

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the amendment.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

H. R. 22

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. McCONNELL
to the amendment (No. 2421) proposed by Mr. McCONNELL

Viz:

- 1 In lieu of the matter proposed to be inserted, insert
- 2 the following:

1 **DIVISION A—FEDERAL-AID**
2 **HIGHWAYS AND HIGHWAY**
3 **SAFETY CONSTRUCTION PRO-**
4 **GRAMS**

5 **TITLE I—FEDERAL-AID**
6 **HIGHWAYS**

7 **Subtitle A—Authorizations and**
8 **Programs**

9 **SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

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

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

5 and

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

7 (2) TRANSPORTATION INFRASTRUCTURE FI-
8 NANCE AND INNOVATION PROGRAM.—For credit as-
9 sistance under the transportation infrastructure fi-
10 nance and innovation program under chapter 6 of
11 title 23, United States Code, \$300,000,000 for each
12 of fiscal years 2016 through 2021.

13 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
14 TATION PROGRAMS.—

15 (A) TRIBAL TRANSPORTATION PRO-
16 GRAM.—For the tribal transportation program
17 under section 202 of title 23, United States
18 Code—

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

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

21 (iii) \$485,000,000 for fiscal year
22 2018;

23 (iv) \$495,000,000 for fiscal year
24 2019;

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

2 and

3 (vi) \$515,000,000 for fiscal year

4 2021.

5 (B) FEDERAL LANDS TRANSPORTATION

6 PROGRAM.—

7 (i) AUTHORIZATION.—For the Fed-

8 eral lands transportation program under

9 section 203 of title 23, United States

10 Code—

11 (I) \$305,000,000 for fiscal year

12 2016;

13 (II) \$310,000,000 for fiscal year

14 2017;

15 (III) \$315,000,000 for fiscal year

16 2018;

17 (IV) \$320,000,000 for fiscal year

18 2019;

19 (V) \$325,000,000 for fiscal year

20 2020; and

21 (VI) \$330,000,000 for fiscal year

22 2021.

23 (ii) SPECIAL RULE.—

24 (I) \$240,000,000 of the amount

25 made available for each fiscal year

1 shall be the amount for the National
2 Park Service; and

3 (II) \$30,000,000 of the amount
4 made available for each fiscal year
5 shall be the amount for the United
6 States Fish and Wildlife Service.

7 (C) FEDERAL LANDS ACCESS PROGRAM.—
8 For the Federal lands access program under
9 section 204 of title 23, United States Code—

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

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

12 (iii) \$260,000,000 for fiscal year
13 2018;

14 (iv) \$265,000,000 for fiscal year
15 2019;

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

17 and

18 (vi) \$275,000,000 for fiscal year
19 2021.

20 (4) TERRITORIAL AND PUERTO RICO HIGHWAY
21 PROGRAM.—For the territorial and Puerto Rico
22 highway program under section 165 of title 23,
23 United States Code, \$190,000,000 for each of fiscal
24 years 2016 through 2021.

1 (5) ASSISTANCE FOR MAJOR PROJECTS PRO-
2 GRAM.—For the assistance for major projects pro-
3 gram under section 171 of title 23, United States
4 Code—

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

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

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

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

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

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

11 (b) RESEARCH, TECHNOLOGY, AND EDUCATION AU-
12 THORIZATIONS.—

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

16 (A) HIGHWAY RESEARCH AND DEVELOP-
17 MENT PROGRAM.—To carry out the highway re-
18 search and development program under section
19 503(b) of title 23, United States Code,
20 \$130,000,000 for each of fiscal years 2016
21 through 2021.

22 (B) TECHNOLOGY AND INNOVATION DE-
23 PLOYMENT PROGRAM.—To carry out the tech-
24 nology and innovation deployment program
25 under section 503(c) of title 23, United States

1 Code, \$62,500,000 for each of fiscal years 2016
2 through 2021.

3 (C) TRAINING AND EDUCATION.—To carry
4 out training and education under section 504 of
5 title 23, United States Code, \$24,000,000 for
6 each of fiscal years 2016 through 2021.

7 (D) INTELLIGENT TRANSPORTATION SYS-
8 TEMS PROGRAM.—To carry out the intelligent
9 transportation systems program under sections
10 512 through 518 of title 23, United States
11 Code, \$100,000,000 for each of fiscal years
12 2016 through 2021.

13 (E) UNIVERSITY TRANSPORTATION CEN-
14 TERS PROGRAM.—To carry out the university
15 transportation centers program under section
16 5505 of title 49, United States Code,
17 \$72,500,000 for each of fiscal years 2016
18 through 2021.

19 (2) BUREAU OF TRANSPORTATION STATIS-
20 TICS.—There are authorized to be appropriated out
21 of the general fund of the Treasury to carry out
22 chapter 63 of title 49, United States Code,
23 \$26,000,000 for each of fiscal years 2016 through
24 2021.

1 (3) ADMINISTRATION.—The Federal Highway
2 Administration shall administer the programs de-
3 scribed in subparagraphs (D) and (E) of paragraph
4 (1).

5 (4) APPLICABILITY OF TITLE 23, UNITED
6 STATES CODE.—Funds authorized to be appro-
7 priated by paragraph (1) shall—

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

11 (B) remain available until expended; and

12 (C) not be transferable.

13 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

14 (1) FINDINGS.—Congress finds that—

15 (A) while significant progress has occurred
16 due to the establishment of the disadvantaged
17 business enterprise program, discrimination and
18 related barriers continue to pose significant ob-
19 stacles for minority- and women-owned busi-
20 nesses seeking to do business in federally as-
21 sisted surface transportation markets across the
22 United States;

23 (B) the continuing barriers described in
24 subparagraph (A) merit the continuation of the
25 disadvantaged business enterprise program;

1 (C) Congress has received and reviewed
2 testimony and documentation of race and gen-
3 der discrimination from numerous sources, in-
4 cluding congressional hearings and roundtables,
5 scientific reports, reports issued by public and
6 private agencies, news stories, reports of dis-
7 crimination by organizations and individuals,
8 and discrimination lawsuits, which show that
9 race- and gender-neutral efforts alone are insuf-
10 ficient to address the problem;

11 (D) the testimony and documentation de-
12 scribed in subparagraph (C) demonstrate that
13 discrimination across the United States poses a
14 barrier to full and fair participation in surface
15 transportation-related businesses of women
16 business owners and minority business owners
17 and has impacted firm development and many
18 aspects of surface transportation-related busi-
19 ness in the public and private markets; and

20 (E) the testimony and documentation de-
21 scribed in subparagraph (C) provide a strong
22 basis that there is a compelling need for the
23 continuation of the disadvantaged business en-
24 terprise program to address race and gender

1 discrimination in surface transportation-related
2 business.

3 (2) DEFINITIONS.—In this subsection, the fol-
4 lowing definitions apply:

5 (A) SMALL BUSINESS CONCERN.—

6 (i) IN GENERAL.—The term “small
7 business concern” means a small business
8 concern (as the term is used in section 3
9 of the Small Business Act (15 U.S.C.
10 632)).

11 (ii) EXCLUSIONS.—The term “small
12 business concern” does not include any
13 concern or group of concerns controlled by
14 the same socially and economically dis-
15 advantaged individual or individuals that
16 have average annual gross receipts during
17 the preceding 3 fiscal years in excess of
18 \$23,980,000, as adjusted annually by the
19 Secretary for inflation.

20 (B) SOCIALLY AND ECONOMICALLY DIS-
21 ADVANTAGED INDIVIDUALS.—The term “so-
22 cially and economically disadvantaged individ-
23 uals” has the meaning given the term in section
24 8(d) of the Small Business Act (15 U.S.C.
25 637(d)) and relevant subcontracting regulations

1 issued pursuant to that Act, except that women
2 shall be presumed to be socially and economi-
3 cally disadvantaged individuals for purposes of
4 this subsection.

5 (3) AMOUNTS FOR SMALL BUSINESS CON-
6 CERNS.—Except to the extent that the Secretary de-
7 termines otherwise, not less than 10 percent of the
8 amounts made available for any program under divi-
9 sions A and B of this Act and section 403 of title
10 23, United States Code, shall be expended through
11 small business concerns owned and controlled by so-
12 cially and economically disadvantaged individuals.

13 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
14 NESS ENTERPRISES.—Each State shall annually—

15 (A) survey and compile a list of the small
16 business concerns referred to in paragraph (2)
17 in the State, including the location of the small
18 business concerns in the State; and

19 (B) notify the Secretary, in writing, of the
20 percentage of the small business concerns that
21 are controlled by—

22 (i) women;

23 (ii) socially and economically dis-
24 advantaged individuals (other than
25 women); and

1 (iii) individuals who are women and
2 are otherwise socially and economically dis-
3 advantaged individuals.

4 (5) UNIFORM CERTIFICATION.—

5 (A) IN GENERAL.—The Secretary shall es-
6 tablish minimum uniform criteria for use by
7 State governments in certifying whether a con-
8 cern qualifies as a small business concern for
9 the purpose of this subsection.

10 (B) INCLUSIONS.—The minimum uniform
11 criteria established under subparagraph (A)
12 shall include, with respect to a potential small
13 business concern—

- 14 (i) on-site visits;
15 (ii) personal interviews with personnel;
16 (iii) issuance or inspection of licenses;
17 (iv) analyses of stock ownership;
18 (v) listings of equipment;
19 (vi) analyses of bonding capacity;
20 (vii) listings of work completed;
21 (viii) examination of the resumes of
22 principal owners;
23 (ix) analyses of financial capacity; and
24 (x) analyses of the type of work pre-
25 ferred.

1 (6) REPORTING.—The Secretary shall establish
2 minimum requirements for use by State govern-
3 ments in reporting to the Secretary—

4 (A) information concerning disadvantaged
5 business enterprise awards, commitments, and
6 achievements; and

7 (B) such other information as the Sec-
8 retary determines to be appropriate for the
9 proper monitoring of the disadvantaged busi-
10 ness enterprise program.

11 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
12 ing in this subsection limits the eligibility of an indi-
13 vidual or entity to receive funds made available
14 under divisions A and B of this Act and section 403
15 of title 23, United States Code, if the individual or
16 entity is prevented, in whole or in part, from com-
17 plying with paragraph (2) because a Federal court
18 issues a final order in which the court finds that a
19 requirement or the implementation of paragraph (2)
20 is unconstitutional.

21 (d) CONFORMING AMENDMENT.—Section 1101(b) of
22 MAP–21 (Public Law 112–141; 126 Stat. 414) is re-
23 pealed.

1 **SEC. 11002. OBLIGATION CEILING.**

2 (a) GENERAL LIMITATION.—Subject to subsection
3 (e), and notwithstanding any other provision of law, the
4 obligations for Federal-aid highway and highway safety
5 construction programs shall not exceed—

- 6 (1) \$41,625,500,000 for fiscal year 2016;
7 (2) \$42,896,300,000 for fiscal year 2017;
8 (3) \$44,331,100,000 for fiscal year 2018;
9 (4) \$45,759,400,000 for fiscal year 2019;
10 (5) \$46,882,700,000 for fiscal year 2020; and
11 (6) \$48,032,900,000 for fiscal year 2021.

12 (b) EXCEPTIONS.—The limitations under subsection
13 (a) shall not apply to obligations under or for—

- 14 (1) section 125 of title 23, United States Code;
15 (2) section 147 of the Surface Transportation
16 Assistance Act of 1978 (23 U.S.C. 144 note; 92
17 Stat. 2714);
18 (3) section 9 of the Federal-Aid Highway Act
19 of 1981 (95 Stat. 1701);
20 (4) subsections (b) and (j) of section 131 of the
21 Surface Transportation Assistance Act of 1982 (96
22 Stat. 2119);
23 (5) subsections (b) and (c) of section 149 of the
24 Surface Transportation and Uniform Relocation As-
25 sistance Act of 1987 (101 Stat. 198);

1 (6) sections 1103 through 1108 of the Inter-
2 modal Surface Transportation Efficiency Act of
3 1991 (105 Stat. 2027);

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

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

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

14 (10) Federal-aid highway programs for which
15 obligation authority was made available under the
16 Transportation Equity Act for the 21st Century
17 (112 Stat. 107) or subsequent Acts for multiple
18 years or to remain available until expended, but only
19 to the extent that the obligation authority has not
20 lapsed or been used;

21 (11) section 1603 of SAFETEA-LU (23
22 U.S.C. 118 note; 119 Stat. 1248), to the extent that
23 funds obligated in accordance with that section were
24 not subject to a limitation on obligations at the time

1 at which the funds were initially made available for
2 obligation;

3 (12) section 119 of title 23, United States Code
4 (as in effect for fiscal years 2013 through 2015, but
5 only in an amount equal to \$639,000,000 for each
6 of those fiscal years); and

7 (13) section 119 of title 23, United States Code
8 (but, for each of fiscal years 2016 through 2021,
9 only in an amount equal to \$639,000,000 for each
10 of those fiscal years).

11 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
12 For each of fiscal years 2016 through 2021, the Secretary
13 shall—

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

16 (A) amounts authorized for administrative
17 expenses and programs by section 104(a) of
18 title 23, United States Code; and

19 (B) amounts authorized for the Bureau of
20 Transportation Statistics;

21 (2) not distribute an amount of obligation au-
22 thority provided by subsection (a) that is equal to
23 the unobligated balance of amounts—

24 (A) made available from the Highway
25 Trust Fund (other than the Mass Transit Ac-

1 count) for Federal-aid highway and highway
2 safety construction programs for previous fiscal
3 years the funds for which are allocated by the
4 Secretary (or apportioned by the Secretary
5 under section 202 or 204 of title 23, United
6 States Code); and

7 (B) for which obligation authority was pro-
8 vided in a previous fiscal year;

9 (3) determine the proportion that—

10 (A) an amount equal to the difference be-
11 tween—

12 (i) the obligation authority provided
13 by subsection (a) for the fiscal year; and

14 (ii) the aggregate amount not distrib-
15 uted under paragraphs (1) and (2); bears
16 to

17 (B) an amount equal to the difference be-
18 tween—

19 (i) the total of the sums authorized to
20 be appropriated for the Federal-aid high-
21 way and highway safety construction pro-
22 grams (other than sums authorized to be
23 appropriated for provisions of law de-
24 scribed in paragraphs (1) through (12) of
25 subsection (b) and sums authorized to be

1 appropriated for section 119 of title 23,
2 United States Code, equal to the amount
3 referred to in subsection (b)(13) for the
4 fiscal year); and

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

7 (4) distribute the obligation authority provided
8 by subsection (a), less the aggregate amount not dis-
9 tributed under paragraphs (1) and (2), for each of
10 the programs (other than programs to which para-
11 graph (1) applies) that are allocated by the Sec-
12 retary under this Act and title 23, United States
13 Code, or apportioned by the Secretary under section
14 202 or 204 of that title, by multiplying—

15 (A) the proportion determined under para-
16 graph (3); by

17 (B) the amounts authorized to be appro-
18 priated for each such program for the fiscal
19 year; and

20 (5) distribute the obligation authority provided
21 by subsection (a), less the aggregate amount not dis-
22 tributed under paragraphs (1) and (2) and the
23 amounts distributed under paragraph (4), for Fed-
24 eral-aid highway and highway safety construction
25 programs that are apportioned by the Secretary

1 under title 23, United States Code, (other than the
2 amounts apportioned for the national highway per-
3 formance program under section 119 of title 23,
4 United States Code, that are exempt from the limi-
5 tation under subsection (b)(13) and the amounts ap-
6 portioned under sections 202 and 204 of that title)
7 in the proportion that—

8 (A) amounts authorized to be appropriated
9 for the programs that are apportioned under
10 title 23, United States Code, to each State for
11 the fiscal year; bears to

12 (B) the total of the amounts authorized to
13 be appropriated for the programs that are ap-
14 portioned under title 23, United States Code, to
15 all States for the fiscal year.

16 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
17 THORITY.—Notwithstanding subsection (c), the Secretary
18 shall, after August 1 of each of fiscal years 2016 through
19 2021—

20 (1) revise a distribution of the obligation au-
21 thority made available under subsection (c) if an
22 amount distributed cannot be obligated during that
23 fiscal year; and

24 (2) redistribute sufficient amounts to those
25 States able to obligate amounts in addition to those

1 previously distributed during that fiscal year, giving
2 priority to those States having large unobligated bal-
3 ances of funds apportioned under sections 144 (as in
4 effect on the day before the date of enactment of
5 MAP-21 (126 Stat. 405)) and 104 of title 23,
6 United States Code.

7 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
8 TRANSPORTATION RESEARCH PROGRAMS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), obligation limitations imposed by sub-
11 section (a) shall apply to contract authority for
12 transportation research programs carried out under
13 chapter 5 of title 23, United States Code.

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

16 (A) remain available for a period of 4 fis-
17 cal years; and

18 (B) be in addition to the amount of any
19 limitation imposed on obligations for Federal-
20 aid highway and highway safety construction
21 programs for future fiscal years.

22 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
23 FUNDS.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date of distribution of obligation authority under

1 subsection (c) for each of fiscal years 2016 through
2 2021, the Secretary shall distribute to the States
3 any funds (excluding funds authorized for the pro-
4 gram under section 202 of title 23, United States
5 Code) that—

6 (A) are authorized to be appropriated for
7 the fiscal year for Federal-aid highway pro-
8 grams; and

9 (B) the Secretary determines will not be
10 allocated to the States (or will not be appor-
11 tioned to the States under section 204 of title
12 23, United States Code), and will not be avail-
13 able for obligation, for the fiscal year because
14 of the imposition of any obligation limitation for
15 the fiscal year.

16 (2) **RATIO.**—Funds shall be distributed under
17 paragraph (1) in the same proportion as the dis-
18 tribution of obligation authority under subsection
19 (c)(5).

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

1 **SEC. 11003. APPORTIONMENT.**

2 (a) IN GENERAL.—Section 104 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)(1) by striking subpara-
5 graphs (A) and (B) and inserting the following:

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

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

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

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

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

11 and

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

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),
15 by striking “and the congestion mitigation and
16 air quality improvement program” and insert-
17 ing “the congestion mitigation and air quality
18 improvement program, the national freight pro-
19 gram”;

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

24 (C) in paragraph (1), by striking “63.7
25 percent” and inserting “65 percent”;

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

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

5 (F) in paragraph (4), in the matter pre-
6 ceding subparagraph (A), by striking “deter-
7 mined for the State under subsection (c)” and
8 inserting “remaining under subsection (c) after
9 making the set-asides in accordance with para-
10 graph (5) and section 213(a)”;

11 (G) by redesignating paragraph (5) as
12 paragraph (6);

13 (H) by inserting after paragraph (4) the
14 following:

15 “(5) NATIONAL FREIGHT PROGRAM.—

16 “(A) IN GENERAL.—For the national
17 freight program under section 167, the Sec-
18 retary shall set aside from the amount deter-
19 mined for a State under subsection (c) an
20 amount determined for the State under sub-
21 paragraphs (B) and (C).

22 “(B) TOTAL AMOUNT.—The total amount
23 set aside for the national freight program for
24 all States shall be—

1 “(i) \$1,000,000,000 for fiscal year
2 2016;

3 “(ii) \$1,450,000,000 for fiscal year
4 2017;

5 “(iii) \$2,000,000,000 for fiscal year
6 2018;

7 “(iv) \$2,300,000,000 for fiscal year
8 2019;

9 “(v) \$2,400,000,000 for fiscal year
10 2020; and

11 “(vi) \$2,500,000,000 for fiscal year
12 2021.

13 “(C) STATE SHARE.—The Secretary shall
14 distribute among the States the total set-aside
15 amount for the national freight program under
16 subparagraph (B) so that each State receives
17 an amount equal to the proportion that—

18 “(i) the total apportionment deter-
19 mined under subsection (c) for a State;
20 bears to

21 “(ii) the total apportionments for all
22 States.

23 “(D) METROPOLITAN PLANNING.—Of the
24 amount set aside under this paragraph for a
25 State, the Secretary shall use to carry out sec-

1 tion 134 an amount determined by multiplying
2 the set-aside amount by the proportion that—

3 “(i) the amount apportioned to the
4 State to carry out section 134 for fiscal
5 year 2009; bears to

6 “(ii) the total amount of funds appor-
7 tioned to the State for that fiscal year for
8 the programs referred to in section
9 105(a)(2), except for the high priority
10 projects program referred to in section
11 105(a)(2)(H) (as in effect on the day be-
12 fore the date of enactment of MAP-21
13 (Public Law 112-141; 126 Stat. 405).”;
14 and

15 (I) in paragraph (6) (as redesignated by
16 subparagraph (G)), in the matter preceding
17 subparagraph (A), by striking “determined for
18 the State under subsection (c)” and inserting
19 “remaining under subsection (c) after making
20 the set-asides in accordance with paragraph (5)
21 and section 213(a)”;

22 (3) in subsection (c) by adding at the end the
23 following:

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

1 “(A) STATE SHARE.—For each of fiscal
2 years 2016 through 2021, the amount for each
3 State of combined apportionments for the na-
4 tional highway performance program under sec-
5 tion 119, the surface transportation program
6 under section 133, the highway safety improve-
7 ment program under section 148, the conges-
8 tion mitigation and air quality improvement
9 program under section 149, the national freight
10 program under section 167, the transportation
11 alternatives program under section 213, and to
12 carry out section 134, shall be determined as
13 follows:

14 “(i) INITIAL AMOUNT.—The initial
15 amount for each State shall be determined
16 by multiplying the total amount available
17 for apportionment by the share for each
18 State, which shall be equal to the propor-
19 tion that—

20 “(I) the amount of apporportion-
21 ments that the State received for fis-
22 cal year 2014; bears to

23 “(II) the amount of those apporportion-
24 tionments received by all States for
25 that fiscal year.

1 “(ii) ADJUSTMENTS TO AMOUNTS.—

2 The initial amounts resulting from the cal-
3 culation under clause (i) shall be adjusted
4 to ensure that, for each State, the amount
5 of combined apportionments for the pro-
6 grams shall not be less than 95 percent of
7 the estimated tax payments attributable to
8 highway users in the State paid into the
9 Highway Trust Fund (other than the Mass
10 Transit Account) in the most recent fiscal
11 year for which data are available.

12 “(B) STATE APPORTIONMENT.—For each
13 of fiscal years 2016 through 2021, on October
14 1, the Secretary shall apportion the sum au-
15 thorized to be appropriated for expenditure on
16 the national highway performance program
17 under section 119, the surface transportation
18 program under section 133, the highway safety
19 improvement program under section 148, the
20 congestion mitigation and air quality improve-
21 ment program under section 149, the national
22 freight program under section 167, the trans-
23 portation alternatives program under section
24 213, and to carry out section 134 in accordance
25 with subparagraph (A).”.

1 (b) CONFORMING AMENDMENTS.—

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

6 (2) Section 120(c)(3) of title 23, United States
7 Code, is amended—

8 (A) in subparagraph (A), in the matter
9 preceding clause (i), by striking “or (5)” and
10 inserting “(5)(D), or (6)”; and

11 (B) in subparagraph (C)(i), by striking
12 “and (5)” and inserting “(5)(D), and (6)”.

13 (3) Section 135(i) of title 23, United States
14 Code, is amended by striking “section 104(b)(5)”
15 and inserting “paragraphs (5)(D) and (6) of section
16 104(b)”.

17 (4) Section 136(b) of title 23, United States
18 Code, is amended in the first sentence by striking
19 “paragraphs (1) through (5) of section 104(b)” and
20 inserting “paragraphs (1) through (6) of section
21 104(b)”.

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

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

5 **SEC. 11004. SURFACE TRANSPORTATION PROGRAM.**

6 Section 133 of title 23, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) in paragraph (10), by inserting “, in-
10 cluding emergency evacuation plans” after
11 “programs”; and

12 (B) in paragraph (13), by adding a period
13 at the end;

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking the semi-
16 colon at the end and inserting “or for projects
17 described in paragraphs (2), (4), (6), (7), (11),
18 (20), (25), and (26) of subsection (b); and”;

19 (B) by striking paragraph (2); and

20 (C) by redesignating paragraph (3) as
21 paragraph (2);

22 (3) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A)—

1 (I) in the matter preceding clause
2 (i), by striking “50 percent” and in-
3 sserting “55 percent”; and

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

7 (ii) in subparagraph (B), by striking
8 “50 percent” and inserting “45 percent”;
9 and

10 (B) in paragraph (3)—

11 (i) by striking “paragraph (1)(A)(ii)”
12 and inserting “paragraph (1)(A)(iii)”; and

13 (ii) by striking “greater than 5,000
14 and less than 200,000” and inserting “of
15 5,000 to 200,000”;

16 (4) in subsection (f)(1)—

17 (A) by striking “104(b)(3)” and inserting
18 “104(b)(2)”; and

19 (B) by striking “the period of fiscal years
20 2011 through 2014” and inserting “each fiscal
21 year”;

22 (5) by redesignating subsection (h) as sub-
23 section (i);

24 (6) in subsection (g)—

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

4 “(g) BRIDGES OFF THE NATIONAL HIGHWAY SYS-
5 TEM.—

6 “(1) DEFINITION OF OFF-NHS BRIDGE.—In
7 this subsection, the term ‘off-NHS bridge’ means a
8 highway bridge located on a public road, other than
9 a bridge on the National Highway System.”; and

10 (B) in paragraph (2)—

11 (i) by striking subparagraph (A) and
12 inserting the following:

13 “(A) SET-ASIDE.—Each State shall obli-
14 gate for replacement (including replacement
15 with fill material), rehabilitation, preservation,
16 and protection (including scour counter-
17 measures, seismic retrofits, impact protection
18 measures, security countermeasures, and pro-
19 tection against extreme events) for off-NHS
20 bridges an amount equal to the greater of—

21 “(i) 15 percent of the amount appor-
22 tioned to the State under section
23 104(b)(2); and

24 “(ii) an amount equal to at least 110
25 percent of the amount of funds set aside

1 for bridges not on Federal-aid highways in
2 the State for fiscal year 2014.”;

3 (ii) in subparagraph (B), by striking
4 “off-system” and inserting “off-NHS”;
5 and

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

8 “(C) SET-ASIDE FOR CERTAIN OFF-NHS
9 BRIDGES.—Each State shall obligate an amount
10 equal to not less than 50 percent of the amount
11 set aside under subparagraph (A) for off-NHS
12 bridges located on public roads that are not
13 Federal-aid highways.”; and

14 (C) by redesignating paragraph (3) as sub-
15 section (h);
16 (7) in subsection (h) (as so redesignated)—

17 (A) by striking the heading and inserting
18 “CREDIT FOR BRIDGES NOT ON THE NA-
19 TIONAL HIGHWAY SYSTEM.—”;

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

23 (C) in the matter preceding paragraph (1)
24 (as so redesignated)—

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

3 (ii) by striking “, and is determined
4 by the Secretary upon completion to be no
5 longer a deficient bridge”;

6 (8) in subsection (i)(1) (as redesignated by
7 paragraph (5)), by striking “under subsection
8 (d)(1)(A)(iii) for each of fiscal years 2013 through
9 2014” and inserting “under subsection (d)(1)(A)(ii)
10 for each fiscal year”; and

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

12 “(j) BORDER STATES.—

13 “(1) IN GENERAL.—After consultation with rel-
14 evant transportation planning organizations, the
15 Governor of a State that shares a land border with
16 Canada or Mexico may designate for each fiscal year
17 not more than 5 percent of funds made available to
18 the State under subsection (d)(1)(B) for border in-
19 frastructure projects eligible under section 1303 of
20 SAFETEA–LU (23 U.S.C. 101 note; Public Law
21 109–59).

22 “(2) USE OF FUNDS.—Funds designated under
23 this subsection shall be available under the require-
24 ments of section 1303 of SAFETEA–LU (23 U.S.C.
25 101 note; Public Law 109–59).

1 “(3) CERTIFICATION.—Before making a des-
2 ignation under paragraph (1), the Governor shall
3 certify that the designation is consistent with trans-
4 portation planning requirements under this title.

5 “(4) NOTIFICATION.—Not later than 30 days
6 after making a designation under paragraph (1), the
7 Governor shall submit to the relevant transportation
8 planning organizations within the border region a
9 written notification of any suballocated or distrib-
10 uted amount of funds available for obligation by ju-
11 risdiction.

12 “(5) LIMITATION.—This subsection applies only
13 to funds apportioned to a State after the date of en-
14 actment of the DRIVE Act.

15 “(6) DEADLINE FOR DESIGNATION.—A des-
16 ignation under paragraph (1) shall—

17 “(A) be submitted to the Secretary not
18 later than 30 days before the beginning of the
19 fiscal year for which the designation is being
20 made; and

21 “(B) remain in effect for the funds des-
22 ignated under paragraph (1) for a fiscal year
23 until the Governor of the State notifies the Sec-
24 retary of the termination of the designation.

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

8 **SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.**

9 Section 134 of title 23, United States Code, is
10 amended—

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

13 (2) in subsection (c)(2), by striking “and bicy-
14 cle transportation facilities” and inserting “, bicycle
15 transportation facilities, intermodal facilities that
16 support intercity transportation, including intercity
17 buses and intercity bus facilities, and commuter van-
18 pool providers”;

19 (3) in subsection (d)—

20 (A) by redesignating paragraphs (3)
21 through (6) as paragraphs (4) through (7), re-
22 spectively;

23 (B) by inserting after paragraph (2) the
24 following:

25 “(3) REPRESENTATION.—

1 “(A) IN GENERAL.—Designation or selec-
2 tion of officials or representatives under para-
3 graph (2) shall be determined by the metropoli-
4 tan planning organization according to the by-
5 laws or enabling statute of the organization.

6 “(B) PUBLIC TRANSPORTATION REP-
7 RESENTATIVE.—Subject to the bylaws or ena-
8 bling statute of the metropolitan planning orga-
9 nization, a representative of a provider of public
10 transportation may also serve as a representa-
11 tive of a local municipality.

12 “(C) POWERS OF CERTAIN OFFICIALS.—
13 An official described in paragraph (2)(B) shall
14 have responsibilities, actions, duties, voting
15 rights, and any other authority commensurate
16 with other officials described in paragraph
17 (2)(B).”; and

18 (C) in paragraph (5) (as redesignated by
19 subparagraph (A)), by striking “paragraph (5)”
20 and inserting “paragraph (6)”;

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

23 (5) in subsection (g)(3)(A), by inserting “nat-
24 ural disaster risk reduction,” after “environmental
25 protection,”;

1 (6) in subsection (h)—

2 (A) in paragraph (1)—

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

5 (ii) in subparagraph (H), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(I) improve the resilience and reliability
11 of the transportation system.”; and

12 (B) in paragraph (2)(A), by striking “and
13 in section 5301(c) of title 49” and inserting
14 “and the general purposes described in section
15 5301 of title 49”;

16 (7) in subsection (i)—

17 (A) in paragraph (2)—

18 (i) in subparagraph (A)(i), by striking
19 “transit” and inserting “public transpor-
20 tation facilities, intercity bus facilities”;

21 (ii) in subparagraph (G)—

22 (I) by striking “and provide” and
23 inserting “, provide”; and

24 (II) by inserting “, and reduce
25 vulnerability due to natural disasters

1 of the existing transportation infra-
2 structure” before the period at the
3 end; and

4 (iii) in subparagraph (H), by inserting
5 “, including consideration of the role that
6 intercity buses may play in reducing con-
7 gestion, pollution, and energy consumption
8 in a cost-effective manner and strategies
9 and investments that preserve and enhance
10 intercity bus systems, including systems
11 that are privately owned and operated” be-
12 fore the period at the end;

13 (B) in paragraph (6)(A)—

14 (i) by inserting “public ports,” before
15 “freight shippers,”; and

16 (ii) by inserting “(including intercity
17 bus operators and commuter vanpool pro-
18 viders)” after “private providers of trans-
19 portation”; and

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

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

24 (9) in subsection (k)—

25 (A) by striking paragraph (3); and

1 (B) by redesignating paragraphs (4) and
2 (5) as paragraphs (3) and (4), respectively;
3 (10) in subsection (l)—

4 (A) in paragraph (1), by adding a period
5 at the end; and

6 (B) in paragraph (2)(D), by striking “of
7 less than 200,000” and inserting “with a popu-
8 lation of 200,000 or less”;

9 (11) by striking subsection (n);

10 (12) by redesignating subsections (o) through
11 (q) as subsections (n) through (p), respectively;

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

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

17 “(q) TREATMENT OF LAKE TAHOE REGION.—

18 “(1) DEFINITION OF LAKE TAHOE REGION.—In
19 this subsection, the term ‘Lake Tahoe Region’ has
20 the meaning given the term ‘region’ in subsection (a)
21 of Article II of the Lake Tahoe Regional Planning
22 Compact (Public Law 96–551; 94 Stat. 3234).

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

25 “(A) a metropolitan planning organization;

1 “(B) a transportation management area
2 under subsection (k); and

3 “(C) an urbanized area, which is com-
4 prised of a population of 145,000 in the State
5 of California and a population of 65,000 in the
6 State of Nevada.

7 “(3) SUBALLOCATED FUNDING.—

8 “(A) SECTION 133.—When determining the
9 amount under subparagraph (A) of section
10 133(d)(1) that shall be obligated for a fiscal
11 year in the States of California and Nevada
12 under clauses (i), (ii), and (iii) of that subpara-
13 graph, the Secretary shall, for each of those
14 States—

15 “(i) calculate the population under
16 each of those clauses;

17 “(ii) decrease the amount under sec-
18 tion 133(d)(1)(A)(iii) by the population
19 specified in paragraph (2) of this sub-
20 section for the Lake Tahoe Region in that
21 State; and

22 “(iii) increase the amount under sec-
23 tion 133(d)(1)(A)(i) by the population
24 specified in paragraph (2) of this sub-

1 section for the Lake Tahoe Region in that
2 State.

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

9 “(i) calculate the population under
10 each of those subparagraphs;

11 “(ii) decrease the amount under sec-
12 tion 213(c)(1)(C) by the population speci-
13 fied in paragraph (2) of this subsection for
14 the Lake Tahoe Region in that State; and

15 “(iii) increase the amount under sec-
16 tion 213(c)(1)(A) by the population speci-
17 fied in paragraph (2) of this subsection for
18 the Lake Tahoe Region in that State.”.

19 **SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 (a) IN GENERAL.—Section 135 of title 23, United
22 States Code, is amended—

23 (1) in subsection (a)(2), by striking “and bicy-
24 cle transportation facilities” and inserting “, bicycle
25 transportation facilities, intermodal facilities that

1 support intercity transportation, including intercity
2 buses and intercity bus facilities, and commuter van-
3 pool providers”;

4 (2) in subsection (d)—

5 (A) in paragraph (1)—

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

8 (ii) in subparagraph (H), by striking
9 the period at the end and inserting “;
10 and”; and

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

13 “(I) improve the resilience and reliability
14 of the transportation system.”; and

15 (B) in paragraph (2)(A), by striking “and
16 in section 5301(c) of title 49” and inserting
17 “and the general purposes described in section
18 5301 of title 49”;

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

21 (4) in subsection (f)—

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

25 (B) in paragraph (3)(A)—

1 (i) in clause (i), by striking “sub-
2 section (m)” and inserting “subsection
3 (l)”; and

4 (ii) in clause (ii), by inserting “(in-
5 cluding intercity bus operators and com-
6 muter vanpool providers)” after “private
7 providers of transportation”;

8 (C) in paragraph (7), in the matter pre-
9 ceeding subparagraph (A), by striking “should”
10 and inserting “shall”; and

11 (D) in paragraph (8), by inserting “, in-
12 cluding consideration of the role that intercity
13 buses may play in reducing congestion, pollu-
14 tion, and energy consumption in a cost-effective
15 manner and strategies and investments that
16 preserve and enhance intercity bus systems, in-
17 cluding systems that are privately owned and
18 operated” before the period at the end;

19 (5) in subsection (g)—

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

23 (B) in paragraph (3)—

24 (i) by inserting “public ports,” before
25 “freight shippers”; and

1 (ii) by inserting “(including intercity
2 bus operators),” after “private providers of
3 transportation”; and

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

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

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

9 (b) CONFORMING AMENDMENTS.—Section 134(b)(5)
10 of title 23, United States Code, is amended by striking
11 “section 135(m)” and inserting “section 135(l)”.

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

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

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

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

22 Section 144 of title 23, United States Code, is
23 amended—

1 (1) in subsection (c)(2)(A), by striking “the
2 natural condition of the bridge” and inserting “the
3 natural condition of the water”;

4 (2) by redesignating subsection (j) as sub-
5 section (k);

6 (3) by inserting after subsection (i) the fol-
7 lowing:

8 “(j) BUNDLING OF BRIDGE PROJECTS.—

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

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

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

19 “(A) eligible projects under section 119 or
20 133;

21 “(B) included as a bundled project in a
22 transportation improvement program under sec-
23 tion 134(j) or a statewide transportation im-
24 provement program under section 135, as appli-
25 cable; and

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

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

9 “(A) 1 project for purposes of sections 134
10 and 135; and

11 “(B) a single project within the applicable
12 bundle.

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

16 “(A) the same funding category or sub-
17 category; and

18 “(B) the same Federal share.”; and

19 (4) in subsection (k)(2) (as redesignated by
20 paragraph (2)), by striking “104(b)(3)” and insert-
21 ing “104(b)(2)”.

22 **SEC. 11009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND**
23 **BRIDGE PROJECTS.**

24 (a) AUTHORITY.—With respect to rural road and
25 rural bridge projects eligible for funding under title 23,

1 United States Code, subject to the provisions of this sec-
2 tion and on request by a State, the Secretary may—

3 (1) exercise all existing flexibilities under and
4 exceptions to—

5 (A) the requirements of title 23, United
6 States Code; and

7 (B) other requirements administered by
8 the Secretary, in whole or part; and

9 (2) otherwise provide additional flexibility or ex-
10 pedited processing with respect to the requirements
11 described in paragraph (1).

12 (b) TYPES OF PROJECTS.—A rural road or rural
13 bridge project under this section shall—

14 (1) be located in a county that, based on the
15 most recent decennial census—

16 (A) has a population density of 80 or fewer
17 persons per square mile of land area; or

18 (B) is the county that has the lowest popu-
19 lation density of all counties in the State;

20 (2) be located within the operational right-of-
21 way (as defined in section 1316(b) of MAP-21 (23
22 U.S.C. 109 note; 126 Stat. 549)) of an existing road
23 or bridge; and

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

1 (B) have a total estimated cost of not more
2 than \$30,000,000 and Federal funds com-
3 prising less than 15 percent of the total esti-
4 mated project cost.

5 (c) PROCESS TO ASSIST RURAL PROJECTS.—

6 (1) ASSISTANCE WITH FEDERAL REQUIRE-
7 MENTS.—

8 (A) IN GENERAL.—For projects under this
9 section, the Secretary shall seek to provide, to
10 the maximum extent practicable, regulatory re-
11 lief and flexibility consistent with this section.

12 (B) EXCEPTIONS, EXEMPTIONS, AND ADDI-
13 TIONAL FLEXIBILITY.—Exceptions, exemptions,
14 and additional flexibility from regulatory re-
15 quirements may be granted if, in the opinion of
16 the Secretary—

17 (i) the project is not expected to have
18 a significant adverse impact on the envi-
19 ronment;

20 (ii) the project is not expected to have
21 an adverse impact on safety; and

22 (iii) the assistance would be in the
23 public interest for 1 or more reasons, in-
24 cluding—

25 (I) reduced project costs;

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

7 (III) improved safety.

8 (2) MAINTAINING PROTECTIONS.—Nothing in
9 this subsection—

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

12 (B) supersedes, amends, or modifies—

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

16 (ii) any requirement of title 23,
17 United States Code; or

18 (C) affects the responsibility of any Fed-
19 eral officer to comply with or enforce any law
20 or requirement described in this paragraph.

21 **SEC. 11010. CONSTRUCTION OF FERRY BOATS AND FERRY**
22 **TERMINAL FACILITIES.**

23 (a) CONSTRUCTION OF FERRY BOATS AND FERRY
24 TERMINAL FACILITIES.—Section 147 of title 23, United
25 States Code, is amended—

1 (1) in subsection (a), by striking “IN GEN-
2 ERAL” and inserting “PROGRAM”;

3 (2) by striking subsections (d) through (g) and
4 inserting the following:

5 “(d) FORMULA.—Of the amounts allocated under
6 subsection (c)—

7 “(1) 35 percent shall be allocated among eligi-
8 ble entities in the proportion that—

9 “(A) the number of ferry passengers, in-
10 cluding passengers in vehicles, carried by each
11 ferry system in the most recent calendar year
12 for which data is available; bears to

13 “(B) the number of ferry passengers, in-
14 cluding passengers in vehicles, carried by all
15 ferry systems in the most recent calendar year
16 for which data is available;

17 “(2) 35 percent shall be allocated among eligi-
18 ble entities in the proportion that—

19 “(A) the number of vehicles carried by
20 each ferry system in the most recent calendar
21 year for which data is available; bears to

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

1 “(3) 30 percent shall be allocated among eligi-
2 ble entities in the proportion that—

3 “(A) the total route nautical miles serviced
4 by each ferry system in the most recent cal-
5 endar year for which data is available; bears to

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

9 “(e) REDISTRIBUTION OF UNOBLIGATED
10 AMOUNTS.—The Secretary shall—

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

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

20 “(f) MINIMUM AMOUNT.—Notwithstanding sub-
21 section (c), a State with an eligible entity that meets the
22 requirements of this section shall receive not less than
23 \$100,000 under this section for a fiscal year.

24 “(g) IMPLEMENTATION.—

25 “(1) DATA COLLECTION.—

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

8 “(B) ELIGIBILITY FOR FUNDING.—To be
9 eligible to receive funds under subsection (c),
10 data shall have been submitted in the most re-
11 cent collection of data for the national ferry
12 database under section 1801(e) of SAFETEA-
13 LU (23 U.S.C. 129 note; 119 Stat. 1456) for
14 at least 1 ferry service within the State.

15 “(2) ADJUSTMENTS.—On review of the data
16 submitted under paragraph (1)(B), the Secretary
17 may make adjustments to the data as the Secretary
18 determines necessary to correct misreported or in-
19 consistent data.

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated out of the Highway Trust
22 Fund (other than the Mass Transit Account) to carry out
23 this section \$80,000,000 for each of fiscal years 2016
24 through 2021.

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

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

10 (b) NATIONAL FERRY DATABASE.—Section
11 1801(e)(4) of SAFETEA-LU (23 U.S.C. 129 note; 119
12 Stat. 1456) is amended by striking subparagraph (D) and
13 inserting the following:

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

18 (c) CONFORMING AMENDMENTS.—Section 129(c) of
19 title 23, United States Code, is amended—

20 (1) in paragraph (2), in the first sentence, by
21 inserting “, or on a public transit ferry eligible
22 under chapter 53 of title 49” after “Interstate Sys-
23 tem”;

24 (2) in paragraph (3)—

1 (A) by striking “(3) Such ferry” and in-
2 serting “(3)(A) The ferry”; and

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

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

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
14 accordance 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 accord-
18 ance with part 18 of title 49, Code of Federal Regu-
19 lations (as in effect on December 18, 2014).

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

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

24 Section 148 of title 23, United States Code, is
25 amended—

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
5 to,” and inserting “only includes”; and

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

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

10 “(xxvi) Pedestrian hybrid beacons.

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

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

18 (B) by striking paragraph (10) and reded-
19 ignating paragraphs (11) through (13) as para-
20 graphs (10) through (12), respectively;

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

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

25 and

1 (4) in subsection (g)(1)—

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

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

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

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

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

12 “(1) IN GENERAL.—A State may elect not to
13 collect fundamental data elements for the model in-
14 ventory of roadway elements on public roads that
15 are gravel roads or otherwise unpaved if—

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

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

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

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

3 “(2) CALCULATION.—The percentages de-
4 scribed in paragraph (1) shall be based on the aver-
5 age for the 5 most recent years for which relevant
6 data is available.

7 “(3) USE OF FUNDS.—If a State elects not to
8 collect data on a road described in paragraph (1),
9 the State shall not use funds provided to carry out
10 this section for a project on that road until the State
11 completes a collection of the required model inven-
12 tory of roadway elements for the road.”.

13 **SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY**
14 **IMPROVEMENT PROGRAM.**

15 Section 149 of title 23, United States Code, is
16 amended—

17 (1) in subsection (b)—

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

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

1 (C) in paragraph (4), by striking “attain-
2 ment of” and inserting “attainment or mainte-
3 nance of the area of”; and

4 (D) in paragraph (8)(A)(ii)—

5 (i) in the matter preceding subclause
6 (I), by inserting “or port-related freight
7 operations” after “construction projects”;
8 and

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

11 (2) in subsection (c)(2), by inserting “(giving
12 priority to corridors designated under section 151)”
13 after “at any location in the State”;

14 (3) in subsection (d)—

15 (A) in paragraph (2)—

16 (i) in subparagraph (A)—

17 (I) in the matter preceding clause
18 (i), by inserting “would otherwise be
19 eligible under subsection (b) if the
20 project were carried out in a non-
21 attainment or maintenance area or”
22 after “may use for any project that”;
23 and

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

4 (ii) in subparagraph (B)(i), by strik-
5 ing “MAP-21t” and inserting “MAP-21”;
6 and

7 (B) in paragraph (3), by inserting “, in a
8 manner consistent with the approach that was
9 in effect on the day before the date of enact-
10 ment of MAP-21,” after “the Secretary shall
11 modify”;

12 (4) in subsection (g)—

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

15 (B) in paragraph (3)—

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

18 “(A) IN GENERAL.—States and metropoli-
19 tan”;

20 (ii) by striking “are proven to reduce”
21 and inserting “reduce directly emitted”;
22 and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(B) USE OF PRIORITY FUNDING.—To the
2 maximum extent practicable, PM2.5 priority
3 funding shall be used on the most cost-effective
4 projects and programs that are proven to re-
5 duce directly emitted fine particulate matter.”;
6 (5) in subsection (k)—

7 (A) in paragraph (1)—

8 (i) by striking “that has a nonattain-
9 ment or maintenance area” and inserting
10 “that has 1 or more nonattainment or
11 maintenance areas”;

12 (ii) by striking “a nonattainment or
13 maintenance area that are” and inserting
14 “the nonattainment or maintenance areas
15 that are”;

16 (iii) by striking “such area” both
17 places it appears and inserting “such
18 areas”; and

19 (iv) by striking “such fine particu-
20 late” and inserting “directly-emitted fine
21 particulate”;

22 (B) in paragraph (2), by striking “highway
23 construction” and inserting “transportation
24 construction”; and

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

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

2
3 “(A) EXCEPTION.—In any State with a
4 population density of 80 or fewer persons per
5 square mile of land area, based on the most re-
6 cent decennial census, the requirements under
7 subsection (g)(3) and paragraphs (1) and (2) of
8 this subsection shall not apply to a nonattain-
9 ment or maintenance area in the State if—

10 “(i) the nonattainment or mainte-
11 nance area does not have projects that are
12 part of the emissions analysis of a metro-
13 politan transportation plan or transpor-
14 tation improvement program; and

15 “(ii) regional motor vehicle emissions
16 are an insignificant contributor to the air
17 quality problem for PM2.5 in the non-
18 attainment or maintenance area.

19 “(B) CALCULATION.—If subparagraph (A)
20 applies to a nonattainment or maintenance area
21 in a State, the percentage of the PM2.5 set-
22 aside under paragraph (1) shall be reduced for
23 that State proportionately based on the weight-
24 ed population of the area in fine particulate
25 matter nonattainment.

1 “(4) PORT-RELATED EQUIPMENT AND VEHI-
2 CLES.—To meet the requirements under paragraph
3 (1), a State or metropolitan planning organization
4 may elect to obligate funds to the most cost-effective
5 projects to reduce emissions from port-related
6 landside nonroad or on-road equipment that is oper-
7 ated within the boundaries of a PM2.5 nonattain-
8 ment or maintenance area.”;

9 (6) in subsection (l)(1)(B), by inserting “air
10 quality and traffic congestion” before “performance
11 targets”; and

12 (7) in subsection (m), by striking “section
13 104(b)(2)” and inserting “section 104(b)(4)”.

14 **SEC. 11014. TRANSPORTATION ALTERNATIVES.**

15 (a) IN GENERAL.—Section 213 of title 23, United
16 States Code, is amended—

17 (1) by striking subsection (a) and inserting the
18 following:

19 “(a) RESERVATION OF FUNDS.—

20 “(1) IN GENERAL.—On October 1 of each fiscal
21 year, the Secretary shall set aside from the amount
22 determined for a State under section 104(c) an
23 amount determined for the State under paragraphs
24 (2) and (3).

- 1 (ii) by striking subparagraph (B);
- 2 (iii) by redesignating clauses (i)
- 3 through (iii) as subparagraphs (A) through
- 4 (C), respectively;
- 5 (iv) in subparagraph (B) (as so reded-
- 6 igned), by striking “greater than 5,000”
- 7 and inserting “of 5,000 or more”; and
- 8 (v) in subparagraph (C) (as so reded-
- 9 igned), by striking “; and” and inserting
- 10 a period;
- 11 (B) in paragraph (2), by striking “para-
- 12 graph (1)(A)(i)” and inserting “paragraph
- 13 (1)(A)”;
- 14 (C) in paragraph (3)(A)—
- 15 (i) by striking “Except as provided in
- 16 paragraph (1)(B), the” and inserting
- 17 “The”; and
- 18 (ii) by striking “paragraph (1)(A)(i)”
- 19 both places it appears and inserting “para-
- 20 graph (1)(A)”;
- 21 (D) in paragraph (4)(B)—
- 22 (i) in clause (vi), by striking “and” at
- 23 the end;
- 24 (ii) by redesignating clause (vii) as
- 25 clause (viii); and

1 (iii) by inserting after clause (vi) the
2 following:

3 “(vii) a nonprofit entity responsible
4 for the administration of local transpor-
5 tation safety programs; and”; and
6 (E) in paragraph (5)—

7 (i) by striking “For funds reserved”
8 and inserting the following:

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

10 (ii) by striking “paragraph (1)(A)(i)”
11 and inserting “paragraph (1)(A)”; and

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

14 “(B) NO RESTRICTION ON SUBALLOCA-
15 TION.—Nothing in this section prevents a met-
16 ropolitan planning organization from further
17 suballocating funds within the boundaries of the
18 metropolitan planning area if a competitive
19 process is implemented for the award of the
20 suballocated funds.”; and

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

22 “(h) ANNUAL REPORTS.—

23 “(1) IN GENERAL.—Each State or metropolitan
24 planning organization responsible for carrying out

1 the requirements of this section shall submit to the
2 Secretary an annual report that describes—

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

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

7 “(ii) the types of project to be carried
8 out (as described in subsection (b)), ex-
9 pressed as percentages of the total appor-
10 tionment of the State under subsection (a);
11 and

12 “(B) the number of projects selected for
13 funding for each fiscal year, including the ag-
14 gregate cost and location of projects selected.

15 “(2) PUBLIC AVAILABILITY.—The Secretary
16 shall make available to the public, in a user-friendly
17 format on the website of the Department, a copy of
18 each annual report submitted under paragraph (1).

19 “(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this subsection, the Sec-
22 retary shall develop regulations or guidance relating
23 to the implementation of this section that encour-
24 ages the use of the programmatic approaches to en-
25 vironmental reviews, expedited procurement tech-

1 niques, and other best practices to facilitate produc-
2 tive and timely expenditure for projects that are
3 small, low-impact, and constructed within an exist-
4 ing built environment.

5 “(2) STATE PROCESSES.—The Secretary shall
6 work with State departments of transportation to
7 ensure that any regulation or guidance developed
8 under paragraph (1) is consistently implemented by
9 States and the Federal Highway Administration to
10 avoid unnecessary delays in implementing projects
11 and to ensure the effective use of Federal dollars.”.

12 (b) CONFORMING AMENDMENT.—Section 126(b) of
13 title 23, United States Code, is amended—

14 (1) by striking “SET-ASIDES.—” and all that
15 follows through “Funds that” in paragraph (1) and
16 inserting “SET-ASIDES.—Funds that”;

17 (2) by striking “sections 104(d) and 133(d)”
18 and inserting “sections 104(d), 133(d), and 213(c)”;
19 and

20 (3) by striking paragraph (2).

21 **SEC. 11015. CONSOLIDATION OF PROGRAMS.**

22 Section 1519(a) of MAP–21 (Public Law 112–141;
23 126 Stat. 574) is amended in the matter preceding para-
24 graph (1) by striking “fiscal years 2013 and 2014” and
25 inserting “fiscal years 2013 through 2021”.

1 **SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY**
2 **SYSTEM MODIFICATIONS.**

3 (a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—
4 Not later than 90 days after the date of enactment of this
5 Act, the Secretary shall issue guidance relating to working
6 with State departments of transportation that request as-
7 sistance from the division offices of the Federal Highway
8 Administration—

9 (1) to review roads classified as principal arte-
10 rials in the State that were added to the National
11 Highway System as of October 1, 2012, so as to
12 comply with section 103 of title 23, United States
13 Code; and

14 (2) to identify any necessary functional classi-
15 fication changes to rural and urban principal arte-
16 rials.

17 (b) ADMINISTRATIVE ACTIONS.—The Secretary shall
18 direct the division offices of the Federal Highway Admin-
19 istration to work with the applicable State department of
20 transportation that requests assistance under this sec-
21 tion—

22 (1) to assist in the review of roads in accord-
23 ance with guidance issued under subsection (a);

24 (2) to expeditiously review and facilitate re-
25 quests from States to reclassify roads classified as
26 principal arterials; and

1 (3) in the case of a State that requests the
2 withdrawal of reclassified roads from the National
3 Highway System under section 103(b)(3) of title 23,
4 United States Code, to carry out that withdrawal if
5 the inclusion of the reclassified road in the National
6 Highway System is not consistent with the needs
7 and priorities of the community or region in which
8 the reclassified road is located.

9 (c) NATIONAL HIGHWAY SYSTEM MODIFICATION
10 REGULATIONS.—The Secretary shall—

11 (1) review the National Highway System modi-
12 fication process described in appendix D of part 470
13 of title 23, Code of Federal Regulations (or suc-
14 cessor regulations); and

15 (2) take any action necessary to ensure that a
16 State may submit to the Secretary a request to mod-
17 ify the National Highway System by withdrawing a
18 road from the National Highway System.

19 (d) REPORT TO CONGRESS.—Not later than 1 year
20 after the date of enactment of this Act, and annually
21 thereafter, the Secretary shall submit to the Committee
22 on Environment and Public Works of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report that includes a descrip-
25 tion of—

1 (1) each request for reclassification of National
2 Highway System roads;

3 (2) the status of each request; and

4 (3) if applicable, the justification for the denial
5 by the Secretary of a request.

6 (e) MODIFICATIONS TO THE NATIONAL HIGHWAY
7 SYSTEM.—Section 103(b)(3)(A) of title 23, United States
8 Code, is amended—

9 (1) in the matter preceding clause (i)—

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

13 (B) by inserting “, including any modifica-
14 tion consisting of a connector to a major inter-
15 modal terminal or the withdrawal of a road
16 from that system,” after “the National High-
17 way System”; and

18 (2) in clause (ii)—

19 (A) by striking “(ii) enhances” and insert-
20 ing “(ii)(I) enhances”;

21 (B) by striking the period at the end and
22 inserting “; or”; and

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

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

1 **SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FER-**
2 **RIES.**

3 Section 129(a) of title 23, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (B)—

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

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

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

12 (C) by redesignating subparagraphs (D)
13 through (I) as subparagraphs (C) through (H),
14 respectively;

15 (2) by striking paragraph (4) and paragraph
16 (6);

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

20 (4) in paragraph (4)(B) (as so redesignated),
21 by striking “the Federal-aid system” and inserting
22 “Federal-aid highways”; and

23 (5) by inserting after paragraph (7) (as so re-
24 designated) the following:

25 “(8) **EQUAL ACCESS FOR MOTORCOACHES.**—A
26 private motorcoach that serves the public shall be

1 provided access to a toll facility under the same
2 rates, terms, and conditions as public transportation
3 buses in the State.”.

4 **SEC. 11018. HOV FACILITIES.**

5 Section 166 of title 23, United States Code, is
6 amended—

7 (1) in subsection (b)—

8 (A) by striking paragraph (4) and insert-
9 ing the following:

10 “(4) HIGH OCCUPANCY TOLL VEHICLES.—

11 “(A) IN GENERAL.—The State agency may
12 allow vehicles not otherwise exempt under this
13 subsection to use the HOV facility if the opera-
14 tors of the vehicles pay a toll charged by the
15 agency for use of the facility and the agency—

16 “(i) establishes a program that ad-
17 dresses how motorists can enroll and par-
18 ticipate in the toll program;

19 “(ii) in the case of a high occupancy
20 vehicle facility that affects a metropolitan
21 area, submits to the Secretary a written
22 statement that the metropolitan planning
23 organization designated under section 134
24 for the area has been consulted concerning

1 the placement and amount of tolls on the
2 converted facility;

3 “(iii) develops, manages, and main-
4 tains a system that will automatically col-
5 lect the toll; and

6 “(iv) establishes policies and proce-
7 dures—

8 “(I) to manage the demand to
9 use the facility by varying the toll
10 amount that is charged;

11 “(II) to enforce violations of the
12 use of the facility; and

13 “(III) to ensure that private
14 motorcoaches that serve the public are
15 provided access to the facility under
16 the same rates, terms, and conditions,
17 as public transportation buses in the
18 State.

19 “(B) EXEMPTION FROM TOLLS.—In lev-
20 ying a toll on a facility under subparagraph
21 (A), a State agency may—

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

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

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

3 “(A) INHERENTLY LOW EMISSION VEHI-
4 CLE.—If a State agency establishes procedures
5 for enforcing the restrictions on the use of a
6 HOV facility by vehicles described in clauses (i)
7 and (ii), the State agency may allow the use of
8 the HOV facility by—

9 “(i) alternative fuel vehicles; and

10 “(ii) any motor vehicle described in
11 section 30D(d)(1) of the Internal Revenue
12 Code of 1986.”;

13 (2) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) by striking “Tolls” and inserting
16 “Notwithstanding section 301, tolls”; and

17 (ii) by striking “notwithstanding sec-
18 tion 301 and, except as provided in para-
19 graphs (2) and (3)”;

20 (B) by striking paragraph (2); and

21 (C) by redesignating paragraph (3) as
22 paragraph (2);

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

1 “(D) MAINTENANCE OF OPERATING PER-
2 FORMANCE.—

3 “(i) SUBMISSION OF PLAN.—Not later
4 than 180 days after the date on which a
5 facility is degraded under paragraph (2),
6 the State agency with jurisdiction over the
7 facility shall submit to the Secretary for
8 approval a plan that details the actions the
9 State agency will take to bring the facility
10 into compliance with the minimum average
11 operating speed performance standard
12 through changes to operation of the facil-
13 ity, including—

14 “(I) increasing the occupancy re-
15 quirement for HOV lanes;

16 “(II) varying the toll charged to
17 vehicles allowed under subsection (b)
18 to reduce demand;

19 “(III) discontinuing allowing
20 non-HOV vehicles to use HOV lanes
21 under subsection (b); or

22 “(IV) increasing the available ca-
23 pacity of the HOV facility.

24 “(ii) NOTICE OF APPROVAL OR DIS-
25 APPROVAL.—Not later than 60 days after

1 the date of receipt of a plan under clause
2 (i), the Secretary shall provide to the State
3 agency a written notice indicating whether
4 the Secretary has approved or disapproved
5 the plan based on a determination of
6 whether the implementation of the plan
7 will bring the HOV facility into compli-
8 ance.

9 “(iii) BIENNIAL PROGRESS UP-
10 DATES.—Until the date on which the Sec-
11 retary determines that the State agency
12 has brought the HOV facility into compli-
13 ance with this subsection, the State agency
14 shall submit biennial updates that de-
15 scribe—

16 “(I) the actions taken to bring
17 the HOV facility into compliance; and

18 “(II) the progress made by those
19 actions.

20 “(E) COMPLIANCE.—The Secretary shall
21 subject the State to appropriate program sanc-
22 tions under section 1.36 of title 23, Code of
23 Federal Regulations (or successor regulations),
24 until the performance is no longer degraded,
25 if—

1 “(i) the State agency fails to submit
2 an approved action plan under subpara-
3 graph (D) to bring a degraded facility into
4 compliance; or

5 “(ii) after the State submits and the
6 Secretary approves an action plan under
7 subparagraph (D), the Secretary deter-
8 mines that, on a date that is not earlier
9 than 1 year after the approval of the ac-
10 tion plan, the State agency is not making
11 significant progress toward bringing the
12 HOV facility into compliance with the min-
13 imum average operating speed performance
14 standard.”; and

15 (4) in subsection (f)(1), in the matter preceding
16 subparagraph (A), by inserting “solely” before “op-
17 erating”.

18 **SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND**
19 **REHABILITATION PILOT PROGRAM.**

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

23 (1) in paragraph (3)—

24 (A) in subparagraph (A), by striking “the
25 age, condition, and intensity of use of the facil-

1 ity” and inserting “an analysis demonstrating
2 that the facility has a significant age, condition,
3 or intensity of use to require expedited recon-
4 struction or rehabilitation”;

5 (B) in subparagraph (D)(iii), by inserting
6 “, and that demonstrates the capability of that
7 agency to perform or oversee the building, oper-
8 ation, and maintenance of a toll expressway
9 system meeting criteria for the Interstate Sys-
10 tem” before the semicolon at the end; and

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

12 “(E) An analysis showing how the State
13 plan for implementing tolls on the facility takes
14 into account the interests and use of local, re-
15 gional, and interstate travelers.

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

19 “(G) A plan describing the proposed loca-
20 tion for the collection of tolls on the facility, in-
21 cluding any locations in proximity to a State
22 border.

23 “(H) Approved documentation that the
24 project—

1 “(i) has received a categorical exclu-
2 sion, a finding of no significant impact, or
3 a record of decision under the National
4 Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.); and

6 “(ii) complies with the Uniform Relo-
7 cation Assistance and Real Property Ac-
8 quisition Policies Act of 1970 (42 U.S.C.
9 4601 et seq.).”;

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

11 (3) by redesignating paragraph (5) as para-
12 graph (4);

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

14 (A) in the matter preceding subparagraph
15 (A), by striking “Before the Secretary may per-
16 mit” and inserting “As a condition of permit-
17 ting”;

18 (B) in subparagraph (A)—

19 (i) in the matter preceding clause (i),
20 by striking “for—” and inserting “for per-
21 missible uses described in section
22 129(a)(3) of title 23, United States Code;
23 and”; and

24 (ii) by striking clauses (i) through
25 (iii);

1 (5) by inserting after paragraph (4) (as so re-
2 designated) the following:

3 “(5) APPLICATION PROCESSING PROCEDURE.—

4 “(A) IN GENERAL.—Not later than 60
5 days after receipt of an application under this
6 subsection, the Secretary shall provide to the
7 applicant a written notice informing the appli-
8 cant whether—

9 “(i) the application is complete and
10 meets all requirements under this sub-
11 section; or

12 “(ii) additional information or mate-
13 rials are needed—

14 “(I) to complete the application;

15 or

16 “(II) to meet the eligibility re-
17 quirements under paragraph (3).

18 “(B) ADDITIONAL INFORMATION OR MATE-
19 RIALS.—

20 “(i) IN GENERAL.—Not later than 60
21 days after receipt of an application, the
22 Secretary shall—

23 “(I) identify any additional infor-
24 mation or materials that are needed
25 under subparagraph (A)(ii); and

1 “(II) provide to the applicant
2 written notice specifying the details of
3 the additional required information or
4 materials.

5 “(ii) AMENDED APPLICATION.—Not
6 later than 60 days after receipt of the ad-
7 ditional information under clause (i), the
8 Secretary shall determine if the amended
9 application is complete and meets all re-
10 quirements under this subsection.

11 “(C) TECHNICAL ASSISTANCE.—On the re-
12 quest of a State, the Secretary shall provide
13 technical assistance to facilitate the develop-
14 ment of a complete application under this para-
15 graph that is likely to satisfy the eligibility cri-
16 teria under paragraph (3).

17 “(D) APPROVAL OF APPLICATION.—On
18 written notice by the Secretary that the applica-
19 tion is complete and meets all requirements of
20 this subsection, the project is considered ap-
21 proved and shall be permitted to participate in
22 the program under this subsection.

23 “(E) LIMITATION ON APPROVED APPLICA-
24 TION.—

1 to provide for the reconstruction or
2 rehabilitation of the facility; and

3 “(II) not later than 2 years after
4 the date of enactment of the DRIVE
5 Act, execute a contract for the recon-
6 struction or rehabilitation of the facil-
7 ity.

8 “(iii) CANCELLATION OR EXTEN-
9 SION.—If an applicable deadline under
10 clause (i) or (ii) is not met, the Secretary
11 shall—

12 “(I) cancel the application ap-
13 proval; or

14 “(II) grant an extension of not
15 more than 1 year for the applicable
16 deadline, on the condition that—

17 “(aa) there has been demon-
18 strable progress toward meeting
19 the applicable requirements; and

20 “(bb) the requirements are
21 likely to be met within 1 year.

22 “(6) LIMITATION ON THE USE OF NATIONAL
23 HIGHWAY PERFORMANCE PROGRAM FUNDS.—During
24 the term of the pilot program, funds apportioned for
25 the national highway performance program under

1 section 104(b)(1) of title 23, United States Code,
2 may not be used for a facility for which tolls are
3 being collected under the pilot program unless the
4 funds are used for a maintenance purpose, as de-
5 fined in section 101(a) of title 23, United States
6 Code.”;

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

9 (7) by inserting after paragraph (6) the fol-
10 lowing:

11 “(7) WITHDRAWAL.—A State may elect to
12 withdraw participation of the State in the pilot pro-
13 gram at any time.”; and

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

17 **SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED**
18 **ROADS.**

19 (a) ELIGIBILITY.—Section 125(d)(3) of title 23,
20 United States Code, is amended—

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

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

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

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

6 (b) DEFINITION.—Section 125(e) of title 23, United
7 States Code, is amended by striking paragraph (1) and
8 inserting the following:

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) OPEN TO PUBLIC TRAVEL.—The term
11 ‘open to public travel’ means, with respect to a
12 road, that, except during scheduled periods, ex-
13 treme weather conditions, or emergencies, the
14 road—

15 “(i) is maintained;

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

17 “(iii) can accommodate travel by a
18 standard passenger vehicle, without restric-
19 tive gates or prohibitive signs or regula-
20 tions, other than for general traffic control
21 or restrictions based on size, weight, or
22 class of registration.

23 “(B) STANDARD PASSENGER VEHICLE.—

24 The term ‘standard passenger vehicle’ means a
25 vehicle with 6 inches of clearance from the low-

1 est point of the frame, body, suspension, or dif-
2 ferential to the ground.”.

3 **SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RE-**
4 **STRICTIONS.**

5 Section 144(h) of title 23, United States Code, is
6 amended—

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

9 (2) by inserting after paragraph (5) the fol-
10 lowing:

11 “(6) BRIDGES REQUIRING CLOSURE OR LOAD
12 RESTRICTIONS.—

13 “(A) BRIDGES OWNED BY FEDERAL AGEN-
14 CIES OR TRIBAL GOVERNMENTS.—If a Federal
15 agency or tribal government fails to ensure that
16 any highway bridge that is open to public travel
17 and located in the jurisdiction of the Federal
18 agency or tribal government is properly closed
19 or restricted to loads that the bridge can carry
20 safely, the Secretary—

21 “(i) shall, on learning of the need to
22 close or restrict loads on the bridge, re-
23 quire the Federal agency or tribal govern-
24 ment to take action necessary—

1 “(ii) may, if the State fails to take ac-
2 tion required under clause (i), withhold ap-
3 proval for Federal-aid projects in that
4 State.”; and

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

7 **SEC. 11022. NATIONAL ELECTRIC VEHICLE CHARGING AND**
8 **NATURAL GAS FUELING CORRIDORS.**

9 (a) IN GENERAL.—Chapter 1 of title 23, United
10 States Code, is amended by inserting after section 150 the
11 following:

12 **“§ 151. National electric vehicle charging and natural**
13 **gas fueling corridors**

14 “(a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of the DRIVE Act, the Secretary shall
16 designate national electric vehicle charging and natural
17 gas fueling corridors that identify the near- and long-term
18 need for, and location of, electric vehicle charging infra-
19 structure and natural gas fueling infrastructure at stra-
20 tegic locations along major national highways to improve
21 the mobility of passenger and commercial vehicles that
22 employ electric and natural gas fueling technologies across
23 the United States.

24 “(b) DESIGNATION OF CORRIDORS.—In designating
25 the corridors under subsection (a), the Secretary shall—

1 “(1) solicit nominations from State and local
2 officials for facilities to be included in the corridors;

3 “(2) incorporate existing electric vehicle charg-
4 ing and natural gas fueling corridors designated by
5 a State or group of States; and

6 “(3) consider the demand for, and location of,
7 existing electric vehicle charging and natural gas
8 fueling infrastructure.

9 “(c) STAKEHOLDERS.—In designating corridors
10 under subsection (a), the Secretary shall involve, on a vol-
11 untary basis, stakeholders that include—

12 “(1) the heads of other Federal agencies;

13 “(2) State and local officials;

14 “(3) representatives of—

15 “(A) energy utilities;

16 “(B) the electric and natural gas vehicle
17 industries;

18 “(C) the freight and shipping industry;

19 “(D) clean technology firms;

20 “(E) the hospitality industry;

21 “(F) the restaurant industry; and

22 “(G) highway rest stop vendors; and

23 “(4) such other stakeholders as the Secretary
24 determines to be necessary.

1 “(d) REDESIGNATION.—Not later than 5 years after
2 the date of establishment of the corridors under subsection
3 (a), and every 5 years thereafter, the Secretary shall up-
4 date and redesignate the corridors.

5 “(e) REPORT.—During designation and redesignation
6 of the corridors under this section, the Secretary shall
7 issue a report that—

8 “(1) identifies electric vehicle charging and nat-
9 ural gas fueling infrastructure and standardization
10 needs for electricity providers, natural gas providers,
11 infrastructure providers, vehicle manufacturers, elec-
12 tricity purchasers, and natural gas purchasers; and

13 “(2) establishes an aspirational goal of achiev-
14 ing strategic deployment of electric vehicle charging
15 and natural gas fueling infrastructure in those cor-
16 ridors by the end of fiscal year 2021.”.

17 (b) CONFORMING AMENDMENT.—The analysis of
18 chapter 1 of title 23, United States Code, is amended by
19 striking the item relating to section 151 and inserting the
20 following:

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

21 **SEC. 11023. ASSET MANAGEMENT.**

22 (a) Section 119 of title 23, United States Code, is
23 amended—

24 (1) in subsection (f)(2)—

1 (A) in subparagraph (A), by striking
2 “structurally deficient” and inserting “being in
3 poor condition”; and

4 (B) in subparagraph (B), by striking
5 “structurally deficient” and inserting “being in
6 poor condition”; and

7 (2) by adding at the end the following:

8 “(h) CRITICAL INFRASTRUCTURE.—

9 “(1) DEFINITION OF CRITICAL INFRASTRUC-
10 TURE.—In this subsection, the term ‘critical infra-
11 structure’ means those facilities the incapacity or
12 failure of which would have a debilitating impact on
13 national or regional economic security, national or
14 regional energy security, national or regional public
15 health or safety, or any combination of those mat-
16 ters.

17 “(2) DESIGNATION.—The asset management
18 plan of a State developed pursuant to subsection (e)
19 may include a designation of a critical infrastructure
20 network of facilities from among those facilities in
21 the State that are eligible under subsection (c).

22 “(3) RISK REDUCTION.—A State may use funds
23 apportioned under this section for projects intended
24 to reduce the risk of failure of facilities designated

1 as being on the critical infrastructure network of the
2 State.”.

3 (b) Section 144 of title 23, United States Code, is
4 amended—

5 (1) in subsection (a)(1)(B), by striking “defi-
6 cient”; and

7 (2) in subsection (b)(5), by striking “each
8 structurally deficient bridge” and inserting “each
9 bridge in poor condition”.

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

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

13 (2) in paragraph (2)(B), by striking “defi-
14 cient”; and

15 (3) in paragraph (3)—

16 (A) in subparagraph (A), by striking the
17 semicolon at the end and inserting “; and”;

18 (B) in subparagraph (B), by striking “;
19 and” at the end and inserting a period; and

20 (C) by striking subparagraph (C).

21 **SEC. 11024. TRIBAL TRANSPORTATION PROGRAM AMEND-**
22 **MENT.**

23 Section 202 of title 23, United States Code, is
24 amended—

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

3 (2) in subsection (d)(2), in the matter pre-
4 ceding subparagraph (A) by striking “2 percent”
5 and inserting “3 percent”.

6 **SEC. 11025. NATIONALLY SIGNIFICANT FEDERAL LANDS**
7 **AND TRIBAL PROJECTS PROGRAM.**

8 (a) PURPOSE.—The Secretary shall establish a na-
9 tionally significant Federal lands and tribal projects pro-
10 gram (referred to in this section as the “program”) to pro-
11 vide funding to construct, reconstruct, or rehabilitate na-
12 tionally significant Federal lands and tribal transportation
13 projects.

14 (b) ELIGIBLE APPLICANTS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), entities eligible to receive funds under
17 sections 201, 202, 203, and 204 of title 23, United
18 States Code, may apply for funding under the pro-
19 gram.

20 (2) SPECIAL RULE.—A State, county, or unit of
21 local government may only apply for funding under
22 the program if sponsored by an eligible Federal land
23 management agency or Indian tribe.

24 (c) ELIGIBLE PROJECTS.—An eligible project under
25 the program shall be a single continuous project—

1 (1) on a Federal lands transportation facility, a
2 Federal lands access transportation facility, or a
3 Tribal transportation facility (as those terms are de-
4 fined in section 101 of title 23, United States Code),
5 except that such facility is not required to be in-
6 cluded on an inventory described in sections 202 or
7 203 of title 23, United States Code;

8 (2) for which completion of activities required
9 under the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.) has been dem-
11 onstrated through—

12 (A) a record of decision with respect to the
13 project;

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

16 (C) a determination that the project is cat-
17 egorically excluded; and

18 (3) having an estimated cost, based on the re-
19 sults of preliminary engineering, equal to or exceed-
20 ing \$25,000,0000, with priority consideration given
21 to projects with an estimated cost equal to or ex-
22 ceeding \$50,000,000.

23 (d) ELIGIBLE ACTIVITIES.—

24 (1) IN GENERAL.—Subject to paragraph (2), an
25 eligible applicant receiving funds under the program

1 may only use the funds for construction, reconstruc-
2 tion, and rehabilitation activities.

3 (2) INELIGIBLE ACTIVITIES.—An eligible appli-
4 cant may not use funds received under the program
5 for activities relating to project design.

6 (e) APPLICATIONS.—Eligible applicants shall submit
7 to the Secretary an application at such time, in such form,
8 and containing such information as the Secretary may re-
9 quire.

10 (f) SELECTION CRITERIA.—In selecting a project to
11 receive funds under the program, the Secretary shall con-
12 sider the extent to which the project—

13 (1) furthers the goals of the Department, in-
14 cluding state of good repair, environmental sustain-
15 ability, economic competitiveness, quality of life, and
16 safety;

17 (2) improves the condition of critical
18 multimodal transportation facilities;

19 (3) needs construction, reconstruction, or reha-
20 bilitation;

21 (4) is included in or eligible for inclusion in the
22 National Register of Historic Places;

23 (5) enhances environmental ecosystems;

24 (6) uses new technologies and innovations that
25 enhance the efficiency of the project;

1 (7) is supported by funds, other than the funds
2 received under the program, to construct, maintain,
3 and operate the facility;

4 (8) spans 2 or more States; and

5 (9) serves land owned by multiple Federal agen-
6 cies or Indian tribes.

7 (g) FEDERAL SHARE.—The Federal share of the cost
8 of a project shall be 95 percent.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$150,000,000 for each of fiscal years 2016 through 2021,
12 to remain available for a period of 3 fiscal years following
13 the fiscal year for which the amounts were appropriated.

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

15 Section 201(c) of title 23, United States Code, is
16 amended—

17 (1) in paragraph (6)(A)—

18 (A) by redesignating clauses (i) and (ii) as
19 subclauses (I) and (II), respectively;

20 (B) in the matter preceding subclause (I)
21 (as so redesignated), by striking “The Secre-
22 taries” and inserting the following:

23 “(i) IN GENERAL.—The Secretaries”;

24 (C) by inserting a period after “tribal
25 transportation program”; and

1 (D) by striking “in accordance with” and
2 all that follows through “including—” and in-
3 serting the following:

4 “(ii) REQUIREMENT.—Data collected
5 to implement the tribal transportation pro-
6 gram shall be in accordance with the In-
7 dian Self-Determination and Education
8 Assistance Act (25 U.S.C. 450 et seq.).

9 “(iii) INCLUSIONS.—Data collected
10 under this paragraph includes—”; and

11 (2) by striking paragraph (7) and inserting the
12 following—

13 “(7) COOPERATIVE RESEARCH AND TECH-
14 NOLOGY DEPLOYMENT.—The Secretary may conduct
15 cooperative research and technology deployment in
16 coordination with Federal land management agen-
17 cies, as determined appropriate by the Secretary.

18 “(8) FUNDING.—

19 “(A) IN GENERAL.—To carry out the ac-
20 tivities described in this subsection for Federal
21 lands transportation facilities, Federal lands ac-
22 cess transportation facilities, and other federally
23 owned roads open to public travel (as that term
24 is defined in section 125(e)), the Secretary shall
25 combine and use not greater than 5 percent for

1 each fiscal year of the funds authorized for pro-
2 grams under sections 203 and 204.

3 “(B) OTHER ACTIVITIES.—In addition to
4 the activities described in subparagraph (A),
5 funds described under that subparagraph may
6 be used for—

7 “(i) bridge inspections on any feder-
8 ally owned bridge even if that bridge is not
9 included on the inventory described under
10 section 203; and

11 “(ii) transportation planning activities
12 carried out by Federal land management
13 agencies eligible for funding under this
14 chapter.”.

15 **SEC. 11027. FEDERAL LANDS TRANSPORTATION PROGRAM.**

16 Section 203 of title 23, United States Code, is
17 amended—

18 (1) in subsection (a)(1)—

19 (A) in subparagraph (B), by striking “op-
20 eration” and inserting “capital, operations,”;
21 and

22 (B) in subparagraph (D), by striking “sub-
23 paragraph (A)(iv)” and inserting “subpara-
24 graph (A)(iv)(I)”;

25 (2) in subsection (b)—

- 1 (A) in paragraph (1)(B)—
- 2 (i) in clause (iv), by striking “and” at
- 3 the end;
- 4 (ii) in clause (v), by striking the pe-
- 5 riod at the end and inserting a semicolon;
- 6 and
- 7 (iii) by adding at the end the fol-
- 8 lowing:
- 9 “(vi) the Bureau of Reclamation; and
- 10 “(vii) independent Federal agencies
- 11 with natural resource and land manage-
- 12 ment responsibilities.”; and
- 13 (B) in paragraph (2)(B), in the matter
- 14 preceding clause (i), by inserting “performance
- 15 management, including” after “support”; and
- 16 (3) in subsection (c)(2)(B), by adding at the
- 17 end the following:
- 18 “(vi) The Bureau of Reclamation.”.

19 **SEC. 11028. INNOVATIVE PROJECT DELIVERY.**

20 Section 120(c)(3) of title 23, United States Code, is

21 amended—

- 22 (1) in subparagraph (A)(ii)—
- 23 (A) by inserting “engineering or design ap-
- 24 proaches,” after “technologies,”; and

1 (B) by striking “or contracting” and in-
2 serting “or contracting or project delivery”; and
3 (2) in subparagraph (B)(iii), by inserting “and
4 alternative bidding” before the semicolon at the end.

5 **SEC. 11029. OBLIGATION AND RELEASE OF FUNDS.**

6 Section 118(c)(2) of title 23, United States Code, is
7 amended—

8 (1) in the matter preceding subparagraph (A),
9 by striking “Any funds” and inserting the following:

10 “(A) IN GENERAL.—Any funds”;

11 (2) by redesignating subparagraphs (A) and
12 (B) as clauses (i) and (ii), respectively, and indent-
13 ing appropriately; and

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

15 “(B) SAME CLASS OF FUNDS NO LONGER
16 AUTHORIZED.—If the same class of funds de-
17 scribed in subparagraph (A)(i) is no longer au-
18 thorized in the most recent authorizing law, the
19 funds may be credited to a similar class of
20 funds, as determined by the Secretary.”.

1 **Subtitle B—Acceleration of Project**
2 **Delivery**

3 **SEC. 11101. CATEGORICAL EXCLUSION FOR PROJECTS OF**
4 **LIMITED FEDERAL ASSISTANCE.**

5 Section 1317 of MAP-21 (23 U.S.C. 109 note; Public
6 Law 112–141) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “Not later than” and inserting the fol-
9 lowing:

10 “(a) IN GENERAL.—Not later than”; and

11 (2) by adding at the end the following:

12 “(b) INFLATIONARY ADJUSTMENT.—The dollar
13 amounts described in subsection (a) shall be adjusted for
14 inflation—

15 “(1) effective October 1, 2015, to reflect
16 changes since July 1, 2012, in the Consumer Price
17 Index for All Urban Consumers published by the
18 Bureau of Labor Statistics of the Department of
19 Labor; and

20 “(2) effective October 1, 2016, and each suc-
21 ceeding October 1, to reflect changes for the pre-
22 ceding 12-month period in the Consumer Price
23 Index for All Urban Consumers published by the
24 Bureau of Labor Statistics of the Department of
25 Labor.”.

1 **SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.**

2 (a) IN GENERAL.—Section 1318 of MAP-21 (23
3 U.S.C. 109 note; Public Law 112–141) is amended by
4 adding at the end the following:

5 “(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

6 “(1) IN GENERAL.—The Secretary shall develop
7 a template programmatic agreement described in
8 subsection (d) that provides for efficient and ade-
9 quate procedures for evaluating Federal actions de-
10 scribed in section 771.117(c) of title 23, Code of
11 Federal Regulations (as in effect on the date of en-
12 actment of this subsection).

13 “(2) USE OF TEMPLATE.—The Secretary—

14 “(A) on receipt of a request from a State,
15 shall use the template programmatic agreement
16 developed under paragraph (1) in carrying out
17 this section; and

18 “(B) on consent of the applicable State,
19 may modify the template as necessary to ad-
20 dress the unique needs and characteristics of
21 the State.

22 “(3) OUTCOME MEASUREMENTS.—The Sec-
23 retary shall establish a method to verify that actions
24 described in section 771.117(c) of title 23, Code of
25 Federal Regulations (as in effect on the date of en-
26 actment of this subsection), are evaluated and docu-

1 mented in a consistent manner by the State that
2 uses the template programmatic agreement under
3 this subsection.”.

4 (b) CATEGORICAL EXCLUSION DETERMINATIONS.—
5 Not later than 30 days after the date of enactment of this
6 Act, the Secretary shall revise section 771.117(g) of title
7 23, Code of Federal Regulations, to allow a programmatic
8 agreement under this section to include responsibility for
9 making categorical exclusion determinations—

10 (1) for actions described in subsections (c) and
11 (d) of section 771.117 of title 23, Code of Federal
12 Regulations; and

13 (2) that meet the criteria for a categorical ex-
14 clusion under section 1508.4 of title 40, Code of
15 Federal Regulations (as in effect on the date of en-
16 actment of this Act), and are identified in the pro-
17 grammatic agreement.

18 **SEC. 11103. AGENCY COORDINATION.**

19 (a) ROLES AND RESPONSIBILITY OF LEAD AGEN-
20 CY.—Section 139(c)(6) of title 23, United States Code,
21 is amended—

22 (1) in subparagraph (A), by striking “and” at
23 the end;

24 (2) in subparagraph (B), by striking the period
25 at the end and inserting “; and”; and

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

2 “(C) to consider and respond to comments
3 received from participating agencies on matters
4 within the special expertise or jurisdiction of
5 the participating agencies.”.

6 (b) PARTICIPATING AGENCY RESPONSIBILITIES.—
7 Section 139(d) of title 23, United States Code, is amended
8 by adding at the end the following:

9 “(8) PARTICIPATING AGENCY RESPONSIBIL-
10 ITIES.—An agency participating in the collaborative
11 environmental review process under this section
12 shall—

13 “(A) provide comments, responses, studies,
14 or methodologies on those areas within the spe-
15 cial expertise or jurisdiction of the Federal par-
16 ticipating or cooperating agency; and

17 “(B) use the process to address any envi-
18 ronmental issues of concern to the participating
19 or cooperating agency.”.

20 **SEC. 11104. INITIATION OF ENVIRONMENTAL REVIEW**
21 **PROCESS.**

22 Section 139 of title 23, United States Code, is
23 amended—

24 (1) in subsection (a), by striking paragraph (6)
25 and inserting the following:

1 “(6) PROJECT.—

2 “(A) IN GENERAL.—The term ‘project’
3 means any highway project, public transpor-
4 tation capital project, or multimodal project
5 that, if implemented as proposed by the project
6 sponsor, would require approval by any oper-
7 ating administration or secretarial office within
8 the Department.

9 “(B) CONSIDERATIONS.—For purposes of
10 this paragraph, the Secretary shall take into ac-
11 count, if known, any sources of Federal funding
12 or financing identified by the project sponsor,
13 including discretionary grant, loan, and loan
14 guarantee programs administered by the De-
15 partment.”;

16 (2) in subsection (e)—

17 (A) in paragraph (1), by inserting “(in-
18 cluding any additional information that the
19 project sponsor considers to be important to ini-
20 tiate the process for the proposed project)”
21 after “location of the proposed project”; and

22 (B) by adding at the end the following:

23 “(3) REVIEW OF APPLICATION.—Not later than
24 45 days after the date on which an application is re-
25 ceived by the Secretary under this subsection, the

1 Secretary shall provide to the project sponsor a writ-
2 ten response that, as applicable—

3 “(A) describes the determination of the
4 Secretary—

5 “(i) to initiate the environmental re-
6 view process, including a timeline and an
7 expected date for the publication in the
8 Federal Register of the relevant notice of
9 intent; or

10 “(ii) to decline the application, includ-
11 ing an explanation of the reasons for that
12 decision; or

13 “(B) requests additional information, and
14 provides to the project sponsor an accounting,
15 regarding what is necessary to initiate the envi-
16 ronmental review process.

17 “(4) REQUEST TO DESIGNATE A LEAD AGEN-
18 CY.—

19 “(A) IN GENERAL.—Any project sponsor
20 may submit a request to the Secretary to des-
21 ignate a specific operating administration or
22 secretarial office within the Department of
23 Transportation to serve as the Federal lead
24 agency for a project.

1 “(B) PROPOSED SCHEDULE.—A request
2 under subparagraph (A) may include a pro-
3 posed schedule for completing the environ-
4 mental review process.

5 “(C) SECRETARIAL ACTION.—

6 “(i) IN GENERAL.—If a request under
7 subparagraph (A) is received, the Sec-
8 retary shall respond to the request not
9 later than 45 days after the date of re-
10 ceipt.

11 “(ii) REQUIREMENTS.—The response
12 shall—

13 “(I) approve the request;

14 “(II) deny the request, with an
15 explanation of the reasons; or

16 “(III) require the submission of
17 additional information.

18 “(iii) ADDITIONAL INFORMATION.—If
19 additional information is submitted in ac-
20 cordance with clause (ii)(III), the Sec-
21 retary shall respond to that submission not
22 later than 45 days after the date of re-
23 ceipt.”; and

24 (3) in subsection (f)(4), by adding at the end
25 the following:

1 “(E) REDUCTION OF DUPLICATION.—

2 “(i) IN GENERAL.—In carrying out
3 this paragraph, the lead agency shall re-
4 duce duplication, to the maximum extent
5 practicable, between—

6 “(I) the evaluation of alternatives
7 under the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321
9 et 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,
14 or an environmental review process
15 carried out under State law (referred
16 to in this subparagraph as a ‘State
17 environmental 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
11 State environmental review process,
12 including guidance on the require-
13 ments under the National Environ-
14 mental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.) and any other require-
16 ments of Federal law necessary for
17 approval of 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
25 local transportation agency rejected

1 the alternative after considering pub-
2 lic comments;

3 “(V) the Federal lead agency
4 independently 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
10 has 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
20 of Federal agencies with jurisdic-
21 tion over a permit or approval re-
22 quired for a project, that the al-
23 ternative to be eliminated from
24 consideration is not necessary for

1 any permit or approval under any
2 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
11 agency”; 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”
19 after “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
2 after the date for rendering a decision
3 as described in the project schedule
4 established pursuant to subsection
5 (g)(1)(B).

6 “(II) If no schedule exists, the
7 later of—

8 “(aa) the date that is 180
9 days after the date on which an
10 application for the permit, license
11 or approval is complete; or

12 “(bb) the date that is 180
13 days after the date on which the
14 Federal lead agency issues a de-
15 cision on the project under the
16 National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et
18 seq.).

19 “(III) A modified date consistent
20 with subsection (g)(1)(D).”.

21 **SEC. 11106. ACCELERATED DECISIONMAKING IN ENVIRON-**
22 **MENTAL REVIEWS.**

23 (a) IN GENERAL.—Section 139 of title 23, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 “(n) ACCELERATED DECISIONMAKING IN ENVIRON-
2 MENTAL REVIEWS.—

3 “(1) IN GENERAL.—In preparing a final envi-
4 ronmental impact statement under the National En-
5 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
6 seq.), if the lead agency modifies the statement in
7 response to comments that are minor and are con-
8 fined to factual corrections or explanations regarding
9 why the comments do not warrant additional agency
10 response, the lead agency may write on errata sheets
11 attached to the statement instead of rewriting the
12 draft statement, subject to the condition that the er-
13 rata sheets shall—

14 “(A) cite the sources, authorities, or rea-
15 sons that support the position of the lead agen-
16 cy; and

17 “(B) if appropriate, indicate the cir-
18 cumstances that would trigger agency re-
19 appraisal or further response.

20 “(2) INCORPORATION.—To the maximum ex-
21 tent practicable, the lead agency shall expeditiously
22 develop a single document that consists of a final en-
23 vironmental impact statement and a record of deci-
24 sion, unless—

1 “(A) the final environmental impact state-
2 ment makes substantial changes to the pro-
3 posed action that are relevant to environmental
4 or safety concerns; or

5 “(B) there are significant new cir-
6 cumstances or information that—

7 “(i) are relevant to environmental
8 concerns; and

9 “(ii) bear on the proposed action or
10 the impacts of the proposed action.”.

11 (b) REPEAL.—Section 1319 of MAP-21 (42 U.S.C.
12 4332a) is repealed.

13 **SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRON-**
14 **MENTAL REVIEWS.**

15 Section 139 of title 23, United States Code (as
16 amended by section 11106(a)), is amended by adding at
17 the end the following:

18 “(o) REVIEWS, APPROVALS, AND PERMITTING PLAT-
19 FORM.—

20 “(1) IN GENERAL.—Not later than 2 years
21 after the date of enactment of this subsection, the
22 Secretary shall establish an online platform and, in
23 coordination with agencies described in paragraph
24 (2), issue reporting standards to make publicly avail-
25 able the status of reviews, approvals, and permits re-

1 required for compliance with the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
3 or other applicable Federal laws for projects and ac-
4 tivities requiring an environmental assessment or an
5 environmental impact statement.

6 “(2) FEDERAL AGENCY PARTICIPATION.—A
7 Federal agency of jurisdiction over a review, ap-
8 proval, or permit described in paragraph (1) shall
9 provide status information in accordance with the
10 standards established by the Secretary under para-
11 graph (1).

12 “(3) STATE RESPONSIBILITIES.—A State that
13 is assigned and assumes responsibilities under sec-
14 tion 326 or 327 shall provide applicable status infor-
15 mation in accordance with standards established by
16 the Secretary under paragraph (1).”.

17 **SEC. 11108. INTEGRATION OF PLANNING AND ENVIRON-**
18 **MENTAL REVIEW.**

19 Section 168 of title 23, United States Code, is
20 amended to read as follows:

21 **“§ 168. Integration of planning and environmental re-**
22 **view**

23 “(a) DEFINITIONS.—In this section, the following
24 definitions apply:

1 “(1) ENVIRONMENTAL REVIEW PROCESS.—The
2 term ‘environmental review process’ means the proc-
3 ess for preparing for a project an environmental im-
4 pact statement, environmental assessment, categor-
5 ical exclusion, or other document prepared under the
6 National Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.).

8 “(2) LEAD AGENCY.—The term ‘lead agency’
9 has the meaning given the term in section 139(a).

10 “(3) PLANNING PRODUCT.—The term ‘planning
11 product’ means a decision, analysis, study, or other
12 documented information that is the result of an eval-
13 uation or decisionmaking process carried out by a
14 metropolitan planning organization or a State, as
15 appropriate, during metropolitan or statewide trans-
16 portation planning under section 134 or 135, respec-
17 tively.

18 “(4) PROJECT.—The term ‘project’ has the
19 meaning given the term in section 139(a).

20 “(b) ADOPTION OF PLANNING PRODUCTS FOR USE
21 IN NEPA PROCEEDINGS.—

22 “(1) IN GENERAL.—Subject to subsection (d),
23 the Federal lead agency for a project may adopt and
24 use a planning product in proceedings relating to

1 any class of action in the environmental review proc-
2 ess of the project.

3 “(2) IDENTIFICATION.—If the Federal lead
4 agency makes a determination to adopt and use a
5 planning product, the Federal lead agency shall
6 identify the agencies that participated in the devel-
7 opment of the planning products.

8 “(3) PARTIAL ADOPTION OF PLANNING PROD-
9 UCTS.—The Federal lead agency may—

10 “(A) adopt an entire planning product
11 under paragraph (1); or

12 “(B) select portions of a planning project
13 under paragraph (1) for adoption.

14 “(4) TIMING.—A determination under para-
15 graph (1) with respect to the adoption of a planning
16 product may—

17 “(A) be made at the time the lead agencies
18 decide the appropriate scope of environmental
19 review for the project; or

20 “(B) occur later in the environmental re-
21 view process, as appropriate.

22 “(c) APPLICABILITY.—

23 “(1) PLANNING DECISIONS.—The lead agency
24 in the environmental review process may adopt deci-
25 sions from a planning product, including—

1 “(A) whether tolling, private financial as-
2 sistance, or other special financial measures are
3 necessary to implement the project;

4 “(B) a decision with respect to general
5 travel corridor or modal choice, including a de-
6 cision to implement corridor or subarea study
7 recommendations to advance different modal so-
8 lutions as separate projects with independent
9 utility;

10 “(C) the purpose and the need for the pro-
11 posed action;

12 “(D) preliminary screening of alternatives
13 and elimination of unreasonable alternatives;

14 “(E) a basic description of the environ-
15 mental setting;

16 “(F) a decision with respect to methodolo-
17 gies for analysis; and

18 “(G) an identification of programmatic
19 level mitigation for potential impacts of trans-
20 portation projects, including—

21 “(i) measures to avoid, minimize, and
22 mitigate impacts at a regional or national
23 scale;

24 “(ii) investments in regional eco-
25 system and water resources; and

1 “(iii) a programmatic mitigation plan
2 developed in accordance with section 169.

3 “(2) PLANNING ANALYSES.—The lead agency
4 in the environmental review process may adopt anal-
5 yses from a planning product, including—

6 “(A) travel demands;

7 “(B) regional development and growth;

8 “(C) local land use, growth management,
9 and development;

10 “(D) population and employment;

11 “(E) natural and built environmental con-
12 ditions;

13 “(F) environmental resources and environ-
14 mentally sensitive areas;

15 “(G) potential environmental effects, in-
16 cluding the identification of resources of con-
17 cern and potential indirect and cumulative ef-
18 fects on those resources; and

19 “(H) mitigation needs for a proposed ac-
20 tion, or for programmatic level mitigation, for
21 potential effects that the Federal lead agency
22 determines are most effectively addressed at a
23 regional or national program level.

24 “(d) CONDITIONS.—The lead agency in the environ-
25 mental review process may adopt and use a planning prod-

1 uct under this section if the lead agency determines, with
2 the concurrence of other participating agencies with rel-
3 evant expertise and project sponsors, as appropriate, that
4 the following conditions have been met:

5 “(1) The planning product was developed
6 through a planning process conducted pursuant to
7 applicable Federal law.

8 “(2) The planning product was developed in
9 consultation with appropriate Federal and State re-
10 source agencies and Indian tribes.

11 “(3) The planning process included broad mul-
12 tidisciplinary consideration of systems-level or cor-
13 ridor-wide transportation needs and potential effects,
14 including effects on the human and natural environ-
15 ment.

16 “(4) The planning process included public no-
17 tice that the planning products produced in the plan-
18 ning process may be adopted during a subsequent
19 environmental review process in accordance with this
20 section.

21 “(5) During the environmental review process,
22 the lead agency has—

23 “(A) made the planning documents avail-
24 able for public review and comment;

1 “(B) provided notice of the intention of the
2 lead agency to adopt the planning product; and

3 “(C) considered any resulting comments.

4 “(6) There is no significant new information or
5 new circumstance that has a reasonable likelihood of
6 affecting the continued validity or appropriateness of
7 the planning product.

8 “(7) The planning product has a rational basis
9 and is based on reliable and reasonably current data
10 and reasonable and scientifically acceptable meth-
11 odologies.

12 “(8) The planning product is documented in
13 sufficient detail to support the decision or the re-
14 sults of the analysis and to meet requirements for
15 use of the information in the environmental review
16 process.

17 “(9) The planning product is appropriate for
18 adoption and use in the environmental review proc-
19 ess for the project and is incorporated in accordance
20 with the National Environmental Policy Act of 1969
21 (42 U.S.C. 4321 et seq.) and section 1502.21 of title
22 40, Code of Federal Regulations (as in effect on the
23 date of enactment of the DRIVE Act).

1 “(e) EFFECT OF ADOPTION.—Any planning product
2 adopted by the Federal lead agency in accordance with
3 this section may be—

4 “(1) incorporated directly into an environmental
5 review process document or other environmental doc-
6 ument; and

7 “(2) relied on and used by other Federal agen-
8 cies in carrying out reviews of the project.

9 “(f) RULES OF CONSTRUCTION.—

10 “(1) IN GENERAL.—This section does not make
11 the environmental review process applicable to the
12 transportation planning process conducted under
13 this title and chapter 53 of title 49.

14 “(2) TRANSPORTATION PLANNING ACTIVI-
15 TIES.—Initiation of the environmental review proc-
16 ess as a part of, or concurrently with, transportation
17 planning activities does not subject transportation
18 plans and programs to the environmental review
19 process.

20 “(3) PLANNING PRODUCTS.—This section does
21 not affect the use of planning products in the envi-
22 ronmental review process pursuant to other authori-
23 ties under any other provision of law or restrict the
24 initiation of the environmental review process during
25 planning.”.

1 **SEC. 11109. USE OF PROGRAMMATIC MITIGATION PLANS.**

2 Section 169(f) of title 23, United States Code, is
3 amended—

4 (1) by striking “may use” and inserting “shall
5 consider”; and

6 (2) by inserting “or other Federal environ-
7 mental law” before the period at the end.

8 **SEC. 11110. ADOPTION OF DEPARTMENTAL ENVIRON-
9 MENTAL DOCUMENTS.**

10 (a) IN GENERAL.—Title 49, United States Code, is
11 amended by inserting after section 306 the following:

12 **“§ 307. Adoption of Departmental environmental doc-
13 uments**

14 “(a) IN GENERAL.—An operating administration or
15 secretarial office within the Department may adopt any
16 draft environmental impact statement, final environmental
17 impact statement, environmental assessment, or any other
18 document issued under the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.) by another operating
20 administration or secretarial office within the Depart-
21 ment—

22 “(1) without recirculating the document (except
23 that a final environmental impact statement shall be
24 recirculated prior to adoption); and

25 “(2) if the operating administration or secre-
26 tarial office adopting the document certifies that the

1 project is substantially the same as the project re-
2 viewed under the document to be adopted.

3 “(b) COOPERATING AGENCY.—An adopting operating
4 administration or secretarial office that was a cooperating
5 agency and certifies that the project is substantially the
6 same as the project reviewed under the document to be
7 adopted and that its comments and suggestions have been
8 addressed may adopt a document described in subsection
9 (a) without recirculating the document.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 3 of title 49, United States Code, is amended by
12 striking the item relating to section 307 and inserting the
13 following:

“Sec. 307. Adoption of Departmental environmental documents.”.

14 **SEC. 11111. TECHNICAL ASSISTANCE FOR STATES.**

15 Section 326 of title 23, United States Code, is
16 amended—

17 (1) in subsection (c)—

18 (A) by redesignating paragraphs (2)
19 through (4) as paragraphs (3) through (5), re-
20 spectively; and

21 (B) by inserting after paragraph (1) the
22 following:

23 “(2) ASSISTANCE TO STATES.—On request of a
24 Governor of a State, the Secretary shall provide to

1 the State technical assistance, training, or other
2 support relating to—

3 “(A) assuming responsibility under sub-
4 section (a);

5 “(B) developing a memorandum of under-
6 standing under this subsection; or

7 “(C) addressing a responsibility in need of
8 corrective action under subsection (d)(1)(B).”;
9 and

10 (2) in subsection (d), by striking paragraph (1)
11 and inserting the following:

12 “(1) **TERMINATION BY SECRETARY.**—The Sec-
13 retary may terminate the participation of any State
14 in the program, if—

15 “(A) the Secretary determines that the
16 State is not adequately carrying out the respon-
17 sibilities assigned to the State;

18 “(B) the Secretary provides to the State—

19 “(i) a notification of the determina-
20 tion of noncompliance;

21 “(ii) a period of not less than 120
22 days to take such corrective action as the
23 Secretary determines to be necessary to
24 comply with the applicable agreement; and

1 “(iii) on request of the Governor of
2 the State, a detailed description of each re-
3 sponsibility in need of corrective action re-
4 garding an inadequacy identified under
5 subparagraph (A); and

6 “(C) the State, after the notification and
7 period described in clauses (i) and (ii) of sub-
8 paragraph (B), fails to take satisfactory correc-
9 tive action, as determined by the Secretary.”.

10 **SEC. 11112. SURFACE TRANSPORTATION PROJECT DELIV-**
11 **ERY PROGRAM.**

12 Section 327(j) of title 23, United States Code, is
13 amended by striking paragraph (1) and inserting the fol-
14 lowing:

15 “(1) **TERMINATION BY SECRETARY.**—The Sec-
16 retary may terminate the participation of any State
17 in the program if—

18 “(A) the Secretary determines that the
19 State is not adequately carrying out the respon-
20 sibilities assigned to the State;

21 “(B) the Secretary provides to the State—

22 “(i) a notification of the determina-
23 tion of noncompliance;

24 “(ii) a period of not less than 120
25 days to take such corrective action as the

1 Secretary determines to be necessary to
2 comply with the applicable agreement; and

3 “(iii) on request of the Governor of
4 the State, a detailed description of each re-
5 sponsibility in need of corrective action re-
6 garding an inadequacy identified under
7 subparagraph (A); and

8 “(C) the State, after the notification and
9 period provided under subparagraph (B), fails
10 to take satisfactory corrective action, as deter-
11 mined by the Secretary.”.

12 **SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL**
13 **PROJECTS.**

14 (a) MULTIMODAL PROJECT DEFINED.—Section
15 139(a) of title 23, United States Code, is amended by
16 striking paragraph (5) and inserting the following:

17 “(5) MULTIMODAL PROJECT.—The term
18 ‘multimodal project’ means a project that requires
19 approval by more than 1 Department of Transpor-
20 tation operating administration or secretarial of-
21 fice.”.

22 (b) APPLICATION OF CATEGORICAL EXCLUSIONS FOR
23 MULTIMODAL PROJECTS.—Section 304 of title 49, United
24 States Code, is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “oper-
2 ating authority that is not the lead authority
3 with respect to a project” and inserting “oper-
4 ating administration or secretarial office that
5 has expertise but is not the lead authority with
6 respect to a proposed multimodal project”; and

7 (B) by striking paragraph (2) and insert-
8 ing the following:

9 “(2) LEAD AUTHORITY.—The term ‘lead au-
10 thority’ means a Department of Transportation op-
11 erating administration or secretarial office that has
12 the lead responsibility for compliance with the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C.
14 4321 et seq.) for a proposed multimodal project.”;

15 (2) in subsection (b), by striking “under this
16 title” and inserting “by the Secretary of Transpor-
17 tation”;

18 (3) in subsection (c)—

19 (A) in the matter preceding paragraph
20 (1)—

21 (i) by striking “a categorical exclusion
22 designated under the implementing regula-
23 tions or” and inserting “a categorical ex-
24 clusion designated under the National En-
25 vironmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) implementing regulations
2 or”; and

3 (ii) by striking “other components of
4 the” and inserting “a proposed
5 multimodal”; and

6 (B) by striking paragraphs (1) through (5)
7 and inserting the following:

8 “(1) the lead authority makes a determination,
9 in consultation with the cooperating authority, on
10 the applicability of a categorical exclusion to a pro-
11 posed multimodal project;

12 “(2) the cooperating authority does not object
13 to the determination of the lead authority of the ap-
14 plicability of a categorical exclusion;

15 “(3) the lead authority determines that the
16 component of the proposed multimodal project to be
17 covered by the categorical exclusion of the cooper-
18 ating authority has independent utility; and

19 “(4) the lead authority determines that—

20 “(A) the proposed multimodal project does
21 not individually or cumulatively have a signifi-
22 cant impact on the environment; and

23 “(B) extraordinary circumstances do not
24 exist that merit additional analysis and docu-
25 mentation in an environmental impact state-

1 ment or environmental assessment required
2 under the National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.).”; and

4 (4) by striking subsection (d) and inserting the
5 following:

6 “(d) COOPERATIVE AUTHORITY EXPERTISE.—A co-
7 operating authority shall provide expertise to the lead au-
8 thority on aspects of the multimodal project in which the
9 cooperating authority has expertise.”.

10 **SEC. 11114. MODERNIZATION OF THE ENVIRONMENTAL RE-**
11 **VIEW PROCESS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary shall examine
14 ways to modernize, simplify, and improve the implementa-
15 tion of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4231 et seq.) by the Department.

17 (b) INCLUSIONS.—In carrying out subsection (a), the
18 Secretary shall consider—

19 (1) the use of technology in the process, such
20 as—

21 (A) searchable databases;

22 (B) geographic information system map-
23 ping tools;

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1 (C) integration of those tools with fiscal
2 management systems to provide more detailed
3 data; and

4 (D) other innovative technologies;

5 (2) ways to prioritize use of programmatic envi-
6 ronmental impact statements;

7 (3) methods to encourage cooperating agencies
8 to present analyses in a concise format; and

9 (4) any other improvements that can be made
10 to modernize process implementation.

11 (c) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report de-
16 scribing the results of the review carried out under sub-
17 section (a).

18 **SEC. 11115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**

19 **RELIGIOUS SERVICE SIGNS.**

20 Notwithstanding section 131 of title 23, United
21 States Code, and part 750 of title 23, Code of Federal
22 Regulations (or successor regulations), a State may allow
23 the maintenance of a sign of a service club, charitable as-
24 sociation, or religious service that was erected as of the
25 date of enactment of this Act, the area of which is less

1 than or equal to 32 square feet, if the State notifies the
2 Federal Highway Administration.

3 **SEC. 11116. SATISFACTION OF REQUIREMENTS FOR CER-**
4 **TAIN HISTORIC SITES.**

5 (a) HIGHWAYS.—Section 138 of title 23, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
9 TAIN HISTORIC SITES.—

10 “(1) IN GENERAL.—The Secretary shall—

11 “(A) align, to the maximum extent prac-
12 ticable, with the requirements of the National
13 Environmental Policy Act of 1969 (42 U.S.C.
14 4231 et seq.) and section 306108 of title 54, in-
15 cluding implementing regulations; and

16 “(B) not later than 90 days after the date
17 of enactment of this subsection, coordinate with
18 the Secretary of the Interior and the Executive
19 Director of the Advisory Council on Historic
20 Preservation (referred to in this subsection as
21 the ‘Council’) to establish procedures to satisfy
22 the requirements described in subparagraph (A)
23 (including regulations).

24 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

1 “(A) IN GENERAL.—If, in an analysis re-
2 quired under the National Environmental Pol-
3 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
4 Secretary determines that there is no feasible or
5 prudent alternative to avoid use of an historic
6 site, the Secretary may—

7 “(i) include the determination of the
8 Secretary in the analysis required under
9 that Act;

10 “(ii) provide a notice of the deter-
11 mination to—

12 “(I) each applicable State his-
13 toric preservation officer and tribal
14 historic preservation officer;

15 “(II) the Council, if the Council
16 is participating in the consultation
17 process under section 306108 of title
18 54; and

19 “(III) the Secretary of the Inte-
20 rior; and

21 “(iii) request from the applicable pres-
22 ervation officer, the Council, and the Sec-
23 retary of the Interior a concurrence that
24 the determination is sufficient to satisfy
25 the requirement of subsection (a)(1).

1 “(B) CONCURRENCE.—If the applicable
2 preservation officer, the Council, and the Sec-
3 retary of the Interior each provide a concur-
4 rence requested under subparagraph (A)(iii), no
5 further analysis under subsection (a)(1) shall be
6 required.

7 “(C) PUBLICATION.—A notice of a deter-
8 mination, together with each relevant concur-
9 rence to that determination, under subpara-
10 graph (A) shall be—

11 “(i) included in the record of decision
12 or finding of no significant impact of the
13 Secretary; and

14 “(ii) posted on an appropriate Federal
15 website by not later than 3 days after the
16 date of receipt by the Secretary of all con-
17 currences requested under subparagraph
18 (A)(iii).

19 “(3) ALIGNING HISTORICAL REVIEWS.—

20 “(A) IN GENERAL.—If the Secretary, the
21 applicable preservation officer, the Council, and
22 the Secretary of the Interior concur that no fea-
23 sible and prudent alternative exists as described
24 in paragraph (2), the Secretary may provide to
25 the applicable preservation officer, the Council,

1 and the Secretary of the Interior notice of the
2 intent of the Secretary to satisfy the require-
3 ments of subsection (a)(2) through the con-
4 sultation requirements of section 306108 of
5 title 54.

6 “(B) SATISFACTION OF CONDITIONS.—To
7 satisfy the requirements of subsection (a)(2),
8 each individual described in paragraph
9 (2)(A)(ii) shall concur in the treatment of the
10 applicable historic site described in the memo-
11 randum of agreement or programmatic agree-
12 ment developed under section 306108 of title
13 54.”.

14 (b) PUBLIC TRANSPORTATION.—Section 303 of title
15 49, United States Code, is amended—

16 (1) in subsection (c), in the matter preceding
17 paragraph (1), by striking “subsection (d)” and in-
18 serting “subsections (d) and (e)”; and

19 (2) by adding at the end the following:

20 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
21 TAIN HISTORIC SITES.—

22 “(1) IN GENERAL.—The Secretary shall—

23 “(A) align, to the maximum extent prac-
24 ticable, the requirements of this section with
25 the requirements of the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4231 et seq.)
2 and section 306108 of title 54, including imple-
3 menting regulations; and

4 “(B) not later than 90 days after the date
5 of enactment of this subsection, coordinate with
6 the Secretary of the Interior and the Executive
7 Director of the Advisory Council on Historic
8 Preservation (referred to in this subsection as
9 the ‘Council’) to establish procedures to satisfy
10 the requirements described in subparagraph (A)
11 (including regulations).

12 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

13 “(A) IN GENERAL.—If, in an analysis re-
14 quired under the National Environmental Pol-
15 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
16 Secretary determines that there is no feasible or
17 prudent alternative to avoid use of an historic
18 site, the Secretary may—

19 “(i) include the determination of the
20 Secretary in the analysis required under
21 that Act;

22 “(ii) provide a notice of the deter-
23 mination to—

1 “(I) each applicable State his-
2 toric preservation officer and tribal
3 historic preservation officer;

4 “(II) the Council, if the Council
5 is participating in the consultation
6 process under section 306108 of title
7 54; 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
13 the determination is sufficient to satisfy
14 the requirement of subsection (c)(1).

15 “(B) CONCURRENCE.—If the applicable
16 preservation officer, the Council, and the Sec-
17 retary of the Interior each provide a concur-
18 rence requested under subparagraph (A)(iii), no
19 further analysis under subsection (a)(1) shall be
20 required.

21 “(C) PUBLICATION.—A notice of a deter-
22 mination, together with each relevant concur-
23 rence to that determination, under subpara-
24 graph (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
17 intent of the Secretary to satisfy the require-
18 ments of subsection (c)(2) through the con-
19 sultation requirements of section 306108 of
20 title 54.

21 “(B) SATISFACTION OF CONDITIONS.—To
22 satisfy the requirements of subsection (c)(2),
23 the applicable preservation officer, the Council,
24 and the Secretary of the Interior shall concur in
25 the treatment of the applicable historic site de-

1 scribed in the memorandum of agreement or
2 programmatic agreement developed under sec-
3 tion 306108 of title 54.”.

4 **SEC. 11117. BRIDGE EXEMPTION FROM CONSIDERATION**
5 **UNDER CERTAIN PROVISIONS.**

6 (a) **PRESERVATION OF PARKLANDS.**—Section 138 of
7 title 23, United States Code, as amended by section
8 11116, is amended by adding at the end the following:

9 “(d) **BRIDGE EXEMPTION FROM CONSIDERATION.**—
10 A common post-1945 concrete or steel bridge or culvert
11 (as described in 77 Fed. Reg. 68790) that is exempt from
12 individual review under section 306108 of title 54, United
13 States Code, shall be exempt from consideration under
14 this section.”.

15 (b) **POLICY ON LANDS, WILDLIFE AND WATERFOWL**
16 **REFUGES, AND HISTORIC SITES.**—Section 303 of title 49,
17 United States Code, as amended by section 11116, is
18 amended by adding at the end the following:

19 “(f) **BRIDGE EXEMPTION FROM CONSIDERATION.**—
20 A common post-1945 concrete or steel bridge or culvert
21 (as described in 77 Fed. Reg. 68790) that is exempt from
22 individual review under section 306108 of title 54, United
23 States Code, shall be exempt from consideration under
24 this section.”.

1 **SEC. 11118. ELIMINATION OF BARRIERS TO IMPROVE AT-**
2 **RISK BRIDGES.**

3 (a) TEMPORARY AUTHORIZATION.—

4 (1) IN GENERAL.—Until the Secretary of the
5 Interior takes the action described in subsection (b),
6 the take of nesting swallows to facilitate a construc-
7 tion project on a bridge eligible for funding under
8 title 23, United States Code, with any component
9 condition rating of 3 or less (as defined by the Na-
10 tional Bridge Inventory General Condition Guidance
11 issued by the Federal Highway Administration) is
12 authorized under the Migratory Bird Treaty Act (16
13 U.S.C. 703 et seq.) between April 1 and August 31.

14 (2) MEASURES TO MINIMIZE IMPACTS.—

15 (A) NOTIFICATION BEFORE TAKING.—

16 Prior to the taking of nesting swallows author-
17 ized under paragraph (1), any person taking
18 that action shall submit to the Secretary of the
19 Interior a document that contains—

20 (i) the name of the person acting
21 under the authority of paragraph (1) to
22 take nesting swallows;

23 (ii) a list of practicable measures that
24 will be undertaken to minimize or mitigate
25 significant adverse impacts on the popu-
26 lation of that species;

1 (iii) the time period during which ac-
2 tivities will be carried out that will result
3 in the taking of that species; and

4 (iv) an estimate of the number of
5 birds, by species, to be taken in the pro-
6 posed action.

7 (B) NOTIFICATION AFTER TAKING.—Not
8 later than 60 days after the taking of nesting
9 swallows authorized under paragraph (1), any
10 person taking that action shall submit to the
11 Secretary of the Interior a document that con-
12 tains the number of birds, by species, taken in
13 the action.

14 (b) AUTHORIZATION OF TAKE.—

15 (1) IN GENERAL.—The Secretary of the Inte-
16 rior, in consultation with the Secretary, shall pro-
17 mulgate a regulation under the authority of section
18 3 of the Migratory Bird Treaty Act (16 U.S.C. 704)
19 authorizing the take of nesting swallows to facilitate
20 bridge repair, maintenance, or construction—

21 (A) without individual permit require-
22 ments; and

23 (B) under terms and conditions determined
24 to be consistent with treaties relating to migra-

1 tory birds that protect swallow species occur-
2 ring in the United States.

3 (2) TERMINATION.—On the effective date of a
4 final rule under this subsection by the Secretary of
5 the Interior, subsection (a) shall have no force or ef-
6 fect.

7 (c) SUSPENSION OR WITHDRAWAL OF TAKE AU-
8 THORIZATION.—If the Secretary of the Interior, in con-
9 sultation with the Secretary, determines that taking of
10 nesting swallows carried out under the authority provided
11 in subsection (a)(1) is having a significant adverse impact
12 on swallow populations, the Secretary of the Interior may
13 suspend that authority through publication in the Federal
14 Register.

15 **SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHOR-**
16 **ITY.**

17 (a) DEFINITION OF PRELIMINARY ENGINEERING.—
18 In this section, the term “preliminary engineering” means
19 allowable preconstruction project development and engi-
20 neering costs.

21 (b) AT-RISK PROJECT PREAGREEMENT AUTHOR-
22 ITY.—A recipient or subrecipient of Federal-aid funds
23 under title 23, United States Code, may—

24 (1) incur preliminary engineering costs for an
25 eligible project under title 23, United States Code,

1 before receiving project authorization from the
2 State, in the case of a subrecipient, and the Sec-
3 retary to proceed with the project; and

4 (2) request reimbursement of applicable Federal
5 funds after the project authorization is received.

6 (c) ELIGIBILITY.—The Secretary may reimburse pre-
7 liminary engineering costs incurred by a recipient or sub-
8 recipient under subsection (b)—

9 (1) if the costs meet all applicable requirements
10 under title 23, United States Code, at the time the
11 costs are incurred and the Secretary concurs that
12 the requirements have been met;

13 (2) in the case of a project located within a des-
14 ignated nonattainment or maintenance area for air
15 quality, if the conformity requirements of the Clean
16 Air Act (42 U.S.C. 7401 et seq.) have been met; and

17 (3) if the costs would have been allowable if in-
18 curred after the date of the project authorization by
19 the Department.

20 (d) AT-RISK.—A recipient or subrecipient that elects
21 to use the authority provided under this section shall—

22 (1) assume all risk for preliminary engineering
23 costs incurred prior to project authorization; and

24 (2) be responsible for ensuring and dem-
25 onstrating to the Secretary that all applicable cost

1 eligibility conditions are met after the authorization
2 is received.

3 (e) RESTRICTIONS.—Nothing in this section—

4 (1) allows a recipient or subrecipient to use the
5 authority under this section to advance a project be-
6 yond preliminary engineering prior to the completion
7 of the environmental review process;

8 (2) waives the applicability of Federal require-
9 ments to a project other than the reimbursement of
10 preliminary engineering costs incurred prior to an
11 authorization to proceed in accordance with this sec-
12 tion; or

13 (3) guarantees Federal funding of the project
14 or the eligibility of the project for future Federal-aid
15 highway funding.

16 **Subtitle C—Miscellaneous**

17 **SEC. 11201. CREDITS FOR UNTAXED TRANSPORTATION** 18 **FUELS.**

19 (a) DEFINITION OF QUALIFIED REVENUES.—In this
20 section, the term “qualified revenues” means any
21 amounts—

22 (1) collected by a State—

23 (A) for the registration of a vehicle that
24 operates solely on a fuel that is not subject to
25 a Federal tax; and

1 (B) not sooner than the second registration
2 period following the purchase of the vehicle; and

3 (2) that do not exceed, for a vehicle described
4 in paragraph (1), an annual amount determined by
5 the Secretary to be equal to the annual amount paid
6 for Federal motor fuels taxes on the fuel used by an
7 average passenger car fueled solely by gasoline.

8 (b) CREDIT.—

9 (1) IN GENERAL.—Subject to paragraph (2), if
10 a State contributes qualified revenues to cover not
11 less than 5 percent of the total cost of a project eli-
12 gible for assistance under this title, the Federal
13 share payable for the project under this section may
14 be increased by an amount that is—

15 (A) equal to the percent of the total cost
16 of the project from contributed qualified reve-
17 nues; but

18 (B) not more than 5 percent of the total
19 cost of the project.

20 (2) EXPIRATION.—The authorization of an in-
21 creased Federal share for a project pursuant to
22 paragraph (1) expires on September 30, 2023.

23 (c) STUDY.—

24 (1) IN GENERAL.—Before the expiration date of
25 the credit under subsection (b)(2), the Secretary, in

1 coordination with other appropriate Federal agen-
2 cies, shall submit to the Committee on Environment
3 and Public Works of the Senate and the Committee
4 on Transportation and Infrastructure of the House
5 of Representatives a report that describes the most
6 efficient and equitable means of taxing motor vehicle
7 fuels not subject to a Federal tax as of the date of
8 submission of the report.

