

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2016

To authorize elements of the Department of Transportation,
and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. CANTWELL (for herself and Mr.
WICKER)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Surface Transportation Investment Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

Sec. 1101. Office of Multimodal Freight Infrastructure and Policy.

Sec. 1102. Updates to National Freight Plan.

Sec. 1103. State collaboration with National Multimodal Freight Network.

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- Sec. 1104. Improving State freight plans.
- Sec. 1105. Implementation of National Multimodal Freight Network.
- Sec. 1106. Multi-State freight corridor planning.

Subtitle B—Multimodal Investment

- Sec. 1201. National infrastructure project assistance.
- Sec. 1202. Local and regional project assistance.
- Sec. 1203. National culvert removal, replacement, and restoration grant program.
- Sec. 1204. Nationally significant multimodal freight projects.
- Sec. 1205. National multimodal cooperative freight research program.
- Sec. 1206. Rural and Tribal infrastructure advancement.

Subtitle C—Railroad Rehabilitation and Improvement Financing Reforms

- Sec. 1301. RRIF codification and reforms.
- Sec. 1302. Substantive criteria and standards.
- Sec. 1303. Semiannual report on transit-oriented development eligibility.

TITLE II—RAIL

- Sec. 2001. Short title.

Subtitle A—Authorization of Appropriations

- Sec. 2101. Grants to Amtrak.
- Sec. 2102. Federal Railroad Administration.
- Sec. 2103. Consolidated rail infrastructure and safety improvements grants.
- Sec. 2104. Railroad crossing elimination program.
- Sec. 2105. Restoration and enhancement grants.
- Sec. 2106. Federal-State partnership for intercity passenger rail grants.
- Sec. 2107. Amtrak Office of Inspector General.

Subtitle B—Amtrak Reforms

- Sec. 2201. Amtrak findings, mission, and goals.
- Sec. 2202. Composition of Amtrak's Board of Directors.
- Sec. 2203. Station agents.
- Sec. 2204. Increasing oversight of changes to Amtrak long-distance routes and other intercity services.
- Sec. 2205. Improved oversight of Amtrak accounting.
- Sec. 2206. Improved oversight of Amtrak spending.
- Sec. 2207. Increasing service line and asset line plan transparency.
- Sec. 2208. Passenger experience enhancement.
- Sec. 2209. Amtrak smoking policy.
- Sec. 2210. Protecting Amtrak routes through rural communities.
- Sec. 2211. State-Supported Route Committee.
- Sec. 2212. Enhancing cross border service.
- Sec. 2213. Creating quality jobs.
- Sec. 2214. Amtrak daily long-distance service study.

Subtitle C—Intercity Passenger Rail Policy

- Sec. 2301. Northeast Corridor planning.
- Sec. 2302. Northeast Corridor Commission.
- Sec. 2303. Consolidated rail infrastructure and safety improvements.
- Sec. 2304. Restoration and enhancement grants.

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- Sec. 2305. Railroad crossing elimination program.
- Sec. 2306. Interstate rail compacts.
- Sec. 2307. Federal-State partnership for intercity passenger rail grants.
- Sec. 2308. Corridor identification and development program.
- Sec. 2309. Surface Transportation Board passenger rail program.
- Sec. 2310. Railroad rights-of-way.

Subtitle D—Rail Safety

- Sec. 2401. Railway-highway crossings program evaluation.
- Sec. 2402. Grade crossing accident prediction model.
- Sec. 2403. Periodic updates to highway-rail crossing reports and plans.
- Sec. 2404. Blocked crossing portal.
- Sec. 2405. Data accessibility.
- Sec. 2406. Emergency lighting.
- Sec. 2407. Comprehensive rail safety review of Amtrak.
- Sec. 2408. Completion of hours of service and fatigue studies.
- Sec. 2409. Positive train control study.
- Sec. 2410. Operating crew member training, qualification, and certification.
- Sec. 2411. Transparency and safety.
- Sec. 2412. Research and development.
- Sec. 2413. Rail research and development center of excellence.
- Sec. 2414. Quarterly report on positive train control system performance.
- Sec. 2415. Speed limit action plans.
- Sec. 2416. New passenger service pre-revenue safety validation plan.
- Sec. 2417. Federal Railroad Administration accident and incident investigations.
- Sec. 2418. Civil penalty enforcement authority.
- Sec. 2419. Advancing safety and innovative technology.
- Sec. 2420. Passenger rail vehicle occupant protection systems.
- Sec. 2421. Federal Railroad Administration safety reporting.
- Sec. 2422. National Academies study on trains longer than 7,500 feet.
- Sec. 2423. High-speed train noise emissions.
- Sec. 2424. Critical incident stress plans.

