 subsection (a)” and inserting “the amount of fees col-
12 lected under subsection (a) (determined without re-
13 gard to any adjustment made under subsection (l))”;
14 and

15 (2) in paragraph (3)(A), in the matter preceding
16 clause (i)—

17 (A) by striking “fees collected” and insert-
18 ing “amount of fees collected”; and

19 (B) by striking “), each appropriation” and
20 inserting “, and determined without regard to
21 any adjustment made under subsection (l)), each
22 appropriation”.

23 (c) *CONFORMING AMENDMENTS.*—Section 13031 of the
24 Consolidated Omnibus Budget Reconciliation Act of 1985

1 *(19 U.S.C. 58c), as amended by subsections (a) and (b),*
2 *is further amended—*

3 (1) *in subsection (a), in the matter preceding*
4 *paragraph (1), by inserting “(subject to adjustment*
5 *under subsection (l))” after “following fees”; and*

6 (2) *in subsection (b)—*

7 (A) *in paragraph (2), by inserting “(subject*
8 *to adjustment under subsection (l))” after “in*
9 *fees”;*

10 (B) *in paragraph (3), by inserting “(subject*
11 *to adjustment under subsection (l))” after “in*
12 *fees”;*

13 (C) *in paragraph (5)(A), by inserting*
14 *“(subject to adjustment under subsection (l))”*
15 *after “in fees”;*

16 (D) *in paragraph (6), by inserting “(subject*
17 *to adjustment under subsection (l))” after “in*
18 *fees”;*

19 (E) *in paragraph (8)(A)—*

20 (i) *in clause (i), by inserting “or (l)”*
21 *after “subsection (a)(9)(B)”;* and

22 (ii) *in clause (ii), by inserting “(sub-*
23 *ject to adjustment under subsection (l))”*
24 *after “§3”;* and

25 (F) *in paragraph (9)—*

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause
3 (i), by inserting “and subject to adjust-
4 ment under subsection (l)” after “Tar-
5 iff Act of 1930”; and

6 (II) in clause (ii)(I), by inserting
7 “(subject to adjustment under sub-
8 section (l))” after “bill of lading”; and

9 (ii) in subparagraph (B)(i), by insert-
10 ing “(subject to adjustment under subsection
11 (l))” after “bill of lading”.

12 **SEC. 52203. DIVIDENDS AND SURPLUS FUNDS OF RESERVE**
13 **BANKS.**

14 Section 7(a)(1)(A) of the Federal Reserve Act (12
15 U.S.C. 289(a)(1)(A)) is amended by striking “6 percent”
16 and inserting “6 percent (1.5 percent in the case of a stock-
17 holder having total consolidated assets of more than
18 \$1,000,000,000 (determined as of September 30 of the pre-
19 ceding fiscal year))”.

20 **SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
21 **AND SALE.**

22 (a) DRAWDOWN AND SALE.—

23 (1) IN GENERAL.—Notwithstanding section 161
24 of the Energy Policy and Conservation Act (42 U.S.C.
25 6241), except as provided in subsections (b) and (c),

1 *the Secretary of Energy shall drawdown and sell from*
2 *the Strategic Petroleum Reserve—*

3 *(A) the quantity of barrels of crude oil that*
4 *the Secretary of Energy determines to be appro-*
5 *priate to maximize the financial return to*
6 *United States taxpayers for each of fiscal years*
7 *2016 and 2017;*

8 *(B) 4,000,000 barrels of crude oil during*
9 *fiscal year 2018;*

10 *(C) 5,000,000 barrels of crude oil during*
11 *fiscal year 2019;*

12 *(D) 8,000,000 barrels of crude oil during*
13 *fiscal year 2020;*

14 *(E) 8,000,000 barrels of crude oil during*
15 *fiscal year 2021;*

16 *(F) 10,000,000 barrels of crude oil during*
17 *fiscal year 2022;*

18 *(G) 16,000,000 barrels of crude oil during*
19 *fiscal year 2023;*

20 *(H) 25,000,000 barrels of crude oil during*
21 *fiscal year 2024; and*

22 *(I) 25,000,000 barrels of crude oil during*
23 *fiscal year 2025.*

24 *(2) DEPOSIT OF AMOUNTS RECEIVED FROM*
25 *SALE.—Amounts received from a sale under para-*

1 *graph (1) shall be deposited in the general fund of the*
2 *Treasury during the fiscal year in which the sale oc-*
3 *curs.*

4 *(b) EMERGENCY PROTECTION.—In any 1 fiscal year*
5 *described in subsection (a)(1), the Secretary of Energy shall*
6 *not drawdown and sell crude oil under this section in quan-*
7 *tities that would result in a Strategic Petroleum Reserve*
8 *that contains an inventory of petroleum products rep-*
9 *resenting fewer than 90 days of emergency reserves, based*
10 *on the average daily level of net imports of crude oil and*
11 *petroleum products in the calendar year preceding that fis-*
12 *cal year.*

13 *(c) INCREASE; LIMITATION.—*

14 *(1) INCREASE.—The Secretary of Energy may*
15 *increase the drawdown and sales under subpara-*
16 *graphs (A) through (I) of subsection (a)(1) as the Sec-*
17 *retary of Energy determines to be appropriate to*
18 *maximize the financial return to United States tax-*
19 *payers.*

20 *(2) LIMITATION.—The Secretary of Energy shall*
21 *not drawdown or conduct sales of crude oil under this*
22 *section after the date on which a total of*
23 *\$9,050,000,000 has been deposited in the general fund*
24 *of the Treasury from sales authorized under this sec-*
25 *tion.*

1 **SEC. 52205. EXTENSION OF ENTERPRISE GUARANTEE FEE.**

2 *Section 1327(f) of the Housing and Community Devel-*
 3 *opment Act of 1992 (12 U.S.C. 4547(f)) is amended by*
 4 *striking “October 1, 2021” and inserting “October 1, 2025”.*

5 **Subtitle C—Outlays**

6 **SEC. 52301. INTEREST ON OVERPAYMENT.**

7 *Section 111 of the Federal Oil and Gas Royalty Man-*
 8 *agement Act of 1982 (30 U.S.C. 1721) is amended—*

9 *(1) by striking subsections (h) and (i);*

10 *(2) by redesignating subsections (j) through (l)*
 11 *as subsections (h) through (j), respectively; and*

12 *(3) in subsection (h) (as so redesignated), by*
 13 *striking the fourth sentence.*

14 **DIVISION F—MISCELLANEOUS**
 15 **TITLE LXI—FEDERAL**
 16 **PERMITTING IMPROVEMENT**

17 **SEC. 61001. DEFINITIONS.**

18 *In this title:*

19 *(1) AGENCY.—The term “agency” has the mean-*
 20 *ing given the term in section 551 of title 5, United*
 21 *States Code.*

22 *(2) AGENCY CERPO.—The term “agency*
 23 *CERPO” means the chief environmental review and*
 24 *permitting officer of an agency, as designated by the*
 25 *head of the agency under section*
 26 *61002(b)(2)(A)(iii)(I).*

1 (3) *AUTHORIZATION.*—*The term “authorization”*
2 *means any license, permit, approval, finding, deter-*
3 *mination, or other administrative decision issued by*
4 *an agency that is required or authorized under Fed-*
5 *eral law in order to site, construct, reconstruct, or*
6 *commence operations of a covered project, whether ad-*
7 *ministered by a Federal or State agency.*

8 (4) *COOPERATING AGENCY.*—*The term “cooper-*
9 *ating agency” means any agency with—*

10 (A) *jurisdiction under Federal law; or*

11 (B) *special expertise as described in section*
12 *1501.6 of title 40, Code of Federal Regulations*
13 *(as in effect on the date of enactment of this*
14 *Act).*

15 (5) *COUNCIL.*—*The term “Council” means the*
16 *Federal Infrastructure Permitting Improvement*
17 *Steering Council established under section 61002(a).*

18 (6) *COVERED PROJECT.*—

19 (A) *IN GENERAL.*—*The term “covered*
20 *project” means any activity in the United States*
21 *that requires authorization or environmental re-*
22 *view by a Federal agency involving construction*
23 *of infrastructure for renewable or conventional*
24 *energy production, electricity transmission, sur-*
25 *face transportation, aviation, ports and water-*

1 ways, water resource projects, broadband, pipe-
2 lines, manufacturing, or any other sector as de-
3 termined by a majority vote of the Council
4 that—

5 (i)(I) is subject to NEPA;

6 (II) is likely to require a total invest-
7 ment of more than \$200,000,000; and

8 (III) does not qualify for abbreviated
9 authorization or environmental review proc-
10 esses under any applicable law; or

11 (ii) is subject to NEPA and the size
12 and complexity of which, in the opinion of
13 the Council, make the project likely to ben-
14 efit from enhanced oversight and coordina-
15 tion, including a project likely to require—

16 (I) authorization from or environ-
17 mental review involving more than 2
18 Federal agencies; or

19 (II) the preparation of an envi-
20 ronmental impact statement under
21 NEPA.

22 (B) *EXCLUSION.*—The term “covered
23 project” does not include—

24 (i) any project subject to section 139 of
25 title 23, United States Code; or

1 (ii) any project subject to section 2045
2 of the Water Resources Development Act of
3 2007 (33 U.S.C. 2348).

4 (7) *DASHBOARD*.—The term “Dashboard” means
5 the Permitting Dashboard required under section
6 61003(b).

7 (8) *ENVIRONMENTAL ASSESSMENT*.—The term
8 “environmental assessment” means a concise public
9 document for which a Federal agency is responsible
10 under section 1508.9 of title 40, Code of Federal Reg-
11 ulations (or successor regulations).

12 (9) *ENVIRONMENTAL DOCUMENT*.—

13 (A) *IN GENERAL*.—The term “environ-
14 mental document” means an environmental as-
15 sessment, finding of no significant impact, notice
16 of intent, environmental impact statement, or
17 record of decision.

18 (B) *INCLUSIONS*.—The term “environmental
19 document” includes—

20 (i) any document that is a supplement
21 to a document described in subparagraph
22 (A); and

23 (ii) a document prepared pursuant to
24 a court order.

1 (10) *ENVIRONMENTAL IMPACT STATEMENT.*—*The*
2 *term “environmental impact statement” means the*
3 *detailed written statement required under section*
4 *102(2)(C) of NEPA.*

5 (11) *ENVIRONMENTAL REVIEW.*—*The term “envi-*
6 *ronmental review” means the agency procedures and*
7 *processes for applying a categorical exclusion or for*
8 *preparing an environmental assessment, an environ-*
9 *mental impact statement, or other document required*
10 *under NEPA.*

11 (12) *EXECUTIVE DIRECTOR.*—*The term “Execu-*
12 *tive Director” means the Executive Director ap-*
13 *pointed by the President under section*
14 *61002(b)(1)(A).*

15 (13) *FACILITATING AGENCY.*—*The term “facili-*
16 *tating agency” means the agency that receives the ini-*
17 *tial notification from the project sponsor required*
18 *under section 61003(a).*

19 (14) *INVENTORY.*—*The term “inventory” means*
20 *the inventory of covered projects established by the*
21 *Executive Director under section 61002(c)(1)(A).*

22 (15) *LEAD AGENCY.*—*The term “lead agency”*
23 *means the agency with principal responsibility for an*
24 *environmental review of a covered project under*

1 *NEPA and parts 1500 through 1508 of title 40, Code*
 2 *of Federal Regulations (or successor regulations).*

3 (16) *NEPA.*—*The term “NEPA” means the Na-*
 4 *tional Environmental Policy Act of 1969 (42 U.S.C.*
 5 *4321 et seq.).*

6 (17) *PARTICIPATING AGENCY.*—*The term “par-*
 7 *ticipating agency” means an agency participating in*
 8 *an environmental review or authorization for a cov-*
 9 *ered project in accordance with section 61003.*

10 (18) *PROJECT SPONSOR.*—*The term “project*
 11 *sponsor” means an entity, including any private,*
 12 *public, or public-private entity, seeking an authoriza-*
 13 *tion for a covered project.*

14 **SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUN-**
 15 **CIL.**

16 (a) *ESTABLISHMENT.*—*There is established the Federal*
 17 *Permitting Improvement Steering Council.*

18 (b) *COMPOSITION.*—

19 (1) *CHAIR.*—*The Executive Director shall—*

20 (A) *be appointed by the President; and*

21 (B) *serve as Chair of the Council.*

22 (2) *COUNCIL MEMBERS.*—

23 (A) *IN GENERAL.*—

24 (i) *DESIGNATION BY HEAD OF AGEN-*
 25 *CY.*—*Each individual listed in subpara-*

1 *graph (B) shall designate a member of the*
2 *agency in which the individual serves to*
3 *serve on the Council.*

4 (ii) QUALIFICATIONS.—A
5 *councilmember described in clause (i) shall*
6 *hold a position in the agency of deputy sec-*
7 *retary (or the equivalent) or higher.*

8 (iii) SUPPORT.—

9 (I) IN GENERAL.—Consistent with
10 *guidance provided by the Director of*
11 *the Office of Management and Budget,*
12 *each individual listed in subparagraph*
13 *(B) shall designate 1 or more appro-*
14 *priate members of the agency in which*
15 *the individual serves to serve as an*
16 *agency CERPO.*

17 (II) REPORTING.—In carrying
18 *out the duties of the agency CERPO*
19 *under this title, an agency CERPO*
20 *shall report directly to a deputy sec-*
21 *retary (or the equivalent) or higher.*

22 (B) HEADS OF AGENCIES.—The individuals
23 *that shall each designate a councilmember under*
24 *this subparagraph are as follows:*

25 (i) *The Secretary of Agriculture.*

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(ii) The Secretary of the Army.

(iii) The Secretary of Commerce.

(iv) The Secretary of the Interior.

(v) The Secretary of Energy.

(vi) The Secretary of Transportation.

(vii) The Secretary of Defense.

(viii) The Administrator of the Environmental Protection Agency.

(ix) The Chairman of the Federal Energy Regulatory Commission.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.

(xiii) The Chairman of the Advisory Council on Historic Preservation.

(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and

1 *the Director of the Office of Management and Budget*
2 *shall also be members of the Council.*

3 *(c) DUTIES.—*

4 *(1) EXECUTIVE DIRECTOR.—*

5 *(A) INVENTORY DEVELOPMENT.—The Exec-*
6 *utive Director, in consultation with the Council,*
7 *shall—*

8 *(i) not later than 180 days after the*
9 *date of enactment of this Act, establish an*
10 *inventory of covered projects that are pend-*
11 *ing the environmental review or authoriza-*
12 *tion of the head of any Federal agency;*

13 *(ii)(I) categorize the projects in the in-*
14 *ventory as appropriate, based on sector and*
15 *project type; and*

16 *(II) for each category, identify the*
17 *types of environmental reviews and author-*
18 *izations most commonly involved; and*

19 *(iii) add a covered project to the inven-*
20 *tory after receiving a notice described in*
21 *section 61003(a)(1).*

22 *(B) FACILITATING AGENCY DESIGNATION.—*

23 *The Executive Director, in consultation with the*
24 *Council, shall—*

1 (i) designate a facilitating agency for
2 each category of covered projects described
3 in subparagraph (A)(ii); and

4 (ii) publish the list of designated facili-
5 tating agencies for each category of projects
6 in the inventory on the Dashboard in an
7 easily accessible format.