9 (2) REQUIREMENT.—The means described in
10 the report under paragraph (1) shall parallel, as
11 closely as practicable, the structure of other Federal
12 taxes on motor fuels.

13 **SEC. 11202. JUSTIFICATION REPORTS FOR ACCESS POINTS**
14 **ON THE INTERSTATE SYSTEM.**

15 Section 111(e) of title 23, United States Code, is
16 amended by inserting “(including new or modified free-
17 way-to-crossroad interchanges inside a transportation
18 management area)” after “the Interstate System”.

19 **SEC. 11203. EXEMPTIONS.**

20 Section 127 of title 23, United States Code, is
21 amended by adding at the end the following:

22 “(m) NATURAL GAS VEHICLES.—A vehicle, if oper-
23 ated by an engine fueled primarily by natural gas, may
24 exceed any vehicle weight limit (up to a maximum gross

1 vehicle weight of 82,000 pounds) under this section by an
2 amount that is equal to the difference between—

3 “(1) the weight of the vehicle attributable to
4 the natural gas tank and fueling system carried by
5 that vehicle; and

6 “(2) the weight of a comparable diesel tank and
7 fueling system.

8 “(n) EMERGENCY VEHICLES.—

9 “(1) DEFINITION OF EMERGENCY VEHICLE.—

10 In this subsection, the term ‘emergency vehicle’
11 means a vehicle designed to be used under emer-
12 gency conditions—

13 “(A) to transport personnel and equip-
14 ment; and

15 “(B) to support the suppression of fires
16 and mitigation of other hazardous situations.

17 “(2) EMERGENCY VEHICLE WEIGHT LIMIT.—

18 Notwithstanding subsection (a), a State shall not en-
19 force against an emergency vehicle a vehicle weight
20 limit (up to a maximum gross vehicle weight of
21 86,000 pounds) of less than—

22 “(A) 24,000 pounds on a single steering
23 axle;

24 “(B) 33,500 pounds on a single drive axle;

25 “(C) 62,000 pounds on a tandem axle; or

1 “(D) 52,000 pounds on a tandem rear
2 drive steer axle.

3 “(o) OPERATION OF CERTAIN SPECIALIZED VEHI-
4 CLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKAN-
5 SAS.—If any segment of United States Route 63 between
6 the exits for highways 14 and 75 in the State of Arkansas
7 is designated as part of the Interstate System—

8 “(1) a vehicle that could legally operate on the
9 segment before the date of the designation at the
10 posted speed limit may continue to operate on that
11 segment; and

12 “(2) a vehicle that can only travel below the
13 posted speed limit on the segment that could other-
14 wise legally operate on the segment before the date
15 of the designation may continue to operate on that
16 segment during daylight hours.”.

17 **SEC. 11204. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
18 **HIGHWAY SYSTEM.**

19 Section 1105 of the Intermodal Surface Transpor-
20 tation Efficiency Act of 1991 (105 Stat. 2031) is amend-
21 ed—

22 (1) in subsection (c) (105 Stat. 2032; 112 Stat.
23 190; 119 Stat. 1213)—

24 (A) by striking paragraph (13) and insert-
25 ing the following:

1 “(13) Raleigh-Norfolk Corridor from Raleigh,
2 North Carolina, through Rocky Mount, Williamston
3 and Elizabeth City, North Carolina, to Norfolk, Vir-
4 ginia.”;

5 (B) in paragraph (18)(D)—

6 (i) in clause (ii), by striking “and” at
7 the end;

8 (ii) in clause (iii), by striking the pe-
9 riod at the end and inserting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(iv) include Texas State Highway 44
13 from United States Route 59 at Freer,
14 Texas, to Texas State Highway 358.”; and

15 (C) by striking paragraph (68) and insert-
16 ing the following:

17 “(68) The Washoe County Corridor and the
18 Intermountain West Corridor shall generally follow:

19 “(A) in the case of the Washoe County
20 Corridor, along Interstate Route 580/United
21 States Route 95/United States Route 95A, from
22 Reno, Nevada, to Las Vegas, Nevada; and

23 “(B) in the case of the Intermountain
24 West Corridor, from the vicinity of Las Vegas

1 extending north along United States Route 95,
2 terminating at Interstate Route 80.”; and

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

4 “(81) United States Route 117/Interstate
5 Route 795 from United States Route 70 in Golds-
6 boro, Wayne County, North Carolina, to Interstate
7 Route 40 west of Faison, Sampson County, North
8 Carolina.

9 “(82) United States Route 70 from its intersec-
10 tion with Interstate Route 40 in Garner, Wake
11 County, North Carolina, to the Port at Morehead
12 City, Carteret County, North Carolina.

13 “(83) The Central Texas Corridor commencing
14 at the logical terminus of Interstate 10, and gen-
15 erally following portions of United States Route 190
16 eastward passing in the vicinity Fort Hood, Killeen,
17 Belton, Temple, Bryan, College Station, Huntsville,
18 Livingston, Woodville, and to the logical terminus of
19 Texas Highway 63 at the Sabine River Bridge at
20 Burrs Crossing.”;

21 (2) in subsection (e)(5)—

22 (A) in subparagraph (A) (109 Stat. 597;
23 118 Stat. 293; 119 Stat. 1213), in the first
24 sentence—

1 (i) by inserting “subsection (c)(13),”
2 after “subsection (c)(9),”;

3 (ii) by striking “subsections (c)(18)”
4 and all that follows through “(c)(36)” and
5 inserting “subsection (c)(18), subsection
6 (c)(20), subparagraphs (A) and (B)(i) of
7 subsection (c)(26), subsection (c)(36)” ;
8 and

9 (iii) by striking “and subsection
10 (c)(57)” and inserting “subsection (c)(57),
11 subsection (c)(68)(B), subsection (c)(81),
12 and subsection (c)(82)”;

13 (B) in subparagraph (C)(i) (109 Stat. 598;
14 126 Stat. 427), by striking the last sentence
15 and inserting “The routes referred to in sub-
16 paragraphs (A) and (B)(i) of subsection (c)(26)
17 and in subsection (c)(68)(B) are designated as
18 Interstate Route I–11.”.

19 **SEC. 11205. REPEAT INTOXICATED DRIVER LAW.**

20 Section 164(a)(4) of title 23, United States Code, is
21 amended in the matter preceding subparagraph (A) by in-
22 serting “or combination of laws” after “means a State
23 law”.

1 **SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.**

2 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
3 GRAM.—Section 119(d)(2)(L) of title 23, United States
4 Code, is amended by inserting “, including the installation
5 of interoperable vehicle-to-infrastructure communication
6 equipment” after “capital improvements”.

7 (b) SURFACE TRANSPORTATION PROGRAM.—Section
8 133(b)(16) of title 23, United States Code, by inserting
9 “, including the installation of interoperable vehicle-to-in-
10 frastructure communication equipment” after “capital im-
11 provements”.

12 **SEC. 11207. RELINQUISHMENT.**

13 A State transportation agency may relinquish park-
14 and-ride lot facilities or portions of park-and-ride lot facili-
15 ties to a local government agency for highway purposes
16 if authorized to do so under State law.

17 **SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.**

18 (a) DEFINITIONS.—In this section, the following defi-
19 nitions apply:

20 (1) ELIGIBLE STATE.—The term “eligible
21 State” means a State that—

22 (A) is eligible to use a credit under section
23 120(i) of title 23, United States Code; and

24 (B) has been selected by the Secretary
25 under subsection (d)(2).

1 (2) RECIPIENT STATE.—The term “recipient
2 State” means a State that receives a credit by trans-
3 fer or by sale under this section from an eligible
4 State.

5 (b) ESTABLISHMENT OF PILOT PROGRAM.—Not
6 later than 1 year after the date of the establishment of
7 a nationwide toll credit monitoring and tracking system
8 under subsection (g), the Secretary shall establish and im-
9 plement a toll credit marketplace pilot program in accord-
10 ance with this section.

11 (c) PURPOSES.—The purposes of the pilot program
12 established under subsection (b) are—

13 (1) to identify whether a monetary value can be
14 assigned to toll credits;

15 (2) to identify the discounted rate of toll credits
16 for cash;

17 (3) to determine if the purchase of toll credits
18 by States provides the purchasing State budget flexi-
19 bility to deal with funding issues, including off-sys-
20 tem needs, transit systems with high operating costs,
21 or cash flow issues; and

22 (4) to test the feasibility of expanding the toll
23 credit market to allow all States to participate on a
24 permanent basis.

25 (d) SELECTION OF ELIGIBLE STATES.—

1 (1) APPLICATION TO SECRETARY.—In order to
2 participate in the pilot program established under
3 subsection (b), a State shall submit to the Secretary
4 an application at such time, in such manner, and
5 containing such information as the Secretary may
6 require.

7 (2) SELECTION.—Of the States that submit an
8 application under paragraph (1), the Secretary may
9 select not more than 10 States to be designated as
10 an eligible State.

11 (e) TRANSFER OR SALE OF CREDITS.—

12 (1) IN GENERAL.—In carrying out the pilot
13 program established under subsection (b), the Sec-
14 retary shall provide that an eligible State may trans-
15 fer or sell to a recipient State a credit not used by
16 the eligible State under section 120(i) of title 23,
17 United States Code.

18 (2) USE OF CREDITS BY TRANSFEREE OR PUR-
19 CHASER.—A recipient State may use a credit re-
20 ceived under paragraph (1) toward the non-Federal
21 share requirement for any funds made available to
22 carry out title 23 or chapter 53 of title 49, United
23 States Code.

24 (3) CONDITION ON TRANSFER OR SALE OF
25 CREDITS.—To receive a credit under paragraph (1),

1 a recipient State shall enter into an agreement with
2 the Secretary described in section 120(i) of title 23,
3 United States Code.

4 (f) USE OF PROCEEDS FROM SALE OF CREDITS.—

5 An eligible State shall use the proceeds from the sale of
6 a credit under subsection (e)(1) for any project in the eli-
7 gible State that is eligible under the surface transportation
8 program established under section 133 of title 23, United
9 States Code.

10 (g) TOLL CREDIT MONITORING AND TRACKING.—

11 Not later than 180 days after the enactment of this sec-
12 tion, the Secretary shall establish a nationwide toll credit
13 monitoring and tracking system that functions as a real-
14 time database on the inventory and use of toll credits
15 among all States (as defined in section 101(a) of title 23,
16 United States Code).

17 (h) NOTIFICATION.—Not later than 30 days after the

18 date on which a credit is transferred or sold under sub-
19 section (e)(1), the eligible State shall submit to the Sec-
20 retary in writing a notification of the transfer or sale.

21 (i) REPORTING REQUIREMENTS.—

22 (1) INITIAL REPORT.—Not later than 180 days
23 after the date of establishment of the pilot program
24 under subsection (b), the Secretary shall submit to
25 the Committee on Environment and Public Works of

1 the Senate and the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 a report on the progress of the pilot program.

4 (2) STATE REPORT.—

5 (A) REPORT BY ELIGIBLE STATE.—Not
6 later than 30 days after a purchase or sale
7 under subsection (e)(1), an eligible State shall
8 submit to the Secretary a report that de-
9 scribes—

10 (i) information on the transaction;

11 (ii) the amount of cash received and
12 the value of toll credits sold;

13 (iii) the intended use of the cash; and

14 (iv) an update on the remaining toll
15 credit balance of the State.

16 (B) REPORT BY RECIPIENT STATE.—Not
17 later than 30 days after a purchase or sale
18 under subsection (e)(1), a recipient State shall
19 submit to the Secretary a report that de-
20 scribes—

21 (i) the value of toll credits purchased;

22 (ii) the anticipated use of the toll
23 credits; and

1 (iii) plans for maintaining mainte-
2 nance of effort for spending on Federal-aid
3 highways projects.

4 (3) ANNUAL REPORT.—Not later than 1 year
5 after the date on which the pilot program under sub-
6 section (b) is established and each year thereafter
7 that the pilot program is in effect, the Secretary
8 shall—

9 (A) submit to the Committee on Environ-
10 ment and Public Works of the Senate and the
11 Committee on Transportation and Infrastruc-
12 ture of the House of Representatives a report
13 that—

14 (i) determines whether a toll credit
15 marketplace is viable;

16 (ii) describes the buying and selling
17 activities of the pilot program;

18 (iii) describes the monetary value of
19 toll credits;

20 (iv) determines whether the pilot pro-
21 gram could be expanded to more States or
22 all States; and

23 (v) provides updated information on
24 the toll credit balance accumulated by each
25 State; and

1 (B) make the report described in subpara-
2 graph (A) publicly available on the website of
3 the 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
12 in this section as the “program”) to assist entities in de-
13 veloping 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
18 ACCELERATORS.—In carrying out the program, the Sec-
19 retary may designate regional infrastructure accelerators
20 that 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

1 accelerator shall submit to the Secretary a proposal at
2 such time, in such manner, and containing such informa-
3 tion as 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 in-
9 vestment in covered infrastructure projects, which
10 shall include a plan—

11 (A) to evaluate and promote innovative fi-
12 nancing methods for local projects, including
13 the use of the TIFIA program under chapter 6
14 of 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
23 to infrastructure project analysis and using in-
24 novative 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 pro-
13 gram.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out the program
16 \$12,000,000, of which the Secretary shall use—

17 (1) \$11,750,000 for initial grants to regional
18 infrastructure accelerators under subsection (b); and

19 (2) \$250,000 for administrative costs of car-
20 rying out the program.

21 **SEC. 11210. SONORAN CORRIDOR INTERSTATE DEVELOP-**
22 **MENT.**

23 (a) FINDINGS.—Congress finds that the designation
24 of the Sonoran Corridor Interstate connecting Interstate

1 19 to Interstate 10 south of the Tucson International Air-
2 port as a future part of the Interstate System would—

3 (1) enhance direct linkage between major trad-
4 ing routes connecting growing ports, agricultural re-
5 gions, infrastructure and manufacturing centers,
6 and existing high priority corridors of the National
7 Highway System; and

8 (2) significantly improve connectivity on the fu-
9 ture Interstate 11 and the CANAMEX Corridor, a
10 route directly linking the United States with Mexico
11 and Canada.

12 (b) HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-
13 WAY SYSTEM.—Section 1105(c) of the Intermodal Surface
14 Transportation Efficiency Act of 1991 (105 Stat. 2032;
15 119 Stat. 1210) (as amended by section 11204) is amend-
16 ed by adding at the end the following:

17 “(84) State Route 410, the Sonoran Corridor
18 connecting Interstate 19 to Interstate 10 south of
19 the Tucson International Airport.”.

20 (c) FUTURE PARTS OF INTERSTATE SYSTEM.—Sec-
21 tion 1105(e)(5)(A) of the Intermodal Surface Transpor-
22 tation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat.
23 1213) (as amended by section 11204) is amended in the
24 first sentence by striking “and subsection (c)(82)” and in-
25 serting “subsection (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
23 erosion control.”; and

24 (2) in subparagraph (D)(i), by inserting “and
25 section 119(e)” after “this subparagraph”.

1 (b) TECHNOLOGY AND INNOVATION DEPLOYMENT
2 PROGRAM.—Section 503(e) of title 23, United States
3 Code, is 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
9 clause (i) and inserting the following:

10 “(i) use not less than 50 percent of
11 the funds authorized to carry out this sub-
12 section to make grants to, and enter into
13 cooperative agreements and contracts with,
14 States, other Federal agencies, local gov-
15 ernments, metropolitan planning organiza-
16 tions, institutions of higher education, pri-
17 vate sector entities, and nonprofit organi-
18 zations to carry out demonstration pro-
19 grams that will accelerate the deployment
20 and adoption of transportation research
21 activities;”;

22 (B) by redesignating subparagraph (C) as
23 subparagraph (D); and

24 (C) by inserting after subparagraph (B)
25 the following:

1 “(C) INNOVATION GRANTS.—

2 “(i) IN GENERAL.—In carrying out
3 the program established under subpara-
4 graph (B)(i), the Secretary shall establish
5 a transparent competitive process in which
6 entities described in subparagraph (B)(i)
7 may submit an application to receive a
8 grant under this subsection.

9 “(ii) PUBLICATION OF APPLICATION
10 PROCESS.—A description of the application
11 process established by the Secretary
12 shall—

13 “(I) be posted on a public
14 website;

15 “(II) identify the information re-
16 quired to be included in the applica-
17 tion; and

18 “(III) identify the criteria by
19 which the Secretary shall select grant
20 recipients.

21 “(iii) SUBMISSION OF APPLICATION.—
22 To receive a grant under this paragraph,
23 an entity described in subparagraph (B)(i)
24 shall submit an application to the Sec-
25 retary.

1 “(iv) SELECTION AND APPROVAL.—
2 The Secretary shall select and approve an
3 application submitted under clause (iii)
4 based on whether the project described in
5 the application meets the goals of the pro-
6 gram described in paragraph (1).”; and

7 (3) in paragraph (3)(C), by striking “each of
8 fiscal years 2013 through 2014” and inserting “each
9 fiscal year”.

10 (c) CONFORMING AMENDMENT.—Section 505(e)(1)
11 of title 23, United States Code, is amended by striking
12 “section 503(e)(2)(C)” and inserting “section 503
13 (e)(2)(D)”.

14 **SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.**

15 (a) INTELLIGENT TRANSPORTATION SYSTEMS DE-
16 PLOYMENT.—Section 513 of title 23, United States Code,
17 is amended by adding at the end the following:

18 “(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT
19 GRANT PROGRAM.—

20 “(1) ESTABLISHMENT.—The Secretary shall es-
21 tablish a competitive grant program to accelerate the
22 deployment, operation, systems management, inter-
23 modal integration, and interoperability of the ITS
24 program and ITS-enabled operational strategies—

1 “(iii) real-time integrated traffic,
2 transit, and multimodal transportation in-
3 formation;

4 “(iv) advanced traffic, freight, park-
5 ing, and incident management systems;

6 “(v) advanced technologies to improve
7 transit and commercial vehicle operations;

8 “(vi) synchronized, adaptive, and
9 transit preferential traffic signals;

10 “(vii) advanced infrastructure condi-
11 tion assessment technologies; and

12 “(viii) other technologies to improve
13 system operations, including ITS applica-
14 tions necessary for multimodal systems in-
15 tegration and for achieving performance
16 goals;

17 “(B) quantifiable system performance im-
18 provements, including—

19 “(i) reductions in traffic-related
20 crashes, congestion, and costs;

21 “(ii) optimization of system efficiency;
22 and

23 “(iii) improvement of access to trans-
24 portation services;

1 “(C) quantifiable safety, mobility, and en-
2 vironmental benefit projections, including data-
3 driven estimates of the manner in which the
4 project will improve the efficiency of the trans-
5 portation system and reduce traffic congestion
6 in the region;

7 “(D) a plan for partnering with the private
8 sector, including telecommunications industries
9 and public service utilities, public agencies (in-
10 cluding multimodal and multijurisdictional enti-
11 ties), research institutions, organizations rep-
12 resenting transportation and technology leaders,
13 and other transportation stakeholders;

14 “(E) a plan to leverage and optimize exist-
15 ing local and regional ITS investments; and

16 “(F) a plan to ensure interoperability of
17 deployed technologies with other tolling, traffic
18 management, and intelligent transportation sys-
19 tems.

20 “(3) SELECTION.—

21 “(A) IN GENERAL.—Effective beginning
22 not later than 1 year after the date of enact-
23 ment of the DRIVE Act, the Secretary may
24 provide grants to eligible entities under this
25 subsection.

1 “(B) GEOGRAPHIC DIVERSITY.—In award-
2 ing a grant under this subsection, the Secretary
3 shall ensure, to the maximum extent prac-
4 ticable, that grant recipients represent diverse
5 geographical areas of the United States, includ-
6 ing urban, suburban, and rural areas.

7 “(C) NON-FEDERAL SHARE.—In awarding
8 a grant under the subsection, the Secretary
9 shall give priority to grant recipients that dem-
10 onstrate an ability to contribute a significant
11 non-Federal share to the cost of carrying out
12 the project for which the grant is received.

13 “(4) ELIGIBLE USES.—Projects for which
14 grants awarded under this subsection may be used
15 include—

16 “(A) the deployment of autonomous vehicle
17 communication technologies;

18 “(B) the deployment of vehicle-to-vehicle
19 or vehicle-to-infrastructure communication tech-
20 nologies;

21 “(C) the establishment and implementation
22 of ITS and ITS-enabled operations strategies
23 that improve performance in the areas of—

24 “(i) traffic operations;

1 “(ii) emergency response to surface
2 transportation incidents;

3 “(iii) incident management;

4 “(iv) transit and commercial vehicle
5 operations improvements;

6 “(v) weather event response manage-
7 ment by State and local authorities;

8 “(vi) surface transportation network
9 and facility management;

10 “(vii) construction and work zone
11 management;

12 “(viii) traffic flow information;

13 “(ix) freight management; and

14 “(x) congestion management;

15 “(D) carrying out activities that support
16 the creation of networks that link metropolitan
17 and rural surface transportation systems into
18 an integrated data network, capable of col-
19 lecting, sharing, and archiving transportation
20 system traffic condition and performance infor-
21 mation;

22 “(E) the implementation of intelligent
23 transportation systems and technologies that
24 improve highway safety through information
25 and communications systems linking vehicles,

1 infrastructure, mobile devices, transportation
2 users, and emergency responders;

3 “(F) the provision of services necessary to
4 ensure the efficient operation and management
5 of ITS infrastructure, including costs associated
6 with communications, utilities, rent, hardware,
7 software, labor, administrative costs, training,
8 and technical services;

9 “(G) the provision of support for the es-
10 tablishment and maintenance of institutional
11 relationships between transportation agencies,
12 police, emergency medical services, private
13 emergency operators, freight operators, ship-
14 pers, public service utilities, and telecommuni-
15 cations providers;

16 “(H) carrying out multimodal and cross-
17 jurisdictional planning and deployment of re-
18 gional transportation systems operations and
19 management approaches; and

20 “(I) performing project evaluations to de-
21 termine the costs, benefits, lessons learned, and
22 future deployment strategies associated with the
23 deployment of intelligent transportation sys-
24 tems.

1 “(5) REPORT TO SECRETARY.—For each fiscal
2 year that an eligible entity receives a grant under
3 this subsection, not later than 1 year after receiving
4 the grant, each recipient shall submit to the Sec-
5 retary a report that describes how the project has
6 met the expectations projected in the deployment
7 plan submitted with the application, including infor-
8 mation on—

9 “(A) how the program has helped reduce
10 traffic crashes, congestion, costs, and other ben-
11 efits of the deployed systems;

12 “(B) the effect of measuring and improv-
13 ing transportation system performance through
14 the deployment of advanced technologies;

15 “(C) the effectiveness of providing real-
16 time integrated traffic, transit, and multimodal
17 transportation information to the public that al-
18 lows the public to make informed travel deci-
19 sions; and

20 “(D) lessons learned and recommendations
21 for future deployment strategies to optimize
22 transportation efficiency and multimodal system
23 performance.

24 “(6) REPORT TO CONGRESS.—Not later than 2
25 years after the date on which the first grant is

1 awarded under this subsection and annually there-
2 after for each fiscal year for which grants are
3 awarded under this subsection, the Secretary shall
4 submit to Congress a report that describes the effec-
5 tiveness of the grant recipients in meeting the pro-
6 jected deployment plan goals, including data on how
7 the grant program has—

8 “(A) reduced traffic-related fatalities and
9 injuries;

10 “(B) reduced traffic congestion and im-
11 proved travel-time reliability;

12 “(C) reduced transportation-related emis-
13 sions;

14 “(D) optimized multimodal system per-
15 formance;

16 “(E) improved access to transportation al-
17 ternatives;

18 “(F) provided the public with access to
19 real-time integrated traffic, transit, and
20 multimodal transportation information to make
21 informed travel decisions;

22 “(G) provided cost savings to transpor-
23 tation agencies, businesses, and the traveling
24 public; and

1 “(H) provided other benefits to transpor-
2 tation users and the general public.

3 “(7) ADDITIONAL GRANTS.—If the Secretary
4 determines, based on a report submitted under para-
5 graph (5), that a grant recipient is not complying
6 with the established grant criteria, the Secretary
7 may—

8 “(A) cease payment to the recipient of any
9 remaining grant amounts; and

10 “(B) redistribute any remaining amounts
11 to other eligible entities under this section.

12 “(8) NON-FEDERAL SHARE.—The Federal
13 share of the cost of a project for which a grant is
14 provided under this subsection shall not exceed 50
15 percent of the cost of the project.

16 “(9) FUNDING.—Of the funds made available
17 each fiscal year to carry out the intelligent transpor-
18 tation system program under sections 512 through
19 518, not less than \$30,000,000 shall be used to
20 carry out this subsection.”.

21 (b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS
22 AND PURPOSES.—Section 514(a) of title 23, United
23 States Code, is amended—

24 (1) in paragraph (4), by striking “and” at the
25 end; and

1 (2) by striking paragraph (5) and inserting the
2 following:

3 “(5) improvement of the ability of the United
4 States to respond to security-related or other man-
5 made emergencies and natural disasters; and

6 “(6) enhancement of the freight system of the
7 United States and support to freight policy goals by
8 conducting heavy duty vehicle demonstration activi-
9 ties and accelerating adoption of ITS applications in
10 freight operations.”.

11 (c) **ITS ADVISORY COMMITTEE REPORT.**—Section
12 515(h)(4) of title 23, United States Code, is amended in
13 the matter preceding subparagraph (A) by striking “Feb-
14 ruary 1 of each year after the date of enactment of the
15 Transportation Research and Innovative Technology Act
16 of 2012” and inserting “May 1 of each year”.

17 **SEC. 12003. FUTURE INTERSTATE STUDY.**

18 (a) **FINDINGS.**—Congress finds that—

19 (1) a well-developed system of transportation
20 infrastructure is critical to the economic well-being,
21 health, and welfare of the people of the United
22 States;

23 (2) the 47,000-mile national Interstate System
24 is the backbone to that transportation infrastructure
25 system; and

1 (3) as of the date of enactment of this Act—

2 (A) many segments of the approximately
3 60- year-old Interstate System are well beyond
4 the 50-year design life of the System and yet
5 these aging facilities are central to the trans-
6 portation infrastructure system, carrying 25
7 percent of the vehicle traffic of the United
8 States on just 1 percent of the total public
9 roadway mileage;

10 (B) the need for ongoing maintenance,
11 preservation, and reconstruction of the Inter-
12 state System has grown due to increasing and
13 changing travel demands; and

14 (C) simple maintenance of the current con-
15 dition and configuration of the Interstate Sys-
16 tem is insufficient for the System to fully serve
17 the transportation needs of the United States
18 for the next 50 years.

19 (b) FUTURE INTERSTATE SYSTEM STUDY.—Not
20 later than 180 days after the date of enactment of this
21 Act, the Secretary shall enter into an agreement with the
22 Transportation Research Board of the National Acad-
23 emies to conduct a study on the actions needed to upgrade
24 and restore the Dwight D. Eisenhower National System
25 of Interstate and Defense Highways to its role as a pre-

1 mier system network that meets the growing and shifting
2 demands of the 21st century and for the next 50 years
3 (referred to in this section as the “study”).

4 (c) **METHODOLOGIES.**—In conducting the study, the
5 Transportation Research Board shall build on the meth-
6 odologies examined and recommended in the report pre-
7 pared for the American Association of State Highway and
8 Transportation Officials entitled “National Cooperative
9 Highway Research Program Project 20–24(79): Specifica-
10 tions for a National Study of the Future 3R, 4R, and Ca-
11 pacity Needs of the Interstate System” and dated Decem-
12 ber 2013.

13 (d) **RECOMMENDATIONS.**—The study—

14 (1) shall include specific recommendations re-
15 garding the features, standards, capacity needs, ap-
16 plication of technologies, and intergovernmental
17 roles to upgrade the Interstate System, including
18 any revisions to law (including regulations) that the
19 Transportation Research Board determines appro-
20 priate to achieve the goals; and

21 (2) is encouraged to build on the robust institu-
22 tional knowledge in the highway industry in applying
23 the techniques involved in implementing the study.

24 (e) **CONSIDERATIONS.**—In carrying out the study, the
25 Transportation Research Board shall determine the need

1 for reconstruction and improvement of the Interstate Sys-
2 tem by considering—

3 (1) future demands on transportation infra-
4 structure determined for national planning purposes,
5 including commercial and private traffic flows to
6 serve future economic activity and growth;

7 (2) the expected condition of the current Inter-
8 state System over the next 50 years, including long-
9 term deterioration and reconstruction needs;

10 (3) those National Highway System routes that
11 should be added to the existing Interstate System to
12 more efficiently serve national traffic flows;

13 (4) features that would take advantage of tech-
14 nological capabilities to address modern standards of
15 construction, maintenance, and operations, for pur-
16 poses of safety, and system management, taking into
17 further consideration system performance and cost;
18 and

19 (5) the resources necessary to maintain and im-
20 prove the Interstate System, including the resources
21 required to upgrade those National Highway System
22 routes identified in paragraph (3) to Interstate
23 standards.

24 (f) CONSULTATION.—In carrying out the study, the
25 Transportation Research Board—

1 (1) shall convene and consult with a panel of
2 national experts including current and future own-
3 ers, operators, and users of the Interstate System
4 and private sector stakeholders; and

5 (2) is encouraged to consult with—

6 (A) the Federal Highway Administration;

7 (B) States;

8 (C) planning agencies at the metropolitan,
9 State, and regional levels;

10 (D) the motor carrier industry;

11 (E) freight shippers;

12 (F) highway safety groups; and

13 (G) other appropriate entities.

14 (g) REPORT.—Not later than 3 years after the date
15 of enactment of this Act, the Transportation Research
16 Board shall submit to the Secretary, the Committee on
17 Environment and Public Works of the Senate, and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives a report on the results of the
20 study conducted under this section.

21 (h) FUNDING.—From amounts authorized to carry
22 out the Highway Research and Development Program, the
23 Secretary shall use up to \$5,000,000 for fiscal year 2016
24 to carry out this section.

1 **SEC. 12004. RESEARCHING SURFACE TRANSPORTATION**
2 **SYSTEM FUNDING ALTERNATIVES.**

3 (a) IN GENERAL.—The Secretary shall promote the
4 research of user-based alternative revenue mechanisms
5 that preserve a user fee structure to maintain the long-
6 term solvency of the Highway Trust Fund.

7 (b) OBJECTIVES.—The objectives of the research de-
8 scribed in subsection (a) shall be—

9 (1) to study uncertainties relating to the design,
10 acceptance, and implementation of 2 or more future
11 user-based alternative revenue mechanisms;

12 (2) to define the functionality of those user-
13 based alternative revenue mechanisms;

14 (3) to conduct or promote research activities to
15 demonstrate and test those user-based alternative
16 revenue mechanisms, including by conducting field
17 trials, by partnering with individual States, groups
18 of States, or other appropriate entities to conduct
19 the research activities;

20 (4) to conduct outreach to increase public
21 awareness regarding the need for alternative funding
22 sources for surface transportation programs and
23 provide information on possible approaches;

24 (5) to provide recommendations regarding
25 adoption and implementation of those user-based al-
26 ternative revenue mechanisms; and

1 (6) to minimize the administrative cost of any
2 potential user-based alternative revenue mechanisms.

3 (c) GRANTS.—The Secretary shall provide grants to
4 individual States, groups of States, or other appropriate
5 entities to conduct research that addresses—

6 (1) the implementation, interoperability, public
7 acceptance, and other potential hurdles to the adop-
8 tion of a user-based alternative revenue mechanism;

9 (2) the protection of personal privacy;

10 (3) the use of independent and private third-
11 party vendors to collect fees and operate the user-
12 based alternative revenue mechanism;

13 (4) equity concerns, including the impacts of
14 the user-based alternative revenue mechanism on
15 differing income groups, various geographic areas,
16 and the relative burdens on rural and urban drivers;

17 (5) ease of compliance for different users of the
18 transportation system;

19 (6) the reliability and security of technology
20 used to implement the user-based alternative rev-
21 enue mechanism;

22 (7) the flexibility and choices of user-based al-
23 ternative revenue mechanisms, including the ability
24 of users to select from various technology and pay-
25 ment options;

1 (bb) not fewer than 1 shall
2 be from the Department of the
3 Treasury; and

4 (cc) not fewer than 2 shall
5 be from State departments of
6 transportation;

7 (II) representatives from applica-
8 ble users of the surface transportation
9 system; and

10 (III) appropriate technology and
11 public privacy experts.

12 (B) GEOGRAPHIC CONSIDERATIONS.—The
13 Secretary shall consider geographic diversity
14 when selecting members under this paragraph.

15 (3) FUNCTIONS.—Not later than 1 year after
16 the date on which the Council is established, the
17 Council shall, at a minimum—

18 (A) define the functionality of 2 or more
19 user-based alternative revenue mechanisms;

20 (B) identify technological, administrative,
21 institutional, privacy, and other issues that—

22 (i) are associated with the user-based
23 alternative revenue mechanisms; and

24 (ii) may be researched through re-
25 search activities;

1 (C) conduct public outreach to identify and
2 assess questions and concerns about the user-
3 based alternative revenue mechanisms for fu-
4 ture evaluation through research activities; and

5 (D) provide recommendations to the Sec-
6 retary on the process and criteria used for se-
7 lecting research activities under subsection (c).

8 (4) EVALUATIONS.—The Council shall conduct
9 periodic evaluations of the research activities that
10 have received assistance from the Secretary under
11 this section.

12 (5) APPLICABILITY OF FEDERAL ADVISORY
13 COMMITTEE ACT.—The Council shall not be subject
14 to the Federal Advisory Committee Act (5 U.S.C.
15 App.).

16 (e) BIENNIAL REPORTS.—Not later than 2 years
17 after the date of enactment of this Act, and every 2 years
18 thereafter until the completion of the research activities
19 under this section, the Secretary shall submit to the Sec-
20 retary of the Treasury, the Committee on Finance and the
21 Committee on Environment and Public Works of the Sen-
22 ate, and the Committee on Ways and Means and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report describing the progress of the
25 research activities.

1 (f) FINAL REPORT.—On the completion of the re-
2 search activities under this section, the Secretary and the
3 Secretary of the Treasury, acting jointly, shall submit to
4 the Committee on Finance and the Committee on Environ-
5 ment and Public Works of the Senate and the Committee
6 on Ways and Means and the Committee on Transportation
7 and Infrastructure of the House of Representatives a re-
8 port describing the results of the research activities and
9 any recommendations.

10 (g) FUNDING.—Of the funds authorized to carry out
11 section 503(b) of title 23, United States Code—

12 (1) \$15,000,000 shall be used to carry out this
13 section in fiscal year 2016; and

14 (2) \$20,000,000 shall be used to carry out this
15 section in each of fiscal years 2017 through 2021.

16 **Subtitle B—Data**

17 **SEC. 12101. TRIBAL DATA COLLECTION.**

18 Section 201(c)(6) of title 23, United States Code, is
19 amended by adding at the end the following:

20 “(C) TRIBAL DATA COLLECTION.—In addi-
21 tion to the data to be collected under subpara-
22 graph (A), not later than 90 days after the end
23 of each fiscal year, any entity carrying out a
24 project under the tribal transportation program
25 under section 202 shall submit to the Secretary

1 and the Secretary of Interior, based on obliga-
2 tions and expenditures under the tribal trans-
3 portation program during the preceding fiscal
4 year, the following data:

5 “(i) The names of projects or activi-
6 ties carried out by the entity under the
7 tribal transportation program during the
8 preceding fiscal year.

9 “(ii) A description of the projects or
10 activities identified under clause (i).

11 “(iii) The current status of the
12 projects or activities identified under
13 clause (i).

14 “(iv) An estimate of the number of
15 jobs created and the number of jobs re-
16 tained by the projects or activities identi-
17 fied under clause (i).”.

18 **SEC. 12102. PERFORMANCE MANAGEMENT DATA SUPPORT**

19 **PROGRAM.**

20 (a) **PERFORMANCE MANAGEMENT DATA SUPPORT.**—

21 The Administrator of the Federal Highway Administra-
22 tion shall develop, use, and maintain data sets and data
23 analysis tools to assist metropolitan planning organiza-
24 tions, States, and the Federal Highway Administration in
25 carrying out performance management analyses (including

1 the performance management requirements under section
2 150 of title 23, United States Code).

3 (b) INCLUSIONS.—The data analysis activities au-
4 thorized under subsection (a) may include—

5 (1) collecting and distributing vehicle probe
6 data describing traffic on Federal-aid highways;

7 (2) collecting household travel behavior data to
8 assess local and cross-jurisdictional travel, including
9 to accommodate external and through travel;

10 (3) enhancing existing data collection and anal-
11 ysis tools to accommodate performance measures,
12 targets, and related data, so as to better understand
13 trip origin and destination, trip time, and mode;

14 (4) enhancing existing data analysis tools to im-
15 prove performance predictions and travel models in
16 reports described in section 150(e) of title 23,
17 United States Code; and

18 (5) developing tools—

19 (A) to improve performance analysis; and

20 (B) to evaluate the effects of project in-
21 vestments on performance.

22 (c) FUNDING.—From amounts authorized to carry
23 out the Highway Research and Development Program, the
24 Administrator may use up to \$10,000,000 for each of fis-
25 cal 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 innova-
8 tion aimed at shortening project delivery, enhancing
9 the safety of the roadways of the United States, and
10 protecting the environment;

11 (2) to ensure that the planning, design, engi-
12 neering, construction, and financing of transpor-
13 tation projects is done in an efficient and effective
14 manner;

15 (3) to promote the rapid deployment of proven
16 solutions that provide greater accountability for pub-
17 lic investments and encourage greater private sector
18 involvement; and

19 (4) to create a culture of innovation within the
20 highway community.

21 (b) EVERY DAY COUNTS INITIATIVE.—To advance
22 the policy described in subsection (a), the Administrator
23 of the Federal Highway Administration (referred to in this
24 section as the “Administrator”) shall continue the Every
25 Day Counts initiative to work with States, local transpor-

1 tation agencies, and industry stakeholders to identify and
2 deploy 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
10 Administrator 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
14 demonstration projects.

15 (2) REQUIREMENTS.—In identifying a collection
16 described in paragraph (1), the Secretary shall take
17 into account market readiness, impacts, benefits,
18 and 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
25 year after the date of enactment of this Act, the Secretary,

1 in coordination with the heads of other Federal agencies
2 with responsibility for the review and approval of projects
3 funded under title 23, United States Code, shall measure
4 and report 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 De-
10 partment in achieving the goals described in section
11 150(b) of title 23, United States Code, through dis-
12 cretionary 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 Trans-
17 portation and Infrastructure of the House of Representa-
18 tives a report describing the results of the evaluation con-
19 ducted under subsection (a).

20 (c) INSPECTOR GENERAL REPORT.—Not later than
21 3 years after the date of enactment of this Act, the Inspec-
22 tor General of the Department shall submit to the Com-
23 mittee on Environment and Public Works of the Senate
24 and the Committee on Transportation and Infrastructure

1 of the House of Representatives a report describing the
2 results of the evaluation conducted under subsection (a).

3 **SEC. 12203. GRANT PROGRAM FOR ACHIEVEMENT IN**
4 **TRANSPORTATION FOR PERFORMANCE AND**
5 **INNOVATION.**

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));
14 and

15 (D) a metropolitan planning organization.

16 (2) STATE.—The term “State” means—

17 (A) a State;

18 (B) the District of Columbia;

19 (C) the Commonwealth of Puerto Rico;

20 and

21 (D) any other territory (as defined in sec-
22 tion 165(c)(1) of title 23, United States Code).

23 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish a competitive grant program to reward—

1 (1) achievement in transportation performance
2 management; and

3 (2) the implementation of strategies that
4 achieve innovation and efficiency in surface trans-
5 portation.

6 (c) PURPOSE.—The purpose of the program under
7 this section shall be to reward entities for the implementa-
8 tion of policies and procedures that—

9 (1) support performance-based management of
10 the surface transportation system and improve
11 transportation outcomes; or

12 (2) use innovative technologies and practices
13 that improve the efficiency and performance of the
14 surface transportation system.

15 (d) APPLICATION.—

16 (1) IN GENERAL.—An eligible entity may sub-
17 mit to the Secretary an application for a grant
18 under this section.

19 (2) CONTENTS.—An application under para-
20 graph (1) shall indicate the means by which the eli-
21 gible entity has met the requirements and purpose
22 of the program under this section, including by—

23 (A) establishing, and making progress to-
24 ward achieving, performance targets that exceed

1 the requirements of title 23, United States
2 Code;

3 (B) using innovative techniques and prac-
4 tices that enhance the effective movement of
5 people, goods, and services, such as technologies
6 that reduce construction time, improve oper-
7 ational efficiencies, and extend the service life
8 of highways and bridges; and

9 (C) employing transportation planning
10 tools and procedures that improve transparency
11 and the development of transportation invest-
12 ment strategies within the jurisdiction of the el-
13 igible entity.

14 (e) EVALUATION CRITERIA.—In awarding a grant
15 under this section, the Secretary shall take into consider-
16 ation the extent to which the application of the applicable
17 eligible entity under subsection (d)—

18 (1) demonstrates performance in meeting the
19 requirements of subsection (c); and

20 (2) promotes the national goals described in
21 section 150(b) of title 23, United States Code.

22 (f) ELIGIBLE ACTIVITIES.—Amounts made available
23 to carry out this section shall be used for projects eligible
24 for funding under—

25 (1) title 23, United States Code; or

1 (2) chapter 53 of title 49, United States Code.

2 (g) LIMITATION.—The amount of a grant under this
3 section shall be not more than \$15,000,000.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated out of the general fund of the Treasury
7 to carry out this section \$150,000,000 for each of
8 fiscal years 2016 through 2021, to remain available
9 until expended.

10 (2) ADMINISTRATIVE COSTS.—The Secretary
11 shall withhold a reasonable amount of funds made
12 available under paragraph (1) for administration of
13 the program under this section, not to exceed 3 per-
14 cent of the amount appropriated for each applicable
15 fiscal year.

16 (i) APPLICABILITY OF REQUIREMENTS.—Amounts
17 made available under this section shall be administered as
18 if the funds were apportioned under chapter 1 of title 23,
19 United States Code.

20 **SEC. 12204. HIGHWAY TRUST FUND TRANSPARENCY AND**
21 **ACCOUNTABILITY.**

22 (a) IN GENERAL.—Section 104 of title 23, United
23 States Code, is amended by striking subsection (g) and
24 inserting the following:

1 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
2 ACCOUNTABILITY REPORT.—

3 “(1) PUBLICLY AVAILABLE REPORT.—Not later
4 than 180 days after the date of enactment of the
5 DRIVE Act and quarterly thereafter, the Secretary
6 shall compile data in accordance with this subsection
7 on the use of Federal-aid highway program funds
8 made available under this title.

9 “(2) REQUIREMENTS.—The Secretary shall en-
10 sure that the reports required under this subsection
11 are made available in a user-friendly manner on the
12 public website of the Department of Transportation
13 and can be searched and downloaded by users of the
14 website.

15 “(3) CONTENTS OF REPORT.—

16 “(A) APPORTIONED AND ALLOCATED PRO-
17 GRAMS.—For each fiscal year, the report shall
18 include comprehensive data for each program,
19 organized by State, that includes—

20 “(i) the total amount of funds avail-
21 able for obligation, identifying the unobli-
22 gated balance of funds available at the end
23 of the preceding fiscal year and new fund-
24 ing available for the current fiscal year;

1 “(III) 50,000 or more individ-
2 uals;

3 “(iii) the total cost of the project;

4 “(iv) the amount of Federal funding
5 being used on the project;

6 “(v) the 1 or more programs from
7 which Federal funds are obligated on the
8 project;

9 “(vi) the type of improvement being
10 made, such as categorizing the project
11 as—

12 “(I) a road reconstruction
13 project;

14 “(II) a new road construction
15 project;

16 “(III) a new bridge construction
17 project;

18 “(IV) a bridge rehabilitation
19 project; or

20 “(V) a bridge replacement
21 project; and

22 “(vii) the ownership of the highway or
23 bridge.

24 “(C) TRANSFERS BETWEEN PROGRAMS.—

25 The report shall include a description of the

1 amount of funds transferred between programs
2 by each State under section 126.”.

3 (b) CONFORMING AMENDMENT.—Section 1503 of
4 MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is
5 amended by striking subsection (c).

6 **SEC. 12205. REPORT ON HIGHWAY TRUST FUND ADMINIS-**
7 **TRATIVE EXPENDITURES.**

8 (a) INITIAL REPORT.—Not later than 150 days after
9 the date of enactment of this Act, the Comptroller General
10 of the United States shall submit to Congress a report
11 describing the administrative expenses of the Federal
12 Highway Administration funded from the Highway Trust
13 Fund during the 3 most recent fiscal years.

14 (b) UPDATES.—Not later than 5 years after the date
15 on which the report is submitted under subsection (a) and
16 every 5 years thereafter, the Comptroller General shall
17 submit to Congress a report that updates the information
18 provided in the report under that subsection for the pre-
19 ceding 5-year period.

20 (c) INCLUSIONS.—Each report submitted under sub-
21 section (a) or (b) shall include a description of the—

22 (1) types of administrative expenses of pro-
23 grams and offices funded by the Highway Trust
24 Fund;

1 (2) tracking and monitoring of administrative
2 expenses;

3 (3) controls in place to ensure that funding for
4 administrative expenses is used as efficiently as
5 practicable; and

6 (4) flexibility of the Department to reallocate
7 amounts from the Highway Trust Fund between
8 full-time equivalent employees and other functions.

9 **SEC. 12206. AVAILABILITY OF REPORTS.**

10 (a) IN GENERAL.—The Secretary shall make avail-
11 able to the public on the website of the Department any
12 report required to be submitted by the Secretary to Con-
13 gress after the date of enactment of this Act.

14 (b) DEADLINE.—Each report described in subsection
15 (a) shall be made available on the website not later than
16 30 days after the report is submitted to Congress.

17 **SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.**

18 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
19 GRAM.—Section 119 of title 23, United States Code, is
20 amended—

21 (1) in subsection (e)(7), by striking “for 2 con-
22 secutive reports submitted under this paragraph
23 shall include in the next report submitted” and in-
24 serting “shall include as part of the performance
25 target report under section 150(e)”; and

1 (2) in subsection (f)(1)(A), by striking “If, dur-
2 ing 2 consecutive reporting periods, the condition of
3 the Interstate System, excluding bridges on the
4 Interstate System, in a State falls” and inserting “If
5 a State reports that the condition of the Interstate
6 System, excluding bridges on the Interstate System,
7 has fallen”.

8 (b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—
9 Section 148(i) of title 23, United States Code, is amend-
10 ed—

11 (1) in the matter preceding paragraph (1), by
12 striking “performance targets of the State estab-
13 lished under section 150(d) by the date that is 2
14 years after the date of the establishment of the per-
15 formance targets” and inserting “safety performance
16 targets of the State established under section
17 150(d)”; and

18 (2) in paragraphs (1) and (2), by inserting
19 “safety” before “performance targets” each place it
20 appears.

21 **SEC. 12208. DESIGN STANDARDS.**

22 (a) IN GENERAL.—Section 109 of title 23, United
23 States Code, is amended—

24 (1) in subsection (c)—

25 (A) in paragraph (1)—

201

1 (i) in the matter preceding subpara-
2 graph (A), by striking “may take into ac-
3 count” and inserting “shall consider”; and

4 (ii) in subparagraph (C), by striking
5 “access for” and inserting “access and
6 safety for”; and

7 (B) in paragraph (2)—

8 (i) in subparagraph (C), by striking
9 “and” at the end;

10 (ii) by redesignating subparagraph
11 (D) as subparagraph (F); and

12 (iii) by inserting after subparagraph
13 (C) the following:

14 “(D) the publication entitled ‘Highway
15 Safety Manual’ of the American Association of
16 State Highway and Transportation Officials;

17 “(E) the publication entitled ‘Urban Street
18 Design Guide’ of the National Association of
19 City Transportation Officials; and”;

20 (2) in subsection (f), by inserting “pedestrian
21 walkways,” after “bikeways,”; and

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

23 “(s) SAFETY FOR MOTORIZED AND NONMOTORIZED
24 USERS.—

1 “(1) IN GENERAL.—Not later than 2 years
2 after the date of the enactment of this subsection,
3 the Secretary shall establish standards to ensure
4 that the design of Federal surface transportation
5 projects provides for the safe and adequate accom-
6 modation (as determined by the State or other direct
7 recipient of funds), in all phases of project planning,
8 development, and operation, of all users of the trans-
9 portation network, including motorized and non-
10 motorized users.

11 “(2) WAIVER FOR STATE LAW OR POLICY.—The
12 Secretary may waive the application of standards es-
13 tablished under paragraph (1) to a State that has
14 adopted a law or policy that provides for the safe
15 and adequate accommodation (as determined by the
16 State or other direct recipient of funds), in all
17 phases of project planning and development, of users
18 of the transportation network on federally funded
19 surface transportation projects.

20 “(3) COMPLIANCE.—

21 “(A) IN GENERAL.—Each State depart-
22 ment of transportation shall submit a report to
23 the Secretary, at such time, in such manner,
24 and containing such information as the Sec-
25 retary shall require, that describes measures

1 implemented by the State to comply with this
2 subsection.

3 “(B) DETERMINATION BY SECRETARY.—
4 Upon the receipt of a report from a State under
5 subparagraph (A), the Secretary shall deter-
6 mine whether the State is in compliance with
7 this section.”.

8 (b) DESIGN STANDARD FLEXIBILITY.—Notwith-
9 standing section 109(o) of title 23, United States Code,
10 a local jurisdiction may use a roadway design guide that
11 is different from the roadway design guide used by the
12 State in which the local jurisdiction is located for the de-
13 sign of projects on all roadways under the ownership of
14 the local jurisdiction (other than a highway on the Inter-
15 state System) if—

16 (1) the local jurisdiction is the project sponsor;

17 (2) the roadway design guide—

18 (A) is recognized by the Federal Highway
19 Administration; and

20 (B) is adopted by the local jurisdiction;

21 and

22 (3) the design complies with all other applicable

23 Federal laws.

1 **TITLE III—TRANSPORTATION IN-**
2 **FRASTRUCTURE FINANCE**
3 **AND INNOVATION ACT OF**
4 **1998 AMENDMENTS**

5 **SEC. 13001. TRANSPORTATION INFRASTRUCTURE FINANCE**
6 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

7 (a) DEFINITIONS.—Section 601(a) of title 23, United
8 States Code, is amended—

9 (1) in the matter preceding paragraph (1)—

10 (A) by striking “In this chapter, the” and
11 inserting “The”; and

12 (B) by inserting “to sections 601 through
13 609” after “apply”;

14 (2) in paragraph (2)—

15 (A) in subparagraph (B), by striking
16 “and” at the end;

17 (B) in subparagraph (C), by striking the
18 period at the end and inserting “; and”; and

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

20 “(D) capitalizing a rural projects fund
21 using the proceeds of a secured loan made to a
22 State infrastructure bank in accordance with
23 sections 602 and 603, for the purpose of mak-
24 ing loans to sponsors of rural infrastructure
25 projects in accordance with section 610.”;

1 (3) in paragraph (3), by striking “this chapter”
2 and inserting “the TIFIA program”;

3 (4) in paragraph (10)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by inserting “related” before
7 “projects”; and

8 (ii) by striking “(which shall receive
9 an investment grade rating from a rating
10 agency)”;

11 (B) in subparagraph (A), by striking “sub-
12 ject to the availability of future funds being
13 made available to carry out this chapter;” and
14 inserting “subject to—

15 “(i) the availability of future funds
16 being made available to carry out the
17 TIFIA program; and

18 “(ii) the satisfaction of all of the con-
19 ditions for the provision of credit assist-
20 ance under the TIFIA program, including
21 section 603(b)(1);”; and

22 (C) in subparagraph (D)—

23 (i) by redesignating clauses (ii) and
24 (iii) as clauses (iii) and (iv), respectively;

1 (ii) by inserting after clause (i) the
2 following:

3 “(ii) receiving an investment grade
4 rating from a rating agency;”;

5 (iii) in clause (iii) (as so redesign-
6 nated), by striking “section 602(c)” and
7 inserting “including sections 602(c) and
8 603(b)(1)”; and

9 (iv) in clause (iv) (as so redesignated),
10 by striking “this chapter” and inserting
11 “the TIFIA program”;

12 (5) in paragraph (12)—

13 (A) in subparagraph (D)(iv), by striking
14 the period at the end and inserting “; and”;
15 and

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

17 “(E) a project to improve or construct
18 public infrastructure that is located within
19 walking distance of, and accessible to, a fixed
20 guideway transit facility, passenger rail station,
21 intercity bus station, or intermodal facility, in-
22 cluding a transportation, public utility, and cap-
23 ital project described in section 5302(3)(G)(v)
24 of title 49, and related infrastructure;

1 “(F) a project for the acquisition of plant
2 and wildlife habitat pursuant to a conservation
3 plan that—

4 “(i) has been approved by the Sec-
5 retary of the Interior pursuant to section
6 10 of the Endangered Species Act of 1973
7 (16 U.S.C. 1539); and

8 “(ii) as determined by the Secretary
9 of the Interior, would mitigate the environ-
10 mental impacts of transportation infra-
11 structure projects otherwise eligible for as-
12 sistance under the TIFIA program; and

13 “(G) the capitalization of a rural projects
14 fund by a State infrastructure bank with the
15 proceeds of a secured loan made in accordance
16 with sections 602 and 603, for the purpose of
17 making loans to sponsors of rural infrastructure
18 projects in accordance with section 610.”;

19 (6) in paragraph (15), by striking “means” and
20 all that follows through the period at the end and
21 inserting “means a surface transportation infra-
22 structure project located in an area that is outside
23 of an urbanized area with a population greater than
24 150,000 individuals, as determined by the Bureau of
25 the Census.”;

1 (7) by redesignating paragraphs (16), (17),
2 (18), (19), and (20) as paragraphs (17), (18), (20),
3 (21), and (22), respectively;

4 (8) by inserting after paragraph (15) the fol-
5 lowing:

6 “(16) RURAL PROJECTS FUND.—The term
7 ‘rural projects fund’ means a fund—

8 “(A) established by a State infrastructure
9 bank in accordance with section 610(d)(4);

10 “(B) capitalized with the proceeds of a se-
11 cured loan made to the bank in accordance with
12 sections 602 and 603; and

13 “(C) for the purpose of making loans to
14 sponsors of rural infrastructure projects in ac-
15 cordance with section 610.”;

16 (9) by inserting after paragraph (18) (as redesi-
17 gnated) the following:

18 “(19) STATE INFRASTRUCTURE BANK.—The
19 term ‘State infrastructure bank’ means an infra-
20 structure bank established under section 610.”; and

21 (10) in paragraph (22) (as redesignated), by in-
22 serting “established under sections 602 through
23 609” after “Department”.

1 (b) DETERMINATION OF ELIGIBILITY AND PROJECT
2 SELECTION.—Section 602 of title 23, United States Code,
3 is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A), by striking “this
7 chapter” and inserting “the TIFIA program”;

8 (B) in paragraph (2)(A), by striking “this
9 chapter” and inserting “the TIFIA program”;

10 (C) in paragraph (3), by striking “this
11 chapter” and inserting “the TIFIA program”;

12 (D) in paragraph (5)—

13 (i) by striking the heading and insert-
14 ing “ELIGIBLE PROJECT COST PARAM-
15 ETERS.—”;

16 (ii) in subparagraph (A)—

17 (I) in the matter preceding clause
18 (i), by striking “subparagraph (B), to
19 be eligible for assistance under this
20 chapter, a project” and inserting
21 “subparagraphs (B) and (C), a
22 project under the TIFIA program”;

23 (II) by striking clause (i) and in-
24 serting the following:

25 “(i) \$50,000,000; and”; and

1 (III) in clause (ii), by striking
2 “assistance”; and

3 (iii) in subparagraph (B)—

4 (I) by striking the subparagraph
5 designation and heading and all that
6 follows through “In the case” and in-
7 serting the following:

8 “(B) EXCEPTIONS.—

9 “(i) INTELLIGENT TRANSPORTATION
10 SYSTEMS.—In the case”; and

11 (II) by adding at the end the fol-
12 lowing:

13 “(ii) TRANSIT-ORIENTED DEVELOP-
14 MENT PROJECTS.—In the case of a project
15 described in section 601(a)(12)(E), eligible
16 project costs shall be reasonably antici-
17 pated to equal or exceed \$10,000,000.

18 “(iii) RURAL PROJECTS.—In the case
19 of a rural infrastructure project or a
20 project capitalizing a rural projects fund,
21 eligible project costs shall be reasonably
22 anticipated to equal or exceed
23 \$10,000,000, but not to exceed
24 \$100,000,000.

1 “(iv) LOCAL INFRASTRUCTURE
2 PROJECTS.—Eligible project costs shall be
3 reasonably anticipated to equal or exceed
4 \$10,000,000 in the case of projects or pro-
5 grams of projects—

6 “(I) in which the applicant is a
7 local government, public authority, or
8 instrumentality of local government;

9 “(II) located on a facility owned
10 by a local government; or

11 “(III) for which the Secretary de-
12 termines that a local government is
13 substantially involved in the develop-
14 ment of the project.”;

15 (E) in paragraph (9), in the matter pre-
16 ceding subparagraph (A), by striking “this
17 chapter” and inserting “the TIFLA program”;
18 and

19 (F) in paragraph (10)—

20 (i) by striking “To be eligible” and in-
21 serting the following:

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), to be eligible”;

1 (ii) by striking “this chapter” each
2 place it appears and inserting “the TIFLA
3 program”;

4 (iii) by striking “not later than” and
5 inserting “no later than”; and

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

8 “(B) RURAL PROJECTS FUND.—In the
9 case of a project capitalizing a rural projects
10 fund, the State infrastructure bank shall dem-
11 onstrate, not later than 2 years after the date
12 on which a secured loan is obligated for the
13 project under the TIFLA program, that the
14 bank has executed a loan agreement with a bor-
15 rower for a rural infrastructure project in ac-
16 cordance with section 610. After the demonstra-
17 tion is made, the bank may draw upon the se-
18 cured loan. At the end of the 2-year period, to
19 the extent the bank has not used the loan com-
20 mitment, the Secretary may extend the term of
21 the loan or withdraw the loan commitment.”;

22 (2) in subsection (b), by striking paragraph (2)
23 and inserting the following:

24 “(2) MASTER CREDIT AGREEMENTS.—

1 “(A) PROGRAM OF RELATED PROJECTS.—
2 The Secretary may enter into a master credit
3 agreement for a program of related projects se-
4 cured by a common security pledge on terms
5 acceptable to the Secretary.

6 “(B) ADEQUATE FUNDING NOT AVAIL-
7 ABLE.—If the Secretary fully obligates funding
8 to eligible projects for a fiscal year and ade-
9 quate funding is not available to fund a credit
10 instrument, a project sponsor of an eligible
11 project may elect to enter into a master credit
12 agreement and wait to execute a credit instru-
13 ment until the fiscal year for which additional
14 funds are available to receive credit assist-
15 ance.”;

16 (3) in subsection (c)(1), in the matter preceding
17 subparagraph (A), by striking “this chapter” and in-
18 serting “the TIFIA program”; and

19 (4) in subsection (e), by striking “this chapter”
20 and inserting “the TIFIA program”.

21 (c) SECURED LOAN TERMS AND LIMITATIONS.—Sec-
22 tion 603(b) of title 23, United States Code, is amended—

23 (1) in paragraph (2)—

24 (A) by striking “The amount of” and in-
25 serting the following:

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the amount of”;

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

4 “(B) RURAL PROJECTS FUND.—In the
5 case of a project capitalizing a rural projects
6 fund, the maximum amount of a secured loan
7 made to a State infrastructure bank shall be
8 determined in accordance with section
9 602(a)(5)(B)(iii).”;

10 (2) in paragraph (3)(A)(i)—

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

13 (B) in subclause (IV), by striking “and” at
14 the end and inserting “or”; and

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

16 “(V) in the case of a secured
17 loan for a project capitalizing a rural
18 projects fund, any other dedicated
19 revenue sources available to a State
20 infrastructure bank, including repay-
21 ments from loans made by the bank
22 for rural infrastructure projects;
23 and”;

24 (3) in paragraph (4)(B)—

1 (A) in clause (i), by striking “under this
2 chapter” and inserting “or a rural projects fund
3 under the TIFIA program”; and

4 (B) in clause (ii), by inserting “and rural
5 project funds” after “rural infrastructure
6 projects”;

7 (4) in paragraph (5)—

8 (A) by redesignating subparagraphs (A)
9 and (B) as clauses (i) and (ii), respectively, and
10 indenting appropriately;

11 (B) in the matter preceding subparagraph
12 (A), by striking “The final” and inserting the
13 following:

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the final”; and

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

17 “(B) RURAL PROJECTS FUND.—In the
18 case of a project capitalizing a rural projects
19 fund, the final maturity date of the secured
20 loan shall not exceed 35 years after the date on
21 which the secured loan is obligated.”;

22 (5) in paragraph (8), by striking “this chapter”
23 and inserting “the TIFIA program”; and

24 (6) in paragraph (9)—

1 (A) by striking “The total Federal assist-
2 ance provided on a project receiving a loan
3 under this chapter” and inserting the following:

4 “(A) IN GENERAL.—The total Federal as-
5 sistance provided for a project receiving a loan
6 under the TIFIA program”; and

7 (B) by adding at the end the following:

8 “(B) RURAL PROJECTS FUND.—A project
9 capitalizing a rural projects fund shall satisfy
10 clause (i) through compliance with the Federal
11 share requirement described in section
12 610(e)(3)(B).”.

13 (d) PROGRAM ADMINISTRATION.—Section 605 of
14 title 23, United States Code, is amended—

15 (1) by striking “this chapter” each place it ap-
16 pears and inserting “the TIFIA program”; and

17 (2) by adding at the end the following:

18 “(f) ASSISTANCE TO SMALL PROJECTS.—

19 “(1) RESERVATION OF FUNDS.—Of the funds
20 made available to carry out the TIFIA program for
21 each fiscal year, and after the set-aside under sec-
22 tion 608(a)(6), not less than \$2,000,000 shall be
23 made available for the Secretary to use in lieu of
24 fees collected under subsection (b) for projects under
25 the TIFIA program having eligible project costs that

1 are reasonably anticipated not to equal or exceed
2 \$75,000,000.

3 “(2) RELEASE OF FUNDS.—Any funds not used
4 under paragraph (1) shall be made available on Oc-
5 tober 1 of the following fiscal year to provide credit
6 assistance to any project under the TIFIA pro-
7 gram.”.

8 (e) STATE AND LOCAL PERMITS.—Section 606 of
9 title 23, United States Code, is amended in the matter
10 preceding paragraph (1) by striking “this chapter” and
11 inserting “the TIFIA program”.

12 (f) REGULATIONS.—Section 607 of title 23, United
13 States Code, is amended by striking “this chapter” and
14 inserting “the TIFIA program”.

15 (g) FUNDING.—Section 608 of title 23, United States
16 Code, is amended—

17 (1) by striking “this chapter” each place it ap-
18 pears and inserting “the TIFIA program”; and

19 (2) in subsection (a)—

20 (A) in paragraph (2), by inserting “of”
21 after “504(f)”;

22 (B) in paragraph (3)—

23 (i) in subparagraph (A), by inserting
24 “or rural projects funds” after “rural in-
25 frastructure projects”; and

1 (ii) in subparagraph (B), by inserting
2 “or rural projects funds” after “rural in-
3 frastructure projects”;

4 (C) by striking paragraph (4) and redesignig-
5 nating paragraphs (5) and (6) as paragraphs
6 (4) and (5), respectively; and

7 (D) in paragraph (5) (as so redesignated),
8 by striking “0.50 percent” and inserting “1.5
9 percent”.

10 (h) REPORTS TO CONGRESS.—Section 609 of title 23,
11 United States Code, is amended by striking “this chapter
12 (other than section 610)” each place it appears and insert-
13 ing “the TIFIA program”.

14 (i) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-
15 tion 610 of title 23, United States Code, is amended—

16 (1) in subsection (a), by adding at the end the
17 following:

18 “(11) RURAL INFRASTRUCTURE PROJECT.—
19 The term ‘rural infrastructure project’ has the
20 meaning given the term in section 601.

21 “(12) RURAL PROJECTS FUND.—The term
22 ‘rural projects fund’ has the meaning given the term
23 in section 601.”;

24 (2) in subsection (d)—

1 (A) in paragraph (1)(A), by striking “each
2 of fiscal years” and all that follows through the
3 end of subparagraph (A) and inserting “each
4 fiscal year under each of paragraphs (1), (2),
5 and (5) of section 104(b); and”;

6 (B) in paragraph (2), by striking “in each
7 of fiscal years 2005 through 2009” and insert-
8 ing “in each fiscal year”;

9 (C) in paragraph (3), by striking “in each
10 of fiscal years 2005 through 2009” and insert-
11 ing “in each fiscal year”;

12 (D) by redesignating paragraphs (4)
13 through (6) as paragraphs (5) through (7), re-
14 spectively;

15 (E) by inserting after paragraph (3) the
16 following:

17 “(4) RURAL PROJECTS FUND.—Subject to sub-
18 section (j), the Secretary may permit a State enter-
19 ing into a cooperative agreement under this section
20 to establish a State infrastructure bank to deposit
21 into the rural projects fund of the bank the proceeds
22 of a secured loan made to the bank in accordance
23 with section 602 and 603.”; and

1 (F) in paragraph (6) (as redesignated), by
2 striking “section 133(d)(3)” and inserting “sec-
3 tion 133(d)(1)(A)(i)”;

4 (3) by striking subsection (e) and inserting the
5 following:

6 “(e) FORMS OF ASSISTANCE FROM STATE INFRA-
7 STRUCTURE BANKS.—

8 “(1) IN GENERAL.—A State infrastructure
9 bank established under this section may—

10 “(A) with funds deposited into the highway
11 account, transit account, or rail account of the
12 bank, make loans or provide other forms of
13 credit assistance to a public or private entity to
14 carry out a project eligible for assistance under
15 this section; and

16 “(B) with funds deposited into the rural
17 projects fund, make loans to a public or private
18 entity to carry out a rural infrastructure
19 project.

20 “(2) SUBORDINATION OF LOAN.—The amount
21 of a loan or other form of credit assistance provided
22 for a project described in paragraph (1) may be sub-
23 ordinated to any other debt financing for the
24 project.

1 “(3) MAXIMUM AMOUNT OF ASSISTANCE.—A
2 State infrastructure bank established under this sec-
3 tion may—

4 “(A) with funds deposited into the highway
5 account, transit account, or rail account, make
6 loans or provide other forms of credit assistance
7 to a public or private entity in an amount up
8 to 100 percent of the cost of carrying out a
9 project eligible for assistance under this section;
10 and

11 “(B) with funds deposited into the rural
12 projects fund, make loans to a public or private
13 entity in an amount not to exceed 80 percent
14 of the cost of carrying out a rural infrastruc-
15 ture project.

16 “(4) INITIAL ASSISTANCE.—Initial assistance
17 provided with respect to a project from Federal
18 funds deposited into a State infrastructure bank
19 under this section may not be made in the form of
20 a grant.”;

21 (4) in subsection (g)—

22 (A) in paragraph (1), by striking “each ac-
23 count” and inserting “the highway account, the
24 transit account, and the rail account”; and

1 (B) in paragraph (4), by inserting “, ex-
2 cept that any loan funded from the rural
3 projects fund of the bank shall bear interest at
4 or below the interest rate charged for the
5 TIFIA loan provided to the bank under section
6 603” after “feasible”; and

7 (5) in subsection (k), by striking “For each of
8 fiscal years 2005 through 2009” and inserting “For
9 each fiscal year”.

10 **TITLE IV—TECHNICAL** 11 **CORRECTIONS**

12 **SEC. 14001. TECHNICAL CORRECTIONS.**

13 (a) Section 101(a)(29) of title 23, United States
14 Code, is amended—

15 (1) in subparagraph (B), by inserting a comma
16 after “disabilities”; and

17 (2) in subparagraph (F)(i), by striking
18 “133(b)(11)” and inserting “133(b)(14)”.

19 (b) Section 119(d)(1)(A) of title 23, United States
20 Code, is amended by striking “mobility,” and inserting
21 “congestion reduction, system reliability,”.

22 (c) Section 126(b) of title 23, United States Code (as
23 amended by section 11014(b)), is amended by striking
24 “133(d)” and inserting “133(d)(1)(A)”.

1 (d) Section 127(a)(3) of title 23, United States Code,
2 is amended by striking “118(b)(2) of this title” and in-
3 serting “118(b)”.

4 (e) Section 150(c)(3)(B) of title 23, United States
5 Code, is amended by striking the semicolon at the end and
6 inserting a period.

7 (f) Section 153(h)(2) of title 23, United States Code,
8 is amended by striking “paragraphs (1) through (3)” and
9 inserting “paragraphs (1), (2), and (4)”.

10 (g) Section 163(f)(2) of title 23, United States Code,
11 is amended by striking “118(b)(2)” and inserting
12 “118(b)”.

13 (h) Section 165(c)(7) of title 23, United States Code,
14 is amended by striking “paragraphs (2), (4), (7), (8),
15 (14), and (19)” and inserting “paragraphs (2), (4), (6),
16 (7), and (14)”.

17 (i) Section 202(b)(3) of title 23, United States Code,
18 is amended—

19 (1) in subparagraph (A)(i), in the matter pre-
20 ceding subclause (I), by inserting “(a)(6),” after
21 “subsections”; and

22 (2) in subparagraph (C)(ii)(IV), by striking
23 “(III).]” and inserting “(III).”.

1 (j) Section 217(a) of title 23, United States Code,
2 is amended by striking “104(b)(3)” and inserting
3 “104(b)(4)”.

4 (k) Section 327(a)(2)(B)(iii) of title 23, United
5 States Code, is amended by striking “(42 U.S.C. 13 4321
6 et seq.)” and inserting “(42 U.S.C. 4321 et seq.)”.

7 (l) Section 504(a)(4) of title 23, United States Code,
8 is amended by striking “104(b)(3)” and inserting
9 “104(b)(2)”.

10 (m) Section 515 of title 23, United States Code, is
11 amended by striking “this chapter” each place it appears
12 and inserting “sections 512 through 518”.

13 (n) Section 518(a) of title 23, United States Code,
14 is amended by inserting “a report” after “House of Rep-
15 resentatives”.

16 (o) Section 6302(b)(3)(B)(vi)(III) of title 49, United
17 States Code, is amended by striking “6310” and inserting
18 “6309”.

19 (p) Section 1301(l)(3) of SAFETEA-LU (23 U.S.C.
20 101 note; Public Law 109-59) is amended—

21 (1) in subparagraph (A)(i), by striking “com-
22 plied” and inserting “compiled”; and

23 (2) in subparagraph (B), by striking “para-
24 graph (1)” and inserting “subparagraph (A)”.

1 (q) Section 4407 of SAFETEA-LU (Public Law
2 109–59; 119 Stat. 1777), is amended by striking “hereby
3 enacted into law” and inserting “granted”.

4 (r) Section 51001(a)(1) of the Transportation Re-
5 search and Innovative Technology Act of 2012 (126 Stat.
6 864) is amended by striking “sections 503(b), 503(d), and
7 509” and inserting “section 503(b)”.

8 **TITLE V—MISCELLANEOUS**

9 **SEC. 15001. APPALACHIAN DEVELOPMENT HIGHWAY SYS-** 10 **TEM.**

11 Section 1528 of MAP–21 (40 U.S.C. 14501 note;
12 Public Law 112–141) is amended—

13 (1) by striking “2021” each place it appears
14 and inserting “2050”; and

15 (2) by striking “shall be 100 percent” each
16 place it appears and inserting “shall be up to 100
17 percent, as determined by the State”.

18 **SEC. 15002. APPALACHIAN REGIONAL DEVELOPMENT PRO-** 19 **GRAM.**

20 (a) HIGH-SPEED BROADBAND DEVELOPMENT INI-
21 TIATIVE.—

22 (1) IN GENERAL.—Subchapter I of chapter 145
23 of subtitle IV of title 40, United States Code, is
24 amended by adding at the end the following:

1 **“§ 14509. High-speed broadband deployment initia-**
2 **tive**

3 “(a) IN GENERAL.—The Appalachian Regional Com-
4 mission may provide technical assistance, make grants,
5 enter into contracts, or otherwise provide amounts to indi-
6 viduals or entities in the Appalachian region for projects
7 and activities—

8 “(1) to increase affordable access to broadband
9 networks throughout the Appalachian region;

10 “(2) to conduct research, analysis, and training
11 to increase broadband adoption efforts in the Appa-
12 lachian region;

13 “(3) to provide technology assets, including
14 computers, smartboards, and video projectors to
15 educational systems throughout the Appalachian re-
16 gion;

17 “(4) to increase distance learning opportunities
18 throughout the Appalachian region;

19 “(5) to increase the use of telehealth tech-
20 nologies in the Appalachian region; and

21 “(6) to promote e-commerce applications in the
22 Appalachian region.

23 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
24 cost of any activity eligible for a grant under this sec-
25 tion—

1 “(1) not more than 50 percent may be provided
2 from amounts appropriated to carry out this section;
3 and

4 “(2) notwithstanding paragraph (1)—

5 “(A) in the case of a project to be carried
6 out in a county for which a distressed county
7 designation is in effect under section 14526,
8 not more than 80 percent may be provided from
9 amounts appropriated to carry out this section;
10 and

11 “(B) in the case of a project to be carried
12 out in a county for which an at-risk designation
13 is in effect under section 14526, not more than
14 70 percent may be provided from amounts ap-
15 propriated to carry out this section.

16 “(c) SOURCES OF ASSISTANCE.—Subject to sub-
17 section (b), a grant provided under this section may be
18 provided from amounts made available to carry out this
19 section in combination with amounts made available—

20 “(1) under any other Federal program; or

21 “(2) from any other source.

22 “(d) FEDERAL SHARE.—Notwithstanding any provi-
23 sion of law limiting the Federal share under any other
24 Federal program, amounts made available to carry out
25 this section may be used to increase that Federal share,

1 as the Appalachian Regional Commission determines to be
2 appropriate.”.

3 (2) CONFORMING AMENDMENT.—The analysis
4 for chapter 145 of title 40, United States Code, is
5 amended by inserting after the item relating to sec-
6 tion 14508 the following:

“14509. High-speed broadband deployment initiative.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 14703 of title 40, United States Code, is amended—

9 (1) in subsection (a)(5), by striking “fiscal year
10 2012” and inserting “each of fiscal years 2012
11 through 2021”;

12 (2) by redesignating subsections (c) and (d) as
13 subsections (d) and (e), respectively; and

14 (3) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIA-
17 TIVE.—Of the amounts made available under subsection
18 (a), \$10,000,000 shall be used to carry out section 14509
19 for each of fiscal years 2016 through 2021.”.

20 (c) TERMINATION.—Section 14704 of title 40, United
21 States Code, is amended by striking “2012” and inserting
22 “2021”.

23 (d) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section take effect on October 1, 2015.

1 **SEC. 15003. WATER INFRASTRUCTURE FINANCE AND INNO-**
2 **VATION.**

3 Section 3907(a) of title 33, United States Code, is
4 amended—

5 (1) by striking paragraph (5); and

6 (2) by redesignating paragraphs (6) and (7) as
7 paragraphs (5) and (6), respectively.

8 **SEC. 15004. ADMINISTRATIVE PROVISIONS TO ENCOURAGE**
9 **POLLINATOR HABITAT AND FORAGE ON**
10 **TRANSPORTATION RIGHTS-OF-WAY.**

11 (a) IN GENERAL.—Section 319 of title 23, United
12 States Code, is amended—

13 (1) in subsection (a), by inserting “(including
14 the enhancement of habitat and forage for polli-
15 nators)” before “adjacent”; and

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

17 “(c) ENCOURAGEMENT OF POLLINATOR HABITAT
18 AND FORAGE DEVELOPMENT AND PROTECTION ON
19 TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any
20 program administered by the Secretary under this title,
21 the Secretary shall, in conjunction with willing States, as
22 appropriate—

23 “(1) encourage integrated vegetation manage-
24 ment practices on roadsides and other transportation
25 rights-of-way, including reduced mowing; and

1 “(2) encourage the development of habitat and
2 forage for Monarch butterflies, other native polli-
3 nators, and honey bees through plantings of native
4 forbs and grasses, including noninvasive, native
5 milkweed species that can serve as migratory way
6 stations for butterflies and facilitate migrations of
7 other pollinators.”.

8 (b) PROVISION OF HABITAT, FORAGE, AND MIGRA-
9 TORY WAY STATIONS FOR MONARCH BUTTERFLIES,
10 OTHER NATIVE POLLINATORS, AND HONEY BEES.—Sec-
11 tion 329(a)(1) of title 23, United States Code, is amended
12 by inserting “provision of habitat, forage, and migratory
13 way stations for Monarch butterflies, other native polli-
14 nators, and honey bees,” before “and aesthetic enhance-
15 ment”.

16 **SEC. 15005. STUDY ON PERFORMANCE OF BRIDGES.**

17 (a) IN GENERAL.—Subject to subsection (c), the Ad-
18 ministrators of the Federal Highway Administration (re-
19 ferred to in this section as the “Administrator”) shall
20 commission the Transportation Research Board of the Na-
21 tional Academy of Sciences to conduct a study on the per-
22 formance of bridges that received funding under the inno-
23 vative bridge research and construction program (referred
24 to in this section as the “program”) under section 503(b)
25 of title 23, United States Code (as in effect on the day

1 before the date of enactment of SAFETEA-LU (Public
2 Law 109-59; 119 Stat. 1144)) in meeting the goals of
3 that program, which included—

4 (1) the development of new, cost-effective inno-
5 vative material highway bridge applications;

6 (2) the reduction of maintenance costs and
7 lifecycle costs of bridges, including the costs of new
8 construction, replacement, or rehabilitation of defi-
9 cient bridges;

10 (3) the development of construction techniques
11 to increase safety and reduce construction time and
12 traffic congestion;

13 (4) the development of engineering design cri-
14 teria for innovative products and materials for use
15 in highway bridges and structures;

16 (5) the development of cost-effective and inno-
17 vative techniques to separate vehicle and pedestrian
18 traffic from railroad traffic;

19 (6) the development of highway bridges and
20 structures that will withstand natural disasters, in-
21 cluding alternative processes for the seismic retrofit
22 of bridges; and

23 (7) the development of new nondestructive
24 bridge evaluation technologies and techniques.

1 (b) CONTENTS.—The study commissioned under sub-
2 section (a) shall include—

3 (1) an analysis of the performance of bridges
4 that received funding under the program in meeting
5 the goals described in paragraphs (1) through (7) of
6 subsection (a);

7 (2) an analysis of the utility, compared to con-
8 ventional materials and technologies, of each of the
9 innovative materials and technologies used in
10 projects for bridges under the program in meeting
11 the needs of the United States in 2015 and in the
12 future for a sustainable and low lifecycle cost trans-
13 portation system;

14 (3) recommendations to Congress on how the
15 installed and lifecycle costs of bridges could be re-
16 duced through the use of innovative materials and
17 technologies, including, as appropriate, any changes
18 in the design and construction of bridges needed to
19 maximize the cost reductions; and

20 (4) a summary of any additional research that
21 may be needed to further evaluate innovative ap-
22 proaches to reducing the installed and lifecycle costs
23 of highway bridges.

24 (c) PUBLIC COMMENT.—Before commissioning the
25 study under subsection (a), the Administrator shall pro-

1 vide an opportunity for public comment on the study pro-
2 posal.

3 (d) DATA FROM STATES.—Each State that received
4 funds under the program shall provide to the Transpor-
5 tation Research Board any relevant data needed to carry
6 out the study commissioned under subsection (a).

7 (e) DEADLINE.—The Administrator shall submit to
8 Congress the study commissioned under subsection (a) not
9 later than 3 years after the date of enactment of this Act.

10 **SEC. 15006. SPORT FISH RESTORATION AND REC-**
11 **REATIONAL BOATING SAFETY.**

12 Section 4 of the Dingell-Johnson Sport Fish Restora-
13 tion Act (16 U.S.C. 777c), as amended by section 73103,
14 is amended—

15 (1) in subsection (a), in the matter preceding
16 paragraph (1) by striking “2015” and inserting
17 “2021”; and

18 (2) in subsection (b)(1)(A) by striking “2015”
19 and inserting “2021”.

1 **DIVISION B—PUBLIC**
2 **TRANSPORTATION**
3 **TITLE XXI—FEDERAL PUBLIC**
4 **TRANSPORTATION ACT**

5 **SEC. 21001. SHORT TITLE.**

6 This title may be cited as the “Federal Public Trans-
7 portation Act of 2015”.

8 **SEC. 21002. DEFINITIONS.**

9 Section 5302 of title 49, United States Code, is
10 amended—

11 (1) in paragraph (1)(E), by striking “bicycle
12 storage facilities and installing equipment” and in-
13 serting “bicycle storage shelters and parking facili-
14 ties and the installation of equipment”;

15 (2) in paragraph (3)—

16 (A) by striking subparagraph (F) and in-
17 serting the following:

18 “(F) leasing equipment or a facility for use
19 in public transportation;”;

20 (B) in subparagraph (G)—

21 (i) in clause (iv), by adding “and” at
22 the end;

23 (ii) in clause (v), by striking “and” at
24 the end; and

25 (iii) by striking clause (vi);

1 (C) in subparagraph (K), by striking “or”
2 at the end;

3 (D) in subparagraph (L), by striking the
4 period at the end and inserting a semicolon;
5 and

6 (E) by adding at the end the following:

7 “(M) associated transit improvements; or

8 “(N) technological changes or innovations
9 to modify low or no emission vehicles (as de-
10 fined in section 5339(c)) or facilities.”; and

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

12 “(24) VALUE CAPTURE.—The term ‘value cap-
13 ture’ means recovering the increased value to prop-
14 erty located near public transportation resulting
15 from investments in public transportation.”.

16 **SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.**

17 Section 5303 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a)(1), by inserting “resilient”
20 after “development of”;

21 (2) in subsection (c)(2), by striking “and bicy-
22 cle transportation facilities” and inserting “, bicycle
23 transportation facilities, intermodal facilities that
24 support intercity transportation, including intercity

1 buses and intercity bus facilities, and commuter van-
2 pool providers”;

3 (3) in subsection (d)—

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

7 (B) by inserting after paragraph (2) the
8 following:

9 “(3) REPRESENTATION.—

10 “(A) IN GENERAL.—Designation or selec-
11 tion of officials or representatives under para-
12 graph (2) shall be determined by the metropoli-
13 tan planning organization according to the by-
14 laws or enabling statute of the organization.

15 “(B) PUBLIC TRANSPORTATION REP-
16 RESENTATIVE.—Subject to the bylaws or ena-
17 bling statute of the metropolitan planning orga-
18 nization, a representative of a provider of public
19 transportation may also serve as a representa-
20 tive of a local municipality.

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

1 with other officials described in paragraph
2 (2)(B).”; and

3 (C) in paragraph (5), as so redesignated,
4 by striking “paragraph (5)” and inserting
5 “paragraph (6)”;

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

8 (5) in subsection (g)(3)(A), by inserting “nat-
9 ural disaster risk reduction,” after “environmental
10 protection,”;

11 (6) in subsection (h)(1)—

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

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

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

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

19 (7) in subsection (i)—

20 (A) in paragraph (2)—

21 (i) in subparagraph (A)(i), by striking
22 “transit” and inserting “public transpor-
23 tation facilities, intercity bus facilities”;

24 (ii) in subparagraph (G)—

1 (I) by striking “and provide” and
2 inserting “, provide”; and

3 (II) by inserting before the pe-
4 riod at the end the following: “, and
5 reduce vulnerability due to natural
6 disasters of the existing transpor-
7 tation infrastructure”; and

8 (iii) in subparagraph (H), by inserting
9 before the period at the end the following:
10 “, including consideration of the role that
11 intercity buses may play in reducing con-
12 gestion, pollution, and energy consumption
13 in a cost-effective manner and strategies
14 and investments that preserve and enhance
15 intercity bus systems, including systems
16 that are privately owned and operated”;

17 (B) in paragraph (6)(A)—

18 (i) by inserting “public ports,” before
19 “freight shippers”; and

20 (ii) by inserting “(including intercity
21 bus operators and commuter vanpool pro-
22 viders)” after “private providers of trans-
23 portation”; and

1 (C) in paragraph (8), by striking “para-
2 graph (2)(C)” each place that term appears and
3 inserting “paragraph (2)(E)”;

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

6 (9) in subsection (k)—

7 (A) by striking paragraph (3); and

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

10 (10) in subsection (l)—

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

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

16 (11) by striking subsection (n);

17 (12) by redesignating subsections (o), (p), and
18 (q) as subsections (n), (o), and (p), respectively;

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

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

24 “(q) TREATMENT OF LAKE TAHOE REGION.—

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

6 “(2) TREATMENT.—For purposes 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 com-
12 prised of—

13 “(i) a population of 145,000 and 25
14 square miles of land area in the State of
15 California; and

16 “(ii) a population of 65,000 and 12
17 square miles of land area in the State of
18 Nevada.”.

19 **SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 (a) IN GENERAL.—Section 5304 of title 49, United
22 States Code, is amended—

23 (1) in subsection (a)(2), by striking “and bicy-
24 cle transportation facilities” and inserting “, bicycle
25 transportation facilities, intermodal facilities that

1 support intercity transportation, including intercity
2 buses and intercity bus facilities, and commuter van-
3 pool providers”;

4 (2) in subsection (d)—

5 (A) in paragraph (1)—

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

8 (ii) in subparagraph (H), by striking
9 the period at the end and inserting “;
10 and”; and

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

13 “(I) improve the resilience and reliability
14 of the transportation system.”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (B)(ii), by strik-
17 ing “urbanized areas with a population of
18 fewer than 200,000 individuals, as cal-
19 culated according to the most recent de-
20 cennial census, and” and inserting
21 “areas”; and

22 (ii) in subparagraph (C)—

23 (I) by striking “title 23” and in-
24 serting “this chapter”; and

1 (II) by striking “urbanized areas
2 with a population of fewer than
3 200,000 individuals, as calculated ac-
4 cording to the most recent decennial
5 census, and” and inserting “areas”;

6 (3) in subsection (e)(1)—

7 (A) by striking “In” and inserting “In”;

8 and

9 (B) by striking “subsection (l)” and insert-
10 ing “subsection (k)”;

11 (4) in subsection (f)—

12 (A) in paragraph (2)(B)(i), by striking
13 “subsection (l)” and inserting “subsection (k)”;

14 (B) in paragraph (3)(A)—

15 (i) in clause (i), by striking “sub-
16 section (l)” and inserting “subsection (k)”;

17 and

18 (ii) in clause (ii), by inserting “(in-
19 cluding intercity bus operators and com-
20 muter vanpool providers)” after “private
21 providers of transportation”;

22 (C) in paragraph (7), in the matter pre-
23 ceding subparagraph (A), by striking “should”
24 and inserting “shall”; and

1 (D) in paragraph (8), by inserting “, in-
2 cluding consideration of the role that intercity
3 buses may play in reducing congestion, pollu-
4 tion, and energy consumption in a cost-effective
5 manner and strategies and investments that
6 preserve and enhance intercity bus systems, in-
7 cluding systems that are privately owned and
8 operated” before the period at the end;

9 (5) in subsection (g)—

10 (A) in paragraph (2)(B)(i), by striking
11 “subsection (l)” and inserting “subsection (k)”;

12 (B) in paragraph (3)—

13 (i) by inserting “public ports,” before
14 “freight shippers”; and

15 (ii) by inserting “(including intercity
16 bus operators)” after “private providers of
17 transportation”; and

18 (C) in paragraph (6)(A), by striking “sub-
19 section (l)” and inserting “subsection (k)”;

20 (6) by striking subsection (i); and

21 (7) by redesignating subsections (j), (k), and (l)
22 as subsections (i), (j), and (k), respectively.

23 (b) CONFORMING AMENDMENT.—Section 5303(b)(5)
24 of title 49, United States Code, is amended by striking
25 “section 5304(l)” and inserting “section 5304(k)”.

1 **SEC. 21005. URBANIZED AREA FORMULA GRANTS.**

2 Section 5307 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), by inserting “or gen-
6 eral public demand response service” before
7 “during” each place that term appears; and

8 (B) by adding at the end the following:

9 “(3) EXCEPTION TO SPECIAL RULE.—Notwith-
10 standing paragraph (2), if a public transportation
11 system described in that paragraph executes a writ-
12 ten agreement with 1 or more other public transpor-
13 tation systems within the urbanized area to allocate
14 funds for the purposes described in that paragraph
15 by a method other than by measuring vehicle rev-
16 enue hours, each public transportation system that
17 is a party to the written agreement may follow the
18 terms of the written agreement without regard to
19 measured vehicle revenue hours referred to in that
20 paragraph.

21 “(4) TEMPORARY AND TARGETED ASSIST-
22 ANCE.—

23 “(A) ELIGIBILITY.—The Secretary may
24 make a grant under this section to finance the
25 operating cost of equipment and facilities to a

1 recipient for use in public transportation in an
2 area that the Secretary determines has—

3 “(i) a population of not fewer than
4 200,000 individuals, as determined by the
5 Bureau of the Census; and

6 “(ii) a 3-month unemployment rate,
7 as reported by the Bureau of Labor Statis-
8 tics, that is—

9 “(I) greater than 7 percent; and

10 “(II) at least 2 percentage points
11 greater than the lowest 3-month un-
12 employment rate for the area during
13 the 5-year period preceding the date
14 of the determination.

15 “(B) AWARD OF GRANT.—

16 “(i) IN GENERAL.—Except as other-
17 wise provided in this subparagraph, the
18 Secretary may make a grant under this
19 paragraph for not more than 2 consecutive
20 fiscal years.

21 “(ii) ADDITIONAL YEAR.—If, at the
22 end of the second fiscal year following the
23 date on which the Secretary makes a de-
24 termination under subparagraph (A) with
25 respect to an area, the Secretary deter-

1 mines that the 3-month unemployment
2 rate for the area is at least 2 percentage
3 points greater than the unemployment rate
4 for the area at the time the Secretary
5 made the determination under subpara-
6 graph (A), the Secretary may make a
7 grant to a recipient in the area for 1 addi-
8 tional consecutive fiscal year.

9 “(iii) EXCLUSION PERIOD.—Begin-
10 ning on the last day of the last consecutive
11 fiscal year for which a recipient receives a
12 grant under this paragraph, the Secretary
13 may not make a subsequent grant under
14 this paragraph to the recipient for a num-
15 ber of fiscal years equal to the number of
16 consecutive fiscal years in which the recipi-
17 ent received a grant under this paragraph.

18 “(C) LIMITATION.—

19 “(i) FIRST FISCAL YEAR.—For the
20 first fiscal year following the date on which
21 the Secretary makes a determination under
22 subparagraph (A) with respect to an area,
23 not more than 25 percent of the amount
24 apportioned to a designated recipient
25 under section 5336 for the fiscal year shall

1 be available for operating assistance for
2 the area.

3 “(ii) SECOND AND THIRD FISCAL
4 YEARS.—For the second and third fiscal
5 years following the date on which the Sec-
6 retary makes a determination under sub-
7 paragraph (A) with respect to an area, not
8 more than 20 percent of the amount ap-
9 portioned to a designated recipient under
10 section 5336 for the fiscal year shall be
11 available for operating assistance for the
12 area.

13 “(D) PERIOD OF AVAILABILITY FOR OPER-
14 ATING ASSISTANCE.—Operating assistance
15 awarded under this paragraph shall be available
16 for expenditure to a recipient in an area until
17 the end of the second fiscal year following the
18 date on which the Secretary makes a deter-
19 mination under subparagraph (A) with respect
20 to the area, after which time any unexpended
21 funds shall be available to the recipient for
22 other eligible activities under this section.

23 “(E) CERTIFICATION.—The Secretary may
24 make a grant for operating assistance under

1 this paragraph for a fiscal year only if the re-
2 ipient certifies that—

3 “(i) the recipient will maintain public
4 transportation service levels at or above
5 the current service level, which shall be
6 demonstrated by providing an equal or
7 greater number of vehicle hours of service
8 in the fiscal year than the number of vehi-
9 cle hours of service provided in the pre-
10 ceding fiscal year;

11 “(ii) any non-Federal entity that pro-
12 vides funding to the recipient, including a
13 State or local governmental entity, will
14 maintain the tax rate or rate of allocations
15 dedicated to public transportation at or
16 above the rate for the preceding fiscal
17 year;

18 “(iii) the recipient has allocated the
19 maximum amount of funding under this
20 section for preventive maintenance costs el-
21 igible as a capital expense necessary to
22 maintain the level and quality of service
23 provided in the preceding fiscal year; and

24 “(iv) the recipient will not use funding
25 under this section for new capital assets

1 except as necessary for the existing system
2 to maintain or achieve a state of good re-
3 pair, assure safety, or replace obsolete
4 technology.”; and

5 (2) in subsection (c)(1)—

6 (A) in subparagraph (C), by inserting “in
7 a state of good repair” after “equipment and
8 facilities”;

9 (B) in subparagraph (J), by adding “and”
10 at the end;

11 (C) by striking subparagraph (K); and

12 (D) by redesignating subparagraph (L) as
13 subparagraph (K).

14 **SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT**
15 **GRANTS.**

16 (a) IN GENERAL.—Section 5309 of title 49, United
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (3), by striking “and
20 weekend days”;

21 (B) in paragraph (6)—

22 (i) in subparagraph (A), by inserting
23 “, small start projects,” after “new fixed
24 guideway capital projects”; and

1 (ii) by striking subparagraph (B) and
2 inserting the following:

3 “(B) 2 or more projects that are any com-
4 bination of new fixed guideway capital projects,
5 small start projects, and core capacity improve-
6 ment projects.”; and

7 (C) in paragraph (7)—

8 (i) in subparagraph (A), by striking
9 “\$75,000,000” and inserting
10 “\$100,000,000”; and

11 (ii) in subparagraph (B), by striking
12 “\$250,000,000” and inserting
13 “\$300,000,000”;

14 (2) in subsection (d)—

15 (A) in paragraph (1)(B), by striking “,
16 policies and land use patterns that promote
17 public transportation,”; and

18 (B) in paragraph (2)(A)—

19 (i) in clause (iii), by adding “and” at
20 the end;

21 (ii) by striking clause (iv); and

22 (iii) by redesignating clause (v) as
23 clause (iv);

1 (3) in subsection (g)(2)(A)(i), by striking “, the
2 policies and land use patterns that support public
3 transportation,”;

4 (4) in subsection (i)—

5 (A) in paragraph (1), by striking “sub-
6 section (d) or (e)” and inserting “subsection
7 (d), (e), or (h)”;

8 (B) in paragraph (2)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “new fixed guide-
11 way capital project or core capacity im-
12 provement” after “federally funded”;

13 (ii) by striking subparagraph (D) and
14 inserting the following:

15 “(D) the program of interrelated projects,
16 when evaluated as a whole—

17 “(i) meets the requirements of sub-
18 section (d)(2), subsection (e)(2), or para-
19 graphs (3) and (4) of subsection (h), as
20 applicable, if the program is comprised en-
21 tirely of—

22 “(I) new fixed guideway capital
23 projects;

24 “(II) core capacity improvement
25 projects; or

1 “(III) small start projects; or

2 “(ii) meets the requirements of sub-
3 section (d)(2) if the program is comprised
4 of any combination of new fixed guideway
5 projects, small start projects, and core ca-
6 pacity improvement projects;”; and

7 (iii) in subparagraph (F), by inserting
8 “or (h)(5), as applicable” after “subsection
9 (f)”; and

10 (C) in paragraph (3), by striking subpara-
11 graph (A) and inserting the following:

12 “(A) PROJECT ADVANCEMENT.—A project
13 receiving a grant under this section that is part
14 of a program of interrelated projects may not
15 advance—

16 “(i) in the case of a small start
17 project, from the project development
18 phase to the construction phase unless the
19 Secretary determines that the program of
20 interrelated projects meets the applicable
21 requirements of this section and there is a
22 reasonable likelihood that the program will
23 continue to meet such requirements; or

24 “(ii) in the case of a new fixed guide-
25 way capital project or a core capacity im-

1 provement project, from the project devel-
2 opment phase to the engineering phase, or
3 from the engineering phase to the con-
4 struction phase, unless the Secretary deter-
5 mines that the program of interrelated
6 projects meets the applicable requirements
7 of this section and there is a reasonable
8 likelihood that the program will continue to
9 meet such requirements.”; and

10 (5) by adding at the end the following:

11 “(p) JOINT PUBLIC TRANSPORTATION AND INTER-
12 CITY PASSENGER RAIL PROJECTS.—

13 “(1) IN GENERAL.—The Secretary may make
14 grants for new fixed guideway capital projects and
15 core capacity improvement projects that provide both
16 public transportation and intercity passenger rail
17 service.

18 “(2) ELIGIBLE COSTS.—Eligible costs for a
19 project under this subsection shall be limited to the
20 net capital costs of the public transportation costs
21 attributable to the project based on projected use of
22 the new segment or expanded capacity of the project
23 corridor, not including project elements designed to
24 achieve or maintain a state of good repair, as deter-
25 mined by the Secretary under paragraph (4).

1 “(3) PROJECT JUSTIFICATION AND LOCAL FI-
2 NANCIAL COMMITMENT.—A project under this sub-
3 section shall be evaluated for project justification
4 and local financial commitment under subsections
5 (d), (e), (f), and (h), as applicable to the project,
6 based on—

7 “(A) the net capital costs of the public
8 transportation costs attributable to the project
9 as determined under paragraph (4); and

10 “(B) the share of funds dedicated to the
11 project from sources other than this section in-
12 cluded in the unified finance plan for the
13 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 fa-
20 cilities; 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
3 net capital cost attributable to the public trans-
4 portation costs of a project under this sub-
5 section as 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
9 under this subsection shall be provided from an
10 undistributed cash surplus, a replacement or
11 depreciation cash fund or reserve, or new cap-
12 ital.”.

13 (b) EXPEDITED PROJECT DELIVERY FOR CAPITAL
14 INVESTMENT GRANTS PILOT PROGRAM.—

15 (1) DEFINITIONS.—In this subsection, the fol-
16 lowing definitions shall apply:

17 (A) APPLICANT.—The term “applicant”
18 means a State or local governmental authority
19 that applies for a grant under this subsection.

20 (B) CAPITAL PROJECT; FIXED GUIDEWAY;
21 LOCAL GOVERNMENTAL AUTHORITY; PUBLIC
22 TRANSPORTATION; STATE; STATE OF GOOD RE-
23 PAIR.—The terms “capital project”, “fixed
24 guideway”, “local governmental authority”,
25 “public transportation”, “State”, and “state of

1 good repair” have the meanings given those
2 terms in section 5302 of title 49, United States
3 Code.

4 (C) CORE CAPACITY IMPROVEMENT
5 PROJECT.—The term “core capacity improve-
6 ment project”—

7 (i) means a substantial corridor-based
8 capital investment in an existing fixed
9 guideway system that increases the capac-
10 ity of a corridor by not less than 10 per-
11 cent; and

12 (ii) may include project elements de-
13 signed to aid the existing fixed guideway
14 system in making substantial progress to-
15 wards achieving a state of good repair.

16 (D) CORRIDOR-BASED BUS RAPID TRANSIT
17 PROJECT.—The term “corridor-based bus rapid
18 transit project” means a small start project uti-
19 lizing buses in which the project represents a
20 substantial investment in a defined corridor as
21 demonstrated by features that emulate the serv-
22 ices provided by rail fixed guideway public
23 transportation systems—

24 (i) including—

25 (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
5 weekdays; 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 “eligi-
14 ble 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
17 a full funding grant agreement with the Federal
18 Transit Administration before the date of en-
19 actment 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
24 project operates in a separated right-of-

1 way dedicated for public transportation use
2 during 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
15 weekdays 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 serv-
20 ices provided by rail fixed guideway
21 public 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 seg-
6 ment or an extension to an existing bus
7 rapid 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
23 local governmental authorities to assist in financ-
24 ing—

1 (A) new fixed guideway capital projects or
2 small start projects, including the acquisition of
3 real property, the initial acquisition of rolling
4 stock for the system, the acquisition of rights-
5 of-way, and relocation, for projects in the ad-
6 vanced stages of planning and design; and

7 (B) core capacity improvement projects, in-
8 cluding the acquisition of real property, the ac-
9 quisition of rights-of-way, double tracking, sig-
10 nalization improvements, electrification, expand-
11 ing system platforms, acquisition of rolling
12 stock associated with corridor improvements in-
13 creasing capacity, construction of infill stations,
14 and such other capacity improvement projects
15 as the Secretary determines are appropriate to
16 increase the capacity of an existing fixed guide-
17 way system corridor by not less than 10 per-
18 cent. Core capacity improvement projects do
19 not include elements to improve general station
20 facilities or parking, or acquisition of rolling
21 stock alone.

22 (3) GRANT REQUIREMENTS.—

23 (A) IN GENERAL.—The Secretary may
24 make not more than 10 grants under this sub-

1 section for an eligible project if the Secretary
2 determines that—

3 (i) the eligible project is part of an
4 approved transportation plan required
5 under sections 5303 and 5304 of title 49,
6 United States Code;

7 (ii) the applicant has, or will have—

8 (I) the legal, financial, and tech-
9 nical capacity to carry out the eligible
10 project, including the safety and secu-
11 rity aspects of the eligible project;

12 (II) satisfactory continuing con-
13 trol over the use of the equipment or
14 facilities;

15 (III) the technical and financial
16 capacity to maintain new and existing
17 equipment and facilities; and

18 (IV) advisors providing guidance
19 to the applicant on the terms and
20 structure of the project that are inde-
21 pendent from investors in the project;

22 (iii) the eligible project is supported,
23 or will be supported, in part, through a
24 public-private partnership, provided such
25 support is determined by local policies, cri-

1 teria, and decisionmaking under section
2 5306(a) of title 49, United States Code;

3 (iv) the eligible project is justified
4 based on findings presented by the project
5 sponsor to the Secretary, including—

6 (I) mobility improvements attrib-
7 utable to the project;

8 (II) environmental benefits asso-
9 ciated with the project;

10 (III) congestion relief associated
11 with the project;

12 (IV) economic development ef-
13 fects derived as a result of the project;
14 and

15 (V) estimated ridership projec-
16 tions; and

17 (v) the eligible project is supported by
18 an acceptable degree of local financial com-
19 mitment (including evidence of stable and
20 dependable financing sources).

21 (B) CERTIFICATION.—An applicant that
22 has submitted the certifications required under
23 subparagraphs (A), (B), (C), and (H) of section
24 5307(c)(1) of title 49, United States Code, shall
25 be deemed to have provided sufficient informa-

1 tion upon which the Secretary may make the
2 determinations required under this paragraph.

3 (C) TECHNICAL CAPACITY.—The Secretary
4 shall use an expedited technical capacity review
5 process for applicants that have recently and
6 successfully completed not less than 1 new fixed
7 guideway capital project, small start project, or
8 core capacity improvement project, if—

9 (i) the applicant achieved budget,
10 cost, and ridership outcomes for the
11 project that are consistent with or better
12 than projections; and

13 (ii) the applicant demonstrates that
14 the applicant continues to have the staff
15 expertise and other resources necessary to
16 implement a new project.

17 (D) FINANCIAL COMMITMENT.—

18 (i) REQUIREMENTS.—In determining
19 whether an eligible project is supported by
20 an acceptable degree of local financial com-
21 mitment and shows evidence of stable and
22 dependable financing sources for purposes
23 of subparagraph (A)(v), the Secretary shall
24 require that—

1 (I) each proposed source of cap-
2 ital and operating financing is stable,
3 reliable, and available within the pro-
4 posed eligible project timetable; and

5 (II) resources are available to re-
6 capitalize, maintain, and operate the
7 overall existing and proposed public
8 transportation system, including es-
9 sential feeder bus and other services
10 necessary, without degradation to the
11 existing level of public transportation
12 services.

13 (ii) CONSIDERATIONS.—In assessing
14 the stability, reliability, and availability of
15 proposed sources of financing under clause
16 (i), the Secretary shall consider—

17 (I) the reliability of the fore-
18 casting methods used to estimate
19 costs and revenues made by the appli-
20 cant and the contractors to the appli-
21 cant;

22 (II) existing grant commitments;

23 (III) the degree to which financ-
24 ing sources are dedicated to the pro-
25 posed eligible project;

1 (IV) any debt obligation that ex-
2 ists or is proposed by the applicant,
3 for the proposed eligible project or
4 other public transportation purpose;
5 and

6 (V) private contributions to the
7 eligible project, including cost-effective
8 project delivery, management or
9 transfer of project risks, expedited
10 project schedule, financial partnering,
11 and other public-private partnership
12 strategies.

13 (E) LABOR STANDARDS.—The require-
14 ments under section 5333 of title 49, United
15 States Code, shall apply to each recipient of a
16 grant under this subsection.

17 (4) PROJECT ADVANCEMENT.—An applicant
18 that desires a grant under this subsection and meets
19 the requirements of paragraph (3) shall submit to
20 the Secretary, and the Secretary shall approve for
21 advancement, a grant request that contains—

22 (A) identification of an eligible project;

23 (B) a schedule and finance plan for the
24 construction and operation of the eligible
25 project;

1 (C) an analysis of the efficiencies of the
2 proposed eligible project development and deliv-
3 ery methods and innovative financing arrange-
4 ment for the eligible project, including any doc-
5 uments related to the—

6 (i) public-private partnership required
7 under paragraph (3)(A)(iii); and

8 (ii) project justification required
9 under paragraph (3)(A)(iv); and

10 (D) a certification that the existing public
11 transportation system of the applicant or, in the
12 event that the applicant does not operate a pub-
13 lic transportation system, the public transpor-
14 tation system to which the proposed project will
15 be attached, is in a state of good repair.

16 (5) WRITTEN NOTICE FROM THE SECRETARY.—

17 (A) IN GENERAL.—Not later than 120
18 days after the date on which the Secretary re-
19 ceives a grant request of an applicant under
20 paragraph (4), the Secretary shall provide writ-
21 ten notice to the applicant—

22 (i) of approval of the grant request; or

23 (ii) if the grant request does not meet
24 the requirements under paragraph (4), of
25 disapproval of the grant request, including

1 a detailed explanation of the reasons for
2 the disapproval.

3 (B) CONCURRENT NOTICE.—The Secretary
4 shall provide concurrent notice of an approval
5 or disapproval of a grant request under sub-
6 paragraph (A) to the Committee on Banking,
7 Housing, and Urban Affairs of the Senate and
8 the Committee on Transportation and Infra-
9 structure of the House of Representatives.

10 (6) WAIVER.—The Secretary may grant a waiv-
11 er to an applicant that does not comply with para-
12 graph (4)(D) if—

13 (A) the eligible project meets the definition
14 of a core capacity improvement project; and

15 (B) the Secretary certifies that the eligible
16 project will allow the applicant to make sub-
17 stantial progress in achieving a state of good
18 repair.

19 (7) SELECTION CRITERIA.—The Secretary may
20 enter into a full funding grant agreement with an
21 applicant under this subsection for an eligible
22 project for which an application has been submitted
23 and approved for advancement by the Secretary
24 under paragraph (4), only if the applicant has com-
25 pleted the planning and activities required under the

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

3 (8) LETTERS OF INTENT AND FULL FUNDING
4 GRANT AGREEMENTS.—

5 (A) LETTERS OF INTENT.—

6 (i) AMOUNTS INTENDED TO BE OBLI-
7 GATED.—The Secretary may issue a letter
8 of intent to an applicant announcing an in-
9 tention to obligate, for an eligible project
10 under this subsection, an amount from fu-
11 ture available budget authority specified in
12 law that is not more than the amount stip-
13 ulated as the financial participation of the
14 Secretary in the eligible project. When a
15 letter is issued for an eligible project under
16 this subsection, the amount shall be suffi-
17 cient to complete at least an operable seg-
18 ment.

19 (ii) TREATMENT.—The issuance of a
20 letter under clause (i) is deemed not to be
21 an obligation under section 1108(c), 1501,
22 or 1502(a) of title 31, United States Code,
23 or an administrative commitment.

24 (B) FULL FUNDING GRANT AGREE-
25 MENTS.—

1 (i) IN GENERAL.—Except as provided
2 in clause (v), an eligible project shall be
3 carried out under this subsection through
4 a full funding grant agreement.

5 (ii) CRITERIA.—The Secretary shall
6 enter into a full funding grant agreement,
7 based the requirements of this subpara-
8 graph, with each applicant receiving assist-
9 ance for an eligible project that has re-
10 ceived a written notice of approval under
11 paragraph (5)(A)(i).

12 (iii) TERMS.—A full funding grant
13 agreement shall—

14 (I) establish the terms of partici-
15 pation by the Federal Government in
16 the eligible project;

17 (II) establish the maximum
18 amount of Federal financial assistance
19 for the eligible project;

20 (III) include the period of time
21 for completing construction of the eli-
22 gible project, consistent with the
23 terms of the public-private partner-
24 ship agreement, even if that period ex-

1 tends beyond the period of an author-
2 ization; and

3 (IV) make timely and efficient
4 management of the eligible project
5 easier according to the law of the
6 United States.

7 (iv) SPECIAL FINANCIAL RULES.—

8 (I) IN GENERAL.—A full funding
9 grant agreement under this subpara-
10 graph obligates an amount of avail-
11 able budget authority specified in law
12 and may include a commitment, con-
13 tingent on amounts to be specified in
14 law in advance for commitments
15 under this subparagraph, to obligate
16 an additional amount from future
17 available budget authority specified in
18 law.

19 (II) STATEMENT OF CONTINGENT
20 COMMITMENT.—A full funding grant
21 agreement shall state that the contin-
22 gent commitment is not an obligation
23 of the Federal Government.

24 (III) INTEREST AND OTHER FI-
25 NANCING COSTS.—Interest and other

1 financing costs of efficiently carrying
2 out a part of the eligible project with-
3 in a reasonable time are a cost of car-
4 rying out the eligible project under a
5 full funding grant agreement, except
6 that eligible costs may not be more
7 than the cost of the most favorable fi-
8 nancing terms reasonably available for
9 the eligible project at the time of bor-
10 rowing. The applicant shall certify, in
11 a way satisfactory to the Secretary,
12 that the applicant has shown reason-
13 able diligence in seeking the most fa-
14 vorable financing terms.

15 (IV) COMPLETION OF OPERABLE
16 SEGMENT.—The amount stipulated in
17 an agreement under this subpara-
18 graph for a new fixed guideway cap-
19 ital project, core capacity improve-
20 ment project, or small start project
21 shall be sufficient to complete at least
22 an operable segment.

23 (v) EXCEPTION.—

24 (I) IN GENERAL.—The Secretary,
25 to the maximum extent practicable,

1 shall provide Federal assistance under
2 this subsection for a small start
3 project in a single grant. If the Sec-
4 retary cannot provide such a single
5 grant, the Secretary may execute an
6 expedited grant agreement in order to
7 include a commitment on the part of
8 the Secretary to provide funding for
9 the project in future fiscal years.

10 (II) TERMS OF EXPEDITED
11 GRANT AGREEMENTS.—In executing
12 an expedited grant agreement under
13 this clause, the Secretary may include
14 in the agreement terms similar to
15 those established under clause (iii).

16 (C) LIMITATION ON AMOUNTS.—

17 (i) IN GENERAL.—The Secretary may
18 enter into full funding grant agreements
19 under this paragraph for eligible projects
20 that contain contingent commitments to
21 incur obligations in such amounts as the
22 Secretary determines are appropriate.

23 (ii) APPROPRIATION REQUIRED.—An
24 obligation may be made under this para-

1 graph only when amounts are appropriated
2 for obligation.

3 (D) NOTIFICATION TO CONGRESS.—

4 (i) IN GENERAL.—Not later than 30
5 days before the date on which the Sec-
6 retary issues a letter of intent or enters
7 into a full funding grant agreement for an
8 eligible project under this paragraph, the
9 Secretary shall notify, in writing, the Com-
10 mittee on Banking, Housing, and Urban
11 Affairs and the Committee on Appropria-
12 tions of the Senate and the Committee on
13 Transportation and Infrastructure and the
14 Committee on Appropriations of the House
15 of Representatives of the proposed letter of
16 intent or full funding grant agreement.

17 (ii) CONTENTS.—The written notifica-
18 tion under clause (i) shall include a copy of
19 the proposed letter of intent or full funding
20 grant agreement for the eligible project.

21 (9) GOVERNMENT SHARE OF NET CAPITAL
22 PROJECT COST.—

23 (A) IN GENERAL.—A grant for an eligible
24 project shall not exceed 25 percent of the net
25 capital project cost.

1 (B) REMAINDER OF NET CAPITAL
2 PROJECT COST.—The remainder of the net cap-
3 ital project cost shall be provided from an un-
4 distributed cash surplus, a replacement or de-
5 preciation cash fund or reserve, or new capital.

6 (C) LIMITATION ON STATUTORY CON-
7 STRUCTION.—Nothing in this subsection shall
8 be construed as authorizing the Secretary to re-
9 quire a non-Federal financial commitment for a
10 project that is more than 75 percent of the net
11 capital project cost.

12 (D) SPECIAL RULE FOR ROLLING STOCK
13 COSTS.—In addition to amounts allowed pursu-
14 ant to subparagraph (A), a planned extension
15 to a fixed guideway system may include the cost
16 of rolling stock previously purchased if the ap-
17 plicant satisfies the Secretary that only
18 amounts other than amounts provided by the
19 Federal Government were used and that the
20 purchase was made for use on the extension. A
21 refund or reduction of the remainder may be
22 made only if a refund of a proportional amount
23 of the grant of the Federal Government is made
24 at the same time.

1 (E) FAILURE TO CARRY OUT PROJECT.—If
2 an applicant does not carry out an eligible
3 project for reasons within the control of the ap-
4 plicant, the applicant shall repay all Federal
5 funds awarded for the eligible project from all
6 Federal funding sources, for all eligible project
7 activities, facilities, and equipment, plus reason-
8 able interest and penalty charges allowable by
9 law.

10 (F) CREDITING OF FUNDS RECEIVED.—
11 Any funds received by the Federal Government
12 under this paragraph, other than interest and
13 penalty charges, shall be credited to the appro-
14 priation account from which the funds were
15 originally derived.

16 (10) AVAILABILITY OF AMOUNTS.—

17 (A) IN GENERAL.—An amount made avail-
18 able for an eligible project shall remain avail-
19 able to that eligible project for 5 fiscal years,
20 including the fiscal year in which the amount is
21 made available. Any amounts that are unobli-
22 gated to the eligible project at the end of the
23 5-fiscal-year period may be used by the Sec-
24 retary for any purpose under this subsection.

1 (B) USE OF DEOBLIGATED AMOUNTS.—An
2 amount available under this subsection that is
3 deobligated may be used for any purpose under
4 this subsection.

5 (11) ANNUAL REPORT ON EXPEDITED PROJECT
6 DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not
7 later than the first Monday in February of each
8 year, the Secretary shall submit to the Committee
9 on Banking, Housing, and Urban Affairs and the
10 Committee on Appropriations of the Senate and the
11 Committee on Transportation and Infrastructure
12 and the Committee on Appropriations of the House
13 of Representatives a report that includes a proposed
14 amount to be available to finance grants for antici-
15 pated projects under this subsection.

16 (12) BEFORE AND AFTER STUDY AND RE-
17 PORT.—

18 (A) STUDY REQUIRED.—Each recipient
19 shall conduct a study that—

20 (i) describes and analyzes the impacts
21 of the eligible project on public transpor-
22 tation services and public transportation
23 ridership;

24 (ii) describes and analyzes the consist-
25 ency of predicted and actual benefits and

1 costs of the innovative project development
2 and delivery methods or innovative financ-
3 ing for the eligible project; and

4 (iii) identifies reasons for any dif-
5 ferences between predicted and actual out-
6 comes for the eligible project.

7 (B) SUBMISSION OF REPORT.—Not later
8 than 2 years after an eligible project that is se-
9 lected under this subsection begins revenue op-
10 erations, the recipient shall submit to the Sec-
11 retary a report on the results of the study con-
12 ducted under subparagraph (A).

13 (13) RULE OF CONSTRUCTION.—Nothing in
14 this subsection shall be construed to—

15 (A) require the privatization of the oper-
16 ation or maintenance of any project for which
17 an applicant seeks funding under this sub-
18 section;

19 (B) revise the determinations by local poli-
20 cies, criteria, and decisionmaking under section
21 5306(a) of title 49, United States Code;

22 (C) alter the requirements for locally devel-
23 oped, coordinated, and implemented transpor-
24 tation plans under sections 5303 and 5304 of
25 title 49, United States Code; or

1 (D) alter the eligibilities or priorities for
2 assistance under this subsection or section 5309
3 of title 49, United States Code.

4 **SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH**
5 **DISABILITIES.**

6 (a) COORDINATION OF PUBLIC TRANSPORTATION
7 SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL
8 TRANSPORTATION SERVICES.—

9 (1) DEFINITIONS.—In this subsection—

10 (A) the term “allocated cost model” means
11 a method of determining the cost of trips by al-
12 locating the cost to each trip purpose served by
13 a transportation provider in a manner that is
14 proportional to the level of transportation serv-
15 ice that the transportation provider delivers for
16 each trip purpose, to the extent permitted by
17 applicable Federal requirements; and

18 (B) the term “Council” means the Inter-
19 agency Transportation Coordinating Council on
20 Access and Mobility established under Execu-
21 tive Order 13330 (49 U.S.C. 101 note).

22 (2) COORDINATING COUNCIL ON ACCESS AND
23 MOBILITY STRATEGIC PLAN.—Not later than 2 years
24 after the date of enactment of this Act, the Council
25 shall publish a strategic plan for the Council that—

1 (A) outlines the role and responsibilities of
2 each Federal agency with respect to local trans-
3 portation coordination, including non-emergency
4 medical transportation;

5 (B) identifies a strategy to strengthen
6 interagency collaboration;

7 (C) addresses any outstanding rec-
8 ommendations made by the Council in the 2005
9 Report to the President relating to the imple-
10 mentation of Executive Order 13330, includ-
11 ing—

12 (i) a cost-sharing policy endorsed by
13 the Council; and

14 (ii) recommendations to increase par-
15 ticipation by recipients of Federal grants
16 in locally developed, coordinated planning
17 processes; and

18 (D) to the extent feasible, addresses rec-
19 ommendations by the Comptroller General of
20 the United States concerning local coordination
21 of transportation services.

22 (3) DEVELOPMENT OF COST-SHARING POLICY
23 IN COMPLIANCE WITH APPLICABLE FEDERAL RE-
24 QUIREMENTS.—In establishing the cost-sharing pol-

1 icy required under paragraph (2), the Council may
2 consider, to the extent practicable—

3 (A) the development of recommended
4 strategies for grantees of programs funded by
5 members of the Council, including strategies for
6 grantees of programs that fund non-emergency
7 medical transportation, to use the cost-sharing
8 policy in a manner that does not violate applica-
9 ble Federal requirements; and

10 (B) optional incorporation of an allocated
11 cost model to facilitate local coordination efforts
12 that comply with applicable requirements of
13 programs funded by members of the Council,
14 such as—

15 (i) eligibility requirements;

16 (ii) service delivery requirements; and

17 (iii) reimbursement requirements.

18 (b) PILOT PROGRAM FOR INNOVATIVE COORDINATED

19 ACCESS AND MOBILITY.—

20 (1) DEFINITIONS.—In this subsection—

21 (A) the term “eligible project” has the
22 meaning given the term “capital project” in
23 section 5302 of title 49, United States Code;
24 and

1 (B) the term “eligible recipient” means a
2 recipient or subrecipient, as those terms are de-
3 fined in section 5310 of title 49, United States
4 Code.

5 (2) GENERAL AUTHORITY.—The Secretary may
6 make grants under this subsection to eligible recipi-
7 ents to assist in financing innovative projects for the
8 transportation disadvantaged that improve the co-
9 ordination of transportation services and non-emer-
10 gency medical transportation services, including—

11 (A) the deployment of coordination tech-
12 nology;

13 (B) projects that create or increase access
14 to community One-Call/One-Click Centers; and

15 (C) such other projects as determined by
16 the Secretary.

17 (3) APPLICATION.—An eligible recipient shall
18 submit to the Secretary an application that, at a
19 minimum, contains—

20 (A) a detailed description of the eligible
21 project;

22 (B) an identification of all eligible project
23 partners and their specific role in the eligible
24 project, including—

1 (i) private entities engaged in the co-
2 ordination of non-emergency medical trans-
3 portation services for the transportation
4 disadvantaged; or

5 (ii) nonprofit entities engaged in the
6 coordination of non-emergency medical
7 transportation services for the transpor-
8 tation disadvantaged;

9 (C) a description of how the eligible project
10 would—

11 (i) improve local coordination or ac-
12 cess to coordinated transportation services;

13 (ii) reduce duplication of service, if
14 applicable; and

15 (iii) provide innovative solutions in the
16 State or community; and

17 (D) specific performance measures the eli-
18 gible project will use to quantify actual out-
19 comes against expected outcomes.