TITLE III—MOTOR CARRIER SAFETY

- Sec. 3001. Authorization of appropriations.
- Sec. 3002. Motor carrier safety advisory committee.
- Sec. 3003. Combating human trafficking.
- Sec. 3004. Immobilization grant program.
- Sec. 3005. Commercial motor vehicle enforcement training and support.
- Sec. 3006. Study of commercial motor vehicle crash causation.
- Sec. 3007. Promoting women in the trucking workforce.
- Sec. 3008. State inspection of passenger-carrying commercial motor vehicles.
- Sec. 3009. Truck Leasing Task Force.
- Sec. 3010. Automatic emergency braking.
- Sec. 3011. Underride protection.
- Sec. 3012. Providers of recreational activities.
- Sec. 3013. Amendments to regulations relating to transportation of household goods in interstate commerce.
- Sec. 3014. Improving Federal-State motor carrier safety enforcement coordination.
- Sec. 3015. Limousine research.
- Sec. 3016. National Consumer Complaint Database.
- Sec. 3017. Electronic logging device oversight.

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TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

- Sec. 4101. Authorization of appropriations.
- Sec. 4102. Highway safety programs.
- Sec. 4103. Highway safety research and development.
- Sec. 4104. High-visibility enforcement programs.
- Sec. 4105. National priority safety programs.
- Sec. 4106. Multiple substance-impaired driving prevention.
- Sec. 4107. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 4108. Crash data.
- Sec. 4109. Review of Move Over or Slow Down Law public awareness.
- Sec. 4110. Review of laws, safety measures, and technologies relating to school buses.
- Sec. 4111. Motorecyclist Advisory Council.
- Sec. 4112. Safe Streets and Roads for All grant program.
- Sec. 4113. Implementation of GAO recommendations.

Subtitle B—Vehicle Safety

- Sec. 4201. Authorization of appropriations.
- Sec. 4202. Recall completion.
- Sec. 4203. Recall engagement.
- Sec. 4204. Motor vehicle seat back safety standards.
- Sec. 4205. Automatic shutoff.
- Sec. 4206. Petitions by interested persons for standards and enforcement.
- Sec. 4207. Child safety seat accessibility study.
- Sec. 4208. Crash avoidance technology.
- Sec. 4209. Reduction of driver distraction.
- Sec. 4210. Rulemaking report.
- Sec. 4211. Global harmonization.
- Sec. 4212. Headlamps.
- Sec. 4213. New Car Assessment Program.
- Sec. 4214. Hood and bumper standards.
- Sec. 4215. Emergency medical services and 9-1-1.
- Sec. 4216. Early warning reporting.
- Sec. 4217. Improved vehicle safety databases.
- Sec. 4218. National Driver Register Advisory Committee repeal.
- Sec. 4219. Research on connected vehicle technology.
- Sec. 4220. Advanced impaired driving technology.
- Sec. 4221. GAO report on crash dummies.

TITLE V—RESEARCH AND INNOVATION

- Sec. 5001. Intelligent Transportation Systems Program Advisory Committee.
- Sec. 5002. Smart Community Resource Center.
- Sec. 5003. Federal support for local decisionmaking.
- Sec. 5004. Bureau of Transportation Statistics.
- Sec. 5005. Strengthening mobility and revolutionizing transportation grant program.
- Sec. 5006. Electric vehicle working group.
- Sec. 5007. Risk and system resilience.
- Sec. 5008. Coordination on emerging transportation technology.
- Sec. 5009. Interagency Infrastructure Permitting Improvement Center.

- Sec. 5010. Rural opportunities to use transportation for economic success initiative.
- Sec. 5011. Advanced transportation technologies deployment program.
- Sec. 5012. Safety data initiative.
- Sec. 5013. Advanced transportation research.
- Sec. 5014. Open research initiative.
- Sec. 5015. Transportation research and development 5-year strategic plan.
- Sec. 5016. Research planning modifications.
- Sec. 5017. Incorporation of Department of Transportation research.
- Sec. 5018. University transportation centers program.
- Sec. 5019. National travel and tourism infrastructure strategic plan.
- Sec. 5020. Local hiring preference for construction jobs.
- Sec. 5021. Transportation workforce development.
- Sec. 5022. Intermodal Transportation Advisory Board repeal.
- Sec. 5023. GAO cybersecurity recommendations.
- Sec. 5024. Volpe oversight.