8 (C) *PERFORMANCE SCHEDULES.*—

9 (i) *IN GENERAL.*—Not later than 1
10 year after the date of enactment of this Act,
11 the Executive Director, in consultation with
12 the Council, shall develop recommended per-
13 formance schedules, including intermediate
14 and final completion dates, for environ-
15 mental reviews and authorizations most
16 commonly required for each category of cov-
17 ered projects described in subparagraph
18 (A)(ii).

19 (ii) *REQUIREMENTS.*—

20 (I) *IN GENERAL.*—The perform-
21 ance schedules shall reflect employment
22 of the use of the most efficient applica-
23 ble processes.

24 (II) *LIMIT.*—

1 (aa) *IN GENERAL.*—*The final*
2 *completion dates in any perform-*
3 *ance schedule for the completion of*
4 *an environmental review or au-*
5 *thorization under clause (i) shall*
6 *not exceed the average time to*
7 *complete an environmental review*
8 *or authorization for a project*
9 *within that category.*

10 (bb) *CALCULATION OF AVER-*
11 *AGE TIME.*—*The average time re-*
12 *ferred to in item (aa) shall be cal-*
13 *culated on the basis of data from*
14 *the preceding 2 calendar years*
15 *and shall run from the period be-*
16 *ginning on the date on which the*
17 *Executive Director must make a*
18 *specific entry for the project on*
19 *the Dashboard under section*
20 *61003(b)(2) (except that, for*
21 *projects initiated before that duty*
22 *takes effect, the period beginning*
23 *on the date of filing of a com-*
24 *pleted application), and ending*
25 *on the date of the issuance of a*

1 *record of decision or other final*
2 *agency action on the review or*
3 *authorization.*

4 (cc) *COMPLETION DATE.—*

5 *Each performance schedule shall*
6 *specify that any decision by an*
7 *agency on an environmental re-*
8 *view or authorization must be*
9 *issued not later than 180 days*
10 *after the date on which all infor-*
11 *mation needed to complete the re-*
12 *view or authorization (including*
13 *any hearing that an agency holds*
14 *on the matter) is in the possession*
15 *of the agency.*

16 (iii) *REVIEW AND REVISION.—Not*

17 *later than 2 years after the date on which*
18 *the performance schedules are established*
19 *under this subparagraph, and not less fre-*
20 *quently than once every 2 years thereafter,*
21 *the Executive Director, in consultation with*
22 *the Council, shall review and revise the per-*
23 *formance schedules.*

24 (D) *GUIDANCE.—The Executive Director, in*
25 *consultation with the Council, may recommend*

1 to the Director of the Office of Management and
2 Budget or to the Council on Environmental
3 Quality, as appropriate, that guidance be issued
4 as necessary for agencies—

5 (i) to carry out responsibilities under
6 this title; and

7 (ii) to effectuate the adoption by agen-
8 cies of the best practices and recommenda-
9 tions of the Council described in paragraph
10 (2).

11 (2) COUNCIL.—

12 (A) RECOMMENDATIONS.—

13 (i) IN GENERAL.—The Council shall
14 make recommendations to the Executive Di-
15 rector with respect to the designations under
16 paragraph (1)(B) and the performance
17 schedules under paragraph (1)(C).

18 (ii) UPDATE.—The Council may up-
19 date the recommendations described in
20 clause (i).

21 (B) BEST PRACTICES.—Not later than 1
22 year after the date of enactment of this Act, and
23 not less frequently than annually thereafter, the
24 Council shall issue recommendations on the best
25 practices for—

1 (i) enhancing early stakeholder engage-
2 ment, including fully considering and, as
3 appropriate, incorporating recommenda-
4 tions provided in public comments on any
5 proposed covered project;

6 (ii) ensuring timely decisions regard-
7 ing environmental reviews and authoriza-
8 tions, including through the development of
9 performance metrics;

10 (iii) improving coordination between
11 Federal and non-Federal governmental enti-
12 ties, including through the development of
13 common data standards and terminology
14 across agencies;

15 (iv) increasing transparency;

16 (v) reducing information collection re-
17 quirements and other administrative bur-
18 dens on agencies, project sponsors, and other
19 interested parties;

20 (vi) developing and making available
21 to applicants appropriate geographic infor-
22 mation systems and other tools;

23 (vii) creating and distributing train-
24 ing materials useful to Federal, State, trib-
25 al, and local permitting officials; and

1 (viii) addressing other aspects of infra-
2 structure permitting, as determined by the
3 Council.

4 (3) AGENCY CERPOS.—An agency CERPO
5 shall—

6 (A) advise the respective agency
7 councilmember on matters related to environ-
8 mental reviews and authorizations;

9 (B) provide technical support, when re-
10 quested to facilitate efficient and timely processes
11 for environmental reviews and authorizations for
12 covered projects under the jurisdictional respon-
13 sibility of the agency, including supporting time-
14 ly identification and resolution of potential dis-
15 putes within the agency or between the agency
16 and other Federal agencies;

17 (C) analyze agency environmental review
18 and authorization processes, policies, and au-
19 thorities and make recommendations to the re-
20 spective agency councilmember for ways to
21 standardize, simplify, and improve the efficiency
22 of the processes, policies, and authorities, includ-
23 ing by implementing guidance issued under
24 paragraph (1)(D) and other best practices, in-
25 cluding the use of information technology and

1 *geographic information system tools within the*
2 *agency and across agencies, to the extent con-*
3 *sistent with existing law; and*

4 *(D) review and develop training programs*
5 *for agency staff that support and conduct envi-*
6 *ronmental reviews or authorizations.*

7 *(d) ADMINISTRATIVE SUPPORT.—The Director of the*
8 *Office of Management and Budget shall designate a Federal*
9 *agency, other than an agency that carries out or provides*
10 *support for projects that are not covered projects, to provide*
11 *administrative support for the Executive Director, and the*
12 *designated agency shall, as reasonably necessary, provide*
13 *support and staff to enable the Executive Director to fulfill*
14 *the duties of the Executive Director under this title.*

15 **SEC. 61003. PERMITTING PROCESS IMPROVEMENT.**

16 *(a) PROJECT INITIATION AND DESIGNATION OF PAR-*
17 *TICIPATING AGENCIES.—*

18 *(1) NOTICE.—*

19 *(A) IN GENERAL.—A project sponsor of a*
20 *covered project shall submit to the Executive Di-*
21 *rector and the facilitating agency notice of the*
22 *initiation of a proposed covered project.*

23 *(B) DEFAULT DESIGNATION.—If, at the*
24 *time of submission of the notice under subpara-*
25 *graph (A), the Executive Director has not des-*

1 *ignated a facilitating agency under section*
2 *61002(c)(1)(B) for the categories of projects no-*
3 *ticed, the agency that receives the notice under*
4 *subparagraph (A) shall be designated as the fa-*
5 *ilitating agency.*

6 (C) *CONTENTS.—Each notice described in*
7 *subparagraph (A) shall include—*

8 (i) *a statement of the purposes and ob-*
9 *jectives of the proposed project;*

10 (ii) *a concise description, including the*
11 *general location of the proposed project and*
12 *a summary of geospatial information, if*
13 *available, illustrating the project area and*
14 *the locations, if any, of environmental, cul-*
15 *tural, and historic resources;*

16 (iii) *a statement regarding the tech-*
17 *anical and financial ability of the project*
18 *sponsor to construct the proposed project;*

19 (iv) *a statement of any Federal financ-*
20 *ing, environmental reviews, and authoriza-*
21 *tions anticipated to be required to complete*
22 *the proposed project; and*

23 (v) *an assessment that the proposed*
24 *project meets the definition of a covered*

1 *project under section 61001 and a statement*
2 *of reasons supporting the assessment.*

3 (2) *INVITATION.*—

4 (A) *IN GENERAL.*—*Not later than 45 days*
5 *after the date on which the Executive Director*
6 *must make a specific entry for the project on the*
7 *Dashboard under subsection (b)(2)(A), the facili-*
8 *tating agency or lead agency, as applicable,*
9 *shall—*

10 (i) *identify all Federal and non-Fed-*
11 *eral agencies and governmental entities like-*
12 *ly to have financing, environmental review,*
13 *authorization, or other responsibilities with*
14 *respect to the proposed project; and*

15 (ii) *invite all Federal agencies identi-*
16 *fied under clause (i) to become a partici-*
17 *pating agency or a cooperating agency, as*
18 *appropriate, in the environmental review*
19 *and authorization management process de-*
20 *scribed in section 61005.*

21 (B) *DEADLINES.*—*Each invitation made*
22 *under subparagraph (A) shall include a deadline*
23 *for a response to be submitted to the facilitating*
24 *or lead agency, as applicable.*

1 (3) *PARTICIPATING AND COOPERATING AGEN-*
2 *CIES.*—

3 (A) *IN GENERAL.*—*An agency invited under*
4 *paragraph (2) shall be designated as a partici-*
5 *parting or cooperating agency for a covered*
6 *project, unless the agency informs the facilitating*
7 *or lead agency, as applicable, in writing before*
8 *the deadline under paragraph (2)(B) that the*
9 *agency—*

10 (i) *has no jurisdiction or authority*
11 *with respect to the proposed project; or*

12 (ii) *does not intend to exercise author-*
13 *ity related to, or submit comments on, the*
14 *proposed project.*

15 (B) *CHANGED CIRCUMSTANCES.*—*On re-*
16 *quest and a showing of changed circumstances,*
17 *the Executive Director may designate an agency*
18 *that has opted out under subparagraph (A)(ii) to*
19 *be a participating or cooperating agency, as ap-*
20 *propriate.*

21 (4) *EFFECT OF DESIGNATION.*—*The designation*
22 *described in paragraph (3) shall not—*

23 (A) *give the participating agency authority*
24 *or jurisdiction over the covered project; or*

1 (B) *expand any jurisdiction or authority a*
2 *cooperating agency may have over the proposed*
3 *project.*

4 (5) *LEAD AGENCY DESIGNATION.—*

5 (A) *IN GENERAL.—On establishment of the*
6 *lead agency, the lead agency shall assume the re-*
7 *sponsibilities of the facilitating agency under*
8 *this title.*

9 (B) *REDESIGNATION OF FACILITATING*
10 *AGENCY.—If the lead agency assumes the respon-*
11 *sibilities of the facilitating agency under sub-*
12 *paragraph (A), the facilitating agency may be*
13 *designated as a cooperative or participating*
14 *agency.*

15 (6) *CHANGE OF FACILITATING OR LEAD AGEN-*
16 *CY.—*

17 (A) *IN GENERAL.—On the request of a par-*
18 *ticipating agency or project sponsor, the Execu-*
19 *tive Director may designate a different agency as*
20 *the facilitating or lead agency, as applicable, for*
21 *a covered project, if the facilitating or lead agen-*
22 *cy or the Executive Director receives new infor-*
23 *mation regarding the scope or nature of a cov-*
24 *ered project that indicates that the project should*

1 *be placed in a different category under section*
2 *61002(c)(1)(B).*

3 *(B) RESOLUTION OF DISPUTE.—The Execu-*
4 *tive Director shall resolve any dispute over des-*
5 *ignation of a facilitating or lead agency for a*
6 *particular covered project.*

7 *(b) PERMITTING DASHBOARD.—*

8 *(1) REQUIREMENT TO MAINTAIN.—*

9 *(A) IN GENERAL.—The Executive Director,*
10 *in coordination with the Administrator of Gen-*
11 *eral Services, shall maintain an online database*
12 *to be known as the “Permitting Dashboard” to*
13 *track the status of Federal environmental reviews*
14 *and authorizations for any covered project in the*
15 *inventory described in section 61002(c)(1)(A).*

16 *(B) SPECIFIC AND SEARCHABLE ENTRY.—*
17 *The Dashboard shall include a specific and*
18 *searchable entry for each covered project.*

19 *(2) ADDITIONS.—*

20 *(A) IN GENERAL.—*

21 *(i) EXISTING PROJECTS.—Not later*
22 *than 14 days after the date on which the*
23 *Executive Director adds a project to the in-*
24 *ventory under section 61002(c)(1)(A), the*
25 *Executive Director shall create a specific*

1 *entry on the Dashboard for the covered*
2 *project.*

3 *(ii) NEW PROJECTS.—Not later than*
4 *14 days after the date on which the Execu-*
5 *tive Director receives a notice under sub-*
6 *section (a)(1), the Executive Director shall*
7 *create a specific entry on the Dashboard for*
8 *the covered project, unless the Executive Di-*
9 *rector, facilitating agency, or lead agency,*
10 *as applicable, determines that the project is*
11 *not a covered project.*

12 *(B) EXPLANATION.—If the facilitating*
13 *agency or lead agency, as applicable, determines*
14 *that the project is not a covered project, the*
15 *project sponsor may submit a further expla-*
16 *nation as to why the project is a covered project*
17 *not later than 14 days after the date of the deter-*
18 *mination under subparagraph (A).*

19 *(C) FINAL DETERMINATION.—Not later than*
20 *14 days after receiving an explanation described*
21 *in subparagraph (B), the Executive Director*
22 *shall—*

23 *(i) make a final and conclusive deter-*
24 *mination as to whether the project is a cov-*
25 *ered project; and*

1 (ii) if the Executive Director deter-
2 mines that the project is a covered project,
3 create a specific entry on the Dashboard for
4 the covered project.

5 (3) *POSTINGS BY AGENCIES.*—

6 (A) *IN GENERAL.*—For each covered project
7 added to the Dashboard under paragraph (2),
8 the facilitating or lead agency, as applicable,
9 and each cooperating and participating agency
10 shall post to the Dashboard—

11 (i) a hyperlink that directs to a website
12 that contains, to the extent consistent with
13 applicable law—

14 (I) the notification submitted
15 under subsection (a)(1);

16 (II)(aa) where practicable, the ap-
17 plication and supporting documents, if
18 applicable, that have been submitted by
19 a project sponsor for any required en-
20 vironmental review or authorization;
21 or

22 (bb) a notice explaining how the
23 public may obtain access to such docu-
24 ments;

1 (III) a description of any Federal
2 agency action taken or decision made
3 that materially affects the status of a
4 covered project;

5 (IV) any significant document
6 that supports the action or decision de-
7 scribed in subclause (III); and

8 (V) a description of the status of
9 any litigation to which the agency is a
10 party that is directly related to the
11 project, including, if practicable, any
12 judicial document made available on
13 an electronic docket maintained by a
14 Federal, State, or local court; and

15 (ii) any document described in clause
16 (i) that is not available by hyperlink on an-
17 other website.

18 (B) *DEADLINE.*—The information described
19 in subparagraph (A) shall be posted to the
20 website made available by hyperlink on the
21 Dashboard not later than 5 business days after
22 the date on which the Federal agency receives the
23 information.