20 (4) GOVERNMENT SHARE OF COSTS.—

21 (A) IN GENERAL.—The Government share
22 of the cost of an eligible project carried out
23 under this subsection shall not exceed 80 per-
24 cent.

1 (B) NON-GOVERNMENT SHARE.—The non-
2 Government share of the cost of an eligible
3 project carried out under this subsection may
4 be derived from in-kind contributions.

5 (5) RULE OF CONSTRUCTION.—For purposes of
6 this subsection, non-emergency medical transpor-
7 tation services shall be limited to services eligible
8 under Federal programs other than programs au-
9 thorized under chapter 53 of title 49, United States
10 Code.

11 (c) TECHNICAL CORRECTION.—Section 5310(a) of
12 title 49, United States Code, is amended by striking para-
13 graph (1) and inserting the following:

14 “(1) RECIPIENT.—The term ‘recipient’
15 means—

16 “(A) a designated recipient or a State that
17 receives a grant under this section directly; or

18 “(B) a State or local governmental entity
19 that operates a public transportation service.”.

20 **SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.**

21 Section 5311 of title 49, United States Code, is
22 amended—

23 (1) in subsection (c)(1), as amended by division
24 G, by striking subparagraphs (A) and (B) and in-
25 serting the following:

1 “(A) \$5,000,000 for each fiscal year shall
2 be distributed on a competitive basis by the
3 Secretary.

4 “(B) \$30,000,000 for each fiscal year shall
5 be apportioned as formula grants, as provided
6 in subsection (j).”; and

7 (2) in subsection (j)(1)—

8 (A) in subparagraph (A)(iii), by striking
9 “(as defined by the Bureau of the Census)” and
10 inserting “(American Indian Areas, Alaska Na-
11 tive Areas, and Hawaiian Home Lands, as de-
12 fined by the Bureau of the Census)”; and

13 (B) by adding at the end the following:

14 “(E) ALLOCATION BETWEEN MULTIPLE
15 INDIAN TRIBES.—If more than 1 Indian tribe
16 provides public transportation service on tribal
17 lands in a single Tribal Statistical Area, and
18 the Indian tribes do not determine how to allo-
19 cate the funds apportioned under clause (iii) of
20 subparagraph (A) between the Indian tribes,
21 the Secretary shall allocate the funds such that
22 each Indian tribe shall receive an amount equal
23 to the total amount apportioned under such
24 clause (iii) multiplied by the ratio of the num-
25 ber of annual unlinked passenger trips provided

1 by each Indian tribe, as reported to the Na-
2 tional Transit Database, to the total unlinked
3 passenger trips provided by all the Indian tribes
4 in the Tribal Statistical Area.”.

5 **SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
6 **AND DEPLOYMENT PROGRAM.**

7 (a) IN GENERAL.—Section 5312 of title 49, United
8 States Code, is amended—

9 (1) in the section heading, by striking
10 **“projects”** and inserting **“program”**;

11 (2) in subsection (a), in the subsection heading,
12 by striking **“PROJECTS”** and inserting **“PROGRAM”**;

13 (3) in subsection (d)—

14 (A) in paragraph (3)—

15 (i) in the matter preceding subpara-
16 graph (A), by inserting “demonstration,
17 deployment, or evaluation” before “project
18 that”;

19 (ii) in subparagraph (A), by striking
20 “and” at the end;

21 (iii) in subparagraph (B), by striking
22 the period at the end and inserting “; or”;
23 and

24 (iv) by adding at the end the fol-
25 lowing:

1 “(C) the deployment of low or no emission
2 vehicles, zero emission vehicles, or associated
3 advanced technology.”; and

4 (B) by striking paragraph (5) and insert-
5 ing the following:

6 “(5) PROHIBITION.—The Secretary may not
7 make grants under this subsection for the dem-
8 onstration, deployment, or evaluation of a vehicle
9 that is in revenue service unless the Secretary deter-
10 mines that the project makes significant techno-
11 logical advancements in the vehicle.

12 “(6) 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 ‘low or no emission vehicle’
19 means—

20 “(i) a passenger vehicle used to pro-
21 vide public transportation that the Sec-
22 retary determines sufficiently reduces en-
23 ergy consumption or harmful emissions, in-
24 cluding direct carbon emissions, when com-
25 pared to a comparable standard vehicle; or

1 “(ii) a zero emission vehicle used to
2 provide public transportation; and

3 “(C) the term ‘zero emission vehicle’
4 means a low or no emission vehicle that pro-
5 duces no carbon or particulate matter.”;

6 (4) by redesignating subsections (e) and (f) as
7 subsections (f) and (g), respectively;

8 (5) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) LOW OR NO EMISSION VEHICLE COMPONENT
11 ASSESSMENT.—

12 “(1) DEFINITIONS.—In this subsection—

13 “(A) the term ‘covered institution of higher
14 education’ means an institution of higher edu-
15 cation with which the Secretary enters into a
16 contract or cooperative agreement, or to which
17 the Secretary makes a grant, under paragraph
18 (2)(B) to operate a facility designated under
19 paragraph (2)(A);

20 “(B) the terms ‘direct carbon emissions’
21 and ‘low or no emission vehicle’ have the mean-
22 ings given those terms in subsection (d)(6);

23 “(C) the term ‘institution of higher edu-
24 cation’ has the meaning given the term in sec-

1 tion 102 of the Higher Education Act of 1965
2 (20 U.S.C. 1002); and

3 “(D) the term ‘low or no emission vehicle
4 component’ means an item that is separately in-
5 stalled in and removable from a low or no emis-
6 sion vehicle.

7 “(2) ASSESSING LOW OR NO EMISSION VEHICLE
8 COMPONENTS.—

9 “(A) IN GENERAL.—The Secretary shall
10 designate not more than 2 facilities to conduct
11 testing, evaluation, and analysis of low or no
12 emission vehicle components intended for use in
13 low or no emission vehicles.

14 “(B) OPERATION AND MAINTENANCE.—

15 “(i) IN GENERAL.—The Secretary
16 shall enter into a contract or cooperative
17 agreement with, or make a grant to, not
18 more than 2 institutions of higher edu-
19 cation to each operate and maintain a fa-
20 cility designated under subparagraph (A).

21 “(ii) REQUIREMENTS.—An institution
22 of higher education described in clause (i)
23 shall have—

1 “(I) previous experience with
2 transportation-related advanced com-
3 ponent and vehicle evaluation;

4 “(II) laboratories capable of test-
5 ing and evaluation;

6 “(III) direct access to or a part-
7 nership with a testing facility capable
8 of emulating real-world circumstances
9 in order to test low or no emission ve-
10 hicle components installed on the in-
11 tended vehicle;

12 “(IV) extensive knowledge of
13 public-private partnerships in the
14 transportation sector, with emphasis
15 on development and evaluation of ma-
16 terials, products, and components;

17 “(V) the ability to reduce costs to
18 partners by leveraging existing pro-
19 grams to provide complementary re-
20 search, development, testing, and eval-
21 uation; and

22 “(VI) the means to conduct per-
23 formance assessments on low or no
24 emission vehicle components based on
25 industry standards.

1 “(C) FEES.—A covered institution of high-
2 er education shall establish and collect fees,
3 which shall be approved by the Secretary, for
4 the assessment of low or no emission compo-
5 nents at the applicable facility designated under
6 subparagraph (A).

7 “(D) AVAILABILITY OF AMOUNTS TO PAY
8 FOR ASSESSMENT.—The Secretary shall enter
9 into a contract or cooperative agreement with,
10 or make a grant to, each covered institution of
11 higher education under which—

12 “(i) the Secretary shall pay 50 per-
13 cent of the cost of assessing a low or no
14 emission vehicle component at the applica-
15 ble facility designated under subparagraph
16 (A) from amounts made available to carry
17 out this section; and

18 “(ii) the remaining 50 percent of such
19 cost shall be paid from amounts recovered
20 through the fees established and collected
21 pursuant to subparagraph (C).

22 “(E) VOLUNTARY TESTING.—A manufac-
23 turer of a low or no emission vehicle component
24 is not required to assess the low or no emission

1 vehicle component at a facility designated under
2 subparagraph (A).

3 “(F) COMPLIANCE WITH SECTION 5318.—
4 Notwithstanding whether a low or no emission
5 vehicle component is assessed at a facility des-
6 ignated under subparagraph (A), each new bus
7 model shall comply with the requirements under
8 section 5318.

9 “(G) SEPARATE FACILITY.—Each facility
10 designated under subparagraph (A) shall be
11 separate and distinct from the facility operated
12 and maintained under section 5318.

13 “(3) LOW OR NO EMISSION VEHICLE COMPO-
14 NENT PERFORMANCE REPORTS.—Not later than 2
15 years after the date of enactment of the Federal
16 Public Transportation Act of 2015, and annually
17 thereafter, the Secretary shall issue a report on low
18 or no emission vehicle component assessments con-
19 ducted at each facility designated under paragraph
20 (2)(A), which shall include information related to
21 the maintainability, reliability, performance, struc-
22 tural integrity, efficiency, and noise of those low or
23 no emission vehicle components.

24 “(4) PUBLIC AVAILABILITY OF ASSESS-
25 MENTS.—Each assessment conducted at a facility

1 designated under paragraph (2)(A) shall be made
2 publically available, including to affected industries.

3 “(5) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to require—

5 “(A) a low or no emission vehicle compo-
6 nent to be tested at a facility designated under
7 paragraph (2)(A); or

8 “(B) the development or disclosure of a
9 privately funded component assessment.”;

10 (6) in subsection (f), as so redesignated—

11 (A) in paragraph (2), by striking “and” at
12 the end;

13 (B) by redesignating paragraph (3) as
14 paragraph (4);

15 (C) by inserting after paragraph (2) the
16 following:

17 “(3) a list of any projects that returned nega-
18 tive results in the preceding fiscal year and an anal-
19 ysis of such results; and”;

20 (D) in paragraph (4), as so redesignated,
21 by inserting before the period at the end the
22 following: “based on projects in the pipeline,
23 ongoing projects, and anticipated research ef-
24 forts necessary to advance certain projects to a
25 subsequent research phase”; and

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

2 “(h) COOPERATIVE RESEARCH PROGRAM.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish—

5 “(A) a public transportation cooperative
6 research program under this subsection; and

7 “(B) an independent governing board for
8 the program, which shall recommend public
9 transportation research, development, and tech-
10 nology transfer activities the Secretary con-
11 siders appropriate.

12 “(2) FEDERAL ASSISTANCE.—The Secretary
13 may make grants to, and cooperative agreements
14 with, the National Academy of Sciences to carry out
15 activities under this subsection that the Secretary
16 determines appropriate.

17 “(3) GOVERNMENT SHARE.—If there would be
18 a clear and direct financial benefit to an entity
19 under a grant or contract financed under this sec-
20 tion, the Secretary shall establish a Government
21 share consistent with that benefit.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TITLE 49.—Chapter 53 of title 49, United
24 States Code, is amended by striking section 5313.

1 (2) TABLE OF SECTIONS AMENDMENT.—The
2 table of sections for chapter 53 of title 49, United
3 States Code, is amended by striking the items relat-
4 ing to sections 5312 and 5313 and inserting the fol-
5 lowing:

 “5312. Research, development, demonstration, and deployment program.
 “[5313. Repealed.]”.

6 **SEC. 21010. PRIVATE SECTOR PARTICIPATION.**

7 (a) IN GENERAL.—Section 5315 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to alter—

12 “(1) the eligibilities, requirements, or priority
13 for assistance provided under this chapter; or

14 “(2) the requirements of section 5306(a).”.

15 (b) MAP-21 TECHNICAL CORRECTION.—Section
16 20013(d) of the Moving Ahead for Progress in the 21st
17 Century Act (Public Law 112–141; 126 Stat. 694) is
18 amended by striking “5307(c)” and inserting “5307(b)”.

19 **SEC. 21011. INNOVATIVE PROCUREMENT.**

20 (a) IN GENERAL.—Chapter 53 of title 49, United
21 States Code, is amended by inserting after section 5315
22 the following:

1 **“§ 5316. Innovative procurement**

2 “(a) DEFINITION.—In this section, the term ‘grantee’
3 means a recipient or subrecipient of assistance under this
4 chapter.

5 “(b) COOPERATIVE PROCUREMENT.—

6 “(1) DEFINITIONS; GENERAL RULES.—

7 “(A) DEFINITIONS.—In this subsection—

8 “(i) the term ‘cooperative procure-
9 ment contract’ means a contract—

10 “(I) entered into between a State
11 government or eligible nonprofit and 1
12 or more vendors; and

13 “(II) under which the vendors
14 agree to provide an option to purchase
15 rolling stock and related equipment to
16 multiple participants;

17 “(ii) the term ‘eligible nonprofit enti-
18 ty’ means—

19 “(I) a nonprofit entity that is not
20 a grantee; or

21 “(II) a consortium of entities de-
22 scribed in subclause (I);

23 “(iii) the terms ‘lead nonprofit entity’
24 and ‘lead procurement agency’ mean an el-
25 igible nonprofit entity or a State govern-
26 ment, respectively, that acts in an adminis-

1 trative capacity on behalf of each partici-
2 pant in a cooperative procurement con-
3 tract;

4 “(iv) the term ‘participant’ means a
5 grantee that participates in a cooperative
6 procurement contract; and

7 “(v) the term ‘participate’ means to
8 purchase rolling stock and related equip-
9 ment under a cooperative procurement con-
10 tract using assistance provided under this
11 chapter.

12 “(B) GENERAL RULES.—

13 “(i) PROCUREMENT NOT LIMITED TO
14 INTRASTATE PARTICIPANTS.—A grantee
15 may participate in a cooperative procure-
16 ment contract without regard to whether
17 the grantee is located in the same State as
18 the parties to the contract.

19 “(ii) VOLUNTARY PARTICIPATION.—
20 Participation by grantees in a cooperative
21 procurement contract shall be voluntary.

22 “(iii) CONTRACT TERMS.—The lead
23 procurement agency or lead nonprofit enti-
24 ty for a cooperative procurement contract
25 shall develop the terms of the contract.

1 “(iv) DURATION.—A cooperative pro-
2 curement contract—

3 “(I) subject to subclauses (II)
4 and (III), may be for an initial term
5 of not more than 2 years;

6 “(II) may include not more than
7 3 optional extensions for terms of not
8 more than 1 year each; and

9 “(III) may be in effect for a total
10 period of not more than 5 years, in-
11 cluding each extension authorized
12 under subclause (II).

13 “(v) ADMINISTRATIVE EXPENSES.—A
14 lead procurement agency or lead nonprofit
15 entity, as applicable, that enters into a co-
16 operative procurement contract—

17 “(I) may charge the participants
18 in the contract for the cost of admin-
19 istering, planning, and providing tech-
20 nical assistance for the contract in an
21 amount that is not more than 1 per-
22 cent of the total value of the contract;
23 and

24 “(II) with respect to the cost de-
25 scribed in subclause (I), may incor-

1 porate the cost into the price of the
2 contract or directly charge the partici-
3 pants for the cost, but not both.

4 “(2) STATE COOPERATIVE PROCUREMENT
5 SCHEDULES.—

6 “(A) AUTHORITY.—A State government
7 may enter into a cooperative procurement con-
8 tract with 1 or more vendors if—

9 “(i) the vendors agree to provide an
10 option to purchase rolling stock and re-
11 lated equipment to the State government
12 and any other participant; and

13 “(ii) the State government acts
14 throughout the term of the contract as the
15 lead procurement agency.

16 “(B) APPLICABILITY OF POLICIES AND
17 PROCEDURES.—In procuring rolling stock and
18 related equipment under a cooperative procure-
19 ment contract under this subsection, a State
20 government shall comply with the policies and
21 procedures that apply to procurement by the
22 State government when using non-Federal
23 funds, to the extent that the policies and proce-
24 dures are in conformance with applicable Fed-
25 eral law.

1 “(3) PILOT PROGRAM FOR NONPROFIT COOPER-
2 ATIVE PROCUREMENTS.—

3 “(A) ESTABLISHMENT.—The Secretary
4 shall establish and carry out a pilot program to
5 demonstrate the effectiveness of cooperative
6 procurement contracts administered by non-
7 profit entities.

8 “(B) DESIGNATION.—In carrying out the
9 program under this paragraph, the Secretary
10 shall designate not less than 1 eligible nonprofit
11 entity to enter into a cooperative procurement
12 contract under which the nonprofit entity acts
13 throughout the term of the contract as the lead
14 nonprofit entity.

15 “(C) NUMBER OF ENTITIES.—The Sec-
16 retary may designate not more than 3 geo-
17 graphically diverse eligible nonprofit entities
18 under subparagraph (B).

19 “(D) NOTICE OF INTENT TO PARTICI-
20 PATE.—At a time determined appropriate by
21 the lead nonprofit entity, each participant in a
22 cooperative procurement contract under this
23 paragraph shall submit to the lead nonprofit
24 entity a nonbinding notice of intent to partici-
25 pate.

1 “(c) LEASING ARRANGEMENTS.—

2 “(1) CAPITAL LEASE DEFINED.—

3 “(A) IN GENERAL.—In this subsection, the
4 term ‘capital lease’ means any agreement under
5 which a grantee acquires the right to use rolling
6 stock or related equipment for a specified pe-
7 riod of time, in exchange for a periodic pay-
8 ment.

9 “(B) MAINTENANCE.—A capital lease may
10 require that the lessor provide maintenance of
11 the rolling stock or related equipment covered
12 by the lease.

13 “(2) PROGRAM TO SUPPORT INNOVATIVE LEAS-
14 ING ARRANGEMENTS.—

15 “(A) AUTHORITY.—A grantee may use as-
16 sistance provided under this chapter to enter
17 into a capital lease if—

18 “(i) the rolling stock or related equip-
19 ment covered under the lease is eligible for
20 capital assistance under this chapter; and

21 “(ii) there is or will be no Federal in-
22 terest in the rolling stock or related equip-
23 ment covered under the lease as of the
24 date on which the lease takes effect.

1 “(B) GRANTEE REQUIREMENTS.—A grant-
2 ee that enters into a capital lease shall—

3 “(i) maintain an inventory of the roll-
4 ing stock or related equipment acquired
5 under the lease; and

6 “(ii) maintain on the accounting
7 records of the grantee the liability of the
8 grantee under the lease.

9 “(C) ELIGIBLE LEASE COSTS.—The costs
10 for which a grantee may use assistance under
11 this chapter, with respect to a capital lease, in-
12 clude—

13 “(i) the cost of the rolling stock or re-
14 lated equipment;

15 “(ii) associated financing costs, in-
16 cluding interest, legal fees, and financial
17 advisor fees;

18 “(iii) ancillary costs such as delivery
19 and installation charges; and

20 “(iv) maintenance costs.

21 “(D) TERMS.—A grantee shall negotiate
22 the terms of any lease agreement that the
23 grantee enters into.

24 “(E) APPLICABILITY OF PROCUREMENT
25 REQUIREMENTS.—

1 “(i) LEASE REQUIREMENTS.—Part
2 639 of title 49, Code of Federal Regula-
3 tions, or any successor regulation, and im-
4 plementing guidance applicable to leasing
5 shall not apply to a capital lease.

6 “(ii) BUY AMERICA.—The require-
7 ments under section 5323(j) shall apply to
8 a capital lease.

9 “(3) INCENTIVE PROGRAM FOR CAPITAL LEAS-
10 ING OF ROLLING STOCK.—

11 “(A) AUTHORITY.—The Secretary shall
12 carry out an incentive program for capital leas-
13 ing of rolling stock (referred to in this para-
14 graph as the ‘program’).

15 “(B) SELECTION OF PARTICIPANTS.—

16 “(i) IN GENERAL.—The Secretary
17 shall select not less than 6 grantees to par-
18 ticipate in the program, which shall be—

19 “(I) geographically diverse; and

20 “(II) evenly distributed among
21 grantees in accordance with clause
22 (ii).

23 “(ii) POPULATION SIZE.—In selecting
24 an even distribution of grantees under

1 clause (i)(II), the Secretary shall select not
2 less than—

3 “(I) 2 grantees that serve rural
4 areas;

5 “(II) 2 grantees that serve ur-
6 banized areas with a population of
7 fewer than 200,000 individuals, as de-
8 termined by the Bureau of the Cen-
9 sus; and

10 “(III) 2 grantees that serve ur-
11 banized areas with a population of
12 200,000 or more individuals, as deter-
13 mined by the Bureau of the Census.

14 “(iii) WAIVER.—The Secretary may
15 waive a requirement under clause (ii) if an
16 insufficient number of eligible grantees of
17 a particular population size apply to par-
18 ticipate in the program.

19 “(C) PARTICIPANT REQUIREMENTS.—

20 “(i) IN GENERAL.—A grantee that
21 participates in the program shall—

22 “(I) enter into a capital lease for
23 a period of not less than 5 years; and

1 “(II) replace not less than $\frac{1}{4}$ of
2 the grantee’s fleet through the capital
3 lease.

4 “(ii) VEHICLE REQUIREMENTS.—The
5 vehicles replaced under clause (i)(II), with
6 respect to the fleet as constituted on the
7 day before the date on which the capital
8 lease is entered into, shall—

9 “(I) be the oldest vehicles in the
10 fleet; or

11 “(II) produce the highest quan-
12 tity of direct greenhouse gas emissions
13 relative to the other vehicles in the
14 fleet, as determined by the Adminis-
15 trator of the Environmental Protec-
16 tion Agency.

17 “(iii) WAIVER OF FEDERAL INTEREST
18 REQUIREMENTS.—If a grantee partici-
19 pating in the program seeks to replace ve-
20 hicles that have a remaining Federal inter-
21 est, the Secretary shall—

22 “(I) evaluate the economic and
23 environmental benefits of waiving the
24 Federal interest, as demonstrated by
25 the grantee;

1 “(II) if the grantee demonstrates
2 a net economic or environmental ben-
3 efit, grant an early disposition of the
4 vehicles; and

5 “(III) publish each evaluation
6 and final determination of the Sec-
7 retary under this clause in a con-
8 spicuous location on the website of the
9 Federal Transit Administration.

10 “(D) PARTICIPANT BENEFIT.—During the
11 period during which a capital lease described in
12 subparagraph (C)(i)(I), entered into by a grant-
13 ee participating in the program, is in effect, the
14 limit on the Government share of operating ex-
15 penses under subsection (d)(2) of section 5307,
16 subsection (d)(2) of section 5310, or subsection
17 (g)(2) of section 5311 shall not apply with re-
18 spect to any grant awarded to the grantee
19 under the applicable section.

20 “(E) REPORTING REQUIREMENT.—Not
21 later than 3 years after the date on which a
22 grantee enters into a capital lease under the
23 program, the grantee shall submit to the Sec-
24 retary a report that contains—

1 “(i) an evaluation of the overall costs
2 and benefits of leasing rolling stock;

3 “(ii) a cost comparison of leasing
4 versus buying rolling stock;

5 “(iii) a comparison of the expected
6 short-term and long-term maintenance
7 costs of leasing versus buying rolling stock;
8 and

9 “(iv) a projected budget showing the
10 changes in overall operating and capital ex-
11 penses due to the capital lease that the
12 grantee entered into under the program.

13 “(4) INCENTIVE PROGRAM FOR CAPITAL LEAS-
14 ING OF CERTAIN ZERO EMISSION VEHICLE COMPO-
15 NENTS.—

16 “(A) DEFINITIONS.—In this paragraph—

17 “(i) the term ‘removable power
18 source’—

19 “(I) means a power source that
20 is separately installed in, and remov-
21 able from, a zero emission vehicle; and

22 “(II) may include a battery, a
23 fuel cell, an ultra-capacitor, or other
24 advanced power source used in a zero
25 emission vehicle; and

1 “(ii) the term ‘zero emission vehicle’
2 has the meaning given the term in section
3 5339(e).

4 “(B) LEASED POWER SOURCES.—Notwith-
5 standing any other provision of law, for pur-
6 poses of this subsection, the cost of a removable
7 power source that is necessary for the operation
8 of a zero emission vehicle shall not be treated
9 as part of the cost of the vehicle if the remov-
10 able power source is acquired using a capital
11 lease.

12 “(C) ELIGIBLE CAPITAL LEASE.—A grant-
13 ee may acquire a removable power source by
14 itself through a capital lease.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF SECTIONS.—The table of sections
17 for chapter 53 of title 49, United States Code, is
18 amended by inserting after the item relating to sec-
19 tion 5315 the following:

“5316. Innovative procurement.”.

20 (2) CONFORMING AMENDMENT.—Section
21 5325(e)(2) of title 49, United States Code, is
22 amended by inserting after “this subsection” the fol-
23 lowing: “, section 5316,”.

1 **SEC. 21012. HUMAN RESOURCES AND TRAINING.**

2 Section 5322 of title 49, United States Code, is
3 amended—

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
11 following:

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
17 the movement from initial or short-term em-
18 ployment opportunities to sustainable careers;

19 “(C) address current or projected work-
20 force shortages;

21 “(D) replicate successful workforce devel-
22 opment models; or

23 “(E) respond to such other workforce
24 needs as the Secretary determines appro-
25 priate.”;

26 (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 “;
5 and”; 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
17 coordination with entities such as local employ-
18 ers, 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
24 minorities, women, disabled individuals, vet-
25 erans, and low-income populations; and

1 “(B) to the extent practicable, conduct
2 local training programs in coordination with ex-
3 isting local training programs supported by the
4 Secretary, the Department of Labor (including
5 registered apprenticeship programs), and the
6 Department 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
14 served;

15 “(B) the diversity of training participants;

16 “(C) the number of participants obtaining
17 certifications or credentials required for specific
18 types of employment;

19 “(D) employment outcomes, including job
20 placement, job retention, and wages, using per-
21 formance metrics established in consultation
22 with the Secretary and the Secretary of Labor
23 and consistent with metrics used by programs
24 under the Workforce Innovation and Oppor-
25 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 re-
5 ferred to, or hired on, projects funded under
6 this chapter without regard to the length of
7 time of their participation in the program.”;
8 and

9 (2) in subsection (d), by striking paragraph (4)
10 and inserting the following:

11 “(4) USE FOR TECHNICAL ASSISTANCE.—The
12 Secretary may use not more than 1 percent of the
13 amounts made available to carry out this section to
14 provide technical assistance for activities and pro-
15 grams developed, conducted, and overseen under this
16 subsection.

17 “(5) AVAILABILITY OF AMOUNTS.—

18 “(A) IN GENERAL.—Not more than 0.5
19 percent of the amounts made available to a re-
20 cipient under sections 5307, 5337, and 5339 is
21 available for expenditure by the recipient, with
22 the approval of the Secretary, to pay not more
23 than 80 percent of the cost of eligible activities
24 under this subsection.

1 “(B) EXISTING PROGRAMS.—A recipient
2 may use amounts made available under para-
3 graph (A) to carry out existing local education
4 and training programs for public transportation
5 employees supported by the Secretary, the De-
6 partment of Labor, or the Department of Edu-
7 cation.”.

8 **SEC. 21013. GENERAL PROVISIONS.**

9 Section 5323 of title 49, United States Code, is
10 amended—

11 (1) in subsection (j)—

12 (A) in paragraph (2), by striking subpara-
13 graph (C) and inserting the following:

14 “(C) when procuring rolling stock (includ-
15 ing train control, communication, and traction
16 power equipment, and rolling stock prototypes)
17 under this chapter—

18 “(i) the cost of components and sub-
19 components produced in the United
20 States—

21 “(I) for fiscal years 2016 and
22 2017, is more than 60 percent of the
23 cost of all components of the rolling
24 stock;

1 “(II) for fiscal years 2018 and
2 2019, is more than 65 percent of the
3 cost of all components of the rolling
4 stock; and

5 “(III) for fiscal year 2020 and
6 each fiscal year thereafter, is more
7 than 70 percent of the cost of all com-
8 ponents of the rolling stock; and

9 “(ii) final assembly of the rolling
10 stock has occurred in the United States;
11 or”;

12 (B) by redesignating paragraphs (5)
13 through (9) as paragraphs (7) through (11), re-
14 spectively;

15 (C) by inserting after paragraph (4) the
16 following:

17 “(5) ROLLING STOCK FRAMES OR CAR
18 SHELLS.—In carrying out paragraph (2)(C) in the
19 case of a rolling stock procurement receiving assist-
20 ance under this chapter in which the average cost of
21 a rolling stock vehicle in the procurement is more
22 than \$300,000, if rolling stock frames or car shells
23 are not produced in the United States, the Secretary
24 shall include in the calculation of the domestic con-

1 tent of the rolling stock the cost of steel or iron used
2 in the rolling stock frames or car shells if—

3 “(A) all manufacturing processes for the
4 steel or iron occur in the United States; and

5 “(B) the amount of steel or iron used in
6 the rolling stock frames or car shells is signifi-
7 cant.

8 “(6) CERTIFICATION OF DOMESTIC SUPPLY
9 AND DISCLOSURE.—

10 “(A) CERTIFICATION OF DOMESTIC SUP-
11 PLY.—If the Secretary denies an application for
12 a waiver under paragraph (2), the Secretary
13 shall provide to the applicant a written certifi-
14 cation that—

15 “(i) the steel, iron, or manufactured
16 goods, as applicable, (referred to in this
17 subparagraph as the ‘item’) is produced in
18 the United States in a sufficient and rea-
19 sonably available amount;

20 “(ii) the item produced in the United
21 States is of a satisfactory quality; and

22 “(iii) includes a list of known manu-
23 facturers in the United States from which
24 the item can be obtained.

1 “(B) DISCLOSURE.—The Secretary shall
2 disclose the waiver denial and the written cer-
3 tification to the public in an easily identifiable
4 location on the website of the Department of
5 Transportation.”;

6 (D) in paragraph (8), as so redesignated,
7 by striking “Federal Public Transportation Act
8 of 2012” and inserting “Federal Public Trans-
9 portation Act of 2015”; and

10 (E) by inserting after paragraph (11), as
11 so redesignated, the following:

12 “(12) PRODUCTION IN UNITED STATES.—For
13 purposes of this subsection, steel and iron may be
14 considered produced in the United States if all the
15 manufacturing processes, except metallurgical proc-
16 esses involving refinement of steel additives, took
17 place in the United States.

18 “(13) DEFINITION OF SMALL PURCHASE.—For
19 purposes of determining whether a purchase quali-
20 fies for a general public interest waiver under para-
21 graph (2)(A) of this subsection, including under any
22 regulation promulgated under that paragraph, the
23 term ‘small purchase’ means a purchase of not more
24 than \$150,000.”;

1 (2) in subsection (q)(1), by striking the second
2 sentence; and

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

4 “(s) VALUE CAPTURE REVENUE ELIGIBLE FOR
5 LOCAL SHARE.—Notwithstanding any other provision of
6 law, a recipient of assistance under this chapter may use
7 the revenue generated from value capture financing mech-
8 anisms as local matching funds for capital projects and
9 operating costs eligible under this chapter.

10 “(t) VALUE ENGINEERING.—Nothing in this chapter
11 shall be construed to authorize the Secretary to mandate
12 the use of value engineering in projects funded under this
13 chapter.”.

14 **SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.**

15 Section 5327 of title 49, United States Code, is
16 amended—

17 (1) in subsection (c), by striking “section
18 5338(i)” and inserting “section 5338(h)”; and

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by striking “section 5338(i)” and
22 inserting “section 5338(h)”; and

23 (ii) by striking “and” at the end; and

24 (B) by striking paragraph (2) and insert-
25 ing the following:

1 “(2) a requirement that oversight—

2 “(A) begin during the project development
3 phase of a project, unless the Secretary finds it
4 more appropriate to begin the oversight during
5 another phase of the project, to maximize the
6 transportation benefits and cost savings associ-
7 ated with project management oversight; and

8 “(B) be limited to quarterly reviews of
9 compliance by the recipient with the project
10 management plan approved under subsection
11 (b) unless the Secretary finds that the recipient
12 requires more frequent oversight because the
13 recipient has, for 2 consecutive quarterly re-
14 views, failed to meet the requirements of such
15 plan and the project is at risk of going over
16 budget or becoming behind schedule; and

17 “(3) a process for recipients that the Secretary
18 has found require more frequent oversight to return
19 to quarterly reviews for purposes of paragraph
20 (2)(B).”.

21 **SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

22 (a) IN GENERAL.—Section 5329 of title 49, United
23 States Code, is amended—

24 (1) in subsection (b)(2)—

1 (A) in subparagraph (C), by striking
2 “and” at the end;

3 (B) by redesignating subparagraph (D) as
4 subparagraph (E); and

5 (C) by inserting after subparagraph (C)
6 the following:

7 “(D) minimum safety standards to ensure
8 the safe operation of public transportation sys-
9 tems that—

10 “(i) are not related to performance
11 standards for public transportation vehicles
12 developed under subparagraph (C); and

13 “(ii) to the extent practicable, take
14 into consideration—

15 “(I) relevant recommendations of
16 the National Transportation Safety
17 Board;

18 “(II) best practices standards de-
19 veloped by the public transportation
20 industry;

21 “(III) any minimum safety
22 standards or performance criteria
23 being implemented across the public
24 transportation industry; and

1 “(IV) any additional information
2 that the Secretary determines nec-
3 essary and appropriate; and”;

4 (2) in subsection (f)(2), by inserting after “pub-
5 lic transportation system of a recipient” the fol-
6 lowing: “or the public transportation industry gen-
7 erally”; and

8 (3) in subsection (g)(1), in the matter pre-
9 ceding subparagraph (A), by striking “an eligible
10 State, as defined in subsection (e),” and inserting “a
11 recipient”.

12 (b) REVIEW OF PUBLIC TRANSPORTATION SAFETY
13 STANDARDS.—

14 (1) REVIEW REQUIRED.—

15 (A) IN GENERAL.—Not later than 90 days
16 after the date of enactment of this Act, the Sec-
17 retary shall commence a review of the safety
18 standards and protocols used in rail fixed
19 guideway public transportation systems in the
20 United States that examines the efficacy of ex-
21 isting standards and protocols.

22 (B) CONTENTS OF REVIEW.—In con-
23 ducting the review under this paragraph, the
24 Secretary shall review—

1 (i) minimum safety performance
2 standards developed by the public trans-
3 portation industry;

4 (ii) safety performance standards,
5 practices, or protocols in use by rail fixed
6 guideway public transportation systems, in-
7 cluding—

8 (I) written emergency plans and
9 procedures for passenger evacuations;

10 (II) training programs to ensure
11 public transportation personnel com-
12 pliance and readiness in emergency
13 situations;

14 (III) coordination plans with
15 local emergency responders having ju-
16 risdiction over a rail fixed guideway
17 public transportation system, includ-
18 ing—

19 (aa) emergency prepared-
20 ness training, drills, and famil-
21 iarization programs for those
22 first responders; and

23 (bb) the scheduling of reg-
24 ular field exercises to ensure ap-
25 propriate response and effective

1 radio and public safety commu-
2 nications;

3 (IV) maintenance, testing, and
4 inspection programs to ensure the
5 proper functioning of—

6 (aa) tunnel, station, and ve-
7 hicle ventilation systems;

8 (bb) signal and train control
9 systems, track, mechanical sys-
10 tems, and other infrastructure;
11 and

12 (cc) other systems as nec-
13 essary;

14 (V) certification requirements for
15 train and bus operators and control
16 center employees;

17 (VI) consensus-based standards,
18 practices, or protocols available to the
19 public transportation industry; and

20 (VII) any other standards, prac-
21 tices, or protocols the Secretary deter-
22 mines appropriate; and

23 (iii) vehicle safety standards, prac-
24 tices, or protocols in use by public trans-
25 portation systems, concerning—

1 (I) bus design and the
2 workstation of bus operators, as it re-
3 lates to—

4 (aa) the reduction of blind-
5 spots that contribute to accidents
6 involving pedestrians; and

7 (bb) protecting bus opera-
8 tors from the risk of assault; and

9 (II) scheduling fixed route bus
10 service with adequate time and access
11 for operators to use restroom facili-
12 ties.

13 (2) EVALUATION.—After conducting the review
14 under paragraph (1), the Secretary shall, in con-
15 sultation with representatives of the public transpor-
16 tation industry, evaluate the need to establish Fed-
17 eral minimum public transportation safety stand-
18 ards, including—

19 (A) standards governing worker safety;

20 (B) standards for the operation of signals,
21 track, on-track equipment, mechanical systems,
22 and control systems; and

23 (C) any other areas the Secretary, in con-
24 sultation with the public transportation indus-
25 try, determines require further evaluation.

1 (3) REPORT.—Upon completing the review and
2 evaluation required under paragraphs (1) and (2),
3 respectively, and not later than 1 year after the date
4 of enactment of this Act, the Secretary shall submit
5 to the Committee on Banking, Housing, and Urban
6 Affairs of the Senate and the Committee on Trans-
7 portation and Infrastructure of the of House of Rep-
8 resentatives a report that includes—

9 (A) findings based on the review conducted
10 under paragraph (1);

11 (B) the outcome of the evaluation con-
12 ducted under paragraph (2);

13 (C) a comprehensive set of recommenda-
14 tions to improve the safety of the public trans-
15 portation industry, including recommendations
16 for legislative changes where applicable; and

17 (D) actions that the Secretary will take to
18 address the recommendations provided under
19 subparagraph (C), including, if necessary, the
20 establishment of Federal minimum public trans-
21 portation safety standards.

22 **SEC. 21016. STATE OF GOOD REPAIR GRANTS.**

23 Section 5337 of title 49, United States Code, is
24 amended—

25 (1) in subsection (c)—

1 (A) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) IN GENERAL.—Of the amount authorized
4 or made available for a fiscal year under section
5 5338(a)(2)(L)—

6 “(A) \$100,000,000 shall be made available
7 in accordance with this subsection; and

8 “(B) 97.15 percent of the remainder shall
9 be apportioned to recipients in accordance with
10 this subsection.”; and

11 (B) in paragraph (2)(B), by inserting “the
12 provisions of” before “section 5336(b)(1)”;

13 (2) in subsection (d)—

14 (A) in paragraph (2), by striking “section
15 5338(a)(2)(I), 2.85 percent” and inserting
16 “section 5338(a)(2)(L), the remainder after the
17 application of subsection (c)(1)”;

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

19 “(5) USE OF FUNDS.—Amounts apportioned
20 under this subsection may be used for any project
21 that is an eligible project under subsection (b)(1).”;
22 and

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

24 “(e) GOVERNMENT SHARE OF COSTS.—

1 “(1) CAPITAL PROJECTS.—A grant for a capital
2 project under this section shall be for 80 percent of
3 the net project cost of the project. The recipient may
4 provide additional local matching amounts.

5 “(2) REMAINING COSTS.—The remainder of the
6 net project costs shall be provided from an undis-
7 tributed cash surplus, a replacement or depreciation
8 cash fund or reserve, or new capital.”.

9 **SEC. 21017. AUTHORIZATIONS.**

10 Section 5338 of title 49, United States Code, as
11 amended by division G, is amended to read as follows:

12 **“§ 5338. Authorizations**

13 “(a) GRANTS.—

14 “(1) IN GENERAL.—There shall be available
15 from the Mass Transit Account of the Highway
16 Trust Fund to carry out sections 5305, 5307, 5310,
17 5311, 5312, 5314, 5318, 5322(b), 5322(d), 5335,
18 5337, 5339, and 5340, section 20005(b) of the Fed-
19 eral Public Transportation Act of 2012, and section
20 21007(b) of the Federal Public Transportation Act
21 of 2015—

22 “(A) \$9,184,747,400 for fiscal year 2016;

23 “(B) \$9,380,039,349 for fiscal year 2017;

24 “(C) \$9,685,745,744 for fiscal year 2018;

1 “(D) \$10,101,051,238 for fiscal year
2 2019;

3 “(E) \$10,351,763,806 for fiscal year 2020;
4 and

5 “(F) \$10,609,442,553 for fiscal year 2021.

6 “(2) ALLOCATION OF FUNDS.—Of the amounts
7 made available under paragraph (1)—

8 “(A) \$132,020,000 for fiscal year 2016,
9 \$134,934,342 for fiscal year 2017,
10 \$138,004,098 for fiscal year 2018,
11 \$141,328,616 for fiscal year 2019,
12 \$144,893,631 for fiscal year 2020, and
13 \$148,557,701 for fiscal year 2021 shall be
14 available to carry out section 5305;

15 “(B) \$10,000,000 for each of fiscal years
16 2016 through 2021 shall be available to carry
17 out section 20005(b) of the Federal Public
18 Transportation Act of 2012;

19 “(C) \$4,538,905,700 for fiscal year 2016,
20 \$4,639,102,043 for fiscal year 2017,
21 \$4,794,641,615 for fiscal year 2018,
22 \$4,975,879,158 for fiscal year 2019,
23 \$5,101,395,710 for fiscal year 2020, and
24 \$5,230,399,804 for fiscal year 2021 shall be al-
25 located in accordance with section 5336 to pro-

1 vide financial assistance for urbanized areas
2 under section 5307;

3 “(D) \$263,466,000 for fiscal year 2016,
4 \$269,282,012 for fiscal year 2017,
5 \$275,408,178 for fiscal year 2018,
6 \$288,264,292 for fiscal year 2019,
7 \$295,535,759 for fiscal year 2020, and
8 \$303,009,267 for fiscal year 2021 shall be
9 available to provide financial assistance for
10 services for the enhanced mobility of seniors
11 and individuals with disabilities under section
12 5310;

13 “(E) \$2,000,000 for each of fiscal years
14 2016 through 2021 shall be available for the
15 pilot program for innovative coordinated access
16 and mobility under section 21007(b) of the
17 Federal Public Transportation Act of 2015;

18 “(F) \$619,956,000 for fiscal year 2016,
19 \$633,641,529 for fiscal year 2017,
20 \$648,056,873 for fiscal year 2018,
21 \$678,308,311 for fiscal year 2019,
22 \$695,418,638 for fiscal year 2020, and
23 \$713,004,385 for fiscal year 2021 shall be
24 available to provide financial assistance for

1 rural areas under section 5311, of which not
2 less than—

3 “(i) \$35,000,000 for each of fiscal
4 years 2016 through 2021 shall be available
5 to carry out section 5311(c)(1); and

6 “(ii) \$20,000,000 for each of fiscal
7 years 2016 through 2021 shall be available
8 to carry out section 5311(c)(2);

9 “(G) \$30,000,000 for each of fiscal years
10 2016 through 2021 shall be available to carry
11 out section 5312, of which—

12 “(i) \$5,000,000 for each of fiscal
13 years 2016 through 2021 shall be available
14 to carry out section 5312(e); and

15 “(ii) \$5,000,000 for each of fiscal
16 years 2016 through 2021 shall be available
17 to carry out section 5312(h);

18 “(H) \$4,000,000 for each of fiscal years
19 2016 through 2021 shall be available to carry
20 out section 5314;

21 “(I) \$3,000,000 for each of fiscal years
22 2016 through 2021 shall be available for bus
23 testing under section 5318;

1 “(J) \$5,000,000 for each of fiscal years
2 2016 through 2021 shall be available for the
3 national transit institute under section 5322(d);

4 “(K) \$4,000,000 for each of fiscal years
5 2016 through 2021 shall be available to carry
6 out section 5335;

7 “(L) \$2,428,342,500 for fiscal year 2016,
8 \$2,479,740,661 for fiscal year 2017,
9 \$2,533,879,761 for fiscal year 2018,
10 \$2,592,511,924 for fiscal year 2019,
11 \$2,655,385,537 for fiscal year 2020, and
12 \$2,720,006,127 for fiscal year 2021 shall be
13 available to carry out section 5337;

14 “(M) \$430,794,600 for fiscal year 2016,
15 \$440,304,391 for fiscal year 2017,
16 \$495,321,316 for fiscal year 2018,
17 \$585,851,498 for fiscal year 2019,
18 \$605,422,352 for fiscal year 2020, and
19 \$625,536,993 for fiscal year 2021 shall be
20 available for the bus and bus facilities program
21 under section 5339(a);

22 “(N) \$180,000,000 for each of fiscal years
23 2016 and 2017, \$185,000,000 for fiscal year
24 2018, and \$190,000,000 for each of fiscal years
25 2019 through 2021 shall be available for bus

1 and bus facilities competitive grants under sec-
2 tion 5339(b) and no or low emission grants
3 under section 5339(c), of which \$55,000,000
4 for each of fiscal years 2016 through 2021 shall
5 be available to carry out section 5339(c);

6 “(O) \$533,262,600 for fiscal year 2016,
7 \$545,034,372 for fiscal year 2017,
8 \$557,433,904 for fiscal year 2018,
9 \$586,907,438 for fiscal year 2019,
10 \$601,712,178 for fiscal year 2020, and
11 \$616,928,276 for fiscal year 2021 shall be allo-
12 cated in accordance with section 5340 to pro-
13 vide financial assistance for urbanized areas
14 under section 5307 and rural areas under sec-
15 tion 5311; and

16 “(P) \$4,000,000 for each of fiscal years
17 2019 through 2021 shall be available to carry
18 out section 5322(b).

19 “(b) RESEARCH, DEVELOPMENT, DEMONSTRATION,
20 AND DEPLOYMENT PROGRAM.—There are authorized to
21 be appropriated to carry out section 5312, other than sub-
22 sections (e) and (h) of that section, \$20,000,000 for each
23 of fiscal years 2016 through 2021.

24 “(c) TECHNICAL ASSISTANCE AND STANDARDS DE-
25 VELOPMENT.—There are authorized to be appropriated to

1 carry out section 5314, \$7,000,000 for each of fiscal years
2 2016 through 2021.

3 “(d) HUMAN RESOURCES AND TRAINING.—There
4 are authorized to be appropriated to carry out subsections
5 (a), (b), (c), and (e) of section 5322, \$5,000,000 for each
6 of fiscal years 2016 through 2021.

7 “(e) EMERGENCY RELIEF PROGRAM.—There are au-
8 thorized to be appropriated such sums as are necessary
9 to carry out section 5324.

10 “(f) CAPITAL INVESTMENT GRANTS.—There are au-
11 thorized to be appropriated to carry out section 5309 of
12 this title and section 21006(b) of the Federal Public
13 Transportation Act of 2015, \$2,301,785,760 for fiscal
14 year 2016, \$2,352,597,681 for fiscal year 2017,
15 \$2,406,119,278 for fiscal year 2018, \$2,464,082,691 for
16 fiscal year 2019, \$2,526,239,177 for fiscal year 2020, and
17 \$2,590,122,713 for fiscal year 2021, of which
18 \$276,214,291 for fiscal year 2016, \$282,311,722 for fis-
19 cal year 2017, \$288,734,313 for fiscal year 2018,
20 \$295,689,923 for fiscal year 2019, \$303,148,701 for fis-
21 cal year 2020, and \$310,814,726 for fiscal year 2021 shall
22 be available to carry out section 21006(b) of the Federal
23 Public Transportation Act of 2015.

24 “(g) ADMINISTRATION.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out section 5334,
3 \$115,016,543 for fiscal year 2016, \$117,555,533 for
4 fiscal year 2017, \$120,229,921 for fiscal year 2018,
5 \$123,126,260 for fiscal year 2019, \$126,232,120 for
6 fiscal year 2020, and \$129,424,278 for fiscal year
7 2021.

8 “(2) SECTION 5329.—Of the amounts author-
9 ized to be appropriated under paragraph (1), not
10 less than \$8,000,000 for each of fiscal years 2016
11 through 2021 shall be available to carry out section
12 5329.

13 “(3) SECTION 5326.—Of the amounts made
14 available under paragraph (2), not less than
15 \$2,000,000 for each of fiscal years 2016 through
16 2021 shall be available to carry out section 5326.

17 “(h) OVERSIGHT.—

18 “(1) IN GENERAL.—Of the amounts made
19 available to carry out this chapter for a fiscal year,
20 the Secretary may use not more than the following
21 amounts for the activities described in paragraph
22 (2):

23 “(A) 0.5 percent of amounts made avail-
24 able to carry out section 5305.

1 “(B) 0.75 percent of amounts made avail-
2 able to carry out section 5307.

3 “(C) 1 percent of amounts made available
4 to carry out section 5309.

5 “(D) 1 percent of amounts made available
6 to carry out section 601 of the Passenger Rail
7 Investment and Improvement Act of 2008
8 (Public Law 110-432; 126 Stat. 4968).

9 “(E) 0.5 percent of amounts made avail-
10 able to carry out section 5310.

11 “(F) 0.5 percent of amounts made avail-
12 able to carry out section 5311.

13 “(G) 1 percent of amounts made available
14 to carry out section 5337, of which not less
15 than 0.25 percent shall be available to carry out
16 section 5329.

17 “(H) 0.75 percent of amounts made avail-
18 able to carry out section 5339.

19 “(2) ACTIVITIES.—The activities described in
20 this paragraph are as follows:

21 “(A) Activities to oversee the construction
22 of a major capital project.

23 “(B) Activities to review and audit the
24 safety and security, procurement, management,

1 and financial compliance of a recipient or sub-
2 recipient of funds under this chapter.

3 “(C) Activities to provide technical assist-
4 ance generally, and to provide technical assist-
5 ance to correct deficiencies identified in compli-
6 ance reviews and audits carried out under this
7 section.

8 “(3) GOVERNMENT SHARE OF COSTS.—The
9 Government shall pay the entire cost of carrying out
10 a contract under this subsection.

11 “(4) AVAILABILITY OF CERTAIN FUNDS.—
12 Funds made available under paragraph (1)(C) shall
13 be made available to the Secretary before allocating
14 the funds appropriated to carry out any project
15 under a full funding grant agreement.

16 “(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

17 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
18 FUND.—A grant or contract that is approved by the
19 Secretary and financed with amounts made available
20 from the Mass Transit Account of the Highway
21 Trust Fund pursuant to this section is a contractual
22 obligation of the Government to pay the Government
23 share of the cost of the project.

24 “(2) GRANTS FINANCED FROM GENERAL
25 FUND.—A grant or contract that is approved by the

1 Secretary and financed with amounts appropriated
2 in advance from the General Fund of the Treasury
3 pursuant to this section is a contractual obligation
4 of the Government to pay the Government share of
5 the cost of the project only to the extent that
6 amounts are appropriated for such purpose by an
7 Act of Congress.

8 “(j) AVAILABILITY OF AMOUNTS.—Amounts made
9 available by or appropriated under this section shall re-
10 main available until expended.”.

11 **SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.**

12 (a) IN GENERAL.—Chapter 53 of title 49, United
13 States Code, as amended by division G, is amended by
14 striking section 5339 and inserting the following:

15 **“§ 5339. Grants for bus and bus facilities**

16 “(a) FORMULA GRANTS.—

17 “(1) DEFINITIONS.—In this subsection—

18 “(A) the term ‘low or no emission vehicle’
19 has the meaning given that term in subsection
20 (c)(1);

21 “(B) the term ‘State’ means a State of the
22 United States; and

23 “(C) the term ‘territory’ means the Dis-
24 trict of Columbia, Puerto Rico, the Northern

1 Mariana Islands, Guam, American Samoa, and
2 the United States Virgin Islands.

3 “(2) GENERAL AUTHORITY.—The Secretary
4 may make grants under this subsection to assist eli-
5 gible recipients described in paragraph (4)(A) in fi-
6 nancing 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 require-
13 ments 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
4 receives a grant under this subsection may allo-
5 cate amounts of the grant to subrecipients that
6 are public agencies or private nonprofit organi-
7 zations engaged in public transportation.

8 “(5) DISTRIBUTION OF GRANT FUNDS.—Funds
9 allocated under section 5338(a)(2)(M) shall be dis-
10 tributed 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
14 and territories, with each State receiving
15 \$2,000,000 for each such fiscal year and each
16 territory receiving \$500,000 for each such fiscal
17 year.

18 “(B) DISTRIBUTION USING POPULATION
19 AND SERVICE FACTORS.—The remainder of the
20 funds not otherwise distributed under subpara-
21 graph (A) shall be allocated pursuant to the
22 formula set forth in section 5336 other than
23 subsection (b).

24 “(6) TRANSFERS OF APPORTIONMENTS.—

1 “(A) TRANSFER FLEXIBILITY FOR NA-
2 TIONAL DISTRIBUTION FUNDS.—The Governor
3 of a State may transfer any part of the State’s
4 apportionment under paragraph (5)(A) to sup-
5 plement amounts apportioned to the State
6 under section 5311(c) of this title or amounts
7 apportioned to urbanized areas under sub-
8 sections (a) and (c) of section 5336 of this title.

9 “(B) TRANSFER FLEXIBILITY FOR POPU-
10 LATION AND SERVICE FACTORS FUNDS.—The
11 Governor of a State may expend in an urban-
12 ized area with a population of less than
13 200,000 any amounts apportioned under para-
14 graph (5)(B) that are not allocated to des-
15 ignated recipients in urbanized areas with a
16 population of 200,000 or more.

17 “(7) GOVERNMENT SHARE OF COSTS.—

18 “(A) CAPITAL PROJECTS.—A grant for a
19 capital project under this subsection shall be for
20 80 percent of the net capital costs of the
21 project. A recipient of a grant under this sub-
22 section may provide additional local matching
23 amounts.

24 “(B) REMAINING COSTS.—The remainder
25 of the net project cost shall be provided—

1 “(i) in cash from non-Government
2 sources other than revenues from providing
3 public transportation services;

4 “(ii) from revenues derived from the
5 sale of advertising and concessions;

6 “(iii) from an undistributed cash sur-
7 plus, a replacement or depreciation cash
8 fund or reserve, or new capital;

9 “(iv) from amounts received under a
10 service agreement with a State or local so-
11 cial service agency or private social service
12 organization; or

13 “(v) from revenues generated from
14 value capture financing mechanisms.

15 “(8) PERIOD OF AVAILABILITY TO RECIPI-
16 ENTS.—Amounts made available under this sub-
17 section may be obligated by a recipient for 3 fiscal
18 years after the fiscal year in which the amount is
19 apportioned. Not later than 30 days after the end of
20 the 3-fiscal-year period described in the preceding
21 sentence, any amount that is not obligated on the
22 last day of that period shall be added to the amount
23 that may be apportioned under this subsection in the
24 next fiscal year.

1 “(b) BUS AND BUS FACILITIES COMPETITIVE
2 GRANTS.—

3 “(1) IN GENERAL.—The Secretary may make
4 grants under this subsection to designated recipients
5 to assist in the financing of bus and bus facilities
6 capital projects, including—

7 “(A) replacing, rehabilitating, purchasing,
8 or leasing buses or related equipment; and

9 “(B) rehabilitating, purchasing, con-
10 structing, or leasing bus-related facilities.

11 “(2) GRANT CONSIDERATIONS.—In making
12 grants under this subsection, the Secretary shall
13 consider the age and condition of buses, bus fleets,
14 related equipment, and bus-related facilities.

15 “(3) STATEWIDE APPLICATIONS.—A State may
16 submit a statewide application on behalf of a public
17 agency or private nonprofit organization engaged in
18 public transportation in rural areas or other areas
19 for which the State allocates funds. The submission
20 of a statewide application shall not preclude the sub-
21 mission and consideration of any application under
22 this subsection from other eligible recipients in an
23 urbanized area in a State.

24 “(4) REQUIREMENTS FOR THE SECRETARY.—
25 The Secretary shall—

1 “(A) disclose all metrics and evaluation
2 procedures to be used in considering grant ap-
3 plications under this subsection upon issuance
4 of the notice of funding availability in the Fed-
5 eral Register; and

6 “(B) publish a summary of final scores for
7 selected projects, metrics, and other evaluations
8 used in awarding grants under this subsection
9 in the Federal Register.

10 “(5) RURAL PROJECTS.—Not less 10 percent of
11 the amounts made available under this subsection in
12 a fiscal year shall be distributed to projects in rural
13 areas.

14 “(6) GRANT REQUIREMENTS.—

15 “(A) IN GENERAL.—A grant under this
16 subsection shall be subject to the requirements
17 of—

18 “(i) section 5307 for recipients of
19 grants made in urbanized areas; and

20 “(ii) section 5311 for recipients of
21 grants made in rural areas.

22 “(B) GOVERNMENT SHARE OF COSTS.—
23 The Government share of the cost of an eligible
24 project carried out under this subsection shall
25 not exceed 80 percent.

1 “(7) AVAILABILITY OF FUNDS.—Any amounts
2 made available to carry out this subsection—

3 “(A) shall remain available for 2 fiscal
4 years after the fiscal year for which the amount
5 is made available; and

6 “(B) that remain unobligated at the end of
7 the period described in subparagraph (A) shall
8 be added to the amount made available to an el-
9 igible project in the following fiscal year.

10 “(8) LIMITATION.—Of the amounts made avail-
11 able under this subsection, not more than 15 percent
12 may be awarded to a single grantee.

13 “(c) LOW OR NO EMISSION GRANTS.—

14 “(1) DEFINITIONS.—In this subsection—

15 “(A) the term ‘direct carbon emissions’
16 means the quantity of direct greenhouse gas
17 emissions from a vehicle, as determined by the
18 Administrator of the Environmental Protection
19 Agency;

20 “(B) the term ‘eligible project’ means a
21 project or program of projects in an eligible
22 area for—

23 “(i) acquiring low or no emission vehi-
24 cles;

1 “(ii) leasing low or no emission vehi-
2 cles;

3 “(iii) acquiring low or no emission ve-
4 hicles with a leased power source;

5 “(iv) constructing facilities and re-
6 lated equipment for low or no emission ve-
7 hicles;

8 “(v) leasing facilities and related
9 equipment for low or no emission vehicles;

10 “(vi) constructing new public trans-
11 portation facilities to accommodate low or
12 no emission vehicles; or

13 “(vii) rehabilitating or improving ex-
14 isting public transportation facilities to ac-
15 commodate low or no emission vehicles;

16 “(C) the term ‘leased power source’ means
17 a removable power source, as defined in para-
18 graph (4)(A) of section 5316(c), that is made
19 available through a capital lease under that sec-
20 tion;

21 “(D) the term ‘low or no emission bus’
22 means a bus that is a low or no emission vehi-
23 cle;

24 “(E) the term ‘low or no emission vehicle’
25 means—

1 “(i) a passenger vehicle used to pro-
2 vide public transportation that the Sec-
3 retary determines sufficiently reduces en-
4 ergy consumption or harmful emissions, in-
5 cluding direct carbon emissions, when com-
6 pared to a comparable standard vehicle; or

7 “(ii) a zero emission vehicle used to
8 provide public transportation;

9 “(F) the term ‘recipient’ means a des-
10 ignated recipient, a local governmental author-
11 ity, or a State that receives a grant under this
12 subsection for an eligible project; and

13 “(G) the term ‘zero emission vehicle’
14 means a low or no emission vehicle that pro-
15 duces no carbon or particulate matter.

16 “(2) GENERAL AUTHORITY.—The Secretary
17 may make grants to recipients to finance eligible
18 projects under this subsection.

19 “(3) GRANT REQUIREMENTS.—

20 “(A) IN GENERAL.—A grant under this
21 subsection shall be subject to the requirements
22 of section 5307.

23 “(B) GOVERNMENT SHARE OF COSTS FOR
24 CERTAIN PROJECTS.—Section 5323(i) applies to
25 eligible projects carried out under this sub-

1 section, unless the recipient requests a lower
2 grant percentage.

3 “(C) COMBINATION OF FUNDING
4 SOURCES.—

5 “(i) COMBINATION PERMITTED.—An
6 eligible project carried out under this sub-
7 section may receive funding under section
8 5307 or any other provision of law.

9 “(ii) GOVERNMENT SHARE.—Nothing
10 in this subparagraph shall be construed to
11 alter the Government share required under
12 paragraph (7), section 5307, or any other
13 provision of law.

14 “(4) COMPETITIVE PROCESS.—The Secretary
15 shall—

16 “(A) not later than 30 days after the date
17 on which amounts are made available for obli-
18 gation under this subsection for a full fiscal
19 year, solicit grant applications for eligible
20 projects on a competitive basis; and

21 “(B) award a grant under this subsection
22 based on the solicitation under subparagraph
23 (A) not later than the earlier of—

24 “(i) 75 days after the date on which
25 the solicitation expires; or

1 “(ii) the end of the fiscal year in
2 which the Secretary solicited the grant ap-
3 plications.

4 “(5) CONSIDERATION.—In awarding grants
5 under this subsection, the Secretary shall only con-
6 sider eligible projects relating to the acquisition or
7 leasing of low or no emission buses that—

8 “(A) make greater reductions in energy
9 consumption and harmful emissions, including
10 direct carbon emissions, than comparable stand-
11 ard buses or other low or no emission buses;
12 and

13 “(B) are part of a long-term integrated
14 fleet management plan for the recipient.

15 “(6) AVAILABILITY OF FUNDS.—Any amounts
16 made available to carry out this subsection—

17 “(A) shall remain available to an eligible
18 project for 2 fiscal years after the fiscal year
19 for which the amount is made available; and

20 “(B) that remain unobligated at the end of
21 the period described in subparagraph (A) shall
22 be added to the amount made available to an el-
23 igible project in the following fiscal year.

24 “(7) GOVERNMENT SHARE OF COSTS.—

1 “(A) IN GENERAL.—The Federal share of
2 the cost of an eligible project carried out under
3 this subsection shall not exceed 80 percent.

4 “(B) NON-FEDERAL SHARE.—The non-
5 Federal share of the cost of an eligible project
6 carried out under this subsection may be de-
7 rived from in-kind contributions.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 The table of sections for chapter 53 of title 49, United
10 States Code, is amended by striking the item relating to
11 section 5339 and inserting the following:

 “5339. Grants for bus and bus facilities.”.

12 **SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINIS-**
13 **TRATOR.**

14 (a) IN GENERAL.—Section 5313 of title 5, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “Federal Transit Administrator.”.

18 (b) CONFORMING AMENDMENT.—Section 5314 of
19 title 5, United States Code, is amended by striking “Fed-
20 eral Transit Administrator.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the first day of the first
23 pay period beginning on or after the first day of the first
24 fiscal year beginning after the date of enactment of this
25 Act.

1 **SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) CHAPTER 53 OF TITLE 49, UNITED STATES
3 CODE.—

4 (1) IN GENERAL.—Chapter 53 of title 49,
5 United States Code, is amended—

6 (A) by striking section 5319;

7 (B) in section 5325—

8 (i) in subsection (e)(2), by striking
9 “at least two”; and

10 (ii) in subsection (h), by striking
11 “Federal Public Transportation Act of
12 2012” and inserting “Federal Public
13 Transportation Act of 2015”;

14 (C) in section 5336—

15 (i) in subsection (a), by striking “sub-
16 section (h)(4)” and inserting “subsection
17 (h)(5)”; and

18 (ii) in subsection (h), as amended by
19 division G—

20 (I) by striking paragraph (1) and
21 inserting the following:

22 “(1) \$30,000,000 for each fiscal year shall be
23 set aside to carry out section 5307(h);” and

24 (II) in paragraph (3), by striking
25 “1.5 percent” and inserting “2 per-
26 cent”; and

1 (D) in section 5340(b), by striking “sec-
2 tion 5338(b)(2)(M)” and inserting “section
3 5338(a)(2)(O)”.

4 (2) TABLE OF SECTIONS.—The table of sections
5 for chapter 53 of title 49, United States Code, is
6 amended by striking the item relating to section
7 5319 and inserting the following:

“[5319. Repealed.]”.

8 (b) CHAPTER 105 OF TITLE 49, UNITED STATES
9 CODE.—Section 10501(c) of title 49, United States Code,
10 is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (A)(i), by striking
13 “section 5302(a)” and inserting “section
14 5302”; and

15 (B) in subparagraph (B)—

16 (i) by striking “mass transportation”
17 and inserting “public transportation”; and

18 (ii) by striking “section 5302(a)” and
19 inserting “section 5302”; and

20 (2) in paragraph (2)(A), by striking “mass
21 transportation” and inserting “public transpor-
22 tation”.

1 **DIVISION C—COMPREHENSIVE**
2 **TRANSPORTATION AND CON-**
3 **SUMER PROTECTION ACT OF**
4 **2015**

5 **SEC. 31001. SHORT TITLE.**

6 This division may be cited as the “Comprehensive
7 Transportation and Consumer Protection Act of 2015.”

8 **SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES**
9 **CODE.**

10 Except as otherwise expressly provided, wherever in
11 this division an amendment or repeal is expressed in terms
12 of an amendment to, or repeal of, a section or other provi-
13 sion, the reference shall be considered to be made to a
14 section or other provision of title 49, United States Code.

15 **SEC. 31003. EFFECTIVE DATE.**

16 Subtitle A of title XXXII, sections 33103, 34101(g),
17 34105, 34106, 34107, 34133, 34141, 34202, 34203,
18 34204, 34205, 34206, 34207, 34208, 34211, 34212,
19 34213, 34214, 34215, subtitles C and D of title XXXIV,
20 and title XXXV take effect on the date of enactment of
21 this Act.

1 **TITLE XXXI—OFFICE OF THE**
2 **SECRETARY**
3 **Subtitle A—Accelerating Project**
4 **Delivery**

5 **SEC. 31101. DELEGATION OF AUTHORITY.**

6 (a) IN GENERAL.—Chapter 1 is amended by adding
7 at the end the following:

8 **“§ 116. Administrations; acting officers**

9 “No person designated to serve as the acting head
10 of an administration in the department of transportation
11 under section 3345 of title 5 may continue to perform the
12 functions and duties of the office if the time limitations
13 in section 3346 of that title would prevent the person from
14 continuing to serve in a formal acting capacity.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents for chapter 1 is amended by inserting after the item
17 relating to section 115 the following:

“116. Administrations; acting officers.”.

18 (c) APPLICATION.—The amendment under subsection
19 (a) shall apply to any applicable office with a position des-
20 ignated for a Senate confirmed official.

1 **SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT**
2 **CENTER.**

3 (a) IN GENERAL.—Subchapter I of chapter 3, as
4 amended by sections 31104 and 31106 of this Act, is fur-
5 ther amended by adding after section 311 the following:

6 **“§ 312. Interagency Infrastructure Permitting Im-**
7 **provement Center**

8 “(a) IN GENERAL.—There is established in the Office
9 of the Secretary an Interagency Infrastructure Permitting
10 Improvement Center (referred to in this section as the
11 ‘Center’).

12 “(b) ROLES AND RESPONSIBILITIES.—

13 “(1) GOVERNANCE.—The Center shall report to
14 the chair of the Steering Committee described in
15 paragraph (2) to ensure that the perspectives of all
16 member agencies are represented.

17 “(2) INFRASTRUCTURE PERMITTING STEERING
18 COMMITTEE.—An Infrastructure Permitting Steer-
19 ing Committee (referred to in this section as the
20 ‘Steering Committee’) is established to oversee the
21 work of the Center. The Steering Committee shall be
22 chaired by the Federal Chief Performance Officer in
23 consultation with the Chair of the Council on Envi-
24 ronmental Quality and shall be comprised of Dep-
25 uty-level representatives from the following depart-
26 ments and agencies:

- 1 “(A) The Department of Defense.
- 2 “(B) The Department of the Interior.
- 3 “(C) The Department of Agriculture.
- 4 “(D) The Department of Commerce.
- 5 “(E) The Department of Transportation.
- 6 “(F) The Department of Energy.
- 7 “(G) The Department of Homeland Secu-
- 8 rity.
- 9 “(H) The Environmental Protection Agen-
- 10 cy.
- 11 “(I) The Advisory Council on Historic
- 12 Preservation.
- 13 “(J) The Department of the Army.
- 14 “(K) The Department of Housing and
- 15 Urban Development.
- 16 “(L) Other agencies the Chair of the
- 17 Steering Committee invites to participate.
- 18 “(3) ACTIVITIES.—The Center shall support the
- 19 Chair of the Steering Committee and undertake the
- 20 following:
- 21 “(A) Coordinate and support implementa-
- 22 tion of priority reform actions for Federal agen-
- 23 cy permitting and reviews for areas as defined
- 24 and identified by the Steering Committee.

1 “(B) Support modernization efforts at
2 Federal agencies and interagency pilots for in-
3 novative approaches to the permitting and re-
4 view of infrastructure projects.

5 “(C) Provide technical assistance and
6 training to field and headquarters staff of Fed-
7 eral agencies on policy changes, innovative ap-
8 proaches to project delivery, and other topics as
9 appropriate.

10 “(D) Identify, develop, and track metrics
11 for timeliness of permit reviews, permit deci-
12 sions, and project outcomes.

13 “(E) Administer and expand the use of on-
14 line transparency tools providing for—

15 “(i) tracking and reporting of metrics;

16 “(ii) development and posting of
17 schedules for permit reviews and permit
18 decisions; and

19 “(iii) sharing of best practices related
20 to efficient project permitting and reviews.

21 “(F) Provide reporting to the President on
22 progress toward achieving greater efficiency in
23 permitting decisions and review of infrastruc-
24 ture projects and progress toward achieving

1 better outcomes for communities and the envi-
2 ronment.

3 “(G) Meet not less frequently than annu-
4 ally with groups or individuals representing
5 State, Tribal, and local governments that are
6 engaged in the infrastructure permitting proc-
7 ess.

8 “(4) INFRASTRUCTURE SECTORS COVERED.—
9 The Center shall support process improvements in
10 the permitting and review of infrastructure projects
11 in the following sectors:

12 “(A) Surface transportation.

13 “(B) Aviation.

14 “(C) Ports and waterways.

15 “(D) Water resource projects.

16 “(E) Renewable energy generation.

17 “(F) Electricity transmission.

18 “(G) Broadband.

19 “(H) Pipelines.

20 “(I) Other sectors, as determined by the
21 Steering Committee.

22 “(c) PERFORMANCE MEASURES.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of the Comprehensive Trans-
25 portation and Consumer Protection Act of 2015, the

1 Secretary, in coordination with the heads of other
2 Federal agencies on the Steering Committee with re-
3 sponsibility for the review and approval of infra-
4 structure projects sectors described in subsection
5 (b)(4), shall evaluate and report on—

6 “(A) the progress made toward aligning
7 Federal reviews of such projects and the im-
8 provement of project delivery associated with
9 those projects; and

10 “(B) the effectiveness of the Center in
11 achieving reduction of permitting time and
12 project delivery time.

13 “(2) PERFORMANCE TARGETS.—Not later than
14 180 days after the date on which the Secretary of
15 Transportation establishes performance measures in
16 accordance with paragraph (1), the Secretary shall
17 establish performance targets relating to each of the
18 measures and standards described in subparagraphs
19 (A) and (B) of paragraph (1).

20 “(3) REPORT TO CONGRESS.—Not later than 2
21 years after the date of enactment of the Comprehen-
22 sive Transportation and Consumer Protection Act of
23 2015 and biennially thereafter, the Secretary shall
24 submit a report to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives that describes—

3 “(A) the results of the evaluation con-
4 ducted under paragraph (1); and

5 “(B) the progress towards achieving the
6 targets established under paragraph (2).

7 “(4) INSPECTOR GENERAL REPORT.—Not later
8 than 3 years after the date of enactment of the
9 Comprehensive Transportation and Consumer Pro-
10 tection Act of 2015, the Inspector General of the
11 Department of Transportation shall submit a report
12 to the Committee on Commerce, Science, and Trans-
13 portation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives that describes—

16 “(A) the results of the evaluation con-
17 ducted under paragraph (1); and

18 “(B) the progress towards achieving the
19 targets established under paragraph (2).”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of chapter 3, as amended by sections 31104 and
22 31106 of this Act, is further amended by inserting after
23 the item relating to section 311 the following:

“312. Interagency Infrastructure Permitting Improvement Center.”.

1 **SEC. 31103. ACCELERATED DECISION-MAKING IN ENVIRON-**
2 **MENTAL REVIEWS.**

3 (a) IN GENERAL.—Subchapter I of chapter 3 is
4 amended by inserting after section 304 the following:

5 **“§ 304a. Accelerated decision-making in environ-**
6 **mental reviews**

7 “(a) IN GENERAL.—In preparing a final environ-
8 mental impact statement under the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if
10 the Department of Transportation, when acting as lead
11 agency, modifies the statement in response to comments
12 that are minor and are confined to factual corrections or
13 explanations of why the comments do not warrant addi-
14 tional Departmental response, the Department may write
15 on errata sheets attached to the statement instead of re-
16 writing the draft statement, subject to the condition that
17 the errata sheets—

18 “(1) cite the sources, authorities, or reasons
19 that support the position of the Department; and

20 “(2) if appropriate, indicate the circumstances
21 that would trigger Departmental reappraisal or fur-
22 ther response.

23 “(b) INCORPORATION.—To the maximum extent
24 practicable, the Department shall expeditiously develop a
25 single document that consists of a final environmental im-
26 pact statement and a record of decision, unless—

1 “(1) the final environmental impact statement
2 makes substantial changes to the proposed action
3 that are relevant to environmental or safety con-
4 cerns; or

5 “(2) there are significant new circumstances or
6 information relevant to environmental concerns and
7 that bear on the proposed action or the impacts of
8 the proposed action.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents of chapter 3 is amended by inserting after the item
11 relating to section 304 the following:

“304a. Accelerated decision-making in environmental reviews.”.

12 **SEC. 31104. ENVIRONMENTAL REVIEW ALIGNMENT AND RE-**
13 **FORM.**

14 (a) IN GENERAL.—Subchapter I of chapter 3 is
15 amended by inserting after section 309 the following:

16 **“§ 310. Aligning Federal environmental reviews**

17 “(a) COORDINATED AND CONCURRENT ENVIRON-
18 MENTAL REVIEWS.—Not later than 1 year after the date
19 of enactment of the Comprehensive Transportation and
20 Consumer Protection Act of 2015, the Department of
21 Transportation, in coordination with the Steering Com-
22 mittee described in section 312 of this title, shall develop
23 a coordinated and concurrent environmental review and
24 permitting process for transportation projects when initi-
25 ating an environmental impact statement under the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.) (referred to in this section as ‘NEPA’). The co-
3 ordinated and concurrent environmental review and per-
4 mitting process shall—

5 “(1) ensure that the Department of Transpor-
6 tation and Federal agencies of jurisdiction possess
7 sufficient information early in the review process to
8 determine a statement of a transportation project’s
9 purpose and need and range of alternatives for anal-
10 ysis that the lead agency and agencies of jurisdiction
11 will rely upon for concurrent environmental reviews
12 and permitting decisions required for the proposed
13 project;

14 “(2) achieve early concurrence or issue resolu-
15 tion during the NEPA scoping process on the De-
16 partment of Transportation’s statement of a
17 project’s purpose and need and during development
18 of the environmental impact statement on the range
19 of alternatives for analysis that the lead agency and
20 agencies of jurisdiction will rely upon for concurrent
21 environmental reviews and permitting decisions re-
22 quired for the proposed project absent circumstances
23 that require reconsideration in order to meet an
24 agency of jurisdiction’s legal obligations; and

1 “(3) achieve concurrence or issue resolution in
2 an expedited manner if circumstances arise that re-
3 quire a reconsideration of the purpose and need or
4 range of alternatives considered during any Federal
5 agency’s environmental or permitting review in order
6 to meet an agency of jurisdiction’s legal obligations.

7 “(b) ENVIRONMENTAL CHECKLIST.—The Secretary
8 of Transportation and Federal agencies of jurisdiction
9 likely to have substantive review or approval responsibil-
10 ities on transportation projects, not later than 90 days
11 after the date of enactment of the Comprehensive Trans-
12 portation and Consumer Protection Act of 2015, shall
13 jointly develop a checklist to help project sponsors identify
14 potential natural, cultural, and historic resources in the
15 area of a proposed project. The purpose of the checklist
16 is—

17 “(1) to identify agencies of jurisdiction and co-
18 operating agencies,

19 “(2) to develop the information needed for the
20 purpose and need and alternatives for analysis; and

21 “(3) to improve interagency collaboration to
22 help expedite the permitting process for the lead
23 agency and Federal agencies of jurisdiction.

24 “(c) INTERAGENCY COLLABORATION.—Consistent
25 with Federal environmental statutes and the priority re-

1 form actions for Federal agency permitting and reviews
2 defined and identified by the Steering Committee estab-
3 lished under section 312, the Secretary shall facilitate an-
4 nual interagency collaboration sessions at the appropriate
5 jurisdictional level to coordinate business plans and facili-
6 tate coordination of workload planning and workforce
7 management. This engagement shall ensure agency staff
8 is fully engaged and utilizing the flexibility of existing reg-
9 ulations, policies, and guidance and identifying additional
10 actions to facilitate high quality, efficient, and targeted
11 environmental reviews and permitting decisions. The ses-
12 sions and the interagency collaborations they generate
13 shall focus on how to work with State and local transpor-
14 tation entities to improve project planning, siting, and ap-
15 plication quality and how to consult and coordinate with
16 relevant stakeholders and Federal, tribal, State, and local
17 representatives early in permitting processes.

18 “(d) PERFORMANCE MEASUREMENT.—Not later
19 than 1 year after the date of enactment of the Comprehen-
20 sive Transportation and Consumer Protection Act of
21 2015, the Secretary of Transportation, in coordination
22 with the Steering Committee established under section
23 312 of this title, shall establish a program to measure and
24 report on progress towards aligning Federal reviews as
25 outlined in this section.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of subchapter I of chapter 3 is amended by inserting
3 after the item relating to section 309 the following:

“310. Aligning Federal environmental reviews.”.

4 **SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.**

5 Section 304 is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “operating authority”
9 and inserting “operating administration or
10 secretarial office”;

11 (ii) by inserting “has expertise but”
12 before “is not the lead”; and

13 (iii) by inserting “proposed
14 multimodal” before “project”;

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) LEAD AUTHORITY.—The term ‘lead au-
18 thority’ means a Department of Transportation op-
19 erating administration or secretarial office that has
20 the lead responsibility for a proposed multimodal
21 project.”; and

22 (C) in paragraph (3), by striking “has the
23 meaning given the term in section 139(a) of
24 title 23” and inserting “means an action by the
25 Department of Transportation that involves ex-

1 pertise of 1 or more Department of Transpor-
2 tation operating administrations or secretarial
3 offices”;

4 (2) in subsection (b), by striking “under this
5 title” and inserting “by the Secretary of Transpor-
6 tation”;

7 (3) in subsection (c)—

8 (A) in the matter preceding paragraph
9 (1)—

10 (i) by striking “a categorical exclusion
11 designated under the implementing regula-
12 tions or” and inserting “categorical exclu-
13 sions designated under the National Envi-
14 ronmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.) implementing”; and

16 (ii) by striking “other components of
17 the” and inserting “a proposed
18 multimodal”;

19 (B) by amending paragraphs (1) and (2)
20 to read as follows:

21 “(1) the lead authority makes a preliminary de-
22 termination on the applicability of a categorical ex-
23 clusion to a proposed multimodal project and notifies
24 the cooperating authority of its intent to apply the
25 cooperating authority categorical exclusion;

1 “(2) the cooperating authority does not object
2 to the lead authority’s preliminary determination of
3 its applicability;”;

4 (C) in paragraph (3)—

5 (i) by inserting “the lead authority de-
6 termines that” before “the component of”;
7 and

8 (ii) by inserting “proposed
9 multimodal” before “project to be cov-
10 ered”; and

11 (D) by amending paragraph (4) to read as
12 follows:

13 “(4) the lead authority, with the concurrence of
14 the cooperating authority—

15 “(A) follows implementing regulations or
16 procedures under the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

18 “(B) determines that the proposed
19 multimodal project does not individually or cu-
20 mulatively have a significant impact on the en-
21 vironment; and

22 “(C) determines that extraordinary cir-
23 cumstances do not exist that merit additional
24 analysis and documentation in an environ-
25 mental impact statement or environmental as-

1 assessment required under the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et
3 seq.).”; and

4 (4) by amending subsection (d) to read as fol-
5 lows:

6 “(d) COOPERATING AUTHORITY EXPERTISE.—A co-
7 operating authority shall provide expertise to the lead au-
8 thority on aspects of the multimodal project in which the
9 cooperating authority has expertise.”.

10 **SEC. 31106. IMPROVING TRANSPARENCY IN ENVIRON-**
11 **MENTAL REVIEWS.**

12 (a) IN GENERAL.—Subchapter I of chapter 3, as
13 amended by section 31104 of this Act, is further amended
14 by inserting after section 310 the following:

15 **“§ 311. Improving transparency in environmental re-**
16 **views**

17 “(a) IN GENERAL.—Not later than 2 years after the
18 date of enactment of the Comprehensive Transportation
19 and Consumer Protection Act of 2015, the Secretary of
20 Transportation shall establish an online platform and, in
21 coordination with Federal agencies described in subsection
22 (b), issue reporting standards to make publicly available
23 the status and progress with respect to compliance with
24 applicable requirements under the National Environ-
25 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and

1 any other Federal approval required under applicable laws
2 for projects and activities requiring an environmental as-
3 sessment or an environmental impact statement.

4 “(b) FEDERAL AGENCY PARTICIPATION.—A Federal
5 agency of jurisdiction over an approval required for a
6 project under applicable laws shall provide information re-
7 garding the status and progress of the approval to the on-
8 line platform, consistent with the standards established
9 under subsection (a).

10 “(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity
11 with assigned authority for responsibilities under the Na-
12 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
13 et seq.), under section 326 or section 327 of title 23 shall
14 be responsible for supplying project development and com-
15 pliance status for all applicable projects.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents of subchapter I of chapter 3, as amended by section
18 31104 of this Act, is further amended by inserting after
19 the item relating to section 310, the following:

“311. Improving transparency in environmental reviews.”.

20 **SEC. 31107. LOCAL TRANSPORTATION INFRASTRUCTURE**
21 **PROGRAM.**

22 Section 610 of title 23, United States Code, is
23 amended—

24 (1) in subsection (d)—

1 (A) in paragraph (1), by striking subpara-
2 graph (A) and inserting the following:

3 “(A) 10 percent of the funds apportioned
4 to the State for each of fiscal years 2016
5 through 2021 under each of sections 104(b)(1),
6 104(b)(2), and 144; and”;

7 (B) in paragraph (2), by striking “2005
8 through 2009” and inserting “2016 through
9 2021”;

10 (C) in paragraph (3), by striking “2005
11 through 2009” and inserting “2016 through
12 2021”; and

13 (D) in paragraph (5), by striking “section
14 133(d)(3)” and inserting “section 133(d)(4)”;
15 and

16 (2) in subsection (k), by striking “2005 through
17 2009” and inserting “2016 through 2021”.

18 **SEC. 31108. AUTHORIZATION OF GRANTS FOR POSITIVE**
19 **TRAIN CONTROL.**

20 (a) IN GENERAL.—There shall be available from the
21 Mass Transit Account of the Highway Trust Fund to
22 carry out this section \$199,000,000 for fiscal year 2016
23 to assist in financing the installation of positive train con-
24 trol systems.

1 (b) PROGRAMS.—The amounts made available under
2 subsection (a) of this section may be used to assist in fi-
3 nancing the installation of positive train control systems
4 through—

5 (1) grants made under the rail safety tech-
6 nology grants program under section 20158 of title
7 49, United States Code;

8 (2) grants made under the consolidated rail in-
9 frastructure and safety improvements program
10 under section 24408 of title 49, United States Code;
11 and

12 (3) funding the cost, including the subsidy cost
13 or cost of credit risk premiums, of direct loans and
14 loan guarantees under sections 502 through 504 of
15 the Railroad Revitalization and Regulatory Reform
16 Act of 1976 (45 U.S.C. 801 et seq.).

17 (c) ELIGIBLE RECIPIENTS.—The amounts made
18 available under subsection (a) of this section may be used
19 only to assist a recipient of funds under chapter 53 of
20 title 49, United States Code, through the programs de-
21 scribed in subsection (b).

22 (d) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
23 retary may withhold up to 1 percent from the amounts
24 made available under subsection (a) of this section for the

1 costs of project management oversight of grants author-
2 ized under that subsection.

3 (e) SAVINGS CLAUSE.—Nothing in this section may
4 be construed as authorizing the amounts appropriated
5 under subsection (a) to be used for any purpose other than
6 financing the installation of positive train control systems.

7 (f) GRANTS FINANCED FROM HIGHWAY TRUST
8 FUND.—A grant, contract, direct loan, or loan guarantee
9 that is approved by the Secretary and financed with
10 amounts made available from the Mass Transit Account
11 of the Highway Trust Fund under this section is a con-
12 tractual obligation of the Government to pay the Govern-
13 ment share of the cost of the project.

14 (g) AVAILABILITY OF AMOUNTS.—Notwithstanding
15 subsection (h), amounts made available under this section
16 shall remain available until expended.

17 (h) SUNSET.—The Secretary of Transportation shall
18 provide the grants, direct loans, and loan guarantees
19 under subsection (b) by September 30, 2017.

20 **Subtitle B—Research**

21 **SEC. 31201. FINDINGS.**

22 Congress makes the followings findings:

23 (1) Federal transportation research planning
24 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
5 subagencies of the Department of Transpor-
6 tation.

7 (2) Managing a multi-modal research portfolio
8 within the Office of the Secretary will—

9 (A) help identify opportunities where re-
10 search could be applied across modes; and

11 (B) prevent duplication of efforts and
12 waste of limited Federal resources.

13 (3) An ombudsman for research at the Depart-
14 ment of Transportation will—

15 (A) give stakeholders a formal opportunity
16 to address concerns;

17 (B) ensure unbiased research; and

18 (C) improve the overall research products
19 of the Department.

20 (4) Increasing transparency of transportation
21 research efforts will—

22 (A) build stakeholder confidence in the
23 final product; and

24 (B) lead to the improved implementation
25 of research findings.

1 **SEC. 31202. MODAL RESEARCH PLANS.**

2 (a) IN GENERAL.—Not later than June 15 of the
3 year preceding the research fiscal year, the head of each
4 modal administration and joint program office of the De-
5 partment of Transportation shall submit a comprehensive
6 annual modal research plan to the Assistant Secretary for
7 Research and Technology of the Department of Transpor-
8 tation (referred to in this subtitle as the “Assistant Sec-
9 retary”).

10 (b) REVIEW.—

11 (1) IN GENERAL.—Not later than October 1 of
12 each year, the Assistant Secretary, for each plan
13 submitted pursuant to subsection (a), shall—

14 (A) review the scope of the research; and

15 (B)(i) approve the plan; or

16 (ii) request that the plan be revised.

17 (2) PUBLICATIONS.—Not later than January
18 30 of each year, the Secretary shall publish each
19 plan that has been approved under paragraph
20 (1)(B)(i) on a public website.

21 (3) REJECTION OF DUPLICATIVE RESEARCH EF-
22 FORTS.—The Assistant Secretary may not approve
23 any plan submitted by the head of a modal adminis-
24 tration or joint program office pursuant to sub-
25 section (a) if such plan duplicates the research ef-
26 forts of any 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 un-
5 less—

6 (1) such research is required by an Act of Con-
7 gress;

8 (2) such research was part of a contract that
9 was funded before the date of enactment of this Act;
10 or

11 (3) the Secretary of Transportation certifies to
12 Congress that such research is necessary before the
13 approval of a modal research plan.

14 (d) DUPLICATIVE RESEARCH.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), no funds may be expended by the Depart-
17 ment of Transportation on research projects that the
18 Secretary identifies as duplicative under subsection
19 (b)(3).

20 (2) EXCEPTIONS.—Paragraph (1) shall not
21 apply to—

22 (A) updates to previously commissioned re-
23 search;

24 (B) research commissioned to carry out an
25 Act of Congress; or

1 (C) research commissioned before the date
2 of enactment of this Act.

3 (e) CERTIFICATION.—

4 (1) IN GENERAL.—The Secretary shall annually
5 certify to Congress that—

6 (A) each modal research plan has been re-
7 viewed; and

8 (B) there is no duplication of study for re-
9 search directed, commissioned, or conducted by
10 the Department of Transportation.

11 (2) CORRECTIVE ACTION PLAN.—If the Sec-
12 retary, after submitting a certification under para-
13 graph (1), identifies duplication of research within
14 the Department of Transportation, the Secretary
15 shall—

16 (A) notify Congress of the duplicative re-
17 search; and

18 (B) submit a corrective action plan to Con-
19 gress that will eliminate such duplicative re-
20 search.

21 **SEC. 31203. CONSOLIDATED RESEARCH PROSPECTUS AND**
22 **STRATEGIC PLAN.**

23 (a) PROSPECTUS.—

24 (1) IN GENERAL.—The Secretary shall annually
25 publish, on a public website, a comprehensive pro-

1 spectus on all research projects conducted by the
2 Department of Transportation, including, to the ex-
3 tent practicable, research funded through University
4 Transportation Centers.

5 (2) CONTENTS.—The prospectus published
6 under paragraph (1) shall—

7 (A) include the consolidated modal re-
8 search plans approved under section 1302;

9 (B) describe the research objectives,
10 progress, and allocated funds for each research
11 project;

12 (C) identify research projects with multi-
13 modal applications;

14 (D) specify how relevant modal administra-
15 tions have assisted, will contribute to, or plan
16 to use the findings from the research projects
17 identified under paragraph (1);

18 (E) identify areas in which multiple modal
19 administrations are conducting research
20 projects on similar subjects or subjects which
21 have bearing on multiple modes;

22 (F) describe the interagency and cross
23 modal communication and coordination that has
24 occurred to prevent duplication of research ef-
25 forts within the Department of Transportation;

1 (G) indicate how research is being dissemi-
2 nated to improve the efficiency and safety of
3 transportation systems;

4 (H) describe how agencies developed their
5 research plans; and

6 (I) describe the opportunities for public
7 and stakeholder input.

8 (b) FUNDING REPORT.—In conjunction with each of
9 the President’s annual budget requests under section 1105
10 of title 31, United States Code, the Secretary shall submit
11 a report to appropriate committees of Congress that de-
12 scribes—

13 (1) the amount spent in the last completed fis-
14 cal year on transportation research and develop-
15 ment; and

16 (2) the amount proposed in the current budget
17 for transportation research and development.

18 (c) PERFORMANCE PLANS AND REPORTS.—In the
19 plans and reports submitted under sections 1115 and
20 1116 of title 31, United States Code, the Secretary shall
21 include—

22 (1) a summary of the Federal transportation
23 research and development activities for the previous
24 fiscal year in each topic area;

25 (2) the amount spent in each topic area;

1 (3) a description of the extent to which the re-
2 search and development is meeting the expectations
3 set forth in subsection (d)(3)(A); and

4 (4) any amendments to the strategic plan devel-
5 oped under subsection (d).

6 (d) TRANSPORTATION RESEARCH AND DEVELOP-
7 MENT STRATEGIC PLAN.—

8 (1) IN GENERAL.—The Secretary shall develop
9 a 5-year transportation research and development
10 strategic plan to guide future Federal transportation
11 research and development activities.

12 (2) CONSISTENCY.—The strategic plan devel-
13 oped under paragraph (1) shall be consistent with—

14 (A) section 306 of title 5, United States
15 Code;

16 (B) sections 1115 and 1116 of title 31,
17 United States Code; and

18 (C) any other research and development
19 plan within the Department of Transportation.

20 (3) CONTENTS.—The strategic plan developed
21 under paragraph (1) shall—

22 (A) describe the primary purposes of the
23 transportation research and development pro-
24 gram, which shall include—

25 (i) promoting safety;

- 1 (ii) reducing congestion;
- 2 (iii) improving mobility;
- 3 (iv) preserving the existing transpor-
- 4 tation system;
- 5 (v) improving the durability and ex-
- 6 tending the life of transportation infra-
- 7 structure; and
- 8 (vi) improving goods movement;
- 9 (B) for each of the purposes referred to in
- 10 subparagraph (A), list the primary research and
- 11 development topics that the Department of
- 12 Transportation intends to pursue to accomplish
- 13 that purpose, which may include—
- 14 (i) fundamental research in the phys-
- 15 ical and natural sciences;
- 16 (ii) applied research;
- 17 (iii) technology research; and
- 18 (iv) social science research intended
- 19 for each topic; and
- 20 (C) for each research and development
- 21 topic—
- 22 (i) identify the anticipated annual
- 23 funding levels for the period covered by the
- 24 strategic plan; and

1 (ii) include any additional information
2 the Department of Transportation expects
3 to discover at the end of the period covered
4 by the strategic plan as a result of the re-
5 search and development in that topic area.

6 (4) CONSIDERATIONS.—The Secretary shall en-
7 sure that the strategic plan developed under this sec-
8 tion—

9 (A) reflects input from a wide range of
10 stakeholders;

11 (B) includes and integrates the research
12 and development programs of all the Depart-
13 ment of Transportation’s modal administra-
14 tions, including aviation, transit, rail, and mari-
15 time; and

16 (C) takes into account how research and
17 development by other Federal, State, private
18 sector, and nonprofit institutions—

19 (i) contributes to the achievement of
20 the purposes identified under paragraph
21 (3)(A); and

22 (ii) avoids unnecessary duplication of
23 such efforts.

24 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) CHAPTER 5 OF TITLE 23.—Chapter 5 of
2 title 23, United States Code, is amended—

3 (A) by striking section 508;

4 (B) in the table of contents, by striking the
5 item relating to section 508;

6 (C) in section 502—

7 (i) in subsection (a)(9), by striking
8 “transportation research and technology
9 development strategic plan developed under
10 section 508” and inserting “transportation
11 research and development strategic plan
12 under section 31203 of the Comprehensive
13 Transportation and Consumer Protection
14 Act of 2015”; and

15 (ii) in subsection (b)(4), by striking
16 “transportation research and development
17 strategic plan of the Secretary developed
18 under section 508” and inserting “trans-
19 portation research and development stra-
20 tegic plan under section 31203 of the
21 Comprehensive Transportation and Con-
22 sumer Protection Act of 2015”; and

23 (D) in section 512(b), by striking “as part
24 of the transportation research and development
25 strategic plan developed under section 508”.

1 (2) INTELLIGENT TRANSPORTATION SYS-
2 TEMS.—Section 5205 of the Intelligent Transpor-
3 tation Systems Act of 1998 (23 U.S.C. 502 note) is
4 amended—

5 (A) in subsection (b), by striking “as part
6 of the Surface Transportation Research and
7 Development Strategic Plan developed under
8 section 508 of title 23, United States Code”
9 and inserting “as part of the transportation re-
10 search and development strategic plan under
11 section 31203 of the Comprehensive Transpor-
12 tation and Consumer Protection Act of 2015”;
13 and

14 (B) in subsection (e)(2)(A), by striking “or
15 the Surface Transportation Research and De-
16 velopment Strategic Plan developed under sec-
17 tion 508 of title 23, United States Code” and
18 inserting “or the transportation research and
19 development strategic plan under section 31203
20 of the Comprehensive Transportation and Con-
21 sumer Protection Act of 2015”.

22 (3) INTELLIGENT TRANSPORTATION SYSTEM
23 RESEARCH.—Subtitle C of title V of the Safe, Ac-
24 countable, Flexible, Efficient Transportation Equity

1 Act: A Legacy for Users (23 U.S.C. 512 note) is
2 amended—

3 (A) in section 5305(h)(3)(A), by striking
4 “the strategic plan under section 508 of title
5 23, United States Code” and inserting “the 5-
6 year transportation research and development
7 strategic plan under section 31203 of the Com-
8 prehensive Transportation and Consumer Pro-
9 tection Act of 2015”; and

10 (B) in section 5307(c)(2)(A), by striking
11 “or the surface transportation research and de-
12 velopment strategic plan developed under sec-
13 tion 508 of title 23, United States Code” and
14 inserting “or the 5-year transportation research
15 and development strategic plan under section
16 31203 of the Comprehensive Transportation
17 and Consumer Protection Act of 2015”.

18 **SEC. 31204. RESEARCH OMBUDSMAN.**

19 (a) IN GENERAL.—Subtitle III is amended by insert-
20 ing after chapter 63 the following:

21 **“CHAPTER 65—RESEARCH OMBUDSMAN**

“Sec.
“6501. Research ombudsman.

22 **“§ 6501. Research ombudsman**

23 “(a) ESTABLISHMENT.—The Assistant Secretary for
24 Research and Technology shall appoint a career Federal

1 employee to serve as Research Ombudsman. This appoint-
2 ment shall not diminish the authority of peer review of
3 research.

4 “(b) QUALIFICATIONS.—The Research Ombudsman
5 appointed under subsection (a), to the extent prac-
6 ticable—

7 “(1) shall have a background in academic re-
8 search and a strong understanding of sound study
9 design;

10 “(2) shall develop a working knowledge of the
11 stakeholder communities and research needs of the
12 transportation field; and

13 “(3) shall not have served as a political ap-
14 pointee of the Department.

15 “(c) RESPONSIBILITIES.—

16 “(1) ADDRESSING COMPLAINTS AND QUES-
17 TIONS.—The Research Ombudsman shall—

18 “(A) receive complaints and questions
19 about—

20 “(i) significant alleged omissions, im-
21 proprieties, and systemic problems; and

22 “(ii) excessive delays of, or within, a
23 specific research project; and

24 “(B) evaluate and address the complaints
25 and questions described in subparagraph (A).

1 “(2) PETITIONS.—

2 “(A) REVIEW.—The Research Ombudsman
3 shall review petitions relating to—

4 “(i) conflicts of interest;

5 “(ii) the study design and method-
6 ology;

7 “(iii) assumptions and potential bias;

8 “(iv) the length of the study; and

9 “(v) the composition of any data sam-
10 pled.

11 “(B) RESPONSE TO PETITIONS.—The Re-
12 search Ombudsman shall—

13 “(i) respond to relevant petitions
14 within a reasonable period;

15 “(ii) identify deficiencies in the peti-
16 tion’s study design; and

17 “(iii) propose a remedy for such defi-
18 ciencies to the administrator of the modal
19 administration responsible for completing
20 the research project.

21 “(C) RESPONSE TO PROPOSED REMEDY.—

22 The administrator of the modal administration
23 charged with completing the research project
24 shall respond to the proposed research remedy.

1 “(3) REQUIRED REVIEWS.—The Research Om-
2 budsman shall evaluate the study plan for all statu-
3 torily required studies and reports before the com-
4 mencement of such studies to ensure that the re-
5 search plan has an appropriate sample size and com-
6 position to address the stated purpose of the study.

7 “(d) REPORTS.—

8 “(1) IN GENERAL.—Upon the completion of
9 each review under subsection (c), the Research Om-
10 budsman shall—

11 “(A) submit a report containing the results
12 of such review to—

13 “(i) the Secretary;

14 “(ii) the head of the relevant modal
15 administration; and

16 “(iii) the study or research leader;
17 and

18 “(B) publish such results on a public
19 website, with the modal administration response
20 required under subsection (c)(2)(C).

21 “(2) INDEPENDENCE.—Each report required
22 under this section shall be provided directly to the
23 individuals described in paragraph (1) without any
24 comment or amendment from the Secretary, the
25 Deputy Secretary of Transportation, the head of any

1 modal administration of the Department, or any
2 other officer or employee of the Department or the
3 Office of Management and Budget.

4 “(e) REPORT TO INSPECTOR GENERAL.—The Re-
5 search Ombudsman shall submit any evidence of misfea-
6 sance, malfeasance, waste, fraud, or abuse uncovered dur-
7 ing a review under this section to the Inspector General
8 for further review.

9 “(f) REMOVAL.—The Research Ombudsman shall be
10 subject to adverse employment action for misconduct or
11 good cause in accordance with the procedures and grounds
12 set forth in chapter 75 of title 5.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of chapters for subtitle III is amended by insert-
15 ing after the item relating to chapter 63 the following:

“65. Research ombudsman 6501”.

16 **SEC. 31205. SMART CITIES TRANSPORTATION PLANNING**
17 **STUDY.**

18 (a) IN GENERAL.—The Secretary shall conduct a
19 study of digital technologies and information technologies,
20 including shared mobility, data, transportation network
21 companies, and on-demand transportation services—

22 (1) to understand the degree to which cities are
23 adopting these technologies;

24 (2) to assess future planning, infrastructure
25 and investment needs; and

1 (3) to provide best practices to plan for smart
2 cities in which information and technology are
3 used—

4 (A) to improve city operations;

5 (B) to grow the local economy;

6 (C) to improve response in times of emer-
7 gencies and natural disasters; and

8 (D) to improve the lives of city residents.

9 (b) COMPONENTS.—The study conducted under sub-
10 section (a) shall—

11 (1) identify broad issues that influence the abil-
12 ity of the United States to plan for and invest in
13 smart cities, including barriers to collaboration and
14 access to scientific information; and

15 (2) review how the expanded use of digital tech-
16 nologies, mobile devices, and information may—

17 (A) enhance the efficiency and effective-
18 ness of existing transportation networks;

19 (B) optimize demand management serv-
20 ices;

21 (C) impact low-income and other disadvan-
22 taged communities;

23 (D) assess opportunities to share, collect,
24 and use data;

1 (E) change current planning and invest-
2 ment strategies; and

3 (F) provide opportunities for enhanced co-
4 ordination and planning.

5 (c) REPORTING.—Not later than 18 months after the
6 date of enactment of this Act, the Secretary shall publish
7 the report containing the results of the study required
8 under subsection (a) to a public website.

9 **SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS**

10 **INDEPENDENCE.**

11 Section 6302 is amended by adding at the end the
12 following:

13 “(d) INDEPENDENCE OF BUREAU.—

14 “(1) IN GENERAL.—The Director shall not be
15 required—

16 “(A) to obtain the approval of any other
17 officer or employee of the Department with re-
18 spect to the collection or analysis of any infor-
19 mation; or

20 “(B) prior to publication, to obtain the ap-
21 proval of any other officer or employee of the
22 United States Government with respect to the
23 substance of any statistical technical reports or
24 press releases lawfully prepared by the Director.

1 “(2) BUDGET AUTHORITY.—The Director shall
2 have a significant role in the disposition and alloca-
3 tion of the Bureau’s authorized budget, including—

4 “(A) all hiring, grants, cooperative agree-
5 ments, and contracts awarded by the Bureau to
6 carry out this section; and

7 “(B) the disposition and allocation of
8 amounts paid to the Bureau for cost-reimburs-
9 able projects.

10 “(3) EXCEPTIONS.—The Secretary shall direct
11 external support functions, such as the coordination
12 of activities involving multiple modal administra-
13 tions.

14 “(4) INFORMATION TECHNOLOGY.—The De-
15 partment Chief Information Officer shall consult
16 with the Director to ensure decisions related to in-
17 formation technology guarantee the protection of the
18 confidentiality of information provided solely for sta-
19 tistical purposes, in accordance with the Confidential
20 Information Protection and Statistical Efficiency Act
21 of 2002 (44 U.S.C. 3501 note).”.

22 **SEC. 31207. CONFORMING AMENDMENTS.**

23 (a) TITLE 49 AMENDMENTS.—

24 (1) ASSISTANT SECRETARIES; GENERAL COUN-
25 SEL.—Section 102(e) is amended—

1 (A) in paragraph (1), by striking “5” and
2 inserting “6”; and

3 (B) in paragraph (1)(A), by inserting “an
4 Assistant Secretary for Research and Tech-
5 nology,” before “and an Assistant Secretary”.

6 (2) OFFICE OF THE ASSISTANT SECRETARY
7 FOR RESEARCH AND TECHNOLOGY OF THE DEPART-
8 MENT OF TRANSPORTATION.—Section 112 is re-
9 pealed.

10 (3) TABLE OF CONTENTS.—The table of con-
11 tents of chapter 1 is amended by striking the item
12 relating to section 112.

13 (4) RESEARCH CONTRACTS.—Section 330 is
14 amended—

15 (A) in the section heading, by striking
16 “**contracts**” and inserting “**activities**”;

17 (B) in subsection (a), by inserting “IN
18 GENERAL.—” before “The Secretary”;

19 (C) in subsection (b), by inserting “RE-
20 SPONSIBILITIES.—” before “In carrying out”;

21 (D) in subsection (c), by inserting “PUBLI-
22 CATIONS.—” before “The Secretary”; and

23 (E) by adding at the end the following:

24 “(d) DUTIES.—The Secretary shall provide for the
25 following:

1 “(1) Coordination, facilitation, and review of
2 the Department’s research and development pro-
3 grams and activities.

4 “(2) Advancement, and research and develop-
5 ment, of innovative technologies, including intelligent
6 transportation systems.

7 “(3) Comprehensive transportation statistics re-
8 search, analysis, and reporting.

9 “(4) Education and training in transportation
10 and transportation-related fields.

11 “(5) Activities of the Volpe National Transpor-
12 tation Systems Center.

13 “(e) ADDITIONAL AUTHORITIES.—The Secretary
14 may—

15 “(1) enter into grants and cooperative agree-
16 ments with Federal agencies, State and local govern-
17 ment agencies, other public entities, private organi-
18 zations, and other persons—

19 “(A) to conduct research into transpor-
20 tation service and infrastructure assurance; and

21 “(B) to carry out other research activities
22 of the Department;

23 “(2) carry out, on a cost-shared basis, collabo-
24 rative research and development to encourage inno-
25 vative solutions to multimodal transportation prob-

1 lems and stimulate the deployment of new tech-
2 nology with—

3 “(A) non-Federal entities, including State
4 and local governments, foreign governments, in-
5 stitutions of higher education, corporations, in-
6 stitutions, partnerships, sole proprietorships,
7 and trade associations that are incorporated or
8 established under the laws of any State;

9 “(B) Federal laboratories; and

10 “(C) other Federal agencies; and

11 “(3) directly initiate contracts, grants, coopera-
12 tive research and development agreements (as de-
13 fined in section 12 of the Stevenson-Wydler Tech-
14 nology Innovation Act of 1980 (15 U.S.C. 3710a)),
15 and other agreements to fund, and accept funds
16 from, the Transportation Research Board of the Na-
17 tional Research Council of the National Academy of
18 Sciences, State departments of transportation, cities,
19 counties, institutions of higher education, associa-
20 tions, and the agents of those entities to carry out
21 joint transportation research and technology efforts.

22 “(f) FEDERAL SHARE.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Federal share of the cost of an activity carried

1 out under subsection (e)(3) shall not exceed 50 per-
2 cent.

3 “(2) EXCEPTION.—If the Secretary determines
4 that the activity is of substantial public interest or
5 benefit, the Secretary may approve a greater Federal
6 share.

7 “(3) NON-FEDERAL SHARE.—All costs directly
8 incurred by the non-Federal partners, including per-
9 sonnel, travel, facility, and hardware development
10 costs, shall be credited toward the non-Federal share
11 of the cost of an activity described in paragraph (1).

12 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
13 fiscal years 2016 through 2021, the Secretary is author-
14 ized to expend not more than 1 and a half percent of the
15 amounts authorized to be appropriated for necessary ex-
16 penses for administration and operations of the Office of
17 the Assistant Secretary for Research and Technology for
18 the coordination, evaluation, and oversight of the pro-
19 grams administered under this section.

20 “(h) USE OF TECHNOLOGY.—The research, develop-
21 ment, or use of a technology under a contract, grant, coop-
22 erative research and development agreement, or other
23 agreement entered into under this section, including the
24 terms under which the technology may be licensed and the
25 resulting royalties may be distributed, shall be subject to

1 the Stevenson-Wydler Technology Innovation Act of 1980
2 (15 U.S.C. 3701 et seq.).

3 “(i) WAIVER OF ADVERTISING REQUIREMENTS.—
4 Section 6101 of title 41 shall not apply to a contract,
5 grant, or other agreement entered into under this sec-
6 tion.”.

7 (5) TABLE OF CONTENTS.—The item relating
8 to section 330 in the table of contents of chapter 3
9 is amended by striking “Contracts” and inserting
10 “Activities”.

11 (6) BUREAU OF TRANSPORTATION STATIS-
12 TICS.—Section 6302(a) is amended to read as fol-
13 lows:

14 “(a) IN GENERAL.—There shall be within the De-
15 partment the Bureau of Transportation Statistics.”.

16 (b) TITLE 5 AMENDMENTS.—

17 (1) POSITIONS AT LEVEL II.—Section 5313 of
18 title 5, United States Code, is amended by striking
19 “Under Secretary of Transportation for Security.”.

20 (2) POSITIONS AT LEVEL III.—Section 5314 of
21 title 5, United States Code, is amended by striking
22 “Administrator, Research and Innovative Tech-
23 nology Administration.”.

24 (3) POSITIONS AT LEVEL IV.—Section 5315 of
25 title 5, United States Code, is amended by striking

1 “(4)” in the undesignated item relating to Assistant
2 Secretaries of Transportation and inserting “(5)”.

3 (4) POSITIONS AT LEVEL V.—Section 5316 is
4 amended by striking “Associate Deputy Secretary,
5 Department of Transportation.”.

6 **SEC. 31208. REPEAL OF OBSOLETE OFFICE.**

7 (a) IN GENERAL.—Section 5503 is repealed.

8 (b) TABLE OF CONTENTS.—The table of contents of
9 chapter 55 is amended by striking the item relating to
10 section 5503.

11 **Subtitle C—Port Performance Act**

12 **SEC. 31301. SHORT TITLE.**

13 This subtitle may be cited as the “Port Performance
14 Act”.

15 **SEC. 31302. FINDINGS.**

16 Congress finds the following:

17 (1) America’s ports play a critical role in the
18 Nation’s transportation supply chain network.

19 (2) Reliable and efficient movement of goods
20 through the Nation’s ports ensures that American
21 goods are available to customers throughout the
22 world.

23 (3) Breakdowns in the transportation supply
24 chain network, particularly at the Nation’s ports,
25 can result in tremendous economic losses for agri-

1 culture, businesses, and retailers that rely on timely
2 shipments.

3 (4) A clear understanding of terminal and port
4 productivity and throughput should help—

5 (A) to identify freight bottlenecks;

6 (B) to indicate performance and trends
7 over time; and

8 (C) to inform investment decisions.

9 **SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS**

10 **PROGRAM.**

11 (a) IN GENERAL.—Chapter 63 is amended by adding
12 at the end the following:

13 **“§ 6314. Port performance freight statistics program**

14 “(a) IN GENERAL.—The Director shall establish, on
15 behalf of the Secretary, a port performance statistics pro-
16 gram to provide nationally consistent measures of per-
17 formance of, at a minimum—

18 “(1) the Nation’s top 25 ports by tonnage;

19 “(2) the Nation’s top 25 ports by 20-foot equiv-
20 alent unit; and

21 “(3) the Nation’s top 25 ports by dry bulk.

22 “(b) ANNUAL REPORTS.—

23 “(1) PORT CAPACITY AND THROUGHPUT.—Not
24 later than January 15 of each year, the Director
25 shall submit an annual report to Congress that in-

1 cludes statistics on capacity and throughput at the
2 ports described in subsection (a).

3 “(2) PORT PERFORMANCE MEASURES.—The
4 Director shall collect monthly port performance
5 measures for each of the United States ports re-
6 ferred to in subsection (a) that receives Federal as-
7 sistance or is subject to Federal regulation to submit
8 an annual report to the Bureau of Transportation
9 Statistics that includes monthly statistics on capac-
10 ity and throughput as applicable to the specific con-
11 figuration of the port.

12 “(A) MONTHLY MEASURES.—The Director
13 shall collect monthly measures, including—

14 “(i) the average number of lifts per
15 hour of containers by crane;

16 “(ii) the average vessel turn time by
17 vessel type;

18 “(iii) the average cargo or container
19 dwell time;

20 “(iv) the average truck time at ports;

21 “(v) the average rail time at ports;

22 and

23 “(vi) any additional metrics, as deter-
24 mined by the Director after receiving rec-

1 ommendations from the working group es-
2 tablished under subsection (c).

3 “(B) MODIFICATIONS.—The Director may
4 consider a modification to a metric under sub-
5 paragraph (A) if the modification meets the in-
6 tent of the section.

7 “(c) RECOMMENDATIONS.—

8 “(1) IN GENERAL.—The Director shall obtain
9 recommendations for—

10 “(A) specifications and data measurements
11 for the port performance measures listed in
12 subsection (b)(2);

13 “(B) additionally needed data elements for
14 measuring port performance; and

15 “(C) a process for the Department of
16 Transportation to collect timely and consistent
17 data, including identifying safeguards to protect
18 proprietary information described in subsection
19 (b)(2).

20 “(2) WORKING GROUP.—Not later than 60 days
21 after the date of the enactment of the Port Perform-
22 ance Act, the Director shall commission a working
23 group composed of—

24 “(A) operating administrations of the De-
25 partment of Transportation;

- 1 “(B) the Coast Guard;
- 2 “(C) the Federal Maritime Commission;
- 3 “(D) U.S. Customs and Border Protection;
- 4 “(E) the Marine Transportation System
- 5 National Advisory Council;
- 6 “(F) the Army Corps of Engineers;
- 7 “(G) the Saint Lawrence Seaway Develop-
- 8 ment Corporation;
- 9 “(H) the Advisory Committee on Supply
- 10 Chain Competitiveness;
- 11 “(I) 1 representative from the rail indus-
- 12 try;
- 13 “(J) 1 representative from the trucking in-
- 14 dustry;
- 15 “(K) 1 representative from the maritime
- 16 shipping industry;
- 17 “(L) 1 representative from a labor organi-
- 18 zation for each industry described in subpara-
- 19 graphs (I) through (K);
- 20 “(M) 1 representative from a port author-
- 21 ity;
- 22 “(N) 1 representative from a terminal op-
- 23 erator;

1 “(O) representatives of the National
2 Freight Advisory Committee of the Depart-
3 ment; and

4 “(P) representatives of the Transportation
5 Research Board of the National Academies.

6 “(3) RECOMMENDATIONS.—Not later than 1
7 year after the date of the enactment of the Port
8 Performance Act, the working group commissioned
9 under this subsection shall submit its recommenda-
10 tions to the Director.

11 “(d) ACCESS TO DATA.—The Director shall ensure
12 that the statistics compiled under this section are readily
13 accessible to the public, consistent with applicable security
14 constraints and confidentiality interests.”.

15 (b) PROHIBITION ON CERTAIN DISCLOSURES.—Sec-
16 tion 6307(b)(1) is amended by inserting “or section
17 6314(b)” after “section 6302(b)(3)(B)” each place it ap-
18 pears.

19 (c) COPIES OF REPORTS.—Section 6307(b)(2)(A) is
20 amended by inserting “or section 6314(b)” after “section
21 6302(b)(3)(B)”.

22 (d) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of contents for chapter 63 is amended by adding
24 at the end the following:

“6314. Port performance freight statistics program.”.

1 **TITLE XXXII—COMMERCIAL**
2 **MOTOR VEHICLE AND DRIVER**
3 **PROGRAMS**

4 **Subtitle A—Compliance, Safety,**
5 **and Accountability Reform**

6 **SEC. 32001. CORRELATION STUDY.**

7 (a) IN GENERAL.—The Administrator of the Federal
8 Motor Carrier Safety Administration (referred to in this
9 subtitle as the “Administrator”) shall commission the Na-
10 tional Research Council of the National Academies to con-
11 duct a study of—

12 (1) the Safety Measurement System (referred
13 to in this subtitle as “SMS”); and

14 (2) the Compliance, Safety, Accountability pro-
15 gram (referred to in this subtitle as the “CSA pro-
16 gram”).

17 (b) SCOPE OF STUDY.—In carrying out the study
18 commissioned pursuant to subsection (a), the National Re-
19 search Council—

20 (1) shall analyze—

21 (A) the accuracy with which the Behavior
22 Analysis and Safety Improvement Categories
23 (referred to in this subtitle as “BASIC”) safety
24 measures used by SMS—

1 (i) identify high risk drivers and car-
2 riers; and

3 (ii) predict or be correlated with fu-
4 ture crash risk, crash severity, or other
5 safety indicators for individual drivers,
6 motor carriers, and the highest risk car-
7 riers;

8 (B) the methodology used to calculate
9 BASIC percentiles and identify carriers for en-
10 forcement, including the weights assigned to
11 particular violations, and the tie between crash
12 risk and specific regulatory violations, in order
13 to accurately identify and predict future crash
14 risk for motor carriers;

15 (C) the relative value of inspection infor-
16 mation and roadside enforcement data;

17 (D) any data collection gaps or data suffi-
18 ciency problems that may exist and the impact
19 of those data gaps and insufficiencies on the ef-
20 ficacy of the CSA program; and

21 (E) the accuracy of data processing; and

22 (2) should consider—

23 (A) whether the current SMS provides
24 comparable precision and confidence for SMS

1 alerts and percentiles for the relative crash risk
2 of individual large and small motor carriers;

3 (B) whether alternative systems would
4 identify high risk carriers or identify high risk
5 drivers and motor carriers more accurately; and

6 (C) the recommendations and findings of
7 the Comptroller General of the United States
8 and the Inspector General, and independent re-
9 view team reports issued before the date of the
10 enactment of this Act.

11 (c) REPORT.—Not later than 18 months after the
12 date of enactment of this Act, the Administrator shall sub-
13 mit a report containing the results of the completed study
14 to—

15 (1) the Committee on Commerce, Science, and
16 Transportation of the Senate;

17 (2) the Committee on Transportation and In-
18 frastructure of the House of Representatives;

19 (3) the Inspector General of the Department of
20 Transportation; and

21 (4) the Comptroller General of the United
22 States.

23 (d) CORRECTIVE ACTION PLAN.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the Administrator submits a report under sub-

1 section (c) that identifies a deficiency or opportunity
2 for improvement in the CSA program or in any ele-
3 ment of SMS, the Administrator shall submit a cor-
4 rective action plan to the Committee on Commerce,
5 Science, and Transportation of the Senate and the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives that—

8 (A) responds to the concerns highlighted
9 by the report;

10 (B) identifies how the Federal Motor Car-
11 rier Safety Administration will address such
12 concerns; and

13 (C) provides an estimate of the cost, in-
14 cluding changes in staffing, enforcement, and
15 data collection necessary to implement the rec-
16 ommendations.

17 (2) PROGRAM REFORMS.—The corrective action
18 plan submitted under paragraph (1) shall include an
19 implementation plan that—

20 (A) includes benchmarks;

21 (B) includes programmatic reforms, revi-
22 sions to regulations, or proposals for legislation;
23 and

24 (C) shall be considered in any rulemaking
25 by the Department of Transportation that re-

1 lates to the CSA program, including the SMS
2 data sets or analysis.

3 (e) INSPECTOR GENERAL REVIEW.—Not later than
4 120 days after the Administrator issues a corrective action
5 plan under subsection (d), the Inspector General of the
6 Department of Transportation shall—

7 (1) review the extent to which such plan imple-
8 ments—

9 (A) recommendations contained in the re-
10 port submitted under subsection (c); and

11 (B) recommendations issued by the Comp-
12 troller General or the Inspector General before
13 the date of enactment of this Act; and

14 (2) submit a report to the Committee on Com-
15 merce, Science, and Transportation of the Senate
16 and the Committee on Transportation and Infra-
17 structure of the House of Representatives on the re-
18 sponsiveness of the corrective action plan to the rec-
19 ommendations described in paragraph (1).

20 (f) FISCAL LIMITATION.—The Administrator shall
21 carry out the study required under this section using
22 amounts appropriated to the Federal Motor Carrier Safety
23 Administration and available for obligation and expendi-
24 ture as of the date of the enactment of this Act.

1 **SEC. 32002. SAFETY IMPROVEMENT METRICS.**

2 (a) IN GENERAL.—The Administrator shall incor-
3 porate a methodology into the CSA program or establish
4 a third-party process to allow recognition, including credit,
5 improved score, or by establishing a safety BASIC in SMS
6 for safety technology, tools, programs, and systems ap-
7 proved by the Administrator through the qualification
8 process developed under subsection (b) that exceed regu-
9 latory requirements or are used to enhance safety per-
10 formance, including—

11 (1) the installation of qualifying advanced safe-
12 ty equipment, such as—

13 (A) collision mitigation systems;

14 (B) lane departure warnings;

15 (C) speed limiters;

16 (D) electronic logging devices;

17 (E) electronic stability control;

18 (F) critical event recorders; and

19 (G) strengthening rear guards and
20 sideguards for underride protection;

21 (2) the use of enhanced driver fitness measures
22 that exceed current regulatory requirements, such
23 as—

24 (A) additional new driver training;

25 (B) enhanced and ongoing driver training;

26 and

1 (C) remedial driver training to address
2 specific deficiencies as identified in roadside in-
3 spection or enforcement reports;

4 (3) the adoption of qualifying administrative
5 fleet safety management tools technologies, driver
6 performance and behavior management technologies,
7 and programs; and

8 (4) technologies and measures identified
9 through the process described in subsection (c).

10 (b) QUALIFICATION.—The Administrator, through a
11 notice and comment process, shall develop technical or
12 other performance standards for technology, advanced
13 safety equipment, enhanced driver fitness measures, tools,
14 programs, or systems used by motor carriers that will
15 qualify for credit under this section.