TITLE VI—HAZARDOUS MATERIALS

- Sec. 6001. Authorization of appropriations.
- Sec. 6002. Assistance for local emergency response training grant program.
- Sec. 6003. Real-time emergency response information.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

7 **TITLE I—MULTIMODAL AND** 8 **FREIGHT TRANSPORTATION** 9 **Subtitle A—Multimodal Freight** 10 **Policy**

11 **SEC. 1101. OFFICE OF MULTIMODAL FREIGHT INFRASTRUC-** 12 **TURE AND POLICY.**

13 (a) IN GENERAL.—Chapter 1 of title 49, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

1 **“§ 118. Office of Multimodal Freight Infrastructure**
2 **and Policy**

3 “(a) DEFINITIONS.—In this section:

4 “(1) DEPARTMENT.—The term ‘Department’
5 means the Department of Transportation.

6 “(2) FREIGHT OFFICE.—The term ‘Freight Of-
7 fice’ means the Office of Multimodal Freight Infra-
8 structure and Policy established under subsection
9 (b).

10 “(3) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of Transportation.

12 “(b) ESTABLISHMENT.—The Secretary shall estab-
13 lish within the Department an Office of Multimodal
14 Freight Infrastructure and Policy.

15 “(c) PURPOSES.—The purposes of the Freight Office
16 shall be—

17 “(1) to carry out the national multimodal
18 freight policy described in section 70101;

19 “(2) to administer and oversee certain
20 multimodal freight grant programs within the De-
21 partment in accordance with subsection (d);

22 “(3) to promote and facilitate the sharing of in-
23 formation between the private and public sectors
24 with respect to freight issues;

25 “(4) to conduct research on improving
26 multimodal freight mobility, and to oversee the

1 freight research activities of the various agencies
2 within the Department;

3 “(5) to assist cities and States in developing
4 freight mobility and supply chain expertise;

5 “(6) to liaise and coordinate with other Federal
6 departments and agencies; and

7 “(7) to carry out other duties, as prescribed by
8 the Secretary.

9 “(d) ADMINISTRATION OF POLICIES AND PRO-
10 GRAMS.—The Freight Office shall—

11 “(1) develop and manage—

12 “(A) the national freight strategic plan de-
13 scribed in section 70102; and

14 “(B) the National Multimodal Freight
15 Network established under section 70103;

16 “(2)(A) oversee the development and updating
17 of the State freight plans described in section
18 70202; and

19 “(B) provide guidance or best practices relating
20 to the development and updating of State freight
21 plans under that section;

22 “(3)(A) administer multimodal freight grant
23 programs, including multimodal freight grants estab-
24 lished under section 117 of title 23; and

1 “(B) establish procedures for analyzing and
2 evaluating applications for grants under those pro-
3 grams;

4 “(4) assist States in the establishment of—

5 “(A) State freight advisory committees
6 under section 70201; and

7 “(B) multi-State freight mobility compacts
8 under section 70204; and

9 “(5) provide to the Bureau of Transportation
10 Statistics input regarding freight data and planning
11 tools.

12 “(e) ASSISTANT SECRETARY.—

13 “(1) IN GENERAL.—The Freight Office shall be
14 headed by an Assistant Secretary for Multimodal
15 Freight, who shall—

16 “(A) be appointed by the President, by and
17 with the advice and consent of the Senate; and

18 “(B) have professional standing and dem-
19 onstrated knowledge in the field of freight
20 transportation.

21 “(2) DUTIES.—The Assistant Secretary shall—

22 “(A) report to the Under Secretary of
23 Transportation for Policy;

1 “(B) be responsible for the management
2 and oversight of the activities, decisions, oper-
3 ations, and personnel of the Freight Office;

4 “(C) work with the modal administrations
5 of the Department to encourage multimodal col-
6 laboration; and

7 “(D) carry out such additional duties as
8 the Secretary may prescribe.

9 “(f) CONSOLIDATION AND ELIMINATION OF DUPLI-
10 CATIVE OFFICES.—

11 “(1) CONSOLIDATION OF OFFICES AND OFFICE
12 FUNCTIONS.—The Secretary may consolidate into
13 the Freight Office any office or office function with-
14 in the Department that the Secretary determines
15 has duties, responsibilities, resources, or expertise
16 that support the purposes of the Freight Office.