1 (4) *POSTINGS BY THE EXECUTIVE DIRECTOR.*—
2 *The Executive Director shall publish to the Dash-*
3 *board—*

4 (A) *the permitting timetable established*
5 *under subparagraph (A) or (C) of subsection*
6 *(c)(2);*

7 (B) *the status of the compliance of each*
8 *agency with the permitting timetable;*

9 (C) *any modifications of the permitting*
10 *timetable;*

11 (D) *an explanation of each modification de-*
12 *scribed in subparagraph (C); and*

13 (E) *any memorandum of understanding es-*
14 *tablished under subsection (c)(3)(B).*

15 (c) *COORDINATION AND TIMETABLES.*—

16 (1) *COORDINATED PROJECT PLAN.*—

17 (A) *IN GENERAL.*—*Not later than 60 days*
18 *after the date on which the Executive Director*
19 *must make a specific entry for the project on the*
20 *Dashboard under subsection (b)(2)(A), the facili-*
21 *tating or lead agency, as applicable, in consulta-*
22 *tion with each coordinating and participating*
23 *agency, shall establish a concise plan for coordi-*
24 *nating public and agency participation in, and*

1 *completion of, any required Federal environ-*
2 *mental review and authorization for the project.*

3 *(B) REQUIRED INFORMATION.—The Coordi-*
4 *nated Project Plan shall include the following in-*
5 *formation and be updated by the facilitating or*
6 *lead agency, as applicable, at least once per*
7 *quarter:*

8 *(i) A list of, and roles and responsibil-*
9 *ities for, all entities with environmental re-*
10 *view or authorization responsibility for the*
11 *project.*

12 *(ii) A permitting timetable, as de-*
13 *scribed in paragraph (2), setting forth a*
14 *comprehensive schedule of dates by which all*
15 *environmental reviews and authorizations,*
16 *and to the maximum extent practicable,*
17 *State permits, reviews and approvals must*
18 *be made.*

19 *(iii) A discussion of potential avoid-*
20 *ance, minimization, and mitigation strate-*
21 *gies, if required by applicable law and*
22 *known.*

23 *(iv) Plans and a schedule for public*
24 *and tribal outreach and coordination, to the*
25 *extent required by applicable law.*

1 (C) *MEMORANDUM OF UNDERSTANDING.*—

2 *The coordinated project plan described in sub-*
3 *paragraph (A) may be incorporated into a*
4 *memorandum of understanding.*

5 (2) *PERMITTING TIMETABLE.*—

6 (A) *ESTABLISHMENT.*—

7 (i) *IN GENERAL.*—*As part of the co-*
8 *ordination project plan under paragraph*
9 *(1), the facilitating or lead agency, as ap-*
10 *licable, in consultation with each cooper-*
11 *ating and participating agency, the project*
12 *sponsor, and any State in which the project*
13 *is located, shall establish a permitting time-*
14 *table that includes intermediate and final*
15 *completion dates for action by each partici-*
16 *ating agency on any Federal environ-*
17 *mental review or authorization required for*
18 *the project.*

19 (ii) *CONSENSUS.*—*In establishing a*
20 *permitting timetable under clause (i), each*
21 *agency shall, to the maximum extent prac-*
22 *ticable, make efforts to reach a consensus.*

23 (B) *FACTORS FOR CONSIDERATION.*—*In es-*
24 *tablishing the permitting timetable under sub-*
25 *paragraph (A), the facilitating or lead agency*

1 shall follow the performance schedules established
2 under section 61002(c)(1)(C), but may vary the
3 timetable based on relevant factors, including—

4 (i) the size and complexity of the cov-
5 ered project;

6 (ii) the resources available to each par-
7 ticipating agency;

8 (iii) the regional or national economic
9 significance of the project;

10 (iv) the sensitivity of the natural or
11 historic resources that may be affected by
12 the project;

13 (v) the financing plan for the project;
14 and

15 (vi) the extent to which similar
16 projects in geographic proximity to the
17 project were recently subject to environ-
18 mental review or similar procedures under
19 State law.

20 (C) DISPUTE RESOLUTION.—

21 (i) IN GENERAL.—The Executive Di-
22 rector, in consultation with appropriate
23 agency CERPOs and the project sponsor,
24 shall, as necessary, mediate any disputes re-

1 *garding the permitting timetable established*
2 *under subparagraph (A).*

3 *(ii) DISPUTES.—If a dispute remains*
4 *unresolved 30 days after the date on which*
5 *the dispute was submitted to the Executive*
6 *Director, the Director of the Office of Man-*
7 *agement and Budget, in consultation with*
8 *the Chairman of the Council on Environ-*
9 *mental Quality, shall facilitate a resolution*
10 *of the dispute and direct the agencies party*
11 *to the dispute to resolve the dispute by the*
12 *end of the 60-day period beginning on the*
13 *date of submission of the dispute to the Ex-*
14 *ecutive Director.*

15 *(iii) FINAL RESOLUTION.—Any action*
16 *taken by the Director of the Office of Man-*
17 *agement and Budget in the resolution of a*
18 *dispute under clause (ii) shall—*

19 *(I) be final and conclusive; and*

20 *(II) not be subject to judicial re-*
21 *view.*

22 *(D) MODIFICATION AFTER APPROVAL.—*

23 *(i) IN GENERAL.—The facilitating or*
24 *lead agency, as applicable, may modify a*

1 *permitting timetable established under sub-*
2 *paragraph (A) only if—*

3 *(I) the facilitating or lead agency,*
4 *as applicable, and the affected cooper-*
5 *ating agencies, after consultation with*
6 *the participating agencies, agree to a*
7 *different completion date; and*

8 *(II) the facilitating agency or lead*
9 *agency, as applicable, or the affected*
10 *cooperating agency provides a written*
11 *justification for the modification.*

12 *(ii) COMPLETION DATE.—A completion*
13 *date in the permitting timetable may not be*
14 *modified within 30 days of the completion*
15 *date.*

16 *(E) CONSISTENCY WITH OTHER TIME PERI-*
17 *ODS.—A permitting timetable established under*
18 *subparagraph (A) shall be consistent with any*
19 *other relevant time periods established under*
20 *Federal law and shall not prevent any cooper-*
21 *ating or participating agency from discharging*
22 *any obligation under Federal law in connection*
23 *with the project.*

24 *(F) CONFORMING TO PERMITTING TIME-*
25 *TABLES.—*

1 (i) *IN GENERAL.*—*Each Federal agency*
2 *shall conform to the completion dates set*
3 *forth in the permitting timetable established*
4 *under subparagraph (A), or with any com-*
5 *pletion date modified under subparagraph*
6 *(D).*

7 (ii) *FAILURE TO CONFORM.*—*If a Fed-*
8 *eral agency fails to conform with a comple-*
9 *tion date for agency action on a covered*
10 *project or is at significant risk of failing to*
11 *conform with such a completion date, the*
12 *agency shall—*

13 (I) *promptly submit to the Execu-*
14 *tive Director for publication on the*
15 *Dashboard an explanation of the spe-*
16 *cific reasons for failing or significantly*
17 *risking failing to conform to the com-*
18 *pletion date and a proposal for an al-*
19 *ternative completion date;*

20 (II) *in consultation with the fa-*
21 *cilitating or lead agency, as applicable,*
22 *establish an alternative completion*
23 *date; and*

24 (III) *each month thereafter until*
25 *the agency has taken final action on*

1 *the delayed authorization or review,*
2 *submit to the Executive Director for*
3 *posting on the Dashboard a status re-*
4 *port describing any agency activity re-*
5 *lated to the project.*

6 (G) *ABANDONMENT OF COVERED*
7 *PROJECT.—*

8 (i) *IN GENERAL.—If the facilitating or*
9 *lead agency, as applicable, has a reasonable*
10 *basis to doubt the continuing technical or*
11 *financial ability of the project sponsor to*
12 *construct the covered project, the facilitating*
13 *or lead agency may request the project*
14 *sponsor provide an updated statement re-*
15 *garding the ability of the project sponsor to*
16 *complete the project.*

17 (ii) *FAILURE TO RESPOND.—If the*
18 *project sponsor fails to respond to a request*
19 *described in clause (i) by the date that is 30*
20 *days after receiving the request, the lead or*
21 *facilitating agency, as applicable, shall no-*
22 *tify the Executive Director, who shall pub-*
23 *lish an appropriate notice on the Dash-*
24 *board.*

1 (iii) *PUBLICATION TO DASHBOARD.*—

2 *On publication of a notice under clause (ii),*
3 *the completion dates in the permitting time-*
4 *table shall be tolled and agencies shall be re-*
5 *lieved of the obligation to comply with sub-*
6 *paragraph (F) until such time as the*
7 *project sponsor submits to the facilitating or*
8 *lead agency, as applicable, an updated*
9 *statement regarding the technical and fi-*
10 *nanacial ability of the project sponsor to con-*
11 *struct the project.*

12 (3) *COOPERATING STATE, LOCAL, OR TRIBAL*
13 *GOVERNMENTS.*—

14 (A) *STATE AUTHORITY.*—*If the Federal en-*
15 *vironmental review is being implemented within*
16 *the boundaries of a State, the State, consistent*
17 *with State law, may choose to participate in the*
18 *environmental review and authorization process*
19 *under this subsection and to make subject to the*
20 *process all State agencies that—*

21 (i) *have jurisdiction over the covered*
22 *project;*

23 (ii) *are required to conduct or issue a*
24 *review, analysis, opinion, or statement for*
25 *the covered project; or*

1 (iii) are required to make a determina-
2 tion on issuing a permit, license, or other
3 approval or decision for the covered project.

4 (B) COORDINATION.—To the maximum ex-
5 tent practicable under applicable law, the facili-
6 tating or lead agency, as applicable, shall coordi-
7 nate the Federal environmental review and au-
8 thorization processes under this subsection with
9 any State, local, or tribal agency responsible for
10 conducting any separate review or authorization
11 of the covered project to ensure timely and effi-
12 cient completion of environmental reviews and
13 authorizations.

14 (C) MEMORANDUM OF UNDERSTANDING.—

15 (i) IN GENERAL.—Any coordination
16 plan between the facilitating or lead agency,
17 as applicable, and any State, local, or trib-
18 al agency shall, to the maximum extent
19 practicable, be included in a memorandum
20 of understanding.

21 (ii) SUBMISSION TO EXECUTIVE DIREC-
22 TOR.—The facilitating or lead agency, as
23 applicable, shall submit to the Executive
24 Director each memorandum of under-
25 standing described in clause (i).

1 (d) *EARLY CONSULTATION.*—*The facilitating or lead*
2 *agency, as applicable, shall provide an expeditious process*
3 *for project sponsors to confer with each cooperating and*
4 *participating agency involved and, not later than 60 days*
5 *after the date on which the project sponsor submits a request*
6 *under this subsection, to have each such agency provide to*
7 *the project sponsor information concerning—*

8 (1) *the availability of information and tools, in-*
9 *cluding pre-application toolkits, to facilitate early*
10 *planning efforts;*

11 (2) *key issues of concern to each agency and to*
12 *the public; and*

13 (3) *issues that must be addressed before an envi-*
14 *ronmental review or authorization can be completed.*

15 (e) *COOPERATING AGENCY.*—

16 (1) *IN GENERAL.*—*A lead agency may designate*
17 *a participating agency as a cooperating agency in*
18 *accordance with part 1501 of title 40, Code of Federal*
19 *Regulations (or successor regulations).*

20 (2) *EFFECT ON OTHER DESIGNATION.*—*The des-*
21 *ignation described in paragraph (1) shall not affect*
22 *any designation under subsection (a)(3).*

23 (3) *LIMITATION ON DESIGNATION.*—*Any agency*
24 *not designated as a participating agency under sub-*

1 *section (a)(3) shall not be designated as a cooperating*
2 *agency under paragraph (1).*

3 *(f) REPORTING STATUS OF OTHER PROJECTS ON*
4 *DASHBOARD.—*

5 *(1) IN GENERAL.—On request of the Executive*
6 *Director, the Secretary and the Secretary of the Army*
7 *shall use best efforts to provide information for inclu-*
8 *sion on the Dashboard on projects subject to section*
9 *139 of title 23, United States Code, and section 2045*
10 *of the Water Resources Development Act of 2007 (33*
11 *U.S.C. 2348) likely to require—*

12 *(A) a total investment of more than*
13 *\$200,000,000; and*

14 *(B) an environmental impact statement*
15 *under NEPA.*

16 *(2) EFFECT OF INCLUSION ON DASHBOARD.—In-*
17 *clusion on the Dashboard of information regarding*
18 *projects subject to section 139 of title 23, United*
19 *States Code, or section 2045 of the Water Resources*
20 *Development Act of 2007 (33 U.S.C. 2348) shall not*
21 *subject those projects to any requirements of this title.*

22 **SEC. 61004. INTERSTATE COMPACTS.**

23 *(a) IN GENERAL.—The consent of Congress is given*
24 *for 3 or more contiguous States to enter into an interstate*
25 *compact establishing regional infrastructure development*

1 *agencies to facilitate authorization and review of covered*
2 *projects, under State law or in the exercise of delegated per-*
3 *mitting authority described under section 61006, that will*
4 *advance infrastructure development, production, and gen-*
5 *eration within the States that are parties to the compact.*

6 (b) *REGIONAL INFRASTRUCTURE.—For the purpose of*
7 *this title, a regional infrastructure development agency re-*
8 *ferred to in subsection (a) shall have the same authorities*
9 *and responsibilities of a State agency.*

10 **SEC. 61005. COORDINATION OF REQUIRED REVIEWS.**

11 (a) *CONCURRENT REVIEWS.—To integrate environ-*
12 *mental reviews and authorizations, each agency shall, to the*
13 *maximum extent practicable—*

14 (1) *carry out the obligations of the agency with*
15 *respect to a covered project under any other applica-*
16 *ble law concurrently, and in conjunction with, other*
17 *environmental reviews and authorizations being con-*
18 *ducted by other cooperating or participating agencies,*
19 *including environmental reviews and authorizations*
20 *required under NEPA, unless the agency determines*
21 *that doing so would impair the ability of the agency*
22 *to carry out the statutory obligations of the agency;*
23 *and*

24 (2) *formulate and implement administrative,*
25 *policy, and procedural mechanisms to enable the*

1 *agency to ensure completion of the environmental re-*
2 *view process in a timely, coordinated, and environ-*
3 *mentally responsible manner.*

4 *(b) ADOPTION, INCORPORATION BY REFERENCE, AND*
5 *USE OF DOCUMENTS.—*

6 *(1) STATE ENVIRONMENTAL DOCUMENTS; SUP-*
7 *PLEMENTAL DOCUMENTS.—*

8 *(A) USE OF EXISTING DOCUMENTS.—*

9 *(i) IN GENERAL.—On the request of a*
10 *project sponsor, a lead agency shall consider*
11 *and, as appropriate, adopt or incorporate*
12 *by reference, the analysis and documenta-*
13 *tion that has been prepared for a covered*
14 *project under State laws and procedures as*
15 *the documentation, or part of the docu-*
16 *mentation, required to complete an environ-*
17 *mental review for the covered project, if the*
18 *analysis and documentation were, as deter-*
19 *mined by the lead agency in consultation*
20 *with the Council on Environmental Qual-*
21 *ity, prepared under circumstances that al-*
22 *lowed for opportunities for public participa-*
23 *tion and consideration of alternatives and*
24 *environmental consequences that are sub-*
25 *stantially equivalent to what would have*