16 (c) ADDITIONAL REQUIREMENTS.—In modifying the
17 CSA program under subsection (a), the Administrator,
18 through notice and comment, shall develop a process for
19 identifying and reviewing other technology, advanced safe-
20 ty equipment, enhanced driver fitness measures, tools,
21 programs, or systems used by motor carriers to improve
22 safety performance that—

23 (1) provides for a petition for reviewing tech-
24 nology, advanced safety equipment, enhanced driver
25 fitness measures, tools, programs, or systems;

1 (2) seeks input and participation from industry
2 stakeholders, including drivers, technology manufac-
3 turers, vehicle manufacturers, motor carriers, en-
4 forcement communities, and safety advocates, and
5 the Motor Carrier Safety Advisory Committee; and

6 (3) includes technology, advanced safety equip-
7 ment, enhanced driver fitness measures, tools, pro-
8 grams, or systems with a date certain for future
9 statutory or regulatory implementation.

10 (d) SAFETY IMPROVEMENT METRICS USE AND
11 VERIFICATION.—The Administrator, through notice and
12 comment process, shall develop a process for—

13 (1) providing recognition or credit within a
14 motor carrier’s SMS score for the installation and
15 use of measures in paragraphs (1) through (4) of
16 subsection (a);

17 (2) ensuring that the safety improvement
18 metrics developed under this section are presented
19 with other SMS data;

20 (3) verifying the installation or use of such
21 technology, advanced safety equipment, enhanced
22 driver fitness measures, tools, programs, or systems;

23 (4) modifying or removing recognition or credit
24 upon verification of noncompliance with this section;

1 (5) ensuring that the credits or recognition re-
2 ferred to in paragraph (1) reflect the safety improve-
3 ment anticipated as a result of the installation or
4 use of the specific technology, advanced safety equip-
5 ment, enhanced driver fitness measure, tool, pro-
6 gram, or system;

7 (6) verifying the deployment and use of quali-
8 fying equipment or management systems by a motor
9 carrier through a certification from the vehicle man-
10 ufacturer, the system or service provider, the insur-
11 ance carrier, or through documents submitted by the
12 motor carrier to the Department of Transportation;

13 (7) annually reviewing the list of qualifying
14 safety technology, advanced safety equipment, en-
15 hanced driver fitness measures, tools, programs, or
16 systems; and

17 (8) removing systems mandated by law or regu-
18 lation, or if such systems demonstrate a lack of effi-
19 cacy, from the list of qualifying technologies, ad-
20 vanced safety equipment, enhanced driver fitness
21 measures, tools, programs, or systems eligible for
22 credit under the CSA program.

23 (e) DISSEMINATION OF INFORMATION.—The Admin-
24 istrator shall maintain a public website that contains in-
25 formation regarding—

1 (1) the technology, advanced safety equipment,
2 enhanced driver fitness measures, tools, programs,
3 or systems eligible for credit and improved scores;

4 (2) any petitions for study of the technology,
5 advanced safety equipment, enhanced driver fitness
6 measures, tools, programs, or systems; and

7 (3) statistics and information relating to the
8 use of such technology, advanced safety equipment,
9 enhanced driver fitness measures, tools, programs,
10 or systems.

11 (f) PUBLIC REPORT.—Not later than 1 year after the
12 establishment of the Safety Improvement Metrics System
13 (referred to in this section as “SIMS”) under this section,
14 and annually thereafter, the Administrator shall publish,
15 on a public website, a report that identifies—

16 (1) the types of technology, advanced safety
17 equipment, enhanced driver fitness measures, tools,
18 programs, or systems that are eligible for credit;

19 (2) the number of instances in which each tech-
20 nology, advanced safety equipment, enhanced driver
21 fitness measure, tool, program, or system is used;

22 (3) the number of motor carriers, and a de-
23 scription of the carrier’s fleet size, that received rec-
24 ognition or credit under the modified CSA program;
25 and

1 (4) the pre- and post-adoption safety perform-
2 ance of the motor carriers described in paragraph
3 (3).

4 (g) IMPLEMENTATION AND OVERSIGHT RESPONSI-
5 BILITY.—The Administrator shall ensure that the activi-
6 ties described in subsections (a) through (f) of this section
7 are not required under section 31102 of title 49, United
8 States Code, as amended by this Act.

9 (h) EVALUATION.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the implementation of SIMS under this section, the
12 Administrator shall conduct an evaluation of the ef-
13 fectiveness of SIMS by reviewing the impacts of
14 SIMS on—

15 (A) law enforcement, commercial drivers
16 and motor carriers, and motor carrier safety;
17 and

18 (B) safety and adoption of new tech-
19 nologies.

20 (2) REPORT.—Not later than 30 months after
21 the implementation of the program, the Adminis-
22 trator shall submit a report to the Committee on
23 Commerce, Science, and Transportation of the Sen-
24 ate and the Committee on Transportation and Infra-

1 structure of the House of Representatives that de-
2 scribes—

3 (A) the results of the evaluation conducted
4 under paragraph (1); and

5 (B) the actions the Federal Motor Carrier
6 Safety Administration plans to take to modify
7 the demonstration program based on such re-
8 sults.

9 (i) USE OF ESTIMATES OF SAFETY EFFECTS.—In
10 conducting regulatory impact analyses for rulemakings re-
11 lating to the technology, advanced safety equipment, en-
12 hanced driver fitness measures, tools, programs, or sys-
13 tems selected for credit under the CSA program, the Ad-
14 ministrator, to the extent practicable, shall use the data
15 gathered under this section and appropriate statistical
16 methodology, including sufficient sample sizes, composi-
17 tion, and appropriate comparison groups, including rep-
18 resentative motor carriers of all sizes, to estimate the ef-
19 fects on safety performance and reduction in the number
20 and severity of accidents with qualifying technology, ad-
21 vanced safety equipment, tools, programs, and systems.

22 (j) SAVINGS PROVISION.—Nothing in this section
23 may be construed to provide the Administrator with addi-
24 tional authority to change the requirements for the oper-
25 ation of a commercial motor vehicle.

1 **SEC. 32003. DATA CERTIFICATION.**

2 (a) LIMITATION.—Beginning not later than 1 day
3 after the date of enactment of this Act, none of the anal-
4 ysis of violation information, enforcement prioritization,
5 not-at-fault crashes, alerts, or the relative percentile for
6 each Behavioral Analysis and Safety Improvement Cat-
7 egory developed through the CSA program may be made
8 available to the general public, but violation and inspection
9 information submitted by the States may be presented,
10 until the Inspector General of the Department of Trans-
11 portation certifies that—

12 (1) any deficiencies identified in the correlation
13 study required under section 32001 have been ad-
14 dressed;

15 (2) the corrective action plan has been imple-
16 mented and the concerns raised by the correlation
17 study under section 32001 have been addressed;

18 (3) the Administrator has fully implemented or
19 satisfactorily addressed the issues raised in the Feb-
20 ruary 2014 GAO report entitled “Modifying the
21 Compliance, Safety, Accountability Program Would
22 Improve the Ability to Identify High Risk Carriers”
23 (GAO–14–114), which called into question the accu-
24 racy and completeness of safety performance calcula-
25 tions;

1 (4) the study required under section 32001 has
2 been published on a public website; and

3 (5) the CSA program has been modified in ac-
4 cordance with section 32002.

5 (b) LIMITATION ON USE OF CSA ANALYSIS.—The
6 enforcement prioritization, alerts, or the relative percentile
7 for each Behavioral Analysis and Safety Improvement
8 Category developed through the CSA program within the
9 SMS system may not be used for safety fitness determina-
10 tions until the requirements under subsection (a) have
11 been satisfied.

12 (c) CONTINUED PUBLIC AVAILABILITY OF DATA.—
13 Inspection and violation information submitted to the Fed-
14 eral Motor Carrier Safety Administration by commercial
15 motor vehicle inspectors and qualified law enforcement of-
16 ficials shall remain available for public viewing.

17 (d) EXCEPTIONS.—

18 (1) IN GENERAL.—Notwithstanding the limita-
19 tions set forth in subsections (a) and (b)—

20 (A) the Federal Motor Carrier Safety Ad-
21 ministration and State and local commercial
22 motor vehicle enforcement agencies may only
23 use the information referred to in subsection
24 (a) for purposes of investigation and enforce-
25 ment prioritization;

1 (B) motor carriers and commercial motor
2 vehicle drivers may access information referred
3 to in subsection (a) that relates directly to the
4 motor carrier or driver, respectively; and

5 (C) the data analysis of motorcoach opera-
6 tors may be provided online, with a notation in-
7 dicating that the ratings or alerts listed are not
8 intended to imply any Federal safety rating of
9 the carrier.

10 (2) NOTATION.—The notation described under
11 paragraph (1)(C) shall include: “Readers should not
12 draw conclusions about a carrier’s overall safety con-
13 dition simply based on the data displayed in this sys-
14 tem. Unless a motor carrier has received an UN-
15 SATISFACTORY safety rating under part 385 of
16 title 49, Code of Federal Regulations, or has other-
17 wise been ordered to discontinue operations by the
18 Federal Motor Carrier Safety Administration, it is
19 authorized to operate on the Nation’s roadways.”.

20 (3) LIMITATION.—Nothing in subparagraphs
21 (A) and (B) of paragraph (1) may be construed to
22 restrict the official use by State enforcement agen-
23 cies of the data collected by State enforcement per-
24 sonnel.

1 (e) CERTIFICATION.—The certification process de-
2 scribed in subsection (a) shall occur concurrently with the
3 implementation of SIMS under section 32002.

4 (f) COMPLETION.—The Secretary shall modify the
5 CSA program in accordance with section 32002 not later
6 than 1 year after the date of completion of the report de-
7 scribed in section 32001(c).

8 **SEC. 32004. DATA IMPROVEMENT.**

9 (a) FUNCTIONAL SPECIFICATIONS.—Not later than
10 180 days after the date of enactment of this Act, the Ad-
11 ministrator shall develop functional specifications to en-
12 sure the consistent and accurate input of data into sys-
13 tems and databases relating to the CSA program.

14 (b) FUNCTIONALITY.—The specifications developed
15 pursuant to subsection (a)—

16 (1) shall provide for the hardcoding and smart
17 logic functionality for roadside inspection data col-
18 lection systems and databases; and

19 (2) shall be made available to public and private
20 sector developers.

21 (c) EFFECTIVE DATA MANAGEMENT.—The Adminis-
22 trator shall ensure that internal systems and databases
23 accept and effectively manage data using uniform stand-
24 ards.

1 (d) CONSULTATION WITH THE STATES.—Before im-
2 plementing the functional specifications described in sub-
3 section (a) or the standards described in subsection (c),
4 the Administrator shall seek input from the State agencies
5 responsible for enforcing section 31102 of title 49, United
6 States Code.

7 **SEC. 32005. ACCIDENT REPORT INFORMATION.**

8 (a) REVIEW.—The Administrator shall initiate a
9 demonstration program that allows motor carriers and
10 drivers to request a review of crashes, and the removal
11 of crash data for use in the Federal Motor Carrier Safety
12 Administration’s safety measurement system of crashes,
13 and removal from any weighting, or carrier safety anal-
14 ysis, if the commercial motor vehicle was operated legally
15 and another motorist in connection with the crash is
16 found—

17 (1) to have been driving under the influence;

18 (2) to have been driving the wrong direction on
19 a roadway;

20 (3) to have struck the commercial motor vehicle
21 in the rear;

22 (4) to have struck the commercial motor vehicle
23 which was legally stopped;

24 (5) by the investigating officer or agency to
25 have been responsible for the crash; or

1 (6) to have committed other violations deter-
2 mined by the Administrator.

3 (b) DOCUMENTS.—As part of a request for review
4 under subsection (a), the motor carrier or driver shall sub-
5 mit a copy of available police reports, crash investigations,
6 judicial actions, insurance claim information, and any re-
7 lated court actions submitted by each party involved in
8 the accident.

9 (c) SOLICITATION OF OTHER INFORMATION.—Fol-
10 lowing a notice and comment period, the Administrator
11 may solicit other types of information to be collected under
12 subsection (b) to facilitate appropriate reviews under this
13 section.

14 (d) EVALUATION.—The Federal Motor Carrier Safe-
15 ty Administration shall review the information submitted
16 under subsections (b) and (c).

17 (e) RESULTS.—Subject to subsection (h)(2), the re-
18 sults of the review under subsection (a)—

19 (1) shall be used to recalculate the motor car-
20 rier's crash BASIC percentile;

21 (2) if the carrier is determined not to be re-
22 sponsible for the crash incident, such information,
23 shall be reflected on the website of the Federal
24 Motor Carrier Safety Administration; and

1 (3) shall not be admitted as evidence or other-
2 wise used in a civil action.

3 (f) FEE SYSTEM.—

4 (1) ESTABLISHMENT.—The Administrator may
5 establish a fee system, in accordance with section
6 9701 of title 31, United States Code, in which a
7 motor carrier is charged a fee for each review of a
8 crash requested by such motor carrier under this
9 section.

10 (2) DISPOSITION OF FEES.—Fees collected
11 under this section—

12 (A) may be credited to the Department of
13 Transportation appropriations account for pur-
14 pose of carrying out this section; and

15 (B) shall be used to fully fund the oper-
16 ation of the review program authorized under
17 this section.

18 (g) REVIEW AND REPORT.—Not earlier than 2 years
19 after the establishment of the demonstration program
20 under this section, the Administrator shall—

21 (1) conduct a review of the internal crash re-
22 view program to determine if other crash types
23 should be included; and

24 (2) submit a report to Congress that de-
25 scribes—

1 (A) the number of crashes reviewed;

2 (B) the number of crashes for which the
3 commercial motor vehicle operator was deter-
4 mined not to be at fault; and

5 (C) relevant information relating to the
6 program, including the cost to operate the pro-
7 gram and the fee structure established.

8 (h) IMPLEMENTATION AND OVERSIGHT RESPONSI-
9 BILITY.—

10 (1) IN GENERAL.—The Administrator shall en-
11 sure that the activities described in subsections (a)
12 through (d) of this section are not required under
13 section 31102 of title 49, United States Code, as
14 amended by this Act.

15 (2) REVIEWS INVOLVING FATALITIES.—If a re-
16 view under subsection (a) involves a fatality, the In-
17 spector General of the Department of Transpor-
18 tation shall audit and certify the review prior to
19 making any changes under subsection (e).

20 **SEC. 32006. POST-ACCIDENT REPORT REVIEW.**

21 (a) IN GENERAL.—Not later than 120 days after the
22 date of enactment of this Act, the Secretary shall convene
23 a working group—

24 (1) to review the data elements of post-accident
25 reports, for tow-away accidents involving commercial

1 motor vehicles, that are reported to the Federal Gov-
2 ernment; and

3 (2) to report to the Secretary its findings and
4 any recommendations, including best practices for
5 State post-accident reports to achieve the data ele-
6 ments described in subsection (c).

7 (b) COMPOSITION.—Not less than 51 percent of the
8 working group should be composed of individuals rep-
9 resenting the States or State law enforcement officials.
10 The remaining members of the working group shall rep-
11 resent industry, labor, safety advocates, and other inter-
12 ested parties.

13 (c) CONSIDERATIONS.—The working group shall con-
14 sider requiring additional data elements, including—

15 (1) the primary cause of the accident, if the pri-
16 mary cause can be determined;

17 (2) the physical characteristics of the commer-
18 cial motor vehicle and any other vehicle involved in
19 the accident, including—

20 (A) the vehicle configuration;

21 (B) the gross vehicle weight if the weight
22 can be readily determined;

23 (C) the number of axles; and

24 (D) the distance between axles, if the dis-
25 tance can be readily determined; and

1 (3) any data elements that could contribute to
2 the appropriate consideration of requests under sec-
3 tion 32005.

4 (d) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary shall—

6 (1) review the findings of the working group;

7 (2) identify the best practices for State post-ac-
8 cident reports that are reported to the Federal Gov-
9 ernment, including identifying the data elements
10 that should be collected following a tow-away com-
11 mercial motor vehicle accident; and

12 (3) recommend to the States the adoption of
13 new data elements to be collected following report-
14 able commercial motor vehicle accidents.

15 **SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.**

16 (a) IN GENERAL.—The Administrator shall establish
17 a program to publicly recognize motor carriers and drivers
18 whose safety records and programs exceed compliance
19 with the Federal Motor Carrier Safety Administration’s
20 safety regulations and demonstrate clear and outstanding
21 safety practices.

22 (b) RESTRICTION.—The program established under
23 subsection (a) may not be deemed to be an endorsement
24 of, or a preference for, motor carriers or drivers recognized
25 under the program.

1 **SEC. 32008. HIGH RISK CARRIER REVIEWS.**

2 (a) IN GENERAL.—After the completion of the certifi-
3 cation under section 32003 of this Act, and the establish-
4 ment of the Safety Fitness Determination program, the
5 Secretary shall ensure that a review is completed on each
6 motor carrier that demonstrates through performance
7 data that it poses the highest safety risk. At a minimum,
8 a review shall be conducted whenever a motor carrier is
9 among the highest risk carriers for 4 consecutive months.

10 (b) REPORT.—Not later than 180 days after the com-
11 pletion of the certification under section 32003 of this Act
12 and the establishment of the Safety Fitness Determination
13 program, the Secretary shall post on a public website a
14 report on the actions the Secretary has taken to comply
15 with this section, including the number of high risk car-
16 riers identified and the high risk carriers reviewed.

17 (c) CONFORMING AMENDMENT.—Section 4138 of the
18 Safe, Accountable, Flexible, Efficient Transportation Eq-
19 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
20 repealed.

21 **Subtitle B—Transparency and**
22 **Accountability**

23 **SEC. 32201. PETITIONS FOR REGULATORY RELIEF.**

24 (a) APPLICATIONS FOR REGULATORY RELIEF.—Not-
25 withstanding subpart C of part 381 of title 49, Code of
26 Federal Regulations, the Secretary shall allow an appli-

1 cant representing a class or group of motor carriers to
2 apply for a specific exemption from any provision of the
3 regulations under part 395 of title 49, Code of Federal
4 Regulations, for commercial motor vehicle drivers.

5 (b) REVIEW PROCESS.—

6 (1) IN GENERAL.—The Secretary shall establish
7 the procedures for the application for and the review
8 of an exemption under subsection (a).

9 (2) PUBLICATION.—Not later than 30 days
10 after the date of receipt of an application for an ex-
11 emption, the Secretary shall publish the application
12 in the Federal Register and provide the public with
13 an opportunity to comment.

14 (3) PUBLIC COMMENT.—

15 (A) IN GENERAL.—Each application shall
16 be available for public comment for a 30-day
17 period, but the Secretary may extend the oppor-
18 tunity for public comment for up to 60 days if
19 it is a significant or complex request.

20 (B) REVIEW.—Beginning on the date that
21 the public comment period under subparagraph
22 (A) ends, the Secretary shall have 60 days to
23 review all of the comments received.

24 (4) DETERMINATION.—At the end of the 60-
25 day period under paragraph (3)(B), the Secretary

1 shall publish a determination in the Federal Reg-
2 ister, including—

3 (A) the reason for granting or denying the
4 application; and

5 (B) if the application is granted—

6 (i) the specific class of persons eligible
7 for the exemption;

8 (ii) each provision of the regulations
9 to which the exemption applies; and

10 (iii) any conditions or limitations ap-
11 plied to the exemption.

12 (5) CONSIDERATIONS.—In making a determina-
13 tion whether to grant or deny an application for an
14 exemption, the Secretary shall consider the safety
15 impacts of the request and may provide appropriate
16 conditions or limitations on the use of the exemp-
17 tion.

18 (c) OPPORTUNITY FOR RESUBMISSION.—If an appli-
19 cation is denied and the applicant can reasonably address
20 the reason for the denial, the Secretary may allow the ap-
21 plicant to resubmit the application.

22 (d) PERIOD OF APPLICABILITY.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2) of this subsection and subsection (f), each
25 exemption granted under this section shall be valid

1 for a period of 5 years unless the Secretary identi-
2 fies a compelling reason for a shorter exemption pe-
3 riod.

4 (2) RENEWAL.—At the end of the 5-year period
5 under paragraph (1)—

6 (A) the Secretary, at the Secretary's dis-
7 cretion, may renew the exemption for an addi-
8 tional 5-year period; or

9 (B) an applicant may apply under sub-
10 section (a) for a permanent exemption from
11 each applicable provision of the regulations.

12 (e) LIMITATION.—No exemption under this section
13 may be granted to or used by any motor carrier that has
14 an unsatisfactory or conditional safety fitness determina-
15 tion.

16 (f) PERMANENT EXEMPTIONS.—

17 (1) IN GENERAL.—The Secretary shall make
18 permanent the following limited exceptions:

19 (A) Department of Defense Military Sur-
20 face Deployment and Distribution Command
21 transport of weapons, munitions, and sensitive
22 classified cargo as published in the Federal
23 Register Volume 80 on April 16, 2015 (80 Fed.
24 Reg. 20556).

1 (B) Department of Energy transport of se-
2 curity-sensitive radioactive materials as pub-
3 lished in the Federal Register Volume 80 on
4 June 22, 2015 (80 Fed. Reg. 35703).

5 (C) Motor carriers that transport haz-
6 ardous materials shipments requiring security
7 plans under regulations of the Pipeline and
8 Hazardous Materials Safety Administration as
9 published in the Federal Register Volume 80 on
10 May 1, 2015 (80 Fed. Reg. 25004).

11 (D) Perishable construction products as
12 published in the Federal Register Volume 80 on
13 April 2, 2015 (80 Fed. Reg. 17819).

14 (E) Passenger vehicle record of duty status
15 change as published in the Federal Register
16 Volume 80 on June 4, 2015 (80 Fed. Reg.
17 31961).

18 (F) Transport of commercial bee hives as
19 published in the Federal Register Volume 80 on
20 June 19, 2018. (80 Fed. Reg. 35425).

21 (G) Specialized carriers and drivers re-
22 sponsible for transporting loads requiring spe-
23 cial permits as published in the Federal Reg-
24 ister Volume 80 on June 18, 2015 (80 Fed.
25 Reg. 34957).

1 (H) Safe transport of livestock as pub-
2 lished in the Federal Register Volume 80 on
3 June 12, 2015 (80 Fed. Reg. 33584).

4 (2) ADDITIONAL EXEMPTIONS.—The Secretary
5 may make any temporary exemption from any provi-
6 sion of the regulations under part 395 of title 49,
7 Code of Federal Regulations, for commercial motor
8 vehicle drivers that is in effect on the date of enact-
9 ment of this Act permanent if the Secretary deter-
10 mines that the permanent exemption will not de-
11 grade safety. The Secretary shall provide public no-
12 tice and comment on a list of the additional tem-
13 porary exemptions to be made permanent under this
14 paragraph.

15 (3) REVOCATION OF EXEMPTIONS.—The Sec-
16 retary may revoke an exemption issued under this
17 section if the Secretary can demonstrate that the ex-
18 emption has had a negative impact on safety.

19 **SEC. 32202. INSPECTOR STANDARDS.**

20 Not later than 90 days after the date of enactment
21 of this Act, the Administrator of the Federal Motor Car-
22 rier Safety Administration shall revise the regulations
23 under part 385 of title 49, Code of Federal Regulations,
24 as necessary, to incorporate by reference the certification

1 standards for roadside inspectors issued by the Commer-
2 cial Vehicle Safety Alliance.

3 **SEC. 32203. TECHNOLOGY IMPROVEMENTS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Government Account-
6 ability Office shall conduct a comprehensive analysis on
7 the Federal Motor Carrier Safety Administration’s infor-
8 mation technology and data collection and management
9 systems.

10 (b) REQUIREMENTS.—The study conducted under
11 subsection (a) shall—

12 (1) evaluate the efficacy of the existing infor-
13 mation technology, data collection, processing sys-
14 tems, and data management systems and programs,
15 including their interaction with each other and their
16 efficacy in meeting user needs;

17 (2) identify any redundancies among the sys-
18 tems and programs described in paragraph (1);

19 (3) explore the feasibility of consolidating data
20 collection and processing systems;

21 (4) evaluate the ability of the systems and pro-
22 grams described in paragraph (1) to meet the needs
23 of—

1 (A) the Federal Motor Carrier Safety Ad-
2 ministration, at both the headquarters and
3 State 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 pacting 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 pro-
25 grams described in paragraph (1).

1 **Subtitle C—Trucking Rules Up-**
2 **dated by Comprehensive and**
3 **Key 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 there-
7 after until a final rule has been issued for each of the
8 requirements described under paragraphs (1) through (5),
9 the Administrator of the Federal Motor Carrier Safety Ad-
10 ministration 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(e) 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

1 driver subject to the hours of service and record of
2 duty status requirements under part 395 of title 49,
3 Code of Federal Regulations, be equipped with an
4 electronic control module capable of limiting the
5 maximum 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 re-
12 source constraints, and any other details associated with
13 the development of the rulemaking.

14 **SEC. 32302. STATUTORY RULEMAKING.**

15 The Administrator of the Federal Motor Carrier
16 Safety Administration shall prioritize the use of Federal
17 Motor Carrier Safety Administration resources for the
18 completion of each outstanding statutory requirement for
19 a rulemaking before beginning any new rulemaking unless
20 the Secretary certifies to Congress that there is a signifi-
21 cant need to move 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
5 Safety Administration who can respond to questions
6 regarding the general applicability of the guidance.

7 (2) PUBLIC ACCESSIBILITY.—

8 (A) IN GENERAL.—Each guidance docu-
9 ment and interpretation issued by the Federal
10 Motor Carrier Safety Administration shall be
11 published on the Department of Transpor-
12 tation's public website on the date of issuance.

13 (B) REDACTION.—The Administrator of
14 the Federal Motor Carrier Safety Administra-
15 tion may redact from a guidance document or
16 interpretation under subparagraph (A) any in-
17 formation that would reveal investigative tech-
18 niques that would compromise Federal Motor
19 Carrier Safety Administration enforcement ef-
20 forts.

21 (3) RULEMAKING.—Not later than 5 years after
22 the date that a guidance document is published
23 under paragraph (2) or during the comprehensive
24 review under subsection (c), whichever is earlier, the
25 Secretary, in consultation with the Administrator,

1 shall revise the applicable regulations to incorporate
2 the guidance document to the extent practicable.

3 (4) REISSUANCE.—If a guidance document is
4 not incorporated into the applicable regulations
5 under paragraph (3), the Secretary shall—

6 (A) reissue an updated guidance document;
7 and

8 (B) review and reissue an updated guid-
9 ance document every 5 years during the com-
10 prehensive review process under subsection (c)
11 until the date that the guidance document is re-
12 moved or incorporated into the applicable regu-
13 lations under paragraph (3) of this subsection.

14 (b) UPDATE.—Not later than 1 year after the date
15 of 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
18 the regulations, guidance, and enforcement policies are
19 current, readily accessible to the public, and meet the
20 standards under subsection (c)(1).

21 (c) REVIEW.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 not less than once every 5 years, the Administrator
24 of the Federal Motor Carrier Safety Administration

1 shall conduct a comprehensive review of its guidance
2 and 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 begin-
9 ning the review, the Administrator shall publish in
10 the Federal Register a notice and request for com-
11 ment soliciting input from stakeholders on which
12 regulations 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
22 (1) is complete, the Administrator shall publish
23 on 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
6 request the Federal Motor Carrier Safety Ad-
7 ministration 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
19 days after the date the petition is published under
20 paragraph (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, reg-
7 ulatory interpretations or clarifications, or retrospective
8 review of regulations to eliminate or modify obsolete, inef-
9 fective, or overly-burdensome rules.

10 **SEC. 32305. REGULATORY REFORM.**

11 (a) REGULATORY IMPACT ANALYSIS.—

12 (1) IN GENERAL.—Within each regulatory im-
13 pact analysis of a proposed or final rule issued by
14 the Federal Motor Carrier Safety Administration,
15 the Secretary shall whenever practicable—

16 (A) consider effects of the proposed or
17 final rule on a carrier with differing character-
18 istics; and

19 (B) formulate estimates and findings on
20 the best available science.

21 (2) SCOPE.—To the extent feasible and appro-
22 priate, and consistent with law, the analysis de-
23 scribed 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 fail-
20 ures of private markets to protect or improve
21 the safety of the public, the environment, or the
22 well-being of the American people;

23 (B) identify and request public comment
24 on the best available science or technical infor-

1 mation on the need for regulatory action and on
2 the 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 avail-
8 able alternatives to direct regulation, including
9 providing economic incentives to encourage the
10 desired 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
18 be construed to limit the contents of any Advance Notice
19 of 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 Sec-
25 retary shall establish a working group to determine

1 best practices for expeditious State approval of spe-
2 cial permits for vehicles involved in emergency re-
3 sponse and recovery.

4 (2) MEMBERS.—The working group shall in-
5 clude 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 ex-
11 perts;

12 (D) relevant safety groups; and

13 (E) persons affected by special permit re-
14 strictions during emergency response and recov-
15 ery efforts.

16 (b) CONSIDERATIONS.—In determining best practices
17 under subsection (a), the working group shall consider
18 whether—

19 (1) hurdles currently exist that prevent the ex-
20 peditious State approval for special permits for vehi-
21 cles involved in emergency response and recovery;

22 (2) it is possible to pre-identify and establish
23 emergency routes between States through which in-
24 frastructure repair materials could be delivered fol-
25 lowing 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 para-
9 graph (2), including information on specific limita-
10 tions, obligations, and notification requirements
11 along that route.

12 (c) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the working group shall submit
14 to the Secretary a report of its findings under this section
15 and any recommendations for the implementation of the
16 best practices for expeditious State approval of special
17 permits for vehicles involved in emergency recovery. Upon
18 receipt, the Secretary shall publish the report on a public
19 website.

20 (d) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
21 TION.—The Federal Advisory Committee Act (5 U.S.C.
22 App.) shall not apply to the working group established
23 under this section.

1 **SEC. 32402. ADDITIONAL STATE AUTHORITY.**

2 Notwithstanding any other provision of law, not later
3 than 180 days after the date of enactment of this Act,
4 any State impacted by section 4006 of the Intermodal
5 Surface Transportation Efficiency Act of 1991 (Public
6 Law 102–240; 105 Stat. 2148) shall be provided the op-
7 tion to update the routes listed in the final list as long
8 as the update shifts routes to divided highways or does
9 not increase centerline miles by more than 5 percent and
10 the change is expected to increase safety performance.

11 **SEC. 32403. COMMERCIAL DRIVER ACCESS.**

12 (a) INTERSTATE COMPACT PILOT PROGRAM.—

13 (1) IN GENERAL.—The Administrator of the
14 Federal Motor Carrier Safety Administration may
15 establish a 6-year pilot program to study the feasi-
16 bility, benefits, and safety impacts of allowing a li-
17 censed driver between the ages of 18 and 21 to oper-
18 ate a commercial motor vehicle in interstate com-
19 merce.

20 (2) INTERSTATE COMPACTS.—The Secretary
21 shall allow States, including the District of Colum-
22 bia, to enter into an interstate compact with contig-
23 uous States to allow a licensed driver between the
24 ages of 18 and 21 to operate a motor vehicle across
25 the applicable State lines. The Secretary shall ap-
26 prove as many as 3 interstate compacts, with no

1 more than 4 States per compact participating in
2 each interstate compact.

3 (3) MUTUAL RECOGNITION OF LICENSES.—A
4 valid intrastate commercial driver’s licenses issued
5 by a State participating in an interstate compact
6 under paragraph (2) shall be recognized as valid not
7 more than 100 air miles from the border of the driv-
8 er’s State of licensure in each State that is partici-
9 pating in that interstate compact.

10 (4) STANDARDS.—In developing an interstate
11 compact under this subsection, participating States
12 shall provide for minimum licensure standards ac-
13 ceptable for interstate travel under this section,
14 which may include, for a licensed driver between the
15 ages of 18 and 21 participating in the pilot pro-
16 gram—

17 (A) age restrictions;

18 (B) distance from origin (measured in air
19 miles);

20 (C) reporting requirements; or

21 (D) additional hours of service restrictions.

22 (5) LIMITATIONS.—An interstate compact
23 under paragraph (2) may not permit special configu-
24 ration or hazardous cargo operations to be trans-
25 ported by a licensed driver under the age of 21.

1 (6) ADDITIONAL REQUIREMENTS.—The Sec-
2 retary may—

3 (A) prescribe such additional requirements,
4 including training, for a licensed driver between
5 the ages of 18 and 21 participating in the pilot
6 program as the Secretary considers necessary;
7 and

8 (B) provide risk mitigation restrictions and
9 limitations.

10 (b) APPROVAL.—An interstate compact under sub-
11 section (a)(2) may not go into effect until it has been ap-
12 proved by the governor of each State (or the Mayor of
13 the District of Columbia, if applicable) that is a party to
14 the interstate compact, after consultation with the Sec-
15 retary of Transportation and the Administrator of the
16 Federal Motor Carrier Safety Administration.

17 (c) DATA COLLECTION.—The Secretary shall collect
18 and analyze data relating to accidents (as defined in sec-
19 tion 390.5 of title 49, Code of Federal Regulations) in
20 which a driver under the age of 21 participating in the
21 pilot program is involved.

22 (d) REPORT.—Beginning 3 years after the date the
23 first compact is established and approved, the Secretary
24 shall submit to Congress a report containing the data col-
25 lection and findings of the pilot program, a determination

1 of whether a licensed driver between the ages of 18 and
2 21 can operate a commercial motor vehicle in interstate
3 commerce with an equivalent level of safety, and the rea-
4 sons for that determination. The Secretary may extend the
5 air mileage requirements under subsection (a)(3) to ex-
6 pand operation areas and gather additional data for anal-
7 ysis.

8 (e) **TERMINATION.**—The Secretary may terminate
9 the pilot program if the data collected under subsection
10 (c) indicates that drivers under the age of 21 do not oper-
11 ate in interstate commerce with an equivalent level of safe-
12 ty of those drivers age 21 and over.

13 **Subtitle E—Motor Carrier Safety** 14 **Grant Consolidation**

15 **SEC. 32501. DEFINITIONS.**

16 (a) **IN GENERAL.**—Section 31101 is amended—

17 (1) by redesignating paragraph (4) as para-
18 graph (5); and

19 (2) by inserting after paragraph (3) the fol-
20 lowing:

21 “(4) ‘Secretary’ means the Secretary of Trans-
22 portation.”.

23 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

24 Section 31101, as amended by subsection (a), is amend-
25 ed—

1 (1) in paragraph (1)(B), by inserting a comma
2 after “passengers”; and

3 (2) in paragraph (1)(C), by striking “of Trans-
4 portation”.

5 **SEC. 32502. GRANTS TO STATES.**

6 (a) MOTOR CARRIER SAFETY ASSISTANCE PRO-
7 GRAM.—Section 31102 is amended to read as follows:

8 **“§ 31102. Motor Carrier Safety Assistance Program**

9 “(a) IN GENERAL.—The Secretary shall administer
10 a motor carrier safety assistance program funded under
11 section 31104.

12 “(b) GOAL.—The goal of the program is to ensure
13 that the Secretary, States, local governments, other polit-
14 ical jurisdictions, federally-recognized Indian tribes, and
15 other persons work in partnership to establish programs
16 to improve motor carrier, commercial motor vehicle, and
17 driver safety to support a safe and efficient surface trans-
18 portation system—

19 “(1) by making targeted investments to pro-
20 mote safe commercial motor vehicle transportation,
21 including the transportation of passengers and haz-
22 ardous materials;

23 “(2) by investing in activities likely to generate
24 maximum reductions in the number and severity of

1 commercial motor vehicle crashes and fatalities re-
2 sulting from such crashes;

3 “(3) by adopting and enforcing effective motor
4 carrier, commercial motor vehicle, and driver safety
5 regulations and practices consistent with Federal re-
6 quirements; and

7 “(4) by assessing and improving statewide per-
8 formance by setting program goals and meeting per-
9 formance standards, measures, and benchmarks.

10 “(c) STATE PLANS.—

11 “(1) IN GENERAL.—The Secretary shall pre-
12 scribe procedures for a State to submit a multiple-
13 year plan, and annual updates thereto, under which
14 the State agrees to assume responsibility for improv-
15 ing motor carrier safety, adopting and enforcing
16 compatible regulations, standards, and orders of the
17 Federal Government on commercial motor vehicle
18 safety and hazardous materials transportation safe-
19 ty.

20 “(2) CONTENTS.—The Secretary shall approve
21 a plan if the Secretary determines that the plan is
22 adequate to comply with the requirements of this
23 section, and the plan—

24 “(A) implements performance-based activi-
25 ties, including deployment and maintenance of

1 technology to enhance the efficiency and effec-
2 tiveness of commercial motor vehicle safety pro-
3 grams;

4 “(B) designates a lead State commercial
5 motor vehicle safety agency responsible for ad-
6 ministering the plan throughout the State;

7 “(C) contains satisfactory assurances that
8 the lead State commercial motor vehicle safety
9 agency has or will have the legal authority, re-
10 sources, and qualified personnel necessary to
11 enforce the regulations, standards, and orders;

12 “(D) contains satisfactory assurances that
13 the State will devote adequate resources to the
14 administration of the plan and enforcement of
15 the regulations, standards, and orders;

16 “(E) provides a right of entry and inspec-
17 tion to carry out the plan;

18 “(F) provides that all reports required
19 under this section be available to the Secretary
20 on request;

21 “(G) provides that the lead State commer-
22 cial motor vehicle safety agency will adopt the
23 reporting requirements and use the forms for
24 recordkeeping, inspections, and investigations
25 that the Secretary prescribes;

1 “(H) requires all registrants of commercial
2 motor vehicles to demonstrate knowledge of ap-
3 plicable safety regulations, standards, and or-
4 ders of the Federal Government and the State;

5 “(I) provides that the State will grant
6 maximum reciprocity for inspections conducted
7 under the North American Inspection Stand-
8 ards through the use of a nationally-accepted
9 system that allows ready identification of pre-
10 viously inspected commercial motor vehicles;

11 “(J) ensures that activities described in
12 subsection (h), if financed through grants to
13 the State made under this section, will not di-
14 minish the effectiveness of the development and
15 implementation of the programs to improve
16 motor carrier, commercial motor vehicle, and
17 driver safety as described in subsection (b);

18 “(K) ensures that the lead State commer-
19 cial motor vehicle safety agency will coordinate
20 the plan, data collection, and information sys-
21 tems with the State highway safety improve-
22 ment program required under section 148(c) of
23 title 23;

24 “(L) ensures participation in appropriate
25 Federal Motor Carrier Safety Administration

1 information technology and data systems and
2 other information systems by all appropriate ju-
3 risdictions receiving Motor Carrier Safety As-
4 sistance Program funding;

5 “(M) ensures that information is ex-
6 changed among the States in a timely manner;

7 “(N) provides satisfactory assurances that
8 the State will undertake efforts that will em-
9 phasize and improve enforcement of State and
10 local traffic safety laws and regulations related
11 to commercial motor vehicle safety;

12 “(O) provides satisfactory assurances in
13 the plan that the State will address national
14 priorities and performance goals, including—

15 “(i) activities aimed at removing im-
16 paired commercial motor vehicle drivers
17 from the highways of the United States
18 through adequate enforcement of regula-
19 tions on the use of alcohol and controlled
20 substances and by ensuring ready roadside
21 access to alcohol detection and measuring
22 equipment;

23 “(ii) activities aimed at providing an
24 appropriate level of training to State motor
25 carrier safety assistance program officers

1 and employees on recognizing drivers im-
2 paired by alcohol or controlled substances;
3 and

4 “(iii) when conducted with an appro-
5 priate commercial motor vehicle inspection,
6 criminal interdiction activities, and appro-
7 priate strategies for carrying out those
8 interdiction activities, including interdic-
9 tion activities that affect the transpor-
10 tation of controlled substances (as defined
11 under section 102 of the Comprehensive
12 Drug Abuse Prevention and Control Act of
13 1970 (21 U.S.C. 802) and listed in part
14 1308 of title 21, Code of Federal Regula-
15 tions, as updated and republished from
16 time to time) by any occupant of a com-
17 mercial motor vehicle;

18 “(P) provides that the State has estab-
19 lished and dedicated sufficient resources to a
20 program to ensure that—

21 “(i) the State collects and reports to
22 the Secretary accurate, complete, and
23 timely motor carrier safety data; and

1 “(ii) the State participates in a na-
2 tional motor carrier safety data correction
3 system prescribed by the Secretary;

4 “(Q) ensures that the State will cooperate
5 in the enforcement of financial responsibility re-
6 quirements under sections 13906, 31138, and
7 31139 of this title, and regulations issued
8 under these sections;

9 “(R) ensures consistent, effective, and rea-
10 sonable sanctions;

11 “(S) ensures that roadside inspections will
12 be conducted at locations that are adequate to
13 protect the safety of drivers and enforcement
14 personnel;

15 “(T) provides that the State will include in
16 the training manuals for the licensing examina-
17 tion to drive both noncommercial motor vehicles
18 and commercial motor vehicles information on
19 best practices for driving safely in the vicinity
20 of noncommercial and commercial motor vehi-
21 cles;

22 “(U) provides that the State will enforce
23 the registration requirements of sections 13902
24 and 31134 of this title by prohibiting the oper-
25 ation of any vehicle discovered to be operated

1 by a motor carrier without a registration issued
2 under those sections or to be operated beyond
3 the scope of the motor carrier's registration;

4 “(V) provides that the State will conduct
5 comprehensive and highly visible traffic enforce-
6 ment and commercial motor vehicle safety in-
7 spection programs in high-risk locations and
8 corridors;

9 “(W) except in the case of an imminent
10 hazard or obvious safety hazard, ensures that
11 an inspection of a vehicle transporting pas-
12 sengers for a motor carrier of passengers is
13 conducted at a station, terminal, border cross-
14 ing, maintenance facility, destination, or other
15 location where adequate food, shelter, and sani-
16 tation facilities are available for passengers,
17 and reasonable accommodations are available
18 for passengers with disabilities;

19 “(X) ensures that the State will transmit
20 to its roadside inspectors the notice of each
21 Federal exemption granted under section
22 31315(b) of this title and sections 390.23 and
23 390.25 of title 49 of the Code of Federal Regu-
24 lations and provided to the State by the Sec-
25 retary, including the name of the person grant-

1 ed the exemption and any terms and conditions
2 that apply to the exemption;

3 “(Y) except as provided in subsection (d),
4 provides that the State—

5 “(i) will conduct safety audits of
6 interstate and, at the State’s discretion,
7 intrastate new entrant motor carriers
8 under section 31144(g) of this title; and

9 “(ii) if the State authorizes a third
10 party to conduct safety audits under sec-
11 tion 31144(g) on its behalf, the State
12 verifies the quality of the work conducted
13 and remains solely responsible for the
14 management and oversight of the activi-
15 ties;

16 “(Z) provides that the State agrees to fully
17 participate in the performance and registration
18 information system management under section
19 31106(b) not later than October 1, 2020, by
20 complying with the conditions for participation
21 under paragraph (3) of that section;

22 “(AA) provides that a State that shares a
23 land border with another country—

24 “(i) will conduct a border commercial
25 motor vehicle safety program focusing on

1 international commerce that includes en-
2 forcement and related projects; or

3 “(ii) will forfeit all funds calculated by
4 the Secretary based on border-related ac-
5 tivities if the State declines to conduct the
6 program described in clause (i) in its plan;
7 and

8 “(BB) provides that a State that meets the
9 other requirements of this section and agrees to
10 comply with the requirements established in
11 subsection (1)(3) may fund operation and main-
12 tenance costs associated with innovative tech-
13 nology deployment under subsection (1)(3) with
14 Motor Carrier Safety Assistance Program funds
15 authorized under section 31104(a)(1).

16 “(3) PUBLICATION.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the Secretary shall publish each ap-
19 proved State multiple-year plan, and each an-
20 nual update thereto, on the Department of
21 Transportation’s public website not later than
22 30 days after the date the Secretary approves
23 the plan or update.

24 “(B) LIMITATION.—Before posting an ap-
25 proved State multiple-year plan or annual up-

1 date under subparagraph (A), the Secretary
2 shall redact any information identified by the
3 State that, if disclosed—

4 “(i) would reasonably be expected to
5 interfere with enforcement proceedings; or

6 “(ii) would reveal enforcement tech-
7 niques or procedures that would reasonably
8 be expected to risk circumvention of the
9 law.

10 “(d) EXCLUSION OF U.S. TERRITORIES.—The re-
11 quirement that a State conduct safety audits of new en-
12 trant motor carriers under subsection (c)(2)(Y) does not
13 apply to a territory of the United States unless required
14 by the Secretary.

15 “(e) INTRASTATE COMPATIBILITY.—The Secretary
16 shall prescribe regulations specifying tolerance guidelines
17 and standards for ensuring compatibility of intrastate
18 commercial motor vehicle safety laws, including regula-
19 tions, with Federal motor carrier safety regulations to be
20 enforced under subsections (b) and (c). To the extent
21 practicable, the guidelines and standards shall allow for
22 maximum flexibility while ensuring a degree of uniformity
23 that will not diminish motor vehicle safety.

24 “(f) MAINTENANCE OF EFFORT.—

1 “(1) BASELINE.—Except as provided under
2 paragraphs (2) and (3) and in accordance with sec-
3 tion 32508 of the Comprehensive Transportation
4 and Consumer Protection Act of 2015, a State plan
5 under subsection (c) shall provide that the total ex-
6 penditure of amounts of the lead State commercial
7 motor vehicle safety agency responsible for admin-
8 istering the plan will be maintained at a level each
9 fiscal year at least equal to—

10 “(A) the average level of that expenditure
11 for fiscal years 2004 and 2005; or

12 “(B) the level of that expenditure for the
13 year in which the Secretary implements a new
14 allocation formula under section 32508 of the
15 Comprehensive Transportation and Consumer
16 Protection Act of 2015.

17 “(2) ADJUSTED BASELINE AFTER FISCAL YEAR
18 2017.—At the request of a State, the Secretary may
19 evaluate additional documentation related to the
20 maintenance of effort and may make reasonable ad-
21 justments to the maintenance of effort baseline after
22 the year in which the Secretary implements a new
23 allocation formula under section 32508 of the Com-
24 prehensive Transportation and Consumer Protection
25 Act of 2015, and this adjusted baseline will replace

1 the maintenance of effort requirement under para-
2 graph (1).

3 “(3) WAIVERS.—At the request of a State, the
4 Secretary may waive or modify the requirements of
5 this subsection for 1 fiscal year if the Secretary de-
6 termines that a waiver or modification is reasonable,
7 based on circumstances described by the State, to
8 ensure the continuation of commercial motor vehicle
9 enforcement activities in the State.

10 “(4) LEVEL OF STATE EXPENDITURES.—In es-
11 timating the average level of State expenditure
12 under paragraph (1), the Secretary—

13 “(A) may allow the State to exclude State
14 expenditures for Federally-sponsored dem-
15 onstration and pilot programs and strike forces;

16 “(B) may allow the State to exclude ex-
17 penditures for activities related to border en-
18 forcement and new entrant safety audits; and

19 “(C) shall require the State to exclude
20 State matching amounts used to receive Federal
21 financing under section 31104.

22 “(g) USE OF UNIFIED CARRIER REGISTRATION FEES
23 AGREEMENT.—Amounts generated under section 14504a
24 of this title and received by a State and used for motor
25 carrier safety purposes may be included as part of the

1 State's match required under section 31104 of this title
2 or maintenance of effort required by subsection (f) of this
3 section.

4 “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—
5 When approved in the States' plan under subsection (c),
6 a State may use Motor Carrier Safety Assistance Program
7 funds received under this section—

8 “(1) if the activities are carried out in conjunc-
9 tion with an appropriate inspection of a commercial
10 motor vehicle to enforce Federal or State commercial
11 motor vehicle safety regulations, for—

12 “(A) enforcement of commercial motor ve-
13 hicle size and weight limitations at locations,
14 excluding fixed weight facilities, such as near
15 steep grades or mountainous terrains, where
16 the weight of a commercial motor vehicle can
17 significantly affect the safe operation of the ve-
18 hicle, or at ports where intermodal shipping
19 containers enter and leave the United States;
20 and

21 “(B) detection of and enforcement actions
22 taken as a result of criminal activity, including
23 the trafficking of human beings, in a commer-
24 cial motor vehicle or by any occupant, including
25 the operator, of the commercial motor vehicle;

1 “(2) for documented enforcement of State traf-
2 fic laws and regulations designed to promote the
3 safe operation of commercial motor vehicles, includ-
4 ing documented enforcement of such laws and regu-
5 lations relating to noncommercial motor vehicles
6 when necessary to promote the safe operation of
7 commercial motor vehicles, if—

8 “(A) the number of motor carrier safety
9 activities, including roadside safety inspections,
10 conducted in the State is maintained at a level
11 at least equal to the average level of such activi-
12 ties conducted in the State in fiscal years 2004
13 and 2005; and

14 “(B) the State does not use more than 10
15 percent of the basic amount the State receives
16 under a grant awarded under section
17 31104(a)(1) for enforcement activities relating
18 to noncommercial motor vehicles necessary to
19 promote the safe operation of commercial motor
20 vehicles unless the Secretary determines that a
21 higher percentage will result in significant in-
22 creases in commercial motor vehicle safety; and

23 “(3) for the enforcement of household goods
24 regulations on intrastate and interstate carriers if

1 the State has adopted laws or regulations compatible
2 with the Federal household goods regulations.

3 “(i) EVALUATION OF PLANS AND AWARD OF
4 GRANTS.—

5 “(1) AWARDS.—The Secretary shall establish
6 criteria for the application, evaluation, and approval
7 of State plans under this section. Subject to sub-
8 section (j), the Secretary may allocate the amounts
9 made available under section 31104(a)(1) among the
10 States.

11 “(2) OPPORTUNITY TO CURE.—If the Secretary
12 disapproves a plan under this section, the Secretary
13 shall give the State a written explanation of the rea-
14 sons for disapproval and allow the State to modify
15 and resubmit the plan for approval.

16 “(j) ALLOCATION OF FUNDS.—

17 “(1) IN GENERAL.—The Secretary, by regula-
18 tion, shall prescribe allocation criteria for funds
19 made available under section 31104(a)(1).

20 “(2) ANNUAL ALLOCATIONS.—On October 1 of
21 each fiscal year, or as soon as practicable thereafter,
22 and after making a deduction under section
23 31104(c), the Secretary shall allocate amounts made
24 available in section 31104(a)(1) to carry out this
25 section for the fiscal year among the States with

1 plans approved under this section in accordance with
2 the criteria under paragraph (1).

3 “(3) ELECTIVE ADJUSTMENTS.—Subject to the
4 availability of funding and notwithstanding fluctua-
5 tions in the data elements used by the Secretary to
6 calculate the annual allocation amounts, after the
7 creation of a new allocation formula under section
8 32508 of the Comprehensive Transportation and
9 Consumer Protection Act of 2015 the Secretary may
10 not make elective adjustments to the allocation for-
11 mula that decrease a State’s Federal funding levels
12 by more than 3 percent in a fiscal year. The 3 per-
13 cent limit shall not apply to the withholding provi-
14 sions of subsection (k).

15 “(k) PLAN MONITORING.—

16 “(1) IN GENERAL.—On the basis of reports
17 submitted by the lead State agency responsible for
18 administering an approved State plan and an inves-
19 tigation by the Secretary, the Secretary shall peri-
20 odically evaluate State implementation of and com-
21 pliance with the State plan.

22 “(2) WITHHOLDING OF FUNDS.—

23 “(A) DISAPPROVAL.—If, after notice and
24 an opportunity to be heard, the Secretary finds
25 that the State plan previously approved is not

1 being followed or has become inadequate to en-
2 sure enforcement of the regulations, standards,
3 or orders, or the State is otherwise not in com-
4 pliance with the requirements of this section,
5 the Secretary may withdraw approval of the
6 plan and notify the State. The plan is no longer
7 in effect once the State receives notice, and the
8 Secretary shall withhold all funding under this
9 section.

10 “(B) NONCOMPLIANCE WITHHOLDING.—In
11 lieu of withdrawing approval of the plan, the
12 Secretary may, after providing notice and an
13 opportunity to be heard, withhold funding from
14 the State to which the State would otherwise be
15 entitled under this section for the period of the
16 State’s noncompliance. In exercising this op-
17 tion, the Secretary may withhold—

18 “(i) up to 5 percent of funds during
19 the fiscal year that the Secretary notifies
20 the State of its noncompliance;

21 “(ii) up to 10 percent of funds for the
22 first full fiscal year of noncompliance;

23 “(iii) up to 25 percent of funds for
24 the second full fiscal year of noncompli-
25 ance; and

1 “(iv) not more than 50 percent of
2 funds for the third and any subsequent full
3 fiscal year of noncompliance.

4 “(3) JUDICIAL REVIEW.—A State adversely af-
5 fected by a determination under paragraph (2) may
6 seek judicial review under chapter 7 of title 5. Not-
7 withstanding the disapproval of a State plan under
8 paragraph (2)(A) or the withholding under para-
9 graph (2)(B), the State may retain jurisdiction in an
10 administrative or a judicial proceeding that com-
11 menced before the notice of disapproval or with-
12 holding if the issues involved are not related directly
13 to the reasons for the disapproval or withholding.

14 “(1) HIGH PRIORITY FINANCIAL ASSISTANCE PRO-
15 GRAM.—

16 “(1) IN GENERAL.—The Secretary shall admin-
17 ister a high priority financial assistance program
18 funded under section 31104 for the purposes de-
19 scribed in paragraphs (2) and (3).

20 “(2) ACTIVITIES RELATED TO MOTOR CARRIER
21 SAFETY.—The purpose of this paragraph is to make
22 discretionary grants to and cooperative agreements
23 with States, local governments, federally-recognized
24 Indian tribes, other political jurisdictions as nec-
25 essary, and any person to carry out high priority ac-

1 activities and projects that augment motor carrier
2 safety activities and projects planned in accordance
3 with subsections (b) and (c), including activities and
4 projects that—

5 “(A) increase public awareness and edu-
6 cation on commercial motor vehicle safety;

7 “(B) target unsafe driving of commercial
8 motor vehicles and non-commercial motor vehi-
9 cles in areas identified as high risk crash cor-
10 ridors;

11 “(C) support the enforcement of State
12 household goods regulations on intrastate and
13 interstate carriers if the State has adopted laws
14 or regulations compatible with the Federal
15 household good laws;

16 “(D) improve the safe and secure move-
17 ment of hazardous materials;

18 “(E) improve safe transportation of goods
19 and persons in foreign commerce;

20 “(F) demonstrate new technologies to im-
21 prove commercial motor vehicle safety;

22 “(G) support participation in performance
23 and registration information systems manage-
24 ment under section 31106(b)—

1 “(i) for entities not responsible for
2 submitting the plan under subsection (c);

3 or

4 “(ii) for entities responsible for sub-
5 mitting the plan under subsection (c)—

6 “(I) before October 1, 2020, to
7 achieve compliance with the require-
8 ments of participation; and

9 “(II) beginning on October 1,
10 2020, or once compliance is achieved,
11 whichever is sooner, for special initia-
12 tives or projects that exceed routine
13 operations required for participation;

14 “(H) conduct safety data improvement
15 projects—

16 “(i) that complete or exceed the re-
17 quirements under subsection (c)(2)(P) for
18 entities not responsible for submitting the
19 plan under subsection (c); or

20 “(ii) that exceed the requirements
21 under subsection (c)(2)(P) for entities re-
22 sponsible for submitting the plan under
23 subsection (c); and

1 “(I) otherwise improve commercial motor
2 vehicle safety and compliance with commercial
3 motor vehicle safety regulations.

4 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
5 GRANT PROGRAM.—

6 “(A) IN GENERAL.—The Secretary shall
7 establish an innovative technology deployment
8 grant program to make discretionary grants
9 funded under section 31104(a)(2) to eligible
10 States for the innovative technology deployment
11 of commercial motor vehicle information sys-
12 tems and networks.

13 “(B) PURPOSES.—The purposes of the
14 program shall be—

15 “(i) to advance the technological capa-
16 bility and promote the deployment of intel-
17 ligent transportation system applications
18 for commercial motor vehicle operations,
19 including commercial motor vehicle, com-
20 mercial driver, and carrier-specific infor-
21 mation systems and networks; and

22 “(ii) to support and maintain com-
23 mercial motor vehicle information systems
24 and networks—

1 and system development, and infrastruc-
2 ture modifications—

3 “(I) are consistent with the na-
4 tional intelligent transportation sys-
5 tems and commercial motor vehicle in-
6 formation systems and networks ar-
7 chitectures and available standards;
8 and

9 “(II) promote interoperability
10 and efficiency to the extent prac-
11 ticable; and

12 “(iii) agree to execute interoperability
13 tests developed by the Federal Motor Car-
14 rier Safety Administration to verify that
15 its systems conform with the national intel-
16 ligent transportation systems architecture,
17 applicable standards, and protocols for
18 commercial motor vehicle information sys-
19 tems and networks.

20 “(D) USE OF FUNDS.—Grant funds may
21 be used—

22 “(i) for deployment activities and ac-
23 tivities to develop new and innovative ad-
24 vanced technology solutions that support

1 commercial motor vehicle information sys-
2 tems and networks;

3 “(ii) for planning activities, including
4 the development or updating of program or
5 top level design plans in order to become
6 eligible or maintain eligibility under sub-
7 paragraph (C); and

8 “(iii) for the operation and mainte-
9 nance costs associated with innovative
10 technology.

11 “(E) SECRETARY AUTHORIZATION.—The
12 Secretary is authorized to award a State fund-
13 ing for the operation, and maintenance costs
14 associated with innovative technology deploy-
15 ment with funds made available under both sec-
16 tions 31104(a)(1) and 31104(a)(2) of this
17 title.”.

18 (b) COMMERCIAL MOTOR VEHICLE OPERATORS
19 GRANT PROGRAM.—Section 31103 is amended to read as
20 follows:

21 **“§ 31103. Commercial Motor Vehicle Operators Grant**
22 **Program**

23 “(a) IN GENERAL.—The Secretary shall administer
24 a commercial motor vehicle operators grant program fund-
25 ed under section 31104.

1 “(b) PURPOSE.—The purpose of the grant program
2 is to train individuals in the safe operation of commercial
3 motor vehicles (as defined in section 31301).”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
5 31104 is amended to read as follows:

6 **“§ 31104. Authorization of appropriations**

7 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
8 lowing sums are authorized to be appropriated from the
9 Highway Trust Fund for the following Federal Motor Car-
10 rier Safety Administration Financial Assistance Pro-
11 grams:

12 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
13 GRAM.—Subject to paragraph (2) of this subsection
14 and subsection (c) of this section, to carry out sec-
15 tion 31102—

16 “(A) \$295,636,000 for fiscal year 2017;

17 “(B) \$301,845,000 for fiscal year 2018;

18 “(C) \$308,183,000 for fiscal year 2019;

19 “(D) \$314,655,000 for fiscal year 2020;

20 and

21 “(E) \$321,263,000 for fiscal year 2021.

22 “(2) HIGH PRIORITY ACTIVITIES FINANCIAL AS-
23 SISTANCE PROGRAM.—Subject to subsection (c), to
24 make grants and cooperative agreements under sec-
25 tion 31102(l) of this title, the Secretary may set

1 aside from amounts made available under paragraph
2 (1) of this subsection up to—

3 “(A) \$42,323,000 for fiscal year 2017;

4 “(B) \$43,212,000 for fiscal year 2018;

5 “(C) \$44,119,000 for fiscal year 2019;

6 “(D) \$45,046,000 for fiscal year 2020;

7 and

8 “(E) \$45,992,000 for fiscal year 2021.

9 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
10 GRANT PROGRAM.—To carry out section 31103—

11 “(A) \$1,000,000 for fiscal year 2017;

12 “(B) \$1,000,000 for fiscal year 2018;

13 “(C) \$1,000,000 for fiscal year 2019;

14 “(D) \$1,000,000 for fiscal year 2020; and

15 “(E) \$1,000,000 for fiscal year 2021.

16 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
17 IMPLEMENTATION FINANCIAL ASSISTANCE PRO-
18 GRAM.—Subject to subsection (c), to carry out sec-
19 tion 31313—

20 “(A) \$31,273,000 for fiscal year 2017;

21 “(B) \$31,930,000 for fiscal year 2018;

22 “(C) \$32,600,000 for fiscal year 2019;

23 “(D) \$33,285,000 for fiscal year 2020;

24 and

25 “(E) \$33,984,000 for fiscal year 2021.

1 “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-
2 ENTS FOR GOVERNMENT SHARE OF COSTS.—

3 “(1) IN GENERAL.—Amounts made available
4 under subsection (a) shall be used to reimburse fi-
5 nancial assistance recipients proportionally for the
6 Federal Government’s share of the costs incurred.

7 “(2) REIMBURSEMENT AMOUNTS.—The Sec-
8 retary shall reimburse a recipient, in accordance
9 with a financial assistance agreement made under
10 section 31102, 31103, or 31313, an amount that is
11 at least 85 percent of the costs incurred by the re-
12 cipient in a fiscal year in developing and imple-
13 menting programs under these sections. The Sec-
14 retary shall pay the recipient an amount not more
15 than the Federal Government share of the total
16 costs approved by the Federal Government in the fi-
17 nancial assistance agreement. The Secretary shall
18 include a recipient’s in-kind contributions in deter-
19 mining the reimbursement.

20 “(3) VOUCHERS.—Each recipient shall submit
21 vouchers at least quarterly for costs the recipient in-
22 curs in developing and implementing programs
23 under section 31102, 31103, or 31313.

24 “(c) DEDUCTIONS FOR PARTNER TRAINING AND
25 PROGRAM SUPPORT.—On October 1 of each fiscal year,

1 or as soon after that date as practicable, the Secretary
2 may deduct from amounts made available under para-
3 graphs (1), (2), and (4) of subsection (a) for that fiscal
4 year not more than 1.50 percent of those amounts for
5 partner training and program support in that fiscal year.
6 The Secretary shall use at least 75 percent of those de-
7 ducted amounts to train non-Federal Government employ-
8 ees and to develop related training materials in carrying
9 out these programs.

10 “(d) GRANTS AND COOPERATIVE AGREEMENTS AS
11 CONTRACTUAL OBLIGATIONS.—The approval of a finan-
12 cial assistance agreement by the Secretary under section
13 31102, 31103, or 31313 is a contractual obligation of the
14 Federal Government for payment of the Federal Govern-
15 ment’s share of costs in carrying out the provisions of the
16 grant or cooperative agreement.

17 “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-
18 tablish criteria for eligible activities to be funded with fi-
19 nancial assistance agreements under this section and pub-
20 lish those criteria in a notice of funding availability before
21 the financial assistance program application period.

22 “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-
23 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-
24 TURES.—

1 “(1) IN GENERAL.—The period of availability
2 for a recipient to expend a grant or cooperative
3 agreement authorized under subsection (a) is as fol-
4 lows:

5 “(A) For grants made for carrying out sec-
6 tion 31102, other than section 31102(1), for the
7 fiscal year in which it is obligated and for the
8 next fiscal year.

9 “(B) For grants or cooperative agreements
10 made for carrying out section 31102(1)(2), for
11 the fiscal year in which it is obligated and for
12 the next 2 fiscal years.

13 “(C) For grants made for carrying out sec-
14 tion 31102(1)(3), for the fiscal year in which it
15 is obligated and for the next 4 fiscal years.

16 “(D) For grants made for carrying out
17 section 31103, for the fiscal year in which it is
18 obligated and for the next fiscal year.

19 “(E) For grants or cooperative agreements
20 made for carrying out 31313, for the fiscal year
21 in which it is obligated and for the next 4 fiscal
22 years.

23 “(2) REOBLIGATION.—Amounts not expended
24 by a recipient during the period of availability shall
25 be released back to the Secretary for reobligation for

1 any purpose under sections 31102, 31103, 31104,
2 and 31313 in accordance with subsection (i) of this
3 section.

4 “(g) CONTRACT AUTHORITY; INITIAL DATE OF
5 AVAILABILITY.—Amounts authorized from the Highway
6 Trust Fund by this section shall be available for obligation
7 on the date of their apportionment or allocation or on Oc-
8 tober 1 of the fiscal year for which they are authorized,
9 whichever occurs first.

10 “(h) AVAILABILITY OF FUNDING.—Amounts made
11 available under this section shall remain available until ex-
12 pended.

13 “(i) TRANSFER OF OBLIGATION AUTHORITY.—

14 “(1) IN GENERAL.—Of the contract authority
15 authorized for motor carrier safety grants, the Sec-
16 retary shall have authority to transfer available un-
17 obligated contract authority and associated liqui-
18 dating cash within or between Federal financial as-
19 sistance programs authorized under this section and
20 make new Federal financial assistance awards under
21 this section.

22 “(2) COST ESTIMATES.—Of the funds trans-
23 ferred, the contract authority and associated liqui-
24 dating cash or obligations and expenditures stem-
25 ming from Federal financial assistance awards made

1 with this contract authority shall not be scored as
2 new obligations by the Office of Management and
3 Budget or by the Secretary.

4 “(3) NO LIMITATION ON TOTAL OF OBLIGA-
5 TIONS.—Notwithstanding any other provision of law,
6 no limitation on the total of obligations for Federal
7 financial assistance programs carried out by the
8 Federal Motor Carrier Safety Administration under
9 this section shall apply to unobligated funds trans-
10 ferred under this subsection.”.

11 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) SAFETY FITNESS OF OWNERS AND OPER-
13 ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-
14 tion 31144(g) is amended by striking paragraph (5).

15 (2) INFORMATION SYSTEMS; PERFORMANCE
16 AND REGISTRATION INFORMATION PROGRAM.—Sec-
17 tion 31106(b) is amended by striking paragraph (4).

18 (3) BORDER ENFORCEMENT GRANTS.—Section
19 31107 is repealed.

20 (4) PERFORMANCE AND REGISTRATION INFOR-
21 MATION SYSTEM MANAGEMENT.—Section 31109 is
22 repealed.

23 (5) TABLE OF CONTENTS.—The table of con-
24 tents of chapter 311 is amended—

1 (A) by striking the items relating to 31107
2 and 31109; and

3 (B) by striking the items relating to sec-
4 tions 31102, 31103, and 31104 and inserting
5 the following:

“31102. Motor Carrier Safety Assistance Program.

“31103. Commercial Motor Vehicle Operators Grant Program.

“31104. Authorization of appropriations.”.

6 (6) GRANTS FOR COMMERCIAL DRIVER’S LI-
7 CENSE PROGRAM IMPLEMENTATION.—Section
8 31313(a), as amended by section 32506 of this Act,
9 is further amended by striking “The Secretary of
10 Transportation shall administer a financial assist-
11 ance program for commercial driver’s license pro-
12 gram implementation for the purposes described in
13 paragraphs (1) and (2)” and inserting “The Sec-
14 retary of Transportation shall administer a financial
15 assistance program for commercial driver’s license
16 program implementation funded under section
17 31104 of this title for the purposes described in
18 paragraphs (1) and (2)”.

19 (7) COMMERCIAL VEHICLE INFORMATION SYS-
20 TEMS AND NETWORKS DEPLOYMENT.—Section 4126
21 of SAFETEA-LU (49 U.S.C. 31106 note) is re-
22 pealed.

1 (8) SAFETY DATA IMPROVEMENT PROGRAM.—
2 Section 4128 of SAFETEA-LU (49 U.S.C. 31100
3 note) is repealed.

4 (9) GRANT PROGRAM FOR COMMERCIAL MOTOR
5 VEHICLE OPERATORS.—Section 4134 of SAFETEA-
6 LU (49 U.S.C. 31301 note) is repealed.

7 (10) WINTER HOME HEATING OIL DELIVERY
8 STATE FLEXIBILITY PROGRAM.—Section 346 of Na-
9 tional Highway System Designation Act of 1995 (49
10 U.S.C. 31166 note) is repealed.

11 (11) MAINTENANCE OF EFFORT AS CONDITION
12 ON GRANTS TO STATES.—Section 103(c) of the
13 Motor Carrier Safety Improvement Act of 1999 (49
14 U.S.C. 31102 note) is repealed.

15 (12) STATE COMPLIANCE WITH CDL REQUIRE-
16 MENTS.—Section 103(e) of the Motor Carrier Safety
17 Improvement Act of 1999 (49 U.S.C. 31102 note) is
18 repealed.

19 (13) BORDER STAFFING STANDARDS.—Section
20 218(d) of the Motor Carrier Safety Improvement
21 Act of 1999 (49 U.S.C. 31133 note) is amended—

22 (A) in paragraph (1), by striking “under
23 section 31104(f)(2)(B) of title 49, United
24 States Code” and inserting “section

1 31104(a)(1) of title 49, United States Code”;

2 and

3 (B) by striking paragraph (3).

4 (e) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on October 1, 2016.

6 (f) TRANSITION.—Notwithstanding the amendments
7 made by this section, the Secretary shall carry out sections
8 31102, 31103, 31104 of title 49, United States Code, and
9 any sections repealed under subsection (d) of this section,
10 as necessary, as those sections were in effect on the day
11 before October 1, 2016, with respect to applications for
12 grants, cooperative agreements, or contracts under those
13 sections submitted before October 1, 2016.

14 **SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM**
15 **STUDY.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Office of Inspector Gen-
18 eral of the Department of Transportation shall report to
19 the Committee on Commerce, Science, and Transportation
20 of the Senate and the Committee on Transportation and
21 Infrastructure in the House of Representatives on its as-
22 sessment of the new operator safety review program, re-
23 quired under section 31144(g) of title 49, United States
24 Code, including the program’s effectiveness in reducing
25 commercial motor vehicles involved in crashes, fatalities,

1 and injuries, and in improving commercial motor vehicle
2 safety.

3 (b) REPORT.—Not later than 90 days after comple-
4 tion of the report under subsection (a), the Secretary shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure in the House of Rep-
8 resentatives a report on the actions the Secretary will take
9 to address any recommendations included in the study
10 under subsection (a).

11 (c) PAPERWORK REDUCTION ACT OF 1995; EXCEP-
12 TION.—The study and the Office of the Inspector General
13 assessment shall not be subject to section 3506 or section
14 3507 of title 44, United States Code.

15 **SEC. 32504. PERFORMANCE AND REGISTRATION INFORMA-**
16 **TION SYSTEMS MANAGEMENT.**

17 Section 31106(b) is amended in the heading by strik-
18 ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

19 **SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—Subchapter I of chapter 311 is
21 amended by adding at the end the following:

22 **“§ 31110. Authorization of appropriations**

23 “(a) ADMINISTRATIVE EXPENSES.—There are au-
24 thorized to be appropriated from the Highway Trust Fund
25 (other than the Mass Transit Account) for the Secretary

1 of Transportation to pay administrative expenses of the
2 Federal Motor Carrier Safety Administration—

3 “(1) \$264,439,000 for fiscal year 2016;

4 “(2) \$269,992,000 for fiscal year 2017;

5 “(3) \$275,662,000 for fiscal year 2018;

6 “(4) \$281,451,000 for fiscal year 2019;

7 “(5) \$287,361,000 for fiscal year 2020; and

8 “(6) \$293,396,000 for fiscal year 2021.

9 “(b) USE OF FUNDS.—The funds authorized by this
10 section shall be used—

11 “(1) for personnel costs;

12 “(2) for administrative infrastructure;

13 “(3) for rent;

14 “(4) for information technology;

15 “(5) for programs for research and technology,
16 information management, regulatory development,
17 the administration of the performance and registra-
18 tion information systems management;

19 “(6) for programs for outreach and education
20 under subsection (d);

21 “(7) to fund the motor carrier safety facility
22 working capital fund established under subsection
23 (e);

24 “(8) for other operating expenses;

1 “(9) to conduct safety reviews of new operators;
2 and

3 “(10) for such other expenses as may from time
4 to time become necessary to implement statutory
5 mandates of the Federal Motor Carrier Safety Ad-
6 ministration not funded from other sources.

7 “(c) MOTOR CARRIER SAFETY FACILITY WORKING
8 CAPITAL FUND.—

9 “(1) IN GENERAL.—The Secretary may estab-
10 lish a motor carrier safety facility working capital
11 fund.

12 “(2) PURPOSE.—Amounts in the fund shall be
13 available for modernization, construction, leases, and
14 expenses related to vacating, occupying, maintaining,
15 and expanding motor carrier safety facilities, and as-
16 sociated activities.

17 “(3) AVAILABILITY.—Amounts in the fund shall
18 be available without regard to fiscal year limitation.

19 “(4) FUNDING.—Amounts may be appropriated
20 to the fund from the amounts made available in sub-
21 section (a).

22 “(5) FUND TRANSFERS.—The Secretary may
23 transfer funds to the working capital fund from the
24 amounts made available in subsection (a) or from
25 other funds as identified by the Secretary.

1 “(d) OUTREACH AND EDUCATION PROGRAM.—

2 “(1) IN GENERAL.—The Secretary may con-
3 duct, through any combination of grants, contracts,
4 cooperative agreements, or other activities, an inter-
5 nal and external outreach and education program to
6 be administered by the Administrator of the Federal
7 Motor Carrier Safety Administration.

8 “(2) FEDERAL SHARE.—The Federal share of
9 an outreach and education program for which a
10 grant, contract, or cooperative agreement is made
11 under this subsection may be up to 100 percent of
12 the cost of the grant, contract, or cooperative agree-
13 ment.

14 “(3) FUNDING.—From amounts made available
15 in subsection (a), the Secretary shall make available
16 such sums as are necessary to carry out this sub-
17 section each fiscal year.

18 “(e) CONTRACT AUTHORITY; INITIAL DATE OF
19 AVAILABILITY.—Amounts authorized from the Highway
20 Trust Fund by this section shall be available for obligation
21 on the date of their apportionment or allocation or on Oc-
22 tober 1 of the fiscal year for which they are authorized,
23 whichever occurs first.

1 “(f) FUNDING AVAILABILITY.—Amounts made avail-
2 able under this section shall remain available until ex-
3 pended.

4 “(g) CONTRACTUAL OBLIGATION.—The approval of
5 funds by the Secretary under this section is a contractual
6 obligation of the Federal Government for payment of the
7 Federal Government’s share of costs.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) ADMINISTRATIVE EXPENSES; AUTHORIZA-
10 TION OF APPROPRIATIONS.—Section 31104 is
11 amended—

12 (A) by striking subsection (i); and

13 (B) by redesignating subsections (j) and
14 (k) and subsections (i) and (j), respectively.

15 (2) USE OF AMOUNTS MADE AVAILABLE UNDER
16 SUBSECTION (I).—Section 4116(d) of SAFETEA-
17 LU (49 U.S.C. 31104 note) is amended by striking
18 “section 31104(i)” and inserting “section 31110”.

19 (3) INTERNAL COOPERATION.—Section 31161
20 is amended by striking “31104(i)” and inserting
21 “31110”.

22 (4) SAFETEA-LU; OUTREACH AND EDU-
23 CATION.—Section 4127 of SAFETEA-LU (119
24 Stat. 1741; Public Law 109–59) is repealed.

1 (5) TABLE OF CONTENTS.—The table of con-
2 tents of subchapter I of chapter 311 is amended by
3 adding at the end the following:

“31110. Authorization of appropriations.”.

4 **SEC. 32506. COMMERCIAL DRIVER’S LICENSE PROGRAM IM-**
5 **PLEMENTATION.**

6 (a) IN GENERAL.—Section 31313 is amended to read
7 as follows:

8 **“§ 31313. Commercial driver’s license program imple-**
9 **mentation financial assistance program**

10 “(a) IN GENERAL.—The Secretary of Transportation
11 shall administer a financial assistance program for com-
12 mercial driver’s license program implementation for the
13 purposes described in paragraphs (1) and (2).

14 “(1) STATE COMMERCIAL DRIVER’S LICENSE
15 PROGRAM IMPLEMENTATION GRANTS.—The Sec-
16 retary of Transportation may make a grant to a
17 State agency in a fiscal year—

18 “(A) to comply with the requirements of
19 section 31311;

20 “(B) in the case of a State that is making
21 a good faith effort toward substantial compli-
22 ance with the requirements of section 31311, to
23 improve its implementation of its commercial
24 driver’s license program, including expenses—

1 “(i) for computer hardware and soft-
2 ware;

3 “(ii) for publications, testing, per-
4 sonnel, training, and quality control;

5 “(iii) for commercial driver’s license
6 program coordinators; and

7 “(iv) to implement or maintain a sys-
8 tem to notify an employer of an operator
9 of a commercial motor vehicle of the sus-
10 pension or revocation of the operator’s
11 commercial driver’s license consistent with
12 the standards developed under section
13 32303(b) of the Commercial Motor Vehicle
14 Safety Enhancement Act of 2012 (49
15 U.S.C. 31304 note).

16 “(2) PRIORITY ACTIVITIES.—The Secretary
17 may make a grant or cooperative agreement in a fis-
18 cal year to a State agency, local government, or any
19 person for research, development or testing, dem-
20 onstration projects, public education, or other special
21 activities and projects relating to commercial driver’s
22 licensing and motor vehicle safety that—

23 “(A) benefit all jurisdictions of the United
24 States;

1 “(B) address national safety concerns and
2 circumstances;

3 “(C) address emerging issues relating to
4 commercial driver’s license improvements;

5 “(D) support innovative ideas and solu-
6 tions to commercial driver’s license program
7 issues; or

8 “(E) address other commercial driver’s li-
9 cense issues, as determined by the Secretary.

10 “(b) PROHIBITIONS.—A recipient may not use finan-
11 cial assistance funds awarded under this section to rent,
12 lease, or buy land or buildings.

13 “(c) REPORT.—The Secretary shall issue an annual
14 report on the activities carried out under this section.

15 “(d) APPORTIONMENT.—All amounts made available
16 to carry out this section for a fiscal year shall be appor-
17 tioned to a State or recipient described in subsection
18 (a)(2) according to criteria prescribed by the Secretary.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
20 The table of contents of chapter 313 is amended by strik-
21 ing the item relating to section 31313 and inserting the
22 following:

 “31313. Commercial driver’s license program implementation financial assist-
 ance program.”.

1 **SEC. 32507. EXTENSION OF FEDERAL MOTOR CARRIER**
2 **SAFETY PROGRAMS FOR FISCAL YEAR 2016.**

3 (a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
4 GRANT EXTENSION.—Section 31104(a) is amended—

5 (1) in the matter preceding paragraph (1), by
6 inserting “and, for fiscal year 2016, sections 31102,
7 31107, and 31109 of this title and section 4128 of
8 SAFETEA-LU (49 U.S.C. 31100 note)” after
9 “31102”;

10 (2) in paragraph (9), by striking “and” at the
11 end; and

12 (3) by striking paragraph (10) and inserting
13 the following:

14 “(10) \$218,000,000 for fiscal year 2015; and

15 “(11) ‘\$259,000,000 for fiscal year 2016.’”.

16 (b) EXTENSION OF GRANT PROGRAMS.—Section
17 4101(c) SAFETEA-LU (119 Stat. 1715; Public Law
18 109–59), is amended to read as follows:

19 “(c) GRANT PROGRAMS FUNDING.—There are au-
20 thorized to be appropriated from the Highway Trust Fund
21 the following sums for the following Federal Motor Carrier
22 Safety Administration programs:

23 “(1) COMMERCIAL DRIVER’S LICENSE PROGRAM
24 IMPROVEMENT GRANTS.—For carrying out the com-
25 mercial driver’s license program improvement grants

1 program under section 31313 of title 49, United
2 States Code, \$30,000,000 for fiscal year 2016.

3 “(2) BORDER ENFORCEMENT GRANTS.—From
4 amounts made available under section 31104(a) of
5 title 49, United States Code, for border enforcement
6 grants under section 31107 of that title,
7 \$32,000,000 for fiscal year 2016.

8 “(3) PERFORMANCE AND REGISTRATION INFOR-
9 MATION SYSTEMS MANAGEMENT GRANT PRO-
10 GRAMS.—From amounts made available under sec-
11 tion 31104(a) of title 49, United States Code, for
12 the performance and registration information sys-
13 tems management grant program under section
14 31109 of that title, \$5,000,000 for fiscal year 2016.

15 “(4) COMMERCIAL VEHICLE INFORMATION SYS-
16 TEMS AND NETWORKS DEPLOYMENT.—For carrying
17 out the commercial vehicle information systems and
18 networks deployment program under section 4126 of
19 this Act (the innovative technology deployment pro-
20 gram), \$25,000,000, for fiscal year 2016.

21 “(5) SAFETY DATA IMPROVEMENT GRANTS.—
22 From amounts made available under section
23 31104(a) of title 49, United States Code, for safety
24 data improvement grants under section 4128 of this
25 Act, \$3,000,000 for fiscal year 2016.”.

1 (c) HIGH-PRIORITY ACTIVITIES.—Section
2 31104(j)(2), as redesignated by section 32505 of this Act
3 is amended by striking “2015” and inserting “2016”.

4 (d) NEW ENTRANT AUDITS.—Section
5 31144(g)(5)(B) is amended to read as follows:

6 “(B) SET ASIDE.—The Secretary shall set
7 aside from amounts made available by section
8 31104(a) up to \$32,000,000 for fiscal year
9 2016 for audits of new entrant motor carriers
10 conducted under this paragraph.”.

11 (e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
12 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
13 (49 U.S.C. 31301 note) is amended to read as follows:

14 “(c) FUNDING.—From amounts made available
15 under section 31110 of title 49, United States Code, the
16 Secretary shall make available, \$1,000,000 for fiscal year
17 2016 to carry out the commercial motor vehicle operators
18 grant program.”.

19 (f) COMMERCIAL VEHICLE INFORMATION SYSTEMS
20 AND NETWORKS DEPLOYMENT.—

21 (1) IN GENERAL.—Section 4126 of SAFETEA-
22 LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public
23 Law 109–59) is amended—

24 (A) in subsection (c)—

1 (i) in paragraph (2), by adding at the
2 end the following: “Funds deobligated by
3 the Secretary from previous year grants
4 shall not be counted towards the
5 \$2,500,000 maximum aggregate amount
6 for core deployment.”; and

7 (ii) in paragraph (3), by adding at the
8 end the following: “Funds may also be
9 used for planning activities, including the
10 development or updating of program or top
11 level design plans.”; and

12 (B) in subsection (d)(4), by adding at the
13 end the following: “Funds may also be used for
14 planning activities, including the development
15 or updating of program or top level design
16 plans.”.

17 (2) INNOVATIVE TECHNOLOGY DEPLOYMENT
18 PROGRAM.—For fiscal year 2016, the commercial ve-
19 hicle information systems and networks deployment
20 program under section 4126 of SAFETEA-LU (119
21 Stat. 1738; Public Law 109—59) may also be re-
22 ferred to as the innovative technology deployment
23 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 Sec-
6 retary shall establish a motor carrier safety assist-
7 ance program formula working group (referred to in
8 this section as the “working group”).

9 (2) MEMBERSHIP.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the working group shall consist of
12 representatives 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
22 motor 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 mem-
2 bership.

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
9 under paragraph (1), the working group shall make
10 a recommendation to the Secretary regarding a new
11 Motor Carrier Safety Assistance Program allocation
12 formula.

13 (5) FACA EXEMPTION.—The Federal Advisory
14 Committee Act (5 U.S.C. App.) shall not apply to
15 the 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 en-
4 sure that the new allocation formula is based on factors
5 that reflect, 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
12 motor carrier inventory for the 3-year period prior
13 to the 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
18 appropriate.

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
25 year 2017 (and later fiscal years, as necessary)

1 under section 31104(a)(1) of title 49, United States
2 Code, as amended by section 32502 of this Act, by
3 the following methodology:

4 (A) The Secretary shall calculate the fund-
5 ing amount using the allocation formula the
6 Secretary used to award motor carrier safety
7 assistance program funding in fiscal year 2016
8 under section 2507 of this Act.

9 (B) The Secretary shall average the fund-
10 ing awarded or other equitable amounts to a
11 State in fiscal years 2013, 2014, and 2015 for
12 border enforcement grants awarded under sec-
13 tion 32603(c) of MAP-21 (126 Stat. 807; Pub-
14 lic Law 112—141) and new entrant audit
15 grants awarded under that section, or other eq-
16 uitable amounts.

17 (C) The Secretary shall add the amounts
18 calculated in subparagraphs (A) and (B).

19 (2) ADJUSTMENTS.—Subject to the availability
20 of funding and notwithstanding fluctuations in the
21 data elements used by the Secretary, the initial
22 amounts resulting from the calculation described in
23 paragraph (1) shall be adjusted to ensure that, for
24 each State, the amount shall not be less than 97
25 percent 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 pro-
4 gram funds awarded under section 32603(a) of
5 MAP-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
13 new allocation formula, the Secretary shall provide
14 immediate relief for at least 3 fiscal years to all
15 States currently subject to the withholding provi-
16 sions of Motor Carrier Safety Assistance Program
17 funds for matters of noncompliance.

18 (4) FUTURE WITHHOLDINGS.—Beginning on
19 the date that the new allocation formula is imple-
20 mented, the Secretary shall impose all future
21 withholdings in accordance with section 31102(k) of
22 title 49, United States Code, as amended by section
23 32502 of this Act.

1 (e) TERMINATION OF EFFECTIVENESS.—This section
2 expires upon the implementation of a new Motor Carrier
3 Safety Assistance Program Allocation Formula.

4 **SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.**

5 (a) BEFORE NEW ALLOCATION FORMULA.—

6 (1) FISCAL YEAR 2017.—If a new allocation for-
7 mula has not been established for fiscal year 2017,
8 then, for fiscal year 2017, the Secretary of Trans-
9 portation shall calculate the maintenance of effort
10 required under section 31102(f) of title 49, United
11 States Code, as amended by section 32502 of this
12 Act, by averaging the expenditures for fiscal years
13 2004 and 2005 required by section 32601(a)(5) of
14 MAP-21 (Public Law 112—141), as that section
15 was in effect on the day before the date of enact-
16 ment of this Act.

17 (2) SUBSEQUENT FISCAL YEARS.—The Sec-
18 retary may use the methodology for calculating the
19 maintenance of effort for fiscal year 2017 and each
20 fiscal year thereafter if a new allocation formula has
21 not been established.

22 (b) BEGINNING WITH NEW ALLOCATION FORMA-
23 TION.—

24 (1) IN GENERAL.—Subject to paragraphs (2)
25 and (3)(B), beginning on the date that a new alloca-

1 tion formula is established under section 2508, upon
2 the request of a State, the Secretary may modify the
3 baseline maintenance of effort required by section
4 31102(e) of title 49, United States Code, as amend-
5 ed by section 32502 of this Act, for the purpose of
6 establishing a new baseline maintenance of effort if
7 the Secretary determines that a waiver or modifica-
8 tion—

9 (A) is equitable due to reasonable cir-
10 cumstances;

11 (B) will ensure the continuation of com-
12 mercial motor vehicle enforcement activities in
13 the State; and

14 (C) is necessary to ensure that the total
15 amount of State maintenance of effort and
16 matching expenditures required under sections
17 31102 and 31104 of title 49, United States
18 Code, as amended by section 32502 of this Act,
19 does not exceed a sum greater than the average
20 of the total amount of State maintenance of ef-
21 fort and matching expenditures for the 3 fiscal
22 years prior to the date of enactment of this Act.

23 (2) ADJUSTMENT METHODOLOGY.—If re-
24 quested by a State, the Secretary may modify the

1 maintenance of effort baseline according to the fol-
2 lowing methodology:

3 (A) The Secretary shall establish the main-
4 tenance of effort using the average of fiscal
5 years 2004 and 2005, as required by section
6 32601(a)(5) of MAP-21 (Public Law 112—
7 141).

8 (B) The Secretary shall calculate the aver-
9 age required match by a lead State commercial
10 motor vehicle safety agency for fiscal years
11 2013, 2014, and 2015 for motor carrier safety
12 assistance grants established at 20 percent by
13 section 31103 of title 49, United States Code,
14 as that section was in effect on the day before
15 the date of enactment of this Act.

16 (C) The Secretary shall calculate the esti-
17 mated match required under section 31104(b)
18 of title 49, United States Code, as amended by
19 section 32502 of this Act.

20 (D) The Secretary will subtract the
21 amount in subparagraph (B) from the amount
22 in subparagraph (C) and—

23 (i) if the number is greater than 0,
24 then the Secretary shall subtract the num-

1 ber from the amount in subparagraph (A);

2 or

3 (ii) if the number is not greater than

4 0, then the Secretary shall calculate the

5 maintenance of effort using the method-

6 ology in subparagraph (A).

7 (3) MAINTENANCE OF EFFORT AMOUNT.—

8 (A) IN GENERAL.—The Secretary shall use

9 the amount calculated in paragraph (2) as the

10 baseline maintenance of effort required in sec-

11 tion 31102(f) of title 49, United States Code,

12 as amended by section 32502 of this Act.

13 (B) DEADLINE.—If a State does not re-

14 quest a waiver or modification under this sub-

15 section before September 30 during the first

16 fiscal year that the Secretary implements the

17 new allocation formula under section 32508, the

18 Secretary shall calculate the maintenance of ef-

19 fort using the methodology in paragraph (2)(A)

20 of this subsection.

21 (4) MAINTENANCE OF EFFORT DESCRIBED.—

22 The maintenance of effort calculated under this sec-

23 tion is the amount required under section 31102(f)

24 of title 49, United States Code, as amended by sec-

25 tion 32502 of this Act.

1 (c) TERMINATION OF EFFECTIVENESS.—The author-
2 ity under this section terminates effective on the date that
3 the new maintenance of effort is calculated based on the
4 new allocation formula implemented under section 32508.

5 **Subtitle F—Miscellaneous**
6 **Provisions**

7 **SEC. 32601. WINDSHIELD TECHNOLOGY.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary shall revise
10 the regulations in section 393.60(e) of title 49, Code of
11 Federal Regulations (relating to the prohibition on ob-
12 structions to the driver’s field of view) to exempt from that
13 section the voluntary mounting on a windshield of vehicle
14 safety technology likely to achieve a level of safety that
15 is equivalent to or greater than the level of safety that
16 would be achieved absent the exemption.

17 (b) DEFINITION OF VEHICLE SAFETY TECH-
18 NOLOGY.—In this section, “vehicle safety technology” in-
19 cludes fleet-related incident management system, perform-
20 ance or behavior management system, speed management
21 system, lane departure warning system, forward collision
22 warning or mitigation system, active cruise control system,
23 and any other technology that the Secretary considers ap-
24 plicable.

1 (c) RULE OF CONSTRUCTION.—For purposes of this
2 section, any windshield mounted technology with a short
3 term exemption under part 381 of title 49, Code of Fed-
4 eral Regulations, on the day before the date of enactment
5 of this Act, shall be considered likely to achieve a level
6 of safety that is equivalent to or greater than the level
7 of safety that would be achieved absent an exemption
8 under subsection (a).

9 **SEC. 32602. ELECTRONIC LOGGING DEVICES REQUIRE-**
10 **MENTS.**

11 Section 31137(b) is amended—

12 (1) in paragraph (1)(C), by striking “apply to”
13 and inserting “except as provided in paragraph (3),
14 apply to”; and

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

16 “(3) EXCEPTION.—A motor carrier, when
17 transporting a motor home or recreation vehicle
18 trailer within the definition of ‘driveaway-towaway
19 operation’ (as defined in section 390.5 of title 49,
20 Code of Federal Regulations) may comply with the
21 hours of service requirements by requiring each driv-
22 er to use—

23 “(A) a paper record of duty status form;

24 or

25 “(B) an electronic logging device.”.

1 **SEC. 32603. LAPSE OF REQUIRED FINANCIAL SECURITY;**
2 **SUSPENSION OF REGISTRATION.**

3 Section 13906(e) is amended by inserting “or sus-
4 pend” after “revoke”.

5 **SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTER.**

6 Section 30305(b) is amended by adding at the end
7 the following:

8 “(13) The Administrator of the Federal Motor
9 Carrier Safety Administration may request the chief
10 driver licensing official of a State to provide infor-
11 mation under subsection (a) of this section about an
12 individual in connection with a safety investigation
13 under the Administrator’s jurisdiction.”.

14 **SEC. 32605. STUDY ON COMMERCIAL MOTOR VEHICLE**
15 **DRIVER COMMUTING.**

16 (a) EFFECTS OF COMMUTING.—The Administrator
17 of the Federal Motor Carrier Safety Administration shall
18 conduct a study of the effects of motor carrier operator
19 commutes exceeding 150 minutes commuting time on safe-
20 ty and commercial motor vehicle driver fatigue.

21 (b) STUDY.—In conducting the study, the Adminis-
22 trator shall consider—

23 (1) the prevalence of driver commuting in the
24 commercial motor vehicle industry, including the
25 number and percentage of drivers who commute;

1 (2) the distances traveled, time zones crossed,
2 time spent commuting, and methods of transpor-
3 tation used;

4 (3) research on the impact of excessive com-
5 muting on safety and commercial motor vehicle driv-
6 er fatigue;

7 (4) the commuting practices of commercial
8 motor vehicle drivers and policies of motor carriers;

9 (5) the Federal Motor Carrier Safety Adminis-
10 tration regulations, policies, and guidance regarding
11 driver commuting; and

12 (6) any other matters the Administrator con-
13 siders appropriate.

14 (c) REPORT.—Not later than 18 months after the
15 date of enactment of this Act, the Administrator shall sub-
16 mit to Congress a report containing the findings under
17 the study and any recommendations for legislative action
18 concerning driver commuting.

19 **SEC. 32606. HOUSEHOLD GOODS CONSUMER PROTECTION**
20 **WORKING GROUP.**

21 (a) WORKING GROUP.—The Secretary shall establish
22 a working group for the purpose of developing rec-
23 ommendations on how to best convey to inexperienced con-
24 sumers the information such consumers need to know with

1 respect to the Federal laws concerning the interstate
2 transportation of household goods by motor carrier.

3 (b) MEMBERSHIP.—The Secretary shall ensure that
4 the working group is comprised of individuals with exper-
5 tise in consumer affairs, educators with expertise in how
6 people learn most effectively, and representatives of the
7 household goods moving industry.

8 (c) RECOMMENDATIONS.—

9 (1) CONTENTS.—The recommendations devel-
10 oped by the working group shall include, at a min-
11 imum, recommendations on—

12 (A) condensing publication ESA 03005 of
13 the Federal Motor Carrier Safety Administra-
14 tion into a format that is more easily used by
15 consumers;

16 (B) using state-of-the-art education tech-
17 niques and technologies, including optimizing
18 the use of the Internet as an educational tool;
19 and

20 (C) reducing and simplifying the paper-
21 work required of motor carriers and shippers in
22 interstate transportation.

23 (2) DEADLINE.—Not later than one year after
24 the date of enactment of this Act, the working group
25 shall make the recommendations described in para-

1 graph (1) which the Secretary shall publish on a
2 public website.

3 (d) REPORT.—Not later than 1 year after the date
4 on which the working group makes its recommendations,
5 the Secretary shall issue a report to Congress on the im-
6 plementation of such recommendations.

7 (e) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
8 TION.—The Federal Advisory Committee Act (5 U.S.C.
9 App.) shall not apply to the working group established
10 under this section.

11 (f) TERMINATION.—The working group shall termi-
12 nate 2 years after the date of enactment of this Act.

13 **SEC. 32607. INTERSTATE VAN OPERATIONS.**

14 Section 4136 of SAFETEA-LU (Public Law 109–59;
15 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by in-
16 serting “with the exception of commuter vanpool oper-
17 ations, which shall remain exempt” before the period at
18 the end.

19 **SEC. 32608. REPORT ON DESIGN AND IMPLEMENTATION OF**
20 **WIRELESS ROADSIDE INSPECTION SYSTEMS.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Secretary shall submit
23 to the Committee on Commerce, Science, and Transpor-
24 tation of the Senate and the Committee on Transportation
25 and Infrastructure of the House of Representatives a re-

1 port regarding the design, development, testing, and im-
2 plementation of wireless roadside inspection systems.

3 (b) ELEMENTS.—The report required under sub-
4 section (a) shall include a determination as to whether
5 wireless roadside inspection systems—

6 (1) conflict with existing non-Federal electronic
7 screening systems, or create capabilities already
8 available;

9 (2) require additional statutory authority to in-
10 corporate generated inspection data into the safety
11 measurement system or the safety fitness determina-
12 tions program; and

13 (3) provide appropriate restrictions to specifi-
14 cally address privacy concerns of affected motor car-
15 riers and operators.

16 **SEC. 32609. MOTORCOACH HOURS OF SERVICE STUDY.**

17 (a) REQUIREMENT BEFORE IMPLEMENTING NEW
18 RULES.—

19 (1) IN GENERAL.—The Secretary may not
20 amend, adjust, or revise the driver hours of service
21 regulations for motor carriers of passengers, by rule-
22 making or any other means, until the Secretary con-
23 ducts a formal study that properly accounts for
24 operational differences and variances in crash data
25 for drivers in intercity motorcoach service and inter-

1 state property carrier operations and between seg-
2 ments of the intercity motorcoach industry.

3 (2) CONTENTS.—The study required under
4 paragraph (1) shall include—

5 (A) the impact of the current hours of
6 service regulations for motor carriers of pas-
7 sengers on fostering safe operation of intercity
8 motorcoaches;

9 (B) the separation of the failures of the
10 current passenger carrier hours-of-service regu-
11 lations and the lack of enforcement of the cur-
12 rent regulations by Federal and State agencies;

13 (C) the correlation of noncompliance with
14 current passenger carrier hours of service rule
15 to passenger carrier accidents using data from
16 2000 through 2013; and

17 (D) how passenger carrier crashes could
18 have been mitigated by any changes to pas-
19 senger carrier hours of service rules.

20 (b) EMERGENCY REGULATIONS.—Nothing in this
21 section may be construed to affect the Secretary's existing
22 authority to provide relief from the hours of service regula-
23 tions in the event of an emergency under section 390.232
24 of title 49, Code of Federal Regulations.

1 **SEC. 32610. GAO REVIEW OF SCHOOL BUS SAFETY.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall submit, to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives, a review of the following:

8 (1) Existing Federal and State rules and guid-
9 ance, as of the date of the review, concerning school
10 bus transportation of elementary school and sec-
11 ondary school students engaging in home-to-school
12 transport or other transport determined by the
13 Comptroller General to be a routine part of kinder-
14 garten through grade 12 education, including regula-
15 tions and guidance regarding driver training pro-
16 grams, capacity requirements, programs for special
17 needs students, inspection standards, vehicle age re-
18 quirements, best practices, and public access to in-
19 spection results and crash records.

20 (2) Any correlation between public or private
21 school bus fleet operators whose vehicles are involved
22 in an accident as defined by section 390.5 of title
23 49, Code of Federal Regulations, and each of the
24 following:

25 (A) A failure by those same operators of
26 State or local safety inspections.

1 (B) The average age or odometer readings
2 of the school buses in the fleets of such opera-
3 tors.

4 (C) Violations of Federal laws adminis-
5 tered by the Department of Transportation, or
6 of State law equivalents of such laws.

7 (D) Violations of State or local law relat-
8 ing to illegal passing of a school bus.

9 (3) A regulatory framework comparison of pub-
10 lic and private school bus operations.

11 (4) Expert recommendations on best practices
12 for safe and reliable school bus transportation, in-
13 cluding driver training programs, inspection stand-
14 ards, school bus age and odometer reading maxi-
15 mums for retirement, the percentage of buses in a
16 local bus fleet needed as spare buses, and capacity
17 levels per school bus for different age groups.

18 **SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT**
19 **AND RANDOM CONTROLLED SUBSTANCES**
20 **TESTS.**

21 (a) **SHORT TITLE.**—This section may be cited as the
22 “Drug Free Commercial Driver Act of 2015”.

23 (b) **AUTHORIZATION OF HAIR TESTING AS AN AC-**
24 **CEPTABLE PROCEDURE FOR PREEMPLOYMENT AND RAN-**

1 DOM CONTROLLED SUBSTANCE TESTS.—Section 31306 is
2 amended—

3 (1) in subsection (b)(1)—

4 (A) by redesignating subparagraph (B) as
5 subparagraph (C); and

6 (B) in subparagraph (A), by striking “The
7 regulations shall permit such motor carriers to
8 conduct preemployment testing of such employ-
9 ees for the use of alcohol.” and inserting the
10 following:

11 “(B) The regulations prescribed under subparagraph
12 (A) shall permit motor carriers—

13 “(i) to conduct preemployment testing of com-
14 mercial motor vehicle operators for the use of alco-
15 hol; and

16 “(ii) to use hair testing as an acceptable alter-
17 native to urinalysis—

18 “(I) in conducting preemployment screen-
19 ing for the use of a controlled substance; and

20 “(II) in conducting random screening for
21 the use of a controlled substance by individuals
22 who were subject to preemployment screening.”;
23 and

24 (2) in subsection (c)(2)—

1 (A) in subparagraph (B), by striking
2 “and” at the end;

3 (B) in subparagraph (C), by inserting
4 “and” after the semicolon; and

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

6 “(D) laboratory protocols and cut-off levels
7 for hair testing to detect the use of a controlled
8 substance;”.

9 (c) EXEMPTION FROM MANDATORY URINALYSIS.—

10 (1) IN GENERAL.—Any motor carrier that dem-
11 onstrates, to the satisfaction of the Administrator of
12 the Federal Motor Carrier Safety Administration, in
13 consultation with the Department of Health and
14 Human Services, that it can carry out an applicable
15 hair testing program, consistent with generally ac-
16 cepted industry standards, to detect the use of a
17 controlled substance by commercial motor vehicle op-
18 erators, may apply to the Administrator for an ex-
19 emption from the mandatory urinalysis testing re-
20 quirements set forth in subpart C of part 382 of
21 title 49, Code of Federal Regulations until a final
22 rule is issued implementing the amendments made
23 by subsection (b).

24 (2) EVALUATION OF APPLICATIONS.—

1 (A) IN GENERAL.—In evaluating applica-
2 tions for an exemption under paragraph (1),
3 the Administrator, in consultation with the De-
4 partment of Health and Human Services, shall
5 determine if the applicant’s testing program
6 employs procedures and protections similar to
7 fleets that have carried out hair testing pro-
8 grams for at least 1 year.

9 (B) REQUIREMENTS.—A testing program
10 may not receive an exemption under paragraph
11 (1) unless the applicable testing laboratories—

12 (i) have obtained laboratory accredita-
13 tion specific to hair testing from an accred-
14 iting body, compliant with international or
15 other Federal standards, as appropriate,
16 such as the College of American Patholo-
17 gists; and

18 (ii) utilize hair testing assays that
19 have been cleared by the Food and Drug
20 Administration under section 510(k) of the
21 Federal Food, Drug and Cosmetic Act (21
22 U.S.C. 360(k)).

23 (3) DEADLINE FOR DECISIONS.—Not later than
24 90 days after receiving an application from a motor
25 carrier under this subsection, the Administrator, in

1 consultation with the Secretary of Health and
2 Human Services, shall determine whether the motor
3 carrier is exempt from the testing requirements de-
4 scribed in paragraph (1).

5 (4) REPORTING REQUIREMENT.—Any motor
6 carrier that is granted an exemption under para-
7 graph (1) shall submit records to the national clear-
8 inghouse established under section 31306a of title
9 49, United States Code, relating to all positive test
10 results and test refusals from the hair testing pro-
11 gram described in that paragraph.

12 (d) GUIDELINES FOR HAIR TESTING.—Not later
13 than 1 year after the date of the enactment of this Act,
14 the Secretary of Health and Human Services shall issue
15 scientific and technical guidelines for hair testing as a
16 method of detecting the use of a controlled substance for
17 purposes of section 31306 of title 49, United States Code,
18 as amended by subsection (b). When issuing the scientific
19 and technical guidelines, the Secretary of Health and
20 Human Services may consider differentiating between ex-
21 posure to, and usage of, various controlled substances.

22 (e) ANNUAL REPORT TO CONGRESS.—The Secretary
23 shall submit an annual report to Congress that—

1 (1) summarizes the results of preemployment
2 and random drug testing using both hair testing and
3 urinalysis;

4 (2) evaluates the efficacy of each method; and

5 (3) determines which method provides the most
6 accurate means of detecting the use of controlled
7 substances over time.

8 **TITLE XXXIII—HAZARDOUS**
9 **MATERIALS**

10 **SEC. 33101. ENDORSEMENTS.**

11 (a) EXCLUSIONS.—Section 5117(d)(1) is amended—

12 (1) in subparagraph (B), by striking “and” at
13 the end;

14 (2) in subparagraph (C), by striking the period
15 at the end and inserting “; and”; and

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

17 “(D) a service vehicle (as defined in sec-
18 tion 33101 of the Comprehensive Transpor-
19 tation and Consumer Protection Act of 2015)
20 carrying diesel fuel in quantities of 3,785 liters
21 (1,000 gallons) or less that is—

22 “(i) driven by a class A commercial
23 driver’s license holder who is a custom har-
24 vester, an agricultural retailer, an agricul-
25 tural business employee, an agricultural

1 cooperative employee, or an agricultural
2 producer; and

3 “(ii) clearly marked with a placard
4 reading ‘Diesel Fuel.’”.

5 (b) HAZARDOUS MATERIALS ENDORSEMENT EXEMP-
6 TION.—The Secretary shall exempt all class A commercial
7 driver’s license holders who are custom harvesters, agricul-
8 tural retailers, agricultural business employees, agricul-
9 tural cooperative employees, or agricultural producers
10 from the requirement to obtain a hazardous materials en-
11 dorsement under part 383 of title 49, Code of Federal
12 Regulations, while operating a service vehicle carrying die-
13 sel fuel in quantities of 3,785 liters (1,000 gallons) or less
14 if the tank containing such fuel is clearly marked with a
15 placard reading “Diesel Fuel”.

16 (c) DEFINITION OF SERVICE VEHICLE.—In this sec-
17 tion, the term “service vehicle” means a vehicle carrying
18 diesel fuel that will be deductible as a profit-seeking activ-
19 ity—

20 (1) under section 162 of the Internal Revenue
21 Code of 1986 as a business expense; or

22 (2) under section 212 of the Internal Revenue
23 Code of 1986 as a production of income expense.

1 **SEC. 33102. ENHANCED REPORTING.**

2 Section 5121(h) is amended by striking “transmit to
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives and the Committee on Com-
5 merce, Science, and Transportation of the Senate” and
6 inserting “post on the Department of Transportation pub-
7 lic website”.

8 **SEC. 33103. HAZARDOUS MATERIAL INFORMATION.**

9 (a) DERAILMENT DATA.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Sec-
12 retary shall revise the form for reporting a rail
13 equipment accident or incident under section 225.21
14 of title 49, Code of Federal Regulations (Form FRA
15 F 6180.54, Rail Equipment Accident/Incident Re-
16 port), including to its instructions, to require addi-
17 tional data concerning rail cars carrying crude oil or
18 ethanol that are involved in a reportable rail equip-
19 ment accident or incident under part 225 of that
20 title.

21 (2) CONTENTS.—The data under subsection (a)
22 shall include—

23 (A) the number of rail cars carrying crude
24 oil or ethanol;

25 (B) the number of rail cars carrying crude
26 oil or ethanol damaged or derailed; and

1 (C) the number of rail cars releasing crude
2 oil or ethanol.

3 (3) DIFFERENTIATION.—The data described in
4 paragraph (2) shall be reported separately for crude
5 oil and for ethanol.

6 (b) DATABASE CONNECTIVITY.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Sec-
9 retary shall implement information management
10 practices to ensure that the Pipeline and Hazardous
11 Materials Safety Administration Hazardous Mate-
12 rials Incident Reports Database (referred to in this
13 section as “Incident Reports Database”) and the
14 Federal Railroad Administration Railroad Safety In-
15 formation System contain accurate and consistent
16 data on a reportable rail equipment accident or inci-
17 dent under part 225 of title 49, Code of Federal
18 Regulations, involving the release of hazardous ma-
19 terials.

20 (2) IDENTIFIERS.—The Secretary shall ensure
21 that the Incident Reports Database uses a search-
22 able Federal Railroad Administration report num-
23 ber, or other applicable unique identifier that is
24 linked to the Federal Railroad Safety Information
25 System, for each reportable rail equipment accident

1 or incident under part 225 of title 49, Code of Fed-
2 eral Regulations, involving the release of hazardous
3 materials.

4 (c) EVALUATION.—

5 (1) IN GENERAL.—The Department of Trans-
6 portation Inspector General shall—

7 (A) evaluate the accuracy of information in
8 the Incident Reports Database, including deter-
9 mining whether any inaccuracies exist in—

10 (i) the type of hazardous materials re-
11 leased;

12 (ii) the quantity of hazardous mate-
13 rials released;

14 (iii) the location of hazardous mate-
15 rials released;

16 (iv) the damages or effects of haz-
17 ardous materials released; and

18 (v) any other data contained in the
19 database; and

20 (B) considering the requirements in sub-
21 section (b), evaluate the consistency and accu-
22 racy of data involving accidents or incidents re-
23 portable to both the Pipeline and Hazardous
24 Materials Safety Administration and the Fed-
25 eral Railroad Administration, including whether

1 the Incident Reports Database uses a search-
2 able identifier described in subsection (b)(2).

3 (2) REPORT.—Not later than 18 months after
4 the date of enactment of this Act, the Department
5 of Transportation Inspector General shall submit to
6 the Committee on Commerce, Science, and Trans-
7 portation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of
9 Representatives a report of the findings under sub-
10 paragraphs (A) and (B) of paragraph (1) and rec-
11 ommendations for resolving any inconsistencies or
12 inaccuracies.

13 (d) SAVINGS CLAUSE.—Nothing in this section may
14 be construed to prohibit the Secretary from requiring
15 other commodity-specific information for any reportable
16 rail equipment accident or incident under part 225 of title
17 49, Code of Federal Regulations.

18 **SEC. 33104. NATIONAL EMERGENCY AND DISASTER RE-**
19 **SPONSE.**

20 (a) PURPOSE.—Section 5101 is amended by inserting
21 and “and to facilitate the safe movement of hazardous ma-
22 terials during national emergencies” after “commerce”.

23 (b) GENERAL REGULATORY AUTHORITY.—Section
24 5103 is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) **FEDERALLY DECLARED DISASTER AND EMER-**
6 **GENCY AREAS.**—The Secretary, in consultation with the
7 Secretary of Homeland Security, may prescribe standards
8 to facilitate the safe movement of hazardous materials
9 into, from, and within a federally declared disaster area
10 or a national emergency area.”.

11 **SEC. 33105. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 5128 is amended to read as follows:

13 **“§ 5128. Authorization of appropriations**

14 “(a) **IN GENERAL.**—There are authorized to be ap-
15 propriated to the Secretary to carry out this chapter (ex-
16 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
17 5119)—

18 “(1) \$43,660,000 for fiscal year 2016;

19 “(2) \$44,577,000 for fiscal year 2017;

20 “(3) \$45,513,000 for fiscal year 2018;

21 “(4) \$46,469,000 for fiscal year 2019;

22 “(5) \$47,445,000 for fiscal year 2020; and

23 “(6) \$48,441,000 for fiscal year 2021.

24 “(b) **HAZARDOUS MATERIALS EMERGENCY PRE-**
25 **PAREDNESS FUND.**—From the Hazardous Materials

1 Emergency Preparedness Fund established under section
2 5116(i), the Secretary may expend, during each of fiscal
3 years 2016 through 2021—

4 “(1) \$188,000 to carry out section 5115;

5 “(2) \$21,800,000 to carry out subsections (a)
6 and (b) of section 5116, of which not less than
7 \$13,650,000 shall be available to carry out section
8 5116(b);

9 “(3) \$150,000 to carry out section 5116(f);

10 “(4) \$625,000 to publish and distribute the
11 Emergency Response Guidebook under section
12 5116(i)(3); and

13 “(5) \$1,000,000 to carry out section 5116(j).

14 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—
15 From the Hazardous Materials Emergency Preparedness
16 Fund established pursuant to section 5116(i), the Sec-
17 retary may expend \$4,000,000 for each of the fiscal years
18 2016 through 2021 to carry out section 5107(e).

19 “(d) CREDITS TO APPROPRIATIONS.—

20 “(1) EXPENSES.—In addition to amounts oth-
21 erwise made available to carry out this chapter, the
22 Secretary may credit amounts received from a State,
23 Indian tribe, or other public authority or private en-
24 tity for expenses the Secretary incurs in providing
25 training to the State, authority, or entity.

1 “(2) AVAILABILITY OF AMOUNTS.—Amounts
2 made available under this section shall remain avail-
3 able until expended.”.

4 **TITLE XXXIV—HIGHWAY AND**
5 **MOTOR VEHICLE SAFETY**
6 **Subtitle A—Highway Traffic Safety**

7 **PART I—HIGHWAY SAFETY**

8 **SEC. 34101. AUTHORIZATION OF APPROPRIATIONS.**

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

12 (1) HIGHWAY SAFETY PROGRAMS.—For car-
13 rying out section 402 of title 23, United States
14 Code—

- 15 (A) \$243,526,500 for fiscal year 2016;
16 (B) \$252,267,972 for fiscal year 2017;
17 (C) \$261,229,288 for fiscal year 2018;
18 (D) \$270,415,429 for fiscal year 2019;
19 (E) \$279,831,482 for fiscal year 2020; and
20 (F) \$289,482,646 for fiscal year 2021.

21 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
22 OPMENT.—For carrying out section 403 of title 23,
23 United States Code—

- 24 (A) \$137,835,000 for fiscal year 2016;
25 (B) \$140,729,535 for fiscal year 2017;

- 1 (C) \$143,684,855 for fiscal year 2018;
2 (D) \$146,702,237 for fiscal year 2019;
3 (E) \$149,782,984 for fiscal year 2020; and
4 (F) \$152,928,427 for fiscal year 2021.

5 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
6 For carrying out section 405 of title 23, United
7 States Code—

- 8 (A) \$274,720,000 for fiscal year 2016;
9 (B) \$277,467,200 for fiscal year 2017;
10 (C) \$280,241,872 for fiscal year 2018;
11 (D) \$283,044,291 for fiscal year 2019;
12 (E) \$285,874,734 for fiscal year 2020; and
13 (F) \$288,733,481 for fiscal year 2021.

14 (4) NATIONAL DRIVER REGISTER.—For the Na-
15 tional Highway Traffic Safety Administration to
16 carry out chapter 303 of title 49, United States
17 Code—

- 18 (A) \$5,105,000 for fiscal year 2016;
19 (B) \$5,212,205 for fiscal year 2017;
20 (C) \$5,321,661 for fiscal year 2018;
21 (D) \$5,433,416 for fiscal year 2019;
22 (E) \$5,547,518 for fiscal year 2020; and
23 (F) \$5,664,016 for fiscal year 2021.

1 (5) HIGH VISIBILITY ENFORCEMENT PRO-
2 GRAM.—For carrying out section 2009 of
3 SAFETEA-LU (23 U.S.C. 402 note)—

4 (A) \$29,290,000 for fiscal year 2016;

5 (B) \$29,582,900 for fiscal year 2017;

6 (C) \$29,878,729 for fiscal year 2018;

7 (D) \$30,177,516 for fiscal year 2019;

8 (E) \$30,479,291 for fiscal year 2020; and

9 (F) \$30,784,084 for fiscal year 2021.

10 (6) ADMINISTRATIVE EXPENSES.—For adminis-
11 trative and related operating expenses of the Na-
12 tional Highway Traffic Safety Administration in car-
13 rying out chapter 4 of title 23, United States Code,
14 and this subtitle—

15 (A) \$25,755,000 for fiscal year 2016;

16 (B) \$26,012,550 for fiscal year 2017;

17 (C) \$26,272,676 for fiscal year 2018;

18 (D) \$26,535,402 for fiscal year 2019;

19 (E) \$26,800,756 for fiscal year 2020; and

20 (F) \$27,068,764 for fiscal year 2021.

21 (b) PROHIBITION ON OTHER USES.—Except as oth-
22 erwise provided in chapter 4 of title 23, United States
23 Code, in this subtitle, and in the amendments made by
24 this subtitle, the amounts made available from the High-

1 way Trust Fund (other than the Mass Transit Account)
2 for a program under such chapter—

3 (1) shall only be used to carry out such pro-
4 gram; and

5 (2) may not be used by States or local govern-
6 ments for construction purposes.

7 (c) APPLICABILITY OF TITLE 23.—Except as other-
8 wise provided in chapter 4 of title 23, United States Code,
9 and in this subtitle, amounts made available under sub-
10 section (a) for fiscal years 2016 through 2021 shall be
11 available for obligation in the same manner as if such
12 funds were apportioned under chapter 1 of title 23, United
13 States Code.

14 (d) REGULATORY AUTHORITY.—Grants awarded
15 under this subtitle shall be in accordance with regulations
16 issued by the Secretary.

17 (e) STATE MATCHING REQUIREMENTS.—If a grant
18 awarded under this subtitle requires a State to share in
19 the cost, the aggregate of all expenditures for highway
20 safety activities made during any fiscal year by the State
21 and its political subdivisions (exclusive of Federal funds)
22 for carrying out the grant (other than planning and ad-
23 ministration) shall be available for the purpose of crediting
24 the State during such fiscal year for the non-Federal share
25 of the cost of any project under this subtitle (other than

1 planning or administration) without regard to whether
2 such expenditures were actually made in connection with
3 such project.

4 (f) GRANT APPLICATION AND DEADLINE.—To re-
5 ceive a grant under this subtitle, a State shall submit an
6 application, and the Secretary shall establish a single
7 deadline for such applications to enable the award of
8 grants early in the next fiscal year.

9 (g) TRANSFERS.—Section 405(a)(1)(G) of title 23,
10 United States Code, is amended to read as follows:

11 “(G) TRANSFERS.—Notwithstanding sub-
12 paragraphs (A) through (F), the Secretary shall
13 reallocate, before the last day of any fiscal year,
14 any amounts remaining available of the
15 amounts allocated to carry out any of the ac-
16 tivities described in subsections (b) through (g)
17 to increase the amount made available to carry
18 out section 402, in order to ensure, to the max-
19 imum extent possible, that all such amounts are
20 obligated during such fiscal year.”.

21 **SEC. 34102. HIGHWAY SAFETY PROGRAMS.**

22 (a) RESTRICTION.—Section 402(g) of title 23, United
23 States Code, is amended to read as follows:

24 “(g) RESTRICTION.—Nothing in this section may be
25 construed to authorize the appropriation or expenditure

1 of funds for highway construction, maintenance, or design
2 (other than design of safety features of highways to be
3 incorporated into guidelines).”.

4 (b) USE OF FUNDS.—

5 (1) HIGHWAY SAFETY PROGRAMS.—Section
6 402(c)(2) of title 23, United States Code, is amend-
7 ed by inserting “A State may provide the funds ap-
8 portioned under this section to a political subdivision
9 of a State, including Indian tribal governments.”
10 after “neighboring States.”.

11 (2) NATIONAL PRIORITY SAFETY PROGRAMS.—
12 Section 405(a)(1) is amended by adding at the end
13 the following:

14 “(I) POLITICAL SUBDIVISIONS.—A State
15 may provide the funds awarded under this sec-
16 tion to a political subdivision of a State, includ-
17 ing Indian tribal governments.”.

18 (c) TRACKING PROCESS.—Section 412 of title 23,
19 United States Code, is amended by adding at the end the
20 following:

21 “(f) TRACKING PROCESS.—The Secretary shall de-
22 velop a process to identify and mitigate possible systemic
23 issues across States and regional offices by reviewing over-
24 sight findings and recommended actions identified in tri-
25 ennial State management reviews.”.

1 (d) HIGHWAY SAFETY PLANS.—Section
2 402(k)(5)(A) of title 23, United States Code, is amended
3 by striking “60” and inserting “45”.

4 (e) MAINTENANCE OF EFFORT.—Section
5 405(a)(1)(H) of title 23, United States Code, is amended
6 to read as follows:

7 “(H) MAINTENANCE OF EFFORT CERTIFI-
8 CATION.—As part of the grant application re-
9 quired in section 402(k)(3)(F), a State receiv-
10 ing a grant in any fiscal year under subsection
11 (b), subsection (c), or subsection (d) of this sec-
12 tion shall provide certification that the lead
13 State agency responsible for programs described
14 in any of those sections is maintaining aggre-
15 gate expenditures at or above the average level
16 of such expenditures in the 2 fiscal years prior
17 to the date of enactment of the Comprehensive
18 Transportation and Consumer Protection Act of
19 2015.”.

20 **SEC. 34103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK**
21 **LAWS AND 24-7 SOBRIETY PROGRAMS.**

22 Section 405(d) of title 23, United States Code, is
23 amended—

24 (1) in paragraph (6)—

1 (A) by amending the heading to read as
2 follows: “ADDITIONAL GRANTS.—”;

3 (B) in subparagraph (A), by amending the
4 heading to read as follows: “GRANTS TO
5 STATES WITH ALCOHOL-IGNITION INTERLOCK
6 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 SO-
13 BRIETY PROGRAMS.—The Secretary shall make
14 a separate grant under this subsection to each
15 State that—

16 “(i) adopts and is enforcing a law
17 that requires all individuals convicted of
18 driving under the influence of alcohol or of
19 driving while intoxicated to receive a re-
20 striction on 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
25 “subparagraph (A)”;

1 (F) in subparagraph (D), as redesignated,
2 by inserting “and subparagraph (B)” after
3 “subparagraph (A)”;

4 (G) by amending subparagraph (E), as re-
5 designated, to read as follows:

6 “(E) FUNDING.—

7 “(i) FUNDING FOR GRANTS TO
8 STATES WITH ALCOHOL-IGNITION INTER-
9 LOCK LAWS.—Not more than 12 percent of
10 the amounts made available to carry out
11 this subsection in a fiscal year shall be
12 made available by the Secretary for mak-
13 ing grants under subparagraph (A).