17 “(2) ELIMINATION OF OFFICES.—The Sec-
18 retary may eliminate any office within the Depart-
19 ment if the Secretary determines that—

20 “(A) the purposes of the office are duplica-
21 tive of the purposes of the Freight Office;

22 “(B) the office or the functions of the of-
23 fice have been substantially consolidated with
24 the Freight Office pursuant to paragraph (1);

1 “(C) the elimination of the office will not
2 adversely affect the requirements of the Sec-
3 retary under any Federal law; and

4 “(D) the elimination of the office will im-
5 prove the efficiency and effectiveness of the pro-
6 grams and functions conducted by the office.

7 “(g) STAFFING AND BUDGETARY RESOURCES.—

8 “(1) IN GENERAL.—The Secretary shall ensure
9 that the Freight Office is adequately staffed and
10 funded.

11 “(2) STAFFING.—

12 “(A) TRANSFER OF POSITIONS TO
13 FREIGHT OFFICE.—Subject to subparagraph
14 (B), the Secretary may transfer to the Freight
15 Office any position within any other office of
16 the Department if the Secretary determines
17 that the position is necessary to carry out the
18 purposes of the Freight Office.

19 “(B) REQUIREMENT.—If the Secretary
20 transfers a position to the Freight Office pursu-
21 ant to subparagraph (A), the Secretary, in co-
22 ordination with the appropriate modal adminis-
23 tration of the Department, shall ensure that the
24 transfer of the position does not adversely af-

1 fect the requirements of the modal administra-
2 tion under any Federal law.

3 “(3) BUDGETARY RESOURCES.—

4 “(A) TRANSFER OF FUNDS FROM CON-
5 SOLIDATED OR ELIMINATED OFFICES.—

6 “(i) IN GENERAL.—To carry out the
7 purposes of the Freight Office, the Sec-
8 retary may transfer to the Freight Office
9 from any office or office function that is
10 consolidated or eliminated under sub-
11 section (f) any funds allocated for the con-
12 solidated or eliminated office or office
13 function.

14 “(ii) RETRANSFER.—Any portion of
15 any funds or limitations of obligations
16 transferred to the Freight Office pursuant
17 to clause (i) may be transferred back to,
18 and merged with, the original account.

19 “(B) TRANSFER OF FUNDS ALLOCATED
20 FOR ADMINISTRATIVE COSTS.—

21 “(i) IN GENERAL.—The Secretary
22 may transfer to the Freight Office any
23 funds allocated for the administrative costs
24 of the programs referred to in subsection
25 (d)(3).

1 “(ii) RETRANSFER.—Any portion of
2 any funds or limitations of obligations
3 transferred to the Freight Office pursuant
4 to clause (i) may be transferred back to,
5 and merged with, the original account.

6 “(h) WEBSITE.—

7 “(1) DESCRIPTION OF FREIGHT OFFICE.—The
8 Secretary shall make publicly available on the
9 website of the Department a description of the
10 Freight Office, including a description of—

11 “(A) the programs managed or made avail-
12 able by the Freight Office; and

13 “(B) the eligibility requirements for those
14 programs.

15 “(2) CLEARINGHOUSE.—The Secretary may es-
16 tablish a clearinghouse for tools, templates, guid-
17 ance, and best practices on a page of the website of
18 the Department that supports the purposes of this
19 section.

20 “(i) NOTIFICATION TO CONGRESS.—Not later than
21 1 year after the date of enactment of this section, and
22 not less frequently than once every 180 days thereafter
23 until the date on which the Secretary determines that the
24 requirements of this section have been met, the Secretary
25 shall submit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives a notification that—

4 “(1) describes—

5 “(A) the programs and activities adminis-
6 tered or overseen by the Freight Office; and

7 “(B) the status of those programs and ac-
8 tivities;

9 “(2) identifies—

10 “(A) the number of employees working in
11 the Freight Office as of the date of the notifica-
12 tion; and

13 “(B) the total number of employees ex-
14 pected to join the Freight Office to support the
15 programs and activities described in paragraph
16 (1);

17 “(3)(A) indicates whether the Secretary has
18 consolidated into the Freight Office any office or of-
19 fice function pursuant to subsection (f)(1); and

20 “(B) if the Secretary has consolidated such an
21 office or function, describes the rationale for the
22 consolidation;

23 “(4)(A) indicates whether the Secretary has
24 eliminated any office pursuant to subsection (f)(2);
25 and

1 “(B) if the Secretary has eliminated such an of-
2 fice, describes the rationale for the elimination;

3 “(5) describes any other actions carried out by
4 the Secretary to implement this section; and

5 “(6) describes any recommendations of the Sec-
6 retary for legislation that may be needed to further
7 implement this section.