1 *been available had the documents and anal-*
2 *ysis been prepared by a Federal agency*
3 *pursuant to NEPA.*

4 *(ii) GUIDANCE BY CEQ.—The Council*
5 *on Environmental Quality may issue guid-*
6 *ance to carry out this subsection.*

7 *(B) NEPA OBLIGATIONS.—An environ-*
8 *mental document adopted under subparagraph*
9 *(A) or a document that includes documentation*
10 *incorporated under subparagraph (A) may serve*
11 *as the documentation required for an environ-*
12 *mental review or a supplemental environmental*
13 *review required to be prepared by a lead agency*
14 *under NEPA.*

15 *(C) SUPPLEMENTATION OF STATE DOCU-*
16 *MENTS.—If the lead agency adopts or incor-*
17 *porates analysis and documentation described in*
18 *subparagraph (A), the lead agency shall prepare*
19 *and publish a supplemental document if the lead*
20 *agency determines that during the period after*
21 *preparation of the analysis and documentation*
22 *and before the adoption or incorporation—*

23 *(i) a significant change has been made*
24 *to the covered project that is relevant for*

1 *purposes of environmental review of the*
2 *project; or*

3 *(ii) there has been a significant cir-*
4 *cumstance or new information has emerged*
5 *that is relevant to the environmental review*
6 *for the covered project.*

7 *(D) COMMENTS.—If a lead agency prepares*
8 *and publishes a supplemental document under*
9 *subparagraph (C), the lead agency shall solicit*
10 *comments from other agencies and the public on*
11 *the supplemental document for a period of not*
12 *more than 45 days, beginning on the date on*
13 *which the supplemental document is published,*
14 *unless—*

15 *(i) the lead agency, the project sponsor,*
16 *and any cooperating agency agree to a*
17 *longer deadline; or*

18 *(ii) the lead agency extends the dead-*
19 *line for good cause.*

20 *(E) NOTICE OF OUTCOME OF ENVIRON-*
21 *MENTAL REVIEW.—A lead agency shall issue a*
22 *record of decision or finding of no significant*
23 *impact, as appropriate, based on the document*
24 *adopted under subparagraph (A) and any sup-*

1 *plemental document prepared under subpara-*
2 *graph (C).*

3 *(c) ALTERNATIVES ANALYSIS.—*

4 *(1) PARTICIPATION.—As early as practicable*
5 *during the environmental review, but not later than*
6 *the commencement of scoping for a project requiring*
7 *the preparation of an environmental impact state-*
8 *ment, the lead agency, in consultation with each co-*
9 *operating agency, shall determine the range of reason-*
10 *able alternatives to be considered for a covered project.*

11 *(2) RANGE OF ALTERNATIVES.—*

12 *(A) IN GENERAL.—Following participation*
13 *under paragraph (1) and subject to subpara-*
14 *graph (B), the lead agency shall determine the*
15 *range of reasonable alternatives for consideration*
16 *in any document that the lead agency is respon-*
17 *sible for preparing for the covered project.*

18 *(B) ALTERNATIVES REQUIRED BY LAW.—In*
19 *determining the range of alternatives under sub-*
20 *paragraph (A), the lead agency shall include all*
21 *alternatives required to be considered by law.*

22 *(3) METHODOLOGIES.—*

23 *(A) IN GENERAL.—The lead agency shall*
24 *determine, in collaboration with each cooper-*
25 *ating agency at appropriate times during the en-*

1 *vironmental review, the methodologies to be used*
2 *and the level of detail required in the analysis*
3 *of each alternative for a covered project.*

4 (B) *ENVIRONMENTAL REVIEW.*—*A cooper-*
5 *ating agency shall use the methodologies referred*
6 *to in subparagraph (A) when conducting any re-*
7 *quired environmental review, to the extent con-*
8 *sistent with existing law.*

9 (4) *PREFERRED ALTERNATIVE.*—*With the con-*
10 *currence of the cooperating agencies with jurisdiction*
11 *under Federal law and at the discretion of the lead*
12 *agency, the preferred alternative for a project, after*
13 *being identified, may be developed to a higher level of*
14 *detail than other alternatives to facilitate the develop-*
15 *ment of mitigation measures or concurrent compli-*
16 *ance with other applicable laws if the lead agency de-*
17 *termines that the development of the higher level of*
18 *detail will not prevent—*

19 (A) *the lead agency from making an impar-*
20 *tial decision as to whether to accept another al-*
21 *ternative that is being considered in the environ-*
22 *mental review; and*

23 (B) *the public from commenting on the pre-*
24 *ferred and other alternatives.*

25 (d) *ENVIRONMENTAL REVIEW COMMENTS.*—

1 (1) *COMMENTS ON DRAFT ENVIRONMENTAL IM-*
2 *PACT STATEMENT.*—*For comments by an agency or*
3 *the public on a draft environmental impact state-*
4 *ment, the lead agency shall establish a comment pe-*
5 *riod of not less than 45 days and not more than 60*
6 *days after the date on which a notice announcing*
7 *availability of the environmental impact statement is*
8 *published in the Federal Register, unless—*

9 (A) *the lead agency, the project sponsor,*
10 *and any cooperating agency agree to a longer*
11 *deadline; or*

12 (B) *the lead agency, in consultation with*
13 *each cooperating agency, extends the deadline for*
14 *good cause.*

15 (2) *OTHER REVIEW AND COMMENT PERIODS.*—
16 *For all other review or comment periods in the envi-*
17 *ronmental review process described in parts 1500*
18 *through 1508 of title 40, Code of Federal Regulations*
19 *(or successor regulations), the lead agency shall estab-*
20 *lish a comment period of not more than 45 days after*
21 *the date on which the materials on which comment is*
22 *requested are made available, unless—*

23 (A) *the lead agency, the project sponsor,*
24 *and any cooperating agency agree to a longer*
25 *deadline; or*

1 (B) *the lead agency extends the deadline for*
2 *good cause.*

3 (e) *ISSUE IDENTIFICATION AND RESOLUTION.—*

4 (1) *COOPERATION.—The lead agency and each*
5 *cooperating and participating agency shall work co-*
6 *operatively in accordance with this section to identify*
7 *and resolve issues that could delay completion of an*
8 *environmental review or an authorization required*
9 *for the project under applicable law or result in the*
10 *denial of any approval under applicable law.*

11 (2) *LEAD AGENCY RESPONSIBILITIES.—*

12 (A) *IN GENERAL.—The lead agency shall*
13 *make information available to each cooperating*
14 *and participating agency and project sponsor as*
15 *early as practicable in the environmental review*
16 *regarding the environmental, historic, and socio-*
17 *economic resources located within the project*
18 *area and the general locations of the alternatives*
19 *under consideration.*

20 (B) *SOURCES OF INFORMATION.—The infor-*
21 *mation described in subparagraph (A) may be*
22 *based on existing data sources, including geo-*
23 *graphic information systems mapping.*

1 (3) *COOPERATING AND PARTICIPATING AGENCY*
2 *RESPONSIBILITIES.*—*Each cooperating and partici-*
3 *pating agency shall—*

4 (A) *identify, as early as practicable, any*
5 *issues of concern regarding any potential envi-*
6 *ronmental impacts of the covered project, includ-*
7 *ing any issues that could substantially delay or*
8 *prevent an agency from completing any environ-*
9 *mental review or authorization required for the*
10 *project; and*

11 (B) *communicate any issues described in*
12 *subparagraph (A) to the project sponsor.*

13 (f) *CATEGORIES OF PROJECTS.*—*The authorities*
14 *granted under this section may be exercised for an indi-*
15 *vidual covered project or a category of covered projects.*

16 **SEC. 61006. DELEGATED STATE PERMITTING PROGRAMS.**

17 (a) *IN GENERAL.*—*If a Federal statute permits a Fed-*
18 *eral agency to delegate to or otherwise authorize a State*
19 *to issue or otherwise administer a permit program in lieu*
20 *of the Federal agency, the Federal agency with authority*
21 *to carry out the statute shall—*

22 (1) *on publication by the Council of best prac-*
23 *tices under section 61002(c)(2)(B), initiate a national*
24 *process, with public participation, to determine*
25 *whether and the extent to which any of the best prac-*

1 *tices are generally applicable on a delegation- or au-*
2 *thorization-wide basis to permitting under the stat-*
3 *ute; and*

4 *(2) not later than 2 years after the date of enact-*
5 *ment of this Act, make model recommendations for*
6 *State modifications of the applicable permit program*
7 *to reflect the best practices described in section*
8 *61002(c)(2)(B), as appropriate.*

9 *(b) BEST PRACTICES.—Lead and cooperating agencies*
10 *may share with State, tribal, and local authorities best*
11 *practices involved in review of covered projects and invite*
12 *input from State, tribal, and local authorities regarding*
13 *best practices.*

14 **SEC. 61007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS**
15 **PROVISION.**

16 *(a) LIMITATIONS ON CLAIMS.—*

17 *(1) IN GENERAL.—Notwithstanding any other*
18 *provision of law, a claim arising under Federal law*
19 *seeking judicial review of any authorization issued by*
20 *a Federal agency for a covered project shall be barred*
21 *unless—*

22 *(A) the action is filed not later than 2 years*
23 *after the date of publication in the Federal Reg-*
24 *ister of the final record of decision or approval*
25 *or denial of a permit, unless a shorter time is*

1 *specified in the Federal law under which judicial*
2 *review is allowed; and*

3 *(B) in the case of an action pertaining to*
4 *an environmental review conducted under*
5 *NEPA—*

6 *(i) the action is filed by a party that*
7 *submitted a comment during the environ-*
8 *mental review or a party that lacked a rea-*
9 *sonable opportunity to submit a comment;*
10 *and*

11 *(ii) a party filed a sufficiently detailed*
12 *comment so as to put the lead agency on*
13 *notice of the issue on which the party seeks*
14 *judicial review.*

15 (2) *NEW INFORMATION.—*

16 *(A) IN GENERAL.—The head of a lead agen-*
17 *cy or participating agency shall consider new*
18 *information received after the close of a comment*
19 *period if the information satisfies the require-*
20 *ments under regulations implementing NEPA.*

21 *(B) SEPARATE ACTION.—If Federal law re-*
22 *quires the preparation of a supplemental envi-*
23 *ronmental impact statement or other supple-*
24 *mental environmental document, the preparation*
25 *of such document shall be considered a separate*

1 *final agency action and the deadline for filing a*
2 *claim for judicial review of the agency action*
3 *shall be 2 years after the date on which a notice*
4 *announcing the final agency action is published*
5 *in the Federal Register, unless a shorter time is*
6 *specified in the Federal law under which judicial*
7 *review is allowed.*

8 (3) *RULE OF CONSTRUCTION.*—*Nothing in this*
9 *subsection creates a right to judicial review or places*
10 *any limit on filing a claim that a person has violated*
11 *the terms of an authorization.*

12 (b) *PRELIMINARY INJUNCTIVE RELIEF.*—*In addition*
13 *to considering any other applicable equitable factors, in any*
14 *action seeking a temporary restraining order or prelimi-*
15 *nary injunction against an agency or a project sponsor in*
16 *connection with review or authorization of a covered*
17 *project, the court shall—*

18 (1) *consider the effects on public health, safety,*
19 *and the environment, the potential for significant job*
20 *losses, and other economic harm resulting from an*
21 *order or injunction; and*

22 (2) *not presume that the harms described in*
23 *paragraph (1) are reparable.*

24 (c) *JUDICIAL REVIEW.*—*Except as provided in sub-*
25 *section (a), nothing in this title affects the reviewability of*

1 *any final Federal agency action in a court of competent*
2 *jurisdiction.*

3 (d) *SAVINGS CLAUSE.—Nothing in this title—*

4 (1) *supersedes, amends, or modifies any Federal*
5 *statute or affects the responsibility of any Federal of-*
6 *ficer to comply with or enforce any statute; or*

7 (2) *creates a presumption that a covered project*
8 *will be approved or favorably reviewed by any agen-*
9 *cy.*

10 (e) *LIMITATIONS.—Nothing in this section preempts,*
11 *limits, or interferes with—*

12 (1) *any practice of seeking, considering, or re-*
13 *sponding to public comment; or*

14 (2) *any power, jurisdiction, responsibility, or*
15 *authority that a Federal, State, or local governmental*
16 *agency, metropolitan planning organization, Indian*
17 *tribe, or project sponsor has with respect to carrying*
18 *out a project or any other provisions of law applica-*
19 *ble to any project, plan, or program.*

20 **SEC. 61008. REPORT TO CONGRESS.**

21 (a) *IN GENERAL.—Not later than April 15 of each*
22 *year for 10 years beginning on the date of enactment of*
23 *this Act, the Executive Director shall submit to Congress*
24 *a report detailing the progress accomplished under this title*
25 *during the previous fiscal year.*

1 (b) *CONTENTS.*—*The report described in subsection (a)*
2 *shall assess the performance of each participating agency*
3 *and lead agency based on the best practices described in*
4 *section 61002(c)(2)(B).*

5 (c) *OPPORTUNITY TO INCLUDE COMMENTS.*—*Each*
6 *councilmember, with input from the respective agency*
7 *CERPO, shall have the opportunity to include comments*
8 *concerning the performance of the agency in the report de-*
9 *scribed in subsection (a).*

10 **SEC. 61009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND**
11 **PROCESSING OF ENVIRONMENTAL REVIEWS**
12 **AND PERMITS.**

13 (a) *IN GENERAL.*—*The heads of agencies listed in sec-*
14 *tion 61002(b)(2)(B), with the guidance of the Director of*
15 *the Office of Management and Budget and in consultation*
16 *with the Executive Director, may, after public notice and*
17 *opportunity for comment, issue regulations establishing a*
18 *fee structure for project proponents to reimburse the United*
19 *States for reasonable costs incurred in conducting environ-*
20 *mental reviews and authorizations for covered projects.*

21 (b) *REASONABLE COSTS.*—*As used in this section, the*
22 *term “reasonable costs” shall include costs to implement the*
23 *requirements and authorities required under sections 61002*
24 *and 61003, including the costs to agencies and the costs of*
25 *operating the Council.*

1 (c) *FEE STRUCTURE.*—*The fee structure established*
2 *under subsection (a) shall—*

3 (1) *be developed in consultation with affected*
4 *project proponents, industries, and other stakeholders;*

5 (2) *exclude parties for which the fee would im-*
6 *pose an undue financial burden or is otherwise deter-*
7 *mined to be inappropriate; and*