14 “(ii) FUNDING FOR GRANTS TO
15 STATES WITH 24-7 SOBRIETY PRO-
16 GRAMS.—Not more than 3 percent of the
17 amounts made available to carry out this
18 subsection in a fiscal year shall be made
19 available by the Secretary for making
20 grants under subparagraph (B).”; and

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 op-
2 erate 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
8 a deep lung breath sample for analysis by
9 an 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
2 (4) as paragraphs (2) through (5), respectively;

3 (2) by inserting before paragraph (2), as redesi-
4 gnated, the following:

5 “(1) 24–7 SOBRIETY PROGRAM.—The term
6 ‘24–7 sobriety program’ has the meaning given the
7 term 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
11 programs” 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
15 1 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
21 device installed, unless a special exception
22 applies;

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 redesign-
10 nated—

11 (i) in clause (i)—

12 (I) in subclause (I), by striking

13 “; or” and inserting a semicolon;

14 (II) in subclause (II), by striking

15 “; and”; and inserting “; or”; and

16 (III) by adding at the end the

17 following:

18 “(III) the State certifies that the

19 general practice is that such an indi-

20 vidual will be incarcerated; and”; and

21 (ii) in clause (ii)—

22 (I) in subclause (I), by striking

23 “; or” and inserting a semicolon;

24 (II) in subclause (II), by striking

25 “; and”; and inserting “; or”; and

1 (III) by adding at the end the
2 following:

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
9 exception’ means an exception under a State alcohol-
10 ignition interlock law for the following cir-
11 cumstances:

12 “(A) The individual is required to operate
13 an employer’s motor vehicle in the course and
14 scope of employment and the business entity
15 that owns the vehicle is not owned or controlled
16 by the individual.

17 “(B) The individual is certified by a med-
18 ical doctor as being unable to provide a deep
19 lung breath sample for analysis by an ignition
20 interlock device.”.

21 **SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY**
22 **OF ALCOHOL AND DRUG USE BY DRIVERS.**

23 Not later than 180 days after the date that the
24 Comptroller General reviews and reports on the overall
25 value of the National Roadside Survey to researchers and

1 other public safety stakeholders, the differences between
2 a National Roadside Survey site and typical law enforce-
3 ment checkpoints, and the effectiveness of the National
4 Roadside Survey methodology at protecting the privacy of
5 the driving public, as requested by the Committee on Ap-
6 propriations of the Senate on June 5, 2014 (Senate Re-
7 port 113–182), the Secretary shall report to Congress on
8 the National Highway Traffic Safety Administration’s
9 progress toward reviewing that report and implementing
10 any recommendations made in that report.

11 **SEC. 34106. INCREASING PUBLIC AWARENESS OF THE DAN-**
12 **GERs OF DRUG-IMPAIRED DRIVING.**

13 (a) **ADDITIONAL ACTIONS.**—The Administrator of
14 the National Highway Traffic Safety Administration, in
15 consultation with the White House Office of National
16 Drug Control Policy, the Secretary of Health and Human
17 Services, State highway safety offices, and other interested
18 parties, as determined by the Administrator, shall identify
19 and carry out additional actions that should be undertaken
20 by the Administration to assist States in their efforts to
21 increase public awareness of the dangers of drug-impaired
22 driving, including the dangers of driving while under the
23 influence of heroin or prescription opioids.

24 (b) **REPORT.**—Not later than 60 days after the date
25 of enactment of this Act, the Administrator shall submit

1 a report to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives that describes the additional actions under-
5 taken by the Administration pursuant to subsection (a).

6 **SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON**
7 **CHILD OCCUPANTS IN VEHICLE CRASHES.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary shall revise
10 the crash investigation data collection system of the Na-
11 tional Highway Traffic Safety Administration to include
12 the collection of the following data in connection with vehi-
13 cle crashes whenever a child restraint system was in use
14 in a vehicle involved in a crash:

15 (1) The type or types of child restraint systems
16 in use during the crash in any vehicle involved in the
17 crash, including whether a five-point harness or belt-
18 positioning booster.

19 (2) If a five-point harness child restraint system
20 was in use during the crash, whether the child re-
21 straint system was forward-facing or rear-facing in
22 the vehicle concerned.

23 (b) CONSULTATION.—In implementing subsection
24 (a), the Secretary shall work with law enforcement offi-
25 cials, safety advocates, the medical community, and re-

1 search organizations to improve the recordation of data
2 described in subsection (a) in police and other applicable
3 incident reports.

4 (c) REPORT.—Not later than 3 years after the date
5 of enactment of this Act, the Secretary shall submit to
6 the Committee on Commerce, Science, and Transportation
7 of the Senate and the Committee on Energy and Com-
8 merce of the House of Representatives a report on child
9 occupant crash data collection in the crash investigation
10 data collection system of the National Highway Traffic
11 Safety Administration pursuant to the revision required
12 by subsection (a).

13 **PART II—STOP MOTORCYCLE CHECKPOINT**

14 **FUNDING ACT**

15 **SEC. 34121. SHORT TITLE.**

16 This part may be cited as the “Stop Motorcycle
17 Checkpoint Funding Act”.

18 **SEC. 34122. GRANT RESTRICTION.**

19 Notwithstanding section 153 of title 23, United
20 States Code, the Secretary may not provide a grant or
21 any funds to a State, county, town, township, Indian tribe,
22 municipality, or other local government that may be used
23 for any program—

24 (1) to check helmet usage; or

1 (2) to create checkpoints that specifically target
2 motorcycle operators or motorcycle passengers.

3 **PART III—IMPROVING DRIVER SAFETY ACT OF**
4 **2015**

5 **SEC. 34131. SHORT TITLE.**

6 This part may be cited as the “Improving Driver
7 Safety Act of 2015”.

8 **SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.**

9 Section 405(e) of title 23, United States Code, is
10 amended—

11 (1) in paragraph (1), by inserting “includes dis-
12 tracted driving issues as part of the State’s driver’s
13 license examination and” after “any State that”;

14 (2) in paragraph (2)—

15 (A) in subparagraph (B), by striking
16 “and” at the end;

17 (B) by amending subparagraph (C) to read
18 as follows:

19 “(C) establishes a minimum fine for a vio-
20 lation of the statute; and”;

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

22 “(D) does not provide for an exception
23 that specifically allows a driver to use a per-
24 sonal wireless communications device for
25 texting while stopped in traffic.”;

1 (3) in paragraph (3)—

2 (A) by amending subparagraph (A) to read
3 as follows:

4 “(A) prohibits the use of a personal wire-
5 less communications device while driving for
6 drivers—

7 “(i) younger than 18 years of age; or

8 “(ii) in the learner’s permit and inter-
9 mediate license stages;”; and

10 (B) by striking subparagraphs (C) and (D)
11 and inserting the following:

12 “(C) establishes a minimum fine for a vio-
13 lation of the statute; and

14 “(D) does not provide for an exception
15 that specifically allows a driver to text through
16 a personal wireless communications device while
17 stopped in traffic.”; and

18 (4) in paragraph (4)—

19 (A) in subparagraph (B)(ii), by striking
20 “and” at the end;

21 (B) in subparagraph (C)—

22 (i) by striking “section 31152” and
23 inserting “section 31136”; and

24 (ii) by striking the period at the end
25 and inserting “; and”; and

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

2 “(D) any additional exceptions determined
3 by the Secretary through the rulemaking proc-
4 ess.”;

5 (5) by amending paragraph (6) to read as fol-
6 lows:

7 “(6) ADDITIONAL DISTRACTED DRIVING
8 GRANTS.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (1), the Secretary shall use up to 50 per-
11 cent of the amounts available for grants under
12 this subsection to award grants to any State
13 that—

14 “(i) in fiscal year 2017—

15 “(I) certifies that it has enacted
16 a basic text messaging statute that—

17 “(aa) is applicable to drivers
18 of all ages; and

19 “(bb) makes violation of the
20 basic text messaging statute a
21 primary offense or secondary en-
22 forcement action as allowed by
23 State statute; and

24 “(II) is otherwise ineligible for a
25 grant under this subsection; and

1 “(ii) in fiscal year 2018—

2 “(I) meets the requirements
3 under clause (i);

4 “(II) imposes fines for violations;
5 and

6 “(III) has a statute that pro-
7 hibits drivers who are younger than
8 18 years of age from using a personal
9 wireless communications device while
10 driving.

11 “(B) USE OF GRANT FUNDS.—

12 “(i) IN GENERAL.—Notwithstanding
13 paragraph (5) and subject to clauses (ii)
14 and (iii) of this subparagraph, amounts re-
15 ceived by a State under subparagraph (A)
16 may be used for activities related to the
17 enforcement of distracted driving laws, in-
18 cluding for public information and aware-
19 ness purposes.

20 “(ii) FISCAL YEAR 2017.—In fiscal
21 year 2017, up to 15 percent of the
22 amounts received by a State under sub-
23 paragraph (A) may be used for any eligible
24 project or activity under section 402.

1 “(iii) FISCAL YEAR 2018.—In fiscal
2 year 2018, up to 25 percent of the
3 amounts received by a State under sub-
4 paragraph (A) may be used for any eligible
5 project or activity under section 402.”; and

6 (6) in paragraph (9)(A)(i), by striking “, in-
7 cluding operation while temporarily stationary be-
8 cause of traffic, a traffic light or stop sign, or other-
9 wise”.

10 **SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Administrator of the National High-
13 way Traffic Safety Administration shall submit a report
14 to the Committee on Commerce, Science, and Transpor-
15 tation of the Senate, the Committee on Energy and Com-
16 merce of the House of Representatives, and the Committee
17 on Transportation and Infrastructure of the House of
18 Representatives that—

19 (1) identifies any legal and technical barriers to
20 capturing adequate data on the prevalence of the use
21 of wireless communications devices while driving;
22 and

23 (2) provides recommendations on how to ad-
24 dress such barriers.

1 **SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRAD-**
2 **UATED DRIVER LICENSING INCENTIVE**
3 **GRANT PROGRAM.**

4 Section 405(g)(2) of title 23, United States Code, is
5 amended—

6 (1) in subparagraph (A), by striking “21” and
7 inserting “18”; and

8 (2) by amending subparagraph (B) to read as
9 follows:

10 “(B) LICENSING PROCESS.—A State is in
11 compliance with the 2-stage licensing process
12 described in this subparagraph if the State’s
13 driver’s license laws include—

14 “(i) a learner’s permit stage that—

15 “(I) is at least 6 months in dura-
16 tion;

17 “(II) contains a prohibition on
18 the driver using a personal wireless
19 communications device (as defined in
20 subsection (e)) while driving except
21 under an exception permitted under
22 paragraph (4) of that subsection, and
23 makes a violation of the prohibition a
24 primary offense;

25 “(III) requires applicants to suc-
26 cessfully pass a vision and knowledge

1 assessment prior to receiving a learn-
2 er's permit;

3 “(IV) requires that the driver be
4 accompanied and supervised at all
5 times while the driver is operating a
6 motor vehicle by a licensed driver who
7 is at least 21 years of age or is a
8 State-certified driving instructor;

9 “(V) has a requirement that the
10 driver—

11 “(aa) complete a State-cer-
12 tified driver education or training
13 course; or

14 “(bb) obtain at least 50
15 hours of behind-the-wheel train-
16 ing, with at least 10 hours at
17 night, with a licensed driver;

18 “(VI) remains in effect until the
19 driver—

20 “(aa) reaches 16 years of
21 age and enters the intermediate
22 stage; or

23 “(bb) reaches 18 years of
24 age;

25 “(ii) an intermediate stage that—

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1 “(I) commences immediately
2 after the expiration of the learner’s
3 permit stage and successful comple-
4 tion of a driving skills assessment;

5 “(II) is at least 6 months in du-
6 ration;

7 “(III) prohibits the driver from
8 using a personal wireless communica-
9 tions device (as defined in subsection
10 (e)) while driving except under an ex-
11 ception permitted under paragraph
12 (4) of that subsection, and makes a
13 violation of the prohibition a primary
14 offense;

15 “(IV) for the first 6 month of the
16 intermediate stage, restricts driving at
17 night between the hours of 10:00 p.m.
18 and 5:00 a.m. when not supervised by
19 a licensed driver 21 years of age or
20 older, excluding transportation to
21 work, school, religious activities, or
22 emergencies;

23 “(V) prohibits the driver from
24 operating a motor vehicle with more
25 than 1 nonfamilial passenger younger

1 than 21 years of age unless a licensed
2 driver who is at least 21 years of age
3 is in the motor vehicle; and

4 “(VI) remains in effect until the
5 driver reaches 17 years of age; and

6 “(iii) a learner’s permit and inter-
7 mediate stage that require, in addition to
8 any other penalties imposed by State law,
9 the granting of an unrestricted driver’s li-
10 cense be automatically delayed for any in-
11 dividual who, during the learner’s permit
12 or intermediate stage, is convicted of a
13 driving-related offense during the first 6
14 months, including—

15 “(I) driving while intoxicated;

16 “(II) misrepresentation of the in-
17 dividual’s age;

18 “(III) reckless driving;

19 “(IV) driving without wearing a
20 seat belt;

21 “(V) speeding; or

22 “(VI) any other driving-related
23 offense, as determined by the Sec-
24 retary.”.

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.—Sec-
21 tion 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
4 is authorized to be appropriated to the Secretary to carry
5 out chapter 301 of title 49, and part C of subtitle VI of
6 title 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 APPROPRIA-
14 TIONS IF A CERTIFICATION IS MADE.—

15 (1) IN GENERAL.—In addition to the amounts
16 authorized to be appropriated under subsection (a)
17 to carry out chapter 301 of title 49, and part C of
18 subtitle VI of title 49, United States Code, if the
19 certification described in paragraph (2) is made dur-
20 ing a fiscal year there is authorized to be appro-
21 priated to the Secretary for that purpose for that
22 fiscal year and subsequent fiscal years an additional
23 amount as follows:

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
8 that the National Highway Traffic Safety Adminis-
9 tration has implemented all of the recommendations
10 in the Office of Inspector General Audit Report
11 issued June 18, 2015 (ST-2015-063). As part of the
12 certification, the Secretary shall review the actions
13 the National Highway Traffic Safety Administration
14 has taken to implement the recommendations and
15 issue a report to Congress detailing how the rec-
16 ommendations were implemented. The Secretary
17 shall not delegate or assign the responsibility under
18 this paragraph.

19 **SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, and periodically thereafter
22 until the completion date, the Department of Transpor-
23 tation Inspector General shall report to the appropriate
24 committees of Congress on whether and what progress has
25 been made to implement the recommendations in the Of-

1 fice of Inspector General Audit Report issued June 18,
2 2015 (ST-2015-063).

3 (b) IMPLEMENTATION PROGRESS.—The Adminis-
4 trator of the National Highway Traffic Safety Administra-
5 tion 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
10 Administrator has taken to implement the rec-
11 ommendations in the audit report described in sub-
12 section (a), including a plan for implementing any
13 remaining recommendations; and

14 (2) not later than 1 year after the date of en-
15 actment of this Act, issue a final report to the ap-
16 propriate committees of Congress on the implemen-
17 tation of all of the recommendations in the audit re-
18 port described in subsection (a).

19 (c) DEFINITIONS.—In this section:

20 (1) APPROPRIATE COMMITTEES OF CON-
21 GRESS.—The term “appropriate committees of Con-
22 gress” means the Committee on Commerce, Science,
23 and Transportation of the Senate and the Com-
24 mittee on Energy and Commerce of the House of
25 Representatives.

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
10 than 2 years after the date of enactment of this Act, the
11 Secretary shall implement current information technology,
12 web design trends, and best practices that will help ensure
13 that motor vehicle safety recall information available to
14 the public on the Federal website is readily accessible and
15 easy to use, 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
24 shall study the current use by consumers, dealers,
25 and manufacturers of the safety recall information

1 made available to the public, including the usability
2 and content of the Federal and manufacturers'
3 websites and the National Highway Traffic Safety
4 Administration's efforts to publicize and educate
5 consumers about safety recall information.

6 (2) REPORT.—Not later than 2 years after the
7 date of enactment of this Act, the Comptroller Gen-
8 eral shall issue a report with the findings of the
9 study under paragraph (1), including recommending
10 any actions the Secretary can take to improve public
11 awareness and use of the websites for safety recall
12 information.

13 (c) PROMOTION OF PUBLIC AWARENESS.—Section
14 31301(c) of the Moving Ahead for Progress in the 21st
15 Century Act (49 U.S.C. 30166 note) is amended to read
16 as follows:

17 “(c) PROMOTION OF PUBLIC AWARENESS.—The Sec-
18 retary shall improve public awareness of safety recall in-
19 formation 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 ac-
6 tions the National Highway Traffic Safety Adminis-
7 tration can take to address a complaint and respond
8 to the 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
13 retain the records described in subparagraph

14 (A).

15 (e) VIN SEARCH.—

16 (1) IN GENERAL.—The Secretary, in coordina-
17 tion with industry, including manufacturers and
18 dealers, shall study—

19 (A) the feasibility of searching multiple ve-
20 hicle identification numbers at a time to re-
21 trieve motor vehicle safety recall information;
22 and

23 (B) the feasibility of making the search
24 mechanism described under subparagraph (A)
25 publicly available.

1 (2) CONSIDERATIONS.—In conducting the study
2 under paragraph (1), the Secretary shall consider
3 the potential costs, and potential risks to privacy
4 and security in implementing such a search mecha-
5 nism.

6 **SEC. 34204. RECALL PROCESS.**

7 (a) NOTIFICATION IMPROVEMENT.—

8 (1) IN GENERAL.—Not later than 270 days
9 after the date of enactment of this Act, the Sec-
10 retary shall prescribe a final rule revising the regula-
11 tions under section 577.7 of title 49, Code of Fed-
12 eral Regulations, to include notification by electronic
13 means in addition to notification by first class mail.

14 (2) DEFINITION OF ELECTRONIC MEANS.—In
15 this subsection, the term “electronic means” in-
16 cludes electronic mail and may include such other
17 means of electronic notification, such as social media
18 or targeted online campaigns, as determined by the
19 Secretary.

20 (b) NOTIFICATION BY MANUFACTURER.—Section
21 30118(c) is amended by inserting “or electronic mail”
22 after “certified mail”.

23 (c) RECALL COMPLETION RATES REPORT.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, and biennially
3 thereafter for 4 years, the Secretary shall—

4 (A) conduct an analysis of vehicle safety
5 recall completion rates to assess potential ac-
6 tions by the National Highway Traffic Safety
7 Administration to improve vehicle safety recall
8 completion rates; and

9 (B) submit to the Committee on Com-
10 merce, Science, and Transportation of the Sen-
11 ate and the Committee on Energy and Com-
12 merce of the House of Representatives a report
13 on the results of the analysis.

14 (2) CONTENTS.—Each report shall include—

15 (A) the annual recall completion rate by
16 manufacturer, model year, component (such as
17 brakes, fuel systems, and air bags), and vehicle
18 type (passenger car, sport utility vehicle, pas-
19 senger van, and pick-up truck) for each of the
20 5 years before the year the report is submitted;

21 (B) the methods by which the Secretary
22 has conducted analyses of these recall comple-
23 tion rates to determine trends and identify risk
24 factors associated with lower recall rates; and

1 (C) the actions the Secretary has planned
2 to improve recall completion rates based on the
3 results of this data analysis.

4 (d) INSPECTOR GENERAL AUDIT OF VEHICLE RE-
5 CALLS.—

6 (1) IN GENERAL.—The Department of Trans-
7 portation Inspector General shall conduct an audit
8 of the National Highway Traffic Safety Administra-
9 tion’s management of vehicle safety recalls.

10 (2) CONTENTS.—The audit shall include a de-
11 termination of whether the National Highway Traf-
12 fic Safety Administration—

13 (A) appropriately monitors recalls to en-
14 sure the appropriateness of scope and adequacy
15 of recall completion rates and remedies;

16 (B) ensures manufacturers provide safe
17 remedies, at no cost to consumers;

18 (C) is capable of coordinating recall rem-
19 edies and processes; and

20 (D) can improve its policy on consumer no-
21 tice to combat effects of recall fatigue.

1 **SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
2 **TION TO CONSUMERS OF MOTOR VEHICLE**
3 **RECALL STATUS.**

4 (a) IN GENERAL.—Not later than October 1, 2016,
5 the Secretary shall implement a 2-year pilot program to
6 evaluate the feasibility and effectiveness of a State process
7 for informing consumers of open motor vehicle recalls at
8 the time of motor vehicle registration in the State.

9 (b) GRANTS.—To carry out this program, the Sec-
10 retary may make a grant to each eligible State, but not
11 more than 6 eligible States in total, that agrees to comply
12 with the requirements under subsection (c). Funds made
13 available to a State under this section shall be used by
14 the State for the pilot program described in subsection (a).

15 (c) ELIGIBILITY.—To be eligible for a grant, a State
16 shall—

17 (1) submit an application in such form and
18 manner as the Secretary prescribes;

19 (2) agree to notify, at the time of registration,
20 each owner or lessee of a motor vehicle presented for
21 registration in the State of any open recall on that
22 vehicle;

23 (3) provide the open motor vehicle recall infor-
24 mation at no cost to each owner or lessee of a motor
25 vehicle presented for registration in the State; and

1 (4) provide such other information as the Sec-
2 retary may require.

3 (d) AWARDS.—In selecting an applicant for an award
4 under this section, the Secretary shall consider the State’s
5 methodology for determining open recalls on a motor vehi-
6 cle, for informing consumers of the open recalls, and for
7 determining performance.

8 (e) PERFORMANCE PERIOD.—Each grant awarded
9 under this section shall require a 2-year performance pe-
10 riod.

11 (f) REPORT.—Not later than 90 days after the com-
12 pletion of the performance period under subsection (e), a
13 grantee shall provide to the Secretary a report of perform-
14 ance containing such information as the Secretary con-
15 siders necessary to evaluate the extent to which open re-
16 calls have been remedied.

17 (g) EVALUATION.—Not later than 180 days after the
18 completion of the pilot program, the Secretary shall evalu-
19 ate the extent to which open recalls identified have been
20 remedied.

21 (h) DEFINITIONS.—In this section:

22 (1) CONSUMER.—The term “consumer” in-
23 cludes owner and lessee.

1 (2) MOTOR VEHICLE.—The term “motor vehi-
2 cle” has the meaning given the term under section
3 30102(a) of title 49, United States Code.

4 (3) OPEN RECALL.—The term “open recall”
5 means a recall for which a notification by a manu-
6 facturer has been provided under section 30119 of
7 title 49, United States Code, and that has not been
8 remedied under section 30120 of that title.

9 (4) REGISTRATION.—The term “registration”
10 means the process for registering motor vehicles in
11 the State.

12 (5) STATE.—The term “State” has the mean-
13 ing given the term under section 101(a) of title 23,
14 United States Code.

15 **SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

16 Section 30120A is amended by striking “chapter 11
17 of title 11,” and inserting “chapter 7 or chapter 11 of
18 title 11”.

19 **SEC. 34207. DEALER REQUIREMENT TO CHECK FOR OPEN**
20 **RECALL.**

21 Section 30120(f) is amended—

22 (1) by inserting “(1) IN GENERAL.—” before
23 “A manufacturer” and indenting appropriately;

1 (2) in paragraph (1), as redesignated, by strik-
2 ing the period at the end and inserting the following:

3 “if—

4 “(A) at the time of providing service for
5 each of the manufacturer’s motor vehicles it
6 services, the dealer notifies the owner or the in-
7 dividual requesting the service of any open re-
8 call; and

9 “(B) the notification requirement under
10 subparagraph (A) is specified in a franchise,
11 operating, or other agreement between the deal-
12 er and the manufacturer.”; and

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

14 “(2) DEFINITION OF OPEN RECALL.—In this
15 subsection, the term ‘open recall’ means a recall for
16 which a notification by a manufacturer has been
17 provided under section 30119 and that has not been
18 remedied under this section.”.

19 **SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF**
20 **TIRE DEFECTS.**

21 Section 30120(b) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (1), by striking “60 days” and
24 inserting “180 days”; and

1 (2) in paragraph (2), by striking “60-day” each
2 place it appears and inserting “180-day”.

3 **SEC. 34209. RENTAL CAR SAFETY.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Raechel and Jacqueline Houck Safe Rental Car Act of
6 2015”.

7 (b) **DEFINITIONS.**—Section 30102(a) is amended—

8 (1) by redesignating paragraphs (10) and (11)
9 as paragraphs (12) and (13), respectively;

10 (2) by redesignating paragraphs (1) through
11 (9) as paragraphs (2) through (10), respectively;

12 (3) by inserting before paragraph (2), as reded-
13 ignated, the following:

14 “(1) ‘covered rental vehicle’ means a motor ve-
15 hicle that—

16 “(A) has a gross vehicle weight rating of
17 10,000 pounds or less;

18 “(B) is rented without a driver for an ini-
19 tial term of less than 4 months; and

20 “(C) is part of a motor vehicle fleet of 5
21 or more motor vehicles that are used for rental
22 purposes by a rental company.”; and

23 (4) by inserting after paragraph (10), as reded-
24 ignated, the following:

25 “(11) ‘rental company’ means a person who—

1 “(A) is engaged in the business of renting
2 covered rental vehicles; and

3 “(B) uses for rental purposes a motor ve-
4 hicle fleet of 5 or more covered rental vehi-
5 cles.”.

6 (c) REMEDIES FOR DEFECTS AND NONCOMPLI-
7 ANCE.—Section 30120(i) is amended—

8 (1) in the subsection heading, by adding “, OR
9 RENTAL” at the end;

10 (2) in paragraph (1)—

11 (A) by striking “(1) If notification” and
12 inserting the following:

13 “(1) IN GENERAL.—If notification”;

14 (B) by indenting subparagraphs (A) and
15 (B) four ems from the left margin;

16 (C) by inserting “or the manufacturer has
17 provided to a rental company notification about
18 a covered rental vehicle in the company’s pos-
19 session at the time of notification” after “time
20 of notification”;

21 (D) by striking “the dealer may sell or
22 lease,” and inserting “the dealer or rental com-
23 pany may sell, lease, or rent”; and

1 (E) in subparagraph (A), by striking “sale
2 or lease” and inserting “sale, lease, or rental
3 agreement”;

4 (3) by amending paragraph (2) to read as fol-
5 lows:

6 “(2) RULE OF CONSTRUCTION.—Nothing in
7 this subsection may be construed to prohibit a dealer
8 or rental company from offering the vehicle or equip-
9 ment for sale, lease, or rent.”; and

10 (4) by adding at the end the following:

11 “(3) SPECIFIC RULES FOR RENTAL COMPA-
12 NIES.—

13 “(A) IN GENERAL.—Except as otherwise
14 provided under this paragraph, a rental com-
15 pany shall comply with the limitations on sale,
16 lease, or rental set forth in subparagraph (C)
17 and paragraph (1) as soon as practicable, but
18 not later than 24 hours after the earliest re-
19 ceipt of the notice to owner under subsection
20 (b) or (c) of section 30118 (including the vehi-
21 cle identification number for the covered vehi-
22 cle) by the rental company, whether by elec-
23 tronic means or first class mail.

24 “(B) SPECIAL RULE FOR LARGE VEHICLE
25 FLEETS.—Notwithstanding subparagraph (A),

1 if a rental company receives a notice to owner
2 covering more than 5,000 motor vehicles in its
3 fleet, the rental company shall comply with the
4 limitations on sale, lease, or rental set forth in
5 subparagraph (C) and paragraph (1) as soon as
6 practicable, but not later than 48 hours after
7 the earliest receipt of the notice to owner under
8 subsection (b) or (c) of section 30118 (includ-
9 ing the vehicle identification number for the
10 covered vehicle) by the rental company, whether
11 by electronic means or first class mail.

12 “(C) SPECIAL RULE FOR WHEN REMEDIES
13 NOT IMMEDIATELY AVAILABLE.—If a notifica-
14 tion required under subsection (b) or (c) of sec-
15 tion 30118 indicates that the remedy for the
16 defect or noncompliance is not immediately
17 available and specifies actions to temporarily
18 alter the vehicle that eliminate the safety risk
19 posed by the defect or noncompliance, the rent-
20 al company, after causing the specified actions
21 to be performed, may rent (but may not sell or
22 lease) the motor vehicle. Once the remedy for
23 the rental vehicle becomes available to the rent-
24 al company, the rental company may not rent

1 the vehicle until the vehicle has been remedied,
2 as provided in subsection (a).

3 “(D) INAPPLICABILITY TO JUNK AUTO-
4 MOBILES.—Notwithstanding paragraph (1), this
5 subsection does not prohibit a rental company
6 from selling a covered rental vehicle if such ve-
7 hicle—

8 “(i) meets the definition of a junk
9 automobile under section 201 of the Anti-
10 Car Theft Act of 1992 (49 U.S.C. 30501);

11 “(ii) is retitled as a junk automobile
12 pursuant to applicable State law; and

13 “(iii) is reported to the National
14 Motor Vehicle Information System, if re-
15 quired under section 204 of such Act (49
16 U.S.C. 30504).”.

17 (d) MAKING SAFETY DEVICES AND ELEMENTS INOP-
18 ERATIVE.—Section 30122(b) is amended by inserting
19 “rental company,” after “dealer,” each place such term
20 appears.

21 (e) INSPECTIONS, INVESTIGATIONS, AND
22 RECORDS.—Section 30166 is amended—

23 (1) in subsection (e)(2), by striking “or dealer”
24 each place such term appears and inserting “dealer,
25 or rental company”;

1 (2) in subsection (e), by striking “or dealer”
2 each place such term appears and inserting “dealer,
3 or rental company”; and

4 (3) in subsection (f), by striking “or to owners”
5 and inserting “, rental companies, or other owners”.

6 (f) RESEARCH AUTHORITY.—The Secretary of
7 Transportation may conduct a study of—

8 (1) the effectiveness of the amendments made
9 by this section; and

10 (2) other activities of rental companies (as de-
11 fined in section 30102(a)(11) of title 49, United
12 States Code) related to their use and disposition of
13 motor vehicles that are the subject of a notification
14 required under section 30118 of title 49, United
15 States Code.

16 (g) STUDY.—

17 (1) ADDITIONAL REQUIREMENT.—Section
18 32206(b)(2) of the Moving Ahead for Progress in
19 the 21st Century Act (Public Law 112–141; 126
20 Stat. 785) is amended—

21 (A) in subparagraph (E), by striking
22 “and” at the end;

23 (B) by redesignating subparagraph (F) as
24 subparagraph (G); and

1 (C) by inserting after subparagraph (E)
2 the following:

3 “(F) evaluate the completion of safety re-
4 call remedies on rental trucks; and”.

5 (2) REPORT.—Section 32206(c) of such Act is
6 amended—

7 (A) by redesignating paragraphs (1) and
8 (2) as subparagraphs (A) and (B), respectively;

9 (B) by striking “REPORT.—Not later” and
10 inserting the following:

11 “(c) REPORTS.—

12 “(1) INITIAL REPORT.—Not later”;

13 (C) in paragraph (1), by striking “sub-
14 section (b)” and inserting “subparagraphs (A)
15 through (E) and (G) of subsection (b)(2)”;

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

17 “(2) SAFETY RECALL REMEDY REPORT.—Not
18 later than 1 year after the date of the enactment of
19 the ‘Raechel and Jacqueline Houck Safe Rental Car
20 Act of 2015’, the Secretary shall submit a report to
21 the congressional committees set forth in paragraph
22 (1) that contains—

23 “(A) the findings of the study conducted
24 pursuant to subsection (b)(2)(F); and

1 “(B) any recommendations for legislation
2 that the Secretary determines to be appro-
3 priate.”.

4 (h) PUBLIC COMMENTS.—The Secretary shall solicit
5 comments regarding the implementation of this section
6 from members of the public, including rental companies,
7 consumer organizations, automobile manufacturers, and
8 automobile dealers.

9 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion or the amendments made by this section—

11 (1) may be construed to create or increase any
12 liability, including for loss of use, for a manufac-
13 turer as a result of having manufactured or im-
14 ported a motor vehicle subject to a notification of
15 defect or noncompliance under subsection (b) or (c)
16 of section 30118 of title 49, United States Code; or

17 (2) shall supersede or otherwise affect the con-
18 tractual obligations, if any, between such a manufac-
19 turer and a rental company (as defined in section
20 30102(a) of title 49, United States Code).

21 (j) RULEMAKING.—The Secretary may promulgate
22 rules, as appropriate, to implement this section and the
23 amendments made by this section.

1 (k) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date that is 180 days
3 after the date of enactment of this Act.

4 **SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLA-**
5 **TIONS OF MOTOR VEHICLE SAFETY.**

6 (a) INCREASE IN CIVIL PENALTIES.—Section
7 30165(a) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “\$5,000” and inserting
10 “\$21,000”; and

11 (B) by striking “\$35,000,000” and insert-
12 ing “\$105,000,000”; and

13 (2) in paragraph (3)—

14 (A) by striking “\$5,000” and inserting
15 “\$21,000”; and

16 (B) by striking “\$35,000,000” and insert-
17 ing “\$105,000,000”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) of this section take effect on the date that
20 the Secretary certifies to Congress that the National
21 Highway Traffic Safety Administration has issued the
22 final rule required by section 31203(b) of the Moving
23 Ahead for Progress In the 21st Century Act (Public Law
24 112-141; 126 Stat. 758; 49 U.S.C. 30165 note).

1 (c) PUBLICATION OF EFFECTIVE DATE.—The Sec-
2 retary shall publish notice of the effective date under sub-
3 section (b) of this section in the Federal Register.

4 **SEC. 34211. ELECTRONIC ODOMETER DISCLOSURES.**

5 Section 32705(g) is amended—

6 (1) by inserting “(1)” before “Not later than”
7 and indenting appropriately; and

8 (2) by adding at the end the following:

9 “(2) Notwithstanding paragraph (1) and sub-
10 ject to paragraph (3), a State, without approval
11 from the Secretary under subsection (d), may allow
12 for written disclosures or notices and related matters
13 to be provided electronically if—

14 “(A) in compliance with—

15 “(i) the requirements of subchapter 1
16 of chapter 96 of title 15; or

17 “(ii) the requirements of a State law
18 under section 7002(a) of title 15; and

19 “(B) the disclosures or notices otherwise
20 meet the requirements under this section, in-
21 cluding appropriate authentication and security
22 measures.

23 “(3) Paragraph (2) ceases to be effective on the
24 date the regulations under paragraph (1) become ef-
25 fective.”.

1 **SEC. 34212. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
2 **PORTS.**

3 Section 30166(o) is amended—

4 (1) in paragraph (1), by striking “may” and in-
5 serting “shall”; and

6 (2) by adding at the end the following:

7 “(3) DEADLINE.—Not later than 1 year after
8 the date of enactment of the Comprehensive Trans-
9 portation and Consumer Protection Act of 2015, the
10 Secretary shall issue a final rule under paragraph
11 (1).”.

12 **SEC. 34213. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

13 (a) RECALL NOTIFICATION REPORT.—Not later than
14 1 year after the date of enactment of this Act, the Sec-
15 retary shall issue a report on the feasibility of a technical
16 system that would operate in each new motor vehicle to
17 indicate when the vehicle is subject to an open recall.

18 (b) DEFINITION OF OPEN RECALL.—In this section
19 the term “open recall” means a recall for which a notifica-
20 tion by a manufacturer has been provided under section
21 30119 of title 49, United States Code, and that has not
22 been remedied under section 30120 of that title.

23 **SEC. 34214. UNATTENDED CHILDREN WARNING.**

24 Section 31504(a) of the Moving Ahead for Progress
25 in the 21st Century Act (49 U.S.C. 30111 note) is amend-
26 ed by striking “may” and inserting “shall”.

1 **SEC. 34215. TIRE PRESSURE MONITORING SYSTEM.**

2 (a) PROPOSED RULE.—Not later than 1 year after
3 the date of enactment of this Act, the Secretary shall pub-
4 lish a proposed rule that updates the standards pertaining
5 to tire pressure monitoring systems to ensure that a tire
6 pressure monitoring system that is installed in a new
7 motor vehicle after the effective date of the revised stand-
8 ards cannot, to a level other than a safe pressure level,
9 be—

10 (1) overridden;

11 (2) reset; or

12 (3) recalibrated.

13 (b) SAFE PRESSURE LEVEL.—For the purposes of
14 subsection (a), the term “safe pressure level” shall mean
15 a pressure level consistent with the TPMS detection re-
16 quirements contained in S4.2(a) of section 571.138 of title
17 49, Code of Federal Regulations, or any corresponding
18 similar regulation or ruling.

19 (c) FINAL RULE.—Not later than 2 years after the
20 date of enactment of this Act, after providing the public
21 with sufficient opportunity for notice and comment on the
22 proposed rule published under subsection (a), the Sec-
23 retary shall issue a final rule on the subject described in
24 subsection (a).

1 **Subtitle C—Research and Develop-**
2 **ment and Vehicle Electronics**

3 **SEC. 34301. REPORT ON OPERATIONS OF THE COUNCIL FOR**
4 **VEHICLE ELECTRONICS, VEHICLE SOFT-**
5 **WARE, AND EMERGING TECHNOLOGIES.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Secretary shall submit to the Committee
8 on Commerce, Science, and Transportation of the Senate
9 and the Committee on Energy and Commerce of the
10 House of Representatives a report regarding the oper-
11 ations of the Council for Vehicle Electronics, Vehicle Soft-
12 ware, and Emerging Technologies established under sec-
13 tion 31401 of the Moving Ahead for Progress in the 21st
14 Century Act (49 U.S.C. 105 note). The report shall in-
15 clude information about the accomplishments of the Coun-
16 cil, the role of the Council in integrating and aggregating
17 electronic and emerging technologies expertise across the
18 National Highway Traffic Safety Administration, the role
19 of the Council in coordinating with other Federal agencies,
20 and the priorities of the Council over the next 5 years.

21 **SEC. 34302. COOPERATION WITH FOREIGN GOVERNMENTS.**

22 (a) TITLE 49 AMENDMENT.—Section 30182(b) is
23 amended—

24 (1) in paragraph (4), by striking “; and” and
25 inserting a semicolon;

1 (2) in paragraph (5), by striking the period at
2 the end and inserting “; and”; and

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

5 “(6) in coordination with Department of State,
6 enter into cooperative agreements and collaborative
7 research and development agreements with foreign
8 governments.”.

9 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
10 United States Code, is amended—

11 (1) in subsection (b)(2)(C), by inserting “for-
12 eign government (in coordination with the Depart-
13 ment of State)” after “institution,”; and

14 (2) in subsection (c)(1)(A), by inserting “for-
15 eign governments,” after “local governments,”.

16 (c) AUDIT.—The Department of Transportation In-
17 specter General shall conduct an audit of the Secretary
18 of Transportation’s management and oversight of coopera-
19 tive agreements and collaborative research and develop-
20 ment agreements, including any cooperative agreements
21 between the Secretary of Transportation and foreign gov-
22 ernments under section 30182(b)(6) of title 49, United
23 States Code, and subsections (b)(2)(C) and (c)(1)(A) of
24 title 23, United States Code.

1 **Subtitle D—Miscellaneous**
2 **Provisions**

3 **PART I—DRIVER PRIVACY ACT OF 2015**

4 **SEC. 34401. SHORT TITLE.**

5 This part may be cited as the “Driver Privacy Act
6 of 2015”.

7 **SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-**
8 **CLE EVENT DATA RECORDERS.**

9 (a) OWNERSHIP OF DATA.—Any data retained by an
10 event data recorder (as defined in section 563.5 of title
11 49, Code of Federal Regulations), regardless of when the
12 motor vehicle in which it is installed was manufactured,
13 is the property of the owner, or, in the case of a leased
14 vehicle, the lessee of the motor vehicle in which the event
15 data recorder is installed.

16 (b) PRIVACY.—Data recorded or transmitted by an
17 event data recorder described in subsection (a) may not
18 be accessed by a person other than an owner or a lessee
19 of the motor vehicle in which the event data recorder is
20 installed unless—

21 (1) a court or other judicial or administrative
22 authority having jurisdiction—

23 (A) authorizes the retrieval of the data;

24 and

1 (B) to the extent that there is retrieved
2 data, the data is subject to the standards for
3 admission into evidence required by that court
4 or other administrative authority;

5 (2) an owner or a lessee of the motor vehicle
6 provides written, electronic, or recorded audio con-
7 sent to the retrieval of the data for any purpose, in-
8 cluding the purpose of diagnosing, servicing, or re-
9 pairing the motor vehicle, or by agreeing to a sub-
10 scription that describes how data will be retrieved
11 and used;

12 (3) the data is retrieved pursuant to an inves-
13 tigation or inspection authorized under section
14 1131(a) or 30166 of title 49, United States Code,
15 and the personally identifiable information of an
16 owner or a lessee of the vehicle and the vehicle iden-
17 tification number is not disclosed in connection with
18 the retrieved data, except that the vehicle identifica-
19 tion number may be disclosed to the certifying man-
20 ufacturer;

21 (4) the data is retrieved for the purpose of de-
22 termining the need for, or facilitating, emergency
23 medical response in response to a motor vehicle
24 crash; or

1 (5) the data is retrieved for traffic safety re-
2 search, and the personally identifiable information of
3 an owner or a lessee of the vehicle and the vehicle
4 identification number is not disclosed in connection
5 with the retrieved data.

6 **SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Administrator of the
9 National Highway Traffic Safety Administration shall
10 submit to Congress a report that contains the results of
11 a study conducted by the Administrator to determine the
12 amount of time event data recorders installed in passenger
13 motor vehicles should capture and record for retrieval ve-
14 hicle-related data in conjunction with an event in order
15 to provide sufficient information to investigate the cause
16 of motor vehicle crashes.

17 (b) RULEMAKING.—Not later than 2 years after sub-
18 mitting the report required under subsection (a), the Ad-
19 ministrator of the National Highway Traffic Safety Ad-
20 ministration shall promulgate regulations to establish the
21 appropriate period during which event data recorders in-
22 stalled in passenger motor vehicles may capture and
23 record for retrieval vehicle-related data to the time nec-
24 essary to provide accident investigators with vehicle-re-

1 lated information pertinent to crashes involving such
2 motor vehicles.

3 **PART II—SAFETY THROUGH INFORMED**

4 **CONSUMERS ACT OF 2015**

5 **SEC. 34421. SHORT TITLE.**

6 This part may be cited as the “Safety Through In-
7 formed Consumers Act of 2015”.

8 **SEC. 34422. PASSENGER MOTOR VEHICLE INFORMATION.**

9 Section 32302 is amended by inserting after sub-
10 section (b) the following:

11 “(c) CRASH AVOIDANCE.—Not later than 1 year after
12 the date of enactment of the Safety Through Informed
13 Consumers Act of 2015, the Secretary shall promulgate
14 a rule to ensure that crash avoidance information is indi-
15 cated next to crashworthiness information on stickers
16 placed on motor vehicles by their manufacturers.”.

17 **PART III—TIRE EFFICIENCY, SAFETY, AND**

18 **REGISTRATION ACT OF 2015**

19 **SEC. 34431. SHORT TITLE.**

20 This part may be cited as the “Tire Efficiency, Safe-
21 ty, and Registration Act of 2015” or the “TESR Act”.

22 **SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORM-**
23 **ANCE STANDARDS.**

24 Section 32304A is amended—

1 “(B) passenger car tires with a maximum
2 speed capability greater than 149 miles per
3 hour or 240 kilometers per hour.

4 “(2) TIRE FUEL EFFICIENCY MINIMUM PER-
5 FORMANCE 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 speci-
11 fied in section 575.106 of title 49, Code of Fed-
12 eral Regulations (as in effect on the date of en-
13 actment of this Act).

14 “(B) NO DISPARATE EFFECT ON HIGH
15 PERFORMANCE TIRES.—The Secretary shall en-
16 sure that the minimum performance standards
17 promulgated under paragraph (1) will not have
18 a 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
24 applies to new pneumatic tires for use on
25 passenger cars.

1 “(ii) 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
8 WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

9 “(1) IN GENERAL.—The Secretary shall pro-
10 mulgate regulations for tire wet traction minimum
11 performance standards to ensure that passenger tire
12 wet traction capability is not reduced to achieve im-
13 proved 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
18 paragraph (1) shall be expressed in terms of
19 peak coefficient 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
25 shall conduct testing to benchmark the wet

1 traction performance of tire models available
2 for sale in the United States as of the date of
3 enactment of this Act to ensure that the min-
4 imum performance standards promulgated
5 under paragraph (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
12 applies to new pneumatic tires for use on
13 passenger 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
24 compatible 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
21 initiate a rulemaking to require a distributor or
22 dealer of tires that is not owned or controlled
23 by a manufacturer of tires to maintain records
24 of—

1 “(i) the name and address of tire pur-
2 chasers and lessors and information identi-
3 fying the tire that was purchased or leased;
4 and

5 “(ii) any additional records the Sec-
6 retary considers appropriate.

7 “(B) ELECTRONIC TRANSMISSION.—The
8 rulemaking carried out under subparagraph (A)
9 shall require a distributor or dealer of tires that
10 is not owned or controlled by a manufacturer of
11 tires to electronically transmit the records de-
12 scribed in clauses (i) and (ii) of subparagraph
13 (A) to the manufacturer of the tires or the des-
14 ignee of the manufacturer by secure means at
15 no cost to tire purchasers or lessors.

16 “(C) SATISFACTION OF REQUIREMENTS.—
17 A regulation promulgated under subparagraph
18 (A) may be considered to satisfy the require-
19 ments of paragraph (2)(B).”.

20 **SEC. 34434. TIRE RECALL DATABASE.**

21 (a) IN GENERAL.—The Secretary shall establish a
22 publicly available and searchable electronic database of
23 tire recall information that is reported to the Adminis-
24 trator of the National Highway Traffic Safety Administra-
25 tion.

1 (b) TIRE IDENTIFICATION NUMBER.—The database
2 established under subsection (a) shall be searchable by
3 Tire Identification Number (TIN) and any other criteria
4 that assists consumers in determining whether a tire is
5 subject to a recall.

6 **TITLE XXXV—RAILROAD RE-**
7 **FORM, ENHANCEMENT, AND**
8 **EFFICIENCY**

9 **SEC. 35001. SHORT TITLE.**

10 This title may be cited as the “Railroad Reform, En-
11 hancement, and Efficiency Act”.

12 **SEC. 35002. PASSENGER TRANSPORTATION; DEFINITIONS.**

13 Section 24102 is amended—

14 (1) by redesignating paragraphs (5) through
15 (9) as paragraphs (6) through (10), respectively;

16 (2) by inserting after paragraph (4), the fol-
17 lowing:

18 “(5) ‘long-distance route’ means a route de-
19 scribed in paragraph (6)(C).”;

20 (3) by amending paragraph (6)(A), as redesi-
21 gnated, to read as follows:

22 “(A) the Northeast Corridor main line be-
23 tween Boston, Massachusetts and the Virginia
24 Avenue interlocking in the District of Columbia,

1 and the facilities and services used to operate
2 and maintain that line;”;

3 (4) in paragraph (7), as redesignated, by strik-
4 ing the period at the end and inserting “, except
5 that the term ‘Northeast Corridor’ for the purposes
6 of chapter 243 means the main line between Boston,
7 Massachusetts and the Virginia Avenue interlocking
8 in the District of Columbia, and the facilities and
9 services used to operate and maintain that line.”;
10 and

11 (5) by adding at the end the following:

12 “(11) ‘state-of-good-repair’ means a condition
13 in which physical assets, both individually and as a
14 system, are—

15 “(A) performing at a level at least equal to
16 that called for in their as-built or as-modified
17 design specification during any period when the
18 life cycle cost of maintaining the assets is lower
19 than the cost of replacing them; and

20 “(B) sustained through regular mainte-
21 nance and replacement programs.

22 “(12) ‘State-supported route’ means a route de-
23 scribed in paragraph (6)(B) or paragraph (6)(D), or
24 in section 24702(a).”.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to the Secretary for the use of Amtrak for deposit
6 into the accounts established under section 24319(a) of
7 title 49, United States Code, the following amounts:

8 (1) For fiscal year 2016, \$1,450,000,000.

9 (2) For fiscal year 2017, \$1,550,000,000.

10 (3) For fiscal year 2018, \$1,700,000,000.

11 (4) For fiscal year 2019, \$1,900,000,000.

12 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
13 retary may withhold up to one half of 1 percent of the
14 amount appropriated under subsection (a) for the costs
15 of management oversight of Amtrak.

16 (c) COMPETITION.—In administering grants to Am-
17 trak under section 24318 of title 49, United States Code,
18 the Secretary may withhold, from amounts that would oth-
19 erwise be made available to Amtrak, such sums as are nec-
20 essary from the amount appropriated under subsection (a)
21 of this section to cover the operating subsidy described in
22 section 24711(b)(1)(E)(ii) of title 49, United States Code.

23 (d) STATE-SUPPORTED ROUTE COMMITTEE.—The
24 Secretary may withhold up to \$2,000,000 from the
25 amount appropriated in each fiscal year under subsection

1 (a) of this section for the use of the State-Supported
2 Route Committee established under section 24712 of title
3 49, United States Code.

4 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-
5 retary may withhold up to \$5,000,000 from the amount
6 appropriated in each fiscal year under subsection (a) of
7 this section for the use of the Northeast Corridor Commis-
8 sion established under section 24905 of title 49, United
9 States Code.

10 **SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**
11 **VESTMENTS.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to the Secretary for grants under chapter 244 of
14 title 49, United States Code, the following amounts:

15 (1) For fiscal year 2016, \$350,000,000.

16 (2) For fiscal year 2017, \$430,000,000.

17 (3) For fiscal year 2018, \$600,000,000.

18 (4) For fiscal year 2019, \$900,000,000.

19 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
20 retary may withhold up to 1 percent from the amount ap-
21 propriated under subsection (a) of this section for the
22 costs of project management oversight of grants carried
23 out under chapter 244 of title 49, United States Code.

1 **SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
2 **TIONAL TRANSPORTATION SAFETY BOARD**
3 **RAIL INVESTIGATIONS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, there are authorized to be appropriated to the
6 National Transportation Safety Board to carry out rail-
7 road accident investigations under section 1131(a)(1)(C)
8 of title 49, United States Code, the following amounts:

- 9 (1) For fiscal year 2016, \$6,300,000.
10 (2) For fiscal year 2017, \$6,400,000.
11 (3) For fiscal year 2018, \$6,500,000.
12 (4) For fiscal year 2019, \$6,600,000.

13 (b) INVESTIGATION PERSONNEL.—Amounts appro-
14 priated under subsection (a) of this section shall be avail-
15 able to the National Transportation Safety Board for per-
16 sonnel, in regional offices and in Washington, DC, whose
17 duties involve railroad accident investigations.

18 **SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**
19 **TRAK OFFICE OF INSPECTOR GENERAL.**

20 There are authorized to be appropriated to the Office
21 of Inspector General of Amtrak the following amounts:

- 22 (1) For fiscal year 2016, \$20,000,000.
23 (2) For fiscal year 2017, \$20,500,000.
24 (3) For fiscal year 2018, \$21,000,000.
25 (4) For fiscal year 2019, \$21,500,000.

1 **SEC. 35105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Section 24910 is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (12), by striking “and”;

6 (B) in paragraph (13), by striking the pe-
7 riod at the end and inserting “; and”; and

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

9 “(14) to improve the overall safety of intercity
10 passenger and freight rail operations.”; and

11 (2) by amending subsection (e) to read as fol-
12 lows:

13 “(e) ALLOCATION.—At least \$5,000,000 of the
14 amounts appropriated to the Secretary for a fiscal year
15 to carry out railroad research and development programs
16 shall be available to carry out this section.”.

17 **Subtitle B—Amtrak Reform**

18 **SEC. 35201. AMTRAK GRANT PROCESS.**

19 (a) REQUIREMENTS AND PROCEDURES.—Chapter
20 243 is amended by adding at the end the following:

21 **“§ 24317. Costs and revenues**

22 “(a) ALLOCATION.—Not later than 180 days after
23 the date of enactment of the Railroad Reform, Enhance-
24 ment, and Efficiency Act, Amtrak shall establish and
25 maintain internal controls to ensure Amtrak’s costs, reve-
26 nues, and other compensation are appropriately and pro-

1 portionally allocated to its Northeast Corridor train serv-
2 ices or infrastructure, its State-supported routes, its long-
3 distance routes, and its other national network activities.

4 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to limit the ability of Amtrak to
6 enter into an agreement with 1 or more States to allocate
7 operating and capital costs under section 209 of the Pas-
8 senger Rail Investment and Improvement Act of 2008 (49
9 U.S.C. 24101 note).

10 **“§ 24318. Grant process**

11 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
12 later than 90 days after the date of enactment of the Rail-
13 road Reform, Enhancement, and Efficiency Act, the Sec-
14 retary of Transportation shall establish and transmit to
15 the Committee on Commerce, Science, and Transportation
16 and the Committee on Appropriations of the Senate and
17 the Committee on Transportation and Infrastructure and
18 the Committee on Appropriations of the House of Rep-
19 resentatives substantive and procedural requirements, in-
20 cluding schedules, for grant requests under this section.

21 “(b) GRANT REQUESTS.—Amtrak shall transmit
22 grant requests for Federal funds appropriated to the Sec-
23 retary of Transportation for the use of Amtrak to—

24 “(1) the Secretary; and

1 “(2) the Committee on Commerce, Science, and
2 Transportation, the Committee on Appropriations,
3 and the Committee on the Budget of the Senate and
4 the Committee on Transportation and Infrastruc-
5 ture, the Committee on Appropriations, and the
6 Committee on the Budget of the House of Rep-
7 resentatives.

8 “(c) CONTENTS.—A grant request under subsection
9 (b) shall—

10 “(1) describe projected operating and capital
11 costs for the upcoming fiscal year for Northeast Cor-
12 ridor train services and infrastructure, Amtrak’s
13 State-supported routes, and Amtrak’s long-distance
14 routes, and Amtrak’s other national network activi-
15 ties, as applicable, in comparison to prior fiscal year
16 actual financial performance;

17 “(2) describe the capital projects to be funded,
18 with cost estimates and an estimated timetable for
19 completion of the projects covered by the request;

20 “(3) assess Amtrak’s financial condition;

21 “(4) be displayed on Amtrak’s Web site within
22 a reasonable timeframe following its transmission
23 under subsection (b); and

24 “(5) describe how the funding requested in a
25 grant will be allocated to the accounts established

1 under section 24319(a), considering the projected
2 operating losses or capital costs for services and ac-
3 tivities associated with such accounts over the time
4 period intended to be covered by the grants.

5 “(d) REVIEW AND APPROVAL.—

6 “(1) THIRTY-DAY APPROVAL PROCESS.—

7 “(A) IN GENERAL.—Not later than 30
8 days after the date that Amtrak submits a
9 grant request under this section, the Secretary
10 of Transportation shall complete a review of the
11 request and provide notice to Amtrak that—

12 “(i) the request is approved; or

13 “(ii) the request is disapproved, in-
14 cluding the reason for the disapproval and
15 an explanation of any incomplete or defi-
16 cient items.

17 “(B) GRANT AGREEMENT.—If a grant re-
18 quest is approved, the Secretary shall enter into
19 a grant agreement with Amtrak that allocates
20 the grant funding to 1 of the 4 accounts estab-
21 lished under section 24319(a).

22 “(2) FIFTEEN-DAY MODIFICATION PERIOD.—

23 Not later than 15 days after the date of the notice
24 under paragraph (1)(A)(ii), Amtrak shall submit a
25 modified request for the Secretary’s review.

1 “(3) MODIFIED REQUESTS.—Not later than 15
2 days after the date that Amtrak submits a modified
3 request under paragraph (2), the Secretary shall ei-
4 ther approve the modified request, or, if the Sec-
5 retary finds that the request is still incomplete or
6 deficient, the Secretary shall identify in writing to
7 the Committee on Commerce, Science, and Trans-
8 portation, the Committee on Appropriations, and the
9 Committee on the Budget of the Senate and the
10 Committee on Transportation and Infrastructure,
11 the Committee on Appropriations, and the Com-
12 mittee on the Budget of the House of Representa-
13 tives the remaining deficiencies and recommend a
14 process for resolving the outstanding portions of the
15 request.

16 “(e) PAYMENTS TO AMTRAK.—

17 “(1) IN GENERAL.—A grant agreement entered
18 into under subsection (d) shall specify the oper-
19 ations, services, and other activities to be funded by
20 the grant. The grant agreement shall include provi-
21 sions, consistent with the requirements of this chap-
22 ter, to measure Amtrak’s performance and ensure
23 accountability in delivering the operations, services,
24 or activities to be funded by the grant.

1 “(2) SCHEDULE.—Except as provided in para-
2 graph (3), in each fiscal year for which amounts are
3 appropriated to the Secretary for the use of Amtrak,
4 and for which the Secretary and Amtrak have en-
5 tered into a grant agreement under subsection (d),
6 the Secretary shall disburse grant funds to Amtrak
7 on the following schedule:

8 “(A) 50 percent on October 1.

9 “(B) 25 percent on January 1.

10 “(C) 25 percent on April 1.

11 “(3) EXCEPTIONS.—The Secretary may make a
12 payment to Amtrak of appropriated funds—

13 “(A) more frequently than the schedule
14 under paragraph (2) if Amtrak, for good cause,
15 requests more frequent payment before the end
16 of a payment period; or

17 “(B) with a different frequency or in dif-
18 ferent percentage allocations in the event of a
19 continuing resolution or in the absence of an
20 appropriations Act for the duration of a fiscal
21 year.

22 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-
23 PRIATIONS.—Amounts appropriated to the Secretary for
24 the use of Amtrak shall remain available until expended.
25 Amounts for capital acquisitions and improvements may

1 be appropriated for a fiscal year before the fiscal year in
2 which the amounts will be obligated.

3 “(g) LIMITATIONS ON USE.—Amounts appropriated
4 to the Secretary for the use of Amtrak may not be used
5 to cross-subsidize operating losses or capital costs of com-
6 muter rail passenger or freight rail transportation.

7 **“§ 24319. Accounts**

8 “(a) ESTABLISHMENT OF ACCOUNTS.—Beginning
9 not later than October 1, 2016, Amtrak, in consultation
10 with the Secretary of Transportation, shall define and es-
11 tablish—

12 “(1) a Northeast Corridor investment account,
13 including subaccounts for Amtrak train services and
14 infrastructure;

15 “(2) a State-supported account;

16 “(3) a long-distance account; and

17 “(4) an other national network activities ac-
18 count.

19 “(b) NORTHEAST CORRIDOR INVESTMENT AC-
20 COUNT.—

21 “(1) DEPOSITS.—Amtrak shall deposit in the
22 Northeast Corridor investment account established
23 under subsection (a)(1)—

24 “(A) a portion of the grant funds appro-
25 priated under the authorization in section

1 35101(a) of the Railroad Reform, Enhance-
2 ment, and Efficiency Act, or any subsequent
3 Act appropriating funds for the use of Amtrak,
4 as specified in a grant agreement entered into
5 under section 24318;

6 “(B) any compensation received from com-
7 muter rail passenger transportation providers
8 for such providers’ share of capital costs on the
9 Northeast Corridor provided to Amtrak under
10 section 24905(c);

11 “(C) any operating surplus of the North-
12 east Corridor train services or infrastructure, as
13 allocated under section 24317; and

14 “(D) any other net revenue received in as-
15 sociation with the Northeast Corridor, including
16 freight access fees, electric propulsion, and com-
17 mercial development.

18 “(2) USE OF NORTHEAST CORRIDOR INVEST-
19 MENT ACCOUNT.—Except as provided in subsection
20 (f), amounts deposited in the Northeast Corridor in-
21 vestment account shall be made available for the use
22 of Amtrak for its share of—

23 “(A) capital projects described in section
24 24904(a)(2)(E)(i), and developed under the
25 planning process established under that section,

1 to bring Northeast Corridor infrastructure to a
2 state-of-good-repair;

3 “(B) capital projects described in clauses
4 (ii) and (iv) of section 24904(a)(2)(E) that are
5 developed under the planning process estab-
6 lished under that section intended to increase
7 corridor capacity, improve service reliability,
8 and reduce travel time on the Northeast Cor-
9 ridor;

10 “(C) capital projects to improve safety and
11 security;

12 “(D) capital projects to improve customer
13 service and amenities;

14 “(E) acquiring, rehabilitating, manufac-
15 turing, remanufacturing, overhauling, or im-
16 proving equipment and associated facilities used
17 for intercity rail passenger transportation by
18 Northeast Corridor train services;

19 “(F) retirement of principal and payment
20 of interest on loans for capital projects de-
21 scribed in this paragraph or for capital leases
22 for equipment and related to the Northeast
23 Corridor;

24 “(G) participation in public-private part-
25 nerships, joint ventures, and other mechanisms

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1 or arrangements that result in the completion
2 of capital projects described in this paragraph;
3 and

4 “(H) indirect, common, corporate, or other
5 costs directly incurred by or allocated to the
6 Northeast Corridor.

7 “(c) STATE-SUPPORTED ACCOUNT.—

8 “(1) DEPOSITS.—Amtrak shall deposit in the
9 State-supported account established under sub-
10 section (a)(2)—

11 “(A) a portion of the grant funds appro-
12 priated under the authorization in section
13 35101(a) of the Railroad Reform, Enhance-
14 ment, and Efficiency Act, or any subsequent
15 Act appropriating funds for the use of Amtrak,
16 as specified in a grant agreement entered into
17 under section 24318;

18 “(B) any compensation received from
19 States provided to Amtrak under section 209 of
20 the Passenger Rail Investment and Improve-
21 ment Act of 2008 (42 U.S.C. 24101 note); and

22 “(C) any operating surplus from its State-
23 supported routes, as allocated under section
24 24317.

1 “(2) USE OF STATE-SUPPORTED ACCOUNT.—

2 Except as provided in subsection (f), amounts depos-
3 ited in the State-supported account shall be made
4 available for the use of Amtrak for capital expenses
5 and operating costs, including indirect, common, cor-
6 porate, or other costs directly incurred by or allo-
7 cated to State-supported routes, of its State-sup-
8 ported routes and retirement of principal and pay-
9 ment of interest on loans or capital leases attrib-
10 utable to its State-supported routes.

11 “(d) LONG-DISTANCE ACCOUNT.—

12 “(1) DEPOSITS.—Amtrak shall deposit in the
13 long-distance account established under subsection
14 (a)(3)—

15 “(A) a portion of the grant funds appro-
16 priated under the authorization in section
17 35101(a) of the Railroad Reform, Enhance-
18 ment, and Efficiency Act, or any subsequent
19 Act appropriating funds for the use of Amtrak,
20 as specified in a grant agreement entered into
21 under section 24318;

22 “(B) any compensation received from
23 States provided to Amtrak for costs associated
24 with its long-distance routes; and

1 “(C) any operating surplus from its long-
2 distance routes, as allocated under section
3 24317.

4 “(2) USE OF LONG-DISTANCE ACCOUNT.—Ex-
5 cept as provided in subsection (f), amounts deposited
6 in the long-distance account shall be made available
7 for the use of Amtrak for capital expenses and oper-
8 ating costs, including indirect, common, corporate,
9 or other costs directly incurred by or allocated to
10 long-distance routes, of its long-distance routes and
11 retirement of principal and payment of interest on
12 loans or capital leases attributable to the long-dis-
13 tance routes.

14 “(e) OTHER NATIONAL NETWORK ACTIVITIES AC-
15 COUNT.—

16 “(1) DEPOSITS.—Amtrak shall deposit in the
17 other national network activities account established
18 under subsection (a)(4)—

19 “(A) a portion of the grant funds appro-
20 priated under the authorization in section
21 35101(a) of the Railroad Reform, Enhance-
22 ment, and Efficiency Act, or any subsequent
23 Act appropriating funds for the use of Amtrak,
24 as specified in a grant agreement entered into
25 under section 24318;

1 “(B) any compensation received from
2 States provided to Amtrak for costs associated
3 with its other national network activities; and

4 “(C) any operating surplus from its other
5 national network activities.

6 “(2) USE OF OTHER NATIONAL NETWORK AC-
7 TIVITIES ACCOUNT.—Except as provided in sub-
8 section (f), amounts deposited into the other na-
9 tional network activities account shall be made avail-
10 able for the use of Amtrak for capital and operating
11 costs not allocated to the Northeast Corridor invest-
12 ment account, State-supported account, or long-dis-
13 tance account, and retirement of principal and pay-
14 ment of interest on loans or capital leases attrib-
15 utable to other national network activities.

16 “(f) TRANSFER AUTHORITY.—

17 “(1) AUTHORITY.—Amtrak may transfer any
18 funds appropriated under the authorization in sec-
19 tion 35101(a) of the Railroad Reform, Enhance-
20 ment, and Efficiency Act, or any subsequent Act ap-
21 propriating funds for the use of Amtrak for deposit
22 into the accounts described in that section, or any
23 surplus generated by operations, between the North-
24 east Corridor, State-supported, long-distance, and
25 other national network activities accounts—

1 “(A) upon the expiration of 10 days after
2 the date that Amtrak notifies the Amtrak
3 Board of Directors, including the Secretary, of
4 the planned transfer; and

5 “(B) with the approval of the Secretary.

6 “(2) REPORT.—Not later than 5 days after the
7 date that Amtrak notifies the Amtrak Board of Di-
8 rectors of a planned transfer under paragraph (1),
9 Amtrak shall transmit to the Committee on Com-
10 merce, Science, and Transportation and the Com-
11 mittee on Appropriations of the Senate and the
12 Committee on Transportation and Infrastructure
13 and the Committee on Appropriations of the House
14 of Representatives a report that includes—

15 “(A) the amount of the transfer; and

16 “(B) a detailed explanation of the reason
17 for the transfer, including—

18 “(i) the effects on Amtrak services
19 funded by the account from which the
20 transfer is drawn, in comparison to a sce-
21 nario in which no transfer was made; and

22 “(ii) the effects on Amtrak services
23 funded by the account receiving the trans-
24 fer, in comparison to a scenario in which
25 no transfer was made.

1 “(3) NOTIFICATIONS.—

2 “(A) STATE-SUPPORTED ACCOUNT.—Not
3 later than 5 days after the date that Amtrak
4 notifies the Amtrak Board of Directors of a
5 planned transfer under paragraph (1) of funds
6 to or from the State-supported account, Amtrak
7 shall transmit to each State that sponsors a
8 State-supported route a letter that includes the
9 information described under subparagraphs (A)
10 and (B) of paragraph (2).

11 “(B) NORTHEAST CORRIDOR ACCOUNT.—
12 Not later than 5 days after the date that Am-
13 trak notifies the Amtrak Board of Directors of
14 a planned transfer under paragraph (1) of
15 funds to or from the Northeast Corridor ac-
16 count, Amtrak shall transmit to the Northeast
17 Corridor Commission a letter that includes the
18 information described under subparagraphs (A)
19 and (B) of paragraph (2).

20 “(g) ENFORCEMENT.—The Secretary shall enforce
21 the provisions of each grant agreement under section
22 24318(d), including any deposit into an account under
23 this section.

24 “(h) LETTERS OF INTENT.—

1 “(1) REQUIREMENT.—The Secretary may issue
2 a letter of intent to Amtrak announcing an intention
3 to obligate, for a major capital project described in
4 clauses (ii) and (iv) of section 24904(a)(2)(E), an
5 amount from future available budget authority speci-
6 fied in law that is not more than the amount stipu-
7 lated as the financial participation of the Secretary
8 in the project.

9 “(2) NOTICE TO CONGRESS.—At least 30 days
10 before issuing a letter under paragraph (1), the Sec-
11 retary shall notify in writing the Committee on Com-
12 merce, Science, and Transportation and the Com-
13 mittee on Appropriations of the Senate and the
14 Committee on Transportation and Infrastructure
15 and the Committee on Appropriations of the House
16 of Representatives of the proposed letter. The Sec-
17 retary shall include with the notice a copy of the
18 proposed letter, the criteria used for selecting the
19 project for a grant award, and a description of how
20 the project meets the criteria under this section.

21 “(3) CONTINGENT NATURE OF OBLIGATION OR
22 COMMITMENT.—An obligation or administrative
23 commitment may be made only when amounts are
24 appropriated. The letter of intent shall state that the
25 contingent commitment is not an obligation of the

1 Federal Government, and is subject to the avail-
2 ability of appropriations under Federal law and to
3 Federal laws in force or enacted after the date of
4 the contingent commitment.”.

5 (b) CONFORMING AMENDMENTS.—The table of con-
6 tents for chapter 243 is amended by adding at the end
7 the following:

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

8 (c) REPEALS.—

9 (1) ESTABLISHMENT OF GRANT PROCESS.—
10 Section 206 of the Passenger Rail Investment and
11 Improvement Act of 2008 (49 U.S.C. 24101 note)
12 and the item relating to that section in the table of
13 contents of that Act are repealed.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
15 Section 24104 and the item relating to that section
16 in the table of contents of chapter 241 are repealed.

17 **SEC. 35202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

18 (a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET
19 PLANS.—Chapter 243, as amended by section 35201 of
20 this Act, is further amended by inserting after section
21 24319 the following:

22 **“§ 24320. Amtrak 5-year business line and asset plans**

23 **“(a) IN GENERAL.—**

1 “(B) State-supported routes operated by
2 Amtrak.

3 “(C) Long-distance routes operated by
4 Amtrak.

5 “(D) Ancillary services operated by Am-
6 trak, including commuter operations and other
7 revenue generating activities as determined by
8 the Secretary in consultation with Amtrak.

9 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
10 PLANS.—The 5-year business line plan for each busi-
11 ness line shall include, at a minimum—

12 “(A) a statement of Amtrak’s vision, goals,
13 and service plan for the business line, coordi-
14 nated with any entities that are contributing
15 capital or operating funding to support pas-
16 senger rail services within those business lines,
17 and aligned with Amtrak’s Strategic Plan and
18 5-year asset plans under subsection (c);

19 “(B) all projected revenues and expendi-
20 tures for the business line, including identifica-
21 tion of revenues and expenditures incurred by—

22 “(i) passenger operations;

23 “(ii) non-passenger operations that
24 are directly related to the business line;
25 and

1 “(iii) governmental funding sources,
2 including revenues and other funding re-
3 ceived from States;

4 “(C) projected ridership levels for all pas-
5 senger operations;

6 “(D) estimates of long-term and short-
7 term debt and associated principal and interest
8 payments (both current and forecasts);

9 “(E) annual profit and loss statements and
10 forecasts and balance sheets;

11 “(F) annual cash flow forecasts;

12 “(G) a statement describing the meth-
13 odologies and significant assumptions under-
14 lying estimates and forecasts;

15 “(H) specific performance measures that
16 demonstrate year over year changes in the re-
17 sults of Amtrak’s operations;

18 “(I) financial performance for each route
19 within each business line, including descriptions
20 of the cash operating loss or contribution and
21 labor productivity for each route;

22 “(J) specific costs and savings estimates
23 resulting from reform initiatives;

24 “(K) prior fiscal year and projected equip-
25 ment reliability statistics; and

1 “(L) an identification and explanation of
2 any major adjustments made from previously-
3 approved plans.

4 “(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—
5 In meeting the requirements of this section, Amtrak
6 shall—

7 “(A) coordinate the development of the
8 business line plans with the Secretary;

9 “(B) for the Northeast Corridor business
10 line plan, coordinate with the Northeast Cor-
11 ridor Commission and transmit to the Commis-
12 sion the final plan under subsection (a)(1), and
13 consult with other entities, as appropriate;

14 “(C) for the State-supported route busi-
15 ness line plan, coordinate with the State-Sup-
16 ported Route Committee established under sec-
17 tion 24712;

18 “(D) for the long-distance route business
19 line plan, coordinate with any States or Inter-
20 state Compacts that provide funding for such
21 routes, as appropriate;

22 “(E) ensure that Amtrak’s annual budget
23 request to Congress is consistent with the infor-
24 mation in the 5-year business line plans; and

1 “(F) identify the appropriate Amtrak offi-
2 cials that are responsible for each business line.

3 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
4 BILITY.—In meeting the requirements under this
5 subsection, Amtrak shall use the categories specified
6 in the financial accounting and reporting system de-
7 veloped under section 203 of the Passenger Rail In-
8 vestment and Improvement Act of 2008 (49 U.S.C.
9 24101 note) when preparing its 5-year business line
10 plans.

11 “(c) AMTRAK 5-YEAR ASSET PLANS.—

12 “(1) ASSET CATEGORIES.—Amtrak shall pre-
13 pare a 5-year asset plan for each of the following
14 asset categories:

15 “(A) Infrastructure, including all Amtrak-
16 controlled Northeast Corridor assets and other
17 Amtrak-owned infrastructure, and the associ-
18 ated facilities that support the operation, main-
19 tenance, and improvement of those assets.

20 “(B) Passenger rail equipment, including
21 all Amtrak-controlled rolling stock, locomotives,
22 and mechanical shop facilities that are used to
23 overhaul equipment.

24 “(C) Stations, including all Amtrak-con-
25 trolled passenger rail stations and elements of

1 other stations for which Amtrak has legal re-
2 sponsibility or intends to make capital invest-
3 ments.

4 “(D) National assets, including national
5 reservations, security, training and training
6 centers, and other assets associated with Am-
7 trak’s national passenger rail transportation
8 system.

9 “(2) CONTENTS OF 5-YEAR ASSET PLANS.—

10 Each asset plan shall include, at a minimum—

11 “(A) a summary of Amtrak’s 5-year stra-
12 tegic plan for each asset category, including
13 goals, objectives, any relevant performance
14 metrics, and statutory or regulatory actions af-
15 fecting the assets;

16 “(B) an inventory of existing Amtrak cap-
17 ital assets, to the extent practicable, including
18 information regarding shared use or ownership,
19 if applicable;

20 “(C) a prioritized list of proposed capital
21 investments that—

22 “(i) categorizes each capital project as
23 being primarily associated with—

24 “(I) normalized capital replace-
25 ment;

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1 “(II) backlog capital replace-
2 ment;

3 “(III) improvements to support
4 service enhancements or growth;

5 “(IV) strategic initiatives that
6 will improve overall operational per-
7 formance, lower costs, or otherwise
8 improve Amtrak’s corporate efficiency;
9 or

10 “(V) statutory, regulatory, or
11 other legal mandates;

12 “(ii) identifies each project or pro-
13 gram that is associated with more than 1
14 category described in clause (i); and

15 “(iii) describes the anticipated busi-
16 ness outcome of each project or program
17 identified under this subparagraph, includ-
18 ing an assessment of—

19 “(I) the potential effect on pas-
20 senger operations, safety, reliability,
21 and resilience;

22 “(II) the potential effect on Am-
23 trak’s ability to meet regulatory re-
24 quirements if the project or program
25 is not funded; and

1 “(III) the benefits and costs; and

2 “(D) annual profit and loss statements
3 and forecasts and balance sheets for each asset
4 category.

5 “(3) 5-YEAR ASSET PLAN PROCESS.—In meet-
6 ing the requirements of this subsection, Amtrak
7 shall—

8 “(A) coordinate with each business line de-
9 scribed in subsection (b)(1) in the preparation
10 of each 5-year asset plan and ensure integration
11 of each 5-year asset plan with the 5-year busi-
12 ness line plans;

13 “(B) as applicable, coordinate with the
14 Northeast Corridor Commission, the State-Sup-
15 ported Route Committee, and owners of assets
16 affected by 5-year asset plans; and

17 “(C) identify the appropriate Amtrak offi-
18 cials that are responsible for each asset cat-
19 egory.

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
25 that 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 per-
9 formance outcomes they provide.

10 “(5) DEFINITION OF NATIONAL ASSETS.—In
11 this section, the term ‘national assets’ means the
12 Nation’s core rail assets shared among Amtrak serv-
13 ices, including national reservations, security, train-
14 ing and training centers, and other assets associated
15 with Amtrak’s national passenger rail transportation
16 system.

17 “(6) RESTRUCTURING OF NATIONAL ASSETS.—
18 Not later than 1 year after the date of completion
19 of the evaluation under paragraph (4), the Adminis-
20 trator of the Federal Railroad Administration, in
21 consultation with the Amtrak Board of Directors,
22 the governors of each relevant State, and the Mayor
23 of the District of Columbia, or their designees, shall
24 restructure or reallocate, or both, the national assets
25 costs in accordance with the determination under

1 that section, including making appropriate updates
2 to Amtrak’s cost accounting methodology and sys-
3 tem.”.

4 (b) EFFECTIVE DATE.—The requirements for Am-
5 trak to submit final 5-year business line plans and 5-year
6 asset plans under section 24320 of title 49, United States
7 Code, shall take effect 1 year after the date of enactment
8 of this Act.

9 (c) CONFORMING AMENDMENTS.—The table of con-
10 tents for chapter 243, as amended by section 35201 of
11 this Act, is further amended by adding at the end the fol-
12 lowing:

“24320. Amtrak 5-year business line and asset plans.”.

13 (d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section
14 204 of the Passenger Rail Investment and Improvement
15 Act of 2008 (49 U.S.C. 24101 note), and the item relating
16 to that section in the table of contents of that Act, are
17 repealed.

18 (e) IDENTIFICATION OF DUPLICATIVE REPORTING
19 REQUIREMENTS.—Not later than 1 year after the date of
20 enactment of this Act, the Secretary shall—

21 (1) review existing Amtrak reporting require-
22 ments and identify where the existing requirements
23 are duplicative with the business line and capital
24 plans required by section 24320 of title 49, United
25 States Code;

1 (2) if the duplicative reporting requirements are
2 administrative, the Secretary shall eliminate the du-
3 plicative requirements; and

4 (3) submit to Congress a report with any rec-
5 ommendations for repealing any other duplicative
6 Amtrak reporting requirements.

7 **SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.**

8 (a) AMENDMENT.—Chapter 247 is amended by add-
9 ing at the end the following:

10 **“§ 24712. State-supported routes operated by Amtrak**

11 “(a) STATE-SUPPORTED ROUTE COMMITTEE.—

12 “(1) ESTABLISHMENT.—Not later than 180
13 days after the date of enactment of the Railroad Re-
14 form, Enhancement, and Efficiency Act, the Sec-
15 retary of Transportation shall establish the State-
16 Supported Route Committee (referred to in this sec-
17 tion as the ‘Committee’) to promote mutual coopera-
18 tion and planning pertaining to the rail operations
19 of Amtrak and related activities of trains operated
20 by Amtrak on State-supported routes and to further
21 implement section 209 of the Passenger Rail Invest-
22 ment and Improvement Act of 2008 (49 U.S.C.
23 24101 note).

24 “(2) MEMBERSHIP.—

1 “(A) IN GENERAL.—The Committee shall
2 consist of—

3 “(i) members representing Amtrak;

4 “(ii) members representing the De-
5 partment of Transportation, including the
6 Federal Railroad Administration; and

7 “(iii) members representing States.

8 “(B) NON-VOTING MEMBERS.—The Com-
9 mittee may invite and accept other non-voting
10 members to participate in Committee activities,
11 as appropriate.

12 “(3) DECISIONMAKING.—The Committee shall
13 establish a bloc voting system under which, at a
14 minimum—

15 “(A) there are 3 separate voting blocs to
16 represent the Committee’s voting members, in-
17 cluding—

18 “(i) 1 voting bloc to represent the
19 members described in paragraph (2)(A)(i);

20 “(ii) 1 voting bloc to represent the
21 members described in paragraph (2)(A)(ii);

22 and

23 “(iii) 1 voting bloc to represent the
24 members described in paragraph
25 (2)(A)(iii);

1 “(B) each voting bloc has 1 vote;

2 “(C) the vote of the voting bloc rep-
3 resenting the members described in paragraph
4 (2)(A)(iii) requires the support of at least two-
5 thirds of that voting bloc’s members; and

6 “(D) the Committee makes decisions by
7 unanimous consent of the 3 voting blocs.

8 “(4) MEETINGS; RULES AND PROCEDURES.—

9 The Committee shall convene a meeting and shall
10 define and implement the rules and procedures gov-
11 erning the Committee’s proceedings not later than
12 180 days after the date of establishment of the Com-
13 mittee by the Secretary. The rules and procedures
14 shall—

15 “(A) incorporate and further describe the
16 decisionmaking procedures to be used in accord-
17 ance with paragraph (3); and

18 “(B) be adopted in accordance with such
19 decisionmaking procedures.

20 “(5) COMMITTEE DECISIONS.—Decisions made
21 by the Committee in accordance with the Commit-
22 tee’s rules and procedures, once established, are
23 binding on all Committee members.

24 “(6) COST ALLOCATION METHODOLOGY.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the Committee may amend the cost
3 allocation methodology required and previously
4 approved under section 209 of the Passenger
5 Rail Investment and Improvement Act of 2008
6 (49 U.S.C. 24101 note).

7 “(B) PROCEDURES FOR CHANGING METH-
8 ODOLOGY.—The rules and procedures imple-
9 mented under paragraph (4) shall include pro-
10 cedures for changing the cost allocation meth-
11 odology.

12 “(C) REQUIREMENTS.—The cost allocation
13 methodology shall—

14 “(i) ensure equal treatment in the
15 provision of like services of all States and
16 groups of States; and

17 “(ii) allocate to each route the costs
18 incurred only for the benefit of that route
19 and a proportionate share, based upon fac-
20 tors that reasonably reflect relative use, of
21 costs incurred for the common benefit of
22 more than 1 route.

23 “(b) INVOICES AND REPORTS.—Not later than Feb-
24 ruary 15, 2016, and monthly thereafter, Amtrak shall pro-
25 vide to each State that sponsors a State-supported route

1 a monthly invoice of the cost of operating such route, in-
2 cluding fixed costs and third-party costs. The Committee
3 shall determine the frequency and contents of the financial
4 and performance reports that Amtrak shall provide to the
5 States, as well as the planning and demand reports that
6 the States shall provide to Amtrak.

7 “(c) DISPUTE RESOLUTION.—

8 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
9 a dispute arises with respect to the rules and proce-
10 dures implemented under subsection (a)(4), an in-
11 voice or a report provided under subsection (b), im-
12 plementation or compliance with the cost allocation
13 methodology developed under section 209 of the Pas-
14 senger Rail Investment and Improvement Act of
15 2008 (49 U.S.C. 24101 note) or amended under
16 subsection (a)(6) of this section, either Amtrak or
17 the State may request that the Surface Transpor-
18 tation Board conduct dispute resolution under this
19 subsection.

20 “(2) PROCEDURES.—The Surface Transpor-
21 tation Board shall establish procedures for resolu-
22 tion of disputes brought before it under this sub-
23 section, which may include provision of professional
24 mediation services.

1 “(3) BINDING EFFECT.—A decision of the Sur-
2 face Transportation Board under this subsection
3 shall be binding on the parties to the dispute.

4 “(4) OBLIGATION.—Nothing in this subsection
5 shall affect the obligation of a State to pay an
6 amount not in dispute.

7 “(d) ASSISTANCE.—

8 “(1) IN GENERAL.—The Secretary may provide
9 assistance to the parties in the course of negotia-
10 tions for a contract for operation of a State-sup-
11 ported route.

12 “(2) FINANCIAL ASSISTANCE.—From among
13 available funds, the Secretary shall—

14 “(A) provide financial assistance to Am-
15 trak or 1 or more States to perform requested
16 independent technical analysis of issues before
17 the Committee; and

18 “(B) reimburse Members for travel ex-
19 penses, including per diem in lieu of subsist-
20 ence, in accordance with section 5703 of title 5.

21 “(e) PERFORMANCE METRICS.—In negotiating a con-
22 tract for operation of a State-supported route, Amtrak
23 and the State or States that sponsor the route shall con-
24 sider including provisions that provide penalties and incen-
25 tives for performance.

1 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

2 “(1) IN GENERAL.—The Committee shall de-
3 velop a statement of goals, objectives, and associated
4 recommendations concerning the future of State-
5 supported routes operated by Amtrak. The state-
6 ment shall identify the roles and responsibilities of
7 Committee members and any other relevant entities,
8 such as host railroads, in meeting the identified
9 goals and objectives, or carrying out the rec-
10 ommendations. The Committee may consult with
11 such relevant entities, as the Committee considers
12 appropriate, when developing the statement.

13 “(2) TRANSMISSION OF STATEMENT OF GOALS
14 AND OBJECTIVES.—Not later than 2 years after the
15 date of enactment of the Railroad Reform, Enhance-
16 ment, and Efficiency Act the Committee shall trans-
17 mit the statement developed under paragraph (1) to
18 the Committee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives.

22 “(g) RULE OF CONSTRUCTION.—The decisions of the
23 Committee—

1 of receiving a grant under section 101 of that Act, Amtrak
2 shall obtain the services of an independent entity to de-
3 velop and recommend objective methodologies for Amtrak
4 to use in determining what intercity rail passenger trans-
5 portation routes and services it should provide, including
6 the establishment of new routes, the elimination of exist-
7 ing routes, and the contraction or expansion of services
8 or frequencies over such routes.

9 “(b) CONSIDERATIONS.—Amtrak shall require the
10 independent entity, in developing the methodologies de-
11 scribed in subsection (a), to consider—

12 “(1) the current and expected performance and
13 service quality of intercity rail passenger transpor-
14 tation operations, including cost recovery, on-time
15 performance, ridership, on-board services, stations,
16 facilities, equipment, and other services;

17 “(2) the connectivity of a route with other
18 routes;

19 “(3) the transportation needs of communities
20 and populations that are not well served by intercity
21 rail passenger transportation service or by other
22 forms of intercity transportation;

23 “(4) the methodologies of Amtrak and major
24 intercity rail passenger transportation service pro-

1 viders in other countries for determining intercity
2 passenger rail routes and services;

3 “(5) the financial and operational effects on the
4 overall network, including the effects on indirect
5 costs;

6 “(6) the views of States and the recommenda-
7 tions described in State rail plans, rail carriers that
8 own infrastructure over which Amtrak operates,
9 Interstate Compacts established by Congress and
10 States, Amtrak employee representatives, stake-
11 holder organizations, and other interested parties;
12 and

13 “(7) the funding levels that will be available
14 under authorization levels that have been enacted
15 into law.

16 “(c) RECOMMENDATIONS.—Not later than 1 year
17 after the date of enactment of the Railroad Reform, En-
18 hancement, and Efficiency Act, Amtrak shall transmit to
19 the Committee on Commerce, Science, and Transportation
20 of the Senate and the Committee on Transportation and
21 Infrastructure of the House of Representatives rec-
22 ommendations developed by the independent entity under
23 subsection (a).

24 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
25 later than 90 days after the date the recommendations are

1 transmitted under subsection (c), Amtrak shall consider
2 the adoption of each recommendation and transmit to the
3 Committee on Commerce, Science, and Transportation of
4 the Senate and the Committee on Transportation and In-
5 frastructure of the House of Representatives a report ex-
6 plaining the reasons for adopting or not adopting each rec-
7 ommendation.”.

8 **SEC. 35205. COMPETITION.**

9 (a) ALTERNATE PASSENGER RAIL SERVICE PILOT
10 PROGRAM.—Section 24711 is amended to read as follows:

11 **“§ 24711. Alternate passenger rail service pilot pro-**
12 **gram**

13 “(a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of the Railroad Reform, Enhance-
15 ment, and Efficiency Act, the Secretary of Transportation
16 shall promulgate a rule to implement a pilot program for
17 competitive selection of rail carriers for long-distance
18 routes (as defined in section 24102).

19 “(b) PILOT PROGRAM REQUIREMENTS.—

20 “(1) IN GENERAL.—The pilot program shall—

21 “(A) allow a party described in paragraph
22 (2) to petition the Secretary to provide intercity
23 rail passenger transportation over a long-dis-
24 tance route in lieu of Amtrak for an operations
25 period of 4 years from the date of commence-

1 ment of service by the winning bidder and, at
2 the option of the Secretary, consistent with the
3 rule promulgated under subsection (a), allow
4 the contract to be renewed for an additional op-
5 erations period of 4 years, but not to exceed a
6 total of 3 operations periods;

7 “(B) require the Secretary to—

8 “(i) notify the petitioner and Amtrak
9 of receipt of the petition under subpara-
10 graph (A) and to publish in the Federal
11 Register a notice of receipt not later than
12 30 days after the date of receipt; and

13 “(ii) establish a deadline, of not more
14 than 120 days after the notice of receipt is
15 published in the Federal Register under
16 clause (i), by which both the petitioner and
17 Amtrak, if Amtrak chooses to do so, would
18 be required to submit a complete bid to
19 provide intercity rail passenger transpor-
20 tation over the applicable route;

21 “(C) require that each bid—

22 “(i) describe the capital needs, finan-
23 cial projections, and operational plans, in-
24 cluding staffing plans, for the service, and

1 such other factors as the Secretary con-
2 siders appropriate; and

3 “(ii) be made available by the winning
4 bidder to the public after the bid award;

5 “(D) for a route that receives funding
6 from a State or States, require that for each
7 bid received from a party described in para-
8 graph (2), other than a State, the Secretary
9 have the concurrence of the State or States that
10 provide funding for that route;

11 “(E) for a winning bidder that is not or
12 does not include Amtrak, require the Secretary
13 to execute a contract not later than 270 days
14 after the deadline established under subpara-
15 graph (B)(ii) and award to the winning bid-
16 der—

17 “(i) subject to paragraphs (3) and
18 (4), the right and obligation to provide
19 intercity rail passenger transportation over
20 that route subject to such performance
21 standards as the Secretary may require;
22 and

23 “(ii) an operating subsidy, as deter-
24 mined by the Secretary, for—

1 “(I) the first year at a level that
2 does not exceed 90 percent of the level
3 in effect for that specific route during
4 the fiscal year preceding the fiscal
5 year in which the petition was re-
6 ceived, adjusted for inflation; and

7 “(II) any subsequent years at the
8 level calculated under subclause (I),
9 adjusted for inflation; and

10 “(F) for a winning bidder that is or in-
11 cludes Amtrak, award to that bidder an oper-
12 ating subsidy, as determined by the Secretary,
13 over the applicable route that will not change
14 during the fiscal year in which the bid was sub-
15 mitted solely as a result of the winning bid.

16 “(2) ELIGIBLE PETITIONERS.—The following
17 parties are eligible to submit petitions under para-
18 graph (1):

19 “(A) A rail carrier or rail carriers that own
20 the infrastructure over which Amtrak operates
21 a long-distance route.

22 “(B) A rail passenger carrier with a writ-
23 ten agreement with the rail carrier or rail car-
24 riers that own the infrastructure over which
25 Amtrak operates a long-distance route and that

1 host or would host the intercity rail passenger
2 transportation.

3 “(C) A State, group of States, or State-
4 supported joint powers authority or other sub-
5 State governance entity responsible for provi-
6 sion of intercity rail passenger transportation
7 with a written agreement with the rail carrier
8 or rail carriers that own the infrastructure over
9 which Amtrak operates a long-distance route
10 and that host or would host the intercity rail
11 passenger transportation.

12 “(D) A State, group of States, or State-
13 supported joint powers authority or other sub-
14 State governance entity responsible for provi-
15 sion of intercity rail passenger transportation
16 and a rail passenger carrier with a written
17 agreement with the rail carrier or rail carriers
18 that own the infrastructure over which Amtrak
19 operates a long-distance route and that host or
20 would host the intercity rail passenger transpor-
21 tation.

22 “(3) PERFORMANCE STANDARDS.—If the win-
23 ning bidder under paragraph (1)(E)(i) is not or does
24 not include Amtrak, the performance standards shall
25 be consistent with the performance required of or

1 achieved by Amtrak on the applicable route during
2 the last fiscal year.

3 “(4) AGREEMENT GOVERNING ACCESS
4 ISSUES.—Unless the winning bidder already has ap-
5 plicable access agreements in place or includes a rail
6 carrier that owns the infrastructure used in the op-
7 eration of the route, the winning bidder under para-
8 graph (1)(E)(i) shall enter into a written agreement
9 governing access issues between the winning bidder
10 and the rail carrier or rail carriers that own the in-
11 frastructure over which the winning bidder would
12 operate and that host or would host the intercity rail
13 passenger transportation.

14 “(c) ACCESS TO FACILITIES; EMPLOYEES.—If the
15 Secretary awards the right and obligation to provide rail
16 passenger transportation over a route under this section
17 to an entity in lieu of Amtrak—

18 “(1) the Secretary shall require Amtrak to pro-
19 vide access to the Amtrak-owned reservation system,
20 stations, and facilities directly related to operations
21 of the awarded routes to the rail passenger carrier
22 awarded a contract under this section, in accordance
23 with subsection (g), as necessary to carry out the
24 purposes of this section;

1 “(2) an employee of any person, except for a
2 freight railroad or a person employed or contracted
3 by a freight railroad, used by such rail passenger
4 carrier in the operation of a route under this section
5 shall be considered an employee of that rail pas-
6 senger carrier and subject to the applicable Federal
7 laws and regulations governing similar crafts or
8 classes of employees of Amtrak; and

9 “(3) the winning bidder shall provide hiring
10 preference to qualified Amtrak employees displaced
11 by the award of the bid, consistent with the staffing
12 plan submitted by the bidder, and shall be subject
13 to the grant conditions under section 24405.

14 “(d) CESSATION OF SERVICE.—If a rail passenger
15 carrier awarded a route under this section ceases to oper-
16 ate the service or fails to fulfill an obligation under the
17 contract required under subsection (b)(1)(E), the Sec-
18 retary shall take any necessary action consistent with this
19 title to enforce the contract and ensure the continued pro-
20 vision of service, including—

21 “(1) the installment of an interim rail pas-
22 senger carrier;

23 “(2) providing to the interim rail passenger car-
24 rier under paragraph (1) an operating subsidy nec-
25 essary to provide service; and

1 “(3) rebidding the contract to operate the rail
2 passenger transportation.

3 “(e) BUDGET AUTHORITY.—

4 “(1) IN GENERAL.—The Secretary shall provide
5 to a winning bidder that is not or does not include
6 Amtrak and that is selected under this section any
7 appropriations withheld under section 35101(c) of
8 the Railroad Reform, Enhancement, and Efficiency
9 Act, or any subsequent appropriation for the same
10 purpose, necessary to cover the operating subsidy
11 described in subsection (b)(1)(E)(ii).

12 “(2) AMTRAK.—If the Secretary selects a win-
13 ning bidder that is not or does not include Amtrak,
14 the Secretary may provide to Amtrak an appropriate
15 portion of the appropriations under section 35101(a)
16 of the Railroad Reform, Enhancement, and Effi-
17 ciency Act, or any subsequent appropriation for the
18 same purpose, to cover any cost directly attributable
19 to the termination of Amtrak service on the route
20 and any indirect costs to Amtrak imposed on other
21 Amtrak routes as a result of losing service on the
22 route operated by the winning bidder. Any amount
23 provided by the Secretary to Amtrak under this
24 paragraph shall not be deducted from or have any

1 effect on the operating subsidy described in sub-
2 section (b)(1)(E)(ii).

3 “(f) DEADLINE.—If the Secretary does not promul-
4 gate the final rule and implement the program before the
5 deadline under subsection (a), the Secretary shall submit
6 to the Committee on Commerce, Science, and Transporta-
7 tion of the Senate and the Committee on Transportation
8 and Infrastructure of the House of Representatives a let-
9 ter, signed by the Secretary and Administrator of the Fed-
10 eral Railroad Administration, each month until the rule
11 is complete, including—

12 “(1) the reasons why the rule has not been
13 issued;

14 “(2) an updated staffing plan for completing
15 the rule as soon as feasible;

16 “(3) the contact information of the official that
17 will be overseeing the execution of the staffing plan;
18 and

19 “(4) the estimated date of completion of the
20 rule.

21 “(g) DISPUTES.—If Amtrak and the rail passenger
22 carrier awarded a route under this section cannot agree
23 upon terms to carry out subsection (c)(1), and the Surface
24 Transportation Board finds that access to Amtrak’s facili-
25 ties or equipment, or the provision of services by Amtrak,

1 is necessary under subsection (c)(1) and that the oper-
2 ation of Amtrak's other services will not be impaired
3 thereby, the Surface Transportation Board shall issue an
4 order that the facilities and equipment be made available,
5 and that services be provided, by Amtrak, and shall deter-
6 mine reasonable compensation, liability, and other terms
7 for use of the facilities and equipment and provision of
8 the services.

9 “(h) LIMITATION.—Not more than 3 long-distance
10 routes may be selected under this section for operation by
11 a winning bidder that is not or does not include Amtrak.

12 “(i) PRESERVATION OF RIGHT TO COMPETITION ON
13 STATE-SUPPORTED ROUTES.—Nothing in this section
14 shall be construed as prohibiting a State from introducing
15 competition for intercity rail passenger transportation or
16 services on its State-supported route or routes.”.

17 (b) REPORT.—Not later than 4 years after the date
18 of implementation of the pilot program under section
19 24711 of title 49, United States Code, and quadrennially
20 thereafter until the pilot program is discontinued, the Sec-
21 retary shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report on the results on the pilot pro-
25 gram to date and any recommendations for further action.

1 **SEC. 35206. ROLLING STOCK PURCHASES.**

2 (a) IN GENERAL.—Prior to entering into any con-
3 tract in excess of \$100,000,000 for rolling stock and loco-
4 motive procurements Amtrak shall submit a business case
5 analysis to the Secretary, the Committee on Commerce,
6 Science, and Transportation and the Committee on Appro-
7 priations of the Senate and the Committee on Transpor-
8 tation and Infrastructure and the Committee on Appro-
9 priations of the House of Representatives, on the utility
10 of such procurements.

11 (b) CONTENTS.—The business case analysis shall—

12 (1) include a cost and benefit comparison that
13 describes the total lifecycle costs and the anticipated
14 benefits related to revenue, operational efficiency, re-
15 liability, and other factors;

16 (2) set forth the total payments by fiscal year;

17 (3) identify the specific source and amounts of
18 funding for each payment, including Federal funds,
19 State funds, Amtrak profits, Federal, State, or pri-
20 vate loans or loan guarantees, and other funding;

21 (4) include an explanation of whether any pay-
22 ment under the contract will increase Amtrak's
23 grant request, as required under section 24318 of
24 title 49, United States Code, in that particular fiscal
25 year; and

1 (5) describe how Amtrak will adjust the pro-
2 curement if future funding is not available.

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed as requiring Amtrak to disclose
5 confidential information regarding a potential vendor’s
6 proposed pricing or other sensitive business information
7 prior to contract execution.

8 **SEC. 35207. FOOD AND BEVERAGE POLICY.**

9 (a) **IN GENERAL.**—Chapter 243, as amended in sec-
10 tion 35202 of this Act, is further amended by adding after
11 section 24320 the following:

12 **“§ 24321. Food and beverage reform**

13 “(a) **PLAN.**—Not later than 90 days after the date
14 of enactment of the Railroad Reform, Enhancement, and
15 Efficiency Act, Amtrak shall develop and begin imple-
16 menting a plan to eliminate, not later than 4 years after
17 the date of enactment of that Act, the operating loss asso-
18 ciated with providing food and beverage service on board
19 Amtrak trains.

20 “(b) **CONSIDERATIONS.**—In developing and imple-
21 menting the plan under subsection (a), Amtrak shall con-
22 sider a combination of cost management and revenue gen-
23 eration initiatives, including—

24 “(1) scheduling optimization;

25 “(2) onboard logistics;

1 “(3) product development and supply chain effi-
2 ciency;

3 “(4) training, awards, and accountability;

4 “(5) technology enhancements and process im-
5 provements; and

6 “(6) ticket revenue allocation.

7 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
8 Amtrak employee holding a position as of the date of en-
9 actment of the Railroad Reform, Enhancement, and Effi-
10 ciency Act is involuntarily separated because of—

11 “(1) the development and implementation of the
12 plan required under subsection (a); or

13 “(2) any other action taken by Amtrak to im-
14 plement this section.

15 “(d) NO FEDERAL FUNDING FOR OPERATING
16 LOSSES.—Beginning on the date that is 4 years after the
17 date of enactment of the Railroad Reform, Enhancement,
18 and Efficiency Act, no Federal funds may be used to cover
19 any operating loss associated with providing food and bev-
20 erage service on a route operated by Amtrak or an alter-
21 native passenger rail service provider that operates a route
22 in lieu of Amtrak under section 24711.

23 “(e) REPORT.—Not later than 120 days after the
24 date of enactment of the Railroad Reform, Enhancement,
25 and Efficiency Act, and annually thereafter for a period

1 of 4 years, Amtrak shall transmit to the Committee on
2 Commerce, Science, and Transportation of the Senate and
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives a report on the plan devel-
5 oped under subsection (a) and a description of progress
6 in the implementation of the plan.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
8 tents for chapter 243, as amended in section 35202 of
9 this Act, is amended by adding at the end the following:
“24321. Food and beverage reform.”.

10 **SEC. 35208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

11 (a) IN GENERAL.—Not later than 6 months after the
12 date of enactment of this Act, Amtrak shall establish a
13 pilot program for a State or States that sponsor a State-
14 supported route operated by Amtrak to facilitate—

15 (1) onboard purchase and sale of local food and
16 beverage products; and

17 (2) partnerships with local entities to hold pro-
18 motional events on trains or in stations.

19 (b) PROGRAM DESIGN.—The pilot program under
20 paragraph (1) shall allow a State or States—

21 (1) to nominate and select a local food and bev-
22 erage products supplier or suppliers or local pro-
23 motional event partner;

24 (2) to charge a reasonable price or fee for local
25 food and beverage products or promotional events

1 and related activities to help defray the costs of pro-
2 gram administration and State-supported routes;
3 and

4 (3) a mechanism to ensure that State products
5 can effectively be handled and integrated into exist-
6 ing food and beverage services, including compliance
7 with all applicable regulations and standards gov-
8 erning such services.

9 (c) PROGRAM ADMINISTRATION.—The pilot program
10 shall—

11 (1) for local food and beverage products, ensure
12 the products are integrated into existing food and
13 beverage services, including compliance with all ap-
14 plicable regulations and standards;

15 (2) for promotional events, ensure the events
16 are held in compliance with all applicable regulations
17 and standards, including terms to address insurance
18 requirements; and

19 (3) require an annual report that documents
20 revenues and costs and indicates whether the prod-
21 ucts or events resulted in a reduction in the financial
22 contribution of a State or States to the applicable
23 State-supported route.

24 (d) REPORT.—Not later than 4 years after the date
25 of establishment of the pilot programs under this section,

1 Amtrak shall report to the Committee on Commerce,
2 Science, and Transportation of the Senate and the Com-
3 mittee on Transportation and Infrastructure of the House
4 of Representatives on which States have participated in
5 the pilot programs under this section. The report shall
6 summarize the financial and operational outcomes of the
7 pilot programs.

8 (e) **RULE OF CONSTRUCTION.**—Nothing in this sub-
9 section shall be construed as limiting Amtrak’s ability to
10 operate special trains in accordance with section 216 of
11 the Passenger Rail Investment and Improvement Act of
12 2008 (49 U.S.C. 24308 note).

13 **SEC. 35209. RIGHT-OF-WAY LEVERAGING.**

14 (a) **REQUEST FOR PROPOSALS.**—

15 (1) **IN GENERAL.**—Not later than 1 year after
16 the date of enactment of this Act, Amtrak shall
17 issue a Request for Proposals seeking qualified per-
18 sons or entities to utilize right-of-way and real estate
19 owned, controlled, or managed by Amtrak for tele-
20 communications systems, energy distribution sys-
21 tems, and other activities considered appropriate by
22 Amtrak.

23 (2) **CONTENTS.**—The Request for Proposals
24 shall provide sufficient information on the right-of-
25 way and real estate assets to enable respondents to

1 propose an arrangement that will monetize or gen-
2 erate additional revenue from such assets through
3 revenue sharing or leasing agreements with Amtrak,
4 to the extent possible.

5 (b) CONSIDERATION OF PROPOSALS.—Not later than
6 180 days following the deadline for the receipt of pro-
7 posals under subsection (a), Amtrak shall review and con-
8 sider each qualified proposal. Amtrak may enter into such
9 agreements as are necessary to implement any qualified
10 proposal.

11 (c) REPORT.—Not later than 270 days following the
12 deadline for the receipt of proposals under subsection (a),
13 Amtrak shall transmit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives a report on the Request for Proposals
17 required by this section, including summary information
18 of any proposals submitted to Amtrak and any proposals
19 accepted by Amtrak.

20 (d) SAVINGS CLAUSE.—Nothing in this section shall
21 be construed to limit Amtrak's ability to utilize right-of-
22 way or real estate assets that it currently owns, controls,
23 or manages or constrain Amtrak's ability to enter into
24 agreements with other parties to utilize such assets.

1 **SEC. 35210. STATION DEVELOPMENT.**

2 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
3 than 1 year after the date of the enactment of this Act,
4 Amtrak shall submit a report to the Committee on Com-
5 merce, Science, and Transportation of the Senate and the
6 Committee on Transportation and Infrastructure of the
7 House of Representatives that describes—

8 (1) options to enhance economic development
9 and accessibility of and around Amtrak stations and
10 terminals, for the purposes of—

11 (A) improving station condition,
12 functionality, capacity, and customer amenities;

13 (B) generating additional investment cap-
14 ital and development-related revenue streams;

15 (C) increasing ridership and revenue;

16 (D) complying with the applicable sections
17 of the Americans with Disabilities Act of 1990
18 (42 U.S.C. 12101 et seq.) and the Rehabilita-
19 tion Act of 1973 (29 U.S.C. 701 et seq.); and

20 (E) strengthening multimodal connections,
21 including transit, intercity buses, roll-on and
22 roll-off bicycles, and airports, as appropriate;
23 and

24 (2) options for additional Amtrak stops that
25 would have a positive incremental financial impact to
26 Amtrak, based on Amtrak feasibility studies that

1 demonstrate a financial benefit to Amtrak by gener-
2 ating additional revenue that exceeds any incre-
3 mental costs.

4 (b) REQUEST FOR INFORMATION.—Not later than 90
5 days after the date the report is transmitted under sub-
6 section (a), Amtrak shall issue a Request of Information
7 for 1 or more owners of stations served by Amtrak to for-
8 mally express an interest in completing the requirements
9 of this section.

10 (c) PROPOSALS.—

11 (1) REQUEST FOR PROPOSALS.—Not later than
12 180 days after the date the Request for Information
13 is issued under subsection (a), Amtrak shall issue a
14 Request for Proposals from qualified persons, in-
15 cluding small business concerns owned and con-
16 trolled by socially and economically disadvantaged
17 individuals and veteran-owned small businesses, to
18 lead, participate, or partner with Amtrak, a station
19 owner that responded under subsection (b), and
20 other entities in enhancing development in and
21 around such stations and terminals using applicable
22 options identified under subsection (a) at facilities
23 selected by Amtrak.

24 (2) CONSIDERATION OF PROPOSALS.—Not later
25 than 1 year after the date the Request for Proposals

1 are issued under paragraph (1), Amtrak shall review
2 and consider qualified proposals submitted under
3 paragraph (1). Amtrak or a station owner that re-
4 sponded under subsection (b) may enter into such
5 agreements as are necessary to implement any quali-
6 fied proposal.

7 (d) REPORT.—Not later than 3 years after the date
8 of enactment of this 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 a report on
12 the Request for Proposals process required under this sec-
13 tion, including summary information of any qualified pro-
14 posals submitted to Amtrak and any proposals acted upon
15 by Amtrak or a station owner that responded under sub-
16 section (b).

17 (e) DEFINITIONS.—In this section, the terms “small
18 business concern”, “socially and economically disadvan-
19 taged individual”, and “veteran-owned small business”
20 have the meanings given the terms in section 304(c) of
21 this Act.

22 (f) SAVINGS CLAUSE.—Nothing in this section shall
23 be construed to limit Amtrak’s ability to develop its sta-
24 tions, terminals, or other assets, to constrain Amtrak’s
25 ability to enter into and carry out agreements with other

1 parties to enhance development at or around Amtrak sta-
2 tions or terminals, or to affect any station development
3 initiatives ongoing as of the date of enactment of this Act.

4 **SEC. 35211. AMTRAK DEBT.**

5 Section 205 of the Passenger Rail Investment and
6 Improvement Act of 2008 (49 U.S.C. 24101 note) is
7 amended—

8 (1) by striking “as of the date of enactment of
9 this Act” each place it appears;

10 (2) in subsection (a)—

11 (A) by inserting “, to the extent provided
12 in advance in appropriations Acts” after “Am-
13 trak’s indebtedness”; and

14 (B) by striking the second sentence;

15 (3) in subsection (b), by striking “The Sec-
16 retary of the Treasury, in consultation” and insert-
17 ing “To the extent amounts are provided in advance
18 in appropriations Acts, the Secretary of the Treas-
19 ury, in consultation”;

20 (4) in subsection (d), by inserting “, to the ex-
21 tent provided in advance in appropriations Acts”
22 after “as appropriate”;

23 (5) in subsection (e)—

24 (A) in paragraph (1), by striking “by sec-
25 tion 102 of this division”; and

1 (B) in paragraph (2), by striking “by sec-
2 tion 102” and inserting “for Amtrak”;

3 (6) in subsection (g), by inserting “, unless that
4 debt receives credit assistance, including direct loans
5 and loan guarantees, under chapter 6 of title 23,
6 United States Code or title V of the Railroad Revi-
7 talization and Regulatory Act of 1976 (45 U.S.C.
8 821 et seq.)” after “Secretary”; and

9 (7) by striking subsection (h).

10 **SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS**

11 **TRANSPORTING DOMESTICATED CATS AND**

12 **DOGS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, Amtrak shall develop a pilot
15 program that allows passengers to transport domesticated
16 cats or dogs on certain trains operated by Amtrak.

17 (b) PET POLICY.—In developing the pilot program
18 required under subsection (a), Amtrak shall—

19 (1) in the case of a passenger train that is com-
20 prised of more than 1 car, designate, where feasible,
21 at least 1 car in which a ticketed passenger may
22 transport a domesticated cat or dog in the same
23 manner as carry-on baggage if—

24 (A) the cat or dog is contained in a pet
25 kennel;

1 (B) the pet kennel complies with Amtrak
2 size requirements for carriage of carry-on bag-
3 gage;

4 (C) the passenger is traveling on a train
5 operating on a route described in subparagraph
6 (A), (B), or (D) of section 24102(6) of title 49,
7 United States Code; and

8 (D) the passenger pays a fee described in
9 paragraph (3);

10 (2) allow a ticketed passenger to transport a
11 domesticated cat or dog on a train in the same man-
12 ner as cargo if—

13 (A) the cat or dog is contained in a pet
14 kennel;

15 (B) the pet kennel is stowed in accordance
16 with Amtrak requirements for cargo stowage;

17 (C) the passenger is traveling on a train
18 operating on a route described in subparagraph
19 (A), (B), or (D) of section 24102(6) of title 49,
20 United States Code;

21 (D) the cargo area is temperature con-
22 trolled in a manner protective of cat and dog
23 safety and health; and

24 (E) the passenger pays a fee described in
25 paragraph (3); and

1 (3) collect fees for each cat or dog transported
2 by a ticketed passenger in an amount that, in the
3 aggregate and at a minimum, covers the full costs
4 of the pilot program.

5 (c) REPORT.—Not later than 1 year after the pilot
6 program required under subsection (a) is first imple-
7 mented, Amtrak shall transmit to the Committee on Com-
8 merce, Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives a report containing an evalua-
11 tion of the pilot program.

12 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

13 (1) SERVICE ANIMALS.—The pilot program
14 under subsection (a) shall be separate from and in
15 addition to the policy governing Amtrak passengers
16 traveling with service animals. Nothing in this sec-
17 tion may be interpreted to limit or waive the rights
18 of passengers to transport service animals.

19 (2) ADDITIONAL TRAIN CARS.—Nothing in this
20 section may be interpreted to require Amtrak to add
21 additional train cars or modify existing train cars.

22 (3) FEDERAL FUNDS.—No Federal funds may
23 be used to implement the pilot program required
24 under this section.

1 **SEC. 35213. AMTRAK BOARD OF DIRECTORS.**

2 (a) IN GENERAL.—Section 24302(a) is amended to
3 read as follows:

4 “(a) COMPOSITION AND TERMS.—

5 “(1) IN GENERAL.—The Amtrak Board of Di-
6 rectors (referred to in this section as the ‘Board’) is
7 composed of the following 9 directors, each of whom
8 must be a citizen of the United States:

9 “(A) The Secretary of Transportation.

10 “(B) The President of Amtrak.

11 “(C) 7 individuals appointed by the Presi-
12 dent of the United States, by and with the ad-
13 vice and consent of the Senate, with general
14 business and financial experience, experience or
15 qualifications in transportation, freight and
16 passenger rail transportation, travel, hospi-
17 tality, or passenger air transportation busi-
18 nesses, or representatives of employees or users
19 of passenger rail transportation or a State gov-
20 ernment.

21 “(2) SELECTION.—In selecting individuals de-
22 scribed in paragraph (1)(C) for nominations for ap-
23 pointments to the Board, the President shall consult
24 with the Speaker of the House of Representatives,
25 the minority leader of the House of Representatives,
26 the majority leader of the Senate, and the minority

1 leader of the Senate. The individuals appointed to
2 the Board under paragraph (1)(C) shall be com-
3 posed of the following;

4 “(A) 2 individuals from the Northeast Cor-
5 ridor.

6 “(B) 4 individuals from regions of the
7 country outside of the Northeast Corridor and
8 geographically distributed with—

9 “(i) 2 individuals from States with
10 long-distance routes operated by Amtrak;
11 and

12 “(ii) 2 individuals from States with
13 State-supported routes operated by Am-
14 trak.

15 “(C) 1 individual from the Northeast Cor-
16 ridor or a State with long-distance or State-
17 supported routes.

18 “(3) TERM.—An individual appointed under
19 paragraph (1)(C) shall be appointed for a term of 5
20 years. The term may be extended until the individ-
21 ual’s successor is appointed and qualified. Not more
22 than 4 individuals appointed under paragraph (1)(C)
23 may be members of the same political party.

24 “(4) CHAIRPERSON AND VICE CHAIRPERSON.—
25 The Board shall elect a chairperson and vice chair-

1 person, other than the President of Amtrak, from
2 among its membership. The vice chairperson shall
3 serve as chairperson in the absence of the chair-
4 person.

5 “(5) SECRETARY’S DESIGNEE.—The Secretary
6 may be represented at Board meetings by the Sec-
7 retary’s designee.”.

8 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed as affecting the term of any direc-
10 tor serving on the Amtrak Board of Directors under sec-
11 tion 24302(a)(1)(C) of title 49, United States Code, on
12 the day preceding the date of enactment of this Act.

13 **SEC. 35214. AMTRAK BOARDING PROCEDURES.**

14 (a) REPORT.—Not later than 6 months after the date
15 of enactment of this Act, the Amtrak Office of Inspector
16 General shall submit a report to the Committee on Com-
17 merce, Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives that—

20 (1) evaluates Amtrak’s boarding procedures for
21 passengers, including passengers using or trans-
22 porting nonmotorized transportation, such as wheel-
23 chairs and bicycles, at its 15 stations through which
24 the most people pass;

1 (2) compares Amtrak's boarding procedures
2 to—

3 (A) commuter railroad boarding proce-
4 dures at stations shared with Amtrak;

5 (B) international intercity passenger rail
6 boarding procedures; and

7 (C) fixed guideway transit boarding proce-
8 dures; and

9 (3) makes recommendations, as appropriate, in
10 consultation with the Transportation Security Ad-
11 ministration, to improve Amtrak's boarding proce-
12 dures, including recommendations regarding the
13 queuing of passengers and free-flow of all station
14 users and facility improvements needed to achieve
15 the recommendations.

16 (b) CONSIDERATION OF RECOMMENDATIONS.—Not
17 later than 6 months after the report is submitted under
18 subsection (a), Amtrak shall consider each recommenda-
19 tion provided under subsection (a)(3) for implementation
20 at appropriate locations across the Amtrak system.

21 **Subtitle C—Intercity Passenger**
22 **Rail Policy**

23 **SEC. 35301. COMPETITIVE OPERATING GRANTS.**

24 (a) IN GENERAL.—Chapter 244 is amended—

25 (1) by striking section 24406; and

1 (2) by inserting after section 24405 the fol-
2 lowing:

3 **“§ 24406. Competitive operating grants**

4 “(a) APPLICANT DEFINED.—In this section, the term
5 ‘applicant’ means—

6 “(1) a State;

7 “(2) a group of States;

8 “(3) an Interstate Compact;

9 “(4) a public agency or publicly chartered au-
10 thority established by 1 or more States and having
11 responsibility for providing intercity rail passenger
12 transportation or commuter rail passenger transpor-
13 tation;

14 “(5) a political subdivision of a State;

15 “(6) Amtrak or another rail passenger carrier
16 that provides intercity rail passenger transportation;

17 “(7) Any rail carrier in partnership with at
18 least 1 of the entities described in paragraphs (1)
19 through (5); and

20 “(8) any combination of the entities described
21 in paragraphs (1) through (7).

22 “(b) GRANTS AUTHORIZED.—The Secretary of
23 Transportation shall develop and implement a program for
24 issuing 3-year operating assistance grants to applicants,

1 on a competitive basis, for the purpose of initiating, re-
2 storing, or enhancing intercity rail passenger service.

3 “(c) APPLICATION.—An applicant for a grant under
4 this section shall submit to the Secretary—

5 “(1) a capital and mobilization plan that—

6 “(A) describes any capital investments,
7 service planning actions (such as environmental
8 reviews), and mobilization actions (such as
9 qualification of train crews) required for initi-
10 ation of service; and

11 “(B) includes the timeline for undertaking
12 and completing each of the investments and ac-
13 tions referred to in subparagraph (A);

14 “(2) an operating plan that describes the
15 planned operation of the service, including—

16 “(A) the identity and qualifications of the
17 train operator;

18 “(B) the identity and qualifications of any
19 other service providers;

20 “(C) service frequency;

21 “(D) the planned routes and schedules;

22 “(E) the station facilities that will be uti-
23 lized;

24 “(F) projected ridership, revenues, and
25 costs;

1 “(G) descriptions of how the projections
2 under subparagraph (F) were developed;

3 “(H) the equipment that will be utilized,
4 how such equipment will be acquired or refur-
5 bished, and where such equipment will be main-
6 tained; and

7 “(I) a plan for ensuring safe operations
8 and compliance with applicable safety regula-
9 tions;

10 “(3) a funding plan that—

11 “(A) describes the funding of initial capital
12 costs and operating costs for the first 3 years
13 of operation;

14 “(B) includes a commitment by the appli-
15 cant to provide the funds described in subpara-
16 graph (A) to the extent not covered by Federal
17 grants and revenues; and

18 “(C) describes the funding of operating
19 costs and capital costs, to the extent necessary,
20 after the first 3 years of operation; and

21 “(4) a description of the status of negotiations
22 and agreements with—

23 “(A) each of the railroads or regional
24 transportation authorities whose tracks or fa-
25 cilities would be utilized by the service;

1 “(B) the anticipated rail passenger carrier,
2 if such entity is not part of the applicant group;
3 and

4 “(C) any other service providers or entities
5 expected to provide services or facilities that
6 will be used by the service, including any re-
7 quired access to Amtrak systems, stations, and
8 facilities if Amtrak is not part of the applicant
9 group.

10 “(d) PRIORITIES.—In awarding grants under this
11 section, the Secretary shall give priority to applications—

12 “(1) for which planning, design, any environ-
13 mental reviews, negotiation of agreements, acquisi-
14 tion of equipment, construction, and other actions
15 necessary for initiation of service have been com-
16 pleted or nearly completed;

17 “(2) that would restore service over routes for-
18 merly operated by Amtrak, including routes with
19 international connections;

20 “(3) that would provide daily or daytime service
21 over routes where such service did not previously
22 exist;

23 “(4) that include private funding (including
24 funding from railroads), and funding or other sig-

1 nificant participation by State, local, and regional
2 governmental and private entities;

3 “(5) that include a funding plan that dem-
4 onstrates the intercity rail passenger service will be
5 financially sustainable beyond the 3-year grant pe-
6 riod;

7 “(6) that would provide service to regions and
8 communities that are underserved or not served by
9 other intercity public transportation;

10 “(7) that would foster economic development,
11 particularly in rural communities and for disadvan-
12 taged populations;

13 “(8) that would provide other non-transpor-
14 tation benefits; and

15 “(9) that would enhance connectivity and geo-
16 graphic coverage of the existing national network of
17 intercity passenger rail service.