8 “(j) SAVINGS PROVISIONS.—

9 “(1) EFFECT ON OTHER LAW.—Except as oth-
10 erwise provided in this section, nothing in this sec-
11 tion alters or affects any law (including regulations)
12 with respect to a program referred to in subsection
13 (d).

14 “(2) EFFECT ON RESPONSIBILITIES OF OTHER
15 AGENCIES.—Except as otherwise provided in this
16 section, nothing in this section abrogates the respon-
17 sibilities of any agency, operating administration, or
18 office within the Department that is otherwise
19 charged by law (including regulations) with any as-
20 pect of program administration, oversight, or project
21 approval or implementation with respect to a pro-
22 gram or project subject to the responsibilities of the
23 Freight Office under this section.

24 “(3) EFFECT ON PENDING APPLICATIONS.—
25 Nothing in this section affects any pending applica-

1 tion under a program referred to in subsection (d)
2 that was received by the Secretary on or before the
3 date of enactment of the Surface Transportation In-
4 vestment Act of 2021.

5 “(k) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There are authorized to be
7 appropriated to the Secretary such sums as are nec-
8 essary to carry out this section.

9 “(2) CERTAIN ACTIVITIES.—Authorizations
10 under subsections (f) and (g) are subject to appro-
11 priations.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 1 of title 49, United States Code, is amended by insert-
14 ing after the item relating to section 117 the following:

 “118. Office of Multimodal Freight Infrastructure and Policy.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 70101(c) of title 49, United States
17 Code, is amended, in the matter preceding para-
18 graph (1), by striking “Under Secretary of Trans-
19 portation for Policy” and inserting “Assistant Sec-
20 retary for Multimodal Freight”.

21 (2) Section 70102 of title 49, United States
22 Code, is amended—

23 (A) in subsection (a), in the matter pre-
24 ceding paragraph (1), by striking “Not later”
25 and all that follows through “the Under Sec-

1 retary of Transportation for Policy” and insert-
2 ing “The Assistant Secretary for Multimodal
3 Freight (referred to in this section as the ‘As-
4 sistant Secretary)’”;

5 (B) in subsection (b)(4), in the matter pre-
6 ceding subparagraph (A), by striking “Under
7 Secretary” and inserting “Assistant Secretary”;

8 (C) in subsection (c), by striking “Under
9 Secretary” and inserting “Assistant Secretary”;
10 and

11 (D) in subsection (d), in the matter pre-
12 ceding paragraph (1), by striking “Under Sec-
13 retary” and inserting “Assistant Secretary”.

14 (3) Section 70103 of title 49, United States
15 Code, is amended—

16 (A) in subsection (a), in the matter pre-
17 ceding paragraph (1), by striking “Under Sec-
18 retary of Transportation for Policy” and insert-
19 ing “Assistant Secretary for Multimodal
20 Freight (referred to in this section as the ‘As-
21 sistant Secretary)’”;

22 (B) by striking subsection (b);

23 (C) by redesignating subsections (c) and
24 (d) as subsections (b) and (c), respectively;

1 (D) in subsection (b) (as so redesign-
2 nated)—

3 (i) in the subsection heading, by strik-
4 ing “FINAL NETWORK” and inserting
5 “DESIGNATION OF NATIONAL
6 MULTIMODAL FREIGHT NETWORK”;

7 (ii) in paragraph (1), in the matter
8 preceding subparagraph (A), by striking
9 “Not later” and all that follows through
10 “Under Secretary” and inserting “The As-
11 sistant Secretary”;

12 (iii) in paragraph (2), in the matter
13 preceding subparagraph (A), by striking
14 “Under Secretary” and inserting “Assist-
15 ant Secretary”; and

16 (iv) in paragraph (3), in the matter
17 preceding subparagraph (A), by striking
18 “Under Secretary” and inserting “Assist-
19 ant Secretary”; and

20 (E) in subsection (c) (as so redesign-
21 nated)—

22 (i) by striking “subsection (c)” each
23 place it appears and inserting “subsection
24 (b)”;

1 (ii) by striking “Under Secretary”
2 and inserting “Assistant Secretary”.

3 (4) Section 116(d)(1) of title 49, United States
4 Code, is amended by striking subparagraph (D).