8 (3) *be established in a manner that ensures that*
9 *the aggregate amount of fees collected for a fiscal year*
10 *is estimated not to exceed 20 percent of the total esti-*
11 *mated costs for the fiscal year for the resources allo-*
12 *cated for the conduct of the environmental reviews*
13 *and authorizations covered by this title, as deter-*
14 *mined by the Director of the Office of Management*
15 *and Budget.*

16 (d) *ENVIRONMENTAL REVIEW AND PERMITTING IM-*
17 *PROVEMENT FUND.*—

18 (1) *IN GENERAL.*—*All amounts collected pursu-*
19 *ant to this section shall be deposited into a separate*
20 *fund in the Treasury of the United States to be*
21 *known as the “Environmental Review Improvement*
22 *Fund” (referred to in this section as the “Fund”).*

23 (2) *AVAILABILITY.*—*Amounts in the Fund shall*
24 *be available to the Executive Director, without appro-*
25 *priation or fiscal year limitation, solely for the pur-*

1 *poses of administering, implementing, and enforcing*
2 *this title, including the expenses of the Council.*

3 (3) *TRANSFER.—The Executive Director, with*
4 *the approval of the Director of the Office of Manage-*
5 *ment and Budget, may transfer amounts in the Fund*
6 *to other agencies to facilitate timely and efficient en-*
7 *vironmental reviews and authorizations for proposed*
8 *covered projects.*

9 (e) *EFFECT ON PERMITTING.—The regulations adopt-*
10 *ed pursuant to subsection (a) shall ensure that the use of*
11 *funds accepted under subsection (d) will not impact impar-*
12 *tial decision-making with respect to environmental reviews*
13 *or authorizations, either substantively or procedurally.*

14 (f) *TRANSFER OF APPROPRIATED FUNDS.—*

15 (1) *IN GENERAL.—The heads of agencies listed in*
16 *section 61002(b)(2)(B) shall have the authority to*
17 *transfer, in accordance with section 1535 of title 31,*
18 *United States Code, funds appropriated to those agen-*
19 *cies and not otherwise obligated to other affected Fed-*
20 *eral agencies for the purpose of implementing the pro-*
21 *visions of this title.*

22 (2) *LIMITATION.—Appropriations under title 23,*
23 *United States Code and appropriations for the civil*
24 *works program of the Army Corps of Engineers shall*
25 *not be available for transfer under paragraph (1).*

1 **SEC. 61010. APPLICATION.**

2 *This title applies to any covered project for which—*

3 *(1) a notice is filed under section 61003(a)(1); or*

4 *(2) an application or other request for a Federal*

5 *authorization is pending before a Federal agency 90*

6 *days after the date of enactment of this Act.*

7 **SEC. 61011. GAO REPORT.**

8 *Not later than 3 years after the date of enactment of*

9 *this Act, the Comptroller General of the United States shall*

10 *submit to Congress a report that includes an analysis of*

11 *whether the provisions of this title could be adapted to*

12 *streamline the Federal permitting process for smaller*

13 *projects that are not covered projects.*

14 **TITLE LXII—ADDITIONAL**
15 **PROVISIONS**

16 **SEC. 62001. HIRE MORE HEROES.**

17 *(a) SHORT TITLE.—This section may be cited as the*

18 *“Hire More Heroes Act of 2015”.*

19 *(b) EMPLOYEES WITH HEALTH COVERAGE UNDER*

20 *TRICARE OR THE VETERANS ADMINISTRATION NOT*

21 *TAKEN INTO ACCOUNT IN DETERMINING EMPLOYERS TO*

22 *WHICH THE EMPLOYER MANDATE APPLIES UNDER PA-*

23 *TIENT PROTECTION AND AFFORDABLE CARE ACT.—Section*

24 *4980H(c)(2) of the Internal Revenue Code of 1986 is*

25 *amended by adding at the end the following:*

1 “(F) *EXEMPTION FOR HEALTH COVERAGE*
 2 *UNDER TRICARE OR THE VETERANS ADMINISTRATION.*—Solely for purposes of determining whether
 3 an employer is an applicable large employer
 4 under this paragraph for any month, an indi-
 5 vidual shall not be taken into account as an em-
 6 ployee for such month if such individual has
 7 medical coverage for such month under—

8 “(i) chapter 55 of title 10, United
 9 States Code, including coverage under the
 10 *TRICARE* program, or

11 “(ii) under a health care program
 12 under chapter 17 or 18 of title 38, United
 13 States Code, as determined by the Secretary
 14 of Veterans Affairs, in coordination with the
 15 Secretary of Health and Human Services
 16 and the Secretary.”.

17 (c) *EFFECTIVE DATE.*—The amendment made by sub-
 18 section (b) shall apply to months beginning after December
 19 31, 2013.

21 ***DIVISION G—SURFACE***

22 ***TRANSPORTATION EXTENSION***

23 ***SEC. 70001. SHORT TITLE.***

24 This division may cited as the “Surface Transpor-
 25 tation Extension Act of 2015”.

1 **TITLE LXXI—EXTENSION OF**
2 **FEDERAL-AID HIGHWAY PRO-**
3 **GRAMS**

4 **SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PRO-**
5 **GRAMS.**

6 (a) *IN GENERAL.*—Section 1001 of the Highway and
7 Transportation Funding Act of 2014 (Public Law 113–159;
8 128 Stat. 1840; 129 Stat. 219) is amended—

9 (1) in subsection (a), by striking “July 31,
10 2015” and inserting “September 30, 2015”;

11 (2) in subsection (b)(1)—

12 (A) by striking “July 31, 2015” and insert-
13 ing “September 30, 2015”; and

14 (B) by striking “³⁰⁴/₃₆₅” and inserting
15 “³⁶⁵/₃₆₅”; and

16 (3) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) by striking “July 31, 2015” and
19 inserting “September 30, 2015”; and

20 (ii) by striking “³⁰⁴/₃₆₅” and inserting
21 “³⁶⁵/₃₆₅”; and

22 (B) in paragraph (2)(B), by striking “by
23 this subsection”.

24 (b) *OBLIGATION CEILING.*—Section 1102 of MAP–21
25 (23 U.S.C. 104 note; Public Law 112–141) is amended—

1 (1) *in subsection (a)(3)—*

2 (A) *by striking “\$33,528,284,932” and in-*
3 *serting “\$40,256,000,000”; and*

4 (B) *by striking “July 31, 2015” and insert-*
5 *ing “September 30, 2015”;*

6 (2) *in subsection (b)(12)—*

7 (A) *by striking “July 31, 2015” and insert-*
8 *ing “September 30, 2015”; and*

9 (B) *by striking “^{304/365}” and inserting*
10 *“^{365/365}”;*

11 (3) *in subsection (c)—*

12 (A) *in the matter preceding paragraph (1),*
13 *by striking “July 31, 2015” and inserting “Sep-*
14 *tember 30, 2015”; and*

15 (B) *in paragraph (2)—*

16 (i) *by striking “July 31, 2015” and*
17 *inserting “September 30, 2015”; and*

18 (ii) *by striking “^{304/365}” and inserting*
19 *“^{365/365}”; and*

20 (4) *in subsection (f)(1), in the matter preceding*
21 *subparagraph (A), by striking “July 31, 2015” and*
22 *inserting “September 30, 2015”.*

23 (c) *TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—*

24 *Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note; Public*
25 *Law 112–141) is amended—*

1 (1) by striking “\$24,986,301” and inserting
2 “\$30,000,000”; and

3 (2) by striking “July 31, 2015” and inserting
4 “September 30, 2015”.

5 **SEC. 71002. ADMINISTRATIVE EXPENSES.**

6 (a) *AUTHORIZATION OF CONTRACT AUTHORITY.*—Sec-
7 tion 1002(a) of the Highway and Transportation Funding
8 Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat.
9 220) is amended—

10 (1) by striking “\$366,465,753” and inserting
11 “\$440,000,000”; and

12 (2) by striking “July 31, 2015” and inserting
13 “September 30, 2015”.

14 (b) *CONTRACT AUTHORITY.*—Section 1002(b)(2) of the
15 Highway and Transportation Funding Act of 2014 (Public
16 Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended
17 by striking “July 31, 2015” and inserting “September 30,
18 2015”.

19 **TITLE LXXII—TEMPORARY EX-**
20 **TENSION OF PUBLIC TRANS-**
21 **PORTATION PROGRAMS**

22 **SEC. 72001. FORMULA GRANTS FOR RURAL AREAS.**

23 Section 5311(c)(1) of title 49, United States Code, is
24 amended—

1 (1) in subparagraph (A), by striking “ending be-
2 fore” and all that follows through “July 31, 2015,”;
3 and

4 (2) in subparagraph (B), by striking “ending be-
5 fore” and all that follows through “July 31, 2015,”.

6 **SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR**
7 **FORMULA GRANTS.**

8 Section 5336(h)(1) of title 49, United States Code, is
9 amended by striking “before October 1, 2014” and all that
10 follows through “July 31, 2015,” and inserting “before Oc-
11 tober 1, 2015”.

12 **SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPOR-**
13 **TATION.**

14 (a) *FORMULA GRANTS.*—Section 5338(a) of title 49,
15 United States Code, is amended—

16 (1) in paragraph (1), by striking “for fiscal year
17 2014” and all that follows and inserting “for fiscal
18 year 2014, and \$8,595,000,000 for fiscal year 2015.”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (A), by striking
21 “\$107,274,521 for the period beginning on Octo-
22 ber 1, 2014, and ending on July 31, 2015,” and
23 inserting “\$128,800,000 for fiscal year 2015”;

24 (B) in subparagraph (B), by striking “2013
25 and 2014 and \$8,328,767 for the period begin-

1 *ning on October 1, 2014, and ending on July 31,*
2 *2015,” and inserting “2013, 2014, and 2015”;*

3 *(C) in subparagraph (C), by striking*
4 *“\$3,713,505,753 for the period beginning on Oc-*
5 *tober 1, 2014, and ending on July 31, 2015,”*
6 *and inserting “\$4,458,650,000 for fiscal year*
7 *2015”;*

8 *(D) in subparagraph (D), by striking*
9 *“\$215,132,055 for the period beginning on Octo-*
10 *ber 1, 2014, and ending on July 31, 2015,” and*
11 *inserting “\$258,300,000 for fiscal year 2015”;*

12 *(E) in subparagraph (E)—*

13 *(i) by striking “\$506,222,466 for the*
14 *period beginning on October 1, 2014, and*
15 *ending on July 31, 2015,” and inserting*
16 *“\$607,800,000 for fiscal year 2015”;*

17 *(ii) by striking “\$24,986,301 for the*
18 *period beginning on October 1, 2014, and*
19 *ending on July 31, 2015,” and inserting*
20 *“\$30,000,000 for fiscal year 2015”; and*

21 *(iii) by striking “\$16,657,534 for the*
22 *period beginning on October 1, 2014, and*
23 *ending on July 31, 2015,” and inserting*
24 *“\$20,000,000 for fiscal year 2015”;*

1 (F) in subparagraph (F), by striking “2013
2 and 2014 and \$2,498,630 for the period begin-
3 ning on October 1, 2014, and ending on July 31,
4 2015,” and inserting “2013, 2014, and 2015”;

5 (G) in subparagraph (G), by striking “2013
6 and 2014 and \$4,164,384 for the period begin-
7 ning on October 1, 2014, and ending on July 31,
8 2015,” and inserting “2013, 2014, and 2015”;

9 (H) in subparagraph (H), by striking
10 “2013 and 2014 and \$3,206,575 for the period
11 beginning on October 1, 2014, and ending on
12 July 31, 2015,” and inserting “2013, 2014, and
13 2015”;

14 (I) in subparagraph (I), by striking
15 “\$1,803,927,671 for the period beginning on Oc-
16 tober 1, 2014, and ending on July 31, 2015,”
17 and inserting “\$2,165,900,000 for fiscal year
18 2015”;

19 (J) in subparagraph (J), by striking
20 “\$356,304,658 for the period beginning on Octo-
21 ber 1, 2014, and ending on July 31, 2015,” and
22 inserting “\$427,800,000 for fiscal year 2015”;
23 and

24 (K) in subparagraph (K), by striking
25 “\$438,009,863 for the period beginning on Octo-

1 ber 1, 2014, and ending on July 31, 2015,” and
2 inserting “\$525,900,000 for fiscal year 2015”.

3 (b) *RESEARCH, DEVELOPMENT DEMONSTRATION AND*
4 *DEPLOYMENT PROJECTS.*—Section 5338(b) of title 49,
5 *United States Code*, is amended by striking “\$58,301,370
6 for the period beginning on October 1, 2014, and ending
7 on July 31, 2015” and inserting “\$70,000,000 for fiscal
8 year 2015”.

9 (c) *TRANSIT COOPERATIVE RESEARCH PROGRAM.*—
10 *Section 5338(c) of title 49, United States Code*, is amended
11 by striking “\$5,830,137 for the period beginning on October
12 1, 2014, and ending on July 31, 2015” and inserting
13 “\$7,000,000 for fiscal year 2015”.

14 (d) *TECHNICAL ASSISTANCE AND STANDARDS DEVEL-*
15 *OPMENT.*—Section 5338(d) of title 49, *United States Code*,
16 is amended by striking “\$5,830,137 for the period begin-
17 ning on October 1, 2014, and ending on July 31, 2015”
18 and inserting “\$7,000,000 for fiscal year 2015”.

19 (e) *HUMAN RESOURCES AND TRAINING.*—Section
20 *5338(e) of title 49, United States Code*, is amended by strik-
21 ing “\$4,164,384 for the period beginning on October 1,
22 2014, and ending on July 31, 2015” and inserting
23 “\$5,000,000 for fiscal year 2015”.

24 (f) *CAPITAL INVESTMENT GRANTS.*—Section 5338(g)
25 of title 49, *United States Code*, is amended by striking

1 “\$1,558,295,890 for the period beginning on October 1,
2 2014, and ending on July 31, 2015” and inserting
3 “\$1,907,000,000 for fiscal year 2015”.

4 (g) ADMINISTRATION.—Section 5338(h) of title 49,
5 United States Code, is amended—

6 (1) in paragraph (1), by striking “\$86,619,178
7 for the period beginning on October 1, 2014, and end-
8 ing on July 31, 2015” and inserting “\$104,000,000
9 for fiscal year 2015”;

10 (2) in paragraph (2), by striking “2013 and
11 2014 and not less than \$4,164,384 for the period be-
12 ginning on October 1, 2014, and ending on July 31,
13 2015,” and inserting “2013, 2014, and 2015”; and

14 (3) in paragraph (3), by striking “2013 and
15 2014 and not less than \$832,877 for the period begin-
16 ning on October 1, 2014, and ending on July 31,
17 2015,” and inserting “2013, 2014, and 2015”.

18 **SEC. 72004. BUS AND BUS FACILITIES FORMULA GRANTS.**

19 Section 5339(d)(1) of title 49, United States Code, is
20 amended—

21 (1) by striking “2013 and 2014 and \$54,553,425
22 for the period beginning on October 1, 2014, and end-
23 ing on July 31, 2015,” and inserting “2013, 2014,
24 and 2015”;

1 (2) by striking “and \$1,041,096 for such period”;

2 *and*

3 (3) by striking “and \$416,438 for such period”.