18 “(e) LIMITATIONS.—

19 “(1) DURATION.—Federal operating assistance
20 grants authorized under this section for any indi-
21 vidual intercity rail passenger transportation route
22 may not provide funding for more than 3 years and
23 may not be renewed.

1 “(2) LIMITATION.—Not more than 6 of the op-
2 erating assistance grants awarded pursuant to sub-
3 section (b) may be simultaneously active.

4 “(3) MAXIMUM FUNDING.—Grants described in
5 paragraph (1) may not exceed—

6 “(A) 80 percent of the projected net oper-
7 ating costs for the first year of service;

8 “(B) 60 percent of the projected net oper-
9 ating costs for the second year of service; and

10 “(C) 40 percent of the projected net oper-
11 ating costs for the third year of service.

12 “(f) USE WITH CAPITAL GRANTS AND OTHER FED-
13 ERAL FUNDING.—A recipient of an operating assistance
14 grant under subsection (b) may use that grant in combina-
15 tion with other grants awarded under this chapter or any
16 other Federal funding that would benefit the applicable
17 service.

18 “(g) AVAILABILITY.—Amounts appropriated for car-
19 rying out this section shall remain available until ex-
20 pended.

21 “(h) COORDINATION WITH AMTRAK.—If the Sec-
22 retary awards a grant under this section to a rail pas-
23 senger carrier other than Amtrak, Amtrak may be re-
24 quired under section 24711(c)(1) of this title to provide
25 access to its reservation system, stations, and facilities

1 that are directly related to operations to such carrier, to
2 the extent necessary to carry out the purposes of this sec-
3 tion. The Secretary may award an appropriate portion of
4 the grant to Amtrak as compensation for this access.

5 “(i) CONDITIONS.—

6 “(1) GRANT AGREEMENT.—The Secretary shall
7 require grant recipients under this section to enter
8 into a grant agreement that requires them to pro-
9 vide similar information regarding the route per-
10 formance, financial, and ridership projections, and
11 capital and business plans that Amtrak is required
12 to provide, and such other data and information as
13 the Secretary deems necessary.

14 “(2) INSTALLMENTS; TERMINATION.—The Sec-
15 retary may—

16 “(A) award grants under this section in in-
17 stallments, as the Secretary considers appro-
18 priate; and

19 “(B) terminate any grant agreement
20 upon—

21 “(i) the cessation of service; or

22 “(ii) the violation of any other term of
23 the grant agreement.

24 “(3) GRANT CONDITIONS.—Except as specifi-
25 cally provided in this section, the use of any

1 amounts appropriated for grants under this section
2 shall be subject to the requirements under this chap-
3 ter.

4 “(j) REPORT.—Not later than 4 years after the date
5 of enactment of the Railroad Reform, Enhancement, and
6 Efficiency Act, the Secretary, after consultation with
7 grant recipients under this section, shall submit a report
8 to Congress that describes—

9 “(1) the implementation of this section;

10 “(2) the status of the investments and oper-
11 ations funded by such grants;

12 “(3) the performance of the routes funded by
13 such grants;

14 “(4) the plans of grant recipients for continued
15 operation and funding of such routes; and

16 “(5) any legislative recommendations.”.

17 (b) CONFORMING AMENDMENTS.—Chapter 244 is
18 amended—

19 (1) in the table of contents, by inserting after
20 the item relating to section 24405 the following:

“24406. Competitive operating grants.”;

21 (2) in the chapter title, by striking “**INTER-**
22 **CITY PASSENGER RAIL SERVICE COR-**
23 **RIDOR CAPITAL**” and inserting “**RAIL CAP-**
24 **ITAL AND OPERATING**”;

25 (3) in section 24401, by striking paragraph (1);

1 (4) in section 24402, by striking subsection (j)
2 and inserting the following:

3 “(j) APPLICANT DEFINED.—In this section, the term
4 ‘applicant’ means a State (including the District of Co-
5 lumbia), a group of States, an Interstate Compact, a pub-
6 lic agency or publicly chartered authority established by
7 1 or more States and having responsibility for providing
8 intercity rail passenger transportation, or a political sub-
9 division of a State.”; and

10 (5) in section 24405—

11 (A) in subsection (b)—

12 (i) by inserting “, or for which an op-
13 erating grant is issued under section
14 24406,” after “chapter”; and

15 (ii) in paragraph (2), by striking
16 “(43” and inserting “(45”;

17 (B) in subsection (d)(1), in the matter pre-
18 ceding subparagraph (A), by inserting “or un-
19 less Amtrak ceased providing intercity pas-
20 senger railroad transportation over the affected
21 route more than 3 years before the commence-
22 ment of new service” after “unless such service
23 was provided solely by Amtrak to another enti-
24 ty”;

1 (C) in subsection (f), by striking “under
2 this chapter for commuter rail passenger trans-
3 portation, as defined in section 24012(4) of this
4 title.” and inserting “under this chapter for
5 commuter rail passenger transportation (as de-
6 fined in section 24102(3)).”; and

7 (D) by adding at the end the following:

8 “(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—
9 In carrying out this chapter, the Secretary shall allocate
10 an appropriate portion of the amounts available under this
11 chapter to provide grants to States—

12 “(1) in which there is no intercity passenger
13 rail service, for the purpose of funding freight rail
14 capital projects that are on a State rail plan devel-
15 oped under chapter 227 that provide public benefits
16 (as defined in chapter 227), as determined by the
17 Secretary; or

18 “(2) in which the rail transportation system is
19 not physically connected to rail systems in the conti-
20 nental United States or may not otherwise qualify
21 for a grant under this section due to the unique
22 characteristics of the geography of that State or
23 other relevant considerations, for the purpose of
24 funding transportation-related capital projects.”.

1 **SEC. 35302. FEDERAL-STATE PARTNERSHIP FOR STATE OF**
2 **GOOD REPAIR.**

3 (a) AMENDMENT.—Chapter 244 is amended by in-
4 serting after section 24406, as added by section 5301 of
5 this Act, the following:

6 **“§ 24407. Federal-State partnership for state of good**
7 **repair**

8 “(a) DEFINITIONS.—In this section:

9 “(1) APPLICANT.—The term ‘applicant’
10 means—

11 “(A) a State (including the District of Co-
12 lumbia);

13 “(B) a group of States;

14 “(C) an Interstate Compact;

15 “(D) a public agency or publicly chartered
16 authority established by 1 or more States that
17 has responsibility for providing intercity rail
18 passenger transportation or commuter rail pas-
19 senger transportation;

20 “(E) a political subdivision of a State;

21 “(F) Amtrak, acting on its own behalf or
22 under a cooperative agreement with 1 or more
23 States; or

24 “(G) any combination of the entities de-
25 scribed in subparagraphs (A) through (F).

1 “(2) CAPITAL PROJECT.—The term ‘capital
2 project’ means—

3 “(A) a project primarily intended to re-
4 place, rehabilitate, or repair major infrastruc-
5 ture assets utilized for providing intercity pas-
6 senger rail service, including tunnels, bridges,
7 stations, and other assets, as determined by the
8 Secretary; or

9 “(B) a project primarily intended to im-
10 prove intercity passenger rail performance, in-
11 cluding reduced trip times, increased train fre-
12 quencies, higher operating speeds, and other
13 improvements, as determined by the Secretary.

14 “(3) NORTHEAST CORRIDOR.—The term
15 ‘Northeast Corridor’ means—

16 “(A) the main rail line between Boston,
17 Massachusetts and the Virginia Avenue inter-
18 locking in the District of Columbia; and

19 “(B) the branch rail lines connecting to
20 Harrisburg, Pennsylvania, Springfield, Massa-
21 chusetts, and Spuyten Duyvil, New York.

22 “(4) QUALIFIED RAILROAD ASSET.—The term
23 ‘qualified railroad asset’ means infrastructure,
24 equipment, or a facility that—

1 “(A) is owned or controlled by an eligible
2 applicant; and

3 “(B) was not in a state of good repair on
4 the date of enactment of the Railroad Reform,
5 Enhancement, and Efficiency Act.

6 “(b) GRANT PROGRAM AUTHORIZED.—The Secretary
7 of Transportation shall develop and implement a program
8 for issuing grants to applicants, on a competitive basis,
9 to fund capital projects that reduce the state of good re-
10 pair backlog on qualified railroad assets.

11 “(c) ELIGIBLE PROJECTS.—Projects eligible for
12 grants under this section include capital projects to re-
13 place or rehabilitate qualified railroad assets, including—

14 “(1) capital projects to replace existing assets
15 in-kind;

16 “(2) capital projects to replace existing assets
17 with assets that increase capacity or provide a high-
18 er level of service; and

19 “(3) capital projects to ensure that service can
20 be maintained while existing assets are brought to a
21 state of good repair.

22 “(d) PROJECT SELECTION CRITERIA.—In selecting
23 an applicant for a grant under this section, the Secretary
24 shall—

25 “(1) give preference to eligible projects—

1 “(A) that are consistent with the goals, ob-
2 jectives, and policies defined in any regional rail
3 planning document that is applicable to a
4 project proposal; and

5 “(B) for which the proposed Federal share
6 of total project costs does not exceed 50 per-
7 cent; and

8 “(2) take into account—

9 “(A) the cost-benefit analysis of the pro-
10 posed project, including anticipated private and
11 public benefits relative to the costs of the pro-
12 posed project, including—

13 “(i) effects on system and service per-
14 formance;

15 “(ii) effects on safety, competitive-
16 ness, reliability, trip or transit time, and
17 resilience;

18 “(iii) efficiencies from improved inte-
19 gration with other modes; and

20 “(iv) ability to meet existing or antici-
21 pated demand;

22 “(B) the degree to which the proposed
23 project’s business plan considers potential pri-
24 vate sector participation in the financing, con-
25 struction, or operation of the proposed project;

1 “(C) the applicant’s past performance in
2 developing and delivering similar projects, and
3 previous financial contributions;

4 “(D) whether the applicant has, or will
5 have—

6 “(i) the legal, financial, and technical
7 capacity to carry out the project;

8 “(ii) satisfactory continuing control
9 over the use of the equipment or facilities;
10 and

11 “(iii) the capability and willingness to
12 maintain the equipment or facilities;

13 “(E) if applicable, the consistency of the
14 project with planning guidance and documents
15 set forth by the Secretary or required by law;
16 and

17 “(F) any other relevant factors, as deter-
18 mined by the Secretary.

19 “(e) PLANNING REQUIREMENTS.—A project is not el-
20 igible for a grant under this section unless the project is
21 specifically identified—

22 “(1) on a State rail plan prepared in accord-
23 ance with chapter 227; or

1 “(2) if the project is located on the Northeast
2 Corridor, on the Northeast Corridor Capital Invest-
3 ment Plan developed pursuant to section 24904(a).

4 “(f) NORTHEAST CORRIDOR PROJECTS.—

5 “(1) COMPLIANCE WITH USAGE AGREE-
6 MENTS.—Grant funds may not be provided under
7 this section to an eligible recipient for an eligible
8 project located on the Northeast Corridor unless
9 Amtrak and the public authorities providing com-
10 muter rail passenger transportation on the North-
11 east Corridor are in compliance with section
12 24905(c)(2).

13 “(2) CAPITAL INVESTMENT PLAN.—When se-
14 lecting projects located on the Northeast Corridor,
15 the Secretary shall consider the appropriate se-
16 quence and phasing of projects as contained in the
17 Northeast Corridor Capital Investment Plan devel-
18 oped pursuant to section 24904(a).

19 “(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

20 “(1) TOTAL PROJECT COST.—The Secretary
21 shall estimate the total cost of a project under this
22 section based on the best available information, in-
23 cluding engineering studies, studies of economic fea-
24 sibility, environmental analyses, and information on
25 the expected use of equipment or facilities.

1 “(2) FEDERAL SHARE.—The Federal share of
2 total costs for a project under this subsection shall
3 not exceed 80 percent.

4 “(3) TREATMENT OF AMTRAK REVENUE.—If
5 Amtrak or another rail passenger carrier is an appli-
6 cant under this section, Amtrak or the other rail
7 passenger carrier, as applicable, may use ticket and
8 other revenues generated from its operations and
9 other sources to satisfy the non-Federal share re-
10 quirements.

11 “(h) LETTERS OF INTENT.—

12 “(1) IN GENERAL.—The Secretary may issue a
13 letter of intent to a grantee under this section
14 that—

15 “(A) announces an intention to obligate,
16 for a major capital project under this section,
17 an amount from future available budget author-
18 ity specified in law that is not more than the
19 amount stipulated as the financial participation
20 of the Secretary in the project; and

21 “(B) states that the contingent commit-
22 ment—

23 “(i) is not an obligation of the Fed-
24 eral Government; and

1 “(ii) is subject to the availability of
2 appropriations under Federal law and to
3 Federal laws in force or enacted after the
4 date of the contingent commitment.

5 “(2) CONGRESSIONAL NOTIFICATION.—

6 “(A) IN GENERAL.—Not later than 30
7 days before issuing a letter under paragraph
8 (1), the Secretary shall submit written notifica-
9 tion to—

10 “(i) the Committee on Commerce,
11 Science, and Transportation of the Senate;

12 “(ii) the Committee on Appropriations
13 of the Senate;

14 “(iii) the Committee on Transpor-
15 tation and Infrastructure of the House of
16 Representatives; and

17 “(iv) the Committee on Appropria-
18 tions of the House of Representatives.

19 “(B) CONTENTS.—The notification sub-
20 mitted pursuant to subparagraph (A) shall in-
21 clude—

22 “(i) a copy of the proposed letter or
23 agreement;

1 “(ii) the criteria used under sub-
2 section (d) for selecting the project for a
3 grant award; and

4 “(iii) a description of how the project
5 meets such criteria.

6 “(3) APPROPRIATIONS REQUIRED.—An obliga-
7 tion or administrative commitment may be made
8 under this section only when amounts are appro-
9 priated for such purpose.

10 “(i) AVAILABILITY.—Amounts appropriated for car-
11 rying out this section shall remain available until ex-
12 pended.

13 “(j) GRANT CONDITIONS.—Except as specifically
14 provided in this section, the use of any amounts appro-
15 priated for grants under this section shall be subject to
16 the requirements under this chapter.”.

17 (b) CONFORMING AMENDMENT.—The table of con-
18 tents for chapter 244 is amended by inserting after the
19 item relating to section 24406 the following:

 “24407. Federal-State partnership for state of good repair.”.

20 **SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.**

21 Section 24402 is amended by adding at the end the
22 following:

23 “(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 Sec-
7 retary, that the applicant has committed, and
8 will be able to fulfill, the non-Federal share re-
9 quired for the grant within the applicant’s pro-
10 posed project 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
23 equipment, that has operational independ-
24 ence or 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
20 a pro-rata share of the Federal contribution,
21 based upon the percentage remaining of the 20-
22 year period that commenced when the project
23 property was placed in service.

24 “(2) EARLY WORK.—The Secretary may allow a
25 grantee subject to this subsection to engage in at-

1 risk work activities subsequent to the conclusion of
2 final design if the Secretary determines that such
3 work activities are reasonable and necessary.”.

4 **SEC. 35304. SMALL BUSINESS PARTICIPATION STUDY.**

5 (a) STUDY.—The Secretary shall conduct a nation-
6 wide disparity and availability study on the availability
7 and use of small business concerns owned and controlled
8 by socially and economically disadvantaged individuals and
9 veteran-owned small businesses in publicly funded inter-
10 city passenger 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 re-
13 port containing the results of the study conducted under
14 subsection (a) to the Committee on Commerce, Science,
15 and Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives.

18 (c) DEFINITIONS.—In this section:

19 (1) SMALL BUSINESS CONCERN.—The term
20 “small business concern” has the meaning given
21 such term in section 3 of the Small Business Act
22 (15 U.S.C. 632), except that the term does not in-
23 clude any concern or group of concerns controlled by
24 the same socially and economically disadvantaged in-
25 dividual or individuals that have average annual

1 gross receipts during the preceding 3 fiscal years in
2 excess of \$22,410,000, as adjusted annually by the
3 Secretary 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
8 Business Act (15 U.S.C. 637(d)) and relevant sub-
9 contracting regulations issued pursuant to such Act,
10 except that women shall be presumed to be socially
11 and economically disadvantaged individuals for pur-
12 poses of this section.

13 (3) VETERAN-OWNED SMALL BUSINESS.—The
14 term “veteran-owned small business” has the mean-
15 ing given the term “small business concern owned
16 and controlled by veterans” in section 3(q)(3) of the
17 Small Business Act (15 U.S.C. 632(q)(3)), except
18 that the term does not include any concern or group
19 of concerns controlled by the same veterans that
20 have average annual gross receipts during the pre-
21 ceding 3 fiscal years in excess of \$22,410,000, as
22 adjusted annually 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
2 rail passenger service in the Gulf Coast region between
3 New Orleans, Louisiana, and Orlando, Florida.

4 (b) MEMBERSHIP.—The working group convened
5 pursuant to subsection (a) shall consist of representatives
6 of—

7 (1) the Federal Railroad Administration, which
8 shall serve as chair of the working group;

9 (2) Amtrak;

10 (3) the States along the proposed route or
11 routes;

12 (4) regional transportation planning organiza-
13 tions and metropolitan planning organizations, mu-
14 nicipalities, and communities along the proposed
15 route or routes, which shall be selected by the Ad-
16 ministrator;

17 (5) the Southern Rail Commission;

18 (6) freight railroad carriers whose tracks may
19 be used for such service; and

20 (7) other entities determined appropriate by the
21 Secretary, which may include independent passenger
22 rail operators that express an interest in Gulf Coast
23 service.

24 (c) RESPONSIBILITIES.—The working group shall—

1 (1) evaluate all options for restoring intercity
2 rail passenger service in the Gulf Coast region, in-
3 cluding options outlined in the report transmitted to
4 Congress pursuant to section 226 of the Passenger
5 Rail Investment and Improvement Act of 2008 (divi-
6 sion B of Public Law 110–432);

7 (2) select a preferred option for restoring such
8 service;

9 (3) develop a prioritized inventory of capital
10 projects and other actions required to restore such
11 service and cost estimates for such projects or ac-
12 tions; and

13 (4) identify Federal and non-Federal funding
14 sources required to restore such service, including
15 options for entering into public-private partnerships
16 to restore such service.

17 (d) REPORT.—Not later than 9 months after the date
18 of enactment of this Act, the working group shall submit
19 a report to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives that includes—

23 (1) the preferred option selected under sub-
24 section (c)(2) and the reasons for selecting such op-
25 tion;

1 (2) the information described in subsection
2 (c)(3);

3 (3) the funding sources identified under sub-
4 section (c)(4);

5 (4) the costs and benefits of restoring intercity
6 rail passenger transportation in the region; and

7 (5) any other information the working group
8 determines appropriate.

9 **SEC. 35306. INTEGRATED PASSENGER RAIL WORKING**
10 **GROUP.**

11 (a) **IN GENERAL.**—Not later than 180 days after the
12 date of enactment of this Act, the Secretary shall convene
13 a working group to review issues relating to—

14 (1) the potential operation of State-supported
15 routes by rail passenger carriers other than Amtrak;
16 and

17 (2) their role in establishing an integrated
18 intercity passenger rail network in the United
19 States.

20 (b) **MEMBERSHIP.**—The working group shall consist
21 of a balanced representation of—

22 (1) the Federal Railroad Administration, who
23 shall chair the Working Group;

24 (2) States that fund State-sponsored routes;

1 (3) independent passenger rail operators, in-
2 cluding those that carry at least 5,000,000 pas-
3 sengers annually in United States or international
4 rail service;

5 (4) Amtrak;

6 (5) railroads that host intercity State-supported
7 routes;

8 (6) employee representatives from railroad
9 unions and building trade unions with substantial
10 engagement in railroad rights of way construction
11 and maintenance; and

12 (7) other entities determined appropriate by the
13 Secretary.

14 (c) RESPONSIBILITIES.—The working group shall
15 evaluate options for improving State-supported routes and
16 may make recommendations, as appropriate, regarding—

17 (1) best practices for State or State authority
18 governance of State-supported routes;

19 (2) future sources of Federal and non-Federal
20 funding sources for State-supported routes;

21 (3) best practices in obtaining passenger rail
22 operations and services on a competitive basis with
23 the objective of creating the highest quality service
24 at the lowest cost to the taxpayer;

1 (4) ensuring potential interoperability of State-
2 supported routes as a part of a national network
3 with multiple providers providing integrated services
4 including ticketing, scheduling, and route planning;
5 and

6 (5) the interface between State-supported
7 routes and connecting commuter rail operations, in-
8 cluding maximized intra-modal and intermodal con-
9 nections and common sources of funding for capital
10 projects.

11 (d) MEETINGS.—Not later than 60 days after the es-
12 tablishment of the working group by the Secretary under
13 subsection (a), the working group shall convene an organi-
14 zational meeting outside of the District of Columbia and
15 shall define the rules and procedures governing the pro-
16 ceedings of the working group. The working group shall
17 hold at least 3 meetings per year in States that fund
18 State-supported routes.

19 (e) REPORTS.—

20 (1) PRELIMINARY REPORT.—Not later than 1
21 year after the date the working group is established,
22 the working group shall submit a preliminary report
23 to the Secretary, the Governors of States funding
24 State-supported routes, the Committee on Com-
25 merce, Science, and Transportation of the Senate,

1 and the Committee on Transportation and Infra-
2 structure of the House of Representatives that in-
3 cludes—

4 (A) administrative recommendations that
5 can be implemented by a State and State au-
6 thority or by the Secretary; and

7 (B) preliminary legislative recommenda-
8 tions.

9 (2) FINAL LEGISLATIVE RECOMMENDATIONS.—

10 Not later than 2 years after the date the working
11 group is established, the working group shall submit
12 a report to the Committee on Commerce, Science,
13 and Transportation of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the
15 House of Representatives that includes final legisla-
16 tive recommendations.

17 **SEC. 35307. SHARED-USE STUDY.**

18 (a) IN GENERAL.—Not later than 3 years after the
19 date of enactment of this Act, the Secretary, in consulta-
20 tion with Amtrak, commuter rail authorities, and other
21 passenger rail operators, railroad carriers that own rail
22 infrastructure over which both passenger and freight
23 trains operate, States, the Surface Transportation Board,
24 the Northeast Corridor Commission established under sec-
25 tion 24905, the State-Supported Route Committee estab-

1 lished under section 24712, and groups representing rail
2 passengers and customers, as appropriate, shall complete
3 a study that evaluates—

4 (1) the shared use of right-of-way by passenger
5 and freight rail systems; and

6 (2) the operational, institutional, and legal
7 structures that would best support improvements to
8 the systems referred to in paragraph (1).

9 (b) AREAS OF STUDY.—In conducting the study
10 under subsection (a), the Secretary shall evaluate—

11 (1) the access and use of railroad right-of-way
12 by a rail carrier that does not own the right-of-way,
13 such as passenger rail services that operate over pri-
14 vately-owned right-of-way, including an analysis of—

15 (A) access agreements;

16 (B) costs of access; and

17 (C) the resolution of disputes relating to
18 such access or costs;

19 (2) the effectiveness of existing contractual,
20 statutory, and regulatory mechanisms for estab-
21 lishing, measuring, and enforcing train performance
22 standards, including—

23 (A) the manner in which passenger train
24 delays are recorded;

1 (B) the assignment of responsibility for
2 such delays; and

3 (C) the use of incentives and penalties for
4 performance;

5 (3) strengths and weaknesses in the existing
6 mechanisms described in paragraph (2) and possible
7 approaches to address the weaknesses;

8 (4) mechanisms for measuring and maintaining
9 public benefits resulting from publicly funded freight
10 or passenger rail improvements, including improve-
11 ments directed towards shared-use right-of-way by
12 passenger and freight rail;

13 (5) approaches to operations, capacity, and cost
14 estimation modeling that—

15 (A) allows for transparent decisionmaking;

16 and

17 (B) protects the proprietary interests of all
18 parties;

19 (6) liability requirements and arrangements, in-
20 cluding—

21 (A) whether to expand statutory liability
22 limits to additional parties;

23 (B) whether to revise the current statutory
24 liability limits;

1 (C) whether current insurance levels of
2 passenger rail operators are adequate and
3 whether to establish minimum insurance re-
4 quirements for such passenger rail operators;
5 and

6 (D) whether to establish a liability regime
7 modeled after section 170 of the Atomic Energy
8 Act of 1954 (42 U.S.C. 2210);

9 (7) the effect on rail passenger services, oper-
10 ations, liability limits and insurance levels of the as-
11 sertion of sovereign immunity by a State; and

12 (8) other issues identified by the Secretary.

13 (c) REPORT.—Not later than 60 days after the study
14 under subsection (a) is complete, the Secretary shall sub-
15 mit to the Committee on Commerce, Science, and Trans-
16 portation of the Senate and the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 a report that includes—

19 (1) the results of the study; and

20 (2) any recommendations for further action, in-
21 cluding any legislative proposals consistent with such
22 recommendations.

23 (d) IMPLEMENTATION.—The Secretary shall inte-
24 grate the recommendations submitted under subsection (c)
25 into its financial assistance programs under subtitle V of

1 title 49, United States Code, and section 502 of the Rail-
2 road Revitalization and Regulatory Reform Act of 1976
3 (45 U.S.C. 822), as appropriate.

4 **SEC. 35308. NORTHEAST CORRIDOR COMMISSION.**

5 (a) COMPOSITION.—Section 24905(a) is amended—

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph
8 (A), by inserting “, infrastructure investments,”
9 after “rail operations”;

10 (B) by amending subparagraph (B) to read
11 as follows:

12 “(B) members representing the Department of
13 Transportation, including the Office of the Sec-
14 retary, the Federal Railroad Administration, and the
15 Federal Transit Administration;”; and

16 (C) in subparagraph (D) by inserting “and
17 commuter” after “freight”; and

18 (2) by amending paragraph (6) to read as fol-
19 lows:

20 “(6) The members of the Commission shall
21 elect co-chairs consisting of 1 member described in
22 paragraph (1)(B) and 1 member described in para-
23 graph (1)(C).”.

24 (b) STATEMENT OF GOALS AND RECOMMENDA-
25 TIONS.—Section 24905(b) is amended—

1 transportation along the Northeast Cor-
2 ridor; and

3 “(ii) the delivery of the capital plan
4 described in section 24904.”.

5 (c) COST ALLOCATION POLICY.—Section 24905(c) is
6 amended—

7 (1) in the subsection heading, by striking “AC-
8 CESS COSTS” and inserting “ALLOCATION OF
9 COSTS”;

10 (2) in paragraph (1)—

11 (A) in the paragraph heading, by striking
12 “FORMULA” and inserting “POLICY”;

13 (B) in the matter preceding subparagraph
14 (A), by striking “Within 2 years after the date
15 of enactment of the Passenger Rail Investment
16 and Improvement Act of 2008, the Commis-
17 sion” and inserting “The Commission”;

18 (C) in subparagraph (A), by striking “for-
19 mula” and inserting “policy”; and

20 (D) by striking subparagraph (B) through
21 (D) and inserting the following:

22 “(B) develop a proposed timetable for im-
23 plementing the policy;

24 “(C) submit the policy and timetable devel-
25 oped under subparagraph (B) to the Surface

1 24904(c) of this title” and inserting “for
2 such usage in accordance with the proce-
3 dures and procedural schedule applicable
4 to a proceeding under section 24903(c),
5 after taking into consideration the policy
6 developed under paragraph (1)(A), as ap-
7 plicable”;

8 (4) in paragraph (3), by striking “formula” and
9 inserting “policy”; and

10 (5) by adding at the end the following:

11 “(4) REQUEST FOR DISPUTE RESOLUTION.—If
12 a dispute arises with the implementation of, or com-
13 pliance with, the policy developed under paragraph
14 (1), the Commission, Amtrak, or public authorities
15 providing commuter rail passenger transportation on
16 the Northeast Corridor may request that the Surface
17 Transportation Board conduct dispute resolution.
18 The Surface Transportation Board shall establish
19 procedures for resolution of disputes brought before
20 it under this paragraph, which may include the pro-
21 vision of professional mediation services.”.

22 (d) CONFORMING AMENDMENTS.—Section 24905 is
23 amended—

24 (1) by striking subsection (d);

1 (2) by redesignating subsections (e) and (f) as
2 subsections (d) and (e), respectively;

3 (3) in subsection (d), as redesignated, by strik-
4 ing “to the Commission such sums as may be nec-
5 essary for the period encompassing fiscal years 2009
6 through 2013 to carry out this section” and insert-
7 ing “to the Secretary for the use of the Commission
8 and the Northeast Corridor Safety Committee such
9 sums as may be necessary to carry out this section
10 during fiscal year 2016 through 2019, in addition to
11 amounts withheld under section 35101(e) of the
12 Railroad Reform, Enhancement, and Efficiency
13 Act”; and

14 (4) in subsection (e)(2), as redesignated, by
15 striking “on the main line.” and inserting “on the
16 main line and meet annually with the Commission
17 on the topic of Northeast Corridor safety and secu-
18 rity.”.

19 (e) NORTHEAST CORRIDOR PLANNING.—

20 (1) AMENDMENT.—Chapter 249 is amended—

21 (A) by redesignating section 24904 as sec-
22 tion 24903; and

23 (B) by inserting after section 24903, as re-
24 designated, the following:

1 **“§ 24904. Northeast Corridor planning**

2 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
3 PLAN.—

4 “(1) REQUIREMENT.—Not later than May 1 of
5 each year, the Northeast Corridor Commission es-
6 tablished under section 24905 (referred to in this
7 section as the ‘Commission’) shall—

8 “(A) develop a capital investment plan for
9 the Northeast Corridor main line between Bos-
10 ton, Massachusetts, and the Virginia Avenue
11 interlocking in the District of Columbia, and
12 the Northeast Corridor branch lines connecting
13 to Harrisburg, Pennsylvania, Springfield, Mas-
14 sachusetts, and Spuyten Duyvil, New York, in-
15 cluding the facilities and services used to oper-
16 ate and maintain those lines; and

17 “(B) submit the capital investment plan to
18 the Secretary of Transportation and the Com-
19 mittee on Commerce, Science, and Transpor-
20 tation of the Senate and the Committee on
21 Transportation and Infrastructure of the House
22 of Representatives.

23 “(2) CONTENTS.—The capital investment plan
24 shall—

25 “(A) reflect coordination and network opti-
26 mization across the entire Northeast Corridor;

1 “(B) integrate the individual capital and
2 service plans developed by each operator using
3 the methods described in the cost allocation pol-
4 icy developed under section 24905(c);

5 “(C) cover a period of 5 fiscal years, begin-
6 ning with the first fiscal year after the date on
7 which the plan is completed;

8 “(D) notwithstanding section 24902(b),
9 identify, prioritize, and phase the implementa-
10 tion of projects and programs to achieve the
11 service outcomes identified in the Northeast
12 Corridor service development plan and the asset
13 condition needs identified in the Northeast Cor-
14 ridor asset management plans, once available,
15 and consider—

16 “(i) the benefits and costs of capital
17 investments in the plan;

18 “(ii) project and program readiness;

19 “(iii) the operational impacts; and

20 “(iv) funding availability;

21 “(E) categorize capital projects and pro-
22 grams as primarily associated with;

23 “(i) normalized capital replacement
24 and basic infrastructure renewals;

1 “(H) include a financial plan.

2 “(3) FINANCIAL PLAN.—The financial plan
3 under paragraph (2)(H) shall—

4 “(A) identify funding sources and financ-
5 ing methods;

6 “(B) identify the expected allocated shares
7 of costs pursuant to the cost allocation policy
8 developed under section 24905(c);

9 “(C) identify the projects and programs
10 that the Commission expects will receive Fed-
11 eral financial assistance; and

12 “(D) identify the eligible entity or entities
13 that the Commission expects will receive the
14 Federal financial assistance described under
15 subparagraph (C).

16 “(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT
17 PLAN.—If a capital investment plan has not been devel-
18 oped by the Commission for a given fiscal year, then the
19 funds assigned to the account established under section
20 24319(b) for that fiscal year may be spent only on—

21 “(1) capital projects described in clause (i) or
22 (iii) of subsection (a)(2)(E) of this section; or

23 “(2) capital projects described in subsection
24 (a)(2)(E)(iv) of this section that are for the sole
25 benefit of Amtrak.

1 “(c) NORTHEAST CORRIDOR ASSET MANAGE-
2 MENT.—

3 “(1) CONTENTS.—With regard to its infrastruc-
4 ture, Amtrak and each State and public transpor-
5 tation entity that owns infrastructure that supports
6 or provides for intercity rail passenger transpor-
7 tation on the Northeast Corridor shall develop an
8 asset management system and develop and update,
9 as necessary, a Northeast Corridor asset manage-
10 ment plan for each service territory described in sub-
11 section (a) that—

12 “(A) are consistent with the Federal Tran-
13 sit Administration process, as authorized under
14 section 5326, when implemented; and

15 “(B) include, at a minimum—

16 “(i) an inventory of all capital assets
17 owned by the developer of the asset man-
18 agement plan;

19 “(ii) an assessment of asset condition;

20 “(iii) a description of the resources
21 and processes necessary to bring or main-
22 tain those assets in a state of good repair,
23 including decision-support tools and invest-
24 ment prioritization methods; and

1 “(iv) a description of changes in asset
2 condition since the previous version of the
3 plan.

4 “(2) TRANSMITTAL.—Each entity described in
5 paragraph (1) shall transmit to the Commission—

6 “(A) not later than 2 years after the date
7 of enactment of the Railroad Reform, Enhance-
8 ment, and Efficiency Act, its Northeast Cor-
9 ridor asset management plan developed under
10 paragraph (1); and

11 “(B) at least biennial thereafter, an update
12 to its Northeast Corridor asset management
13 plan.

14 “(d) NORTHEAST CORRIDOR SERVICE DEVELOP-
15 MENT PLAN UPDATES.—Not less frequently than once
16 every 10 years, the Commission shall update the North-
17 east Corridor service development plan.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) NOTE AND MORTGAGE.—Section
20 24907(a) is amended by striking “section
21 24904 of this title” and inserting “section
22 24903”.

23 (B) TABLE OF CONTENTS AMENDMENT.—
24 The table of contents for chapter 249 is amend-
25 ed—

1 (i) by redesignating the item relating
2 to section 24904 as relating to section
3 24903; and

4 (ii) by inserting after the item relating
5 to section 24903, as redesignated, the fol-
6 lowing:

“24904. Northeast Corridor planning.”.

7 (3) REPEAL.—Section 211 of the Passenger
8 Rail Investment and Improvement Act of 2008 (divi-
9 sion B of Public Law 110–432; 49 U.S.C. 24902
10 note) is repealed.

11 **SEC. 35309. NORTHEAST CORRIDOR THROUGH-TICKETING**
12 **AND PROCUREMENT EFFICIENCIES.**

13 (a) THROUGH-TICKETING STUDY.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of enactment of this Act, the Northeast
16 Corridor Commission established under section
17 24905(a) of title 49, United States Code (referred to
18 in this section as the “Commission”), in consultation
19 with Amtrak and the commuter rail passenger trans-
20 portation providers along the Northeast Corridor
21 shall complete a study on the feasibility of and op-
22 tions for permitting through-ticketing between Am-
23 trak service and commuter rail services on the
24 Northeast Corridor.

1 (2) CONTENTS.—In completing the study under
2 paragraph (1), the Northeast Corridor Commission
3 shall—

4 (A) examine the current state of intercity
5 and commuter rail ticketing technologies, poli-
6 cies, and other relevant aspects on the North-
7 east Corridor;

8 (B) consider and recommend technology,
9 process, policy, or other options that would per-
10 mit through-ticketing to allow intercity and
11 commuter rail passengers to purchase, in a sin-
12 gle transaction, travel that utilizes Amtrak and
13 connecting commuter rail services;

14 (C) consider options to expand through-
15 ticketing to include local transit services;

16 (D) summarize costs, benefits, opportuni-
17 ties, and impediments to developing such
18 through-ticketing options; and

19 (E) develop a proposed methodology, in-
20 cluding cost and schedule estimates, for car-
21 rying out a pilot program on through-ticketing
22 on the Northeast Corridor.

23 (3) REPORT.—Not later than 60 days after the
24 date the study under paragraph (1) is complete, the
25 Commission shall submit to the Committee on Com-

1 merce, Science, and Transportation of the Senate
2 and the Committee on Transportation and Infra-
3 structure of the House of Representatives a report
4 that includes—

5 (A) the results of the study; and

6 (B) any recommendations for further ac-
7 tion.

8 (b) JOINT PROCUREMENT STUDY.—

9 (1) IN GENERAL.—Not later than 3 years after
10 the date of enactment of this Act, the Secretary, in
11 cooperation with the Commission, Amtrak, and com-
12 muter rail transportation authorities on the North-
13 east Corridor shall complete a study of the potential
14 benefits resulting from Amtrak and such authorities
15 undertaking select joint procurements for common
16 materials, assets, and equipment when expending
17 Federal funds for such purchases.

18 (2) CONTENTS.—In completing the study under
19 paragraph (1), the Secretary shall consider—

20 (A) the types of materials, assets, and
21 equipment that are regularly purchased by Am-
22 trak and such authorities that are similar and
23 could be jointly procured;

24 (B) the potential benefits of such joint pro-
25 curements, including lower procurement costs,

1 better pricing, greater market relevancy, and
2 other efficiencies;

3 (C) the potential costs of such joint pro-
4 curements;

5 (D) any significant impediments to under-
6 taking joint procurements, including any nec-
7 essary harmonization and reconciliation of Fed-
8 eral and State procurement or safety regula-
9 tions or standards and other requirements; and

10 (E) whether to create Federal incentives or
11 requirements relating to considering or carrying
12 out joint procurements when expending Federal
13 funds.

14 (3) TRANSMISSION.—Not later than 60 days
15 after completing the study required under this sub-
16 section, the Secretary shall submit to the Committee
17 on Commerce, Science, and Transportation of the
18 Senate and the Committee on Transportation and
19 Infrastructure of the House of Representatives a re-
20 port that includes—

21 (A) the results of the study; and

22 (B) any recommendations for further ac-
23 tion.

24 (c) NORTHEAST CORRIDOR.—In this section, the
25 term “Northeast Corridor” means the Northeast Corridor

1 main line between Boston, Massachusetts, and the Vir-
2 ginia Avenue interlocking in the District of Columbia, and
3 the Northeast Corridor branch lines connecting to Harris-
4 burg, Pennsylvania, Springfield, Massachusetts, and
5 Spuyten Duyvil, New York, including the facilities and
6 services used to operate and maintain those lines.

7 **SEC. 35310. DATA AND ANALYSIS.**

8 (a) DATA.—Not later than 3 years after the date of
9 enactment of this Act, the Secretary, in consultation with
10 the Surface Transportation Board, Amtrak, freight rail-
11 roads, State and local governments, and regional business,
12 tourism and economic development agencies shall conduct
13 a data needs assessment—

14 (1) to support the development of an efficient
15 and effective intercity passenger rail network;

16 (2) to identify the data needed to conduct cost-
17 effective modeling and analysis for intercity pas-
18 senger rail development programs;

19 (3) to determine limitations to the data used
20 for inputs;

21 (4) to develop a strategy to address such limita-
22 tions;

23 (5) to identify barriers to accessing existing
24 data;

1 (6) to develop recommendations regarding
2 whether the authorization of additional data collec-
3 tion for intercity passenger rail travel is warranted;
4 and

5 (7) to determine which entities will be respon-
6 sible for generating or collecting needed data.

7 (b) **BENEFIT-COST ANALYSIS.**—Not later than 180
8 days after the date of enactment of this Act, the Secretary
9 shall enhance the usefulness of assessments of benefits
10 and costs, for intercity passenger rail and freight rail
11 projects—

12 (1) by providing ongoing guidance and training
13 on developing benefit and cost information for rail
14 projects;

15 (2) by providing more direct and consistent re-
16 quirements for assessing benefits and costs across
17 transportation funding programs, including the ap-
18 propriate use of discount rates;

19 (3) by requiring applicants to clearly commu-
20 nicate the methodology used to calculate the project
21 benefits and costs, including non-proprietary infor-
22 mation on—

23 (A) assumptions underlying calculations;

24 (B) strengths and limitations of data used;

25 and

1 (C) the level of uncertainty in estimates of
2 project benefits and costs; and

3 (4) by ensuring that applicants receive clear
4 and consistent guidance on values to apply for key
5 assumptions used to estimate potential project bene-
6 fits and costs.

7 (c) CONFIDENTIAL DATA.—The Secretary shall pro-
8 tect sensitive or confidential to the greatest extent per-
9 mitted by law. Nothing in this section shall require any
10 entity to provide information to the Secretary in the ab-
11 sence of a voluntary agreement.

12 **SEC. 35311. PERFORMANCE-BASED PROPOSALS.**

13 (a) SOLICITATION OF PROPOSALS.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date of enactment of this Act, the Secretary
16 shall issue a request for proposals for projects for
17 the financing, design, construction, operation, and
18 maintenance of an intercity passenger rail system,
19 including—

20 (A) the Northeast Corridor;

21 (B) the California Corridor;

22 (C) the Empire Corridor;

23 (D) the Pacific Northwest Corridor;

24 (E) the South Central Corridor;

25 (F) the Gulf Coast Corridor;

- 1 (G) the Chicago Hub Network;
2 (H) the Florida Corridor;
3 (I) the Keystone Corridor;
4 (J) the Northern New England Corridor;
5 and
6 (K) the Southeast Corridor.

7 (2) SUBMISSION.—Proposals shall be submitted
8 to the Secretary not later than 180 days after the
9 publication of such request for proposals under para-
10 graph (1).

11 (3) PERFORMANCE STANDARD.—Proposals sub-
12 mitted under paragraph (2) shall meet any stand-
13 ards established by the Secretary. For corridors with
14 existing intercity passenger rail service, proposals
15 shall also be designed to achieve a reduction of exist-
16 ing minimum intercity rail service trip times between
17 the main corridor city pairs by a minimum of 25
18 percent. In the case of a proposal submitted with re-
19 spect to paragraph (1)(A), the proposal shall be de-
20 signed to achieve a 2-hour or less express service be-
21 tween Washington, District of Columbia, and New
22 York City, New York.

23 (4) CONTENTS.—A proposal submitted under
24 this subsection shall include—

1 (A) the names and qualifications of the
2 persons submitting the proposal and the entities
3 proposed to finance, design, construct, operate,
4 and maintain the railroad, railroad equipment,
5 and related facilities, stations, and infrastruc-
6 ture;

7 (B) a detailed description of the proposed
8 rail service, including possible routes, required
9 infrastructure investments and improvements,
10 equipment needs and type, train frequencies,
11 peak and average operating speeds, and trip
12 times;

13 (C) a description of how the project would
14 comply with all applicable Federal rail safety
15 and security laws, orders, and regulations;

16 (D) the locations of proposed stations,
17 which maximize the usage of existing infra-
18 structure to the extent possible, and the popu-
19 lations such stations are intended to serve;

20 (E) the type of equipment to be used, in-
21 cluding any technologies, to achieve trip time
22 goals;

23 (F) a description of any proposed legisla-
24 tion needed to facilitate all aspects of the
25 project;

- 1 (G) a financing plan identifying—
- 2 (i) projected revenue, and sources
- 3 thereof;
- 4 (ii) the amount of any requested pub-
- 5 lic contribution toward the project, and
- 6 proposed sources;
- 7 (iii) projected annual ridership projec-
- 8 tions for the first 10 years of operations;
- 9 (iv) annual operations and capital
- 10 costs;
- 11 (v) the projected levels of capital in-
- 12 vestments required both initially and in
- 13 subsequent years to maintain a state-of-
- 14 good-repair necessary to provide the ini-
- 15 tially proposed level of service or higher
- 16 levels of service;
- 17 (vi) projected levels of private invest-
- 18 ment and sources thereof, including the
- 19 identity of any person or entity that has
- 20 made or is expected to make a commit-
- 21 ment to provide or secure funding and the
- 22 amount of such commitment; and
- 23 (vii) projected funding for the full fair
- 24 market compensation for any asset, prop-
- 25 erty right or interest, or service acquired

1 from, owned, or held by a private person or
2 Federal entity that would be acquired, im-
3 paired, or diminished in value as a result
4 of a project, except as otherwise agreed to
5 by the private person or entity;

6 (H) a description of how the project would
7 contribute to the development of the intercity
8 passenger rail system and an intermodal plan
9 describing how the system will facilitate conven-
10 ient travel connections with other transpor-
11 tation services;

12 (I) a description of how the project will en-
13 sure compliance with Federal laws governing
14 the rights and status of employees associated
15 with the route and service, including those spec-
16 ified in section 24405 of title 49, United States
17 Code;

18 (J) a description of how the design, con-
19 struction, implementation, and operation of the
20 project will accommodate and allow for future
21 growth of existing and projected intercity, com-
22 muter, and freight rail service;

23 (K) a description of how the project would
24 comply with Federal and State environmental
25 laws and regulations, of what environmental im-

1 pacts would result from the project, and of how
2 any adverse impacts would be mitigated; and

3 (L) a description of the project's impacts
4 on highway and aviation congestion, energy
5 consumption, land use, and economic develop-
6 ment in the service area.

7 (b) DETERMINATION AND ESTABLISHMENT OF COM-
8 MISSIONS.—Not later than 90 days after receipt of the
9 proposals under subsection (a), the Secretary shall—

10 (1) make a determination as to whether any
11 such proposals—

12 (A) contain the information required under
13 paragraphs (3) and (4) of subsection (a);

14 (B) are sufficiently credible to warrant fur-
15 ther consideration;

16 (C) are likely to result in a positive impact
17 on the Nation's transportation system; and

18 (D) are cost-effective and in the public in-
19 terest;

20 (2) establish a commission under subsection (c)
21 for each corridor with 1 or more proposals that the
22 Secretary determines satisfy the requirements of
23 paragraph (1); and

1 (3) forward to each commission established
2 under paragraph (2) the applicable proposals for re-
3 view and consideration.

4 (c) COMMISSIONS.—

5 (1) MEMBERS.—Each commission established
6 under subsection (b)(2) shall include—

7 (A) the governors of the affected States, or
8 their respective designees;

9 (B) mayors of appropriate municipalities
10 with stops along the proposed corridor, or their
11 respective designees;

12 (C) a representative from each freight rail-
13 road carrier using the relevant corridor, if ap-
14 plicable;

15 (D) a representative from each transit au-
16 thority using the relevant corridor, if applicable;

17 (E) representatives of nonprofit employee
18 labor organizations representing affected rail-
19 road employees; and

20 (F) the President of Amtrak or his or her
21 designee.

22 (2) APPOINTMENT AND SELECTION.—The Sec-
23 retary shall appoint the members under paragraph
24 (1). In selecting each commission's members to ful-
25 fill the requirements under subparagraphs (B) and

1 (E) of paragraph (1), the Secretary shall consult
2 with the Chairperson and Ranking Member of the
3 Committee on Commerce, Science, and Transpor-
4 tation of the Senate and of the Committee on Trans-
5 portation and Infrastructure of the House of Rep-
6 resentatives.

7 (3) CHAIRPERSON AND VICE-CHAIRPERSON SE-
8 LECTION.—The Chairperson and Vice-Chairperson
9 shall be elected from among members of each com-
10 mission.

11 (4) QUORUM AND VACANCY.—

12 (A) QUORUM.—A majority of the members
13 of each commission shall constitute a quorum.

14 (B) VACANCY.—Any vacancy in each com-
15 mission shall not affect its powers and shall be
16 filled in the same manner in which the original
17 appointment was made.

18 (5) APPLICATION OF LAW.—Except where oth-
19 erwise provided by this section, the Federal Advisory
20 Committee Act (5 U.S.C. App.) shall apply to each
21 commission created under this section.

22 (d) COMMISSION CONSIDERATION.—

23 (1) IN GENERAL.—Each commission established
24 under subsection (b)(2) shall be responsible for re-
25 viewing the proposal or proposals forwarded to it

1 under that subsection and not later than 90 days
2 after the establishment of the commission, shall
3 transmit to the Secretary a report, including—

4 (A) a summary of each proposal received;

5 (B) services to be provided under each pro-
6 posal, including projected ridership, revenues,
7 and costs;

8 (C) proposed public and private contribu-
9 tions for each proposal;

10 (D) the advantages offered by the proposal
11 over existing intercity passenger rail services;

12 (E) public operating subsidies or assets
13 needed for the proposed project;

14 (F) possible risks to the public associated
15 with the proposal, including risks associated
16 with project financing, implementation, comple-
17 tion, safety, and security;

18 (G) a ranked list of the proposals rec-
19 ommended for further consideration under sub-
20 section (e) in accordance with each proposal's
21 projected positive impact on the Nation's trans-
22 portation system;

23 (H) an identification of any proposed Fed-
24 eral legislation that would facilitate implemen-
25 tation of the projects and Federal legislation

1 that would be required to implement the
2 projects; and

3 (I) any other recommendations by the com-
4 mission concerning the proposed projects.

5 (2) VERBAL PRESENTATION.—Proposers shall
6 be given an opportunity to make a verbal presen-
7 tation to the commission to explain their proposals.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to the Sec-
10 retary for the use of each commission established
11 under subsection (b)(2) such sums as are necessary
12 to carry out this section.

13 (e) SELECTION BY SECRETARY.—

14 (1) IN GENERAL.—Not later than 60 days after
15 receiving the recommended proposals of the commis-
16 sions established under subsection (b)(2), the Sec-
17 retary shall—

18 (A) review such proposals and select any
19 proposal that provides substantial benefits to
20 the public and the national transportation sys-
21 tem, is cost-effective, offers significant advan-
22 tages over existing services, and meets other
23 relevant factors determined appropriate by the
24 Secretary; and

1 (B) submit to the Committee on Com-
2 merce, Science, and Transportation of the Sen-
3 ate and the Committee on Transportation and
4 Infrastructure of the House of Representatives
5 a report 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 sub-
10 section (d), and any other information the Sec-
11 retary 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
16 and the Committee on Transportation and Infra-
17 structure of the House of Representatives a report
18 containing any proposal with respect to subpara-
19 graphs (B) through (K) of subsection (a)(1) that are
20 selected by the Secretary under paragraph (1) of
21 this subsection, all the information regarding the
22 proposal provided to the Secretary under subsection
23 (d), and any other information the Secretary con-
24 siders relevant.

1 (3) LIMITATION ON REPORT SUBMISSION.—The
2 report required under paragraph (2) shall not be
3 submitted by the Secretary until the report sub-
4 mitted under paragraph (1)(B) has been considered
5 through a hearing by the Committee on Commerce,
6 Science, and Transportation of the Senate and the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives on the report sub-
9 mitted under paragraph (1)(B).

10 (f) NO ACTIONS WITHOUT ADDITIONAL AUTHOR-
11 ITY.—No Federal agency may take any action to imple-
12 ment, establish, facilitate, or otherwise act upon any pro-
13 posal submitted under this section, other than those ac-
14 tions specifically authorized by this section, without ex-
15 plicit statutory authority enacted after the date of enact-
16 ment of this Act.

17 (g) DEFINITIONS.—In this section:

18 (1) INTERCITY PASSENGER RAIL.—The term
19 “intercity passenger rail” means intercity rail pas-
20 senger transportation as defined in section 24102 of
21 title 49, United States Code.

22 (2) STATE.—The term “State” means any of
23 the 50 States or the District of Columbia.

24 **SEC. 35312. AMTRAK INSPECTOR GENERAL.**

25 (a) AUTHORITY.—

1 (1) IN GENERAL.—The Inspector General of
2 Amtrak shall have the authority available to other
3 Inspectors General, as necessary in carrying out the
4 duties specified in the Inspector General Act of 1978
5 (5 U.S.C. App.), to investigate any alleged violation
6 of sections 286, 287, 371, 641, 1001, 1002 and
7 1516 of title 18, United States Code.

8 (2) AGENCY.—For purposes of sections 286,
9 287, 371, 641, 1001, 1002, and 1516 of title 18,
10 United States Code, Amtrak and the Amtrak Office
11 of Inspector General, shall be considered a corpora-
12 tion in which the United States has a proprietary in-
13 terest as set forth in section 6 of that title.

14 (b) ASSESSMENT.—The Inspector General of Amtrak
15 shall—

16 (1) not later than 60 days after the date of en-
17 actment of this Act, initiate an assessment to deter-
18 mine whether current expenditures or procurements
19 involving Amtrak’s fulfillment of the Americans with
20 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
21 utilize competitive, market-driven provisions that are
22 applicable throughout the entire term of such related
23 expenditures or procurements; and

24 (2) not later than 6 months after the date of
25 enactment of this Act, transmit to the Committee on

1 Commerce, Science, and Transportation of the Sen-
2 ate and the Committee on Transportation and Infra-
3 structure of the House of Representatives the as-
4 sessment under paragraph (1).

5 (c) LIMITATION.—The authority provided by sub-
6 sections (a) and (b) shall be effective only with respect
7 to a fiscal year for which Amtrak receives a Federal sub-
8 sidy.

9 **SEC. 35313. MISCELLANEOUS PROVISIONS.**

10 (a) TITLE 49 AMENDMENTS.—

11 (1) CONTINGENT INTEREST RECOVERIES.—Sec-
12 tion 22106(b) is amended by striking “interest
13 thereof” and inserting “interest thereon”.

14 (2) AUTHORITY.—Section 22702(b)(4) is
15 amended by striking “5 years for reapproval by the
16 Secretary” and inserting “4 years for acceptance by
17 the Secretary”.

18 (3) CONTENTS OF STATE RAIL PLANS.—Section
19 22705(a) is amended by striking paragraph (12).

20 (4) MISSION.—Section 24101(b) is amended by
21 striking “of subsection (d)” and inserting “set forth
22 in subsection (c)”.

23 (5) TABLE OF CONTENTS AMENDMENT.—The
24 table of contents for chapter 243 is amended by

1 striking the item relating to section 24316 and in-
2 serting the following:

“24316. Plans to address the needs of families of passengers involved in rail passenger accidents.”.

3 (6) UPDATE.—Section 24305(f)(3) is amended
4 by striking “\$1,000,000” and inserting
5 “\$5,000,000”.

6 (7) AMTRAK.—Chapter 247 is amended—
7 (A) in section 24702(a), by striking “not
8 included in the national rail passenger transpor-
9 tation system”;

10 (B) in section 24706—

11 (i) in subsection (a)—

12 (I) in paragraph (1), by striking
13 “a discontinuance under section
14 24704 or or”; and

15 (II) in paragraph (2), by striking
16 “section 24704 or”; and

17 (ii) in subsection (b), by striking “sec-
18 tion 24704 or”; and

19 (C) in section 24709, by striking “The
20 Secretary of the Treasury and the Attorney
21 General,” and inserting “The Secretary of
22 Homeland Security,”.

23 (b) PASSENGER RAIL INVESTMENT AND IMPROVE-
24 MENT ACT AMENDMENTS.—Section 305(a) of the Pas-

1 senger Rail Investment and Improvement Act of 2008 (49
2 U.S.C. 24101 note) is amended by inserting “nonprofit
3 organizations representing employees who perform over-
4 haul and maintenance of passenger railroad equipment,”
5 after “equipment manufacturers,”.

6 **Subtitle D—Rail Safety**

7 **PART I—SAFETY IMPROVEMENT**

8 **SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

9 (a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING
10 ACTION PLAN.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary
13 shall develop a model of a State-specific highway-rail
14 grade crossing action plan and distribute the model
15 plan to each State.

16 (2) CONTENTS.—The plan developed under
17 paragraph (1) shall include—

18 (A) methodologies, tools, and data sources
19 for identifying and evaluating highway-rail
20 grade crossing safety risks, including the public
21 safety risks posed by blocked highway-rail grade
22 crossings due to idling trains;

23 (B) best practices to reduce the risk of
24 highway-rail grade crossing accidents or inci-
25 dents and to alleviate the blockage of highway-

1 rail grade crossings due to idling trains, includ-
2 ing strategies for—

3 (i) education, including model stake-
4 holder engagement plans or tools;

5 (ii) engineering, including the benefits
6 and costs of different designs and tech-
7 nologies used to mitigate highway-rail
8 grade crossing safety risks; and

9 (iii) enforcement, including the
10 strengths and weaknesses associated with
11 different enforcement methods;

12 (C) for each State, a customized list and
13 data set of the highway-rail grade crossing acci-
14 dents or incidents in that State over the past 3
15 years, including the location, number of deaths,
16 and number of injuries for each accident or in-
17 cident; and

18 (D) contact information of a Department
19 of Transportation safety official available to as-
20 sist the State in adapting the model plan to sat-
21 isfy the requirements under subsection (b).

22 (b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION
23 PLANS.—

24 (1) REQUIREMENTS.—Not later than 18
25 months after the Secretary develops and distributes

1 the model plan under subsection (a), the Secretary
2 shall promulgate a rule that requires—

3 (A) each State, except the 10 States iden-
4 tified under section 202 of the Rail Safety Im-
5 provement Act of 2008 (49 U.S.C. 22501 note),
6 to develop and implement a State highway-rail
7 grade crossing action plan; and

8 (B) each State that was identified under
9 section 202 of the Rail Safety Improvement Act
10 of 2008 (49 U.S.C. 22501 note), to update its
11 State action plan under that section and submit
12 to the Secretary the updated State action plan
13 and a report describing what the State did to
14 implement its previous State action plan under
15 that section and how it will continue to reduce
16 highway-rail grade crossing safety risks.

17 (2) CONTENTS.—Each State plan required
18 under this subsection shall—

19 (A) identify highway-rail grade crossings
20 that have experienced recent highway-rail grade
21 crossing accidents or incidents, or are at high-
22 risk for accidents or incidents;

23 (B) identify specific strategies for improv-
24 ing safety at highway-rail grade crossings, in-

1 cluding highway-rail grade crossing closures or
2 grade separations; and

3 (C) designate a State official responsible
4 for managing implementation of the State plan
5 under subparagraph (A) or (B) of paragraph
6 (1), as applicable.

7 (3) ASSISTANCE.—The Secretary shall provide
8 assistance to each State in developing and carrying
9 out, as appropriate, the State plan under this sub-
10 section.

11 (4) PUBLIC AVAILABILITY.—Each State shall
12 submit its final State plan under this subsection to
13 the Secretary for publication. The Secretary shall
14 make each approved State plan publicly available on
15 an official Internet Web site.

16 (5) CONDITIONS.—The Secretary may condition
17 the awarding of a grant to a State under chapter
18 244 of title 49, United States Code, on that State
19 submitting an acceptable State plan under this sub-
20 section.

21 (6) REVIEW OF ACTION PLANS.—Not later than
22 60 days after the date of receipt of a State plan
23 under this subsection, the Secretary shall—

1 (A) if the State plan is approved, notify
2 the State and publish the State plan under
3 paragraph (4); and

4 (B) if the State plan is incomplete or defi-
5 cient, notify the State of the specific areas in
6 which the plan is deficient and allow the State
7 to complete the plan or correct the deficiencies
8 and resubmit the plan under paragraph (1).

9 (7) DEADLINE.—Not later than 60 days after
10 the date of a notice under paragraph (6)(B), a State
11 shall complete the plan or correct the deficiencies
12 and resubmit the plan.

13 (8) FAILURE TO COMPLETE OR CORRECT
14 PLAN.—If a State fails to meet the deadline under
15 paragraph (7), the Secretary shall post on the Web
16 site under paragraph (4) a notice that the State has
17 an incomplete or deficient highway-rail grade cross-
18 ing action plan.

19 (c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The
20 Secretary may use funds made available to carry out sec-
21 tion 130 of title 23, United States Code, to provide States
22 with funds to develop a State highway-rail grade crossing
23 action plan under subsection (b)(1)(A) of this section or
24 to update a State action plan under subsection (b)(1)(B)
25 of this section.

1 (d) DEFINITIONS.—In this section:

2 (1) HIGHWAY-RAIL GRADE CROSSING.—The
3 term “highway-rail grade crossing” means a location
4 within a State, other than a location where 1 or
5 more railroad tracks cross 1 or more railroad tracks
6 at grade, where—

7 (A) a public highway, road, or street, or a
8 private roadway, including associated sidewalks
9 and pathways, crosses 1 or more railroad tracks
10 either at grade or grade-separated; or

11 (B) a pathway explicitly authorized by a
12 public authority or a railroad carrier that is
13 dedicated for the use of non-vehicular traffic,
14 including pedestrians, bicyclists, and others,
15 that is not associated with a public highway,
16 road, or street, or a private roadway, crosses 1
17 or more railroad tracks either at grade or
18 grade-separated.

19 (2) STATE.—The term “State” means a State
20 of the United States or the District of Columbia.

21 **SEC. 35402. SPEED LIMIT ACTION PLANS.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of enactment of this Act, each railroad carrier pro-
24 viding intercity rail passenger transportation or commuter
25 rail passenger transportation, in consultation with any ap-

1 plicable host railroad carrier, shall survey its entire system
2 and identify each main track location where there is a re-
3 duction of more than 20 miles per hour from the approach
4 speed to a curve or bridge and the maximum authorized
5 operating speed for passenger trains at that curve or
6 bridge.

7 (b) ACTION PLANS.—Not later than 120 days after
8 the date that the survey under subsection (a) is complete,
9 a rail passenger carrier shall submit to the Secretary an
10 action plan that—

11 (1) identifies each main track location where
12 there is a reduction of more than 20 miles per hour
13 from the approach speed to a curve or bridge and
14 the maximum authorized operating speed for pas-
15 senger trains at that curve or bridge;

16 (2) describes appropriate actions, including
17 modification to automatic train control systems, if
18 applicable, other signal systems, increased crew size,
19 improved signage, or other practices, including in-
20 creased crew communication, to enable warning and
21 enforcement of the maximum authorized speed for
22 passenger trains at each location identified under
23 paragraph (1);

1 (3) contains milestones and target dates for im-
2 plementing each appropriate action described under
3 paragraph (2); and

4 (4) ensures compliance with the maximum au-
5 thorized speed at each location identified under
6 paragraph (1).

7 (c) APPROVAL.—Not later than 90 days after the
8 date an action plan is submitted under subsection (a), the
9 Secretary shall approve, approve with conditions, or dis-
10 approve the action plan.

11 (d) ALTERNATIVE SAFETY MEASURES.—The Sec-
12 retary may exempt from the requirements of this section
13 each segment of track for which operations are governed
14 by a positive train control system certified under section
15 20157 of title 49, United States Code, or any other safety
16 technology or practice that would achieve an equivalent
17 or greater level of safety in reducing derailment risk.

18 (e) REPORT.—Not later than 6 months after the date
19 of the enactment of this Act, the Secretary shall submit
20 a report to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives that describes—

24 (1) the actions the railroad carriers have taken
25 in response to Safety Advisory 2013–08, entitled

1 “Operational Tests and Inspections for Compliance
2 With Maximum Authorized Train Speeds and Other
3 Speed Restrictions”;

4 (2) the actions the railroad carriers have taken
5 in response to Safety Advisory 2015–03, entitled
6 “Operational and Signal Modifications for Compli-
7 ance with Maximum Authorized Passenger Train
8 Speeds and Other Speed Restrictions”; and

9 (3) the actions the Federal Railroad Adminis-
10 tration has taken to evaluate or incorporate the in-
11 formation and findings arising from the safety
12 advisories referred to in paragraphs (1) and (2) into
13 the development of regulatory action and oversight
14 activities.

15 (f) SAVINGS CLAUSE.—Nothing in this section shall
16 prohibit the Secretary from applying the requirements of
17 this section to other segments of track at high risk of over-
18 speed derailment.

19 **SEC. 35403. SIGNAGE.**

20 (a) IN GENERAL.—The Secretary shall promulgate
21 such regulations as the Secretary considers necessary to
22 require each railroad carrier providing intercity rail pas-
23 senger transportation or commuter rail passenger trans-
24 portation, in consultation with any applicable host railroad
25 carrier, to install signs to warn train crews before the

1 train approaches a location that the Secretary identifies
2 as having high risk of overspeed derailment.

3 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
4 retary may exempt from the requirements of this section
5 each segment of track for which operations are governed
6 by a positive train control system certified under section
7 20157 of title 49, United States Code, or any other safety
8 technology or practice that would achieve an equivalent
9 or greater level of safety in reducing derailment risk.

10 **SEC. 35404. ALERTERS.**

11 (a) IN GENERAL.—The Secretary shall promulgate a
12 rule to require a working alerter in the controlling loco-
13 motive of each passenger train in intercity rail passenger
14 transportation (as defined in section 24102 of title 49,
15 United States Code) or commuter rail passenger transpor-
16 tation (as defined in section 24102 of title 49, United
17 States Code).

18 (b) RULEMAKING.—

19 (1) IN GENERAL.—The Secretary may promul-
20 gate a rule to specify the essential functionalities of
21 a working alerter, including the manner in which the
22 alerter can be reset.

23 (2) ALTERNATE PRACTICE OR TECHNOLOGY.—
24 The Secretary may require or allow a technology or
25 practice in lieu of a working alerter if the Secretary

1 determines that the technology or practice would
2 achieve an equivalent or greater level of safety in en-
3 hancing or ensuring appropriate locomotive control.

4 **SEC. 35405. SIGNAL PROTECTION.**

5 (a) IN GENERAL.—The Secretary shall promulgate
6 regulations to require, not later than 18 months after the
7 date of the enactment of this Act, that on-track safety
8 regulations, whenever practicable and consistent with
9 other safety requirements and operational considerations,
10 include requiring implementation of redundant signal pro-
11 tection, such as shunting or other practices and tech-
12 nologies that achieve an equivalent or greater level of safe-
13 ty, for maintenance-of-way work crews who depend on a
14 train dispatcher to provide signal protection.

15 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
16 retary may exempt from the requirements of this section
17 each segment of track for which operations are governed
18 by a positive train control system certified under section
19 20157 of title 49, United States Code, or any other safety
20 technology or practice that would achieve an equivalent
21 or greater level of safety in providing additional signal pro-
22 tection.

23 **SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.**

24 Section 20156(e) is amended—

25 (1) in paragraph (4)—

1 (A) in subparagraph (A), by striking
2 “and” at the end; and

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting “; and”; and
5 (2) by adding at the end the following:

6 “(C) each railroad carrier required to sub-
7 mit such a plan, until the implementation of a
8 positive train control system by the railroad
9 carrier, shall analyze and, as appropriate,
10 prioritize technologies and practices to mitigate
11 the risk of overspeed derailments.”.

12 **SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.**

13 (a) IN GENERAL.—The Secretary shall evaluate track
14 inspection regulations to determine if a railroad carrier
15 providing commuter rail passenger transportation on high
16 density commuter railroad lines should be required to in-
17 spect the lines in the same manner as currently required
18 for other commuter railroad lines.

19 (b) RULEMAKING.—Considering safety, including
20 railroad carrier employee and contractor safety, and sys-
21 tem capacity, the Secretary may promulgate a rule for
22 high density commuter railroad lines. If, after the evalua-
23 tion under subsection (a), the Secretary determines that
24 it is necessary to promulgate a rule, the Secretary shall

1 specifically consider the following regulatory requirements
2 for high density commuter railroad lines:

3 (1) At least once every 2 weeks—

4 (A) traverse each main line by vehicle; or

5 (B) inspect each main line on foot.

6 (2) At least once each month, traverse and in-
7 spect each siding by vehicle or by foot.

8 (c) REPORT.—If, after the evaluation under sub-
9 section (a), the Secretary determines it is not necessary
10 to revise the regulations under this section, the Secretary,
11 not later than 18 months after the date of enactment of
12 this Act, shall transmit a report to the Committee on
13 Commerce, Science, and Transportation of the Senate and
14 the Committee on Transportation and Infrastructure of
15 the House of Representatives explaining the reasons for
16 not revising the regulations.

17 (d) CONSTRUCTION.—Nothing in this section may be
18 construed to limit the authority of the Secretary to pro-
19 mulgate regulations or issue orders under any other law.

20 **SEC. 35408. EMERGENCY RESPONSE.**

21 (a) IN GENERAL.—The Secretary, in consultation
22 with railroad carriers, shall conduct a study to determine
23 whether limitations or weaknesses exist in the emergency
24 response information carried by train crews transporting
25 hazardous materials.

1 (b) CONTENTS.—In conducting the study under sub-
2 section (a), the Secretary shall evaluate the differences be-
3 tween the emergency response information carried by train
4 crews transporting hazardous materials and the emer-
5 gency response guidance provided in the Emergency Re-
6 sponse Guidebook issued by the Department of Transpor-
7 tation.

8 (c) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall transmit to
10 the Committee on Commerce, Science, and Transportation
11 of the Senate and the Committee on Transportation and
12 Infrastructure of the House of Representatives a report
13 of the findings of the study under subsection (a) and any
14 recommendations for legislative action.

15 **SEC. 35409. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

16 (a) IN GENERAL.—The Secretary, in consultation
17 with railroad carriers, shall conduct a study—

18 (1) to determine whether limitations or weak-
19 nesses exist regarding the availability and usefulness
20 for safety purposes of data on private highway-rail
21 grade crossings; and

22 (2) to evaluate existing engineering practices on
23 private highway-rail grade crossings.

1 (b) CONTENTS.—In conducting the study under sub-
2 section (a), the Secretary shall make recommendations as
3 necessary to improve—

4 (1) the utility of the data on private highway-
5 rail grade crossings; and

6 (2) the implementation of private highway-rail
7 crossing safety measures, including signage and
8 warning systems.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary shall transmit to
11 the Committee on Commerce, Science, and Transportation
12 of the Senate and the Committee on Transportation and
13 Infrastructure of the House of Representatives a report
14 of the findings of the study and any recommendations for
15 further action.

16 **SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED**
17 **TRACK INSPECTION EQUIPMENT.**

18 (a) IN GENERAL.—Subchapter I of chapter 201 is
19 amended by inserting after section 20120 the following:

20 **“§ 20121. Repair and replacement of damaged track**
21 **inspection equipment**

22 “The Secretary of Transportation may receive and
23 expend cash, or receive and utilize spare parts and similar
24 items, from non-United States Government sources to re-
25 pair damages to or replace United States Government

1 owned automated track inspection cars and equipment as
2 a result of third-party liability for such damages, and any
3 amounts collected under this section shall be credited di-
4 rectly to the Railroad Safety and Operations account of
5 the Federal Railroad Administration, and shall remain
6 available until expended for the repair, operation, and
7 maintenance of automated track inspection cars and
8 equipment in connection with the automated track inspec-
9 tion program.”.

10 (b) CONFORMING AMENDMENT.—The table of con-
11 tents for subchapter I of chapter 201 is amended by add-
12 ing after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”.

13 **SEC. 35411. RAIL POLICE OFFICERS.**

14 (a) IN GENERAL.—Section 28101 is amended—

15 (1) by striking “employed by” each place it ap-
16 pears and inserting “directly employed by or con-
17 tracted by”;

18 (2) in subsection (b), by inserting “or agent, as
19 applicable,” after “an employee”; and

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

21 “(c) TRANSFERS.—

22 “(1) IN GENERAL.—If a railroad police officer
23 directly employed by or contracted by a rail carrier
24 and certified or commissioned as a police officer
25 under the laws of a State transfers primary employ-

1 ment or residence from the certifying or commis-
2 sioning State to another State or jurisdiction, the
3 railroad police officer, not later than 1 year after the
4 date of transfer, shall apply to be certified or com-
5 missioned as a police officer under the laws of the
6 State of new primary employment or residence.

7 “(2) INTERIM PERIOD.—During the period be-
8 ginning on the date of transfer and ending 1 year
9 after the date of transfer, a railroad police officer di-
10 rectly employed by or contracted by a rail carrier
11 and certified or commissioned as a police officer
12 under the laws of a State may enforce the laws of
13 the new jurisdiction in which the railroad police offi-
14 cer resides, to the same extent as provided in sub-
15 section (a).

16 “(d) TRAINING.—

17 “(1) IN GENERAL.—A State shall recognize as
18 meeting that State’s basic police officer certification
19 or commissioning requirements for qualification as a
20 rail police officer under this section any individual
21 who successfully completes a program at a State-rec-
22 ognized police training academy in another State or
23 at a Federal law enforcement training center and
24 who is certified or commissioned as a police officer
25 by that other State.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed as superseding or
3 affecting any unique State training requirements re-
4 lated to criminal law, criminal procedure, motor ve-
5 hicle code, or State-mandated comparative or annual
6 in-service training academy or Federal law enforce-
7 ment training center.”.

8 (b) REGULATIONS.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary shall revise
10 the regulations in part 207 of title 49, Code of Federal
11 Regulations (relating to railroad police officers), to permit
12 a railroad to designate an individual, who is commissioned
13 in the individual’s State of legal residence or State of pri-
14 mary employment and directly employed by or contracted
15 by a railroad to enforce State laws for the protection of
16 railroad property, personnel, passengers, and cargo, to
17 serve in the States in which the railroad owns property.

18 (c) CONFORMING AMENDMENTS.—

19 (1) AMTRAK RAIL POLICE.—Section 24305(e) is
20 amended—

21 (A) by striking “may employ” and insert-
22 ing “may directly employ or contract with”;

23 (B) by striking “employed by” and insert-
24 ing “directly employed by or contracted by”;

25 and

1 (C) by striking “employed without” and in-
2 serting “directly employed or contracted with-
3 out”.

4 (2) SECURE GUN STORAGE OR SAFETY DEVICE;
5 EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is
6 amended by striking “employed by” and inserting
7 “directly employed by or contracted by”.

8 **SEC. 35412. OPERATION DEEP DIVE; REPORT.**

9 (a) PROGRESS REPORTS.—Not later than 60 days
10 after the date of the enactment of this Act, and quarterly
11 thereafter until the completion date, the Administrator of
12 the Federal Railroad Administration shall submit a report
13 to the Committee on Commerce, Science, and Transpor-
14 tation of the Senate and the Committee on Transportation
15 and Infrastructure of the House of Representatives that
16 describes the progress of Metro-North Commuter Railroad
17 in implementing the directives and recommendations
18 issued by the Federal Railroad Administration in its
19 March 2014 report to Congress titled “Operation Deep
20 Dive Metro-North Commuter Railroad Safety Assess-
21 ment”.

22 (b) FINAL REPORT.—Not later than 30 days after
23 the completion date, the Administrator of the Federal
24 Railroad Administration shall submit a final report on the
25 directives and recommendations to Congress.

1 (c) **DEFINED TERM.**—In this section, the term “com-
2 pletion date” means the date on which Metro-North Com-
3 muter Railroad has completed all of the directives and rec-
4 ommendations referred to in subsection (a).

5 **SEC. 35413. POST-ACCIDENT ASSESSMENT.**

6 (a) **IN GENERAL.**—The Secretary of Transportation,
7 in cooperation with the National Transportation Safety
8 Board and the National Railroad Passenger Corporation
9 (referred to in this section as “Amtrak”), shall conduct
10 a post-accident assessment of the Amtrak Northeast Re-
11 gional Train #188 crash on May 12, 2015.

12 (b) **ELEMENTS.**—The assessment conducted pursu-
13 ant to subsection (a) shall include—

14 (1) a review of Amtrak’s compliance with the
15 plan for addressing the needs of the families of pas-
16 sengers involved in any rail passenger accident,
17 which was submitted pursuant to section 24316 of
18 title 49, United States Code;

19 (2) a review of Amtrak’s compliance with the
20 emergency preparedness plan required under section
21 239.101(a) of title 49, Code of Federal Regulations;

22 (3) a determination of any additional action
23 items that should be included in the plans referred
24 to in paragraphs (1) and (2) to meet the needs of

1 the passengers involved in the crash and their fami-
2 lies, including—

3 (A) notification of emergency contacts;

4 (B) dedicated and trained staff to manage
5 family assistance;

6 (C) the establishment of a family assist-
7 ance center at the accident locale or other ap-
8 propriate location;

9 (D) a system for identifying and recovering
10 items belonging to passengers that were lost in
11 the crash; and

12 (E) the establishment of a single customer
13 service entity within Amtrak to coordinate the
14 response to the needs of the passengers involved
15 in the crash and their families;

16 (4) recommendations for any additional train-
17 ing needed by Amtrak staff to better implement the
18 plans referred to in paragraphs (1) and (2), includ-
19 ing the establishment of a regular schedule for train-
20 ing drills and exercises.

21 (c) REPORT TO CONGRESS.—Not later than 1 year
22 after the date of the enactment of this Act, Amtrak shall
23 submit a report to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives that describes—

3 (1) its plan to achieve the recommendations re-
4 ferred to in subsection (b)(4); and

5 (2) steps that have been taken to address any
6 deficiencies identified through the assessment.

7 **SEC. 35414. TECHNICAL AND CONFORMING AMENDMENTS.**

8 (a) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
9 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
10 is amended—

11 (1) in subsection (a)(1), by striking “phone
12 number” and inserting “telephone number”;

13 (2) in subsection (a)(2), by striking “post trau-
14 ma communication with families” and inserting
15 “post-trauma communication with families”; and

16 (3) in subsection (j), by striking “railroad pas-
17 senger accident” each place it appears and inserting
18 “rail passenger accident”.

19 (b) SOLID WASTE RAIL TRANSFER FACILITY LAND-
20 USE EXEMPTION.—Section 10909 is amended—

21 (1) in subsection (b), in the matter preceding
22 paragraph (1), by striking “Clean Railroad Act of
23 2008” and inserting “Clean Railroads Act of 2008”;
24 and

1 (2) in subsection (e), by striking “Upon the
2 granting of petition from the State” and inserting
3 “Upon the granting of a petition from the State”.

4 (c) RULEMAKING PROCESS.—Section 20116 is
5 amended—

6 (1) by inserting “(2)” before “the code, rule,
7 standard, requirement, or practice has been subject
8 to notice and comment under a rule or order issued
9 under this part.” and indenting accordingly;

10 (2) by inserting “(1)” before “unless” and in-
11 denting accordingly;

12 (3) in paragraph (1), as redesignated, by strik-
13 ing “order, or” and inserting “order; or”; and

14 (4) in the matter preceding paragraph (1), as
15 redesignated, by striking “unless” and inserting
16 “unless—”.

17 (d) ENFORCEMENT REPORT.—Section 20120(a) is
18 amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “website” and inserting “Web site”;

21 (2) in paragraph (1), by striking “accident and
22 incidence reporting” and inserting “accident and in-
23 cident reporting”;

24 (3) in paragraph (2)(G), by inserting “and” at
25 the end; and

1 (4) in paragraph (5)(B), by striking “Adminis-
2 trative Hearing Officer or Administrative Law
3 Judge” and inserting “administrative hearing officer
4 or administrative law judge”.

5 (e) RAILROAD SAFETY RISK REDUCTION PRO-
6 GRAM.—Section 20156 is amended—

7 (1) in subsection (c), by inserting a comma
8 after “In developing its railroad safety risk reduc-
9 tion program”; and

10 (2) in subsection (g)(1)—

11 (A) by inserting a comma after “good
12 faith”; and

13 (B) by striking “non-profit” and inserting
14 “nonprofit”.

15 (f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-
16 RAIL GRADE CROSSINGS.—Section 20159 is amended by
17 striking “the Secretary” and inserting “the Secretary of
18 Transportation”.

19 (g) NATIONAL CROSSING INVENTORY.—Section
20 20160 is amended—

21 (1) in subsection (a)(1), by striking “concerning
22 each previously unreported crossing through which it
23 operates or with respect to the trackage over which
24 it operates” and inserting “concerning each pre-
25 viously unreported crossing through which it oper-

1 ates with respect to the trackage over which it oper-
2 ates”; and

3 (2) in subsection (b)(1)(A), by striking “con-
4 cerning each crossing through which it operates or
5 with respect to the trackage over which it operates”
6 and inserting “concerning each crossing through
7 which it operates with respect to the trackage over
8 which it operates”.

9 (h) MINIMUM TRAINING STANDARDS AND PLANS.—
10 Section 20162(a)(3) is amended by striking “railroad
11 compliance with Federal standards” and inserting “rail-
12 road carrier compliance with Federal standards”.

13 (i) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
14 NOLOGY.—Section 20164(a) is amended by striking “after
15 enactment of the Railroad Safety Enhancement Act of
16 2008” and inserting “after the date of enactment of the
17 Rail Safety Improvement Act of 2008”.

18 (j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

19 (1) TABLE OF CONTENTS.—Section 1(b) of di-
20 vision A of the Rail Safety Improvement Act of 2008
21 (Public Law 110–432; 122 Stat. 4848) is amend-
22 ed—

23 (A) in the item relating to section 307, by
24 striking “website” and inserting “Web site”;

1 (B) in the item relating to title VI, by
2 striking “solid waste facilities” and inserting
3 “solid waste rail transfer facilities”; and

4 (C) in the item relating to section 602, by
5 striking “solid waste transfer facilities” and in-
6 serting “solid waste rail transfer facilities”.

7 (2) DEFINITIONS.—Section 2(a)(1) of division
8 A of the Rail Safety Improvement Act of 2008 (Pub-
9 lic Law 110–432; 122 Stat. 4849) is amended in the
10 matter preceding subparagraph (A), by inserting a
11 comma after “at grade”.

12 (3) RAILROAD SAFETY STRATEGY.—Section
13 102(a)(6) of title I of division A of the Rail Safety
14 Improvement Act of 2008 (49 U.S.C. 20101 note) is
15 amended by striking “Improving the safety of rail-
16 road bridges, tunnels, and related infrastructure to
17 prevent accidents, incidents, injuries, and fatalities
18 caused by catastrophic failures and other bridge and
19 tunnel failures.” and inserting “Improving the safety
20 of railroad bridges, tunnels, and related infrastruc-
21 ture to prevent accidents, incidents, injuries, and fa-
22 talities caused by catastrophic and other failures of
23 such infrastructure.”.

24 (4) OPERATION LIFESAVER.—Section 206(a) of
25 title II of division A of the Rail Safety Improvement

1 Act of 2008 (49 U.S.C. 22501 note) is amended by
2 striking “Public Service Announcements” and in-
3 serting “public service announcements”.

4 (5) UPDATE OF FEDERAL RAILROAD ADMINIS-
5 TRATION’S WEB SITE.—Section 307 of title III of di-
6 vision A of the Rail Safety Improvement Act of 2008
7 (49 U.S.C. 103 note) is amended—

8 (A) in the heading by striking “**FEDERAL**
9 **RAILROAD ADMINISTRATION’S WEBSITE**”
10 and inserting “Federal Railroad Administration
11 Web site”;

12 (B) by striking “website” each place it ap-
13 pears and inserting “Web site”; and

14 (C) by striking “website’s” and inserting
15 “Web site’s”.

16 (6) ALCOHOL AND CONTROLLED SUBSTANCE
17 TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—
18 Section 412 of title IV of division A of the Rail
19 Safety Improvement Act of 2008 (49 U.S.C. 20140
20 note) is amended by striking “Secretary of Trans-
21 portation” and inserting “Secretary”.

22 (7) TUNNEL INFORMATION.—Section 414 of
23 title IV of division A of the Rail Safety Improvement
24 Act of 2008 (49 U.S.C. 20103 note) is amended—

1 (A) by striking “parts 171.8, 173.115”
2 and inserting “sections 171.8, 173.115”; and

3 (B) by striking “part 1520.5” and insert-
4 ing “section 1520.5”.

5 (8) SAFETY INSPECTIONS IN MEXICO.—Section
6 416 of title IV of division A of the Rail Safety Im-
7 provement Act of 2008 (49 U.S.C. 20107 note) is
8 amended—

9 (A) in the matter preceding paragraph (1),
10 by striking “Secretary of Transportation” and
11 inserting “Secretary”; and

12 (B) in paragraph (4), by striking “sub-
13 section” and inserting “section”.

14 (9) HEADING OF TITLE VI.—The heading of
15 title VI of division A of the Rail Safety Improvement
16 Act of 2008 (122 Stat. 4900) is amended by strik-
17 ing “**SOLID WASTE FACILITIES**” and insert-
18 ing “**SOLID WASTE RAIL TRANSFER FA-
19 CILITIES**”.

20 (10) HEADING OF SECTION 602.—Section 602
21 of title VI of division A of the Rail Safety Improve-
22 ment Act of 2008 (122 Stat. 4900) is amended by
23 striking “**SOLID WASTE TRANSFER FACILITIES**”
24 and inserting “**SOLID WASTE RAIL TRANSFER
25 FACILITIES**”.

1 **SEC. 35415. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT**
2 **HIGHWAY-RAIL GRADE CROSSINGS.**

3 The Comptroller General of the United States shall
4 submit a report to Congress containing the results of a
5 study evaluating the effectiveness of the Federal Railroad
6 Administration's final rule on the use of locomotive horns
7 at highway-rail grade crossings, which was published in
8 the Federal Register on August 17, 2006 (71 Fed. Reg.
9 47614).

10 **SEC. 35416. BRIDGE INSPECTION REPORTS.**

11 Section 417(d) of the Rail Safety Improvement Act
12 of 2008 (49 U.S.C. 20103 note) is amended—

13 (1) by striking “The Secretary” and inserting
14 the following:

15 “(1) IN GENERAL.—The Secretary”; and

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

17 “(2) AVAILABILITY OF BRIDGE INSPECTION RE-
18 PORTS.—The Administrator of the Federal Railroad
19 Administration shall—

20 “(A) maintain a copy of the most recent
21 bridge inspection reports prepared in accord-
22 ance with section (b)(5); and

23 “(B) provide copies of the reports de-
24 scribed in subparagraph (A) to appropriate
25 State and local government transportation offi-
26 cials, upon request.”.

1 “(6) Amtrak or another rail passenger carrier
2 that provides intercity rail passenger transportation
3 (as defined in section 24102) or commuter rail pas-
4 senger transportation (as defined in section 24102).

5 “(7) A Class II railroad or Class III railroad
6 (as those terms are defined in section 20102).

7 “(8) Any rail carrier or rail equipment manu-
8 facturer in partnership with at least 1 of the entities
9 described in paragraphs (1) through (5).

10 “(9) Any entity established to procure, manage,
11 or maintain passenger rail equipment under section
12 305 of the Passenger Rail Investment and Improve-
13 ment Act of 2008 (49 U.S.C. 24101 note).

14 “(10) An organization that is actively involved
15 in the development of operational and safety-related
16 standards for rail equipment and operations or the
17 implementation of safety-related programs.

18 “(11) The Transportation Research Board and
19 any entity with which it contracts in the develop-
20 ment of rail-related research, including cooperative
21 research programs.

22 “(12) A University transportation center ac-
23 tively engaged in rail-related research.

1 “(13) A non-profit labor organization rep-
2 resenting a class or craft of employees of railroad
3 carriers or railroad carrier contractors.

4 “(c) ELIGIBLE PROJECTS.—The following projects
5 are eligible to receive grants under this section:

6 “(1) Deployment of railroad safety technology,
7 including positive train control and rail integrity in-
8 spection systems.

9 “(2) A capital project as defined in section
10 24401, except that a project shall not be required to
11 be in a State rail plan developed under chapter 227.

12 “(3) A capital project identified by the Sec-
13 retary as being necessary to address congestion chal-
14 lenges affecting rail service.

15 “(4) A highway-rail grade crossing improve-
16 ment, including grade separations, private highway-
17 rail grade crossing improvements, and safety engi-
18 neering improvements to reduce risk in quiet zones
19 or potential quiet zones.

20 “(5) A rail line relocation project.

21 “(6) A capital project to improve short-line or
22 regional railroad infrastructure.

23 “(7) Development of public education, aware-
24 ness, and targeted law enforcement activities to re-
25 duce violations of traffic laws at highway-rail grade

1 crossings and to help prevent and reduce injuries
2 and fatalities along railroad rights-of-way.

3 “(8) The preparation of regional rail and cor-
4 ridor service development plans and corresponding
5 environmental analyses.

6 “(9) Any project that the Secretary considers
7 necessary to enhance multimodal connections or fa-
8 cilitate service integration between rail service and
9 other modes, including between intercity rail pas-
10 senger transportation and intercity bus service.

11 “(10) The development of rail-related capital,
12 operations, and safety standards.

13 “(11) The implementation and operation of a
14 safety program or institute designed to improve rail
15 safety culture and rail safety performance.

16 “(12) Any research that the Secretary considers
17 necessary to advance any particular aspect of rail-re-
18 lated capital, operations, or safety improvements.

19 “(13) Workforce development activities, coordi-
20 nated to the extent practicable with the existing
21 local training programs supported by the Depart-
22 ment of Transportation, Department of Labor, and
23 Department of Education.

1 “(d) APPLICATION PROCESS.—The Secretary shall
2 prescribe the form and manner of filing an application
3 under this section.

4 “(e) PROJECT SELECTION CRITERIA.—

5 “(1) IN GENERAL.—In selecting a recipient of
6 a grant for an eligible project, the Secretary shall—

7 “(A) give preference to a proposed project
8 for which the proposed Federal share of total
9 project costs does not exceed 50 percent; and

10 “(B) after factoring in preference to
11 projects under subparagraph (A), select projects
12 that will maximize the net benefits of the funds
13 appropriated for use under this section, consid-
14 ering the cost-benefit analysis of the proposed
15 project, including anticipated private and public
16 benefits relative to the costs of the proposed
17 project and factoring in the other consider-
18 ations described in paragraph (2).

19 “(2) OTHER CONSIDERATIONS.—The Secretary
20 shall also consider the following:

21 “(A) The degree to which the proposed
22 project’s business plan considers potential pri-
23 vate sector participation in the financing, con-
24 struction, or operation of the project;

1 “(B) The recipient’s past performance in
2 developing and delivering similar projects, and
3 previous financial contributions;

4 “(C) Whether the recipient has or will have
5 the legal, financial, and technical capacity to
6 carry out the proposed project, satisfactory con-
7 tinuing control over the use of the equipment or
8 facilities, and the capability and willingness to
9 maintain the equipment or facilities;

10 “(D) If applicable, the consistency of the
11 proposed project with planning guidance and
12 documents set forth by the Secretary or re-
13 quired by law or State rail plans developed
14 under chapter 227;

15 “(E) If applicable, any technical evaluation
16 ratings that proposed project received under
17 previous competitive grant programs adminis-
18 tered by the Secretary; and

19 “(F) Such other factors as the Secretary
20 considers relevant to the successful delivery of
21 the project.

22 “(3) BENEFITS.—The benefits described in
23 paragraph (1)(B) may include the effects on system
24 and service performance, including measures such as
25 improved safety, competitiveness, reliability, trip or

1 transit time, resilience, efficiencies from improved
2 integration with other modes, and ability to meet ex-
3 isting or anticipated demand.

4 “(f) PERFORMANCE MEASURES.—The Secretary
5 shall establish performance measures for each grant re-
6 cipient to assess progress in achieving strategic goals and
7 objectives. The Secretary may require a grant recipient to
8 periodically report information related to such perform-
9 ance measures.

10 “(g) RURAL AREAS.—

11 “(1) IN GENERAL.—Of the amounts appro-
12 priated under this section, at least 25 percent shall
13 be available for projects in rural areas. The Sec-
14 retary shall consider a project to be in a rural area
15 if all or the majority of the project (determined by
16 the geographic location or locations where the major-
17 ity of the project funds will be spent) is located in
18 a rural area.

19 “(2) DEFINITION OF RURAL AREA.—In this
20 subsection, the term ‘rural area’ means any area not
21 in an urbanized area, as defined by the Census Bu-
22 reau.

23 “(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

24 “(1) TOTAL PROJECT COSTS.—The Secretary
25 shall estimate the total costs of a project under this

1 subsection based on the best available information,
2 including engineering studies, studies of economic
3 feasibility, environmental analyses, and information
4 on the expected use of equipment or facilities.

5 “(2) FEDERAL SHARE.—The Federal share of
6 total project costs under this subsection shall not ex-
7 ceed 80 percent.

8 “(3) TREATMENT OF PASSENGER RAIL REV-
9 ENUE.—If Amtrak or another rail passenger carrier
10 is an applicant under this section, Amtrak or the
11 other rail passenger carrier, as applicable, may use
12 ticket and other revenues generated from its oper-
13 ations and other sources to satisfy the non-Federal
14 share requirements.

15 “(i) APPLICABILITY.—Except as specifically provided
16 in this section, the use of any amounts appropriated for
17 grants under this section shall be subject to the require-
18 ments of this chapter.

19 “(j) AVAILABILITY.—Amounts appropriated for car-
20 rying out this section shall remain available until ex-
21 pended.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents of chapter 244, as amended by section 35302 of this
24 Act, is amended by adding after the item relating to sec-
25 tion 24407 the following:

“24408. Consolidated rail infrastructure and safety improvements.”.

1 information described in subparagraph (A) for
2 each train transporting hazardous materials in
3 that fusion center's jurisdiction;

4 (2) to require each applicable fusion center to
5 provide the electronic train consist information de-
6 scribed in paragraph (1)(A) to first responders,
7 emergency response officials, and law enforcement
8 personnel that are involved in the response to or in-
9 vestigation of an incident, accident, or public health
10 or safety emergency involving the rail transportation
11 of hazardous materials and that request such elec-
12 tronic train consist information;

13 (3) upon the request of each State, political
14 subdivision of a State, or public agency responsible
15 for emergency response or law enforcement, to re-
16 quire each applicable fusion center to provide ad-
17 vance notice for each high-hazard flammable train
18 traveling through the jurisdiction of each State, po-
19 litical subdivision of a State, or public agency, which
20 notice shall include the electronic train consist infor-
21 mation described in paragraph (1)(A) for the high-
22 hazard flammable train, and to the extent prac-
23 ticable, for requesting States, political subdivisions,
24 or public agencies, to ensure that the fusion center
25 shall provide at least 12 hours of advance notice for

1 a high-hazard flammable train that will be traveling
2 through the jurisdiction of the State, political sub-
3 division of a State, or public agency, and include
4 within the notice its best estimate of the time the
5 train will enter the jurisdiction;

6 (4) to prohibit any railroad, employee, or agent
7 from withholding, or causing to be withheld the train
8 consist information from first responders, emergency
9 response officials, and law enforcement personnel de-
10 scribed in paragraph (2) in the event of an incident,
11 accident, or public health or safety emergency involv-
12 ing the rail transportation of hazardous materials;

13 (5) to establish security and confidentiality pro-
14 tections to prevent the release of the electronic train
15 consist information to unauthorized persons; and

16 (6) to allow each Class I railroad to enter into
17 a memorandum of understanding with any Class II
18 or Class III railroad that operates trains over the
19 Class I railroad's line to incorporate the Class II or
20 Class III railroad's train consist information within
21 the existing framework described in paragraph (1).

22 (b) DEFINITIONS.—In this section:

23 (1) APPLICABLE FUSION CENTER.—The term
24 “applicable fusion center” means a fusion center

1 with responsibility for a geographic area in which a
2 Class I railroad operates.

3 (2) CLASS I RAILROAD.—The term “Class I
4 railroad” has the meaning given the term in section
5 20102 of title 49, United States Code.

6 (3) FUSION CENTER.—The term “fusion cen-
7 ter” has the meaning given the term in section
8 124h(j) of title 6, United States Code.

9 (4) HAZARDOUS MATERIALS.—The term “haz-
10 arduous materials” means material designated as haz-
11 arduous by the Secretary of Transportation under
12 chapter 51 of the United States Code.

13 (5) HIGH-HAZARD FLAMMABLE TRAIN.—The
14 term “high-hazard flammable train” means a single
15 train transporting 20 or more tank cars loaded with
16 a Class 3 flammable liquid in a continuous block or
17 a single train transporting 35 or more tank cars
18 loaded with a Class 3 flammable liquid throughout
19 the train consist.

20 (6) TRAIN CONSIST.—The term “train consist”
21 includes, with regard to a specific train, the number
22 of rail cars and the commodity transported by each
23 rail car.

24 (c) SAVINGS CLAUSE.—

1 (1) Nothing in this section may be construed to
2 prohibit a Class I railroad from voluntarily entering
3 into a memorandum of understanding, as described
4 in subsection (a)(1)(B), with a State emergency re-
5 sponse commission or an entity representing or in-
6 cluding first responders, emergency response offi-
7 cials, and law enforcement personnel.

8 (2) Nothing in this section may be construed to
9 amend any requirement for a railroad to provide a
10 State Emergency Response Commission, for each
11 State in which it operates trains transporting
12 1,000,000 gallons or more of Bakken crude oil, noti-
13 fication regarding the expected movement of such
14 trains through the counties in the State.

15 **SEC. 35432. THERMAL BLANKETS.**

16 (a) REQUIREMENTS.—Not later than 180 days after
17 the date of enactment of this Act, the Secretary shall pro-
18 mulgate such regulations as are necessary to require each
19 tank car built to meet the DOT-117 specification and each
20 non-jacketed tank car modified to meet the DOT-117R
21 specification—

22 (1) to be equipped with a thermal blanket; or
23 (2) to have sufficient thermal resistance so that
24 there will be no release of any lading within the tank
25 car, except release through the pressure relief device,

1 when subjected to a pool fire for 200 minutes and
2 a torch fire for 30 minutes.

3 (b) DEFINITION OF THERMAL BLANKET.—In this
4 section, the term “thermal blanket” means an insulating
5 blanket that is applied between the outer surface of a tank
6 car tank and the inner surface of a tank car jacket and
7 that has thermal conductivity no greater than 2.65 Btu
8 per inch, per hour, per square foot, and per degree Fahr-
9 enheit at a temperature of 2000 degrees Fahrenheit, plus
10 or minus 100 degrees Fahrenheit.

11 (c) SAVINGS CLAUSE.—

12 (1) PRESSURE RELIEF DEVICES.—Nothing in
13 this section may be construed to affect or prohibit
14 any requirement to equip with appropriately sized
15 pressure relief devices a tank car built to meet the
16 DOT-117 specification or a non-jacketed tank car
17 modified to meet the DOT-117R specification.

18 (2) HARMONIZATION.—Nothing in this section
19 may be construed to require or allow the Secretary
20 to prescribe an implementation deadline or author-
21 ization end date for the requirement under sub-
22 section (a) that is earlier than the applicable imple-
23 mentation deadline or authorization end date for
24 other tank car modifications necessary to meet the
25 DOT-117R specification.

1 **SEC. 35433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

2 (a) REQUIREMENTS.—Not later than 120 days after
3 the date of enactment of this Act, the Secretary shall issue
4 a notice of proposed rulemaking to require each railroad
5 carrier transporting a Class 3 flammable liquid to main-
6 tain a comprehensive oil spill response plan.

7 (b) CONTENTS.—The regulations under subsection
8 (a) shall require each rail carrier described in that sub-
9 section—

10 (1) to include in the comprehensive oil spill re-
11 sponse plan procedures and resources for respond-
12 ing, to the maximum extent practicable, to a worst-
13 case discharge;

14 (2) to ensure the comprehensive oil spill re-
15 sponse plan is consistent with the National Contin-
16 gency Plan and each applicable Area Contingency
17 Plan;

18 (3) to include in the comprehensive oil spill re-
19 sponse plan appropriate notification and training
20 procedures;

21 (4) to review and update its comprehensive oil
22 spill response plan as appropriate; and

23 (5) to provide the comprehensive oil spill re-
24 sponse plan for acceptance by the Secretary.

25 (c) SAVINGS CLAUSE.—Nothing in the section may
26 be construed as prohibiting the Secretary from promul-

1 gating different comprehensive oil response plan standards
2 for Class I, Class II, and Class III railroads.

3 (d) DEFINITIONS.—In this section:

4 (1) AREA CONTINGENCY PLAN.—The term
5 “Area Contingency Plan” has the meaning given the
6 term in section 311(a) of the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1321(a)).

8 (2) CLASS 3 FLAMMABLE LIQUID.—The term
9 “Class 3 flammable liquid” has the meaning given
10 the term in section 173.120(a) of title 49, Code of
11 Federal Regulations.

12 (3) CLASS I RAILROAD, CLASS II RAILROAD,
13 AND CLASS III RAILROAD.—The terms “Class I rail-
14 road”, “Class II railroad” and “Class III railroad”
15 have the meanings given the terms in section 20102
16 of title 49, United States Code.

17 (4) NATIONAL CONTINGENCY PLAN.—The term
18 “National Contingency Plan” has the meaning given
19 the term in section 1001 of the Oil Pollution Act of
20 1990 (33 U.S.C. 2701).

21 (5) RAILROAD CARRIER.—The term “railroad
22 carrier” has the meaning given the term in section
23 20102 of title 49, United States Code.

24 (6) WORST-CASE DISCHARGE.—The term
25 “worst-case discharge” means a railroad carrier’s

1 calculation of its largest foreseeable discharge in the
2 event of an accident or incident.

3 **SEC. 35434. HAZARDOUS MATERIALS BY RAIL LIABILITY**
4 **STUDY.**

5 (a) IN GENERAL.—Not later than 30 days after the
6 date of enactment of this Act, the Secretary shall initiate
7 a study on the levels and structure of insurance for a rail-
8 road carrier transporting hazardous materials.

9 (b) CONTENTS.—In conducting the study under sub-
10 section (a), the Secretary shall evaluate—

11 (1) the level and structure of insurance, includ-
12 ing self-insurance, available in the private market
13 against the full liability potential for damages aris-
14 ing from an accident or incident involving a train
15 transporting hazardous materials;

16 (2) the level and structure of insurance that
17 would be necessary and appropriate—

18 (A) to efficiently allocate risk and financial
19 responsibility for claims; and

20 (B) to ensure that a railroad carrier trans-
21 porting hazardous materials can continue to op-
22 erate despite the risk of an accident or incident;

23 (3) the potential applicability to trains trans-
24 porting hazardous materials of—

1 (A) a liability regime modeled after section
2 170 of the Atomic Energy Act of 1954, as
3 amended (42 U.S.C. 2210); and

4 (B) a liability regime modeled after sub-
5 title 2 of title XXI of the Public Health Service
6 Act (42 U.S.C. 300aa–10 et seq.).

7 (c) REPORT.—Not later than 1 year after the date
8 the study under subsection (a) is initiated, the Secretary
9 shall submit a report containing the results of the study
10 and recommendations for addressing liability issues with
11 rail transportation of hazardous materials to—

12 (1) the Committee on Commerce, Science, and
13 Transportation of the Senate; and

14 (2) the Committee on Transportation and In-
15 frastructure of the House of Representatives.

16 (d) DEFINITIONS.—In this section:

17 (1) HAZARDOUS MATERIAL.—The term “haz-
18 arduous material” means a substance or material the
19 Secretary designates under section 5103(a) of title
20 49, United States Code.

21 (2) RAILROAD CARRIER.—The term “railroad
22 carrier” has the meaning given the term in section
23 20102 of title 49, United States Code.

1 **SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-**
2 **CONTROLLED PNEUMATIC BRAKES.**

3 (a) GOVERNMENT ACCOUNTABILITY OFFICE
4 STUDY.—

5 (1) IN GENERAL.—The Government Account-
6 ability Office shall complete an independent evalua-
7 tion of ECP brake systems pilot program data and
8 the Department of Transportation's research and
9 analysis on the effects of ECP brake systems.

10 (2) STUDY ELEMENTS.—In completing the
11 independent evaluation under paragraph (1), the
12 Government Accountability Office shall examine the
13 following issues related to ECP brake systems:

14 (A) Data and modeling results on safety
15 benefits relative to conventional brakes and to
16 other braking technologies or systems, such as
17 distributed power and 2-way end-of-train de-
18 vices.

19 (B) Data and modeling results on business
20 benefits, including the effects of dynamic brak-
21 ing.

22 (C) Data on costs, including up-front cap-
23 ital costs and on-going maintenance costs.

24 (D) Analysis of potential operational chal-
25 lenges, including the effects of potential loco-

1 motive and car segregation, technical reliability
2 issues, and network disruptions.

3 (E) Analysis of potential implementation
4 challenges, including installation time, positive
5 train control integration complexities, compo-
6 nent availability issues, and tank car shop capa-
7 bilities.

8 (F) Analysis of international experiences
9 with the use of advanced braking technologies.

10 (3) DEADLINE.—Not later than 18 months
11 after the date of enactment of this Act, the Govern-
12 ment Accountability Office shall transmit to the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate and the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives a report on the results of the inde-
17 pendent evaluation under paragraph (1).

18 (b) EMERGENCY BRAKING APPLICATION TESTING.—

19 (1) IN GENERAL.—The Secretary of Transpor-
20 tation shall enter into an agreement with the
21 NCRRP Board—

22 (A) to complete testing of ECP brake sys-
23 tems during emergency braking application, in-
24 cluding more than 1 scenario involving the un-
25 coupling of a train with 70 or more DOT 117-

1 specification or DOT 117R-specification tank
2 cars; and

3 (B) to transmit, not later than 18 months
4 after the date of enactment of this Act, to the
5 Committee on Commerce, Science, and Trans-
6 portation of the Senate and the Committee on
7 Transportation and Infrastructure of the House
8 of Representatives a report on the results of the
9 testing.

10 (2) INDEPENDENT EXPERTS.—In completing
11 the testing under paragraph (1), the NCRRP Board
12 may contract with 1 or more engineering or rail ex-
13 perts, as appropriate, with relevant experience in
14 conducting railroad safety technology tests or similar
15 crash tests.

16 (3) TESTING FRAMEWORK.—In completing the
17 testing under paragraph (1), the NCRRP Board and
18 each contractor described in paragraph (2) shall en-
19 sure that the testing objectively, accurately, and reli-
20 ably measures the performance of ECP brake sys-
21 tems relative to other braking technologies or sys-
22 tems, such as distributed power and 2-way end-of-
23 train devices, including differences in—

24 (A) the number of cars derailed;

25 (B) the number of cars punctured;

1 (C) the measures of in-train forces; and

2 (D) the stopping distance.

3 (4) FUNDING.—The Secretary shall require, as
4 part of the agreement under paragraph (1), that the
5 NCRRP Board fund the testing required under this
6 section—

7 (A) using such sums made available under
8 section 24910 of title 49, United States Code;
9 and

10 (B) to the extent funding under subpara-
11 graph (A) is insufficient or unavailable to fund
12 the testing required under this section, using
13 such sums as are necessary from the amounts
14 appropriated to the Office of the Secretary.

15 (5) EQUIPMENT.—The NCRRP Board and
16 each contractor described in paragraph (2) may re-
17 ceive or use rolling stock, track, and other equip-
18 ment or infrastructure from a private entity for the
19 purposes of conducting the testing required under
20 this section.

21 (c) EVIDENCE-BASED APPROACH.—

22 (1) ANALYSIS.—The Secretary shall—

23 (A) not later than 90 days after the report
24 date, fully incorporate and reflect the findings
25 from both reports into a draft updated regu-

1 latory impact analysis of the effects of the ap-
2 plicable ECP brake system requirements;

3 (B) as soon as practicable after completion
4 of the draft updated analysis under subpara-
5 graph (A), solicit public comment on the anal-
6 ysis for a period of not more than 30 days; and

7 (C) not later than 60 days after the end of
8 the public comment period, post the final up-
9 dated regulatory impact analysis on the Depart-
10 ment of Transportation Web site.

11 (2) DETERMINATION.—Not later than 180 days
12 after the report date, the Secretary shall—

13 (A) determine, based on whether the final
14 regulatory impact analysis described in para-
15 graph (1)(C) demonstrates that the benefits, in-
16 cluding safety benefits, of the applicable ECP
17 brake system requirements exceed their costs,
18 whether the applicable ECP brake system re-
19 quirements are justified; and

20 (B)(i) if the applicable ECP brake system
21 requirements are justified, publish in the Fed-
22 eral Register the determination with the rea-
23 sons for it; or

1 (ii) if the Secretary does not publish the
2 determination under clause (i), repeal the appli-
3 cable ECP brake system requirements.

4 (d) DEFINITIONS.—In this section:

5 (1) APPLICABLE ECP BRAKE SYSTEM REQUIRE-
6 MENTS.—The term “applicable brake system re-
7 quirements” means sections 174.310(a)(3)(ii),
8 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102-10,
9 179.202-12(g), and 179.202-13(i) of title 49, Code
10 of Federal Regulations, and any other regulation in
11 effect on the date of enactment of this Act requiring
12 the installation of ECP brakes or operation in ECP
13 brake mode.

14 (2) CLASS 3 FLAMMABLE LIQUID.—The term
15 “Class 3 flammable liquid” has the meaning given
16 the term in section 173.120(a) of title 49, Code of
17 Federal Regulations.

18 (3) ECP.—The term “ECP” means electroni-
19 cally-controlled pneumatic when applied to a brake
20 or brakes.

21 (4) ECP BRAKE MODE.—The term “ECP brake
22 mode” includes any operation of a rail car or an en-
23 tire train using an ECP brake system.

24 (5) ECP BRAKE SYSTEM.—

1 (A) IN GENERAL.—The term “ECP brake
2 system” means a train power braking system
3 actuated by compressed air and controlled by
4 electronic signals from the locomotive or an
5 ECP-EOT to the cars in the consist for service
6 and emergency applications in which the brake
7 pipe is used to provide a constant supply of
8 compressed air to the reservoirs on each car but
9 does not convey braking signals to the car.

10 (B) INCLUSIONS.—The term “ECP brake
11 system” includes dual mode and stand-alone
12 ECP brake systems.

13 (6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—
14 The term “high-hazard flammable unit train” means
15 a single train transporting 70 or more loaded tank
16 cars containing Class 3 flammable liquid.

17 (7) NCRRP BOARD.—The term “NCRRP
18 Board” means the independent governing board of
19 the National Cooperative Rail Research Program.

20 (8) RAILROAD CARRIER.—The term “railroad
21 carrier” has the meaning given the term in section
22 20102 of title 49, United States Code.

23 (9) REPORT DATE.—The term “report date”
24 means the date that both the report under sub-
25 section (a)(3) and the report under subsection

1 (b)(1)(B) have been transmitted under those sub-
2 sections.

3 **SEC. 35436. RECORDING DEVICES.**

4 (a) IN GENERAL.—Subchapter II of chapter 201 is
5 amended by adding after section 20167 the following:

6 **“§ 20168. Installation of audio and image recording
7 devices**

8 “(a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of the Railroad Reform, Enhancement,
10 and Efficiency Act, the Secretary of Transportation shall
11 promulgate regulations to require each rail carrier that
12 provides regularly scheduled intercity rail passenger or
13 commuter rail passenger transportation to the public to
14 install inward- and outward-facing image recording de-
15 vices in all controlling locomotive cabs and cab car oper-
16 ating compartments in such passenger trains.

17 “(b) DEVICE STANDARDS.—Each inward- and out-
18 ward-facing image recording device shall—

19 “(1) have a minimum 12-hour continuous re-
20 cording capability;

21 “(2) have crash and fire protections for any in-
22 cab image recordings that are stored only within a
23 controlling locomotive cab or cab car operating com-
24 partment; and

1 “(3) have recordings accessible for review dur-
2 ing an accident investigation.

3 “(c) REVIEW.—The Secretary shall establish a proc-
4 ess to review and approve or disapprove an inward- or out-
5 ward-facing recording device for compliance with the
6 standards described in subsection (b).

7 “(d) USES.—A rail carrier that has installed an
8 inward- or outward-facing image recording device ap-
9 proved under subsection (c) may use recordings from that
10 inward- or outward-facing image recording device for the
11 following purposes:

12 “(1) Verifying that train crew actions are in ac-
13 cordance with applicable safety laws and the rail
14 carrier’s operating rules and procedures.

15 “(2) Assisting in an investigation into the cau-
16 sation of a reportable accident or incident.

17 “(3) Carrying out efficiency testing and system-
18 wide performance monitoring programs.

19 “(4) Documenting a criminal act or monitoring
20 unauthorized occupancy of the controlling locomotive
21 cab or car operating compartment.

22 “(5) Other purposes that the Secretary con-
23 siders appropriate.

24 “(e) VOLUNTARY IMPLEMENTATION.—

1 “(1) IN GENERAL.—Each rail carrier operating
2 freight rail service may implement any inward- or
3 outward-facing image recording devices approved
4 under subsection (c).

5 “(2) AUTHORIZED USES.—Notwithstanding any
6 other provision of law, each rail carrier may use re-
7 cordings from an inward- or outward-facing image
8 recording device approved under subsection (c) for
9 any of the purposes described in subsection (d).

10 “(f) DISCRETION.—

11 “(1) IN GENERAL.—The Secretary may—

12 “(A) require in-cab audio recording devices
13 for the purposes described in subsection (d);
14 and

15 “(B) define in appropriate technical detail
16 the essential features of the devices required
17 under subparagraph (A).

18 “(2) EXEMPTIONS.—The Secretary may exempt
19 any rail passenger carrier or any part of a rail pas-
20 senger carrier’s operations from the requirements
21 under subsection (a) if the Secretary determines
22 that the rail passenger carrier has implemented an
23 alternative technology or practice that provides an
24 equivalent or greater safety benefit or is better suit-
25 ed to the risks of the operation.

1 “(g) TAMPERING.—A rail carrier may take appro-
2 priate enforcement or administrative action against any
3 employee that tampers with or disables an audio or
4 inward- or outward-facing image recording device installed
5 by the rail carrier.

6 “(h) PRESERVATION OF DATA.—Each rail passenger
7 carrier subject to the requirements of subsection (a) shall
8 preserve recording device data for 1 year after the date
9 of a reportable accident or incident.

10 “(i) INFORMATION PROTECTIONS.—The Secretary
11 may not disclose publicly any part of an in-cab audio or
12 image recording or transcript of oral communications by
13 or among train employees or other operating employees
14 responsible for the movement and direction of the train,
15 or between such operating employees and company com-
16 munication centers, related to an accident investigated by
17 the Secretary. However, the Secretary shall make public
18 any part of a transcript or any written depiction of visual
19 information that the Secretary decides is relevant to the
20 accident at the time a majority of the other factual reports
21 on the accident are released to the public.

22 “(j) PROHIBITED USE.—An in-cab audio or image re-
23 cording obtained by a rail carrier under this section may
24 not be used to retaliate against an employee.

1 “(k) SAVINGS CLAUSE.—Nothing in this section may
2 be construed as requiring a rail carrier to cease or restrict
3 operations upon a technical failure of an inward- or out-
4 ward-facing image recording device. Such rail carrier shall
5 repair or replace the failed inward- or outward-facing
6 image recording device as soon as practicable.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
8 tents for subchapter II of chapter 201 is amended by add-
9 ing at the end the following:

“20168. Installation of audio and image recording devices.”.

10 **SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

11 (a) LIMITATIONS.—Section 28103(a) is amended—

12 (1) in paragraph (2), by striking
13 “\$200,000,000” and inserting “\$295,000,000, ex-
14 cept as provided in paragraph (3).”; and

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

16 “(3) The liability cap under paragraph (2) shall
17 be adjusted every 5 years by the Secretary of Trans-
18 portation to reflect changes in the Consumer Price
19 Index-All Urban Consumers.

20 “(4) The Federal Government shall have no fi-
21 nancial responsibility for any claims described in
22 paragraph (2).”.

23 (b) DEFINITION OF RAIL PASSENGER TRANSPOR-
24 TATION.—Section 28103(e) is amended—

1 (1) in the heading, by striking “DEFINITION.—
2 ” and inserting “DEFINITIONS.—”;

3 (2) in paragraph (2), by striking “; and” and
4 inserting a semicolon;

5 (3) in paragraph (3), by striking the period at
6 the end and inserting “; and”; and

7 (4) by adding at the end the following:

8 “(4) the term ‘rail passenger transportation’ in-
9 cludes commuter rail passenger transportation (as
10 defined in section 24102).”.

11 (c) PROHIBITION.—No Federal funds may be appro-
12 priated for the purpose of paying for the portion of an
13 insurance premium attributable to the increase in allow-
14 able awards under the amendments made by subsection
15 (a).

16 (d) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall be effective for any passenger rail acci-
18 dent or incident occurring on or after May 12, 2015.

19 **SEC. 35438. MODIFICATION REPORTING.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary shall imple-
22 ment a reporting requirement to monitor industry-wide
23 progress toward modifying tank cars used in high-hazard
24 flammable train service by the applicable deadlines or au-
25 thorization end dates set in regulation.

1 (b) TANK CAR DATA.—The Secretary shall collect
2 data from shippers and tank car owners on—

3 (1) the total number of tank cars modified to
4 meet the DOT-117R specification, or equivalent,
5 specifying—

6 (A) the type or specification of each tank
7 car before it was modified, including non-jack-
8 eted DOT-111, jacketed DOT-111, non-jack-
9 eted DOT-111 meeting the CPC-1232 stand-
10 ard, or jacketed DOT-111 meeting the CPC-
11 1232 standard; and

12 (B) the identification number of each Class
13 3 flammable liquid carried by each tank car in
14 the past year;

15 (2) the total number of tank cars built to meet
16 the DOT-117 specification, or equivalent; and

17 (3) the total number of tank cars used or likely
18 to be used in high-hazard flammable train service
19 that have not been modified, specifying—

20 (A) the type or specification of each tank
21 car not modified, including the non-jacketed
22 DOT-111, jacketed DOT-111, non-jacketed
23 DOT-111 meeting the CPC-1232 standard, or
24 jacketed DOT-111 meeting the CPC-1232
25 standard; and

1 (B) the identification number of each Class
2 3 flammable liquid carried by each tank car in
3 the past year.

4 (c) TANK CAR SHOP DATA.—The Secretary shall
5 conduct a survey of tank car facilities modifying tank cars
6 to the DOT-117R specification, or equivalent, or building
7 new tank cars to the DOT-117 specification, or equivalent,
8 to generate statistically-valid estimates of the expected
9 number of tank cars those facilities expect to modify to
10 DOT-117R specification, or equivalent, or build to the
11 DOT-117 specification, or equivalent.

12 (d) FREQUENCY.—The Secretary shall collect the
13 data under subsection (b) and conduct the survey under
14 subsection (c) annually until May 1, 2025.

15 (e) INFORMATION PROTECTIONS.—

16 (1) IN GENERAL.—The Secretary shall only re-
17 port data in industry-wide totals and shall treat
18 company-specific information as confidential busi-
19 ness information.

20 (2) LEVEL OF CONFIDENTIALITY.—The Sec-
21 retary shall ensure the data collected under sub-
22 section (b) and the survey data under subsection (c)
23 have the same level of confidentiality as contained in
24 the Confidential Information Protection and Statis-
25 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),

1 as administered by the Bureau of Transportation
2 Statistics.

3 (3) DESIGNEE.—The Secretary may designate
4 the Director of the Bureau of Transportation Statis-
5 tics to collect data under subsection (b) and the sur-
6 vey data under subsection (c) and direct the Direc-
7 tor to ensure the confidentiality of company-specific
8 information to the maximum extent permitted by
9 law.

10 (f) REPORT.—Each year, not later than 60 days after
11 the date that both the collection of the data under sub-
12 section (b) and the survey under subsection (c) are com-
13 plete, the Secretary shall report on the aggregate results,
14 without company-specific information, to—

15 (1) the Committee on Commerce, Science, and
16 Transportation of the Senate; and

17 (2) the Committee on Transportation and In-
18 frastructure of the House of Representatives.

19 (g) DEFINITIONS.—In this section:

20 (1) CLASS 3 FLAMMABLE LIQUID.—The term
21 “Class 3 flammable liquid” has the meaning given
22 the term in section 173.120(a) of title 49, Code of
23 Federal Regulations.

24 (2) HIGH-HAZARD FLAMMABLE TRAIN.—The
25 term “high-hazard flammable train” means a single

1 train transporting 20 or more tank cars loaded with
2 a Class 3 flammable liquid in a continuous block or
3 a single train transporting 35 or more tank cars
4 loaded with a Class 3 flammable liquid throughout
5 the train consist.

6 **SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS RE-**
7 **SEARCH STUDY.**

8 Not later than 180 days after the research completion
9 of the comprehensive Crude Oil Characteristics Research
10 Sampling, Analysis, and Experiment (SAE) Plan study at
11 Sandia National Laboratories, the Secretary of Energy,
12 in cooperation with the Secretary of Transportation, shall
13 submit a report to the Committee on Commerce, Science,
14 and Transportation of the Senate, the Committee on En-
15 ergy and Natural Resources of the Senate, the Committee
16 on Transportation and Infrastructure of the House of
17 Representatives, and the Committee on Energy and Com-
18 merce of the House of Representatives that contains—

19 (1) the results of the comprehensive Crude Oil
20 Characteristics Research Sampling, Analysis, and
21 Experiment (SAE) Plan study; and

22 (2) recommendations, based on the findings of
23 the study, for—

24 (A) regulations that should be prescribed
25 by the Secretary of Transportation or the Sec-

1 retary of Energy to improve the safe transport
2 of crude oil; and

3 (B) statutes that should be enacted by
4 Congress to improve the safe transport of crude
5 oil.

6 **PART IV—POSITIVE TRAIN CONTROL**

7 **SEC. 35441. COORDINATION OF SPECTRUM.**

8 (a) ASSESSMENT.—The Secretary, in coordination
9 with the Chairman of the Federal Communications Com-
10 mission, shall assess spectrum needs and availability for
11 implementing positive train control systems (as defined in
12 section 20157(i)(3) of title 49, United States Code). The
13 Secretary and the Chairman may consult with external
14 stakeholders in carrying out this section.