5 **SEC. 1102. UPDATES TO NATIONAL FREIGHT PLAN.**

6 Section 70102(b) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (10), by striking “and” at the
9 end;

10 (2) in paragraph (11), by striking the period at
11 the end and inserting a semicolon; and

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

13 “(12) best practices for reducing environmental
14 impacts of freight movement (including stormwater
15 runoff) and improving resiliency of the national
16 multimodal freight system;

17 “(13) consideration of any potential unique im-
18 pacts of the national freight system on rural and
19 other underserved and historically disadvantaged
20 communities;

21 “(14) strategies for decarbonizing freight move-
22 ment, as appropriate; and

23 “(15) consideration of the impacts of e-com-
24 merce on the national multimodal freight system.”.

1 **SEC. 1103. STATE COLLABORATION WITH NATIONAL**
2 **MULTIMODAL FREIGHT NETWORK.**

3 Subsection (b) of section 70103 of title 49, United
4 States Code (as redesignated by section 1101(c)(3)(C)),
5 is amended—

6 (1) in paragraph (3), by striking subparagraph
7 (C) and inserting the following:

8 “(C) provide to the States an opportunity
9 to submit proposed designations from the
10 States in accordance with paragraph (4).”; and

11 (2) in paragraph (4)—

12 (A) in subparagraph (C)(i), by striking
13 “20 percent” and inserting “30 percent”; and

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

15 “(E) CONDITION FOR ACCEPTANCE.—The
16 Secretary shall accept from a State a designa-
17 tion under subparagraph (D) only if the Sec-
18 retary determines that the designation meets
19 the applicable requirements of subparagraph
20 (A).”.

21 **SEC. 1104. IMPROVING STATE FREIGHT PLANS.**

22 (a) IN GENERAL.—Section 70202 of title 49, United
23 States Code, is amended—

24 (1) in subsection (b)—

25 (A) in paragraph (9), by striking “and” at
26 the end;

1 (B) by redesignating paragraph (10) as
2 paragraph (16); and

3 (C) by inserting after paragraph (9) the
4 following:

5 “(10) the most recent commercial motor vehicle
6 parking facilities assessment conducted by the State
7 under subsection (f);

8 “(11) the most recent supply chain cargo flows
9 in the State, expressed by mode of transportation;

10 “(12) an inventory of commercial ports in the
11 State;

12 “(13) if applicable, consideration of the findings
13 or recommendations made by any multi-State freight
14 compact to which the State is a party under section
15 70204;

16 “(14) the impacts of e-commerce on freight in-
17 frastructure in the State;

18 “(15) considerations of military freight; and”;

19 and

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

21 “(f) COMMERCIAL MOTOR VEHICLE PARKING FA-
22 CILITIES ASSESSMENTS.—As part of the development or
23 updating, as applicable, of a State freight plan under this
24 section, each State that receives funding under section 167

1 of title 23, in consultation with relevant State motor car-
2 rier safety personnel, shall conduct an assessment of—

3 “(1) the capability of the State, together with
4 the private sector in the State, to provide adequate
5 parking facilities and rest facilities for commercial
6 motor vehicles engaged in interstate transportation;

7 “(2) the volume of commercial motor vehicle
8 traffic in the State; and

9 “(3) whether there exist any areas within the
10 State with a shortage of adequate commercial motor
11 vehicle parking facilities, including an analysis (eco-
12 nomic or otherwise, as the State determines to be
13 appropriate) of the underlying causes of such a
14 shortage.”.

15 (b) ALIGNMENT OF TRANSPORTATION PLANNING.—
16 Section 70202 of title 49, United States Code, is amend-
17 ed—

18 (1) in subsection (d), by striking “5-year” and
19 inserting “8-year”; and

20 (2) in subsection (e)(1), by striking “5 years”
21 and inserting “4 years”.

22 **SEC. 1105. IMPLEMENTATION OF NATIONAL MULTIMODAL**
23 **FREIGHT NETWORK.**

24 Not later than 30 days after the date of enactment
25 of this Act, the Secretary shall submit to the Committee

1 on Commerce, Science, and Transportation of the Senate
2 and the Committee on Transportation and Infrastructure
3 of the House of Representatives a report that—

4 (1) describes the status of the designation of
5 the final National Multimodal Freight Network re-
6 quired under section 70103 of title 49, United
7 States Code;

8 (2) explains the reasons why the designation of
9 the network referred to in paragraph (1) has not
10 been finalized, if applicable; and

11 (3) estimates the date by which that network
12 will be designated.