4 **TITLE LXXIII—EXTENSION OF**
 5 **HIGHWAY SAFETY PROGRAMS**
 6 **Subtitle A—Extension of Highway**
 7 **Safety Programs**

8 **SEC. 73101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC**
 9 **SAFETY ADMINISTRATION HIGHWAY SAFETY**
 10 **PROGRAMS.**

11 (a) *EXTENSION OF PROGRAMS.*—

12 (1) *HIGHWAY SAFETY PROGRAMS.*—Section
 13 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amend-
 14 ed to read as follows:

15 “(C) \$235,000,000 for fiscal year 2015.”.

16 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
 17 *MENT.*—Section 31101(a)(2)(C) of MAP–21 (126
 18 Stat. 733) is amended to read as follows:

19 “(C) \$113,500,000 for fiscal year 2015.”.

20 (3) *NATIONAL PRIORITY SAFETY PROGRAMS.*—
 21 Section 31101(a)(3)(C) of MAP–21 (126 Stat. 733) is
 22 amended to read as follows:

23 “(C) \$272,000,000 for fiscal year 2015.”.

1 (4) *NATIONAL DRIVER REGISTER.*—Section
2 31101(a)(4)(C) of MAP–21 (126 Stat. 733) is amend-
3 ed to read as follows:

4 “(C) \$5,000,000 for fiscal year 2015.”.

5 (5) *HIGH VISIBILITY ENFORCEMENT PROGRAM.*—

6 (A) *AUTHORIZATION OF APPROPRIA-*
7 *TIONS.*—Section 31101(a)(5)(C) of MAP–21 (126
8 Stat. 733) is amended to read as follows:

9 “(C) \$29,000,000 for fiscal year 2015.”.

10 (B) *LAW ENFORCEMENT CAMPAIGNS.*—Sec-
11 tion 2009(a) of SAFETEA–LU (23 U.S.C. 402
12 note) is amended—

13 (i) in the first sentence, by striking
14 “and 2014 and in the period beginning on
15 October 1, 2014, and ending on July 31,
16 2015” and inserting “through 2015”; and

17 (ii) in the second sentence, by striking
18 “and 2014 and in the period beginning on
19 October 1, 2014, and ending on July 31,
20 2015,” and inserting “through 2015”.

21 (6) *ADMINISTRATIVE EXPENSES.*—Section
22 31101(a)(6)(C) of MAP–21 (126 Stat. 733) is amend-
23 ed to read as follows:

24 “(C) \$25,500,000 for fiscal year 2015.”.

1 (b) *COOPERATIVE RESEARCH AND EVALUATION.*—Section
 2 tion 403(f)(1) of title 23, United States Code, is amended
 3 by striking “under subsection 402(c) in each fiscal year
 4 ending before October 1, 2014, and \$2,082,192 of the total
 5 amount available for apportionment to the States for high-
 6 way safety programs under section 402(c) in the period be-
 7 ginning on October 1, 2014, and ending on July 31, 2015,”
 8 and inserting “under section 402(c) in each fiscal year end-
 9 ing before October 1, 2015,”.

10 (c) *APPLICABILITY OF TITLE 23.*—Section 31101(c) of
 11 MAP-21 (126 Stat. 733) is amended by striking “fiscal
 12 years 2013 and 2014 and for the period beginning on Octo-
 13 ber 1, 2014, and ending on July 31, 2015,” and inserting
 14 “each of fiscal years 2013 through 2015”.

15 **SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER**
 16 **SAFETY ADMINISTRATION PROGRAMS.**

17 (a) *MOTOR CARRIER SAFETY GRANTS.*—Section
 18 31104(a)(10) of title 49, United States Code, is amended
 19 to read as follows:

20 “(10) \$218,000,000 for fiscal year 2015.”.

21 (b) *ADMINISTRATIVE EXPENSES.*—Section
 22 31104(i)(1)(J) of title 49, United States Code, is amended
 23 to read as follows:

24 “(J) \$259,000,000 for fiscal year 2015.”.

25 (c) *GRANT PROGRAMS.*—

1 (1) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
2 *IMPROVEMENT GRANTS.*—Section 4101(c)(1) of
3 *SAFETEA–LU (119 Stat. 1715)* is amended by strik-
4 *ing “each of fiscal years 2013 and 2014 and*
5 *\$24,986,301 for the period beginning on October 1,*
6 *2014, and ending on July 31, 2015”* and inserting
7 *“each of fiscal years 2013 through 2015”*.

8 (2) *BORDER ENFORCEMENT GRANTS.*—Section
9 *4101(c)(2) of SAFETEA–LU (119 Stat. 1715)* is
10 *amended by striking “each of fiscal years 2013 and*
11 *2014 and \$26,652,055 for the period beginning on Oc-*
12 *tober 1, 2014, and ending on July 31, 2015”* and in-
13 *serting “each of fiscal years 2013 through 2015”*.

14 (3) *PERFORMANCE AND REGISTRATION INFORMA-*
15 *TION SYSTEM MANAGEMENT GRANT PROGRAM.*—Sec-
16 *tion 4101(c)(3) of SAFETEA–LU (119 Stat. 1715)* is
17 *amended by striking “each of fiscal years 2013 and*
18 *2014 and \$4,164,384 for the period beginning on Oc-*
19 *tober 1, 2014, and ending on July 31, 2015”* and in-
20 *serting “each of fiscal years 2013 through 2015”*.

21 (4) *COMMERCIAL VEHICLE INFORMATION SYS-*
22 *TEMS AND NETWORKS DEPLOYMENT PROGRAM.*—Sec-
23 *tion 4101(c)(4) of SAFETEA–LU (119 Stat. 1715)* is
24 *amended by striking “each of fiscal years 2013 and*
25 *2014 and \$20,821,918 for the period beginning on Oc-*

1 tober 1, 2014, and ending on July 31, 2015” and in-
2 serting “each of fiscal years 2013 through 2015”.

3 (5) SAFETY DATA IMPROVEMENT GRANTS.—Sec-
4 tion 4101(c)(5) of SAFETEA-LU (119 Stat. 1715) is
5 amended by striking “each of fiscal years 2013 and
6 2014 and \$2,498,630 for the period beginning on Oc-
7 tober 1, 2014, and ending on July 31, 2015” and in-
8 serting “each of fiscal years 2013 through 2015”.

9 (d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2)
10 of title 49, United States Code, is amended by striking
11 “each of fiscal years 2006 through 2014 and up to
12 \$12,493,151 for the period beginning on October 1, 2014,
13 and ending on July 31, 2015,” and inserting “each of fiscal
14 years 2006 through 2015”.

15 (e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B)
16 of title 49, United States Code, is amended by striking “per
17 fiscal year and up to \$26,652,055 for the period beginning
18 on October 1, 2014, and ending on July 31, 2015,” and
19 inserting “per fiscal year”.

20 (f) OUTREACH AND EDUCATION.—Section 4127(e) of
21 SAFETEA-LU (119 Stat. 1741) is amended by striking
22 “each of fiscal years 2013 and 2014 and \$3,331,507 to the
23 Federal Motor Carrier Safety Administration for the period
24 beginning on October 1, 2014, and ending on July 31,

1 2015,” and inserting “each of fiscal years 2013 through
2 2015”.

3 (g) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*
4 *CLE OPERATORS.*—Section 4134(c) of *SAFETEA-LU* (49
5 *U.S.C. 31301 note*) is amended by striking “each of fiscal
6 years 2005 through 2014 and \$832,877 for the period begin-
7 ning on October 1, 2014, and ending on July 31, 2015”
8 and inserting “each of fiscal years 2005 through 2015”.

9 **SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION**

10 **ACT.**

11 Section 4 of the *Dingell-Johnson Sport Fish Restora-*
12 *tion Act* (16 *U.S.C. 777c*) is amended—

13 (1) in subsection (a), in the matter preceding
14 paragraph (1) by striking “each fiscal year through
15 2014 and for the period beginning on October 1,
16 2014, and ending on July 31, 2015,” and inserting
17 “each fiscal year through 2015”; and

18 (2) in subsection (b)(1)(A) by striking “for each
19 fiscal year ending before October 1, 2014, and for the
20 period beginning on October 1, 2014, and ending on
21 July 31, 2015,” and inserting “for each fiscal year
22 ending before October 1, 2015”.

1 ***Subtitle B—Hazardous Materials***

2 ***SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.***

3 *(a) IN GENERAL.—Section 5128(a)(3) of title 49,*
4 *United States Code, is amended to read as follows:*

5 *“(3) \$42,762,000 for fiscal year 2015.”.*

6 *(b) HAZARDOUS MATERIALS EMERGENCY PREPARED-*
7 *NESS FUND.—Section 5128(b)(2) of title 49, United States*
8 *Code, is amended to read as follows:*

9 *“(2) FISCAL YEAR 2015.—From the Hazardous*
10 *Materials Emergency Preparedness Fund established*
11 *under section 5116(i), the Secretary may expend dur-*
12 *ing fiscal year 2015—*

13 *“(A) \$188,000 to carry out section 5115;*

14 *“(B) \$21,800,000 to carry out subsections*
15 *(a) and (b) of section 5116, of which not less*
16 *than \$13,650,000 shall be available to carry out*
17 *section 5116(b);*

18 *“(C) \$150,000 to carry out section 5116(f);*

19 *“(D) \$625,000 to publish and distribute the*
20 *Emergency Response Guidebook under section*
21 *5116(i)(3); and*

22 *“(E) \$1,000,000 to carry out section*
23 *5116(j).”.*

24 *(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Sec-*
25 *tion 5128(c) of title 49, United States Code, is amended*

1 *by striking “each of fiscal years 2013 and 2014 and*
 2 *\$3,331,507 for the period beginning on October 1, 2014, and*
 3 *ending on July 31, 2015,” and inserting “each of fiscal*
 4 *years 2013 through 2015”.*

5 **TITLE LXXIV—REVENUE**
 6 **PROVISIONS**

7 **SEC. 74001. EXTENSION OF TRUST FUND EXPENDITURE AU-**
 8 **THORITY.**

9 *(a) HIGHWAY TRUST FUND.—Section 9503 of the In-*
 10 *ternal Revenue Code of 1986 is amended—*

11 *(1) by striking “August 1, 2015” in subsections*
 12 *(b)(6)(B), (c)(1), and (e)(3) and inserting “October 1,*
 13 *2015”, and*

14 *(2) by striking “Highway and Transportation*
 15 *Funding Act of 2015” in subsections (c)(1) and (e)(3)*
 16 *and inserting “Surface Transportation Extension Act*
 17 *of 2015”.*

18 *(b) SPORT FISH RESTORATION AND BOATING TRUST*
 19 *FUND.—Section 9504 of the Internal Revenue Code of 1986*
 20 *is amended—*

21 *(1) by striking “Highway and Transportation*
 22 *Funding Act of 2015” each place it appears in sub-*
 23 *section (b)(2) and inserting “Surface Transportation*
 24 *Extension Act of 2015”, and*

1 (2) *by striking “August 1, 2015” in subsection*
2 *(d)(2) and inserting “October 1, 2015”.*

3 (c) *LEAKING UNDERGROUND STORAGE TANK TRUST*
4 *FUND.—Paragraph (2) of section 9508(e) of the Internal*
5 *Revenue Code of 1986 is amended by striking “August 1,*
6 *2015” and inserting “October 1, 2015”.*

7 (d) *EFFECTIVE DATE.—The amendments made by this*
8 *section shall take effect on August 1, 2015.*

9 ***DIVISION H—BUDGETARY***

10 ***EFFECTS***

11 ***SEC. 80001. BUDGETARY EFFECTS.***

12 *The budgetary effects of this Act, for the purpose of*
13 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
14 *shall be determined by reference to the latest statement titled*
15 *“Budgetary Effects of PAYGO Legislation” for this Act,*
16 *submitted for printing in the Congressional Record by the*
17 *Chairman of the Senate Budget Committee, provided that*
18 *such statement has been submitted prior to the vote on pas-*
19 *sage.*

20 ***SEC. 80002. MAINTENANCE OF HIGHWAY TRUST FUND CASH*** 21 ***BALANCE.***

22 (a) *DEFINITIONS.—In this section:*

23 (1) *HIGHWAY ACCOUNT.—The term “Highway*
24 *Account” has the meaning given the term in section*
25 *9503(e)(5)(B) of the Internal Revenue Code of 1986.*

1 (2) *HIGHWAY TRUST FUND.*—*The term “High-*
2 *way Trust Fund” means the Highway Trust Fund es-*
3 *tablished by section 9503(a) of the Internal Revenue*
4 *Code of 1986.*

5 (3) *MASS TRANSIT ACCOUNT.*—*The term “Mass*
6 *Transit Account” means the Mass Transit Account es-*
7 *tablished by section 9503(e)(1) of the Internal Rev-*
8 *enue Code of 1986.*

9 (b) *RESTRICTION ON OBLIGATIONS.*—*If the Secretary,*
10 *in consultation with the Secretary of the Treasury, deter-*
11 *mines under the test or reevaluation described under sub-*
12 *section (c) or (d) that the projected cash balances of either*
13 *the Highway Account or the Mass Transit Account of the*
14 *Highway Trust Fund will fall below the levels described in*
15 *subparagraph (A) or (B) of subsection (c)(2) at any time*
16 *during the fiscal year for which that determination applies,*
17 *the Secretary shall not approve any obligation of funds au-*
18 *thorized out of the Highway Account or the Mass Transit*
19 *Account of the Highway Trust Fund during that fiscal*
20 *year.*

21 (c) *CASH BALANCE TEST.*—*On July 15 prior to the*
22 *beginning of each of fiscal years 2019 through 2021, the*
23 *Secretary, in consultation with the Secretary of the Treas-*
24 *ury, shall—*

1 (1) *based on data available for the midsession re-*
2 *view described under section 1106 of title 31, United*
3 *States Code, estimate the projected cash balances of*
4 *the Highway Account and the Mass Transit Account*
5 *of the Highway Trust Fund for the upcoming fiscal*
6 *year; and*

7 (2) *determine if those cash balances—*

8 (A) *are projected to fall below the amount*
9 *of \$4,000,000,000 at any time during that up-*
10 *coming fiscal year in the Highway Account of*
11 *the Highway Trust Fund; or*

12 (B) *are projected to fall below the amount*
13 *of \$1,000,000,000 at any time during that up-*
14 *coming fiscal year in the Mass Transit Account*
15 *of the Highway Trust Fund.*

16 (d) *REEVALUATION.—The Secretary shall conduct the*
17 *test described under subsection (c) again during a respective*
18 *fiscal year—*

19 (1) *if a law is enacted that provides additional*
20 *revenues, deposits, or transfers to the Highway Trust*
21 *Fund; or*

22 (2) *when the President submits to Congress*
23 *under section 1105(a) of title 31, United States Code,*
24 *updated outlay estimates or revenue projections re-*
25 *lated to the Highway Trust Fund.*