15 (b) REPORT.—Not later than 120 days after the date
16 of enactment of this Act, the Secretary shall submit a re-
17 port to the Committee on Commerce, Science, and Trans-
18 portation of the Senate and the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 that contains the results of the assessment conducted
21 under subsection (a).

22 **SEC. 35442. UPDATED PLANS.**

23 (a) IMPLEMENTATION.—Section 20157(a) is amend-
24 ed to read as follows:

25 “(a) IMPLEMENTATION.—

1 “(1) PLAN REQUIRED.—Each Class I railroad
2 carrier and each entity providing regularly scheduled
3 intercity or commuter rail passenger transportation
4 shall develop and submit to the Secretary of Trans-
5 portation a plan for implementing a positive train
6 control system by December 31, 2015, governing op-
7 erations on—

8 “(A) its main line over which intercity rail
9 passenger transportation or commuter rail pas-
10 senger transportation (as defined in section
11 24102) is regularly provided;

12 “(B) its main line over which poison- or
13 toxic-by-inhalation hazardous materials (as de-
14 fined in sections 171.8, 173.115, and 173.132
15 of title 49, Code of Federal Regulations) are
16 transported; and

17 “(C) such other tracks as the Secretary
18 may prescribe by regulation or order.

19 “(2) INTEROPERABILITY AND
20 PRIORITIZATION.—The plan shall describe how the
21 railroad carrier or other entity subject to paragraph
22 (1) will provide for interoperability of the positive
23 train control systems with movements of trains of
24 other railroad carriers over its lines and shall, to the
25 extent practical, implement the positive train control

1 systems in a manner that addresses areas of greater
2 risk before areas of lesser risk.

3 “(3) SECRETARIAL REVIEW OF UPDATED
4 PLANS.—

5 “(A) SUBMISSION OF UPDATED PLANS.—

6 Notwithstanding the deadline set forth in para-
7 graph (1), not later than 90 days after the date
8 of enactment of the Railroad Reform, Enhance-
9 ment, and Efficiency Act, each Class I railroad
10 carrier or other entity subject to paragraph (1)
11 may submit to the Secretary an updated plan
12 that amends the plan submitted under para-
13 graph (1) with an updated implementation
14 schedule (as described in paragraph (4)(B))
15 and milestones or metrics (as described in para-
16 graph (4)(A)) that demonstrate that the rail-
17 road carrier or other entity will implement a
18 positive train control system as soon as prac-
19 ticable, if implementing in accordance with the
20 updated plan will not introduce operational
21 challenges or risks to full, successful, and safe
22 implementation.

23 “(B) REVIEW OF UPDATED PLANS.—Not
24 later than 150 days after receiving an updated
25 plan under subparagraph (A), the Secretary

1 shall review the updated plan and approve or
2 disapprove it. In determining whether to ap-
3 prove or disapprove the updated plan, the Sec-
4 retary shall consider whether the railroad car-
5 rier or other entity submitting the plan—

6 “(i)(I) has encountered technical or
7 programmatic challenges identified by the
8 Secretary in the 2012 report transmitted
9 to Congress pursuant to subsection (d);
10 and

11 “(II) the challenges referred to in
12 subclause (I) have negatively affected the
13 successful implementation of positive train
14 control systems;

15 “(ii) has demonstrated due diligence
16 in its effort to implement a positive train
17 control system;

18 “(iii) has included in its plan mile-
19 stones or metrics that demonstrate the
20 railroad carrier or other entity will imple-
21 ment a positive train control system as
22 soon as practicable, if implementing in ac-
23 cordance with the milestones or metrics
24 will not introduce operational challenges or

1 risks to full, successful, and safe imple-
2 mentation; and

3 “(iv) has set an implementation
4 schedule in its plan that shows the railroad
5 will comply with paragraph (7), if imple-
6 menting in accordance with the implemen-
7 tation schedule will not introduce oper-
8 ational challenges or risks to full, success-
9 ful, and safe implementation.

10 “(C) MODIFICATION OF UPDATED
11 PLANS.—(i) If the Secretary has not approved
12 an updated plan under subparagraph (B) with-
13 in 60 days of receiving the updated plan under
14 subparagraph (A), the Secretary shall imme-
15 diately—

16 “(I) provide a written response to the
17 railroad carrier or other entity that identi-
18 fies the reason for not approving the up-
19 dated plan and explains any incomplete or
20 deficient items;

21 “(II) allow the railroad carrier or
22 other entity to submit, within 30 days of
23 receiving the written response under sub-
24 clause (I), a modified version of the up-
25 dated plan for the Secretary’s review; and

1 “(III) approve or issue final dis-
2 approval for a modified version of the up-
3 dated plan submitted under subclause (II)
4 not later than 60 days after receipt.

5 “(ii) During the 60-day period described in
6 clause (i)(III), the railroad or other entity that
7 has submitted a modified version of the updated
8 plan under clause (i)(II) may make additional
9 modifications, if requested by the Secretary, for
10 the purposes of correcting incomplete or defi-
11 cient items to receive approval.

12 “(D) PUBLIC AVAILABILITY.—Not later
13 than 30 days after approving an updated plan
14 under this paragraph, the Secretary shall make
15 the updated plan available on the website of the
16 Federal Railroad Administration.

17 “(E) PENDING REVIEWS.—For an appli-
18 cant that submits an updated plan under sub-
19 paragraph (A), the Secretary shall extend the
20 deadline for implementing a positive train con-
21 trol system at least until the date the Secretary
22 approves or issues final disapproval for the up-
23 dated plan with an updated implementation
24 schedule (as described in paragraph (4)(B)).

1 “(F) DISAPPROVAL.—A railroad carrier or
2 other entity that has its modified version of its
3 updated plan disapproved by the Secretary
4 under subparagraph (C)(i)(III), and that has
5 not implemented a positive train control system
6 by the deadline in subsection (a)(1), is subject
7 to enforcement action authorized under sub-
8 section (e).

9 “(4) CONTENTS OF UPDATED PLAN.—

10 “(A) MILESTONES OR METRICS.—Each up-
11 dated plan submitted under paragraph (3) shall
12 describe the following milestones or metrics:

13 “(i) The total number of components
14 that will be installed with positive train
15 control by the end of each calendar year
16 until positive train control is fully imple-
17 mented, with totals separated by each com-
18 ponent category.

19 “(ii) The number of employees that
20 will receive the training, as required under
21 the applicable positive train control system
22 regulations, by the end of each calendar
23 year until positive train control is fully im-
24 plemented.

1 “(iii) The calendar year or years in
2 which spectrum will be acquired and will
3 be available for use in all areas that it is
4 needed for positive train control implemen-
5 tation, if such spectrum is not already ac-
6 quired and ready for use.

7 “(B) IMPLEMENTATION SCHEDULE.—Each
8 updated plan submitted under paragraph (3)
9 shall include an implementation schedule that
10 identifies the dates by which the railroad carrier
11 or other entity will—

12 “(i) fully implement a positive train
13 control system;

14 “(ii) complete all component installa-
15 tion, consistent with the milestones or
16 metrics described in subparagraph (A)(i);

17 “(iii) complete all employee training
18 required under the applicable positive train
19 control system regulations, consistent with
20 the milestones or metrics described in sub-
21 paragraph (A)(ii);

22 “(iv) acquire all necessary spectrum,
23 consistent with the milestones or metrics in
24 subparagraph (A)(iii); and

1 “(v) activate its positive train control
2 system.

3 “(C) ADDITIONAL INFORMATION.—Each
4 updated plan submitted under paragraph (3)
5 shall include—

6 “(i) the total number of positive train
7 control components required for implemen-
8 tation, with totals separated by each major
9 component category;

10 “(ii) the total number of employees
11 requiring training under the applicable
12 positive train control system regulations;

13 “(iii) a summary of the remaining
14 challenges to positive train control system
15 implementation, including—

16 “(I) testing issues;

17 “(II) interoperability challenges;

18 “(III) permitting issues; and

19 “(IV) certification challenges.

20 “(D) DEFINED TERM.—In this paragraph,
21 the term ‘component’ means a locomotive appa-
22 ratus, a wayside interface unit (including any
23 associated legacy signal system replacements),
24 back office system hardware, a base station
25 radio, a wayside radio, or a locomotive radio.

1 “(5) PLAN IMPLEMENTATION.—The Class I
2 railroad carrier or other entity subject to paragraph
3 (1) shall implement a positive train control system
4 in accordance with its plan, including any amend-
5 ments made to the plan by its updated plan ap-
6 proved by the Secretary under paragraph (3), and
7 subject to section 35443 of the Railroad Reform,
8 Enhancement, and Efficiency Act.

9 “(6) PROGRESS REPORT.—Each Class I rail-
10 road carrier or other entity with an approved up-
11 dated plan shall submit an annual report to the Sec-
12 retary that describes the progress made on positive
13 train control implementation, including—

14 “(A) the extent to which the railroad car-
15 rier or other entity met or exceeded the metrics
16 or milestones described in paragraph (4)(A);

17 “(B) the extent to which the railroad car-
18 rier or other entity complied with its implemen-
19 tation schedule under paragraph (4)(B); and

20 “(C) any update to the information pro-
21 vided under paragraph (4)(C).

22 “(7) CONSTRAINT.—Each updated plan shall
23 reflect that the railroad carrier or other entity sub-
24 ject to paragraph (1) will, not later than December
25 31, 2018—

1 “(A) complete component installation and
2 spectrum acquisition; and

3 “(B) activate its positive train control sys-
4 tem without undue delay.”.

5 (b) ENFORCEMENT.—Section 20157(e) is amended
6 to read as follows:

7 “(e) ENFORCEMENT.—The Secretary is authorized to
8 assess civil penalties pursuant to chapter 213 for the fail-
9 ure to submit or comply with a plan for implementing
10 positive train control under subsection (a), including any
11 amendments to the plan made by an updated plan (includ-
12 ing milestones or metrics and an updated implementation
13 schedule) approved by the Secretary under paragraph (3)
14 of such subsection, subject to section 35443 of the Rail-
15 road Reform, Enhancement, and Efficiency Act.”.

16 (c) DEFINITIONS.—Section 20157(i) is amended—

17 (1) by redesignating paragraphs (1) through
18 (3) as paragraphs (2) through (4), respectively; and

19 (2) by inserting before paragraph (2), as redesi-
20 gnated, the following:

21 “(1) ACTIVATE.—The term ‘activate’ means to
22 initiate the use of a positive train control system in
23 every subdivision or district where the railroad car-
24 rier or other entity is prepared to do so safely, reli-
25 ably, and successfully, and proceed with revenue

1 service demonstration as necessary for system test-
2 ing and certification, prior to full implementation.”.

3 (d) CONFORMING AMENDMENT.—Section 20157(g)
4 is amended—

5 (1) by striking “The Secretary” and inserting
6 the following:

7 “(1) IN GENERAL.—The Secretary”; and

8 (2) by adding at the end the following:

9 “(2) CONFORMING REGULATORY AMEND-
10 MENTS.—Immediately after the date of the enact-
11 ment of the Railroad Reform, Enhancement, and Ef-
12 ficiency Act, the Secretary—

13 “(A) shall remove or revise any references
14 to specified dates in the regulations or orders
15 implementing this section to the extent nec-
16 essary to conform with the amendments made
17 by such Act; and

18 “(B) may not enforce any such date-spe-
19 cific deadlines or requirements that are incon-
20 sistent with the amendments made by such
21 Act.”.

22 (e) SAVINGS PROVISIONS.—

23 (1) RESUBMISSION OF INFORMATION.—Nothing
24 in the amendments made by this section may be con-
25 strued to require a Class I railroad carrier or other

1 entity subject to section 20157(a) of title 49, United
2 States Code, to resubmit in its updated plan infor-
3 mation from its initial implementation plan that is
4 not changed or affected by the updated plan. The
5 Secretary shall consider an updated plan submitted
6 pursuant to paragraph (3) of that section to be an
7 addendum that makes amendments to the initial im-
8 plementation plan.

9 (2) SUBMISSION OF NEW PLAN.—Nothing in
10 the amendments made by this section may be con-
11 strued to require a Class I railroad carrier or other
12 entity subject to section 20157(a) of title 49, United
13 States Code, to submit a new implementation plan
14 pursuant to the deadline set forth in that section.

15 (3) APPROVAL.—A railroad carrier or other en-
16 tity subject to section 20157(a) of title 49, United
17 States Code, that has its updated plan, including a
18 modified version of the updated plan, approved by
19 the Secretary under subparagraph (B) or subpara-
20 graph (C) of paragraph (3) of that section shall not
21 be required to implement a positive train control sys-
22 tem by the deadline under paragraph (1) of that sec-
23 tion.

1 **SEC. 35443. EARLY ADOPTION AND INTEROPERABILITY.**

2 (a) EARLY ADOPTION.—During the 1-year period be-
3 ginning on the date on which the last railroad carrier’s
4 or other entity’s positive train control system, subject to
5 section 20157(a) of title 49, United States Code, is cer-
6 tified by the Secretary under subsection (h) of such section
7 and implemented on all of that railroad carrier’s or other
8 entity’s lines required to have operations governed by a
9 positive train control system, any railroad carrier or other
10 entity shall not be subject to the operational restrictions
11 set forth in subpart I of part 236 of title 49, Code of Fed-
12 eral Regulations, that would otherwise apply in the event
13 of a positive train control system component failure.

14 (b) INTEROPERABILITY PROCEDURE.—If multiple
15 railroad carriers operate on a single railroad line through
16 a trackage or haulage agreement, each railroad carrier op-
17 erating on the railroad line shall not be subject to the op-
18 erating restrictions set forth in subpart I of part 236 of
19 title 49, Code of Federal Regulations, with respect to the
20 railroad line, until the Secretary certifies that—

21 (1) each Class I railroad carrier and each entity
22 providing regularly scheduled intercity or commuter
23 rail passenger transportation that operates on the
24 railroad line is in compliance with its positive train
25 control requirements under section 20157(a) of title
26 49, United States Code;

1 (2) each Class II or Class III railroad that op-
2 erates on the railroad line is in compliance with the
3 applicable regulatory requirements to equip loco-
4 motives operating in positive train control territory;
5 and

6 (3) the implementation of any and all positive
7 train control systems are interoperable and oper-
8 ational on the railroad line in conformance with each
9 approved implementation plan so that each freight
10 and passenger railroad can operate on the line with
11 that freight or passenger railroad's positive train
12 control equipment.

13 (c) SMALL RAILROADS.—Not later than 120 days
14 after the date of the enactment of this Act, the Secretary
15 shall amend section 236.1006(b)(4)(iii)(B) of title 49,
16 Code of Federal Regulations (relating to equipping loco-
17 motives for applicable Class II and Class III railroads op-
18 erating in positive train control territory) to extend each
19 deadline by 3 years.

20 (d) ENFORCEMENT.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 nothing in subsection (a) may be construed to pro-
23 hibit the Secretary from enforcing the metrics and
24 milestones under section 20157(a)(4)(A) of title 49,

1 United States Code, as amended by section 35442 of
2 this Act.

3 (2) ACTIVATION.—Beginning on the date in
4 which a railroad carrier or other entity subject to
5 section 20157(a) of title 49, United States Code, as
6 amended by section 35442 of this Act, has activated
7 its positive train control system, the railroad carrier
8 or other entity shall not be in violation of its plan,
9 including its updated plan, approved under this Act
10 if implementing such plan introduces operational
11 challenges or risks to full, successful, and safe imple-
12 mentation.

13 **SEC. 35444. POSITIVE TRAIN CONTROL AT GRADE CROSS-**
14 **INGS EFFECTIVENESS STUDY.**

15 (a) STUDY.—After the Secretary certifies that each
16 Class I railroad carrier and each entity providing regularly
17 scheduled intercity or commuter rail passenger transpor-
18 tation is in compliance with the positive train control re-
19 quirements under section 20157(a) of title 49, United
20 States Code, the Secretary shall enter into an agreement
21 with the National Cooperative Rail Research Program
22 Board—

23 (1) to conduct a study of the possible effective-
24 ness of positive train control and related tech-

1 nologies on reducing collisions at highway-rail grade
2 crossings; and

3 (2) to submit a report containing the results of
4 the study conducted under paragraph (1) to the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate and the Committee on Trans-
7 portation and Infrastructure of the House of Rep-
8 resentatives.

9 (b) FUNDING.—The Secretary may require, as part
10 of the agreement under subsection (a), that the National
11 Cooperative Rail Research Program Board fund the study
12 required under this section using such sums as may be
13 necessary out of the amounts made available under section
14 24910 of title 49, United States Code.

15 **Subtitle E—Project Delivery**

16 **SEC. 35501. SHORT TITLE.**

17 This subtitle may be cited as the “Track, Railroad,
18 and Infrastructure Network Act”.

19 **SEC. 35502. PRESERVATION OF PUBLIC LANDS.**

20 (a) HIGHWAYS.—Section 138 of title 23, United
21 States Code, is amended—

22 (1) in subsection (b)(2)(A)(i), by inserting “,
23 taking into consideration any avoidance, minimiza-
24 tion, and mitigation or enhancement measures incor-

1 porated into the program or project” after “historic
2 site”; and

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

4 “(c) RAIL AND TRANSIT.—Improvements to, or the
5 maintenance, rehabilitation, or operation of, railroad or
6 rail transit lines or elements of such lines, with the excep-
7 tion of stations, that are in use or were historically used
8 for the transportation of goods or passengers, shall not
9 be considered a use of an historic site under subsection
10 (a), regardless of whether the railroad or rail transit line
11 or element of such line is listed on, or eligible for listing
12 on, the National Register of Historic Places.”.

13 (b) TRANSPORTATION PROJECTS.—Section 303 is
14 amended—

15 (1) in subsection (c), by striking “subsection
16 (d)” and inserting “subsections (d) and (e)”;

17 (2) in subsection (d)(2)(A)(i), by inserting “,
18 taking into consideration any avoidance, minimiza-
19 tion, and mitigation or enhancement measures incor-
20 porated into the program or project” after “historic
21 site”; and

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

23 “(e) RAIL AND TRANSIT.—Improvements to, or the
24 maintenance, rehabilitation, or operation of, railroad or
25 rail transit lines or elements of such lines, with the excep-

1 tion of stations, that are in use or were historically used
2 for the transportation of goods or passengers, shall not
3 be considered a use of an historic site under subsection
4 (c), regardless of whether the railroad or rail transit line
5 or element of such line is listed on, or eligible for listing
6 on, the National Register of Historic Places.”.

7 **SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEWS.**

8 (a) IN GENERAL.—Section 304 is amended—

9 (1) in the heading, by striking “**for**
10 **multimodal projects**” and inserting “**and in-**
11 **creasing the efficiency of environmental**
12 **reviews**”; and

13 (2) by adding at the end the following:

14 “(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

15 “(1) IN GENERAL.—The Secretary of Transpor-
16 tation shall apply the project development proce-
17 dures, to the greatest extent feasible, described in
18 section 139 of title 23, United States Code, to any
19 rail project that requires the approval of the Sec-
20 retary of Transportation under the National Envi-
21 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
22 seq.).

23 “(2) REGULATIONS AND PROCEDURES.—The
24 Secretary of Transportation shall incorporate such

1 project development procedures into the agency reg-
2 ulations and procedures pertaining to rail projects.

3 “(f) APPLICABILITY OF NEPA DECISIONS.—

4 “(1) IN GENERAL.—A Department of Trans-
5 portation operating administration may apply a cat-
6 egorical exclusion designated by another Department
7 of Transportation operating administration under
8 the National Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.).

10 “(2) FINDINGS.—A Department of Transpor-
11 tation operating administration may adopt, in whole
12 or in part, another Department of Transportation
13 operating administration’s Record of Decision, Find-
14 ing of No Significant Impact, and any associated
15 evaluations, determinations, or findings dem-
16 onstrating compliance with any law related to envi-
17 ronmental review or historic preservation.”.

18 **SEC. 35504. ADVANCE ACQUISITION.**

19 (a) IN GENERAL.—Chapter 241 is amended by in-
20 serting after section 24105 the following—

21 **“§ 24106. Advance acquisition**

22 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
23 retary may assist a recipient of funding in acquiring right-
24 of-way and adjacent real property interests before or dur-
25 ing the completion of the environmental reviews for any

1 project receiving funding under subtitle V of title 49,
2 United States Code, that may use such property interests
3 if the acquisition is otherwise permitted under Federal
4 law, and the recipient requesting Federal funding for the
5 acquisition certifies, with the concurrence of the Secretary,
6 that—

7 “(1) the recipient has authority to acquire the
8 right-of-way or adjacent real property interest; and

9 “(2) the acquisition of the right-of-way or adja-
10 cent real property interest—

11 “(A) is for a transportation or transpor-
12 tation-related purpose;

13 “(B) will not cause significant adverse en-
14 vironmental impact;

15 “(C) will not limit the choice of reasonable
16 alternatives for the proposed project or other-
17 wise influence the decision of the Secretary on
18 any approval required for the proposed project;

19 “(D) does not prevent the lead agency for
20 the review process from making an impartial
21 decision as to whether to accept an alternative
22 that is being considered;

23 “(E) complies with other applicable Fed-
24 eral law, including regulations;

1 “(F) will be acquired through negotiation
2 and without the threat of condemnation; and

3 “(G) will not result in the elimination or
4 reduction of benefits or assistance to a dis-
5 placed person under the Uniform Relocation
6 Assistance and Real Property Acquisition Poli-
7 cies Act of 1970 (42 U.S.C. 4601 et seq.) and
8 title VI of the Civil Rights Act of 1964 (42
9 U.S.C. 2000d et seq.).

10 “(b) ENVIRONMENTAL REVIEWS.—

11 “(1) COMPLETION OF NEPA REVIEW.—Before
12 authorizing any Federal funding for the acquisition
13 of a real property interest that is the subject of a
14 grant or other funding under this subtitle, the Sec-
15 retary shall complete, if required, the review process
16 under the National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) with respect to the
18 acquisition.

19 “(2) COMPLETION OF SECTION 106.—An acqui-
20 sition of a real property interest involving an historic
21 site shall not occur unless the section 106 process,
22 if required, under the National Historic Preservation
23 Act (54 U.S.C. 306108) is complete.

24 “(3) TIMING OF ACQUISITIONS.—A real prop-
25 erty interest acquired under subsection (a) may not

1 be developed in anticipation of the proposed project
2 until all required environmental reviews for the
3 project have been completed.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents of chapter 241 is amended by inserting after the
6 item relating to section 24105 the following:

“24106. Advance acquisition.”.

7 **SEC. 35505. RAILROAD RIGHTS-OF-WAY.**

8 Section 306108 of title 54, United States Code, is
9 amended—

10 (1) by inserting “(b) OPPORTUNITY TO COM-
11 MENT.—” before “The head of the Federal agency
12 shall afford” and indenting accordingly;

13 (2) in the matter before subsection (b), by in-
14 serting “(a) IN GENERAL.—” before “The head of
15 any Federal agency having direct” and indenting ac-
16 cordingly; and

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

18 “(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

19 “(1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of the Track, Railroad, and
21 Infrastructure Network Act, the Secretary of Trans-
22 portation shall submit a proposed exemption of rail-
23 road rights-of-way from the review under this chap-
24 ter to the Council for its consideration, consistent

1 with the exemption for interstate highways approved
2 on March 10, 2005 (70 Fed. Reg. 11,928).

3 “(2) FINAL EXEMPTION.—Not later than 180
4 days after the date that the Secretary submits the
5 proposed exemption under paragraph (1) to the
6 Council, the Council shall issue a final exemption of
7 railroad rights-of-way from review under this chap-
8 ter, consistent with the exemption for interstate
9 highways approved on March 10, 2005 (70 Fed.
10 Reg. 11,928).”.

11 **SEC. 35506. SAVINGS CLAUSE.**

12 Nothing in this title, or any amendment made by this
13 title, shall be construed as superceding, amending, or
14 modifying the National Environmental Policy Act of 1969
15 (42 U.S.C. 4321 et seq.) or affect the responsibility of any
16 Federal officer to comply with or enforce any such statute.

17 **SEC. 35507. TRANSITION.**

18 Nothing in this title, or any amendment made by this
19 title, shall affect any existing environmental review proc-
20 ess, program, agreement, or funding arrangement ap-
21 proved by the Secretary under title 49, United States
22 Code, as that title was in effect on the day preceding the
23 date of enactment of this subtitle.

1 **Subtitle F—Financing**

2 **SEC. 35601. SHORT TITLE; REFERENCES.**

3 (a) SHORT TITLE.—This subtitle may be cited as the
4 “Railroad Infrastructure Financing Improvement Act”.

5 (b) REFERENCES TO THE RAILROAD REVITALIZA-
6 TION AND REGULATORY REFORM ACT OF 1976.—Except
7 as otherwise expressly provided, wherever in this subtitle
8 an amendment or repeal is expressed in terms of an
9 amendment to, or repeal of, a section or other provision,
10 the reference shall be considered to be made to a section
11 or other provision of the Railroad Revitalization and Regu-
12 latory Reform Act of 1976, as amended (45 U.S.C. 801
13 et seq.).

14 **SEC. 35602. DEFINITIONS.**

15 Section 501 (45 U.S.C. 821) is amended—

16 (1) by redesignating paragraph (8) as para-
17 graph (10);

18 (2) by redesignating paragraphs (6) and (7) as
19 paragraphs (7) and (8), respectively;

20 (3) by inserting after paragraph (5) the fol-
21 lowing:

22 “(6) The term ‘investment-grade rating’ means
23 a rating of BBB minus, Baa 3, bbb minus,
24 BBB(low), or higher assigned by a rating agency.”;

1 (4) by inserting after paragraph (8), as redesignig-
2 nated, the following:

3 “(9) The term ‘master credit agreement’ means
4 an agreement to make 1 or more direct loans or loan
5 guarantees at future dates for a program of related
6 projects on terms acceptable to the Secretary.”; and

7 (5) by adding at the end the following:

8 “(11) The term ‘project obligation’ means a
9 note, bond, debenture, or other debt obligation
10 issued by a borrower in connection with the financ-
11 ing of a project, other than a direct loan or loan
12 guarantee under this title.

13 “(12) The term ‘railroad’ has the meaning
14 given the term ‘railroad carrier’ in section 20102 of
15 title 49, United States Code.

16 “(13) The term ‘rating agency’ means a credit
17 rating agency registered with the Securities and Ex-
18 change Commission as a nationally recognized statis-
19 tical rating organization (as defined in section 3(a)
20 of the Securities Exchange Act of 1934 (15 U.S.C.
21 78c(a))).

22 “(14) The term ‘substantial completion’
23 means—

24 “(A) the opening of a project to passenger
25 or freight traffic; or

1 “(D) reimburse planning and design ex-
2 penses relating to projects described in subpara-
3 graph (A) or (C).”.

4 **SEC. 35605. PROGRAM ADMINISTRATION.**

5 (a) APPLICATION PROCESSING PROCEDURES.—Sec-
6 tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-
7 lows:

8 “(i) APPLICATION PROCESSING PROCEDURES.—

9 “(1) APPLICATION STATUS NOTICES.—Not later
10 than 30 days after the date that the Secretary re-
11 ceives an application under this section, the Sec-
12 retary shall provide the applicant written notice as
13 to whether the application is complete or incomplete.

14 “(2) INCOMPLETE APPLICATIONS.—If the Sec-
15 retary determines that an application is incomplete,
16 the Secretary shall—

17 “(A) provide the applicant with a descrip-
18 tion of all of the specific information or mate-
19 rial that is needed to complete the application;
20 and

21 “(B) allow the applicant to resubmit the
22 information 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
2 days after the date the Secretary notifies an ap-
3 plicant that an application is complete under
4 paragraph (1), the Secretary shall provide the
5 applicant written notice as to whether the Sec-
6 retary has approved or disapproved the applica-
7 tion.

8 “(B) ACTIONS BY THE OFFICE OF MAN-
9 AGEMENT AND BUDGET.—In order to enable
10 compliance with the time limit under subpara-
11 graph (A), the Office of Management and
12 Budget shall take any action required with re-
13 spect to the application within that 60-day pe-
14 riod.

15 “(4) EXPEDITED PROCESSING.—The Secretary
16 shall implement procedures and measures to econo-
17 mize the time and cost involved in obtaining an ap-
18 proval or a disapproval of credit assistance under
19 this title.

20 “(5) DASHBOARD.—The Secretary shall post on
21 the Department of Transportation’s public Web site
22 a monthly report that includes for each applica-
23 tion—

24 “(A) the name of the applicant or appli-
25 cants;

1 “(B) the location of the project;

2 “(C) a brief description of the project, in-
3 cluding its purpose;

4 “(D) the requested direct loan or loan
5 guarantee amount;

6 “(E) the date on which the Secretary pro-
7 vided application status notice under paragraph
8 (1); and

9 “(F) the date that the Secretary provided
10 notice of approval or disapproval under para-
11 graph (3).”.

12 (b) ADMINISTRATION OF DIRECT LOANS AND LOAN
13 GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-
14 ed—

15 (1) in subsection (a), by striking the period at
16 the end and inserting “, including a program guide
17 and standard term sheet and specific timetables.”;

18 (2) by redesignating subsections (e) through (l)
19 as subsections (d) through (m), respectively;

20 (3) by striking “(b) ASSIGNMENT OF LOAN
21 GUARANTEES.—” and inserting “(c) ASSIGNMENT
22 OF LOAN GUARANTEES.—”;

23 (4) in subsection (d), as redesignated—

24 (A) in paragraph (1), by striking “; and”
25 and inserting a semicolon;

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting “; and”; and

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

4 “(3) the modification cost has been covered
5 under section 502(f).”; and

6 (5) by amending subsection (l), as redesignated,
7 to read as follows:

8 “(l) CHARGES AND LOAN SERVICING.—

9 “(1) PURPOSES.—The Secretary may collect
10 and spend from each applicant, obligor, or loan
11 party a reasonable charge for—

12 “(A) the cost of evaluating the application,
13 amendments, modifications, and waivers, in-
14 cluding for evaluating project viability, appli-
15 cant creditworthiness, and the appraisal of the
16 value of the equipment or facilities for which
17 the direct loan or loan guarantee is sought, and
18 for making necessary determinations and find-
19 ings;

20 “(B) the cost of award management and
21 project management oversight;

22 “(C) the cost of services from expert firms,
23 including counsel, and independent financial ad-
24 visors to assist in the underwriting, auditing,

1 servicing, and exercise of rights with respect to
2 direct loans and loan guarantees; and

3 “(D) the cost of all other expenses in-
4 curred as a result of a breach of any term or
5 condition or any event of default on a direct
6 loan or loan guarantee.

7 “(2) STANDARDS.—The Secretary may charge
8 different amounts under this subsection based on the
9 different costs incurred under paragraph (1).

10 “(3) SERVICER.—

11 “(A) IN GENERAL.—The Secretary may
12 appoint a financial entity to assist the Secretary
13 in servicing a direct loan or loan guarantee
14 under this section.

15 “(B) DUTIES.—A servicer appointed under
16 subparagraph (A) shall act as the agent of the
17 Secretary in serving a direct loan or loan guar-
18 antee under this section.

19 “(C) FEES.—A servicer appointed under
20 subparagraph (A) shall receive a servicing fee
21 from the obligor or other loan party, subject to
22 approval by the Secretary.

23 “(4) SAFETY AND OPERATIONS ACCOUNT.—
24 Amounts collected under this subsection shall—

1 “(A) be credited directly to the Safety and
2 Operations account of the Federal Railroad Ad-
3 ministration; and

4 “(B) remain available until expended to
5 pay for the costs described in this subsection.”.

6 **SEC. 35606. LOAN TERMS AND REPAYMENT.**

7 (a) **PREREQUISITES FOR ASSISTANCE.**—Section
8 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking
9 “35 years from the date of its execution” and inserting
10 “the lesser of 35 years after the date of substantial com-
11 pletion of the project or the estimated useful life of the
12 rail equipment or facilities to be acquired, rehabilitated,
13 improved, developed, or established”.

14 (b) **REPAYMENT SCHEDULES.**—Section 502(j) (45
15 U.S.C. 822(j)) is amended—

16 (1) in paragraph (1), by striking “the sixth an-
17 niversary date of the original loan disbursement”
18 and inserting “5 years after the date of substantial
19 completion”; and

20 (2) by adding at the end the following:

21 “(3) **DEFERRED PAYMENTS.**—

22 “(A) **IN GENERAL.**—If at any time after
23 the date of substantial completion the project is
24 unable to generate sufficient revenues to pay
25 the scheduled loan repayments of principal and

1 interest on the direct loan, the Secretary, sub-
2 ject to subparagraph (B), may allow, for a max-
3 imum aggregate time of 1 year over the dura-
4 tion of the direct loan, the obligor to add un-
5 paid principal and interest to the outstanding
6 balance of the direct loan.

7 “(B) INTEREST.—A payment deferred
8 under subparagraph (A) shall—

9 “(i) continue to accrue interest under
10 paragraph (2) until the loan is fully repaid;
11 and

12 “(ii) be scheduled to be amortized
13 over the remaining term of the loan.

14 “(4) PREPAYMENTS.—

15 “(A) USE OF EXCESS REVENUES.—Any
16 excess revenues that remain after satisfying
17 scheduled debt service requirements on the
18 project obligations and direct loan and all de-
19 posit requirements under the terms of any trust
20 agreement, bond resolution, or similar agree-
21 ment securing project obligations may be ap-
22 plied annually to prepay the direct loan without
23 penalty.

24 “(B) USE OF PROCEEDS OF REFI-
25 NANCING.—The direct loan may be prepaid at

1 any time without penalty from the proceeds of
2 refinancing from non-Federal funding
3 sources.”.

4 (c) SALE OF DIRECT LOANS.—Section 502 (45
5 U.S.C. 822) is amended by adding at the end the fol-
6 lowing:

7 “(k) SALE OF DIRECT LOANS.—

8 “(1) IN GENERAL.—Subject to paragraph (2)
9 and as soon as practicable after substantial comple-
10 tion of a project, the Secretary, after notifying the
11 obligor, may sell to another entity or reoffer into the
12 capital markets a direct loan for the project if the
13 Secretary determines that the sale or reoffering has
14 a high probability of being made on favorable terms.

15 “(2) CONSENT OF OBLIGOR.—In making a sale
16 or reoffering under paragraph (1), the Secretary
17 may not change the original terms and conditions of
18 the secured loan without the prior written consent of
19 the obligor”.

20 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.
21 822), as amended in subsection (c), is further amended
22 by adding at the end the following:

23 “(l) NONSUBORDINATION.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2)(B), a direct loan shall not be subordinated

1 to the claims of any holder of project obligations in
2 the event of bankruptcy, insolvency, or liquidation of
3 the obligor.

4 “(2) PREEXISTING INDENTURES.—

5 “(A) IN GENERAL.—The Secretary may
6 waive the requirement under paragraph (1) for
7 a public agency borrower that is financing on-
8 going capital programs and has outstanding
9 senior bonds under a preexisting indenture if—

10 “(i) the direct loan is rated in the A
11 category or higher;

12 “(ii) the direct loan is secured and
13 payable from pledged revenues not affected
14 by project performance, such as a tax-
15 based revenue pledge or a system-backed
16 pledge of project revenues; and

17 “(iii) the program share, under this
18 title, of eligible project costs is 50 percent
19 or less.

20 “(B) LIMITATION.—The Secretary may
21 impose limitations for the waiver of the non-
22 subordination requirement under this para-
23 graph if the Secretary determines that such
24 limitations would be in the financial interest of
25 the Federal Government.”.

1 **SEC. 35607. CREDIT RISK PREMIUMS.**

2 Section 502(f) (45 U.S.C. 822(f)) is amended—

3 (1) in paragraph (1), by amending the first sen-
4 tence to read as follows: “In lieu of or in combina-
5 tion with appropriations of budget authority to cover
6 the costs of direct loans and loan guarantees as re-
7 quired under section 504(b)(1) of the Federal Credit
8 Reform Act of 1990 (2 U.S.C. 661c(b)(1)), includ-
9 ing the cost of a modification thereof, the Secretary
10 may accept on behalf of an applicant for assistance
11 under this section a commitment from a non-Federal
12 source, including a State or local government or
13 agency or public benefit corporation or public au-
14 thority thereof, to fund in whole or in part credit
15 risk premiums and modification costs with respect to
16 the loan that is the subject of the application or
17 modification.”;

18 (2) in paragraph (2)—

19 (A) in subparagraph (D), by adding “and”
20 after the semicolon;

21 (B) by striking subparagraph (E); and

22 (C) by redesignating subparagraph (F) as
23 subparagraph (E);

24 (3) by striking paragraph (4);

25 (4) by redesignating paragraph (3) as para-
26 graph (4);

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

3 “(3) CREDITWORTHINESS.—An applicant may
4 propose and the Secretary may accept as a basis for
5 determining the amount of the credit risk premium
6 under paragraph (2) any of the following in addition
7 to the value of any tangible asset:

8 “(A) The net present value of a future
9 stream of State or local subsidy income or other
10 dedicated revenues to secure the direct loan or
11 loan guarantee.

12 “(B) Adequate coverage requirements to
13 ensure repayment, on a non-recourse basis,
14 from cash flows generated by the project or any
15 other dedicated revenue source, including—

16 “(i) tolls;

17 “(ii) user fees; or

18 “(iii) payments owing to the obligor
19 under a public-private partnership.

20 “(C) An investment-grade rating on the di-
21 rect loan or loan guarantee, as applicable, ex-
22 cept that if the total amount of the direct loan
23 or loan guarantee is greater than \$75,000,000,
24 the applicant shall have an investment-grade

1 rating from at least 2 rating agencies on the di-
2 rect loan or loan guarantee.”; and

3 (6) in paragraph (4), as redesignated, by strik-
4 ing “amounts” and inserting “amounts (and in the
5 case of a modification, before the modification is ex-
6 ecuted), to the extent appropriations are not avail-
7 able to the Secretary to meet the costs of direct
8 loans and loan guarantees, including costs of modi-
9 fications thereof”.

10 **SEC. 35608. MASTER CREDIT AGREEMENTS.**

11 Section 502 (45 U.S.C. 822), as amended by sub-
12 sections (c) and (d) of section 35606 of this Act, is further
13 amended by adding at the end the following:

14 “(m) MASTER CREDIT AGREEMENTS.—

15 “(1) IN GENERAL.—Subject to section 502(d)
16 and paragraph (2) of this subsection, the Secretary
17 may enter into a master credit agreement that is
18 contingent on all of the conditions for the provision
19 of a direct loan or loan guarantee, as applicable,
20 under this title and other applicable requirements
21 being satisfied prior to the issuance of the direct
22 loan or loan guarantee.

23 “(2) CONDITIONS.—Each master credit agree-
24 ment shall—

1 “(A) establish the maximum amount and
2 general terms and conditions of each applicable
3 direct loan or loan guarantee;

4 “(B) identify 1 or more dedicated non-
5 Federal revenue sources that will secure the re-
6 payment of each applicable direct loan or loan
7 guarantee;

8 “(C) provide for the obligation of funds for
9 the direct loans or loan guarantees contingent
10 on and after all requirements have been met for
11 the projects subject to the master credit agree-
12 ment; and

13 “(D) provide 1 or more dates, as deter-
14 mined by the Secretary, before which the mas-
15 ter credit agreement results in each of the di-
16 rect loans or loan guarantees or in the release
17 of the master credit agreement.”.

18 **SEC. 35609. PRIORITIES AND CONDITIONS.**

19 (a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C.
20 822(c)) is amended—

21 (1) in paragraph (1), by inserting “, including
22 projects for the installation of a positive train con-
23 trol system (as defined in section 20157(i) of title
24 49, United States Code)” after “public safety”;

1 (2) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (2), respectively;

3 (3) in paragraph (5), by inserting “or chapter
4 227 of title 49” after “section 135 of title 23”;

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

7 (5) by inserting after paragraph (5) the fol-
8 lowing:

9 “(6) improve railroad stations and passenger
10 facilities and increase transit-oriented develop-
11 ment;”.

12 (b) **CONDITIONS OF ASSISTANCE.**—Section 502(h)
13 (45 U.S.C. 822(h)) is amended in paragraph (2), by in-
14 serting “, if applicable” after “project”.

15 **SEC. 35610. SAVINGS PROVISION.**

16 (a) **IN GENERAL.**—Except as provided in subsection
17 (b), this subtitle, and the amendments made by this sub-
18 title, shall not affect any direct loan (or direct loan obliga-
19 tion) or an outstanding loan guarantee (or loan guarantee
20 commitment) that was in effect prior to the date of enact-
21 ment of this Act. Any such transaction entered into before
22 the date of enactment of this Act shall be administered
23 until completion under its terms as if this Act were not
24 enacted.

1 (b) MODIFICATION COSTS.—At the discretion of the
 2 Secretary, the authority to accept modification costs on
 3 behalf of an applicant under section 502(f) of the Railroad
 4 Revitalization and Regulatory Reform Act of 1976 (45
 5 U.S.C. 822(f)), as amended by section 35607 of this Act,
 6 may apply with respect to any direct loan (or direct loan
 7 obligation) or an outstanding loan guarantee (or loan
 8 guarantee commitment) that was in effect prior to the
 9 date of enactment of this Act.

10 **DIVISION D—FREIGHT AND**
 11 **MAJOR PROJECTS**
 12 **TITLE XLI—FREIGHT POLICY**

13 **SEC. 41001. ESTABLISHMENT OF FREIGHT CHAPTER.**

14 (a) FREIGHT.—Subtitle III of title 49, United States
 15 Code, is amended by inserting after chapter 53 the fol-
 16 lowing:

17 **“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.

18 **“§ 5401. Definitions**

19 “In this chapter:

20 “(1) ECONOMIC COMPETITIVENESS.—The term
 21 ‘economic competitiveness’ means the ability of the

1 economy to efficiently move freight and people,
2 produce goods, and deliver services, including—

3 “(A) reductions in the travel time of
4 freight;

5 “(B) reductions in the congestion caused
6 by the movement of freight;

7 “(C) improvements to freight travel time
8 reliability; and

9 “(D) reductions in freight transportation
10 costs due to congestion and insufficient infra-
11 structure.

12 “(2) FREIGHT.—The term ‘freight’ means the
13 commercial transportation of cargo, including agri-
14 cultural, manufactured, retail, or other goods by ves-
15 sel, vehicle, pipeline, or rail.

16 “(3) FREIGHT TRANSPORTATION MODES.—The
17 term ‘freight transportation modes’ means—

18 “(A) the infrastructure supporting any
19 mode of transportation that moves freight, in-
20 cluding highways, ports, waterways, rail facili-
21 ties, and pipelines; and

22 “(B) any vehicles or equipment trans-
23 porting goods on such infrastructure.

24 “(4) NATIONAL HIGHWAY FREIGHT NET-
25 WORK.—The term ‘national highway freight net-

1 work' means the network established under section
2 167 of title 23.

3 “(5) NATIONAL MULTIMODAL FREIGHT NET-
4 WORK.—The term ‘national multimodal freight net-
5 work’ means the network established under section
6 5403.

7 “(6) NATIONAL MULTIMODAL FREIGHT STRA-
8 TEGIC PLAN.—The term ‘national multimodal
9 freight strategic plan’ means the strategic plan de-
10 veloped under section 5404.

11 “(7) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Transportation.

13 “(8) STATE.—The term ‘State’ means a State
14 of the United States, the District of Columbia, the
15 Commonwealth of Puerto Rico, the Commonwealth
16 of the Northern Mariana Islands, Guam, American
17 Samoa, and the United States Virgin Islands.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of chapters for subtitle III of title 49, United
20 States Code, is amended by inserting after the item relat-
21 ing to chapter 53 the following:

“54. Freight 5401”.

22 **SEC. 41002. NATIONAL MULTIMODAL FREIGHT POLICY.**

23 Chapter 54 of subtitle III of title 49, United States
24 Code, as added by section 41001, is amended by adding
25 after section 5401 the following:

1 **“§ 5402. National multimodal freight policy**

2 “(a) POLICY.—It is the policy of the United States—

3 “(1) to support investment to maintain and im-
4 prove the condition and performance of the national
5 multimodal freight network;

6 “(2) to ensure that the United States maxi-
7 mizes its competitiveness in the global economy by
8 increasing the overall productivity and connectivity
9 of the national freight system; and

10 “(3) to pursue the goals described in subsection
11 (b).

12 “(b) GOALS.—The national multimodal freight policy
13 has the following goals:

14 “(1) To enhance the economic competitiveness
15 of the United States by investing in infrastructure
16 improvements and implementing operational im-
17 provements on the freight network of the United
18 States that achieve 1 or more of the following:

19 “(A) Strengthen the contribution of the
20 national freight network to the economic com-
21 petitiveness of the United States.

22 “(B) Reduce congestion and relieve bottle-
23 necks in the freight transportation system.

24 “(C) Reduce the cost of freight transpor-
25 tation.

1 “(D) Improve the reliability of freight
2 transportation.

3 “(E) Increase productivity, particularly for
4 domestic industries and businesses that create
5 jobs.

6 “(2) To improve the safety, security, efficiency,
7 and resiliency of freight transportation in rural and
8 urban areas.

9 “(3) To improve the condition of the national
10 freight network.

11 “(4) To use advanced technology to improve the
12 safety and efficiency of the national freight network.

13 “(5) To incorporate concepts of performance,
14 innovation, competition, and accountability into the
15 operation and maintenance of the national freight
16 network.

17 “(6) To improve the efficiency and productivity
18 of the national freight network.

19 “(7) To pursue these goals in a manner that is
20 not burdensome to State and local governments.

21 “(c) STRATEGIES.—The United States may achieve
22 the goals described in subsection (b) by—

23 “(1) providing funding to maintain and improve
24 freight infrastructure facilities;

1 “(2) implementing appropriate safety, environ-
2 mental, energy and other transportation policies;

3 “(3) utilizing advanced technology and innova-
4 tion;

5 “(4) promoting workforce development; and

6 “(5) using performance management activities.

7 “(d) IMPLEMENTATION.—The Under Secretary for
8 Policy, who shall be responsible for the oversight and im-
9 plementation of the national multimodal freight policy,
10 shall—

11 “(1) assist with the coordination of modal
12 freight planning;

13 “(2) ensure consistent, expedited review of
14 multimodal freight projects;

15 “(3) review the project planning and approval
16 processes at each modal administration to identify
17 modeling and metric inconsistencies, approvals, and
18 terminology differences that could hamper
19 multimodal project approval;

20 “(4) identify interagency data sharing opportu-
21 nities to promote freight planning and coordination;

22 “(5) identify multimodal efforts and connec-
23 tions;

24 “(6) designate the lead agency for multimodal
25 freight projects;

1 “(7) develop recommendations for State incen-
2 tives for multimodal planning efforts, which may in-
3 clude—

4 “(A) reducing the State cost share; or

5 “(B) expediting the review of agreements
6 for multimodal or freight specific projects;

7 “(8) explore opportunities within existing legal
8 authorities to reduce project delays by issuing cat-
9 egorical exclusions or allowing self-certifications of
10 right-of-way acquisitions for freight projects; and

11 “(9) submit a report to the Committee on Com-
12 merce, Science, and Transportation and the Com-
13 mittee on Environment and Public Works of the
14 Senate and the Committee on Transportation and
15 Infrastructure of the House of Representatives that
16 identifies required reports, statutory requirements,
17 and other limitations on efficient freight project de-
18 livery that could be streamlined or consolidated.”.

19 **SEC. 41003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

20 Chapter 54 of subtitle III of title 49, United States
21 Code, as amended by section 41002, is amended by adding
22 after section 5402 the following:

23 **“§ 5403. National multimodal freight network**

24 “(a) IN GENERAL.—The Secretary shall establish a
25 national freight network, in accordance with this section—

1 “(1) to assist States in strategically directing
2 resources toward improved system performance for
3 the efficient movement of freight on transportation
4 networks;

5 “(2) to inform freight transportation planning;

6 “(3) to assist in the prioritization of Federal in-
7 vestment; and

8 “(4) to assess and support Federal investments
9 to achieve the national multimodal freight policy
10 goals described in section 5402(b) of this title and
11 in section 150(b) of title 23.

12 “(b) NETWORK COMPONENTS.—The national
13 multimodal freight network established under this section
14 shall consist of all connectors, corridors, and facilities in
15 all freight transportation modes that are the most critical
16 to the current and future movement of freight, including
17 the national highway freight network, to achieve the na-
18 tional multimodal freight policy goals described in section
19 5402(b) of this title and in section 150(b) of title 23.

20 “(c) INITIAL DESIGNATION OF PRIMARY FREIGHT
21 SYSTEM.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of the DRIVE Act, the Sec-
24 retary, after soliciting input from stakeholders, in-
25 cluding multimodal freight system users, transport

1 providers, metropolitan planning organizations, local
2 governments, ports, airports, railroads, and States,
3 through a public process to identify critical freight
4 facilities and corridors that are vital to achieve the
5 national multimodal freight policy goals described in
6 section 5402(b) of this title and in section 150(b) of
7 title 23, and after providing notice and opportunity
8 for comment on a draft system, shall designate a
9 primary freight system with the goal of—

10 “(A) improving network and intermodal
11 connectivity; and

12 “(B) using measurable data as part of the
13 assessment of the significance of freight move-
14 ment, including the consideration of points of
15 origin, destination, and linking components of
16 domestic and international supply chains.

17 “(2) FACTORS.—In designating or redesign-
18 ating a primary freight system, the Secretary shall
19 consider—

20 “(A) origins and destinations of freight
21 movement within, to, and from the United
22 States;

23 “(B) volume, value, tonnage, and the stra-
24 tegic importance of freight;

1 “(C) access to border crossings, airports,
2 seaports, and pipelines;

3 “(D) economic factors, including balance of
4 trade;

5 “(E) access to major areas for manufac-
6 turing, agriculture, or natural resources;

7 “(F) access to energy exploration, develop-
8 ment, installation, and production areas;

9 “(G) intermodal links and intersections
10 that promote connectivity;

11 “(H) freight choke points and other im-
12 pediments contributing to significant measur-
13 able congestion, delay in freight movement, or
14 inefficient modal connections;

15 “(I) impacts on all freight transportation
16 modes and modes that share significant freight
17 infrastructure;

18 “(J) elements and transportation corridors
19 identified by a multi-State coalition, a State, a
20 State advisory committee, or a metropolitan
21 planning organization, using national or local
22 data, as having critical freight importance to
23 the region;

1 “(K) intermodal connectors, major dis-
2 tribution centers, inland intermodal facilities,
3 and first- and last-mile facilities;

4 “(L) the annual average daily truck traffic
5 on principal arterials; and

6 “(M) the significance of goods movement,
7 including consideration of global and domestic
8 supply chains.

9 “(3) REQUIREMENTS FOR DESIGNATION.—A
10 designation may be made under this subsection if
11 the freight transportation facility or infrastructure
12 being considered—

13 “(A) is in an urbanized area, regardless of
14 population;

15 “(B) has been designated under subsection
16 (d) as a critical rural freight corridor;

17 “(C) connects an intermodal facility to—

18 “(i) the primary freight network; or

19 “(ii) an intermodal freight facility;

20 “(D)(i) is located within a corridor of a
21 route on the primary freight network; and

22 “(ii) provides an alternative option impor-
23 tant to goods movement;

1 “(E) serves a major freight generator, lo-
2 gistic center, agricultural region, or manufac-
3 turing, warehouse, or industrial land; or

4 “(F) is important to the movement of
5 freight within a State or metropolitan region, as
6 determined by the State or the metropolitan
7 planning organization.

8 “(4) CONSIDERATIONS.—In designating or re-
9 designating the primary freight system under sub-
10 section (e), the Secretary shall—

11 “(A) use, to the extent practicable, meas-
12 urable data to assess the significance of goods
13 movement, including the consideration of points
14 of origin, destination, and linking components
15 of the United States global and domestic supply
16 chains;

17 “(B) consider—

18 “(i) the factors described in sub-
19 section (c)(2); and

20 “(ii) any changes in the economy or
21 freight transportation network demand;
22 and

23 “(C) provide the States with an oppor-
24 tunity to submit proposed designations in ac-
25 cordance with paragraph (5).

1 “(5) STATE INPUT.—

2 “(A) IN GENERAL.—Each State that pro-
3 poses increased designations on the primary
4 freight system shall—

5 “(i) consider nominations for addi-
6 tional designations from metropolitan plan-
7 ning organizations and State freight advi-
8 sory committees within the State;

9 “(ii) consider nominations for the ad-
10 ditional designations from owners and op-
11 erators of port, rail, pipeline, and airport
12 facilities; and

13 “(iii) ensure that additional designa-
14 tions are consistent with the State Trans-
15 portation Improvement Program or freight
16 plan.

17 “(B) REVISIONS.—States may revise
18 routes certified under section 4006 of the Inter-
19 modal Surface Transportation Efficiency Act of
20 1991 (Public Law 102–240; 105 Stat. 2148) to
21 conform with the designated freight system
22 under this section.

23 “(C) SUBMISSION AND CERTIFICATION.—
24 Each State shall submit to the Secretary—

1 “(i) a list of the additional designa-
2 tions added under this subsection; and

3 “(ii) certification that—

4 “(I) the State has satisfied the
5 requirements under subparagraph (A);
6 and

7 “(II) the designations referred to
8 in clause (i) address the factors for
9 redesignation described in subsection
10 (c)(3).

11 “(d) CRITICAL RURAL FREIGHT CORRIDORS.—A
12 State may designate freight transportation infrastructure
13 or facilities within the borders of the State as a critical
14 rural freight corridor if the public road or facility—

15 “(1) is a rural principal arterial roadway or fa-
16 cility;

17 “(2) provides access or service to energy explo-
18 ration, development, installation, or production
19 areas;

20 “(3) provides access or service to—

21 “(A) a grain elevator;

22 “(B) an agricultural facility;

23 “(C) a mining facility;

24 “(D) a forestry facility; or

25 “(E) an intermodal facility;

1 “(4) connects to an international port of entry;

2 “(5) provides access to significant air, rail,
3 water, or other freight facilities in the State; or

4 “(6) has been determined by the State to be
5 vital to improving the efficient movement of freight
6 of importance to the economy of the State.

7 “(e) REDESIGNATION OF PRIMARY FREIGHT SYS-
8 TEM.—Beginning on the date that is 5 years after the ini-
9 tial designation under subsection (c), and every 5 years
10 thereafter, the Secretary, using the designation factors de-
11 scribed in subsection (c)(3), shall redesignate the primary
12 freight system.”.

13 **TITLE XLII—PLANNING**

14 **SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.**

15 Chapter 54 of subtitle III of title 49, United States
16 Code (as amended by title XLI), is amended by adding
17 at the end the following:

18 **“§ 5404. National freight strategic plan**

19 “(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT
20 STRATEGIC PLAN.—Not later than 3 years after the date
21 of enactment of the DRIVE Act, the Secretary, in con-
22 sultation with State departments of transportation, metro-
23 politan planning organizations, and other appropriate pub-
24 lic and private transportation stakeholders, shall develop,
25 after providing opportunity for notice and comment on a

1 draft national freight strategic plan, and post on the pub-
2 lic website of the Department of Transportation a national
3 freight strategic plan that includes—

4 “(1) an assessment of the condition and per-
5 formance of the national multimodal freight net-
6 work;

7 “(2) an identification of bottlenecks on the na-
8 tional multimodal freight network that create signifi-
9 cant freight congestion based on a quantitative
10 methodology developed by the Secretary, which shall,
11 at a minimum, include—

12 “(A) information from the Freight Anal-
13 ysis Framework of the Federal Highway Ad-
14 ministration; and

15 “(B) to the maximum extent practicable,
16 an estimate of the cost of addressing each bot-
17 tleneck and any operational improvements that
18 could be implemented;

19 “(3) a forecast of freight volumes, based on the
20 most recent data available, for—

21 “(A) the 5-year period beginning in the
22 year during which the plan is issued; and

23 “(B) if practicable, for the 10- and 20-year
24 period beginning in the year during which the
25 plan is issued;

1 “(4) an identification of major trade gateways
2 and national freight corridors that connect major
3 economic corridors, population centers, trade gate-
4 ways, and other major freight generators for current
5 and forecasted traffic and freight volumes, the iden-
6 tification of which shall be revised, as appropriate,
7 in subsequent plans;

8 “(5) an assessment of statutory, regulatory,
9 technological, institutional, financial, and other bar-
10 riers to improved freight transportation performance
11 (including opportunities for overcoming the bar-
12 riers);

13 “(6) an identification of routes providing access
14 to energy exploration, development, installation, or
15 production areas;

16 “(7) routes for providing access to major areas
17 for manufacturing, agriculture, or natural resources;

18 “(8) best practices for improving the perform-
19 ance of the national freight network;

20 “(9) best practices to mitigate the impacts of
21 freight movement on communities;

22 “(10) a process for addressing multistate
23 projects and encouraging jurisdictions to collaborate
24 on multistate projects;

1 “(11) identification of locations or areas with
2 congestion involving freight traffic, and strategies to
3 address those issues;

4 “(12) strategies to improve freight intermodal
5 connectivity; and

6 “(13) best practices for improving the perform-
7 ance of the national multimodal freight network and
8 rural and urban access to critical freight corridors.

9 “(b) **UPDATES TO NATIONAL FREIGHT STRATEGIC**
10 **PLAN.**—Not later than 5 years after the date of comple-
11 tion of the first national multimodal freight strategic plan
12 under subsection (a) and every 5 years thereafter, the Sec-
13 retary shall update and repost on the public website of
14 the Department of Transportation a revised national
15 freight strategic plan.”.

16 **SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.**

17 Chapter 54 of subtitle III of title 49, United States
18 Code (as amended by section 42001), is amended by add-
19 ing at the end the following:

20 **“§ 5405. State freight advisory committees**

21 “(a) **IN GENERAL.**—Each State shall establish a
22 freight advisory committee consisting of a representative
23 cross-section of public and private sector freight stake-
24 holders, including representatives of ports, third party lo-
25 gistics providers, shippers, carriers, freight-related asso-

1 ciations, the freight industry workforce, the transportation
2 department of the State, and local governments.

3 “(b) **ROLE OF COMMITTEE.**—A freight advisory com-
4 mittee of a State described in subsection (a) shall—

5 “(1) advise the State on freight-related prior-
6 ities, issues, projects, and funding needs;

7 “(2) serve as a forum for discussion for State
8 transportation decisions affecting freight mobility;

9 “(3) communicate and coordinate regional pri-
10 orities with other organizations;

11 “(4) promote the sharing of information be-
12 tween the private and public sectors on freight
13 issues; and

14 “(5) participate in the development of the
15 freight plan of the State described in section 5406.”.

16 **SEC. 42003. STATE FREIGHT PLANS.**

17 Chapter 54 of subtitle III of title 49, United States
18 Code (as amended by section 42002), is amended by add-
19 ing at the end the following:

20 **“§ 5406. State freight plans**

21 “(a) **IN GENERAL.**—Each State shall develop a
22 freight plan that provides a comprehensive plan for the
23 immediate and long-range planning activities and invest-
24 ments of the State with respect to freight.

1 “(b) PLAN CONTENTS.—A freight plan described in
2 subsection (a) shall include, at a minimum—

3 “(1) an identification of significant freight sys-
4 tem trends, needs, and issues with respect to the
5 State;

6 “(2) a description of the freight policies, strate-
7 gies, and performance measures that will guide the
8 freight-related transportation investment decisions of
9 the State;

10 “(3) when applicable, a listing of critical rural
11 and urban freight corridors designated within the
12 State under section 5403 of this title or section 167
13 of title 23;

14 “(4) a description of how the plan will improve
15 the ability of the State to meet the national freight
16 goals established under section 5402(b) of this title
17 and section 150(b) of title 23;

18 “(5) a description of how innovative tech-
19 nologies and operational strategies, including freight
20 intelligent transportation systems, that improve the
21 safety and efficiency of freight movement, were con-
22 sidered;

23 “(6) in the case of roadways on which travel by
24 heavy vehicles (including mining, agricultural, en-
25 ergy cargo or equipment, and timber vehicles) is pro-

1 jected to substantially deteriorate the condition of
2 roadways, a description of improvements that may
3 be required to reduce or impede the deterioration;

4 “(7) an inventory of facilities with freight mo-
5 bility issues, such as bottlenecks, within the State,
6 and where the facilities are State owned or operated,
7 a description of the strategies the State is employing
8 to address those freight mobility issues;

9 “(8) consideration of any significant congestion
10 or delay caused by freight movements and any strat-
11 egies to mitigate that congestion or delay; and

12 “(9) a freight investment plan that, subject to
13 subsection (c)(2), includes a list of priority projects
14 and describes how funds made available to carry out
15 section 167 of title 23 would be invested and
16 matched.

17 “(c) RELATIONSHIP TO LONG-RANGE PLAN.—

18 “(1) INCORPORATION.—A State freight plan de-
19 scribed in subsection (a) may be developed sepa-
20 rately from or incorporated into the statewide stra-
21 tegic long-range transportation plan required by sec-
22 tion 135 of title 23.

23 “(2) FISCAL CONSTRAINT.—The freight invest-
24 ment plan component of a freight plan shall include
25 a project, or an identified phase of a project, only

1 if funding for completion of the project can reason-
2 ably be anticipated to be available for the project
3 within the time period identified in the freight in-
4 vestment plan.

5 “(d) PLANNING PERIOD.—The freight plan shall ad-
6 dress a 5-year forecast period.

7 “(e) UPDATES.—

8 “(1) IN GENERAL.—A State shall update the
9 freight plan not less frequently than once every 5
10 years.

11 “(2) FREIGHT INVESTMENT PLAN.—A State
12 may update the freight investment plan more fre-
13 quently than is required under paragraph (1).”.

14 **SEC. 42004. FREIGHT DATA AND TOOLS.**

15 Chapter 54 of subtitle III of title 49, United States
16 Code (as amended by section 42003), is amended by add-
17 ing at the end the following:

18 **“§ 5407. Transportation investment data and plan-
19 ning tools**

20 “(a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of the DRIVE Act, the Secretary
22 shall—

23 “(1) begin development of new tools and im-
24 provement of existing tools to support an outcome-
25 oriented, performance-based approach to evaluate

1 proposed freight-related and other transportation
2 projects, including—

3 “(A) methodologies for systematic analysis
4 of benefits and costs on a national or regional
5 basis;

6 “(B) tools for ensuring that the evaluation
7 of freight-related and other transportation
8 projects could consider safety, economic com-
9 petitiveness, urban and rural access, environ-
10 mental sustainability, and system condition in
11 the project selection process;

12 “(C) improved methods for data collection
13 and trend analysis;

14 “(D) encouragement of public-private part-
15 nerships to carry out data sharing activities
16 while maintaining the confidentiality of all pro-
17 prietary data; and

18 “(E) other tools to assist in effective trans-
19 portation planning;

20 “(2) identify transportation-related model data
21 elements to support a broad range of evaluation
22 methods and techniques to assist in making trans-
23 portation investment decisions; and

24 “(3) at a minimum, in consultation with other
25 relevant Federal agencies, consider any improve-

1 ments to existing freight flow data collection efforts
2 that could reduce identified freight data gaps and
3 deficiencies and help improve forecasts of freight
4 transportation demand.

5 “(b) CONSULTATION.—The Secretary shall consult
6 with Federal, State, and other stakeholders to develop, im-
7 prove, and implement the tools and collect the data de-
8 scribed in subsection (a).”.

9 **SEC. 42005. SAVINGS PROVISION.**

10 Chapter 54 of subtitle III of title 49, United States
11 Code (as amended by section 42004), is amended by add-
12 ing at the end the following:

13 **“§ 5408. Savings provision**

14 “Nothing in this chapter provides additional author-
15 ity to regulate or direct private activity on freight net-
16 works designated by this chapter.”.

17 **TITLE XLIII—FORMULA FREIGHT**
18 **PROGRAM**

19 **SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.**

20 (a) IN GENERAL.—Section 167 of title 23, United
21 States Code, is amended to read as follows:

22 **“§ 167. National highway freight program**

23 “(a) ESTABLISHMENT.—

24 “(1) IN GENERAL.—It is the policy of the
25 United States to improve the condition and perform-

1 ance of the national highway freight network to en-
2 sure that the national freight network provides the
3 foundation for the United States to compete in the
4 global economy and achieve each goal described in
5 subsection (b).

6 “(2) ESTABLISHMENT.—In support of the goals
7 described in subsection (b), the Federal Highway
8 Administrator (referred to in this section as the ‘Ad-
9 ministrator’) shall establish a national highway
10 freight program in accordance with this section to
11 improve the efficient movement of freight on the na-
12 tional highway freight network.

13 “(b) GOALS.—The goals of the national highway
14 freight program are—

15 “(1) to invest in infrastructure improvements
16 and to implement operational improvements on the
17 highways of the United States that—

18 “(A) strengthen the contribution of the na-
19 tional highway freight network to the economic
20 competitiveness of the United States;

21 “(B) reduce congestion and relieve bottle-
22 necks in the freight transportation system;

23 “(C) reduce the cost of freight transpor-
24 tation;

1 “(D) improve the reliability of freight
2 transportation; and

3 “(E) increase productivity, particularly for
4 domestic industries and businesses that create
5 high-value jobs;

6 “(2) to improve the safety, security, efficiency,
7 and resiliency of freight transportation in rural and
8 urban areas;

9 “(3) to improve the state of good repair of the
10 national highway freight network;

11 “(4) to use advanced technology to improve the
12 safety and efficiency of the national highway freight
13 network;

14 “(5) to incorporate concepts of performance, in-
15 novation, competition, and accountability into the
16 operation and maintenance of the national highway
17 freight network;

18 “(6) to improve the efficiency and productivity
19 of the national highway freight network; and

20 “(7) to reduce the environmental impacts of
21 freight movement.

22 “(c) ESTABLISHMENT OF A NATIONAL HIGHWAY
23 FREIGHT NETWORK.—

24 “(1) IN GENERAL.—The Administrator shall es-
25 tablish a national highway freight network in accord-

1 “(B) all National Highway System freight
2 intermodal connectors.

3 “(2) REDESIGNATION OF PRIMARY HIGHWAY
4 FREIGHT SYSTEM.—

5 “(A) IN GENERAL.—Beginning on the date
6 that is 1 year after the date of enactment of the
7 DRIVE Act and every 5 years thereafter, using
8 the designation factors described in subpara-
9 graph (E), the Administrator shall redesignate
10 the primary highway freight system (including
11 any additional mileage added to the primary
12 highway freight system under this paragraph as
13 of the date on which the redesignation process
14 is effective).

15 “(B) MILEAGE.—

16 “(i) FIRST REDESIGNATION.—In re-
17 designating the primary highway freight
18 system on the date that is 1 year after the
19 date of enactment of the DRIVE Act, the
20 Administrator shall limit the system to
21 30,000 centerline miles, without regard to
22 the connectivity of the primary highway
23 freight system.

24 “(ii) SUBSEQUENT REDESIGNA-
25 TIONS.—Each redesignation after the re-

1 designation described in clause (i), the Ad-
2 ministrator may increase the primary high-
3 way freight system by up to 5 percent of
4 the total mileage of the system, without re-
5 gard to the connectivity of the primary
6 highway freight system.

7 “(C) CONSIDERATIONS.—

8 “(i) IN GENERAL.—In redesignating
9 the primary highway freight system, to the
10 maximum extent practicable, the Adminis-
11 trator shall use measurable data to assess
12 the significance of goods movement, includ-
13 ing consideration of points of origin, des-
14 tination, and linking components of the
15 United States global and domestic supply
16 chains.

17 “(ii) INTERMODAL CONNECTORS.—In
18 redesignating the primary highway freight
19 system, the Administrator shall include all
20 National Highway System freight inter-
21 modal connectors.

22 “(D) INPUT.—In addition to the process
23 provided to State freight advisory committees
24 under paragraph (3), in redesignating the pri-
25 mary highway freight system, the Administrator

1 shall provide an opportunity for State freight
2 advisory committees to submit additional miles
3 for consideration.

4 “(E) FACTORS FOR REDESIGNATION.—In
5 redesignating the primary highway freight sys-
6 tem, the Administrator shall consider—

7 “(i) the origins and destinations of
8 freight movement in, to, and from the
9 United States;

10 “(ii) land and water ports of entry;

11 “(iii) access to energy exploration, de-
12 velopment, installation, or production
13 areas;

14 “(iv) proximity of access to other
15 freight intermodal facilities, including rail,
16 air, water, and pipelines;

17 “(v) the total freight tonnage and
18 value moved via highways;

19 “(vi) significant freight bottlenecks, as
20 identified by the Administrator;

21 “(vii) the annual average daily truck
22 traffic on principal arterials; and

23 “(viii) the significance of goods move-
24 ment on principal arterials, including con-

1 sideration of global and domestic supply
2 chains.

3 “(3) STATE FLEXIBILITY FOR ADDITIONAL
4 MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

5 “(A) IN GENERAL.—Not later than 1 year
6 after each redesignation conducted by the Ad-
7 ministrator under paragraph (2), each State,
8 under the advisement of the State freight advi-
9 sory committee, as developed and carried out in
10 accordance with subsection (1), may increase the
11 number of miles designated as part of the pri-
12 mary highway freight system in that State by
13 not more than 10 percent of the miles des-
14 ignated in that State under this subsection if
15 the additional miles—

16 “(i) close gaps between primary high-
17 way freight system segments;

18 “(ii) establish connections of the pri-
19 mary highway freight system critical to the
20 efficient movement of goods, including
21 ports, international border crossings, air-
22 ports, intermodal facilities, logistics cen-
23 ters, warehouses, and agricultural facili-
24 ties; or

1 “(iii) designate critical emerging
2 freight routes.

3 “(B) CONSIDERATIONS.—Each State,
4 under the advisement of the State freight advi-
5 sory committee that increases the number of
6 miles on the primary highway freight system
7 under subparagraph (A) shall—

8 “(i) consider nominations for the ad-
9 ditional miles from metropolitan planning
10 organizations within the State;

11 “(ii) ensure that the additional miles
12 are consistent with the freight plan of the
13 State; and

14 “(iii) review the primary highway
15 freight system of the State designated
16 under paragraph (1) and redesignate miles
17 in a manner that is consistent with para-
18 graph (2).

19 “(C) SUBMISSION.—Each State, under the
20 advisement of the State freight advisory com-
21 mittee shall—

22 “(i) submit to the Administrator a list
23 of the additional miles added under this
24 subsection; and

25 “(ii) certify that—

1 “(I) the additional miles meet the
2 requirements of subparagraph (A);
3 and

4 “(II) the State, under the advise-
5 ment of the State freight advisory
6 committee, has satisfied the require-
7 ments of subparagraph (B).

8 “(e) CRITICAL RURAL FREIGHT CORRIDORS.—A
9 State may designate a public road within the borders of
10 the State as a critical rural freight corridor if the public
11 road—

12 “(1) is a rural principal arterial roadway and
13 has a minimum of 25 percent of the annual average
14 daily traffic of the road measured in passenger vehi-
15 cle equivalent units from trucks (Federal Highway
16 Administration vehicle class 8 to 13);

17 “(2) provides access to energy exploration, de-
18 velopment, installation, or production areas;

19 “(3) connects the primary highway freight sys-
20 tem, a roadway described in paragraph (1) or (2),
21 or the Interstate System to facilities that handle
22 more than—

23 “(A) 50,000 20-foot equivalent units per
24 year; or

1 “(B) 500,000 tons per year of bulk com-
2 modities;

3 “(4) provides access to—

4 “(A) a grain elevator;

5 “(B) an agricultural facility;

6 “(C) a mining facility;

7 “(D) a forestry facility; or

8 “(E) an intermodal facility;

9 “(5) connects to an international port of entry;

10 “(6) provides access to significant air, rail,
11 water, or other freight facilities in the State; or

12 “(7) is, in the determination of the State, vital
13 to improving the efficient movement of freight of im-
14 portance to the economy of the State.

15 “(f) CRITICAL URBAN FREIGHT CORRIDORS.—

16 “(1) URBANIZED AREA WITH POPULATION OF
17 500,000 OR MORE.—In an urbanized area with a pop-
18 ulation of 500,000 or more individuals, the rep-
19 resentative metropolitan planning organization, in
20 consultation with the State, may designate a public
21 road within the borders of that area of the State as
22 a critical urban freight corridor.

23 “(2) URBANIZED AREA WITH A POPULATION
24 LESS THAN 500,000.—In an urbanized area with a
25 population of less than 500,000 individuals, the

1 State, in consultation with the representative metro-
2 politan planning organization, may designate a pub-
3 lic road within the borders of that area of the State
4 as a critical urban freight corridor.

5 “(3) REQUIREMENTS FOR DESIGNATION.—A
6 designation may be made under paragraphs (1) or
7 (2) if the public road—

8 “(A) is in an urbanized area, regardless of
9 population; and

10 “(B)(i) connects an intermodal facility
11 to—

12 “(I) the primary highway freight net-
13 work;

14 “(II) the Interstate System; or

15 “(III) an intermodal freight facility;

16 “(ii) is located within a corridor of a route
17 on the primary highway freight network and
18 provides an alternative highway option impor-
19 tant to goods movement;

20 “(iii) serves a major freight generator, lo-
21 gistic center, or manufacturing and warehouse
22 industrial land; or

23 “(iv) is important to the movement of
24 freight within the region, as determined by the

1 metropolitan planning organization or the
2 State.

3 “(g) DESIGNATION AND CERTIFICATION.—

4 “(1) DESIGNATION.—States and metropolitan
5 planning organizations may designate corridors
6 under subsections (e) and (f) and submit the des-
7 ignated corridors to the Administrator on a rolling
8 basis.

9 “(2) CERTIFICATION.—Each State or metro-
10 politan planning organization that designates a cor-
11 ridor under subsection (e) or (f) shall certify to the
12 Administrator that the designated corridor meets the
13 requirements of the applicable subsection.

14 “(h) HIGHWAY FREIGHT TRANSPORTATION CONDI-
15 TIONS AND PERFORMANCE REPORTS.—Not later than 2
16 years after the date of enactment of the DRIVE Act and
17 biennially thereafter, the Administrator shall prepare and
18 submit to Congress a report that describes the conditions
19 and performance of the national highway freight network
20 in the United States.

21 “(i) USE OF APPORTIONED FUNDS.—

22 “(1) IN GENERAL.—A State shall obligate
23 funds apportioned to the State under section
24 104(b)(5) to improve the movement of freight on the
25 national highway freight network.

1 “(2) FORMULA.—The Administrator shall cal-
2 culate for each State the proportion that—

3 “(A) the total mileage in the State des-
4 ignated as part of the primary highway freight
5 system; bears to

6 “(B) the total mileage of the primary high-
7 way freight system in all States.

8 “(3) USE OF FUNDS.—

9 “(A) STATES WITH HIGH PRIMARY HIGH-
10 WAY FREIGHT SYSTEM MILEAGE.—If the pro-
11 portion of a State under paragraph (2) is great-
12 er than or equal to 3 percent, the State may ob-
13 ligate funds apportioned to the State under sec-
14 tion 104(b)(5) for projects on—

15 “(i) the primary highway freight sys-
16 tem;

17 “(ii) critical rural freight corridors;
18 and

19 “(iii) critical urban freight corridors.

20 “(B) STATES WITH LOW PRIMARY HIGH-
21 WAY FREIGHT SYSTEM MILEAGE.—If the pro-
22 portion of a State under paragraph (2) is less
23 than 3 percent, the State may obligate funds
24 apportioned to the State under section

1 104(b)(5) for projects on any component of the
2 national highway freight network.

3 “(4) FREIGHT PLANNING.—Notwithstanding
4 any other provision of law, effective beginning 2
5 years after the date of enactment of the DRIVE
6 Act, a State may not obligate funds apportioned to
7 the State under section 104(b)(5) unless the State
8 has—

9 “(A) established a freight advisory com-
10 mittee in accordance with section 5405 of title
11 49; and

12 “(B) developed a freight plan in accord-
13 ance with section 5406 of title 49, except that
14 the multimodal component of the plan may be
15 incomplete before an obligation may be made
16 under this section.

17 “(5) ELIGIBILITY.—

18 “(A) IN GENERAL.—Except as provided in
19 this subsection, for a project to be eligible for
20 funding under this section the project shall—

21 “(i) contribute to the efficient move-
22 ment of freight on the national highway
23 freight network; and

1 “(ii) be consistent with a freight in-
2 vestment plan included in a freight plan of
3 the State that is in effect.

4 “(B) OTHER PROJECTS.—A State may ob-
5 ligate not more than 10 percent of the total ap-
6 portionment of the State under section
7 104(b)(5) for projects—

8 “(i) within the boundaries of public
9 and private freight rail, water facilities (in-
10 cluding ports), and intermodal facilities;
11 and

12 “(ii) that provide surface transpor-
13 tation infrastructure necessary to facilitate
14 direct intermodal interchange, transfer,
15 and access into and out of the facility.

16 “(C) ELIGIBLE PROJECTS.—Funds appor-
17 tioned to the State under section 104(b)(5) for
18 the national highway freight program may be
19 obligated to carry out 1 or more of the fol-
20 lowing:

21 “(i) Development phase activities, in-
22 cluding planning, feasibility analysis, rev-
23 enue forecasting, environmental review,
24 preliminary engineering and design work,
25 and other preconstruction activities.

1 “(ii) Construction, reconstruction, re-
2 habilitation, acquisition of real property
3 (including land relating to the project and
4 improvements to land), construction con-
5 tingencies, acquisition of equipment, and
6 operational improvements directly relating
7 to improving system performance.

8 “(iii) Intelligent transportation sys-
9 tems and other technology to improve the
10 flow of freight, including intelligent freight
11 transportation systems.

12 “(iv) Efforts to reduce the environ-
13 mental impacts of freight movement.

14 “(v) Environmental and community
15 mitigation of freight movement.

16 “(vi) Railway-highway grade separa-
17 tion.

18 “(vii) Geometric improvements to
19 interchanges and ramps.

20 “(viii) Truck-only lanes.

21 “(ix) Climbing and runaway truck
22 lanes.

23 “(x) Adding or widening of shoulders.

24 “(xi) Truck parking facilities eligible
25 for funding under section 1401 of MAP-

1 (xix), to improve the flow of freight on the
2 national highway freight network.

3 “(xxi) Any other surface transpor-
4 tation project to improve the flow of
5 freight into and out of a facility described
6 in subparagraph (B).

7 “(6) OTHER ELIGIBLE COSTS.—In addition to
8 the eligible projects identified in paragraph (5), a
9 State may use funds apportioned under section
10 104(b)(5) for—

11 “(A) carrying out diesel retrofit or alter-
12 native fuel projects under section 149 for class
13 8 vehicles; and

14 “(B) the necessary costs of—

15 “(i) conducting analyses and data col-
16 lection related to the national highway
17 freight program;

18 “(ii) developing and updating per-
19 formance targets to carry out this section;
20 and

21 “(iii) reporting to the Administrator
22 to comply with section 150.

23 “(7) APPLICABILITY OF PLANNING REQUIRE-
24 MENTS.—Programming and expenditure of funds for

1 projects under this section shall be consistent with
2 the requirements of sections 134 and 135.

3 “(j) STATE PERFORMANCE TARGETS.—If the Ad-
4 ministrator determines that a State has not met or made
5 significant progress toward meeting the performance tar-
6 gets related to freight movement of the State established
7 under section 150(d) by the date that is 2 years after the
8 date of the establishment of the performance targets, until
9 the date on which the Administrator determines that the
10 State has met or has made significant progress towards
11 meeting the performance targets, the State shall submit
12 to the Administrator, on a biennial basis, a freight per-
13 formance improvement 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 trans-
18 portation 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
3 Act, the Administrator shall submit to Congress a report
4 that contains—

5 “(1) a study of freight projects identified in
6 State freight plans under section 5406 of title 49;
7 and

8 “(2) an evaluation of multimodal freight
9 projects included in the State freight plans, or other-
10 wise identified by States, that are subject to the lim-
11 itation of funding for such projects under this sec-
12 tion.

13 “(l) STATE FREIGHT ADVISORY COMMITTEES.—A
14 State freight advisory committee shall be carried out as
15 described in section 5405 of title 49.

16 “(m) STATE FREIGHT PLANS.—A State freight plan
17 shall be carried out as described in section 5406 of title
18 49.

19 “(n) INTELLIGENT FREIGHT TRANSPORTATION SYS-
20 TEM.—

21 “(1) DEFINITION OF INTELLIGENT FREIGHT
22 TRANSPORTATION SYSTEM.—In this section, the
23 term ‘intelligent freight transportation system’
24 means—

1 “(A) an innovative or intelligent techno-
2 logical transportation system, infrastructure, or
3 facilities, including electronic roads, driverless
4 trucks, elevated freight transportation facilities,
5 and other intelligent freight transportation sys-
6 tems; and

7 “(B) a communications or information
8 processing system used singly or in combination
9 for dedicated intelligent freight lanes and con-
10 veyances that improve the efficiency, security,
11 or safety of freight on the Federal-aid highway
12 system or that operate to convey freight or im-
13 prove existing freight movements.

14 “(2) LOCATION.—An intelligent freight trans-
15 portation system shall be located—

16 “(A)(i) along existing Federal-aid high-
17 ways; or

18 “(ii) in a manner that connects ports-of-
19 entry to existing Federal-aid highways; and

20 “(B) in proximity to, or within, an existing
21 right-of-way on a Federal-aid highway.

22 “(3) OPERATING STANDARDS.—The Adminis-
23 trator of the Federal Highway Administration shall
24 determine the need for establishing operating stand-
25 ards for intelligent freight transportation systems.

1 “(o) TREATMENT OF FREIGHT PROJECTS.—Not-
2 withstanding any other provision of law, a freight project
3 carried out under this section shall be treated as if the
4 project were on a Federal-aid highway.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) The analysis for chapter 1 of title 23,
7 United States Code, is amended by adding at the
8 end the following:

“167. National highway freight program.”

9 (2) Sections 1116, 1117, and 1118 of MAP-21
10 (23 U.S.C. 167 note; Public Law 112-141) are re-
11 pealed.

12 **TITLE XLIV—GRANTS**

13 **SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.**

14 (a) IN GENERAL.—The purpose of the grants de-
15 scribed in the amendments made by section 44002 is to
16 assist in funding critical high-cost transportation infra-
17 structure projects that—

18 (1) are difficult to complete with existing Fed-
19 eral, State, local, and private funds; and

20 (2) will achieve 1 or more of—

21 (A) generation of national or regional eco-
22 nomic benefits and an increase in the global
23 economic competitiveness of the United States;

24 (B) reduction of congestion and the im-
25 pacts of congestion;

1 (C) improvement of facilities vital to agri-
2 culture, manufacturing, or national energy se-
3 curity;

4 (D) improvement of the efficiency, reli-
5 ability, and affordability of the movement of
6 freight;

7 (E) improvement of transportation safety;

8 (F) improvement of existing and des-
9 ignated future Interstate System routes; or

10 (G) improvement of the movement of peo-
11 ple through improving rural connectivity and
12 metropolitan accessibility.

13 (b) DEFINITIONS.—In this section and for purposes
14 of the grant programs established under the amendments
15 made by section 44002:

16 (1) ELIGIBLE APPLICANT.—The term “eligible
17 applicant” means—

18 (A) a State (or a group of States);

19 (B) a local government (or a group of local
20 governments);

21 (C) a tribal government (or a consortium
22 of tribal governments);

23 (D) a transit agency (or a group of transit
24 agencies);

1 (E) a special purpose district or a public
2 authority with a transportation function;

3 (F) a port authority (or a group of port
4 authorities);

5 (G) a political subdivision of a State or
6 local government;

7 (H) a Federal land management agency,
8 jointly with the applicable State; or

9 (I) a multistate or multijurisdictional
10 group of entities described in subparagraphs
11 (A) through (H).

12 (2) RURAL AREA.—The term “rural area”
13 means an area that is outside of an urbanized area
14 with a population greater than 150,000 individuals,
15 as determined by the Bureau of the Census.

16 (3) RURAL STATE.—The term “rural State”
17 means a State that has a population density of 80
18 or fewer persons per square mile, based on the most
19 recent decennial census.

20 (c) APPLICATIONS.—

21 (1) IN GENERAL.—An eligible applicant shall
22 submit to the Secretary or the Federal Highway Ad-
23 ministrator (referred to in this section as the “Ad-
24 ministrator”), as appropriate, an application in such
25 form and containing such information as the Sec-

1 retary or Administrator, as appropriate, determines
2 necessary, including the total amount of the grant
3 requested.

4 (2) CONTENTS.—Each application submitted
5 under this paragraph shall include data on the most
6 recent system performance, to the extent practicable,
7 and estimated system improvements that will result
8 from completion of the eligible project, including
9 projections for improvements 5 and 10 years after
10 completion of the project.

11 (3) RESUBMISSION OF APPLICATIONS.—An eli-
12 gible applicant whose project is not selected may re-
13 submit an application in a subsequent solicitation
14 with an addendum indicating changes to the project
15 application.

16 (d) ACCOUNTABILITY MEASURES.—The Secretary
17 and the Administrator shall establish accountability meas-
18 ures for the management of the grants described in this
19 section—

20 (1) to establish clear procedures for addressing
21 late-arriving applications;

22 (2) to publicly communicate decisions to accept
23 or reject applications; and

24 (3) to document major decisions in the applica-
25 tion evaluation and project selection process through

1 a decision memorandum or similar mechanism that
2 provides a clear rationale for decisions.

3 (e) GEOGRAPHIC DISTRIBUTION.—In awarding
4 grants, the Secretary or Administrator, as appropriate,
5 shall take measures to ensure, to the maximum extent
6 practicable—

7 (1) an equitable geographic distribution of
8 amounts; and

9 (2) an appropriate balance in addressing the
10 needs of rural and urban communities.

11 (f) REPORTS.—

12 (1) IN GENERAL.—The Secretary or the Admin-
13 istrator, as appropriate, shall make available on the
14 website of the Department at the end of each fiscal
15 year an annual report that lists each project for
16 which a grant has been provided under this section
17 during that fiscal year.

18 (2) COMPTROLLER GENERAL.—

19 (A) ASSESSMENT.—The Comptroller Gen-
20 eral of the United States shall conduct an as-
21 sessment of the administrative establishment,
22 solicitation, selection, and justification process
23 with respect to the funding of grants described
24 in this title.

1 (B) REPORT.—Not later than 1 year after
2 the initial awarding of grants described in this
3 section, the Comptroller General of the United
4 States shall submit to the Committee on Envi-
5 ronment and Public Works of the Senate, the
6 Committee on Commerce, Science, and Trans-
7 portation of the Senate, and the Committee on
8 Transportation and Infrastructure of the House
9 of Representatives a report that describes—

10 (i) the adequacy and fairness of the
11 process by which each project was selected,
12 if applicable;

13 (ii) the justification and criteria used
14 for the selection of each project, if applica-
15 ble.

16 **SEC. 44002. GRANTS.**

17 (a) IN GENERAL.—Chapter 1 of title 23, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 171. Assistance for major projects program**

21 “(a) PURPOSE OF PROGRAM.—The purpose of the as-
22 sistance for major projects program shall be the purpose
23 described in section 44001 of the DRIVE Act.

24 “(b) DEFINITIONS.—In this section—

1 cent of the amount of Federal-aid
2 highway funds apportioned to the
3 State for the most recently com-
4 pleted fiscal year;

5 “(BB) for a project located
6 in a single rural State with a
7 population density of 80 or fewer
8 persons per square mile based on
9 the most recent decennial census,
10 10 percent of the amount of Fed-
11 eral-aid highway funds appor-
12 tioned to the State for the most
13 recently completed fiscal year; or

14 “(CC) for a project located
15 in more than 1 State, 75 percent
16 of the amount of Federal-aid
17 highway funds apportioned to the
18 participating State that has the
19 largest apportionment for the
20 most recently completed fiscal
21 year.

22 “(ii) FEDERAL LAND TRANSPOR-
23 TATION FACILITY.—In the case of a Fed-
24 eral land transportation facility, the term
25 ‘eligible project’ means a Federal land

1 transportation facility that has eligible
2 project costs that are reasonably antici-
3 pated to equal or exceed \$150,000,000.

4 “(C) ELIGIBLE PROJECT COSTS.—The
5 term ‘eligible project costs’ means the costs
6 of—

7 “(i) development phase activities, in-
8 cluding planning, feasibility analysis, rev-
9 enue forecasting, environmental review,
10 preliminary engineering and design work,
11 and other preconstruction activities; and

12 “(ii) construction, reconstruction, re-
13 habilitation, and acquisition of real prop-
14 erty (including land related to the project
15 and improvements to land), environmental
16 mitigation, construction contingencies, ac-
17 quisition of equipment directly related to
18 improving system performance, and oper-
19 ational improvements.

20 “(c) ESTABLISHMENT OF PROGRAM.—The Adminis-
21 trator shall establish a program in accordance with this
22 section to provide grants for projects that will have a sig-
23 nificant impact on a region or the Nation.

24 “(d) SOLICITATIONS AND APPLICATIONS.—

1 “(1) GRANT SOLICITATIONS.—The Adminis-
2 trator shall conduct a transparent and competitive
3 national solicitation process to review eligible
4 projects for funding under this section.

5 “(2) APPLICATIONS.—An eligible applicant
6 shall submit an application to the Administrator in
7 such form as described in and in accordance with
8 section 44001 of the DRIVE Act.

9 “(e) CRITERIA FOR PROJECT EVALUATION AND SE-
10 LECTION.—

11 “(1) IN GENERAL.—The Administrator may se-
12 lect a project for funding under this section only if
13 the Administrator determines that the project—

14 “(A) is consistent with the national goals
15 described in section 150(b);

16 “(B) will significantly improve the per-
17 formance of the national surface transportation
18 network, nationally or regionally;

19 “(C) is based on the results of preliminary
20 engineering;

21 “(D) is consistent with the long-range
22 statewide transportation plan;

23 “(E) cannot be readily and efficiently com-
24 pleted without Federal financial assistance;

1 “(F) is justified based on the ability of the
2 project to achieve 1 or more of—

3 “(i) generation of national economic
4 benefits that reasonably exceed the costs of
5 the project;

6 “(ii) reduction of long-term conges-
7 tion, including impacts on a national, re-
8 gional, and statewide basis;

9 “(iii) an increase in the speed, reli-
10 ability, and accessibility of the movement
11 of people or freight; or

12 “(iv) improvement of transportation
13 safety, including reducing transportation
14 accident and serious injuries and fatalities;
15 and

16 “(G) is supported by a sufficient amount
17 of non-Federal funding, including evidence of
18 stable and dependable financing to construct,
19 maintain, and operate the infrastructure facil-
20 ity.

21 “(2) ADDITIONAL CONSIDERATIONS.—In evalu-
22 ating a project under this section, in addition to the
23 criteria described in paragraph (1), the Adminis-
24 trator shall consider the extent to which the
25 project—

1 “(A) leverages Federal investment by en-
2 couraging non-Federal contributions to the
3 project, including contributions from public-pri-
4 vate partnerships;

5 “(B) is able to begin construction by the
6 date that is not later than 18 months after the
7 date on which the project is selected;

8 “(C) incorporates innovative project deliv-
9 ery and financing to the maximum extent prac-
10 ticable;

11 “(D) helps maintain or protect the envi-
12 ronment;

13 “(E) improves roadways vital to national
14 energy security;

15 “(F) improves or upgrades designated fu-
16 ture Interstate System routes;

17 “(G) uses innovative technologies, includ-
18 ing intelligent transportation systems, that en-
19 hance the efficiency of the project;

20 “(H) helps to improve mobility and acces-
21 sibility; and

22 “(I) address the impact of population
23 growth on the movement of people and freight.

24 “(f) GEOGRAPHIC DISTRIBUTION.—In awarding
25 grants under this section, the Administrator shall take

1 measures as described in section 44001 of the DRIVE
2 Act.

3 “(g) FUNDING REQUIREMENTS.—

4 “(1) IN GENERAL.—Except in the case of
5 projects described in paragraph (2), the amount of
6 a grant under this section shall be at least
7 \$50,000,000.

8 “(2) RURAL PROJECTS.—The amounts made
9 available for a fiscal year under this section for eligi-
10 ble projects located in rural areas or in rural States
11 shall not be—

12 “(A) less than 20 percent of the amount
13 made available for the fiscal year under this
14 section; and

15 “(B) subject to paragraph (1).

16 “(3) LIMITATION OF FUNDS.—Not more than
17 20 percent of the funds made available for a fiscal
18 year to carry out this section shall be allocated for
19 projects eligible under section 167(i)(5)(B) or chap-
20 ter 53 of title 49.

21 “(4) STATE CAP.—

22 “(A) IN GENERAL.—Not more than 20
23 percent of the funds made available for a fiscal
24 year to carry out this section may be awarded
25 to projects in a single State.

1 “(B) EXCEPTION FOR MULTISTATE
2 PROJECTS.—For purposes of the limitation de-
3 scribed in subparagraph (A), funds awarded for
4 a multistate project shall be considered to be
5 distributed evenly to each State.

6 “(5) TIFIA PROGRAM.—On the request of an
7 eligible applicant under this section, the Adminis-
8 trator may use amounts awarded to the entity to
9 pay subsidy and administrative costs necessary to
10 provide the entity Federal credit assistance under
11 chapter 6 with respect to the project for which the
12 grant was awarded.

13 “(h) GRANT REQUIREMENTS.—

14 “(1) APPLICABILITY OF PLANNING REQUIRE-
15 MENTS.—The programming and expenditure of
16 funds for projects under this section shall be con-
17 sistent with the requirements of sections 134 and
18 135.

19 “(2) DETERMINATION OF APPLICABLE MODAL
20 REQUIREMENTS.—If an eligible project that receives
21 a grant under this section has a crossmodal compo-
22 nent, the Administrator—

23 “(A) shall determine the predominant
24 modal component of the project; and

1 “(B) may apply the applicable require-
2 ments of that predominant modal component to
3 the project.

4 “(i) REPORT TO THE ADMINISTRATOR.—For each
5 project funded under this section, the project sponsor shall
6 evaluate system performance and submit to the Adminis-
7 trator a report not later than 5, 10, and 20 years after
8 completion of the project to assess whether the project
9 outcomes have met preconstruction projections.

10 “(j) ADMINISTRATIVE SELECTION.—The Adminis-
11 trator shall award grants to eligible projects in a fiscal
12 year based on the criteria described in subsection (e).

13 “(k) REPORTS.—

14 “(1) IN GENERAL.—The Administrator shall
15 provide an annual report as described in section
16 44001 of the DRIVE Act.

17 “(2) COMPTROLLER GENERAL.—The Comp-
18 troller General of the United States shall conduct an
19 assessment as described in section 44001 of the
20 DRIVE Act.”.

21 (b) ASSISTANCE FOR FREIGHT PROJECTS.—Chapter
22 54 of subtitle III of title 49, United States Code, as
23 amended by section 42005, is amended by adding after
24 section 5408 the following:

1 **“§ 5409. Assistance for freight projects**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish and implement an assistance for freight projects grant
4 program for capital investments in major freight transpor-
5 tation infrastructure projects to improve the movement of
6 goods through the transportation network of the United
7 States.

8 “(b) CRITERIA FOR PROJECT EVALUATION AND SE-
9 LECTION.—

10 “(1) IN GENERAL.—The Secretary may select a
11 project for funding under this section only if the
12 Secretary determines that the project—

13 “(A) is consistent with the goals described
14 in section 5402(b);

15 “(B) will significantly improve the national
16 or regional performance of the freight transpor-
17 tation network;

18 “(C) is based on the results of preliminary
19 engineering;

20 “(D) is consistent with the long-range
21 statewide transportation plan;

22 “(E) cannot be readily and efficiently com-
23 pleted without Federal financial assistance;

24 “(F) is justified based on the ability of the
25 project—

1 “(C) incorporates innovative project deliv-
2 ery and financing to the maximum extent prac-
3 ticable;

4 “(D) improves freight facilities vital to ag-
5 ricultural or national energy security;

6 “(E) improves or upgrades current or des-
7 ignated future Interstate System routes;

8 “(F) uses innovative technologies, includ-
9 ing intelligent transportation systems, that en-
10 hance the efficiency of the project;

11 “(G) helps to improve mobility and accessi-
12 bility; and

13 “(H) improves transportation safety, in-
14 cluding reducing transportation accident and
15 serious injuries and fatalities.

16 “(c) ELIGIBLE PROJECTS.—

17 “(1) IN GENERAL.—A project is eligible for a
18 grant under this section if the project—

19 “(A) is difficult to complete with existing
20 Federal, State, local, and private funds;

21 “(B)(i) enhances the economic competitive-
22 ness of the United States; or

23 “(ii) improves the flow of freight or re-
24 duces bottlenecks in the freight infrastructure
25 of the United States; and

1 “(C) will advance 1 or more of the fol-
2 lowing objectives:

3 “(i) Generate regional or national eco-
4 nomic benefits and an increase in the glob-
5 al economic competitiveness of the United
6 States.

7 “(ii) Improve transportation resources
8 vital to agriculture or national energy secu-
9 rity.

10 “(iii) Improve the efficiency, reli-
11 ability, and affordability of the movement
12 of freight.

13 “(iv) Improve existing freight infra-
14 structure projects.

15 “(v) Improve the movement of people
16 by improving rural and metropolitan
17 freight routes.

18 “(2) EXAMPLES.—Eligible projects for grant
19 funding under this section shall include—

20 “(A) a freight intermodal facility, includ-
21 ing—

22 “(i) an intermodal facility serving a
23 seaport;

24 “(ii) an intermodal or cargo access fa-
25 cility serving an airport;

1 “(B) give priority to projects dedicated
2 to—

3 “(i) improving freight infrastructure
4 facilities;

5 “(ii) reducing travel time for freight
6 projects;

7 “(iii) reducing freight transportation
8 costs; and

9 “(iv) reducing congestion caused by
10 rapid population growth on freight cor-
11 ridors.

12 “(2) MULTIMODAL DISTRIBUTION OF FUNDS.—
13 In distributing funding for grants under this section,
14 the Secretary shall take such measures as the Sec-
15 retary determines necessary to ensure the invest-
16 ment in a variety of transportation modes.

17 “(3) AMOUNT.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B)(i), a grant under this section
20 shall be in an amount that is not less than
21 \$10,000,000 and not greater than
22 \$100,000,000.

23 “(B) PROJECTS IN RURAL AREAS.—If a
24 grant awarded under this section is for a
25 project located in a rural area—

1 “(i) the amount of the grant shall be
2 at least \$1,000,000; and

3 “(ii) the Secretary may increase the
4 Federal share of costs to greater than 80
5 percent.

6 “(4) FEDERAL SHARE.—Except as provided
7 under paragraph (3)(B)(ii), the Federal share of the
8 costs for a project receiving a grant under this sec-
9 tion shall be up to 80 percent.

10 “(5) PRIORITY.—The Secretary shall give pri-
11 ority to projects that require a contribution of Fed-
12 eral funds in order to complete an overall financing
13 package.

14 “(6) RURAL AREAS.—Not less than 25 percent
15 of the funding provided under this section shall be
16 used to make grants for projects located in rural
17 areas.

18 “(7) NEW COMPETITION.—The Secretary shall
19 conduct a new competition each fiscal year to select
20 the grants and credit assistance awarded under this
21 section.

22 “(e) CONSULTATION.—The Secretary shall consult
23 with the Secretary of Energy when considering projects
24 that facilitate the movement of energy resources.

25 “(f) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated from the general fund of the Treasury,
3 \$200,000,000 for each of fiscal years 2016 through
4 2021 to carry out this section.

5 “(2) ADMINISTRATIVE AND OVERSIGHT
6 COSTS.—The Secretary may retain up to 0.5 percent
7 of the amounts appropriated pursuant to paragraph
8 (1)—

9 “(A) to administer the assistance for
10 freight projects grant program; and

11 “(B) to oversee eligible projects funded
12 under this section.

13 “(3) ADMINISTRATION OF FUNDS.—Amounts
14 appropriated pursuant to this subsection shall be
15 available for obligation until expended.

16 “(g) CONGRESSIONAL NOTIFICATION.—Not later
17 than 72 hours before public notification of a grant award-
18 ed under this section, the Secretary shall notify the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate, the Committee on Environment and Public Works
21 of the Senate, the Committee on Banking, Housing, and
22 Urban Affairs of the Senate, the Committee on Appropria-
23 tions of the Senate, the Committee on Transportation and
24 Infrastructure of the House of Representatives, and the

1 Committee on Appropriations of the House of Representa-
2 tives of such award.

3 “(h) ACCOUNTABILITY MEASURES.—The Secretary
4 shall provide to Congress documentation of major deci-
5 sions in the application evaluation and project selection
6 process, which shall include a clear rationale for deci-
7 sions—

8 “(1) to advance for senior review applications
9 other than those rated as highly recommended;

10 “(2) to not advance applications rated as highly
11 recommended; and

12 “(3) to change the technical evaluation rating
13 of an application.”.

14 (c) CONFORMING AMENDMENT.—The analysis for
15 chapter 1 of title 23, United States Code, is amended by
16 adding at the end the following:

“171. Assistance for major projects program.”.

17 **DIVISION E—FINANCE**

18 **SEC. 50001. SHORT TITLE.**

19 This division may be cited as the “Transportation
20 Funding Act of 2015”.

1 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
2 FUND.—Paragraph (2) of section 9508(e) of the Internal
3 Revenue Code of 1986, as amended by division G, is
4 amended by striking “October 1, 2015” and inserting
5 “October 1, 2021”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on August 1, 2015.

8 **SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.**

9 (a) IN GENERAL.—

10 (1) Each of the following provisions of the In-
11 ternal Revenue Code of 1986 is amended by striking
12 “September 30, 2016” and inserting “September
13 30, 2023”:

14 (A) Section 4041(a)(1)(C)(iii)(I).

15 (B) Section 4041(m)(1)(B).

16 (C) Section 4081(d)(1).

17 (2) Each of the following provisions of such
18 Code is amended by striking “October 1, 2016” and
19 inserting “October 1, 2023”:

20 (A) Section 4041(m)(1)(A).

21 (B) Section 4051(e).

22 (C) Section 4071(d).

23 (D) Section 4081(d)(3).

24 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN
25 HEAVY VEHICLES.—Each of the following provisions of

1 the Internal Revenue Code of 1986 is amended by striking
2 “2017” each place it appears and inserting “2024”:

3 (1) Section 4481(f).

4 (2) Subsections (c)(4) and (d) of section 4482.

5 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)
6 of the Internal Revenue Code of 1986 is amended—

7 (1) by striking “October 1, 2016” each place it
8 appears and inserting “October 1, 2023”,

9 (2) by striking “March 31, 2017” each place it
10 appears and inserting “March 31, 2024”, and

11 (3) by striking “January 1, 2017” and insert-
12 ing “January 1, 2024”.

13 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

14 (1) Section 4221(a) of the Internal Revenue
15 Code of 1986 is amended by striking “October 1,
16 2016” and inserting “October 1, 2023”.

17 (2) Section 4483(i) of such Code is amended by
18 striking “October 1, 2017” and inserting “October
19 1, 2024”.

20 (e) EXTENSION OF TRANSFERS OF CERTAIN
21 TAXES.—

22 (1) IN GENERAL.—Section 9503 of the Internal
23 Revenue Code of 1986 is amended—

24 (A) in subsection (b)—

1 (i) by striking “October 1, 2016”
2 each place it appears in paragraphs (1)
3 and (2) and inserting “October 1, 2023”,

4 (ii) by striking “OCTOBER 1, 2016” in
5 the heading of paragraph (2) and inserting
6 “OCTOBER 1, 2023”,

7 (iii) by striking “September 30,
8 2016” in paragraph (2) and inserting
9 “September 30, 2023”, and

10 (iv) by striking “July 1, 2017” in
11 paragraph (2) and inserting “July 1,
12 2024”, and

13 (B) in subsection (c)(2), by striking “July
14 1, 2017” and inserting “July 1, 2024”.

15 (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX
16 TRANSFERS.—

17 (A) IN GENERAL.—Paragraphs (3)(A)(i)
18 and (4)(A) of section 9503(c) of such Code are
19 each amended by striking “October 1, 2016”
20 and inserting “October 1, 2023”.

21 (B) CONFORMING AMENDMENTS TO LAND
22 AND WATER CONSERVATION FUND.—Section
23 200310 of title 54, United States Code, is
24 amended—

1 (i) by striking “October 1, 2017”
2 each place it appears and inserting “Octo-
3 ber 1, 2024”, and

4 (ii) by striking “October 1, 2016” and
5 inserting “October 1, 2023”.

6 (f) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on October 1, 2016.

8 **Subtitle B—Additional Transfers to**
9 **Highway Trust Fund**

10 **SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST**
11 **FUND.**

12 Subsection (f) of section 9503 of the Internal Rev-
13 enue Code of 1986 is amended by redesignating paragraph
14 (7) as paragraph (9) and by inserting after paragraph (6)
15 the following new paragraphs:

16 “(7) FURTHER TRANSFERS TO TRUST FUND.—
17 Out of money in the Treasury not otherwise appro-
18 priated, there is hereby appropriated—

19 “(A) \$34,401,000,000 to the Highway Ac-
20 count (as defined in subsection (e)(5)(B)) in
21 the Highway Trust Fund; and

22 “(B) \$11,214,000,000 to the Mass Transit
23 Account in the Highway Trust Fund.

24 “(8) ADDITIONAL INCREASE IN FUND BAL-
25 ANCE.—There is hereby transferred to the Highway

1 Account (as defined in subsection (e)(5)(B)) in the
2 Highway Trust Fund amounts appropriated from
3 the Leaking Underground Storage Tank Trust Fund
4 under section 9508(c)(4).”.

5 **SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CER-**
6 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

7 (a) IN GENERAL.—Paragraph (5) of section 9503(b)
8 of the Internal Revenue Code of 1986 is amended—

9 (1) by striking “There are hereby” and insert-
10 ing the following:

11 “(A) IN GENERAL.—There are hereby”,
12 and

13 (2) by adding at the end the following new
14 paragraph:

15 “(B) PENALTIES RELATED TO MOTOR VE-
16 HICLE SAFETY.—

17 “(i) IN GENERAL.—There are hereby
18 appropriated to the Highway Trust Fund
19 amounts equivalent to covered motor vehi-
20 cle safety penalty collections.

21 “(ii) COVERED MOTOR VEHICLE SAFE-
22 TY PENALTY COLLECTIONS.—For purposes
23 of this subparagraph, the term ‘covered
24 motor vehicle safety penalty collections’
25 means any amount collected in connection

1 with a civil penalty under section 30165 of
2 title 49, United States Code, reduced by
3 any award authorized by the Secretary of
4 Transportation to be paid to any person in
5 connection with information provided by
6 such person related to a violation of chap-
7 ter 301 of such title which is a predicate
8 to such civil penalty.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to amounts collected after the date
11 of the enactment of this Act.

12 **SEC. 51203. APPROPRIATION FROM LEAKING UNDER-**
13 **GROUND STORAGE TANK TRUST FUND.**

14 (a) IN GENERAL.—Subsection (c) of section 9508 of
15 the Internal Revenue Code of 1986 is amended by adding
16 at the end the following new paragraph:

17 “(4) ADDITIONAL TRANSFER TO HIGHWAY
18 TRUST FUND.—Out of amounts in the Leaking Un-
19 derground Storage Tank Trust Fund there is hereby
20 appropriated—

21 “(A) on the date of the enactment of the
22 DRIVE Act, \$100,000,000,

23 “(B) on October 1, 2016, \$100,000,000,
24 and

25 “(C) on October 1, 2017, \$100,000,000,

1 to be transferred under section 9503(f)(8) to the
2 Highway Account (as defined in section
3 9503(e)(5)(B)) in the Highway Trust Fund.”.

4 (b) CONFORMING AMENDMENT.—Section 9508(e)(1)
5 of the Internal Revenue Code of 1986 is amended by strik-
6 ing “paragraphs (2) and (3)” and inserting “paragraphs
7 (2), (3), and (4)”.

8 **TITLE LII—OFFSETS**

9 **Subtitle A—Tax Provisions**

10 **SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ES-**
11 **TATE AND PERSON ACQUIRING PROPERTY**
12 **FROM DECEDENT.**

13 (a) PROPERTY ACQUIRED FROM A DECEDENT.—

14 (1) IN GENERAL.—Section 1014 of the Internal
15 Revenue Code of 1986 is amended by adding at the
16 end the following new subsection:

17 “(f) BASIS MUST BE CONSISTENT WITH ESTATE
18 TAX VALUE.—

19 “(1) IN GENERAL.—The basis under subsection

20 (a) of any property shall not exceed—

21 “(A) in the case of property the value of
22 which has been finally determined for purposes
23 of the tax imposed by chapter 11 on the estate
24 of such decedent, such value, and

1 “(B) in the case of property not described
2 in subparagraph (A) and with respect to which
3 a statement has been furnished under section
4 6035(a) identifying the value of such property,
5 such value.

6 “(2) DETERMINATION.—For purposes of para-
7 graph (1), the value of property has been finally de-
8 termined for purposes of the tax imposed by chapter
9 11 if—

10 “(A) the value of such property is shown
11 on a return under section 6018 and such value
12 is not contested by the Secretary before the ex-
13 piration of the time for assessing a tax under
14 chapter 11,

15 “(B) in a case not described in subpara-
16 graph (A), the value is specified by the Sec-
17 retary and such value is not timely contested by
18 the executor of the estate, or

19 “(C) the value is determined by a court or
20 pursuant to a settlement agreement with the
21 Secretary.

22 “(3) REGULATIONS.—The Secretary may by
23 regulations provide exceptions to the application of
24 this subsection.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to property with re-
3 spect to which an estate tax return is filed after the
4 date of the enactment of this Act.

5 (b) INFORMATION REPORTING.—

6 (1) IN GENERAL.—Subpart A of part III of
7 subchapter A of chapter 61 of the Internal Revenue
8 Code of 1986 is amended by inserting after section
9 6034A the following new section:

10 **“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING**
11 **PROPERTY FROM DECEDENT.**

12 “(a) INFORMATION WITH RESPECT TO PROPERTY
13 ACQUIRED FROM DECEDENTS.—

14 “(1) IN GENERAL.—The executor of any estate
15 required to file a return under section 6018(a) shall
16 furnish to the Secretary and to each person acquir-
17 ing any interest in property included in the dece-
18 dent’s gross estate for Federal estate tax purposes
19 a statement identifying the value of each interest in
20 such property as reported on such return and such
21 other information with respect to such interest as
22 the Secretary may prescribe.

23 “(2) STATEMENTS BY BENEFICIARIES.—Each
24 person required to file a return under section
25 6018(b) shall furnish to the Secretary and to each

1 other person who holds a legal or beneficial interest
2 in the property to which such return relates a state-
3 ment identifying the information described in para-
4 graph (1).

5 “(3) TIME FOR FURNISHING STATEMENT.—

6 “(A) IN GENERAL.—Each statement re-
7 quired to be furnished under paragraph (1) or
8 (2) shall be furnished at such time as the Sec-
9 retary may prescribe, but in no case at a time
10 later than the earlier of—

11 “(i) the date which is 30 days after
12 the date on which the return under section
13 6018 was required to be filed (including
14 extensions, if any), or

15 “(ii) the date which is 30 days after
16 the date such return is filed.

17 “(B) ADJUSTMENTS.—In any case in
18 which there is an adjustment to the information
19 required to be included on a statement filed
20 under paragraph (1) or (2) after such state-
21 ment has been filed, a supplemental statement
22 under such paragraph shall be filed not later
23 than the date which is 30 days after such ad-
24 justment is made.

1 “(b) REGULATIONS.—The Secretary shall prescribe
2 such regulations as necessary to carry out this section, in-
3 cluding regulations relating to—

4 “(1) the extension of this section to property of
5 estates not required to file an estate tax return, and

6 “(2) situations in which the surviving joint ten-
7 ant or other recipient may have better information
8 than the executor regarding the basis or fair market
9 value of the property.”.

10 (2) PENALTY FOR FAILURE TO FILE.—

11 (A) RETURN.—Section 6724(d)(1) of such
12 Code is amended by striking “and” at the end
13 of subparagraph (B), by striking the period at
14 the end of subparagraph (C) and inserting “,
15 and”, and by adding at the end the following
16 new subparagraph:

17 “(D) any statement required to be filed
18 with the Secretary under section 6035.”.

19 (B) STATEMENT.—Section 6724(d)(2) of
20 such Code is amended by striking “or” at the
21 end of subparagraph (GG), by striking the pe-
22 riod at the end of subparagraph (HH) and in-
23 serting “, or”, and by adding at the end the fol-
24 lowing new subparagraph:

1 “(II) section 6035 (other than a
2 statement described in paragraph
3 (1)(D)).”.

4 (3) CLERICAL AMENDMENT.—The table of sec-
5 tions for subpart A of part III of subchapter A of
6 chapter 61 of such Code is amended by inserting
7 after the item relating to section 6034A the fol-
8 lowing new item:

9 **“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING**
10 **PROPERTY FROM DECEDENT.”.**

11 (4) EFFECTIVE DATE.—The amendments made
12 by this subsection shall take effect on the date of the
13 enactment of this Act.

14 (c) PENALTY FOR INCONSISTENT REPORTING.—

15 (1) IN GENERAL.—Subsection (b) of section
16 6662 of the Internal Revenue Code of 1986 is
17 amended by inserting after paragraph (7) the fol-
18 lowing new paragraph:

19 “(8) Any inconsistent estate basis.”.

20 (2) INCONSISTENT BASIS REPORTING.—Section
21 6662 of such Code is amended by adding at the end
22 the following new subsection:

23 “(k) INCONSISTENT ESTATE BASIS REPORTING.—

24 For purposes of this section, there is an ‘inconsistent es-
25 tate basis’ if the basis of property (determined without re-

1 gard to adjustments to basis during the period the prop-
2 erty was held by the taxpayer) claimed on a return exceeds
3 the basis as determined under section 1014(f).”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply to returns filed after
6 the date of the enactment of this Act.

7 **SEC. 52102. REVOCATION OR DENIAL OF PASSPORT IN CASE**
8 **OF CERTAIN UNPAID TAXES.**

9 (a) IN GENERAL.—Subchapter D of chapter 75 of the
10 Internal Revenue Code of 1986 is amended by adding at
11 the end the following new section:

12 **“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE**
13 **OF CERTAIN TAX DELINQUENCIES.**

14 “(a) IN GENERAL.—If the Secretary receives certifi-
15 cation by the Commissioner of Internal Revenue that any
16 individual has a seriously delinquent tax debt in an
17 amount in excess of \$50,000, the Secretary shall transmit
18 such certification to the Secretary of State for action with
19 respect to denial, revocation, or limitation of a passport
20 pursuant to section 52102(d) of the Transportation Fund-
21 ing Act of 2015.

22 “(b) SERIOUSLY DELINQUENT TAX DEBT.—For pur-
23 poses of this section, the term ‘seriously delinquent tax
24 debt’ means an outstanding debt under this title for which
25 a notice of lien has been filed in public records pursuant

1 to section 6323 or a notice of levy has been filed pursuant
2 to section 6331, except that such term does not include—

3 “(1) a debt that is being paid in a timely man-
4 ner pursuant to an agreement under section 6159 or
5 7122, and

6 “(2) a debt with respect to which collection is
7 suspended because a collection due process hearing
8 under section 6330, or relief under subsection (b),
9 (c), or (f) of section 6015, is requested or pending.

10 “(c) ADJUSTMENT FOR INFLATION.—In the case of
11 a calendar year beginning after 2016, the dollar amount
12 in subsection (a) shall be increased by an amount equal
13 to—

14 “(1) such dollar amount, multiplied by

15 “(2) the cost-of-living adjustment determined
16 under section 1(f)(3) for the calendar year, deter-
17 mined by substituting ‘calendar year 2015’ for ‘cal-
18 endar year 1992’ in subparagraph (B) thereof.

19 If any amount as adjusted under the preceding sentence
20 is not a multiple of \$1,000, such amount shall be rounded
21 to the next highest multiple of \$1,000.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for subchapter D of chapter 75 of the Internal Revenue
24 Code of 1986 is amended by adding at the end the fol-
25 lowing new item:

“Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.”.

1 (c) AUTHORITY FOR INFORMATION SHARING.—

2 (1) IN GENERAL.—Subsection (l) of section
3 6103 of the Internal Revenue Code of 1986 is
4 amended by adding at the end the following new
5 paragraph:

6 “(23) DISCLOSURE OF RETURN INFORMATION
7 TO DEPARTMENT OF STATE FOR PURPOSES OF PASS-
8 PORT REVOCATION UNDER SECTION 7345.—

9 “(A) IN GENERAL.—The Secretary shall,
10 upon receiving a certification described in sec-
11 tion 7345, disclose to the Secretary of State re-
12 turn information with respect to a taxpayer who
13 has a seriously delinquent tax debt described in
14 such section. Such return information shall be
15 limited to—

16 “(i) the taxpayer identity information
17 with respect to such taxpayer, and

18 “(ii) the amount of such seriously de-
19 linquent tax debt.

20 “(B) RESTRICTION ON DISCLOSURE.—Re-
21 turn information disclosed under subparagraph
22 (A) may be used by officers and employees of
23 the Department of State for the purposes of,
24 and to the extent necessary in, carrying out the

1 requirements of section 52102(d) of the Trans-
2 portation Funding Act of 2015.”.

3 (2) CONFORMING AMENDMENT.—Paragraph (4)
4 of section 6103(p) of such Code is amended by strik-
5 ing “or (22)” each place it appears in subparagraph
6 (F)(ii) and in the matter preceding subparagraph
7 (A) and inserting “(22), or (23)”.

8 (d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

9 (1) DENIAL.—

10 (A) IN GENERAL.—Except as provided
11 under subparagraph (B), upon receiving a cer-
12 tification described in section 7345 of the Inter-
13 nal Revenue Code of 1986 from the Secretary
14 of the Treasury, the Secretary of State shall
15 not issue a passport to any individual who has
16 a seriously delinquent tax debt described in
17 such section.

18 (B) EMERGENCY AND HUMANITARIAN SIT-
19 UATIONS.—Notwithstanding subparagraph (A),
20 the Secretary of State may issue a passport, in
21 emergency circumstances or for humanitarian
22 reasons, to an individual described in such sub-
23 paragraph.

24 (2) REVOCATION.—

1 (A) IN GENERAL.—The Secretary of State
2 may revoke a passport previously issued to any
3 individual described in paragraph (1)(A).

4 (B) LIMITATION FOR RETURN TO UNITED
5 STATES.—If the Secretary of State decides to
6 revoke a passport under subparagraph (A), the
7 Secretary of State, before revocation, may—

8 (i) limit a previously issued passport
9 only for return travel to the United States;
10 or

11 (ii) issue a limited passport that only
12 permits return travel to the United States.

13 (3) HOLD HARMLESS.—The Secretary of the
14 Treasury and the Secretary of State shall not be lia-
15 ble to an individual for any action with respect to a
16 certification by the Commissioner of Internal Rev-
17 enue under section 7345 of the Internal Revenue
18 Code of 1986.

19 (e) REVOCATION OR DENIAL OF PASSPORT IN CASE
20 OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT
21 NUMBER.—

22 (1) DENIAL.—

23 (A) IN GENERAL.—Except as provided
24 under subparagraph (B), upon receiving an ap-

1 plication for a passport from an individual that
2 either—

3 (i) does not include the social security
4 account number issued to that individual,
5 or

6 (ii) includes an incorrect or invalid so-
7 cial security number willfully, intentionally,
8 negligently, or recklessly provided by such
9 individual,

10 the Secretary of State is authorized to deny
11 such application and is authorized to not issue
12 a passport to the individual.

13 (B) EMERGENCY AND HUMANITARIAN SIT-
14 UATIONS.—Notwithstanding subparagraph (A),
15 the Secretary of State may issue a passport, in
16 emergency circumstances or for humanitarian
17 reasons, to an individual described in subpara-
18 graph (A).

19 (2) REVOCATION.—

20 (A) IN GENERAL.—The Secretary of State
21 may revoke a passport previously issued to any
22 individual described in paragraph (1)(A).

23 (B) LIMITATION FOR RETURN TO UNITED
24 STATES.—If the Secretary of State decides to

1 revoke a passport under subparagraph (A), the
2 Secretary of State, before revocation, may—

3 (i) limit a previously issued passport
4 only for return travel to the United States;

5 or

6 (ii) issue a limited passport that only
7 permits return travel to the United States.

8 (f) **EFFECTIVE DATE.**—The provisions of, and
9 amendments made by, this section shall take effect on
10 January 1, 2016.