13 **SEC. 1106. MULTI-STATE FREIGHT CORRIDOR PLANNING.**

14 (a) IN GENERAL.—Chapter 702 of title 49, United
15 States Code, is amended—

16 (1) by redesignating section 70204 as section
17 70206; and

18 (2) by inserting after section 70203 the fol-
19 lowing:

20 **“§ 70204. Multi-State freight corridor planning**

21 “(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY
22 COMPACTS.—Congress grants consent to States, cities, re-
23 gional planning organizations, federally recognized Indian
24 Tribes, and local public authorities (including public port
25 authorities) that are regionally linked with an interest in

1 a specific nationally or regionally significant multi-State
2 freight corridor to enter into multi-State compacts to pro-
3 mote the improved mobility of goods, including—

4 “(1) identifying projects along the corridor that
5 benefit multiple States;

6 “(2) assembling rights-of-way; and

7 “(3) performing capital improvements.

8 “(b) FINANCING.—A multi-State freight compact es-
9 tablished by entities under subsection (a) may provide
10 that, in order to carry out the compact, the relevant States
11 or other entities may—

12 “(1) accept contributions from a unit of State
13 or local government;

14 “(2) use any Federal or State funds made
15 available for freight mobility infrastructure planning
16 or construction, including applying for grants;

17 “(3) subject to such terms and conditions as
18 the States consider to be advisable—

19 “(A) borrow money on a short-term basis;

20 and

21 “(B) issue—

22 “(i) notes for borrowing under sub-
23 paragraph (A); and

24 “(ii) bonds; and

1 “(4) obtain financing by other means permitted
2 under applicable Federal or State law.

3 “(c) ADVISORY COMMITTEES.—

4 “(1) IN GENERAL.—A multi-State freight com-
5 pact under this section may establish a multi-State
6 freight corridor advisory committee, which shall in-
7 clude representatives of State departments of trans-
8 portation and other public and private sector entities
9 with an interest in freight mobility, such as—

10 “(A) ports;

11 “(B) freight railroads;

12 “(C) shippers;

13 “(D) carriers;

14 “(E) freight-related associations;

15 “(F) third-party logistics providers;

16 “(G) the freight industry workforce;

17 “(H) environmental organizations;

18 “(I) community organizations; and

19 “(J) units of local government.

20 “(2) ACTIVITIES.—An advisory committee es-
21 tablished under paragraph (1) may—

22 “(A) advise the parties to the applicable
23 multi-State freight compact with respect to
24 freight-related priorities, issues, projects, and
25 funding needs that impact multi-State—

1 “(i) freight mobility; and

2 “(ii) supply chains;

3 “(B) serve as a forum for States, Indian
4 Tribes, and other public entities to discuss deci-
5 sions affecting freight mobility;

6 “(C) communicate and coordinate multi-
7 State freight priorities with other organizations;

8 “(D) promote the sharing of information
9 between the private and public sectors with re-
10 spect to freight issues; and

11 “(E) provide information for consideration
12 in the development of State freight plans under
13 section 70202.

14 “(d) GRANTS.—

15 “(1) ESTABLISHMENT.—The Secretary of
16 Transportation (referred to in this section as the
17 ‘Secretary’) shall establish a program under which
18 the Secretary shall provide grants to multi-State
19 freight compacts that seek to improve a route or cor-
20 ridor that is a part of the National Multimodal
21 Freight Network established under section 70103.

22 “(2) NEW COMPACTS.—

23 “(A) IN GENERAL.—To incentivize the es-
24 tablishment of multi-State freight compacts, the
25 Secretary may award a grant to multi-State

1 freight compacts established under subsection
2 (a) during the 2-year period beginning on the
3 date of establishment for operations costs in an
4 amount of not more than \$2,000,000.

5 “(B) ELIGIBILITY.—A multi-State freight
6 compact shall be eligible for a grant under this
7 paragraph only during the initial 2 years of op-
8 eration of the compact.

9 “(C) REQUIREMENTS.—To be eligible to
10 receive a grant under this paragraph, a multi-
11 State freight compact shall—

12 “(i) submit to the Secretary an appli-
13 cation at such time, in such manner, and
14 containing such information as the Sec-
15 retary may require;

16 “(ii) provide a non-Federal match
17 equal to not less than 25 percent of the op-
18 erating costs of the multi-State freight
19 compact; and

20 “(iii) commit to establishing a multi-
21 State freight corridor advisory committee
22 under subsection (c)(1) during the initial
23 2-year period of operation of the compact.

24 “(3) EXISTING COMPACTS.—

1 “(A) IN GENERAL.—The Secretary may
2 award a grant to multi-State freight compacts
3 that are not eligible to receive a grant under
4 paragraph (2) for operations costs in an
5 amount of not more than \$1,000,000.