1 (e) *NOTIFICATION.*—*Not later than 15 days after a de-*
2 *termination is made under subsection (c) or (d), the Sec-*
3 *retary shall provide notification of the determination to—*

4 (1) *the Committee on Environment and Public*
5 *Works of the Senate;*

6 (2) *the Committee on Transportation and Infra-*
7 *structure of the House of Representatives;*

8 (3) *the Committee on Banking, Housing, and*
9 *Urban Affairs of the Senate;*

10 (4) *the Committee on Commerce, Science, and*
11 *Transportation of the Senate; and*

12 (5) *State transportation departments and des-*
13 *ignated recipients.*

14 (f) *EXCEPTIONS.*—*Notwithstanding subsection (b), the*
15 *Secretary shall approve obligations in every fiscal year*
16 *for—*

17 (1) *administrative expenses of the Federal High-*
18 *way Administration, including any administrative*
19 *expenses funded under—*

20 (A) *section 104(a) of title 23, United States*
21 *Code;*

22 (B) *the tribal transportation program*
23 *under section 202(a)(6), of title 23, United*
24 *States Code;*

1 (C) *the Federal lands transportation pro-*
2 *gram under section 203 of title 23, United States*
3 *Code; and*

4 (D) *chapter 6 of title 23, United States*
5 *Code;*

6 (2) *funds for the national highway performance*
7 *program under section 119 of title 23, United States*
8 *Code, that are exempt from the limitation on obliga-*
9 *tions;*

10 (3) *the emergency relief program under section*
11 *125 of title 23, United States Code;*

12 (4) *the administrative expenses of the National*
13 *Highway Traffic Safety Administration in carrying*
14 *out chapter 4 of title 23, United States Code;*

15 (5) *the highway safety programs under section*
16 *402 of title 23, United States Code, and national pri-*
17 *ority safety programs under section 405 of title 23,*
18 *United States Code;*

19 (6) *the high visibility enforcement program*
20 *under section 2009 of SAFETEA-LU (23 U.S.C. 402*
21 *note; Public Law 109-59);*

22 (7) *the highway safety research and development*
23 *program under section 403 of title 23, United States*
24 *Code;*

1 (8) *the national driver register under chapter*
2 *303 of title 49, United States Code;*

3 (9) *the motor carrier safety assistance program*
4 *under section 31102 of title 49, United States Code;*

5 (10) *the administrative expenses of the Federal*
6 *Motor Carrier Safety Administration under section*
7 *31110 of title 49, United States Code; and*

8 (11) *the administrative expenses of the Federal*
9 *Transit Administration funded under section 5338(h)*
10 *of title 49, United States Code, to carry out section*
11 *5329 of title 49, United States Code.*

12 **SEC. 80003. PROHIBITION ON RESCISSIONS OF CERTAIN**
13 **CONTRACT AUTHORITY.**

14 *For purposes of the enforcement of a point of order*
15 *established under the Congressional Budget Act of 1974 (2*
16 *U.S.C. 621 et seq.), the determination of levels under the*
17 *Balanced Budget and Emergency Deficit Control Act of*
18 *1985 (2 U.S.C. 900 et seq.) or the Statutory Pay-As-You-*
19 *Go Act of 2010 (2 U.S.C. 931 et seq.), and the enforcement*
20 *of a point of order established under or the determination*
21 *of levels under a concurrent resolution on the budget, the*
22 *rescission of contract authority that is provided under this*
23 *Act or an amendment made by this Act for fiscal year 2019,*
24 *2020, or 2021 shall not be counted.*

1 ***DIVISION I—EXPORT-IMPORT***
2 ***BANK OF THE UNITED STATES***

3 ***SEC. 90001. SHORT TITLE.***

4 *This division may be cited as the “Export-Import*
5 *Bank Reform and Reauthorization Act of 2015”.*

6 ***TITLE XCI—TAXPAYER PROTEC-***
7 ***TION PROVISIONS AND IN-***
8 ***CREASED ACCOUNTABILITY***

9 ***SEC. 91001. REDUCTION IN AUTHORIZED AMOUNT OF OUT-***
10 ***STANDING LOANS, GUARANTEES, AND INSUR-***
11 ***ANCE.***

12 *Section 6(a) of the Export-Import Bank Act of 1945*
13 *(12 U.S.C. 635e(a)) is amended—*

14 (1) *by redesignating paragraph (3) as para-*
15 *graph (4); and*

16 (2) *by striking paragraph (2) and inserting the*
17 *following:*

18 “(2) *APPLICABLE AMOUNT DEFINED.—In this*
19 *subsection, the term ‘applicable amount’, for each of*
20 *fiscal years 2015 through 2019, means*
21 *\$135,000,000,000.*

22 “(3) *FREEZING OF LENDING CAP IF DEFAULT*
23 *RATE IS 2 PERCENT OR MORE.—If the rate calculated*
24 *under section 8(g)(1) is 2 percent or more for a quar-*
25 *ter, the Bank may not exceed the amount of loans,*

1 *guarantees, and insurance outstanding on the last*
2 *day of that quarter until the rate calculated under*
3 *section 8(g)(1) is less than 2 percent.”.*

4 **SEC. 91002. INCREASE IN LOSS RESERVES.**

5 *(a) IN GENERAL.—Section 6 of the Export-Import*
6 *Bank Act of 1945 (12 U.S.C. 635e) is amended—*

7 *(1) by redesignating subsection (b) as subsection*
8 *(c); and*

9 *(2) by inserting after subsection (a) the fol-*
10 *lowing:*

11 *“(b) RESERVE REQUIREMENT.—The Bank shall build*
12 *to and hold in reserve, to protect against future losses, an*
13 *amount that is not less than 5 percent of the aggregate*
14 *amount of disbursed and outstanding loans, guarantees,*
15 *and insurance of the Bank.”.*

16 *(b) EFFECTIVE DATE.—The amendment made by sub-*
17 *section (a) shall take effect on the date that is one year after*
18 *the date of the enactment of this Act.*

19 **SEC. 91003. REVIEW OF FRAUD CONTROLS.**

20 *Section 17(b) of the Export-Import Bank Reauthoriza-*
21 *tion Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read*
22 *as follows:*

23 *“(b) REVIEW OF FRAUD CONTROLS.—Not later than*
24 *4 years after the date of the enactment of the Export-Import*
25 *Bank Reform and Reauthorization Act of 2015, and every*

1 4 years thereafter, the Comptroller General of the United
2 States shall—

3 “(1) review the adequacy of the design and effec-
4 tiveness of the controls used by the Export-Import
5 Bank of the United States to prevent, detect, and in-
6 vestigate fraudulent applications for loans and guar-
7 antees and the compliance by the Bank with the con-
8 trols, including by auditing a sample of Bank trans-
9 actions; and

10 “(2) submit a written report regarding the find-
11 ings of the review and providing such recommenda-
12 tions with respect to the controls described in para-
13 graph (1) as the Comptroller General deems appro-
14 priate to—

15 “(A) the Committee on Banking, Housing,
16 and Urban Affairs and the Committee on Appro-
17 priations of the Senate; and

18 “(B) the Committee on Financial Services
19 and the Committee on Appropriations of the
20 House of Representatives.”.

21 **SEC. 91004. OFFICE OF ETHICS.**

22 Section 3 of the Export-Import Bank Act of 1945 (12
23 U.S.C. 635a) is amended by adding at the end the fol-
24 lowing:

25 “(k) OFFICE OF ETHICS.—

1 “(1) *ESTABLISHMENT.*—*There is established an*
2 *Office of Ethics within the Bank, which shall oversee*
3 *all ethics issues within the Bank.*

4 “(2) *HEAD OF OFFICE.*—

5 “(A) *IN GENERAL.*—*The head of the Office*
6 *of Ethics shall be the Chief Ethics Officer, who*
7 *shall report to the Board of Directors.*

8 “(B) *APPOINTMENT.*—*Not later than 180*
9 *days after the date of the enactment of the Ex-*
10 *port-Import Bank Reform and Reauthorization*
11 *Act of 2015, the Chief Ethics Officer shall be—*

12 “(i) *appointed by the President of the*
13 *Bank from among persons—*

14 “(I) *with a background in law*
15 *who have experience in the fields of law*
16 *and ethics; and*

17 “(II) *who are not serving in a po-*
18 *sition requiring appointment by the*
19 *President of the United States before*
20 *being appointed to be Chief Ethics Of-*
21 *ficer; and*

22 “(ii) *approved by the Board.*

23 “(C) *DESIGNATED AGENCY ETHICS OFFI-*
24 *CIAL.*—*The Chief Ethics Officer shall serve as the*
25 *designated agency ethics official for the Bank*

1 *pursuant to the Ethics in Government Act of*
2 *1978 (5 U.S.C. App. 101 et seq.).*

3 “(3) *DUTIES.—The Office of Ethics has jurisdic-*
4 *tion over all employees of, and ethics matters relating*
5 *to, the Bank. With respect to employees of the Bank,*
6 *the Office of Ethics shall—*

7 “(A) *recommend administrative actions to*
8 *establish or enforce standards of official conduct;*

9 “(B) *refer to the Office of the Inspector Gen-*
10 *eral of the Bank alleged violations of—*

11 “(i) *the standards of ethical conduct*
12 *applicable to employees of the Bank under*
13 *parts 2635 and 6201 of title 5, Code of Fed-*
14 *eral Regulations;*

15 “(ii) *the standards of ethical conduct*
16 *established by the Chief Ethics Officer; and*

17 “(iii) *any other laws, rules, or regula-*
18 *tions governing the performance of official*
19 *duties or the discharge of official respon-*
20 *sibilities that are applicable to employees of*
21 *the Bank;*

22 “(C) *report to appropriate Federal or State*
23 *authorities substantial evidence of a violation of*
24 *any law applicable to the performance of official*

1 *duties that may have been disclosed to the Office*
2 *of Ethics; and*

3 “(D) *render advisory opinions regarding*
4 *the propriety of any current or proposed conduct*
5 *of an employee or contractor of the Bank, and*
6 *issue general guidance on such matters as nec-*
7 *essary.”.*

8 **SEC. 91005. CHIEF RISK OFFICER.**

9 *Section 3 of the Export-Import Bank Act of 1945 (12*
10 *U.S.C. 635a), as amended by section 91004, is further*
11 *amended by adding at the end the following:*

12 “(l) **CHIEF RISK OFFICER.**—

13 “(1) **IN GENERAL.**—*There shall be a Chief Risk*
14 *Officer of the Bank, who shall—*

15 “(A) *oversee all issues relating to risk with-*
16 *in the Bank; and*

17 “(B) *report to the President of the Bank.*

18 “(2) **APPOINTMENT.**—*Not later than 180 days*
19 *after the date of the enactment of the Export-Import*
20 *Bank Reform and Reauthorization Act of 2015, the*
21 *Chief Risk Officer shall be—*

22 “(A) *appointed by the President of the*
23 *Bank from among persons—*

24 “(i) *with a demonstrated ability in the*
25 *general management of, and knowledge of*

1 *and extensive practical experience in, finan-*
2 *cial risk evaluation practices in large gov-*
3 *ernmental or business entities; and*

4 “(i) *who are not serving in a position*
5 *requiring appointment by the President of*
6 *the United States before being appointed to*
7 *be Chief Risk Officer; and*

8 “(B) *approved by the Board.*

9 “(3) *DUTIES.—The duties of the Chief Risk Offi-*
10 *cer are—*

11 “(A) *to be responsible for all matters related*
12 *to managing and mitigating all risk to which*
13 *the Bank is exposed, including the programs and*
14 *operations of the Bank;*

15 “(B) *to establish policies and processes for*
16 *risk oversight, the monitoring of management*
17 *compliance with risk limits, and the manage-*
18 *ment of risk exposures and risk controls across*
19 *the Bank;*

20 “(C) *to be responsible for the planning and*
21 *execution of all Bank risk management activi-*
22 *ties, including policies, reporting, and systems to*
23 *achieve strategic risk objectives;*

24 “(D) *to develop an integrated risk manage-*
25 *ment program that includes identifying,*

1 *prioritizing, measuring, monitoring, and man-*
2 *aging internal control and operating risks and*
3 *other identified risks;*

4 “(E) to ensure that the process for risk as-

5 *essment and underwriting for individual trans-*
6 *actions considers how each such transaction con-*
7 *siders the effect of the transaction on the con-*
8 *centration of exposure in the overall portfolio of*
9 *the Bank, taking into account fees,*
10 *collateralization, and historic default rates; and*

11 “(F) to review the adequacy of the use by

12 *the Bank of qualitative metrics to assess the risk*
13 *of default under various scenarios.”.*

14 **SEC. 91006. RISK MANAGEMENT COMMITTEE.**

15 (a) *IN GENERAL.*—Section 3 of the *Export-Import*
16 *Bank Act of 1945 (12 U.S.C. 635a), as amended by sections*
17 *91004 and 91005, is further amended by adding at the end*
18 *the following:*

19 “(m) *RISK MANAGEMENT COMMITTEE.*—

20 “(1) *ESTABLISHMENT.*—*There is established a*
21 *management committee to be known as the ‘Risk*
22 *Management Committee’.*

23 “(2) *MEMBERSHIP.*—*The membership of the Risk*
24 *Management Committee shall be the members of the*

1 *Board of Directors, with the President and First Vice*
2 *President of the Bank serving as ex officio members.*

3 “(3) *DUTIES.*—*The duties of the Risk Manage-*
4 *ment Committee shall be—*

5 “(A) *to oversee, in conjunction with the Of-*
6 *fice of the Chief Financial Officer of the Bank—*

7 “(i) *periodic stress testing on the entire*
8 *Bank portfolio, reflecting different market,*
9 *industry, and macroeconomic scenarios,*
10 *and consistent with common practices of*
11 *commercial and multilateral development*
12 *banks; and*

13 “(ii) *the monitoring of industry, geo-*
14 *graphic, and obligor exposure levels; and*

15 “(B) *to review all required reports on the*
16 *default rate of the Bank before submission to*
17 *Congress under section 8(g).”.*

18 (b) *TERMINATION OF AUDIT COMMITTEE.*—*Not later*
19 *than 180 days after the date of the enactment of this Act,*
20 *the Board of Directors of the Export-Import Bank of the*
21 *United States shall revise the bylaws of the Bank to termi-*
22 *nate the Audit Committee established by section 7 of the*
23 *bylaws.*

1 **SEC. 91007. INDEPENDENT AUDIT OF BANK PORTFOLIO.**

2 (a) *AUDIT.*—*The Inspector General of the Export-Im-*
3 *port Bank of the United States shall conduct an audit or*
4 *evaluation of the portfolio risk management procedures of*
5 *the Bank, including a review of the implementation by the*
6 *Bank of the duties assigned to the Chief Risk Officer under*
7 *section 3(l) of the Export-Import Bank Act of 1945, as*
8 *amended by section 91005.*

9 (b) *REPORT.*—*Not later than one year after the date*
10 *of the enactment of this Act, and not less frequently than*
11 *every 3 years thereafter, the Inspector General shall submit*
12 *to the Committee on Banking, Housing, and Urban Affairs*
13 *of the Senate and the Committee on Financial Services of*
14 *the House of Representatives a written report containing*
15 *all findings and determinations made in carrying out sub-*
16 *section (a).*