11 **SEC. 52103. CLARIFICATION OF 6-YEAR STATUTE OF LIM-**
12 **TATIONS IN CASE OF OVERSTATEMENT OF**
13 **BASIS.**

14 (a) **IN GENERAL.**—Subparagraph (B) of section
15 6501(e)(1) of the Internal Revenue Code of 1986 is
16 amended—

17 (1) by striking “and” at the end of clause (i),
18 by redesignating clause (ii) as clause (iii), and by in-
19 serting after clause (i) the following new clause:

20 “(ii) An understatement of gross in-
21 come by reason of an overstatement of un-
22 recovered cost or other basis is an omission
23 from gross income; and”,

24 (2) by inserting “(other than in the case of an
25 overstatement of unrecovered cost or other basis)”

1 in clause (iii) (as so redesignated) after “In deter-
2 mining the amount omitted from gross income”, and

3 (3) by inserting “AMOUNT OMITTED FROM”
4 after “DETERMINATION OF” in the heading thereof.

5 (b) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to—

7 (1) returns filed after the date of the enactment
8 of this Act, and

9 (2) returns filed on or before such date if the
10 period specified in section 6501 of the Internal Rev-
11 enue Code of 1986 (determined without regard to
12 such amendments) for assessment of the taxes with
13 respect to which such return relates has not expired
14 as of such date.

15 **SEC. 52104. ADDITIONAL INFORMATION ON RETURNS RE-**
16 **LATING TO MORTGAGE INTEREST.**

17 (a) IN GENERAL.—Paragraph (2) of section
18 6050H(b) of the Internal Revenue Code of 1986 is amend-
19 ed by striking “and” at the end of subparagraph (C), by
20 redesignating subparagraph (D) as subparagraph (G), and
21 by inserting after subparagraph (C) the following new sub-
22 paragraphs:

23 “(D) the amount of outstanding principal
24 on the mortgage as of the beginning of such
25 calendar year,

1 “(E) the address of the property securing
2 such mortgage,

3 “(F) the date of the origination of such
4 mortgage, and”.

5 (b) PAYEE STATEMENTS.—Subsection (d) of section
6 6050H of the Internal Revenue Code of 1986 is amended
7 by striking “and” at the end of paragraph (1), by striking
8 the period at the end of paragraph (2) and inserting “,
9 and”, and by inserting after paragraph (2) the following
10 new paragraph:

11 “(3) the information required to be included on
12 the return under subparagraphs (D), (E), and (F)
13 of subsection (b)(2).”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to returns and statements the due
16 date for which (determined without regard to extensions)
17 is after December 31, 2016.

18 **SEC. 52105. RETURN DUE DATE MODIFICATIONS.**

19 (a) NEW DUE DATE FOR PARTNERSHIP FORM 1065,
20 S CORPORATION FORM 1120S, AND C CORPORATION
21 FORM 1120.—

22 (1) PARTNERSHIPS.—

23 (A) IN GENERAL.—Section 6072 of the In-
24 ternal Revenue Code of 1986 is amended by
25 adding at the end the following new subsection:

1 “(f) RETURNS OF PARTNERSHIPS.—Returns of part-
2 nerships under section 6031 made on the basis of the cal-
3 endar year shall be filed on or before the 15th day of
4 March following the close of the calendar year, and such
5 returns made on the basis of a fiscal year shall be filed
6 on or before the 15th day of the third month following
7 the close of the fiscal year.”.

8 (B) CONFORMING AMENDMENT.—Section
9 6072(a) of such Code is amended by striking
10 “6017, or 6031” and inserting “or 6017”.

11 (2) S CORPORATIONS.—

12 (A) IN GENERAL.—So much of subsection
13 (b) of section 6072 of the Internal Revenue
14 Code of 1986 as precedes the second sentence
15 thereof is amended to read as follows:

16 “(b) RETURNS OF CERTAIN CORPORATIONS.—Re-
17 turns of S corporations under sections 6012 and 6037
18 made on the basis of the calendar year shall be filed on
19 or before the 31st day of March following the close of the
20 calendar year, and such returns made on the basis of a
21 fiscal year shall be filed on or before the last day of the
22 third month following the close of the fiscal year.”.

23 (B) CONFORMING AMENDMENTS.—

24 (i) Section 1362(b) of such Code is
25 amended—

1 (I) by striking “15th” each place
2 it appears and inserting “last”,

3 (II) by striking “2½” each place
4 it appears in the headings and the
5 text and inserting “3”, and

6 (III) by striking “2 months and
7 15 days” in paragraph (4) and insert-
8 ing “3 months”.

9 (ii) Section 1362(d)(1)(C)(i) of such
10 Code is amended by striking “15th” and
11 inserting “last”.

12 (iii) Section 1362(d)(1)(C)(ii) of such
13 Code is amended by striking “such 15th
14 day” and inserting “the last day of the 3d
15 month thereof”.

16 (3) CONFORMING AMENDMENTS RELATING TO C
17 CORPORATIONS.—

18 (A) Section 170(a)(2)(B) of such Code is
19 amended by striking “third month” and insert-
20 ing “4th month”.

21 (B) Section 563 of such Code is amended
22 by striking “third month” each place it appears
23 and inserting “4th month”.

1 (C) Section 1354(d)(1)(B)(i) of such Code
2 is amended by striking “3d month” and insert-
3 ing “4th month”.

4 (D) Subsection (a) and (e) of section 6167
5 of such Code are each amended by striking
6 “third month” and inserting “4th month”.

7 (E) Section 6425(a)(1) of such Code is
8 amended by striking “third month” and insert-
9 ing “4th month”.

10 (F) Section 6655 of such Code is amend-
11 ed—

12 (i) by striking “3rd month” each
13 place it appears in subsections (b)(2)(A),
14 (g)(3), and (h)(1) and inserting “4th
15 month”, and

16 (ii) in subsection (g)(4), by redesign-
17 ating subparagraph (E) as subparagraph
18 (F) and by inserting after subparagraph
19 (D) the following new subparagraph:

20 “(E) Subsection (b)(2)(A) shall be applied
21 by substituting ‘the last day of the 3rd month’
22 for ‘the 15th day of the 4th month.’”.

23 (4) EFFECTIVE DATES.—

24 (A) IN GENERAL.—Except as otherwise
25 provided in this paragraph, the amendments

1 made by this subsection shall apply to returns
2 for taxable years beginning after December 31,
3 2015.

4 (B) CONFORMING AMENDMENTS RELATING
5 TO S CORPORATIONS.—The amendments made
6 by paragraph (2)(B) shall apply with respect to
7 elections for taxable years beginning after De-
8 cember 31, 2015.

9 (C) CONFORMING AMENDMENTS RELATING
10 TO C CORPORATIONS.—The amendments made
11 by paragraph (3) shall apply to taxable years
12 beginning after December 31, 2015.

13 (5) SPECIAL RULE FOR CERTAIN C CORPORA-
14 TION IN 2025.—In the case of a taxable year of a C
15 Corporation ending on June 30, 2025, section
16 6072(a) of the Internal Revenue Code of 1986 shall
17 be applied by substituting “third month” for “fourth
18 month”.

19 (b) MODIFICATION OF DUE DATES BY REGULA-
20 TION.—In the case of returns for any taxable period begin-
21 ning after December 31, 2015, the Secretary of the Treas-
22 ury or the Secretary’s delegate shall modify appropriate
23 regulations to provide as follows:

24 (1) The maximum extension for the returns of
25 partnerships filing Form 1065 shall be a 6-month

1 period beginning on the due date for filing the re-
2 turn (without regard to any extensions).

3 (2) The maximum extension for the returns of
4 trusts and estates filing Form 1041 shall be a 5½-
5 month period beginning on the due date for filing
6 the 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 3½-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
20 shall be an automatic 6-month period beginning on
21 the due date for filing the return (without regard to
22 any extensions).

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
6 and Computation of Section 192 Deduction, shall be
7 an automatic 6-month period beginning on the due
8 date for filing the return (without regard to any ex-
9 tensions).

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
13 the return (without regard to any extensions).

14 (9) The due date of Form 3520-A, Annual In-
15 formation Return of a Foreign Trust with a United
16 States Owner, shall be the 15th day of the 3rd
17 month after the close of the trust's taxable year, and
18 the maximum extension shall be a 6-month period
19 beginning 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
24 with provision for an extension under rules similar
25 to the rules of 26 C.F.R. 1.6081-5. For any tax-

1 payer required to file such form for the first time,
2 the Secretary of the Treasury may waive any penalty
3 for failure to timely request or file an extension.

4 (11) Taxpayers filing Form 3520, Annual Re-
5 turn to Report Transactions with Foreign Trusts
6 and Receipt of Certain Foreign Gifts, shall be al-
7 lowed to extend the time for filing such form sepa-
8 rately from the income tax return of the taxpayer,
9 for an automatic 6-month period beginning on the
10 due date for filing the return (without regard to any
11 extensions).

12 (c) CORPORATIONS PERMITTED STATUTORY AUTO-
13 MATIC 6-MONTH EXTENSION OF INCOME TAX RE-
14 TURNS.—

15 (1) IN GENERAL.—Section 6081(b) of the In-
16 ternal Revenue Code of 1986 is amended by striking
17 “3 months” and inserting “6 months”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply to returns for taxable
20 years beginning after December 31, 2015.

21 (3) SPECIAL RULE FOR CERTAIN C CORPORA-
22 TIONS IN 2024.—In the case of any taxable year of
23 a C corporation ending on December 31, 2024, sub-
24 sections (a) and (b) of section 6081 of the Internal
25 Revenue Code of 1986 shall each be applied to re-

1 turns of income taxes under subtitle A by sub-
2 stituting “5 months” for “6 months”.

3 **SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED**
4 **TAX COLLECTION CONTRACTS.**

5 (a) REQUIREMENT TO COLLECT CERTAIN INACTIVE
6 TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION
7 CONTRACTS.—Section 6306 of the Internal Revenue Code
8 of 1986 is amended by redesignating subsections (c)
9 through (f) as subsections (d) through (g), respectively,
10 and by inserting after subsection (b) the following new
11 subsection:

12 “(c) COLLECTION OF INACTIVE TAX RECEIV-
13 ABLES.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law, the Secretary shall enter into one
16 or more qualified tax collection contracts for the col-
17 lection of all outstanding inactive tax receivables.

18 “(2) INACTIVE TAX RECEIVABLES.—For pur-
19 poses of this section—

20 “(A) IN GENERAL.—The term ‘inactive tax
21 receivable’ means any tax receivable if—

22 “(i) at any time after assessment, the
23 Internal Revenue Service removes such re-
24 ceivable from the active inventory for lack

1 of resources or inability to locate the tax-
2 payer,

3 “(ii) more than $\frac{1}{3}$ of the period of the
4 applicable statute of limitation has lapsed
5 and such receivable has not been assigned
6 for collection to any employee of the Inter-
7 nal Revenue Service, or

8 “(iii) in the case of a receivable which
9 has been assigned for collection, more than
10 365 days have passed without interaction
11 with the taxpayer or a third party for pur-
12 poses of furthering the collection of such
13 receivable.

14 “(B) TAX RECEIVABLE.—The term ‘tax re-
15 ceivable’ means any outstanding assessment
16 which the Internal Revenue Service includes in
17 potentially collectible inventory.”.

18 (b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR
19 COLLECTION UNDER QUALIFIED TAX COLLECTION CON-
20 TRACTS.—Section 6306 of the Internal Revenue Code of
21 1986, as amended by subsection (a), is amended by redес-
22 ignating subsections (d) through (g) as subsections (e)
23 through (h), respectively, and by inserting after subsection
24 (c) the following new subsection:

1 “(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE
2 FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS
3 CONTRACTS.—A tax receivable shall not be eligible for col-
4 lection pursuant to a qualified tax collection contract if
5 such receivable—

6 “(1) is subject to a pending or active offer-in-
7 compromise or installment agreement,

8 “(2) is classified as an innocent spouse case,

9 “(3) involves a taxpayer identified by the Sec-
10 retary as being—

11 “(A) deceased,

12 “(B) under the age of 18,

13 “(C) in a designated combat zone, or

14 “(D) a victim of tax-related identity theft,

15 “(4) is currently under examination, litigation,
16 criminal investigation, or levy, or

17 “(5) is currently subject to a proper exercise of
18 a right of appeal under this title.”.

19 (c) CONTRACTING PRIORITY.—Section 6306 of the
20 Internal Revenue Code of 1986, as amended by the pre-
21 ceding provisions of this section, is amended by redesign-
22 ating subsection (h) as subsection (i) and by inserting
23 after subsection (g) the following new subsection:

24 “(h) CONTRACTING PRIORITY.—In contracting for
25 the services of any person under this section, the Secretary

1 shall utilize private collection contractors and debt collec-
2 tion centers on the schedule required under section
3 3711(g) of title 31, United States Code, including the
4 technology and communications infrastructure established
5 therein, to the extent such private collection contractors
6 and debt collection centers are appropriate to carry out
7 the purposes of this section.”.

8 (d) DISCLOSURE OF RETURN INFORMATION.—Sec-
9 tion 6103(k) of the Internal Revenue Code of 1986 is
10 amended by adding at the end the following new para-
11 graph:

12 “(11) QUALIFIED TAX COLLECTION CONTRAC-
13 TORS.—Persons providing services pursuant to a
14 qualified tax collection contract under section 6306
15 may, if speaking to a person who has identified him-
16 self or herself as having the name of the taxpayer
17 to which a tax receivable (within the meaning of
18 such section) relates, identify themselves as contrac-
19 tors of the Internal Revenue Service and disclose the
20 business name of the contractor, and the nature,
21 subject, and reason for the contact. Disclosures
22 under this paragraph shall be made only in such sit-
23 uations and under such conditions as have been ap-
24 proved by the Secretary.”.

1 (e) TAXPAYERS AFFECTED BY FEDERALLY DE-
2 CLARED DISASTERS.—Section 6306 of the Internal Rev-
3 enue Code of 1986, as amended by the preceding provi-
4 sions of this section, is amended by redesignating sub-
5 section (i) as subsection (j) and by inserting after sub-
6 section (h) the following new subsection:

7 “(i) TAXPAYERS IN PRESIDENTIALLY DECLARED
8 DISASTER AREAS.—The Secretary may prescribe proce-
9 dures under which a taxpayer determined to be affected
10 by a Federally declared disaster (as defined by section
11 165(i)(5)) may request—

12 “(1) relief from immediate collection measures
13 by contractors under this section, and

14 “(2) a return of the inactive tax receivable to
15 the inventory of the Internal Revenue Service to be
16 collected by an employee thereof.”.

17 (f) REPORT TO CONGRESS.—

18 (1) IN GENERAL.—Section 6306 of the Internal
19 Revenue Code of 1986, as amended by the preceding
20 provisions of this section, is amended by redesign-
21 ating subsection (j) as subsection (k) and by insert-
22 ing after subsection (i) the following new subsection:

23 “(j) REPORT TO CONGRESS.—Not later than 90 days
24 after the last day of each fiscal year (beginning with the
25 first such fiscal year ending after the date of the enact-

1 ment of this subsection), the Secretary shall submit to the
2 Committee on Ways and Means of the House of Rep-
3 resentatives and the Committee on Finance of the Senate
4 a report with respect to qualified tax collection contracts
5 under this section which shall include—

6 “(1) annually, with respect to such fiscal year—

7 “(A) the total number and amount of tax
8 receivables provided to each contractor for col-
9 lection under this section,

10 “(B) the total amounts collected (and
11 amounts of installment agreements entered into
12 under subsection (b)(1)(B)) with respect to
13 each contractor and the collection costs in-
14 curred (directly and indirectly) by the Internal
15 Revenue Service with respect to such amounts,

16 “(C) the impact of such contracts on the
17 total number and amount of unpaid assess-
18 ments, and on the number and amount of as-
19 sessments collected by Internal Revenue Service
20 personnel after initial contact by a contractor,

21 “(D) the amount of fees retained by the
22 Secretary under subsection (e) and a descrip-
23 tion of the use of such funds, and

1 “(E) a disclosure safeguard report in a
2 form similar to that required under section
3 6103(p)(5), and

4 “(2) biannually (beginning with the second re-
5 port submitted under this subsection)—

6 “(A) an independent evaluation of con-
7 tractor performance, and

8 “(B) a measurement plan that includes a
9 comparison of the best practices used by the
10 private collectors to the collection techniques
11 used by the Internal Revenue Service and
12 mechanisms to identify and capture information
13 on successful collection techniques used by the
14 contractors that could be adopted by the Inter-
15 nal Revenue Service.”.

16 (2) REPEAL OF EXISTING REPORTING REQUIRE-
17 MENTS WITH RESPECT TO QUALIFIED TAX COLLEC-
18 TION CONTRACTS.—Section 881 of the American
19 Jobs Creation Act of 2004 is amended by striking
20 subsection (e).

21 (g) EFFECTIVE DATES.—

22 (1) IN GENERAL.—The amendments made by
23 subsections (a) and (b) shall apply to tax receivables
24 identified by the Secretary after the date of the en-
25 actment of this Act.

1 (2) CONTRACTING PRIORITY.—The Secretary
2 shall begin entering into contracts and agreements
3 as described in the amendment made by subsection
4 (c) within 3 months after the date of the enactment
5 of this Act.

6 (3) DISCLOSURES.—The amendment made by
7 subsection (d) shall apply to disclosures made after
8 the date of the enactment of this Act.

9 (4) PROCEDURES; REPORT TO CONGRESS.—The
10 amendments made by subsections (e) and (f) shall
11 take effect on the date of the enactment of this Act.

12 **SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.**

13 (a) IN GENERAL.—Subsection (e) of section 6306 of
14 the Internal Revenue Code of 1986, as redesignated by
15 section 52106, is amended by striking “for collection en-
16 forcement activities of the Internal Revenue Service” in
17 paragraph (2) and inserting “to fund the special compli-
18 ance personnel program account under section 6307”.

19 (b) SPECIAL COMPLIANCE PERSONNEL PROGRAM
20 ACCOUNT.—Subchapter A of chapter 64 of the Internal
21 Revenue Code of 1986 is amended by adding at the end
22 the following new section:

1 **“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM**
2 **ACCOUNT.**

3 “(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE
4 PERSONNEL PROGRAM ACCOUNT.—The Secretary shall
5 establish an account within the Department for carrying
6 out a program consisting of the hiring, training, and em-
7 ployment of special compliance personnel, and shall trans-
8 fer to such account from time to time amounts retained
9 by the Secretary under section 6306(e)(2).

10 “(b) RESTRICTIONS.—The program described in sub-
11 section (a) shall be subject to the following restrictions:

12 “(1) No funds shall be transferred to such ac-
13 count except as described in subsection (a).

14 “(2) No other funds from any other source
15 shall be expended for special compliance personnel
16 employed under such program, and no funds from
17 such account shall be expended for the hiring of any
18 personnel other than special compliance personnel.

19 “(3) Notwithstanding any other authority, the
20 Secretary is prohibited from spending funds out of
21 such account for any purpose other than for costs
22 under such program associated with the employment
23 of special compliance personnel and the retraining
24 and reassignment of current noncollections personnel
25 as special compliance personnel, and to reimburse
26 the Internal Revenue Service or other government

1 agencies for the cost of administering qualified tax
2 collection contracts under section 6306.

3 “(c) REPORTING.—Not later than March of each
4 year, the Commissioner of Internal Revenue shall submit
5 a report to the Committees on Finance and Appropria-
6 tions of the Senate and the Committees on Ways and
7 Means and Appropriations of the House of Representa-
8 tives consisting of the following:

9 “(1) For the preceding fiscal year, all funds re-
10 ceived in the account established under subsection
11 (a), administrative and program costs for the pro-
12 gram described in such subsection, the number of
13 special compliance personnel hired and employed
14 under the program, and the amount of revenue actu-
15 ally collected by such personnel.

16 “(2) For the current fiscal year, all actual and
17 estimated funds received or to be received in the ac-
18 count, all actual and estimated administrative and
19 program costs, the number of all actual and esti-
20 mated special compliance personnel hired and em-
21 ployed under the program, and the actual and esti-
22 mated revenue actually collected or to be collected by
23 such personnel.

24 “(3) For the following fiscal year, an estimate
25 of all funds to be received in the account, all esti-

1 mated administrative and program costs, the esti-
2 mated number of special compliance personnel hired
3 and employed under the program, and the estimated
4 revenue to be collected by such personnel.

5 “(d) DEFINITIONS.—For purposes of this section—

6 “(1) SPECIAL COMPLIANCE PERSONNEL.—The
7 term ‘special compliance personnel’ means individ-
8 uals employed by the Internal Revenue Service as
9 field function collection officers or in a similar posi-
10 tion, or employed to collect taxes using the auto-
11 mated collection system or an equivalent replace-
12 ment system.

13 “(2) PROGRAM COSTS.—The term ‘program
14 costs’ means—

15 “(A) total salaries (including locality pay
16 and bonuses), benefits, and employment taxes
17 for special compliance personnel employed or
18 trained under the program described in sub-
19 section (a), and

20 “(B) direct overhead costs, salaries, bene-
21 fits, and employment taxes relating to support
22 staff, rental payments, office equipment and
23 furniture, travel, data processing services, vehi-
24 cle costs, utilities, telecommunications, postage,
25 printing and reproduction, supplies and mate-

1 curity Act of 1974 (29 U.S.C. 1021(e)(3),
2 1103(e)(1), 1108(b)(13)) are each amended by strik-
3 ing “MAP-21” and inserting “DRIVE Act”.

4 (2) Section 408(b)(13) of such Act (29 U.S.C.
5 1108(b)(13)) is amended by striking “January 1,
6 2022” and inserting “January 1, 2026”.

7 **Subtitle B—Fees and Receipts**

8 **SEC. 52201. EXTENSION OF DEPOSITS OF SECURITY SERV- 9 ICE FEES IN THE GENERAL FUND.**

10 Section 44940(i)(4) of title 49, United States Code,
11 is amended by adding at the end the following:

12 “(K) \$1,750,000,000 for each of fiscal
13 years 2024 and 2025.”.

14 **SEC. 52202. ADJUSTMENT FOR INFLATION OF FEES FOR 15 CERTAIN CUSTOMS SERVICES.**

16 (a) IN GENERAL.—Section 13031 of the Consolidated
17 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
18 58c) is amended by adding at the end the following:

19 “(1) ADJUSTMENT OF FEES FOR INFLATION.—

20 “(1) IN GENERAL.—The Secretary of the
21 Treasury shall adjust the fees established under sub-
22 section (a), and the limitations on such fees under
23 paragraphs (2), (3), (5), (6), (8), and (9) of sub-
24 section (b), on October 1, 2015, and annually there-
25 after, to reflect the percentage (if any) of the in-

1 crease in the average of the Consumer Price Index
2 for the preceding 12-month period compared to the
3 Consumer Price Index for fiscal year 2014.

4 “(2) SPECIAL RULES FOR CALCULATION OF AD-
5 JUSTMENT.—In adjusting under paragraph (1) the
6 amount of the fees established under subsection (a),
7 and the limitations on such fees under paragraphs
8 (2), (3), (5), (6), (8), and (9) of subsection (b), the
9 Secretary—

10 “(A) shall round the amount of any in-
11 crease in the Consumer Price Index to the near-
12 est dollar; and

13 “(B) may ignore any such increase of less
14 than 1 percent.

15 “(3) CONSUMER PRICE INDEX DEFINED.—For
16 purposes of this subsection, the term ‘Consumer
17 Price Index’ means the Consumer Price Index for
18 All Urban Consumers published by the Bureau of
19 Labor Statistics of the Department of Labor.”.

20 (b) DEPOSITS INTO CUSTOMS USER FEE AC-
21 COUNT.—Section 13031(f) of the Consolidated Omnibus
22 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is
23 amended—

24 (1) in paragraph (1), in the matter preceding
25 subparagraph (A), by striking “all fees collected

1 under subsection (a)” and inserting “the amount of
2 fees collected under subsection (a) (determined with-
3 out regard to any adjustment made under subsection
4 (l))”; and

5 (2) in paragraph (3)(A), in the matter pre-
6 ceding clause (i)—

7 (A) by striking “fees collected” and insert-
8 ing “amount of fees collected”; and

9 (B) by striking “), each appropriation”
10 and inserting “, and determined without regard
11 to any adjustment made under subsection (l),
12 each appropriation”.

13 (c) CONFORMING AMENDMENTS.—Section 13031 of
14 the Consolidated Omnibus Budget Reconciliation Act of
15 1985 (19 U.S.C. 58c), as amended by subsections (a) and
16 (b), is further amended—

17 (1) in subsection (a), in the matter preceding
18 paragraph (1), by inserting “(subject to adjustment
19 under subsection (l))” after “following fees”; and

20 (2) in subsection (b)—

21 (A) in paragraph (2), by inserting “(sub-
22 ject to adjustment under subsection (l))” after
23 “in fees”;

1 (B) in paragraph (3), by inserting “(sub-
2 ject to adjustment under subsection (l))” after
3 “in fees”;

4 (C) in paragraph (5)(A), by inserting
5 “(subject to adjustment under subsection (l))”
6 after “in fees”;

7 (D) in paragraph (6), by inserting “(sub-
8 ject to adjustment under subsection (l))” after
9 “in fees”;

10 (E) in paragraph (8)(A)—

11 (i) in clause (i), by inserting “or (l)”
12 after “subsection (a)(9)(B)”; and

13 (ii) in clause (ii), by inserting “(sub-
14 ject to adjustment under subsection (l))”
15 after “\$3”; and

16 (F) in paragraph (9)—

17 (i) in subparagraph (A)—

18 (I) in the matter preceding clause
19 (i), by inserting “and subject to ad-
20 justment under subsection (l)” after
21 “Tariff Act of 1930”; and

22 (II) in clause (ii)(I), by inserting
23 “(subject to adjustment under sub-
24 section (l))” after “bill of lading”; and

1 (ii) in subparagraph (B)(i), by insert-
2 ing “(subject to adjustment under sub-
3 section (l))” after “bill of lading”.

4 **SEC. 52203. DIVIDENDS AND SURPLUS FUNDS OF RESERVE**
5 **BANKS.**

6 Section 7(a)(1)(A) of the Federal Reserve Act (12
7 U.S.C. 289(a)(1)(A)) is amended by striking “6 percent”
8 and inserting “6 percent (1.5 percent in the case of a
9 stockholder having total consolidated assets of more than
10 \$1,000,000,000 (determined as of September 30 of the
11 preceding fiscal year))”.

12 **SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
13 **AND SALE.**

14 (a) DRAWDOWN AND SALE.—

15 (1) IN GENERAL.—Notwithstanding section 161
16 of the Energy Policy and Conservation Act (42
17 U.S.C. 6241), except as provided in subsections (b)
18 and (c), the Secretary of Energy shall drawdown
19 and sell from the Strategic Petroleum Reserve—

20 (A) the quantity of barrels of crude oil
21 that the Secretary of Energy determines to be
22 appropriate to maximize the financial return to
23 United States taxpayers for each of fiscal years
24 2016 and 2017;

1 (B) 4,000,000 barrels of crude oil during
2 fiscal year 2018;

3 (C) 5,000,000 barrels of crude oil during
4 fiscal year 2019;

5 (D) 8,000,000 barrels of crude oil during
6 fiscal year 2020;

7 (E) 8,000,000 barrels of crude oil during
8 fiscal year 2021;

9 (F) 10,000,000 barrels of crude oil during
10 fiscal year 2022;

11 (G) 16,000,000 barrels of crude oil during
12 fiscal year 2023;

13 (H) 25,000,000 barrels of crude oil during
14 fiscal year 2024; and

15 (I) 25,000,000 barrels of crude oil during
16 fiscal year 2025.

17 (2) DEPOSIT OF AMOUNTS RECEIVED FROM
18 SALE.—Amounts received from a sale under para-
19 graph (1) shall be deposited in the general fund of
20 the Treasury during the fiscal year in which the sale
21 occurs.

22 (b) EMERGENCY PROTECTION.—In any 1 fiscal year
23 described in subsection (a)(1), the Secretary of Energy
24 shall not drawdown and sell crude oil under this section
25 in quantities that would result in a Strategic Petroleum

1 Reserve that contains an inventory of petroleum products
2 representing fewer than 90 days of emergency reserves,
3 based on the average daily level of net imports of crude
4 oil and petroleum products in the calendar year preceding
5 that fiscal year.

6 (c) INCREASE; LIMITATION.—

7 (1) INCREASE.—The Secretary of Energy may
8 increase the drawdown and sales under subpara-
9 graphs (A) through (I) of subsection (a)(1) as the
10 Secretary of Energy determines to be appropriate to
11 maximize the financial return to United States tax-
12 payers.

13 (2) LIMITATION.—The Secretary of Energy
14 shall not drawdown or conduct sales of crude oil
15 under this section after the date on which a total of
16 \$9,050,000,000 has been deposited in the general
17 fund of the Treasury from sales authorized under
18 this section.

19 **SEC. 52205. EXTENSION OF ENTERPRISE GUARANTEE FEE.**

20 Section 1327(f) of the Housing and Community De-
21 velopment Act of 1992 (12 U.S.C. 4547(f)) is amended
22 by striking “October 1, 2021” and inserting “October 1,
23 2025”.

1 **Subtitle C—Outlays**

2 **SEC. 52301. INTEREST ON OVERPAYMENT.**

3 Section 111 of the Federal Oil and Gas Royalty Man-
4 agement Act of 1982 (30 U.S.C. 1721) is amended—

5 (1) by striking subsections (h) and (i);

6 (2) by redesignating subsections (j) through (l)
7 as subsections (h) through (j), respectively; and

8 (3) in subsection (h) (as so redesignated), by
9 striking the fourth sentence.

10 **DIVISION F—MISCELLANEOUS**
11 **TITLE LXI—FEDERAL**
12 **PERMITTING IMPROVEMENT**

13 **SEC. 61001. DEFINITIONS.**

14 In this title:

15 (1) AGENCY.—The term “agency” has the
16 meaning given the term in section 551 of title 5,
17 United States Code.

18 (2) AGENCY CERPO.—The term “agency
19 CERPO” means the chief environmental review and
20 permitting officer of an agency, as designated by the
21 head of the agency under section
22 61002(b)(2)(A)(iii)(I).

23 (3) AUTHORIZATION.—The term “authoriza-
24 tion” means any license, permit, approval, finding,
25 determination, or other administrative decision

1 issued by an agency that is required or authorized
2 under Federal law in order to site, construct, recon-
3 struct, or commence operations of a covered project,
4 whether administered by a Federal or State agency.

5 (4) COOPERATING AGENCY.—The term “cooper-
6 ating agency” means any agency with—

7 (A) jurisdiction under Federal law; or

8 (B) special expertise as described in sec-
9 tion 1501.6 of title 40, Code of Federal Regula-
10 tions (as in effect on the date of enactment of
11 this Act).

12 (5) COUNCIL.—The term “Council” means the
13 Federal Infrastructure Permitting Improvement
14 Steering Council established under section 61002(a).

15 (6) COVERED PROJECT.—

16 (A) IN GENERAL.—The term “covered
17 project” means any activity in the United
18 States that requires authorization or environ-
19 mental review by a Federal agency involving
20 construction of infrastructure for renewable or
21 conventional energy production, electricity
22 transmission, surface transportation, aviation,
23 ports and waterways, water resource projects,
24 broadband, pipelines, manufacturing, or any

1 other sector as determined by a majority vote of
2 the Council that—

3 (i)(I) is subject to NEPA;

4 (II) is likely to require a total invest-
5 ment of more than \$200,000,000; and

6 (III) does not qualify for abbreviated
7 authorization or environmental review
8 processes under any applicable law; or

9 (ii) is subject to NEPA and the size
10 and complexity of which, in the opinion of
11 the Council, make the project likely to ben-
12 efit from enhanced oversight and coordina-
13 tion, including a project likely to require—

14 (I) authorization from or environ-
15 mental review involving more than 2
16 Federal agencies; or

17 (II) the preparation of an envi-
18 ronmental impact statement under
19 NEPA.

20 (B) EXCLUSION.—The term “covered
21 project” does not include—

22 (i) any project subject to section 139
23 of title 23, United States Code; or

1 (ii) any project subject to section
2 2045 of the Water Resources Development
3 Act of 2007 (33 U.S.C. 2348).

4 (7) DASHBOARD.—The term “Dashboard”
5 means the Permitting Dashboard required under
6 section 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
11 Regulations (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, no-
16 tice of intent, environmental impact statement,
17 or record of decision.

18 (B) INCLUSIONS.—The term “environ-
19 mental 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.—

2 The term “environmental impact statement” means
3 the detailed written statement required under sec-
4 tion 102(2)(C) of NEPA.

5 (11) ENVIRONMENTAL REVIEW.—The term
6 “environmental review” means the agency proce-
7 dures and processes for applying a categorical exclu-
8 sion or for preparing an environmental assessment,
9 an environmental impact statement, or other docu-
10 ment required under NEPA.

11 (12) EXECUTIVE DIRECTOR.—The term “Exec-
12 utive 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
17 initial notification from the project sponsor required
18 under section 61003(a).

19 (14) INVENTORY.—The term “inventory”
20 means the inventory of covered projects established
21 by the Executive Director under section
22 61002(c)(1)(A).

23 (15) LEAD AGENCY.—The term “lead agency”
24 means the agency with principal responsibility for an
25 environmental review of a covered project under

1 NEPA and parts 1500 through 1508 of title 40,
2 Code of Federal Regulations (or successor regula-
3 tions).

4 (16) NEPA.—The term “NEPA” means the
5 National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.).

7 (17) PARTICIPATING AGENCY.—The term “par-
8 ticipating agency” means an agency participating in
9 an environmental review or authorization for a cov-
10 ered project in accordance with section 61003.

11 (18) PROJECT SPONSOR.—The term “project
12 sponsor” means an entity, including any private,
13 public, or public-private entity, seeking an authoriza-
14 tion for a covered project.

15 **SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUN-**
16 **CIL.**

17 (a) ESTABLISHMENT.—There is established the Fed-
18 eral Permitting Improvement Steering Council.

19 (b) COMPOSITION.—

20 (1) CHAIR.—The Executive Director shall—

21 (A) be appointed by the President; and

22 (B) serve as Chair of the Council.

23 (2) COUNCIL MEMBERS.—

24 (A) IN GENERAL.—

1 (i) DESIGNATION BY HEAD OF AGEN-
2 CY.—Each individual listed in subpara-
3 graph (B) shall designate a member of the
4 agency in which the individual serves to
5 serve on the Council.

6 (ii) QUALIFICATIONS.—A
7 councilmember described in clause (i) shall
8 hold a position in the agency of deputy sec-
9 retary (or the equivalent) or higher.

10 (iii) SUPPORT.—

11 (I) IN GENERAL.—Consistent
12 with guidance provided by the Direc-
13 tor of the Office of Management and
14 Budget, each individual listed in sub-
15 paragraph (B) shall designate 1 or
16 more appropriate members of the
17 agency in which the individual serves
18 to serve as an agency CERPO.

19 (II) REPORTING.—In carrying
20 out the duties of the agency CERPO
21 under this title, an agency CERPO
22 shall report directly to a deputy sec-
23 retary (or the equivalent) or higher.

1 (B) HEADS OF AGENCIES.—The individ-
2 uals that shall each designate a councilmember
3 under this subparagraph are as follows:

- 4 (i) The Secretary of Agriculture.
5 (ii) The Secretary of the Army.
6 (iii) The Secretary of Commerce.
7 (iv) The Secretary of the Interior.
8 (v) The Secretary of Energy.
9 (vi) The Secretary of Transportation.
10 (vii) The Secretary of Defense.
11 (viii) The Administrator of the Envi-
12 ronmental Protection Agency.
13 (ix) The Chairman of the Federal En-
14 ergy Regulatory Commission.
15 (x) The Chairman of the Nuclear
16 Regulatory Commission.
17 (xi) The Secretary of Homeland Secu-
18 rity.
19 (xii) The Secretary of Housing and
20 Urban Development.
21 (xiii) The Chairman of the Advisory
22 Council on Historic Preservation.
23 (xiv) Any other head of a Federal
24 agency that the Executive Director may in-

1 vite to participate as a member of the
2 Council.

3 (3) ADDITIONAL MEMBERS.—In addition to the
4 members listed in paragraphs (1) and (2), the
5 Chairman of the Council on Environmental Quality
6 and the Director of the Office of Management and
7 Budget shall also be members of the Council.

8 (c) DUTIES.—

9 (1) EXECUTIVE DIRECTOR.—

10 (A) INVENTORY DEVELOPMENT.—The Ex-
11 ecutive Director, in consultation with the Coun-
12 cil, shall—

13 (i) not later than 180 days after the
14 date of enactment of this Act, establish an
15 inventory of covered projects that are
16 pending the environmental review or au-
17 thorization of the head of any Federal
18 agency;

19 (ii)(I) categorize the projects in the
20 inventory as appropriate, based on sector
21 and project type; and

22 (II) for each category, identify the
23 types of environmental reviews and author-
24 izations most commonly involved; and

1 (iii) add a covered project to the in-
2 ventory after receiving a notice described
3 in section 61003(a)(1).

4 (B) FACILITATING AGENCY DESIGNA-
5 TION.—The Executive Director, in consultation
6 with the Council, shall—

7 (i) designate a facilitating agency for
8 each category of covered projects described
9 in subparagraph (A)(ii); and

10 (ii) publish the list of designated fa-
11 cilitating agencies for each category of
12 projects in the inventory on the Dashboard
13 in an easily accessible format.

14 (C) PERFORMANCE SCHEDULES.—

15 (i) IN GENERAL.—Not later than 1
16 year after the date of enactment of this
17 Act, the Executive Director, in consulta-
18 tion with the Council, shall develop rec-
19 ommended performance schedules, includ-
20 ing intermediate and final completion
21 dates, for environmental reviews and au-
22 thorizations most commonly required for
23 each category of covered projects described
24 in subparagraph (A)(ii).

25 (ii) REQUIREMENTS.—

1 (I) IN GENERAL.—The perform-
2 ance schedules shall reflect employ-
3 ment of the use of the most efficient
4 applicable processes.

5 (II) LIMIT.—

6 (aa) IN GENERAL.—The
7 final completion dates in any per-
8 formance schedule for the com-
9 pletion of an environmental re-
10 view or authorization under
11 clause (i) shall not exceed the av-
12 erage time to complete an envi-
13 ronmental review or authoriza-
14 tion for a project within that cat-
15 egory.

16 (bb) CALCULATION OF AV-
17 ERAGE TIME.—The average time
18 referred to in item (aa) shall be
19 calculated on the basis of data
20 from the preceding 2 calendar
21 years and shall run from the pe-
22 riod beginning on the date on
23 which the Executive Director
24 must make a specific entry for
25 the project on the Dashboard

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1 under section 61003(b)(2) (ex-
2 cept that, for projects initiated
3 before that duty takes effect, the
4 period beginning on the date of
5 filing of a completed application),
6 and ending on the date of the
7 issuance of a record of decision
8 or other final agency action on
9 the review or authorization.

10 (cc) COMPLETION DATE.—

11 Each performance schedule shall
12 specify that any decision by an
13 agency on an environmental re-
14 view or authorization must be
15 issued not later than 180 days
16 after the date on which all infor-
17 mation needed to complete the
18 review or authorization (including
19 any hearing that an agency holds
20 on the matter) is in the posses-
21 sion of the agency.

22 (iii) REVIEW AND REVISION.—Not
23 later than 2 years after the date on which
24 the performance schedules are established
25 under this subparagraph, and not less fre-

1 frequently than once every 2 years thereafter,
2 the Executive Director, in consultation
3 with the Council, shall review and revise
4 the performance schedules.

5 (D) GUIDANCE.—The Executive Director,
6 in consultation with the Council, may rec-
7 ommend to the Director of the Office of Man-
8 agement and Budget or to the Council on Envi-
9 ronmental Quality, as appropriate, that guid-
10 ance be issued as necessary for agencies—

11 (i) to carry out responsibilities under
12 this title; and

13 (ii) to effectuate the adoption by
14 agencies of the best practices and rec-
15 ommendations of the Council described in
16 paragraph (2).

17 (2) COUNCIL.—

18 (A) RECOMMENDATIONS.—

19 (i) IN GENERAL.—The Council shall
20 make recommendations to the Executive
21 Director with respect to the designations
22 under paragraph (1)(B) and the perform-
23 ance schedules under paragraph (1)(C).

1 dens on agencies, project sponsors, and
2 other interested parties;

3 (vi) developing and making available
4 to applicants appropriate geographic infor-
5 mation systems and other tools;

6 (vii) creating and distributing training
7 materials useful to Federal, State, tribal,
8 and local permitting officials; and

9 (viii) addressing other aspects of in-
10 frastructure permitting, as determined by
11 the Council.

12 (3) AGENCY CERPOS.—An agency CERPO
13 shall—

14 (A) advise the respective agency
15 councilmember on matters related to environ-
16 mental reviews and authorizations;

17 (B) provide technical support, when re-
18 quested to facilitate efficient and timely proc-
19 esses for environmental reviews and authoriza-
20 tions for covered projects under the jurisdic-
21 tional responsibility of the agency, including
22 supporting timely identification and resolution
23 of potential disputes within the agency or be-
24 tween the agency and other Federal agencies;

1 (C) analyze agency environmental review
2 and authorization processes, policies, and au-
3 thorities and make recommendations to the re-
4 spective agency councilmember for ways to
5 standardize, simplify, and improve the efficiency
6 of the processes, policies, and authorities, in-
7 cluding by implementing guidance issued under
8 paragraph (1)(D) and other best practices, in-
9 cluding the use of information technology and
10 geographic information system tools within the
11 agency and across agencies, to the extent con-
12 sistent with existing law; and

13 (D) review and develop training programs
14 for agency staff that support and conduct envi-
15 ronmental reviews or authorizations.

16 (d) ADMINISTRATIVE SUPPORT.—The Director of the
17 Office of Management and Budget shall designate a Fed-
18 eral agency, other than an agency that carries out or pro-
19 vides support for projects that are not covered projects,
20 to provide administrative support for the Executive Direc-
21 tor, and the designated agency shall, as reasonably nec-
22 essary, provide support and staff to enable the Executive
23 Director to fulfill the duties of the Executive Director
24 under this title.

1 **SEC. 61003. PERMITTING PROCESS IMPROVEMENT.**

2 (a) PROJECT INITIATION AND DESIGNATION OF PAR-
3 TICIPATING AGENCIES.—

4 (1) NOTICE.—

5 (A) IN GENERAL.—A project sponsor of a
6 covered project shall submit to the Executive
7 Director and the facilitating agency notice of
8 the initiation of a proposed covered project.

9 (B) DEFAULT DESIGNATION.—If, at the
10 time of submission of the notice under subpara-
11 graph (A), the Executive Director has not des-
12 ignated a facilitating agency under section
13 61002(c)(1)(B) for the categories of projects
14 noticed, the agency that receives the notice
15 under subparagraph (A) shall be designated as
16 the facilitating agency.

17 (C) CONTENTS.—Each notice described in
18 subparagraph (A) shall include—

19 (i) a statement of the purposes and
20 objectives of the proposed project;

21 (ii) a concise description, including
22 the general location of the proposed project
23 and a summary of geospatial information,
24 if available, illustrating the project area
25 and the locations, if any, of environmental,
26 cultural, and historic resources;

1 (iii) a statement regarding the tech-
2 nical and financial ability of the project
3 sponsor to construct the proposed project;

4 (iv) a statement of any Federal fi-
5 nancing, environmental reviews, and au-
6 thorizations anticipated to be required to
7 complete the proposed project; and

8 (v) an assessment that the proposed
9 project meets the definition of a covered
10 project under section 61001 and a state-
11 ment of reasons supporting the assess-
12 ment.

13 (2) INVITATION.—

14 (A) IN GENERAL.—Not later than 45 days
15 after the date on which the Executive Director
16 must make a specific entry for the project on
17 the Dashboard under subsection (b)(2)(A), the
18 facilitating agency or lead agency, as applicable,
19 shall—

20 (i) identify all Federal and non-Fed-
21 eral agencies and governmental entities
22 likely to have financing, environmental re-
23 view, authorization, or other responsibil-
24 ities with respect to the proposed project;
25 and

1 (ii) invite all Federal agencies identi-
2 fied under clause (i) to become a partici-
3 pating agency or a cooperating agency, as
4 appropriate, in the environmental review
5 and authorization management process de-
6 scribed in section 61005.

7 (B) DEADLINES.—Each invitation made
8 under subparagraph (A) shall include a dead-
9 line for a response to be submitted to the facili-
10 tating or lead agency, as applicable.

11 (3) PARTICIPATING AND COOPERATING AGEN-
12 CIES.—

13 (A) IN GENERAL.—An agency invited
14 under paragraph (2) shall be designated as a
15 participating or cooperating agency for a cov-
16 ered project, unless the agency informs the fa-
17 cilitating or lead agency, as applicable, in writ-
18 ing before the deadline under paragraph (2)(B)
19 that the agency—

20 (i) has no jurisdiction or authority
21 with respect to the proposed project; or

22 (ii) does not intend to exercise author-
23 ity related to, or submit comments on, the
24 proposed project.

1 (B) CHANGED CIRCUMSTANCES.—On re-
2 quest and a showing of changed circumstances,
3 the Executive Director may designate an agency
4 that has opted out under subparagraph (A)(ii)
5 to be a participating or cooperating agency, as
6 appropriate.

7 (4) EFFECT OF DESIGNATION.—The designa-
8 tion described in paragraph (3) shall not—

9 (A) give the participating agency authority
10 or jurisdiction over the covered project; or

11 (B) expand any jurisdiction or authority a
12 cooperating agency may have over the proposed
13 project.

14 (5) LEAD AGENCY DESIGNATION.—

15 (A) IN GENERAL.—On establishment of
16 the lead agency, the lead agency shall assume
17 the responsibilities of the facilitating agency
18 under this title.

19 (B) REDESIGNATION OF FACILITATING
20 AGENCY.—If the lead agency assumes the re-
21 sponsibilities of the facilitating agency under
22 subparagraph (A), the facilitating agency may
23 be designated as a cooperative or participating
24 agency.

1 (6) CHANGE OF FACILITATING OR LEAD AGEN-
2 CY.—

3 (A) IN GENERAL.—On the request of a
4 participating agency or project sponsor, the Ex-
5 ecutive Director may designate a different agen-
6 cy as the facilitating or lead agency, as applica-
7 ble, for a covered project, if the facilitating or
8 lead agency or the Executive Director receives
9 new information regarding the scope or nature
10 of a covered project that indicates that the
11 project should be placed in a different category
12 under section 61002(c)(1)(B).

13 (B) RESOLUTION OF DISPUTE.—The Exec-
14 utive Director shall resolve any dispute over
15 designation of a facilitating or lead agency for
16 a particular covered project.

17 (b) PERMITTING DASHBOARD.—

18 (1) REQUIREMENT TO MAINTAIN.—

19 (A) IN GENERAL.—The Executive Direc-
20 tor, in coordination with the Administrator of
21 General Services, shall maintain an online data-
22 base to be known as the “Permitting Dash-
23 board” to track the status of Federal environ-
24 mental reviews and authorizations for any cov-

1 ered project in the inventory described in sec-
2 tion 61002(c)(1)(A).

3 (B) SPECIFIC AND SEARCHABLE ENTRY.—

4 The Dashboard shall include a specific and
5 searchable entry for each covered project.

6 (2) ADDITIONS.—

7 (A) IN GENERAL.—

8 (i) EXISTING PROJECTS.—Not later
9 than 14 days after the date on which the
10 Executive Director adds a project to the
11 inventory under section 61002(c)(1)(A),
12 the Executive Director shall create a spe-
13 cific entry on the Dashboard for the cov-
14 ered project.

15 (ii) NEW PROJECTS.—Not later than
16 14 days after the date on which the Execu-
17 tive Director receives a notice under sub-
18 section (a)(1), the Executive Director shall
19 create a specific entry on the Dashboard
20 for the covered project, unless the Execu-
21 tive Director, facilitating agency, or lead
22 agency, as applicable, determines that the
23 project is not a covered project.

24 (B) EXPLANATION.—If the facilitating
25 agency or lead agency, as applicable, determines

1 that the project is not a covered project, the
2 project sponsor may submit a further expla-
3 nation as to why the project is a covered project
4 not later than 14 days after the date of the de-
5 termination under subparagraph (A).

6 (C) FINAL DETERMINATION.—Not later
7 than 14 days after receiving an explanation de-
8 scribed in subparagraph (B), the Executive Di-
9 rector shall—

10 (i) make a final and conclusive deter-
11 mination as to whether the project is a
12 covered project; and

13 (ii) if the Executive Director deter-
14 mines that the project is a covered project,
15 create a specific entry on the Dashboard
16 for the covered project.

17 (3) POSTINGS BY AGENCIES.—

18 (A) IN GENERAL.—For each covered
19 project added to the Dashboard under para-
20 graph (2), the facilitating or lead agency, as ap-
21 plicable, and each cooperating and participating
22 agency shall post to the Dashboard—

23 (i) a hyperlink that directs to a
24 website that contains, to the extent con-
25 sistent with applicable law—

1 (I) the notification submitted
2 under subsection (a)(1);

3 (II)(aa) where practicable, the
4 application and supporting documents,
5 if applicable, that have been sub-
6 mitted by a project sponsor for any
7 required environmental review or au-
8 thorization; or

9 (bb) a notice explaining how the
10 public may obtain access to such doc-
11 uments;

12 (III) a description of any Federal
13 agency action taken or decision made
14 that materially affects the status of a
15 covered project;

16 (IV) any significant document
17 that supports the action or decision
18 described in subclause (III); and

19 (V) a description of the status of
20 any litigation to which the agency is a
21 party that is directly related to the
22 project, including, if practicable, any
23 judicial document made available on
24 an electronic docket maintained by a
25 Federal, State, or local court; and

1 (ii) any document described in clause
2 (i) that is not available by hyperlink on an-
3 other website.

4 (B) DEADLINE.—The information de-
5 scribed in subparagraph (A) shall be posted to
6 the website made available by hyperlink on the
7 Dashboard not later than 5 business days after
8 the date on which the Federal agency receives
9 the information.

10 (4) POSTINGS BY THE EXECUTIVE DIRECTOR.—
11 The Executive Director shall publish to the Dash-
12 board—

13 (A) the permitting timetable established
14 under subparagraph (A) or (C) of subsection
15 (c)(2);

16 (B) the status of the compliance of each
17 agency with the permitting timetable;

18 (C) any modifications of the permitting
19 timetable;

20 (D) an explanation of each modification
21 described in subparagraph (C); and

22 (E) any memorandum of understanding es-
23 tablished under subsection (c)(3)(B).

24 (c) COORDINATION AND TIMETABLES.—

25 (1) COORDINATED PROJECT PLAN.—

1 (A) IN GENERAL.—Not later than 60 days
2 after the date on which the Executive Director
3 must make a specific entry for the project on
4 the Dashboard under subsection (b)(2)(A), the
5 facilitating or lead agency, as applicable, in con-
6 sultation with each coordinating and partici-
7 pating agency, shall establish a concise plan for
8 coordinating public and agency participation in,
9 and completion of, any required Federal envi-
10 ronmental review and authorization for the
11 project.

12 (B) REQUIRED INFORMATION.—The Co-
13 ordinated Project Plan shall include the fol-
14 lowing information and be updated by the facili-
15 tating or lead agency, as applicable, at least
16 once per quarter:

17 (i) A list of, and roles and responsibil-
18 ities for, all entities with environmental re-
19 view or authorization responsibility for the
20 project.

21 (ii) A permitting timetable, as de-
22 scribed in paragraph (2), setting forth a
23 comprehensive schedule of dates by which
24 all environmental reviews and authoriza-
25 tions, and to the maximum extent prac-

1 ticable, State permits, reviews and approv-
2 als must be made.

3 (iii) A discussion of potential avoid-
4 ance, minimization, and mitigation strate-
5 gies, if required by applicable law and
6 known.

7 (iv) Plans and a schedule for public
8 and tribal outreach and coordination, to
9 the extent required by applicable law.

10 (C) MEMORANDUM OF UNDERSTANDING.—

11 The coordinated project plan described in sub-
12 paragraph (A) may be incorporated into a
13 memorandum of understanding.

14 (2) PERMITTING TIMETABLE.—

15 (A) ESTABLISHMENT.—

16 (i) IN GENERAL.—As part of the co-
17 ordination project plan under paragraph
18 (1), the facilitating or lead agency, as ap-
19 plicable, in consultation with each cooper-
20 ating and participating agency, the project
21 sponsor, and any State in which the
22 project is located, shall establish a permit-
23 ting timetable that includes intermediate
24 and final completion dates for action by
25 each participating agency on any Federal

1 environmental review or authorization re-
2 quired for the project.

3 (ii) CONSENSUS.—In establishing a
4 permitting timetable under clause (i), each
5 agency shall, to the maximum extent prac-
6 ticable, make efforts to reach a consensus.

7 (B) FACTORS FOR CONSIDERATION.—In
8 establishing the permitting timetable under sub-
9 paragraph (A), the facilitating or lead agency
10 shall follow the performance schedules estab-
11 lished under section 61002(c)(1)(C), but may
12 vary the timetable based on relevant factors, in-
13 cluding—

14 (i) the size and complexity of the cov-
15 ered project;

16 (ii) the resources available to each
17 participating agency;

18 (iii) the regional or national economic
19 significance of the project;

20 (iv) the sensitivity of the natural or
21 historic resources that may be affected by
22 the project;

23 (v) the financing plan for the project;
24 and

1 (vi) the extent to which similar
2 projects in geographic proximity to the
3 project were recently subject to environ-
4 mental review or similar procedures under
5 State law.

6 (C) DISPUTE RESOLUTION.—

7 (i) IN GENERAL.—The Executive Di-
8 rector, in consultation with appropriate
9 agency CERPOs and the project sponsor,
10 shall, as necessary, mediate any disputes
11 regarding the permitting timetable estab-
12 lished under subparagraph (A).

13 (ii) DISPUTES.—If a dispute remains
14 unresolved 30 days after the date on which
15 the dispute was submitted to the Executive
16 Director, the Director of the Office of
17 Management and Budget, in consultation
18 with the Chairman of the Council on Envi-
19 ronmental Quality, shall facilitate a resolu-
20 tion of the dispute and direct the agencies
21 party to the dispute to resolve the dispute
22 by the end of the 60-day period beginning
23 on the date of submission of the dispute to
24 the Executive Director.

1 (iii) FINAL RESOLUTION.—Any action
2 taken by the Director of the Office of Man-
3 agement and Budget in the resolution of a
4 dispute under clause (ii) shall—

5 (I) be final and conclusive; and

6 (II) not be subject to judicial re-
7 view.

8 (D) MODIFICATION AFTER APPROVAL.—

9 (i) IN GENERAL.—The facilitating or
10 lead agency, as applicable, may modify a
11 permitting timetable established under sub-
12 paragraph (A) only if—

13 (I) the facilitating or lead agen-
14 cy, as applicable, and the affected co-
15 operating agencies, after consultation
16 with the participating agencies, agree
17 to a different completion date; and

18 (II) the facilitating agency or
19 lead agency, as applicable, or the af-
20 fected cooperating agency provides a
21 written justification for the modifica-
22 tion.

23 (ii) COMPLETION DATE.—A comple-
24 tion date in the permitting timetable may

1 not be modified within 30 days of the com-
2 pletion date.

3 (E) CONSISTENCY WITH OTHER TIME PE-
4 RIODS.—A permitting timetable established
5 under subparagraph (A) shall be consistent
6 with any other relevant time periods established
7 under Federal law and shall not prevent any co-
8 operating or participating agency from dis-
9 charging any obligation under Federal law in
10 connection with the project.

11 (F) CONFORMING TO PERMITTING TIME-
12 TABLES.—

13 (i) IN GENERAL.—Each Federal agen-
14 cy shall conform to the completion dates
15 set forth in the permitting timetable estab-
16 lished under subparagraph (A), or with
17 any completion date modified under sub-
18 paragraph (D).

19 (ii) FAILURE TO CONFORM.—If a
20 Federal agency fails to conform with a
21 completion date for agency action on a cov-
22 ered project or is at significant risk of fail-
23 ing to conform with such a completion
24 date, the agency shall—

1 (I) promptly submit to the Exec-
2 utive Director for publication on the
3 Dashboard an explanation of the spe-
4 cific reasons for failing or significantly
5 risking failing to conform to the com-
6 pletion date and a proposal for an al-
7 ternative completion date;

8 (II) in consultation with the fa-
9 cilitating or lead agency, as applica-
10 ble, establish an alternative comple-
11 tion date; and

12 (III) each month thereafter until
13 the agency has taken final action on
14 the delayed authorization or review,
15 submit to the Executive Director for
16 posting on the Dashboard a status re-
17 port describing any agency activity re-
18 lated to the project.

19 (G) ABANDONMENT OF COVERED
20 PROJECT.—

21 (i) IN GENERAL.—If the facilitating
22 or lead agency, as applicable, has a reason-
23 able basis to doubt the continuing technical
24 or financial ability of the project sponsor
25 to construct the covered project, the facili-

1 tating or lead agency may request the
2 project sponsor provide an updated state-
3 ment regarding the ability of the project
4 sponsor to complete the project.

5 (ii) FAILURE TO RESPOND.—If the
6 project sponsor fails to respond to a re-
7 quest described in clause (i) by the date
8 that is 30 days after receiving the request,
9 the lead or facilitating agency, as applica-
10 ble, shall notify the Executive Director,
11 who shall publish an appropriate notice on
12 the Dashboard.

13 (iii) PUBLICATION TO DASHBOARD.—
14 On publication of a notice under clause
15 (ii), the completion dates in the permitting
16 timetable shall be tolled and agencies shall
17 be relieved of the obligation to comply with
18 subparagraph (F) until such time as the
19 project sponsor submits to the facilitating
20 or lead agency, as applicable, an updated
21 statement regarding the technical and fi-
22 nancial ability of the project sponsor to
23 construct the project.

24 (3) COOPERATING STATE, LOCAL, OR TRIBAL
25 GOVERNMENTS.—

1 (A) STATE AUTHORITY.—If the Federal
2 environmental review is being implemented
3 within the boundaries of a State, the State,
4 consistent with State law, may choose to par-
5 ticipate in the environmental review and author-
6 ization process under this subsection and to
7 make subject to the process all State agencies
8 that—

9 (i) have jurisdiction over the covered
10 project;

11 (ii) are required to conduct or issue a
12 review, analysis, opinion, or statement for
13 the covered project; or

14 (iii) are required to make a deter-
15 mination on issuing a permit, license, or
16 other approval or decision for the covered
17 project.

18 (B) COORDINATION.—To the maximum ex-
19 tent practicable under applicable law, the facili-
20 tating or lead agency, as applicable, shall co-
21 ordinate the Federal environmental review and
22 authorization processes under this subsection
23 with any State, local, or tribal agency respon-
24 sible for conducting any separate review or au-
25 thorization of the covered project to ensure

1 timely and efficient completion of environmental
2 reviews and authorizations.

3 (C) MEMORANDUM OF UNDERSTANDING.—

4 (i) IN GENERAL.—Any coordination
5 plan between the facilitating or lead agen-
6 cy, as applicable, and any State, local, or
7 tribal agency shall, to the maximum extent
8 practicable, be included in a memorandum
9 of understanding.

10 (ii) SUBMISSION TO EXECUTIVE DI-
11 RECTOR.—The facilitating or lead agency,
12 as applicable, shall submit to the Executive
13 Director each memorandum of under-
14 standing described in clause (i).

15 (d) EARLY CONSULTATION.—The facilitating or lead
16 agency, as applicable, shall provide an expeditious process
17 for project sponsors to confer with each cooperating and
18 participating agency involved and, not later than 60 days
19 after the date on which the project sponsor submits a re-
20 quest under this subsection, to have each such agency pro-
21 vide to the project sponsor information concerning—

22 (1) the availability of information and tools, in-
23 cluding pre-application toolkits, to facilitate early
24 planning efforts;

1 (2) key issues of concern to each agency and to
2 the public; and

3 (3) issues that must be addressed before an en-
4 vironmental review or authorization can be com-
5 pleted.

6 (e) COOPERATING AGENCY.—

7 (1) IN GENERAL.—A lead agency may designate
8 a participating agency as a cooperating agency in
9 accordance with part 1501 of title 40, Code of Fed-
10 eral Regulations (or successor regulations).

11 (2) EFFECT ON OTHER DESIGNATION.—The
12 designation described in paragraph (1) shall not af-
13 fect any designation under subsection (a)(3).

14 (3) LIMITATION ON DESIGNATION.—Any agency
15 not designated as a participating agency under sub-
16 section (a)(3) shall not be designated as a cooper-
17 ating agency under paragraph (1).

18 (f) REPORTING STATUS OF OTHER PROJECTS ON
19 DASHBOARD.—

20 (1) IN GENERAL.—On request of the Executive
21 Director, the Secretary and the Secretary of the
22 Army shall use best efforts to provide information
23 for inclusion on the Dashboard on projects subject
24 to section 139 of title 23, United States Code, and

1 section 2045 of the Water Resources Development
2 Act of 2007 (33 U.S.C. 2348) likely to require—

3 (A) a total investment of more than
4 \$200,000,000; and

5 (B) an environmental impact statement
6 under NEPA.

7 (2) EFFECT OF INCLUSION ON DASHBOARD.—
8 Inclusion on the Dashboard of information regarding
9 projects subject to section 139 of title 23, United
10 States Code, or section 2045 of the Water Resources
11 Development Act of 2007 (33 U.S.C. 2348) shall not
12 subject those projects to any requirements of this
13 title.

14 **SEC. 61004. INTERSTATE COMPACTS.**

15 (a) IN GENERAL.—The consent of Congress is given
16 for 3 or more contiguous States to enter into an interstate
17 compact establishing regional infrastructure development
18 agencies to facilitate authorization and review of covered
19 projects, under State law or in the exercise of delegated
20 permitting authority described under section 61006, that
21 will advance infrastructure development, production, and
22 generation within the States that are parties to the com-
23 pact.

24 (b) REGIONAL INFRASTRUCTURE.—For the purpose
25 of this title, a regional infrastructure development agency

1 referred to in subsection (a) shall have the same authori-
2 ties and responsibilities of a State agency.

3 **SEC. 61005. COORDINATION OF REQUIRED REVIEWS.**

4 (a) **CONCURRENT REVIEWS.**—To integrate environ-
5 mental reviews and authorizations, each agency shall, to
6 the maximum extent practicable—

7 (1) carry out the obligations of the agency with
8 respect to a covered project under any other applica-
9 ble law concurrently, and in conjunction with, other
10 environmental reviews and authorizations being con-
11 ducted by other cooperating or participating agen-
12 cies, including environmental reviews and authoriza-
13 tions required under NEPA, unless the agency de-
14 termines that doing so would impair the ability of
15 the agency to carry out the statutory obligations of
16 the agency; and

17 (2) formulate and implement administrative,
18 policy, and procedural mechanisms to enable the
19 agency to ensure completion of the environmental re-
20 view process in a timely, coordinated, and environ-
21 mentally responsible manner.

22 (b) **ADOPTION, INCORPORATION BY REFERENCE,**
23 **AND USE OF DOCUMENTS.**—

24 (1) **STATE ENVIRONMENTAL DOCUMENTS; SUP-**
25 **PLEMENTAL DOCUMENTS.**—

1 (A) USE OF EXISTING DOCUMENTS.—

2 (i) IN GENERAL.—On the request of a
3 project sponsor, a lead agency shall con-
4 sider and, as appropriate, adopt or incor-
5 porate by reference, the analysis and docu-
6 mentation that has been prepared for a
7 covered project under State laws and pro-
8 cedures as the documentation, or part of
9 the documentation, required to complete
10 an environmental review for the covered
11 project, if the analysis and documentation
12 were, as determined by the lead agency in
13 consultation with the Council on Environ-
14 mental Quality, prepared under cir-
15 cumstances that allowed for opportunities
16 for public participation and consideration
17 of alternatives and environmental con-
18 sequences that are substantially equivalent
19 to what would have been available had the
20 documents and analysis been prepared by
21 a Federal agency pursuant to NEPA.

22 (ii) GUIDANCE BY CEQ.—The Council
23 on Environmental Quality may issue guid-
24 ance to carry out this subsection.

1 (B) NEPA OBLIGATIONS.—An environ-
2 mental document adopted under subparagraph
3 (A) or a document that includes documentation
4 incorporated under subparagraph (A) may serve
5 as the documentation required for an environ-
6 mental review or a supplemental environmental
7 review required to be prepared by a lead agency
8 under NEPA.

9 (C) SUPPLEMENTATION OF STATE DOCU-
10 MENTS.—If the lead agency adopts or incor-
11 porates analysis and documentation described
12 in subparagraph (A), the lead agency shall pre-
13 pare and publish a supplemental document if
14 the lead agency determines that during the pe-
15 riod after preparation of the analysis and docu-
16 mentation and before the adoption or incorpora-
17 tion—

18 (i) a significant change has been made
19 to the covered project that is relevant for
20 purposes of environmental review of the
21 project; or

22 (ii) there has been a significant cir-
23 cumstance or new information has emerged
24 that is relevant to the environmental re-
25 view for the covered project.

1 (D) COMMENTS.—If a lead agency pre-
2 pares and publishes a supplemental document
3 under subparagraph (C), the lead agency shall
4 solicit comments from other agencies and the
5 public on the supplemental document for a pe-
6 riod of not more than 45 days, beginning on the
7 date on which the supplemental document is
8 published, unless—

9 (i) the lead agency, the project spon-
10 sor, and any cooperating agency agree to a
11 longer deadline; or

12 (ii) the lead agency extends the dead-
13 line for good cause.

14 (E) NOTICE OF OUTCOME OF ENVIRON-
15 MENTAL REVIEW.—A lead agency shall issue a
16 record of decision or finding of no significant
17 impact, as appropriate, based on the document
18 adopted under subparagraph (A) and any sup-
19 plemental document prepared under subpara-
20 graph (C).

21 (c) ALTERNATIVES ANALYSIS.—

22 (1) PARTICIPATION.—As early as practicable
23 during the environmental review, but not later than
24 the commencement of scoping for a project requiring
25 the preparation of an environmental impact state-

1 ment, the lead agency, in consultation with each co-
2 operating agency, shall determine the range of rea-
3 sonable alternatives to be considered for a covered
4 project.

5 (2) RANGE OF ALTERNATIVES.—

6 (A) IN GENERAL.—Following participation
7 under paragraph (1) and subject to subpara-
8 graph (B), the lead agency shall determine the
9 range of reasonable alternatives for consider-
10 ation in any document that the lead agency is
11 responsible for preparing for the covered
12 project.

13 (B) ALTERNATIVES REQUIRED BY LAW.—

14 In determining the range of alternatives under
15 subparagraph (A), the lead agency shall include
16 all alternatives required to be considered by
17 law.

18 (3) METHODOLOGIES.—

19 (A) IN GENERAL.—The lead agency shall
20 determine, in collaboration with each cooper-
21 ating agency at appropriate times during the
22 environmental review, the methodologies to be
23 used and the level of detail required in the anal-
24 ysis of each alternative for a covered project.

1 (B) ENVIRONMENTAL REVIEW.—A cooper-
2 ating agency shall use the methodologies re-
3 ferred to in subparagraph (A) when conducting
4 any required environmental review, to the ex-
5 tent consistent with existing law.

6 (4) PREFERRED ALTERNATIVE.—With the con-
7 currence of the cooperating agencies with jurisdic-
8 tion under Federal law and at the discretion of the
9 lead agency, the preferred alternative for a project,
10 after being identified, may be developed to a higher
11 level of detail than other alternatives to facilitate the
12 development of mitigation measures or concurrent
13 compliance with other applicable laws if the lead
14 agency determines that the development of the high-
15 er level of detail will not prevent—

16 (A) the lead agency from making an im-
17 partial decision as to whether to accept another
18 alternative that is being considered in the envi-
19 ronmental review; and

20 (B) the public from commenting on the
21 preferred and other alternatives.

22 (d) ENVIRONMENTAL REVIEW COMMENTS.—

23 (1) COMMENTS ON DRAFT ENVIRONMENTAL IM-
24 PACT STATEMENT.—For comments by an agency or
25 the public on a draft environmental impact state-

1 ment, the lead agency shall establish a comment pe-
2 riod of not less than 45 days and not more than 60
3 days after the date on which a notice announcing
4 availability of the environmental impact statement is
5 published in the Federal Register, unless—

6 (A) the lead agency, the project sponsor,
7 and any cooperating agency agree to a longer
8 deadline; or

9 (B) the lead agency, in consultation with
10 each cooperating agency, extends the deadline
11 for good cause.

12 (2) OTHER REVIEW AND COMMENT PERIODS.—

13 For all other review or comment periods in the envi-
14 ronmental review process described in parts 1500
15 through 1508 of title 40, Code of Federal Regula-
16 tions (or successor regulations), the lead agency
17 shall establish a comment period of not more than
18 45 days after the date on which the materials on
19 which comment is requested are made available, un-
20 less—

21 (A) the lead agency, the project sponsor,
22 and any cooperating agency agree to a longer
23 deadline; or

24 (B) the lead agency extends the deadline
25 for good cause.

1 (e) ISSUE IDENTIFICATION AND RESOLUTION.—

2 (1) COOPERATION.—The lead agency and each
3 cooperating and participating agency shall work co-
4 operatively in accordance with this section to iden-
5 tify and resolve issues that could delay completion of
6 an environmental review or an authorization re-
7 quired for the project under applicable law or result
8 in the denial of any approval under applicable law.

9 (2) LEAD AGENCY RESPONSIBILITIES.—

10 (A) IN GENERAL.—The lead agency shall
11 make information available to each cooperating
12 and participating agency and project sponsor as
13 early as practicable in the environmental review
14 regarding the environmental, historic, and so-
15 cioeconomic resources located within the project
16 area and the general locations of the alter-
17 natives under consideration.

18 (B) SOURCES OF INFORMATION.—The in-
19 formation described in subparagraph (A) may
20 be based on existing data sources, including ge-
21 ographic information systems mapping.

22 (3) COOPERATING AND PARTICIPATING AGENCY
23 RESPONSIBILITIES.—Each cooperating and partici-
24 pating agency shall—

1 (A) identify, as early as practicable, any
2 issues of concern regarding any potential envi-
3 ronmental impacts of the covered project, in-
4 cluding any issues that could substantially delay
5 or prevent an agency from completing any envi-
6 ronmental review or authorization required for
7 the project; and

8 (B) communicate any issues described in
9 subparagraph (A) to the project sponsor.

10 (f) CATEGORIES OF PROJECTS.—The authorities
11 granted under this section may be exercised for an indi-
12 vidual covered project or a category of covered projects.

13 **SEC. 61006. DELEGATED STATE PERMITTING PROGRAMS.**

14 (a) IN GENERAL.—If a Federal statute permits a
15 Federal agency to delegate to or otherwise authorize a
16 State to issue or otherwise administer a permit program
17 in lieu of the Federal agency, the Federal agency with au-
18 thority to carry out the statute shall—

19 (1) on publication by the Council of best prac-
20 tices under section 61002(c)(2)(B), initiate a na-
21 tional process, with public participation, to deter-
22 mine whether and the extent to which any of the
23 best practices are generally applicable on a
24 delegation- or authorization-wide basis to permitting
25 under the statute; and

1 (2) not later than 2 years after the date of en-
2 actment of this Act, make model recommendations
3 for State modifications of the applicable permit pro-
4 gram to reflect the best practices described in sec-
5 tion 61002(c)(2)(B), as appropriate.

6 (b) BEST PRACTICES.—Lead and cooperating agen-
7 cies may share with State, tribal, and local authorities best
8 practices involved in review of covered projects and invite
9 input from State, tribal, and local authorities regarding
10 best practices.

11 **SEC. 61007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS**
12 **PROVISION.**

13 (a) LIMITATIONS ON CLAIMS.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, a claim arising under Federal law
16 seeking judicial review of any authorization issued
17 by a Federal agency for a covered project shall be
18 barred unless—

19 (A) the action is filed not later than 2
20 years after the date of publication in the Fed-
21 eral Register of the final record of decision or
22 approval or denial of a permit, unless a shorter
23 time is specified in the Federal law under which
24 judicial review is allowed; and

1 (B) in the case of an action pertaining to
2 an environmental review conducted under
3 NEPA—

4 (i) the action is filed by a party that
5 submitted a comment during the environ-
6 mental review or a party that lacked a rea-
7 sonable opportunity to submit a comment;
8 and

9 (ii) a party filed a sufficiently detailed
10 comment so as to put the lead agency on
11 notice of the issue on which the party
12 seeks judicial review.

13 (2) NEW INFORMATION.—

14 (A) IN GENERAL.—The head of a lead
15 agency or participating agency shall consider
16 new information received after the close of a
17 comment period if the information satisfies the
18 requirements under regulations implementing
19 NEPA.

20 (B) SEPARATE ACTION.—If Federal law
21 requires the preparation of a supplemental envi-
22 ronmental impact statement or other supple-
23 mental environmental document, the prepara-
24 tion of such document shall be considered a
25 separate final agency action and the deadline

1 for filing a claim for judicial review of the agen-
2 cy action shall be 2 years after the date on
3 which a notice announcing the final agency ac-
4 tion is published in the Federal Register, unless
5 a shorter time is specified in the Federal law
6 under which judicial review is allowed.

7 (3) **RULE OF CONSTRUCTION.**—Nothing in this
8 subsection creates a right to judicial review or places
9 any limit on filing a claim that a person has violated
10 the terms of an authorization.

11 (b) **PRELIMINARY INJUNCTIVE RELIEF.**—In addition
12 to considering any other applicable equitable factors, in
13 any action seeking a temporary restraining order or pre-
14 liminary injunction against an agency or a project sponsor
15 in connection with review or authorization of a covered
16 project, the court shall—

17 (1) consider the effects on public health, safety,
18 and the environment, the potential for significant job
19 losses, and other economic harm resulting from an
20 order or injunction; and

21 (2) not presume that the harms described in
22 paragraph (1) are reparable.

23 (c) **JUDICIAL REVIEW.**—Except as provided in sub-
24 section (a), nothing in this title affects the reviewability

1 of 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 Fed-
5 eral statute or affects the responsibility of any Fed-
6 eral officer to comply with or enforce any statute; or

7 (2) creates a presumption that a covered
8 project will be approved or favorably reviewed by any
9 agency.

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 govern-
16 mental agency, metropolitan planning organization,
17 Indian tribe, or project sponsor has with respect to
18 carrying out a project or any other provisions of law
19 applicable 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
25 title during the previous fiscal year.

1 (b) CONTENTS.—The report described in subsection
2 (a) shall assess the performance of each participating
3 agency and lead agency based on the best practices de-
4 scribed in 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
9 described 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
14 section 61002(b)(2)(B), with the guidance of the Director
15 of the Office of Management and Budget and in consulta-
16 tion with the Executive Director, may, after public notice
17 and opportunity for comment, issue regulations estab-
18 lishing a fee structure for project proponents to reimburse
19 the United States for reasonable costs incurred in con-
20 ducting environmental reviews and authorizations for cov-
21 ered projects.

22 (b) REASONABLE COSTS.—As used in this section,
23 the term “reasonable costs” shall include costs to imple-
24 ment the requirements and authorities required under sec-

1 tions 61002 and 61003, including the costs to agencies
2 and the costs of operating the Council.

3 (c) FEE STRUCTURE.—The fee structure established
4 under subsection (a) shall—

5 (1) be developed in consultation with affected
6 project proponents, industries, and other stake-
7 holders;

8 (2) exclude parties for which the fee would im-
9 pose an undue financial burden or is otherwise de-
10 termined to be inappropriate; and

11 (3) be established in a manner that ensures
12 that the aggregate amount of fees collected for a fis-
13 cal year is estimated not to exceed 20 percent of the
14 total estimated costs for the fiscal year for the re-
15 sources allocated for the conduct of the environ-
16 mental reviews and authorizations covered by this
17 title, as determined by the Director of the Office of
18 Management and Budget.

19 (d) ENVIRONMENTAL REVIEW AND PERMITTING IM-
20 PROVEDMENT FUND.—

21 (1) IN GENERAL.—All amounts collected pursu-
22 ant to this section shall be deposited into a separate
23 fund in the Treasury of the United States to be
24 known as the “Environmental Review Improvement
25 Fund” (referred to in this section as the “Fund”).

1 (2) AVAILABILITY.—Amounts in the Fund shall
2 be available to the Executive Director, without ap-
3 propriation or fiscal year limitation, solely for the
4 purposes of administering, implementing, and en-
5 forcing this title, including the expenses of the Coun-
6 cil.

7 (3) TRANSFER.—The Executive Director, with
8 the approval of the Director of the Office of Man-
9 agement and Budget, may transfer amounts in the
10 Fund to other agencies to facilitate timely and effi-
11 cient environmental reviews and authorizations for
12 proposed covered projects.

13 (e) EFFECT ON PERMITTING.—The regulations
14 adopted pursuant to subsection (a) shall ensure that the
15 use of funds accepted under subsection (d) will not impact
16 impartial decision-making with respect to environmental
17 reviews or authorizations, either substantively or proce-
18 durally.

19 (f) TRANSFER OF APPROPRIATED FUNDS.—

20 (1) IN GENERAL.—The heads of agencies listed
21 in section 61002(b)(2)(B) shall have the authority to
22 transfer, in accordance with section 1535 of title 31,
23 United States Code, funds appropriated to those
24 agencies and not otherwise obligated to other af-

1 fected Federal agencies for the purpose of imple-
2 menting the provisions of this title.

3 (2) LIMITATION.—Appropriations under title
4 23, United States Code and appropriations for the
5 civil works program of the Army Corps of Engineers
6 shall not be available for transfer under paragraph
7 (1).

8 **SEC. 61010. APPLICATION.**

9 This title applies to any covered project for which—

10 (1) a notice is filed under section 61003(a)(1);

11 or

12 (2) an application or other request for a Fed-
13 eral authorization is pending before a Federal agen-
14 cy 90 days after the date of enactment of this Act.

15 **SEC. 61011. GAO REPORT.**

16 Not later than 3 years after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall submit to Congress a report that includes an analysis
19 of whether the provisions of this title could be adapted
20 to streamline the Federal permitting process for smaller
21 projects that are not covered projects.

1 **TITLE LXII—ADDITIONAL**
2 **PROVISIONS**

3 **SEC. 62001. HIRE MORE HEROES.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Hire More Heroes Act of 2015”.

6 (b) **EMPLOYEES WITH HEALTH COVERAGE UNDER**
7 **TRICARE OR THE VETERANS ADMINISTRATION NOT**
8 **TAKEN INTO ACCOUNT IN DETERMINING EMPLOYERS TO**
9 **WHICH THE EMPLOYER MANDATE APPLIES UNDER PA-**
10 **TIENT PROTECTION AND AFFORDABLE CARE ACT.**—Sec-
11 tion 4980H(c)(2) of the Internal Revenue Code of 1986
12 is amended by adding at the end the following:

13 “(F) **EXEMPTION FOR HEALTH COVERAGE**
14 **UNDER TRICARE OR THE VETERANS ADMINIS-**
15 **TRATION.**—Solely for purposes of determining
16 whether an employer is an applicable large em-
17 ployer under this paragraph for any month, an
18 individual shall not be taken into account as an
19 employee for such month if such individual has
20 medical coverage for such month under—

21 “(i) chapter 55 of title 10, United
22 States Code, including coverage under the
23 TRICARE program, or

24 “(ii) under a health care program
25 under chapter 17 or 18 of title 38, United

1 States Code, as determined by the Sec-
2 retary of Veterans Affairs, in coordination
3 with the Secretary of Health and Human
4 Services and the Secretary.”.

5 (c) EFFECTIVE DATE.—The amendment made by
6 subsection (b) shall apply to months beginning after De-
7 cember 31, 2013.

8 **DIVISION G—SURFACE**
9 **TRANSPORTATION EXTENSION**

10 **SEC. 70001. SHORT TITLE.**

11 This division may cited as the “Surface Transpor-
12 tation Extension Act of 2015”.

13 **TITLE LXXI—EXTENSION OF**
14 **FEDERAL-AID HIGHWAY PRO-**
15 **GRAMS**

16 **SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PRO-**
17 **GRAMS.**

18 (a) IN GENERAL.—Section 1001 of the Highway and
19 Transportation Funding Act of 2014 (Public Law 113–
20 159; 128 Stat. 1840; 129 Stat. 219) is amended—

21 (1) in subsection (a), by striking “July 31,
22 2015” and inserting “September 30, 2015”;

23 (2) in subsection (b)(1)—

24 (A) by striking “July 31, 2015” and in-
25 serting “September 30, 2015”; and

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1 (B) by striking “³⁰⁴/₃₆₅” and inserting
2 “³⁶⁵/₃₆₅”; and

3 (3) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by striking “July 31, 2015” and
6 inserting “September 30, 2015”; and

7 (ii) by striking “³⁰⁴/₃₆₅” and inserting
8 “³⁶⁵/₃₆₅”; and

9 (B) in paragraph (2)(B), by striking “by
10 this subsection”.

11 (b) OBLIGATION CEILING.—Section 1102 of MAP—
12 21 (23 U.S.C. 104 note; Public Law 112–141) is amend-
13 ed—

14 (1) in subsection (a)(3)—

15 (A) by striking “\$33,528,284,932” and in-
16 serting “\$40,256,000,000”; and

17 (B) by striking “July 31, 2015” and in-
18 serting “September 30, 2015”;

19 (2) in subsection (b)(12)—

20 (A) by striking “July 31, 2015” and in-
21 serting “September 30, 2015”; and

22 (B) by striking “³⁰⁴/₃₆₅” and inserting
23 “³⁶⁵/₃₆₅”;

24 (3) in subsection (c)—

1001

1 (A) in the matter preceding paragraph (1),
2 by striking “July 31, 2015” and inserting
3 “September 30, 2015”; and

4 (B) in paragraph (2)—

5 (i) by striking “July 31, 2015” and
6 inserting “September 30, 2015”; and

7 (ii) by striking “³⁰⁴/₃₆₅” and inserting
8 “³⁶⁵/₃₆₅”; and

9 (4) in subsection (f)(1), in the matter preceding
10 subparagraph (A), by striking “July 31, 2015” and
11 inserting “September 30, 2015”.

12 (c) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
13 Section 1123(h)(1) of MAP-21 (23 U.S.C. 202 note; Pub-
14 lic Law 112–141) is amended—

15 (1) by striking “\$24,986,301” and inserting
16 “\$30,000,000”; and

17 (2) by striking “July 31, 2015” and inserting
18 “September 30, 2015”.

19 **SEC. 71002. ADMINISTRATIVE EXPENSES.**

20 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—
21 Section 1002(a) of the Highway and Transportation
22 Funding Act of 2014 (Public Law 113–159; 128 Stat.
23 1842; 129 Stat. 220) is amended—

24 (1) by striking “\$366,465,753” and inserting
25 “\$440,000,000”; and

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1 (2) by striking “July 31, 2015” and inserting
2 “September 30, 2015”.

3 (b) CONTRACT AUTHORITY.—Section 1002(b)(2) of
4 the Highway and Transportation Funding Act of 2014
5 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is
6 amended by striking “July 31, 2015” and inserting “Sep-
7 tember 30, 2015”.

8 **TITLE LXXII—TEMPORARY EX-**
9 **TENSION OF PUBLIC TRANS-**
10 **PORTATION PROGRAMS**

11 **SEC. 72001. FORMULA GRANTS FOR RURAL AREAS.**

12 Section 5311(c)(1) of title 49, United States Code,
13 is amended—

14 (1) in subparagraph (A), by striking “ending
15 before” and all that follows through “July 31,
16 2015,”; and

17 (2) in subparagraph (B), by striking “ending
18 before” and all that follows through “July 31,
19 2015,”.

20 **SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR**
21 **FORMULA GRANTS.**

22 Section 5336(h)(1) of title 49, United States Code,
23 is amended by striking “before October 1, 2014” and all
24 that follows through “July 31, 2015,” and inserting “be-
25 fore October 1, 2015”.

1003

1 **SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPOR-**
2 **TATION.**

3 (a) FORMULA GRANTS.—Section 5338(a) of title 49,
4 United States Code, is amended—

5 (1) in paragraph (1), by striking “for fiscal
6 year 2014” and all that follows and inserting “for
7 fiscal year 2014, and \$8,595,000,000 for fiscal year
8 2015.”;

9 (2) in paragraph (2)—

10 (A) in subparagraph (A), by striking
11 “\$107,274,521 for the period beginning on Oc-
12 tober 1, 2014, and ending on July 31, 2015,”
13 and inserting “\$128,800,000 for fiscal year
14 2015”;

15 (B) in subparagraph (B), by striking
16 “2013 and 2014 and \$8,328,767 for the period
17 beginning on October 1, 2014, and ending on
18 July 31, 2015,” and inserting “2013, 2014,
19 and 2015”;

20 (C) in subparagraph (C), by striking
21 “\$3,713,505,753 for the period beginning on
22 October 1, 2014, and ending on July 31,
23 2015,” and inserting “\$4,458,650,000 for fiscal
24 year 2015”;

25 (D) in subparagraph (D), by striking
26 “\$215,132,055 for the period beginning on Oc-

1 tober 1, 2014, and ending on July 31, 2015,”
2 and inserting “\$258,300,000 for fiscal year
3 2015”;

4 (E) in subparagraph (E)—

5 (i) by striking “\$506,222,466 for the
6 period beginning on October 1, 2014, and
7 ending on July 31, 2015,” and inserting
8 “\$607,800,000 for fiscal year 2015”;

9 (ii) by striking “\$24,986,301 for the
10 period beginning on October 1, 2014, and
11 ending on July 31, 2015,” and inserting
12 “\$30,000,000 for fiscal year 2015”; and

13 (iii) by striking “\$16,657,534 for the
14 period beginning on October 1, 2014, and
15 ending on July 31, 2015,” and inserting
16 “\$20,000,000 for fiscal year 2015”;

17 (F) in subparagraph (F), by striking
18 “2013 and 2014 and \$2,498,630 for the period
19 beginning on October 1, 2014, and ending on
20 July 31, 2015,” and inserting “2013, 2014,
21 and 2015”;

22 (G) in subparagraph (G), by striking
23 “2013 and 2014 and \$4,164,384 for the period
24 beginning on October 1, 2014, and ending on

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1 July 31, 2015,” and inserting “2013, 2014,
2 and 2015”;

3 (H) in subparagraph (H), by striking
4 “2013 and 2014 and \$3,206,575 for the period
5 beginning on October 1, 2014, and ending on
6 July 31, 2015,” and inserting “2013, 2014,
7 and 2015”;

8 (I) in subparagraph (I), by striking
9 “\$1,803,927,671 for the period beginning on
10 October 1, 2014, and ending on July 31,
11 2015,” and inserting “\$2,165,900,000 for fiscal
12 year 2015”;

13 (J) in subparagraph (J), by striking
14 “\$356,304,658 for the period beginning on Oc-
15 tober 1, 2014, and ending on July 31, 2015,”
16 and inserting “\$427,800,000 for fiscal year
17 2015”; and

18 (K) in subparagraph (K), by striking
19 “\$438,009,863 for the period beginning on Oc-
20 tober 1, 2014, and ending on July 31, 2015,”
21 and inserting “\$525,900,000 for fiscal year
22 2015”.

23 (b) RESEARCH, DEVELOPMENT DEMONSTRATION
24 AND DEPLOYMENT PROJECTS.—Section 5338(b) of title
25 49, United States Code, is amended by striking

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1 “\$58,301,370 for the period beginning on October 1,
2 2014, and ending on July 31, 2015” and inserting
3 “\$70,000,000 for fiscal year 2015”.

4 (c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—
5 Section 5338(c) of title 49, United States Code, is amend-
6 ed by striking “\$5,830,137 for the period beginning on
7 October 1, 2014, and ending on July 31, 2015” and in-
8 serting “\$7,000,000 for fiscal year 2015”.

9 (d) TECHNICAL ASSISTANCE AND STANDARDS DE-
10 VELOPMENT.—Section 5338(d) of title 49, United States
11 Code, is amended by striking “\$5,830,137 for the period
12 beginning on October 1, 2014, and ending on July 31,
13 2015” and inserting “\$7,000,000 for fiscal year 2015”.

14 (e) HUMAN RESOURCES AND TRAINING.—Section
15 5338(e) of title 49, United States Code, is amended by
16 striking “\$4,164,384 for the period beginning on October
17 1, 2014, and ending on July 31, 2015” and inserting
18 “\$5,000,000 for fiscal year 2015”.

19 (f) CAPITAL INVESTMENT GRANTS.—Section
20 5338(g) of title 49, United States Code, is amended by
21 striking “\$1,558,295,890 for the period beginning on Oc-
22 tober 1, 2014, and ending on July 31, 2015” and inserting
23 “\$1,907,000,000 for fiscal year 2015”.

24 (g) ADMINISTRATION.—Section 5338(h) of title 49,
25 United States Code, is amended—

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1 (1) in paragraph (1), by striking “\$86,619,178
2 for the period beginning on October 1, 2014, and
3 ending on July 31, 2015” and inserting
4 “\$104,000,000 for fiscal year 2015”;

5 (2) in paragraph (2), by striking “2013 and
6 2014 and not less than \$4,164,384 for the period
7 beginning on October 1, 2014, and ending on July
8 31, 2015,” and inserting “2013, 2014, and 2015”;
9 and

10 (3) in paragraph (3), by striking “2013 and
11 2014 and not less than \$832,877 for the period be-
12 ginning on October 1, 2014, and ending on July 31,
13 2015,” and inserting “2013, 2014, and 2015”.

14 **SEC. 72004. BUS AND BUS FACILITIES FORMULA GRANTS.**

15 Section 5339(d)(1) of title 49, United States Code,
16 is amended—

17 (1) by striking “2013 and 2014 and
18 \$54,553,425 for the period beginning on October 1,
19 2014, and ending on July 31, 2015,” and inserting
20 “2013, 2014, and 2015”;

21 (2) by striking “and \$1,041,096 for such pe-
22 riod”; and

23 (3) by striking “and \$416,438 for such period”.

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1 (5) HIGH VISIBILITY ENFORCEMENT PRO-
2 GRAM.—

3 (A) AUTHORIZATION OF APPROPRIA-
4 TIONS.—Section 31101(a)(5)(C) of MAP-21
5 (126 Stat. 733) is amended to read as follows:

6 “(C) \$29,000,000 for fiscal year 2015.”.

7 (B) LAW ENFORCEMENT CAMPAIGNS.—
8 Section 2009(a) of SAFETEA-LU (23 U.S.C.
9 402 note) is amended—

10 (i) in the first sentence, by striking
11 “and 2014 and in the period beginning on
12 October 1, 2014, and ending on July 31,
13 2015” and inserting “through 2015”; and

14 (ii) in the second sentence, by striking
15 “and 2014 and in the period beginning on
16 October 1, 2014, and ending on July 31,
17 2015,” and inserting “through 2015”.

18 (6) ADMINISTRATIVE EXPENSES.—Section
19 31101(a)(6)(C) of MAP-21 (126 Stat. 733) is
20 amended to read as follows:

21 “(C) \$25,500,000 for fiscal year 2015.”.

22 (b) COOPERATIVE RESEARCH AND EVALUATION.—
23 Section 403(f)(1) of title 23, United States Code, is
24 amended by striking “under subsection 402(c) in each fis-
25 cal year ending before October 1, 2014, and \$2,082,192

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1 of the total amount available for apportionment to the
2 States for highway safety programs under section 402(c)
3 in the period beginning on October 1, 2014, and ending
4 on July 31, 2015,” and inserting “under section 402(c)
5 in each fiscal year ending before October 1, 2015,”.

6 (c) **APPLICABILITY OF TITLE 23.**—Section 31101(c)
7 of MAP–21 (126 Stat. 733) is amended by striking “fiscal
8 years 2013 and 2014 and for the period beginning on Oc-
9 tober 1, 2014, and ending on July 31, 2015,” and insert-
10 ing “each of fiscal years 2013 through 2015”.

11 **SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER**
12 **SAFETY ADMINISTRATION PROGRAMS.**

13 (a) **MOTOR CARRIER SAFETY GRANTS.**—Section
14 31104(a)(10) of title 49, United States Code, is amended
15 to read as follows:

16 “(10) \$218,000,000 for fiscal year 2015.”.

17 (b) **ADMINISTRATIVE EXPENSES.**—Section
18 31104(i)(1)(J) of title 49, United States Code, is amended
19 to read as follows:

20 “(J) \$259,000,000 for fiscal year 2015.”.

21 (c) **GRANT PROGRAMS.**—

22 (1) **COMMERCIAL DRIVER’S LICENSE PROGRAM**
23 **IMPROVEMENT GRANTS.**—Section 4101(c)(1) of
24 **SAFETEA–LU** (119 Stat. 1715) is amended by
25 striking “each of fiscal years 2013 and 2014 and

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1 \$24,986,301 for the period beginning on October 1,
2 2014, and ending on July 31, 2015” and inserting
3 “each of fiscal years 2013 through 2015”.

4 (2) BORDER ENFORCEMENT GRANTS.—Section
5 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is
6 amended by striking “each of fiscal years 2013 and
7 2014 and \$26,652,055 for the period beginning on
8 October 1, 2014, and ending on July 31, 2015” and
9 inserting “each of fiscal years 2013 through 2015”.

10 (3) PERFORMANCE AND REGISTRATION INFOR-
11 MATION SYSTEM MANAGEMENT GRANT PROGRAM.—
12 Section 4101(c)(3) of SAFETEA–LU (119 Stat.
13 1715) is amended by striking “each of fiscal years
14 2013 and 2014 and \$4,164,384 for the period begin-
15 ning on October 1, 2014, and ending on July 31,
16 2015” and inserting “each of fiscal years 2013
17 through 2015”.

18 (4) COMMERCIAL VEHICLE INFORMATION SYS-
19 TEMS AND NETWORKS DEPLOYMENT PROGRAM.—
20 Section 4101(c)(4) of SAFETEA–LU (119 Stat.
21 1715) is amended by striking “each of fiscal years
22 2013 and 2014 and \$20,821,918 for the period be-
23 ginning on October 1, 2014, and ending on July 31,
24 2015” and inserting “each of fiscal years 2013
25 through 2015”.

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1 (5) SAFETY DATA IMPROVEMENT GRANTS.—
2 Section 4101(c)(5) of SAFETEA–LU (119 Stat.
3 1715) is amended by striking “each of fiscal years
4 2013 and 2014 and \$2,498,630 for the period begin-
5 ning on October 1, 2014, and ending on July 31,
6 2015” and inserting “each of fiscal years 2013
7 through 2015”.

8 (d) HIGH-PRIORITY ACTIVITIES.—Section
9 31104(k)(2) of title 49, United States Code, is amended
10 by striking “each of fiscal years 2006 through 2014 and
11 up to \$12,493,151 for the period beginning on October
12 1, 2014, and ending on July 31, 2015,” and inserting
13 “each of fiscal years 2006 through 2015”.

14 (e) NEW ENTRANT AUDITS.—Section
15 31144(g)(5)(B) of title 49, United States Code, is amend-
16 ed by striking “per fiscal year and up to \$26,652,055 for
17 the period beginning on October 1, 2014, and ending on
18 July 31, 2015,” and inserting “per fiscal year”.

19 (f) OUTREACH AND EDUCATION.—Section 4127(e) of
20 SAFETEA–LU (119 Stat. 1741) is amended by striking
21 “each of fiscal years 2013 and 2014 and \$3,331,507 to
22 the Federal Motor Carrier Safety Administration for the
23 period beginning on October 1, 2014, and ending on July
24 31, 2015,” and inserting “each of fiscal years 2013
25 through 2015”.

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1 (g) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
2 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
3 (49 U.S.C. 31301 note) is amended by striking “each of
4 fiscal years 2005 through 2014 and \$832,877 for the pe-
5 riod beginning on October 1, 2014, and ending on July
6 31, 2015” and inserting “each of fiscal years 2005
7 through 2015”.

8 **SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION**
9 **ACT.**

10 Section 4 of the Dingell-Johnson Sport Fish Restora-
11 tion Act (16 U.S.C. 777c) is amended—

12 (1) in subsection (a), in the matter preceding
13 paragraph (1) by striking “each fiscal year through
14 2014 and for the period beginning on October 1,
15 2014, and ending on July 31, 2015,” and inserting
16 “each fiscal year through 2015”; and

17 (2) in subsection (b)(1)(A) by striking “for
18 each fiscal year ending before October 1, 2014, and
19 for the period beginning on October 1, 2014, and
20 ending on July 31, 2015,” and inserting “for each
21 fiscal year ending before October 1, 2015”.

22 **Subtitle B—Hazardous Materials**

23 **SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—Section 5128(a)(3) of title 49,
25 United States Code, is amended to read as follows:

1 “(3) \$42,762,000 for fiscal year 2015.”.

2 (b) HAZARDOUS MATERIALS EMERGENCY PRE-
3 PAREDNESS FUND.—Section 5128(b)(2) of title 49,
4 United States Code, is amended to read as follows:

5 “(2) FISCAL YEAR 2015.—From the Hazardous
6 Materials Emergency Preparedness Fund established
7 under section 5116(i), the Secretary may expend
8 during fiscal year 2015—

9 “(A) \$188,000 to carry out section 5115;

10 “(B) \$21,800,000 to carry out subsections
11 (a) and (b) of section 5116, of which not less
12 than \$13,650,000 shall be available to carry out
13 section 5116(b);

14 “(C) \$150,000 to carry out section
15 5116(f);

16 “(D) \$625,000 to publish and distribute
17 the Emergency Response Guidebook under sec-
18 tion 5116(i)(3); and

19 “(E) \$1,000,000 to carry out section
20 5116(j).”.

21 (c) HAZARDOUS MATERIALS TRAINING GRANTS.—
22 Section 5128(c) of title 49, United States Code, is amend-
23 ed by striking “each of fiscal years 2013 and 2014 and
24 \$3,331,507 for the period beginning on October 1, 2014,

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1 and ending on July 31, 2015,” and inserting “each of fis-
2 cal years 2013 through 2015”.

3 **TITLE LXXIV—REVENUE**
4 **PROVISIONS**

5 **SEC. 74001. EXTENSION OF TRUST FUND EXPENDITURE AU-**
6 **THORITY.**

7 (a) HIGHWAY TRUST FUND.—Section 9503 of the
8 Internal Revenue Code of 1986 is amended—

9 (1) by striking “August 1, 2015” in subsections
10 (b)(6)(B), (c)(1), and (e)(3) and inserting “October
11 1, 2015”, and

12 (2) by striking “Highway and Transportation
13 Funding Act of 2015” in subsections (c)(1) and
14 (e)(3) and inserting “Surface Transportation Exten-
15 sion Act of 2015”.

16 (b) SPORT FISH RESTORATION AND BOATING TRUST
17 FUND.—Section 9504 of the Internal Revenue Code of
18 1986 is amended—

19 (1) by striking “Highway and Transportation
20 Funding Act of 2015” each place it appears in sub-
21 section (b)(2) and inserting “Surface Transportation
22 Extension Act of 2015”, and

23 (2) by striking “August 1, 2015” in subsection
24 (d)(2) and inserting “October 1, 2015”.

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1 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
2 FUND.—Paragraph (2) of section 9508(e) of the Internal
3 Revenue Code of 1986 is amended by striking “August
4 1, 2015” and inserting “October 1, 2015”.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect on August 1, 2015.

7 **DIVISION H—BUDGETARY**
8 **EFFECTS**

9 **SEC. 80001. BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go-Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the Senate Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

18 **SEC. 80002. MAINTENANCE OF HIGHWAY TRUST FUND CASH**

19 **BALANCE.**

20 (a) DEFINITIONS.—In this section:

21 (1) HIGHWAY ACCOUNT.—The term “Highway
22 Account” has the meaning given the term in section
23 9503(e)(5)(B) of the Internal Revenue Code of
24 1986.

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1 (2) HIGHWAY TRUST FUND.—The term “High-
2 way Trust Fund” means the Highway Trust Fund
3 established by section 9503(a) of the Internal Rev-
4 enue Code of 1986.

5 (3) MASS TRANSIT ACCOUNT.—The term “Mass
6 Transit Account” means the Mass Transit Account
7 established by section 9503(e)(1) of the Internal
8 Revenue Code of 1986.

9 (b) RESTRICTION ON OBLIGATIONS.—If the Sec-
10 retary, in consultation with the Secretary of the Treasury,
11 determines under the test or reevaluation described under
12 subsection (c) or (d) that the projected cash balances of
13 either the Highway Account or the Mass Transit Account
14 of the Highway Trust Fund will fall below the levels de-
15 scribed in subparagraph (A) or (B) of subsection (c)(2)
16 at any time during the fiscal year for which that deter-
17 mination applies, the Secretary shall not approve any obli-
18 gation of funds authorized out of the Highway Account
19 or the Mass Transit Account of the Highway Trust Fund
20 during that fiscal 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—

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1 (1) based on data available for the midsession
2 review described under section 1106 of title 31,
3 United States Code, estimate the projected cash bal-
4 ances of the Highway Account and the Mass Transit
5 Account of the Highway Trust Fund for the upcom-
6 ing fiscal 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
17 the test described under subsection (c) again during a re-
18 spective fiscal year—

19 (1) if a law is enacted that provides additional
20 revenues, deposits, or transfers to the Highway
21 Trust Fund; or

22 (2) when the President submits to Congress
23 under section 1105(a) of title 31, United States
24 Code, updated outlay estimates or revenue projec-
25 tions related to the Highway Trust Fund.

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1 (e) NOTIFICATION.—Not later than 15 days after a
2 determination is made under subsection (c) or (d), the
3 Secretary shall provide notification of the determination
4 to—

5 (1) the Committee on Environment and Public
6 Works of the Senate;

7 (2) the Committee on Transportation and In-
8 frastructure of the House of Representatives;

9 (3) the Committee on Banking, Housing, and
10 Urban Affairs of the Senate;

11 (4) the Committee on Commerce, Science, and
12 Transportation of the Senate; and

13 (5) State transportation departments and des-
14 ignated recipients.

15 (f) EXCEPTIONS.—Notwithstanding subsection (b),
16 the Secretary shall approve obligations in every fiscal year
17 for—

18 (1) administrative expenses of the Federal
19 Highway Administration, including any administra-
20 tive expenses funded under—

21 (A) section 104(a) of title 23, United
22 States Code;

23 (B) the tribal transportation program
24 under section 202(a)(6), of title 23, United
25 States Code;

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1 (C) the Federal lands transportation pro-
2 gram under section 203 of title 23, United
3 States 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
17 priority safety programs under section 405 of title
18 23, United States Code;

19 (6) the high visibility enforcement program
20 under section 2009 of SAFETEA-LU (23 U.S.C.
21 402 note; Public Law 109–59);

22 (7) the highway safety research and develop-
23 ment program under section 403 of title 23, United
24 States Code;

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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
10 5338(h) of title 49, United States Code, to carry out
11 section 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
16 (2 U.S.C. 621 et seq.), the determination of levels under
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985 (2 U.S.C. 900 et seq.) or the Statutory Pay-As-
19 You-Go Act of 2010 (2 U.S.C. 931 et seq.), and the en-
20 forcement of a point of order established under or the de-
21 termination of levels under a concurrent resolution on the
22 budget, the rescission of contract authority that is pro-
23 vided under this Act or an amendment made by this Act
24 for fiscal year 2019, 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 cal-
24 culated under section 8(g)(1) is 2 percent or more
25 for a quarter, the Bank may not exceed the amount

1 of loans, guarantees, and insurance outstanding on
2 the last day of that quarter until the rate calculated
3 under 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 sub-
8 section (c); and

9 (2) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) RESERVE REQUIREMENT.—The Bank shall
12 build to and hold in reserve, to protect against future
13 losses, an amount that is not less than 5 percent of the
14 aggregate amount of disbursed and outstanding loans,
15 guarantees, and insurance of the Bank.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the date that is one
18 year after the date of the enactment of this Act.

19 **SEC. 91003. REVIEW OF FRAUD CONTROLS.**

20 Section 17(b) of the Export-Import Bank Reauthor-
21 ization Act of 2012 (12 U.S.C. 635a–6(b)) is amended
22 to read as follows:

23 “(b) REVIEW OF FRAUD CONTROLS.—Not later than
24 4 years after the date of the enactment of the Export-
25 Import Bank Reform and Reauthorization Act of 2015,

1 and every 4 years thereafter, the Comptroller General of
2 the United States shall—

3 “(1) review the adequacy of the design and ef-
4 fectiveness of the controls used by the Export-Im-
5 port Bank of the United States to prevent, detect,
6 and investigate fraudulent applications for loans and
7 guarantees and the compliance by the Bank with the
8 controls, including by auditing a sample of Bank
9 transactions; 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 Ap-
17 propriations 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
23 (12 U.S.C. 635a) is amended by adding at the end the
24 following:

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 Of-
6 fice of Ethics shall be the Chief Ethics Officer,
7 who 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
16 law 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
21 Officer; and

22 “(ii) approved by the Board.

23 “(C) DESIGNATED AGENCY ETHICS OFFI-
24 CIAL.—The Chief Ethics Officer shall serve as
25 the designated agency ethics official for the

1 Bank pursuant to the Ethics in Government
2 Act of 1978 (5 U.S.C. App. 101 et seq.).

3 “(3) DUTIES.—The Office of Ethics has juris-
4 diction over all employees of, and ethics matters re-
5 lating to, the Bank. With respect to employees of the
6 Bank, the Office of Ethics shall—

7 “(A) recommend administrative actions to
8 establish or enforce standards of official con-
9 duct;

10 “(B) refer to the Office of the Inspector
11 General of the Bank alleged violations of—

12 “(i) the standards of ethical conduct
13 applicable to employees of the Bank under
14 parts 2635 and 6201 of title 5, Code of
15 Federal Regulations;

16 “(ii) the standards of ethical conduct
17 established by the Chief Ethics Officer;
18 and

19 “(iii) any other laws, rules, or regula-
20 tions governing the performance of official
21 duties or the discharge of official respon-
22 sibilities that are applicable to employees
23 of the Bank;

24 “(C) report to appropriate Federal or
25 State authorities substantial evidence of a viola-

1 tion of any law applicable to the performance of
2 official duties that may have been disclosed to
3 the Office of Ethics; and

4 “(D) render advisory opinions regarding
5 the propriety of any current or proposed con-
6 duct of an employee or contractor of the Bank,
7 and issue general guidance on such matters as
8 necessary.”.

9 **SEC. 91005. CHIEF RISK OFFICER.**

10 Section 3 of the Export-Import Bank Act of 1945
11 (12 U.S.C. 635a), as amended by section 91004, is further
12 amended by adding at the end the following:

13 “(1) CHIEF RISK OFFICER.—

14 “(1) IN GENERAL.—There shall be a Chief Risk
15 Officer of the Bank, who shall—

16 “(A) oversee all issues relating to risk
17 within the Bank; and

18 “(B) report to the President of the Bank.

19 “(2) APPOINTMENT.—Not later than 180 days
20 after the date of the enactment of the Export-Im-
21 port Bank Reform and Reauthorization Act of 2015,
22 the Chief Risk Officer shall be—

23 “(A) appointed by the President of the
24 Bank from among persons—

1 “(D) to develop an integrated risk manage-
2 ment program that includes identifying,
3 prioritizing, measuring, monitoring, and man-
4 aging internal control and operating risks and
5 other identified risks;

6 “(E) to ensure that the process for risk as-
7 sessment and underwriting for individual trans-
8 actions considers how each such transaction
9 considers the effect of the transaction on the
10 concentration of exposure in the overall port-
11 folio of the Bank, taking into account fees,
12 collateralization, and historic default rates; and

13 “(F) to review the adequacy of the use by
14 the Bank of qualitative metrics to assess the
15 risk of default under various scenarios.”.

16 **SEC. 91006. RISK MANAGEMENT COMMITTEE.**

17 (a) IN GENERAL.—Section 3 of the Export-Import
18 Bank Act of 1945 (12 U.S.C. 635a), as amended by sec-
19 tions 91004 and 91005, is further amended by adding at
20 the end the following:

21 “(m) RISK MANAGEMENT COMMITTEE.—

22 “(1) ESTABLISHMENT.—There is established a
23 management committee to be known as the ‘Risk
24 Management Committee’.

1030

1 “(2) MEMBERSHIP.—The membership of the
2 Risk Management Committee shall be the members
3 of the Board of Directors, with the President and
4 First Vice President of the Bank serving as ex offi-
5 cio members.

6 “(3) DUTIES.—The duties of the Risk Manage-
7 ment Committee shall be—

8 “(A) to oversee, in conjunction with the
9 Office of the Chief Financial Officer of the
10 Bank—

11 “(i) periodic stress testing on the en-
12 tire Bank portfolio, reflecting different
13 market, industry, and macroeconomic sce-
14 narios, and consistent with common prac-
15 tices of commercial and multilateral devel-
16 opment banks; and

17 “(ii) the monitoring of industry, geo-
18 graphic, and obligor exposure levels; and

19 “(B) to review all required reports on the
20 default rate of the Bank before submission to
21 Congress under section 8(g).”.

22 (b) TERMINATION OF AUDIT COMMITTEE.—Not later
23 than 180 days after the date of the enactment of this Act,
24 the Board of Directors of the Export-Import Bank of the
25 United States shall revise the bylaws of the Bank to termi-

1 nate the Audit Committee established by section 7 of the
2 bylaws.

3 **SEC. 91007. INDEPENDENT AUDIT OF BANK PORTFOLIO.**

4 (a) AUDIT.—The Inspector General of the Export-
5 Import Bank of the United States shall conduct an audit
6 or evaluation of the portfolio risk management procedures
7 of the Bank, including a review of the implementation by
8 the Bank of the duties assigned to the Chief Risk Officer
9 under section 3(l) of the Export-Import Bank Act of 1945,
10 as amended by section 91005.

11 (b) REPORT.—Not later than one year after the date
12 of the enactment of this Act, and not less frequently than
13 every 3 years thereafter, the Inspector General shall sub-
14 mit to the Committee on Banking, Housing, and Urban
15 Affairs of the Senate and the Committee on Financial
16 Services of the House of Representatives a written report
17 containing all findings and determinations made in car-
18 rying out subsection (a).

19 **SEC. 91008. PILOT PROGRAM FOR REINSURANCE.**

20 (a) IN GENERAL.—Notwithstanding any provision of
21 the Export-Import Bank Act of 1945 (12 U.S.C. 635 et
22 seq.), the Export-Import Bank of the United States (in
23 this section referred to as the “Bank”) may establish a
24 pilot program under which the Bank may enter into con-
25 tracts and other arrangements to share risks associated

1 with the provision of guarantees, insurance, or credit, or
2 the participation in the extension of credit, by the Bank
3 under that Act.

4 (b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

5 (1) PER CONTRACT OR OTHER ARRANGE-
6 MENT.—The aggregate amount of liability the Bank
7 may transfer through risk-sharing pursuant to a
8 contract or other arrangement entered into under
9 subsection (a) may not exceed \$1,000,000,000.

10 (2) PER YEAR.—The aggregate amount of li-
11 ability the Bank may transfer through risk-sharing
12 during a fiscal year pursuant to contracts or other
13 arrangements entered into under subsection (a) dur-
14 ing that fiscal year may not exceed
15 \$10,000,000,000.

16 (c) ANNUAL REPORTS.—Not later than one year
17 after the date of the enactment of this Act, and annually
18 thereafter through 2019, the Bank shall submit to Con-
19 gress a written report that contains a detailed analysis of
20 the use of the pilot program carried out under subsection
21 (a) during the year preceding the submission of the report.

22 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to affect, impede, or revoke any
24 authority of the Bank.

1 (e) TERMINATION.—The pilot program carried out
2 under subsection (a) shall terminate on September 30,
3 2019.

4 **TITLE XCII—PROMOTION OF**
5 **SMALL BUSINESS EXPORTS**

6 **SEC. 92001. INCREASE IN SMALL BUSINESS LENDING RE-**
7 **QUIREMENTS.**

8 (a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Ex-
9 port-Import Bank Act of 1945 (12 U.S.C.
10 635(b)(1)(E)(v)) is amended by striking “20 percent” and
11 inserting “25 percent”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply with respect to fiscal year 2016
14 and each fiscal year thereafter.

15 **SEC. 92002. REPORT ON PROGRAMS FOR SMALL AND ME-**
16 **DIUM-SIZED BUSINESSES.**

17 (a) IN GENERAL.—Section 8 of the Export-Import
18 Bank Act of 1945 (12 U.S.C. 635g) is amended by adding
19 at the end the following:

20 “(k) REPORT ON PROGRAMS FOR SMALL AND ME-
21 DIUM-SIZED BUSINESSES.—The Bank shall include in its
22 annual report to Congress under subsection (a) a report
23 on the programs of the Bank for United States businesses
24 with less than \$250,000,000 in annual sales.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to the report of the
3 Export-Import Bank of the United States submitted to
4 Congress under section 8 of the Export-Import Bank Act
5 of 1945 (12 U.S.C. 635g) for the first year that begins
6 after the date of the enactment of this Act.

7 **TITLE XCIII—MODERNIZATION**
8 **OF OPERATIONS**

9 **SEC. 93001. ELECTRONIC PAYMENTS AND DOCUMENTS.**

10 Section 2(b)(1) of the Export-Import Bank Act of
11 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the
12 end the following:

13 “(M) Not later than 2 years after the date of the
14 enactment of the Export-Import Bank Reform and Reau-
15 thorization Act of 2015, the Bank shall implement poli-
16 cies—

17 “(i) to accept electronic documents with respect
18 to transactions whenever possible, including copies of
19 bills of lading, certifications, and compliance docu-
20 ments, in such manner so as not to undermine any
21 potential civil or criminal enforcement related to the
22 transactions; and

23 “(ii) to accept electronic payments in all of its
24 programs.”.

1 **SEC. 93002. REAUTHORIZATION OF INFORMATION TECH-**
2 **NOLOGY UPDATING.**

3 Section 3(j) of the Export-Import Act of 1945 (12
4 U.S.C. 635a(j)) is amended—

5 (1) in paragraph (1), in the matter preceding
6 subparagraph (A), by striking “2012, 2013, and
7 2014” and inserting “2015 through 2019”;

8 (2) in paragraph (2)(B), by striking “(I) the
9 funds” and inserting “(i) the funds”; and

10 (3) in paragraph (3), by striking “2012, 2013,
11 and 2014” and inserting “2015 through 2019”.

12 **TITLE XCIV—GENERAL**
13 **PROVISIONS**

14 **SEC. 94001. EXTENSION OF AUTHORITY.**

15 (a) **IN GENERAL.**—Section 7 of the Export-Import
16 Bank Act of 1945 (12 U.S.C. 635f) is amended by strik-
17 ing “2014” and inserting “2019”.

18 (b) **DUAL-USE EXPORTS.**—Section 1(e) of Public
19 Law 103–428 (12 U.S.C. 635 note) is amended by strik-
20 ing “September 30, 2014” and inserting “the date on
21 which the authority of the Export-Import Bank of the
22 United States expires under section 7 of the Export-Im-
23 port Bank Act of 1945 (12 U.S.C. 635f)”.

24 (c) **SUB-SAHARAN AFRICA ADVISORY COMMITTEE.**—
25 Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of
26 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking

1 “September 30, 2014” and inserting “the date on which
2 the authority of the Bank expires under section 7”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the earlier of the date of
5 the enactment of this Act or June 30, 2015.

6 **SEC. 94002. CERTAIN UPDATED LOAN TERMS AND**
7 **AMOUNTS.**

8 (a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—
9 Section 2(a)(2)(A) of the Export-Import Bank Act of
10 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

11 (1) in clause (i), by striking “; and” and insert-
12 ing a semicolon; and

13 (2) by adding at the end the following:

14 “(iii) with principal amounts of not more
15 than \$25,000,000; and”.

16 (b) COMPETITIVE OPPORTUNITIES RELATING TO IN-
17 SURANCE.—Section 2(d)(2) of the Export-Import Bank
18 Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking
19 “\$10,000,000” and inserting “\$25,000,000”.

20 (c) EXPORT AMOUNTS FOR SMALL BUSINESS
21 LOANS.—Section 3(g)(3) of the Export-Import Bank Act
22 of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking
23 “\$10,000,000” and inserting “\$25,000,000”.

24 (d) CONSIDERATION OF ENVIRONMENTAL EF-
25 FECTS.—Section 11(a)(1)(A) of the Export-Import Bank

1 Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by
2 striking “\$10,000,000 or more” and inserting the fol-
3 lowing: “\$25,000,000 (or, if less than \$25,000,000, the
4 threshold established pursuant to international agree-
5 ments, including the Common Approaches for Officially
6 Supported Export Credits and Environmental and Social
7 Due Diligence, as adopted by the Organisation for Eco-
8 nomic Co-operation and Development Council on June 28,
9 2012, and the risk-management framework adopted by fi-
10 nancial institutions for determining, assessing, and man-
11 aging environmental and social risk in projects (commonly
12 referred to as the ‘Equator Principles’)) or more”.

13 (e) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to fiscal year 2016
15 and each fiscal year thereafter.

16 **TITLE XCV—OTHER MATTERS**

17 **SEC. 95001. PROHIBITION ON DISCRIMINATION BASED ON** 18 **INDUSTRY.**

19 Section 2 of the Export-Import Bank Act of 1945
20 (6 U.S.C. 635 et seq.) is amended by adding at the end
21 the following:

22 “(k) PROHIBITION ON DISCRIMINATION BASED ON
23 INDUSTRY.—

24 “(1) IN GENERAL.—Except as provided in this
25 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)
19 is 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
7 years after the date of the enactment of
8 the Export-Import Bank Reform and Re-
9 authorization 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
14 days after the date of the enactment of the Export-Import
15 Bank Reform and Reauthorization Act of 2015, the Presi-
16 dent shall submit to Congress a proposal, and a strategy
17 for achieving the proposal, that the United States Govern-
18 ment will pursue with other major exporting countries, in-
19 cluding OECD members and non-OECD members, to
20 eliminate over a period of not more than 10 years sub-
21 sidized export-financing programs, tied aid, export credits,
22 and all other forms of government-supported export sub-
23 sidies.

24 “(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—
25 The President shall initiate and pursue negotiations with

1 countries that are not OECD members to bring those
2 countries into a multilateral agreement establishing rules
3 and limitations on officially supported export credits.

4 “(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIA-
5 TIONS.—Not later than 180 days after the date of the en-
6 actment of the Export-Import Bank Reform and Reau-
7 thorization Act of 2015, and annually thereafter through
8 calendar year 2019, the President shall submit to the
9 Committee on Banking, Housing, and Urban Affairs of
10 the Senate and the Committee on Financial Services of
11 the House of Representatives a report on the progress of
12 any negotiations described in subsection (d).”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 paragraphs (1) and (2) of subsection (a) shall apply with
15 respect to reports required to be submitted under section
16 11(b) of the Export-Import Bank Reauthorization Act of
17 2012 (12 U.S.C. 635a–5(b)) after the date of the enact-
18 ment of this Act.

19 **SEC. 95003. STUDY OF FINANCING FOR INFORMATION AND**
20 **COMMUNICATIONS TECHNOLOGY SYSTEMS.**

21 (a) ANALYSIS OF INFORMATION AND COMMUNICA-
22 TIONS TECHNOLOGY INDUSTRY USE OF BANK PROD-
23 UCTS.—The Export-Import Bank of the United States (in
24 this section referred to as the “Bank”) shall conduct a
25 study of the extent to which the products offered by the

1 Bank are available and used by companies that export in-
2 formation and communications technology services and re-
3 lated goods.

4 (b) ELEMENTS.—In conducting the study required by
5 subsection (a), the Bank shall examine the following:

6 (1) The number of jobs in the United States
7 that are supported by the export of information and
8 communications technology services and related
9 goods, and the degree to which access to financing
10 will increase exports of such services and related
11 goods.

12 (2) The reduction in the financing by the Bank
13 of exports of information and communications tech-
14 nology services from 2003 through 2014.

15 (3) The activities of foreign export credit agen-
16 cies to facilitate the export of information and com-
17 munications technology services and related goods.

18 (4) Specific proposals for how the Bank could
19 provide additional financing for the exportation of
20 information and communications technology services
21 and related goods through risk-sharing with other
22 export credit agencies and other third parties.

23 (5) Proposals for new products the Bank could
24 offer to provide financing for exports of information

1 and communications technology services and related
2 goods, including—

3 (A) the extent to which the Bank is au-
4 thorized to offer new products;

5 (B) the extent to which the Bank would
6 need additional authority to offer new products
7 to meet the needs of the information and com-
8 munications technology industry;

9 (C) specific proposals for changes in law
10 that would enable the Bank to provide in-
11 creased financing for exports of information
12 and communications technology services and re-
13 lated goods in compliance with the credit and
14 risk standards of the Bank;

15 (D) specific proposals that would enable
16 the Bank to provide increased outreach to the
17 information and communications technology in-
18 dustry about the products the Bank offers; and

19 (E) specific proposals for changes in law
20 that would enable the Bank to provide the fi-
21 nancing to build information and communica-
22 tions technology infrastructure, in compliance
23 with the credit and risk standards of the Bank,
24 to allow for market access opportunities for
25 United States information and communications

1 technology companies to provide services on the
2 infrastructure being financed by the Bank.

3 (c) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Bank shall submit to
5 Congress a report that contains the results of the study
6 required by subsection (a).