17 **SEC. 91008. PILOT PROGRAM FOR REINSURANCE.**

18 (a) *IN GENERAL.*—*Notwithstanding any provision of*
19 *the Export-Import Bank Act of 1945 (12 U.S.C. 635 et*
20 *seq.), the Export-Import Bank of the United States (in this*
21 *section referred to as the “Bank”) may establish a pilot pro-*
22 *gram under which the Bank may enter into contracts and*
23 *other arrangements to share risks associated with the provi-*
24 *sion of guarantees, insurance, or credit, or the participation*
25 *in the extension of credit, by the Bank under that Act.*

26 (b) *LIMITATIONS ON AMOUNT OF RISK-SHARING.*—

1 (1) *PER CONTRACT OR OTHER ARRANGEMENT.*—

2 *The aggregate amount of liability the Bank may*
3 *transfer through risk-sharing pursuant to a contract*
4 *or other arrangement entered into under subsection*
5 *(a) may not exceed \$1,000,000,000.*

6 (2) *PER YEAR.*—*The aggregate amount of liabil-*
7 *ity the Bank may transfer through risk-sharing dur-*
8 *ing a fiscal year pursuant to contracts or other ar-*
9 *rangements entered into under subsection (a) during*
10 *that fiscal year may not exceed \$10,000,000,000.*

11 (c) *ANNUAL REPORTS.*—*Not later than one year after*
12 *the date of the enactment of this Act, and annually there-*
13 *after through 2019, the Bank shall submit to Congress a*
14 *written report that contains a detailed analysis of the use*
15 *of the pilot program carried out under subsection (a) dur-*
16 *ing the year preceding the submission of the report.*

17 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
18 *shall be construed to affect, impede, or revoke any authority*
19 *of the Bank.*

20 (e) *TERMINATION.*—*The pilot program carried out*
21 *under subsection (a) shall terminate on September 30, 2019.*

1 **TITLE XCII—PROMOTION OF**
2 **SMALL BUSINESS EXPORTS**

3 **SEC. 92001. INCREASE IN SMALL BUSINESS LENDING RE-**
4 **QUIREMENTS.**

5 (a) *IN GENERAL.*—Section 2(b)(1)(E)(v) of the Ex-
6 port-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v))
7 is amended by striking “20 percent” and inserting “25 per-
8 cent”.

9 (b) *EFFECTIVE DATE.*—The amendment made by sub-
10 section (a) shall apply with respect to fiscal year 2016 and
11 each fiscal year thereafter.

12 **SEC. 92002. REPORT ON PROGRAMS FOR SMALL AND ME-**
13 **DIUM-SIZED BUSINESSES.**

14 (a) *IN GENERAL.*—Section 8 of the Export-Import
15 Bank Act of 1945 (12 U.S.C. 635g) is amended by adding
16 at the end the following:

17 “(k) *REPORT ON PROGRAMS FOR SMALL AND MEDIUM-*
18 *SIZED BUSINESSES.*—The Bank shall include in its annual
19 report to Congress under subsection (a) a report on the pro-
20 grams of the Bank for United States businesses with less
21 than \$250,000,000 in annual sales.”.

22 (b) *EFFECTIVE DATE.*—The amendment made by sub-
23 section (a) shall apply with respect to the report of the Ex-
24 port-Import Bank of the United States submitted to Con-
25 gress under section 8 of the Export-Import Bank Act of

1 1945 (12 U.S.C. 635g) for the first year that begins after
2 the date of the enactment of this Act.

3 **TITLE XCIII—MODERNIZATION**
4 **OF OPERATIONS**

5 **SEC. 93001. ELECTRONIC PAYMENTS AND DOCUMENTS.**

6 Section 2(b)(1) of the Export-Import Bank Act of 1945
7 (12 U.S.C. 635(b)(1)) is amended by adding at the end the
8 following:

9 “(M) Not later than 2 years after the date of the enact-
10 ment of the Export-Import Bank Reform and Reauthoriza-
11 tion Act of 2015, the Bank shall implement policies—

12 “(i) to accept electronic documents with respect
13 to transactions whenever possible, including copies of
14 bills of lading, certifications, and compliance docu-
15 ments, in such manner so as not to undermine any
16 potential civil or criminal enforcement related to the
17 transactions; and

18 “(ii) to accept electronic payments in all of its
19 programs.”.

20 **SEC. 93002. REAUTHORIZATION OF INFORMATION TECH-**
21 **NOLOGY UPDATING.**

22 Section 3(j) of the Export-Import Act of 1945 (12
23 U.S.C. 635a(j)) is amended—

1 (1) *in paragraph (1), in the matter preceding*
2 *subparagraph (A), by striking “2012, 2013, and*
3 *2014” and inserting “2015 through 2019”;*

4 (2) *in paragraph (2)(B), by striking “(I) the*
5 *funds” and inserting “(i) the funds”; and*

6 (3) *in paragraph (3), by striking “2012, 2013,*
7 *and 2014” and inserting “2015 through 2019”.*

8 **TITLE XCIV—GENERAL**
9 **PROVISIONS**

10 **SEC. 94001. EXTENSION OF AUTHORITY.**

11 (a) *IN GENERAL.*—*Section 7 of the Export-Import*
12 *Bank Act of 1945 (12 U.S.C. 635f) is amended by striking*
13 *“2014” and inserting “2019”.*

14 (b) *DUAL-USE EXPORTS.*—*Section 1(c) of Public Law*
15 *103–428 (12 U.S.C. 635 note) is amended by striking “Sep-*
16 *tember 30, 2014” and inserting “the date on which the au-*
17 *thority of the Export-Import Bank of the United States ex-*
18 *pires under section 7 of the Export-Import Bank Act of*
19 *1945 (12 U.S.C. 635f)”.*

20 (c) *SUB-SAHARAN AFRICA ADVISORY COMMITTEE.*—
21 *Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of*
22 *1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking*
23 *“September 30, 2014” and inserting “the date on which the*
24 *authority of the Bank expires under section 7”.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on the earlier of the date of the en-*
3 *actment of this Act or June 30, 2015.*

4 **SEC. 94002. CERTAIN UPDATED LOAN TERMS AND**
5 **AMOUNTS.**

6 (a) *LOAN TERMS FOR MEDIUM-TERM FINANCING.*—
7 *Section 2(a)(2)(A) of the Export-Import Bank Act of 1945*
8 *(12 U.S.C. 635(a)(2)(A)) is amended—*

9 (1) *in clause (i), by striking “; and” and insert-*
10 *ing a semicolon; and*

11 (2) *by adding at the end the following:*

12 *“(iii) with principal amounts of not more*
13 *than \$25,000,000; and”.*

14 (b) *COMPETITIVE OPPORTUNITIES RELATING TO IN-*
15 *SURANCE.*—*Section 2(d)(2) of the Export-Import Bank Act*
16 *of 1945 (12 U.S.C. 635(d)(2)) is amended by striking*
17 *“\$10,000,000” and inserting “\$25,000,000”.*

18 (c) *EXPORT AMOUNTS FOR SMALL BUSINESS*
19 *LOANS.*—*Section 3(g)(3) of the Export-Import Bank Act of*
20 *1945 (12 U.S.C. 635a(g)(3)) is amended by striking*
21 *“\$10,000,000” and inserting “\$25,000,000”.*

22 (d) *CONSIDERATION OF ENVIRONMENTAL EFFECTS.*—
23 *Section 11(a)(1)(A) of the Export-Import Bank Act of 1945*
24 *(12 U.S.C. 635i–5(a)(1)(A)) is amended by striking*
25 *“\$10,000,000 or more” and inserting the following:*

1 “\$25,000,000 (or, if less than \$25,000,000, the threshold es-
2 tablished pursuant to international agreements, including
3 the Common Approaches for Officially Supported Export
4 Credits and Environmental and Social Due Diligence, as
5 adopted by the Organisation for Economic Co-operation
6 and Development Council on June 28, 2012, and the risk-
7 management framework adopted by financial institutions
8 for determining, assessing, and managing environmental
9 and social risk in projects (commonly referred to as the
10 ‘Equator Principles’)) or more”.

11 (e) *EFFECTIVE DATE.*—The amendments made by this
12 section shall apply with respect to fiscal year 2016 and each
13 fiscal year thereafter.

14 **TITLE XCV—OTHER MATTERS**

15 **SEC. 95001. PROHIBITION ON DISCRIMINATION BASED ON** 16 **INDUSTRY.**

17 Section 2 of the Export-Import Bank Act of 1945 (6
18 U.S.C. 635 *et seq.*) is amended by adding at the end the
19 following:

20 “(k) *PROHIBITION ON DISCRIMINATION BASED ON IN-*
21 *DUSTRY.*—

22 “(1) *IN GENERAL.*—Except as provided in this
23 Act, the Bank may not—

1 “(A) deny an application for financing
2 based solely on the industry, sector, or business
3 that the application concerns; or

4 “(B) promulgate or implement policies that
5 discriminate against an application based solely
6 on the industry, sector, or business that the ap-
7 plication concerns.

8 “(2) *APPLICABILITY.*—The prohibitions under
9 paragraph (1) apply only to applications for financ-
10 ing by the Bank for projects concerning the explo-
11 ration, development, production, or export of energy
12 sources and the generation or transmission of elec-
13 trical power, or combined heat and power, regardless
14 of the energy source involved.”.

15 **SEC. 95002. NEGOTIATIONS TO END EXPORT CREDIT FI-**
16 **NANCING.**

17 (a) *IN GENERAL.*—Section 11 of the Export-Import
18 *Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5)* is
19 *amended—*

20 (1) *in subsection (a)—*

21 (A) *in the matter preceding paragraph (1),*
22 *by striking “Secretary of the Treasury (in this*
23 *section referred to as the ‘Secretary’)” and in-*
24 *serting “President”; and*

25 (B) *in paragraph (1)—*

1 (i) by striking “(OECD)” and insert-
2 ing “(in this section referred to as the
3 ‘OECD’)”; and

4 (ii) by striking “ultimate goal of elimi-
5 nating” and inserting “possible goal of
6 eliminating, before the date that is 10 years
7 after the date of the enactment of the Ex-
8 port-Import Bank Reform and Reauthoriza-
9 tion Act of 2015,”;

10 (2) in subsection (b), by striking “Secretary”
11 each place it appears and inserting “President”; and

12 (3) by adding at the end the following:

13 “(c) *REPORT ON STRATEGY.*—Not later than 180 days
14 after the date of the enactment of the *Export-Import Bank*
15 *Reform and Reauthorization Act of 2015*, the President
16 shall submit to Congress a proposal, and a strategy for
17 achieving the proposal, that the United States Government
18 will pursue with other major exporting countries, including
19 OECD members and non-OECD members, to eliminate over
20 a period of not more than 10 years subsidized export-fi-
21 nancing programs, tied aid, export credits, and all other
22 forms of government-supported export subsidies.

23 “(d) *NEGOTIATIONS WITH NON-OECD MEMBERS.*—
24 The President shall initiate and pursue negotiations with
25 countries that are not OECD members to bring those coun-

1 *tries into a multilateral agreement establishing rules and*
2 *limitations on officially supported export credits.*

3 “(e) *ANNUAL REPORTS ON PROGRESS OF NEGOTIA-*
4 *TIONS.—Not later than 180 days after the date of the enact-*
5 *ment of the Export-Import Bank Reform and Reauthoriza-*
6 *tion Act of 2015, and annually thereafter through calendar*
7 *year 2019, the President shall submit to the Committee on*
8 *Banking, Housing, and Urban Affairs of the Senate and*
9 *the Committee on Financial Services of the House of Rep-*
10 *resentatives a report on the progress of any negotiations de-*
11 *scribed in subsection (d).”.*

12 “(b) *EFFECTIVE DATE.—The amendments made by*
13 *paragraphs (1) and (2) of subsection (a) shall apply with*
14 *respect to reports required to be submitted under section*
15 *11(b) of the Export-Import Bank Reauthorization Act of*
16 *2012 (12 U.S.C. 635a–5(b)) after the date of the enactment*
17 *of this Act.*

18 **SEC. 95003. STUDY OF FINANCING FOR INFORMATION AND**
19 **COMMUNICATIONS TECHNOLOGY SYSTEMS.**

20 “(a) *ANALYSIS OF INFORMATION AND COMMUNICATIONS*
21 *TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The*
22 *Export-Import Bank of the United States (in this section*
23 *referred to as the “Bank”) shall conduct a study of the ex-*
24 *tent to which the products offered by the Bank are available*

1 *and used by companies that export information and com-*
2 *munications technology services and related goods.*

3 (b) *ELEMENTS.*—*In conducting the study required by*
4 *subsection (a), the Bank shall examine the following:*

5 (1) *The number of jobs in the United States that*
6 *are supported by the export of information and com-*
7 *munications technology services and related goods,*
8 *and the degree to which access to financing will in-*
9 *crease exports of such services and related goods.*

10 (2) *The reduction in the financing by the Bank*
11 *of exports of information and communications tech-*
12 *nology services from 2003 through 2014.*

13 (3) *The activities of foreign export credit agen-*
14 *cies to facilitate the export of information and com-*
15 *munications technology services and related goods.*

16 (4) *Specific proposals for how the Bank could*
17 *provide additional financing for the exportation of*
18 *information and communications technology services*
19 *and related goods through risk-sharing with other ex-*
20 *port credit agencies and other third parties.*

21 (5) *Proposals for new products the Bank could*
22 *offer to provide financing for exports of information*
23 *and communications technology services and related*
24 *goods, including—*

1 (A) *the extent to which the Bank is author-*
2 *ized to offer new products;*

3 (B) *the extent to which the Bank would*
4 *need additional authority to offer new products*
5 *to meet the needs of the information and commu-*
6 *nications technology industry;*

7 (C) *specific proposals for changes in law*
8 *that would enable the Bank to provide increased*
9 *financing for exports of information and commu-*
10 *nications technology services and related goods*
11 *in compliance with the credit and risk standards*
12 *of the Bank;*

13 (D) *specific proposals that would enable the*
14 *Bank to provide increased outreach to the infor-*
15 *mation and communications technology industry*
16 *about the products the Bank offers; and*

17 (E) *specific proposals for changes in law*
18 *that would enable the Bank to provide the fi-*
19 *nancing to build information and communica-*
20 *tions technology infrastructure, in compliance*
21 *with the credit and risk standards of the Bank,*
22 *to allow for market access opportunities for*
23 *United States information and communications*
24 *technology companies to provide services on the*
25 *infrastructure being financed by the Bank.*

1 (c) *REPORT.*—*Not later than 180 days after the date*
2 *of the enactment of this Act, the Bank shall submit to Con-*
3 *gress a report that contains the results of the study required*
4 *by subsection (a).*

Amend the title so as to read: “An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.”.

Attest:

Secretary.

114TH CONGRESS
1ST SESSION

H.R. 22

AMENDMENTS