6 “(B) REQUIREMENTS.—To be eligible to
7 receive a grant under this paragraph, a multi-
8 State freight compact shall—

9 “(i) submit to the Secretary an appli-
10 cation at such time, in such manner, and
11 containing such information as the Sec-
12 retary may require;

13 “(ii) provide a non-Federal match of
14 not less than 50 percent of the operating
15 costs of the compact; and

16 “(iii) demonstrate that the compact
17 has established a multi-State freight cor-
18 ridor advisory committee under subsection
19 (c)(1).

20 “(4) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated to the Sec-
22 retary \$5,000,000 for each fiscal year to carry out
23 this subsection.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 702 of title 49, United States Code, is amended by

1 striking the item relating to section 70204 and inserting
 2 the following:

“70204. Multi-State freight corridor planning.
 “70206. Savings provision.”.

3 **Subtitle B—Multimodal Investment**

4 **SEC. 1201. NATIONAL INFRASTRUCTURE PROJECT ASSIST-** 5 **ANCE.**

6 Subtitle III of title 49, United States Code, is amend-
 7 ed by adding at the end the following:

8 **“CHAPTER 67—NATIONAL** 9 **INFRASTRUCTURE INVESTMENTS**

“6701. National infrastructure project assistance.
 “6702. Local and regional project assistance.

10 **“§ 6701. National infrastructure project assistance**

11 “(a) DEFINITIONS.—In this section:

12 “(1) DEPARTMENT.—The term ‘Department’
 13 means the Department of Transportation.

14 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
 15 tity’ means—

16 “(A) a State or a group of States;

17 “(B) a metropolitan planning organization;

18 “(C) a unit of local government;

19 “(D) a political subdivision of a State;

20 “(E) a special purpose district or public
 21 authority with a transportation function, includ-
 22 ing a port authority;

1 “(F) a Tribal government or a consortium
2 of Tribal governments;

3 “(G) a partnership between Amtrak and 1
4 or more entities described in subparagraphs (A)
5 through (F); and

6 “(H) a group of entities described in any
7 of subparagraphs (A) through (G).

8 “(3) PROGRAM.—The term ‘program’ means
9 the program established by subsection (b).

10 “(4) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of Transportation.

12 “(5) STATE.—The term ‘State’ means—

13 “(A) any of the several States;

14 “(B) the District of Columbia;

15 “(C) the Commonwealth of Puerto Rico;

16 “(D) the Commonwealth of the Northern
17 Mariana Islands;

18 “(E) the United States Virgin Islands;

19 “(F) Guam;

20 “(G) American Samoa; and

21 “(H) any other territory or possession of
22 the United States.

23 “(b) ESTABLISHMENT.—There is established a pro-
24 gram under which the Secretary shall provide to eligible
25 entities grants, on a competitive basis pursuant to single-

1 year or multiyear grant agreements, for projects described
2 in subsection (d).

3 “(c) APPLICATIONS.—

4 “(1) IN GENERAL.—To be eligible for a grant
5 under the program, an eligible entity shall submit to
6 the Secretary an application at such time, in such
7 manner, and containing such information as the Sec-
8 retary determines to be appropriate.

9 “(2) PLAN FOR DATA COLLECTION.—An appli-
10 cation under paragraph (1) shall include a plan for
11 data collection and analysis described in subsection
12 (g).

13 “(d) ELIGIBLE PROJECTS.—The Secretary may pro-
14 vide a grant under the program only for a project—

15 “(1) that is—

16 “(A) a highway or bridge project carried
17 out on—

18 “(i) the National Multimodal Freight
19 Network established under section 70103;

20 “(ii) the National Highway Freight
21 Network established under section 167 of
22 title 23; or

23 “(iii) the National Highway System
24 (as defined in section 101(a) of title 23);

1 “(B) a freight intermodal (including public
2 ports) or freight rail project that provides a
3 public benefit;

4 “(C) a railway-highway grade separation
5 or elimination project;

6 “(D) an intercity passenger rail project;

7 “(E) a public transportation project that
8 is—

9 “(i) eligible for assistance under chap-
10 ter 53; and

11 “(ii) part of a project described in any
12 of subparagraphs (A) through (D); or

13 “(F) a grouping, combination, or program
14 of interrelated, connected, or dependent projects
15 of any of the projects described in subpara-
16 graphs (A) through (E); and

17 “(2) the eligible project costs of which are—

18 “(A) reasonably anticipated to equal or ex-
19 ceed \$500,000,000; or

20 “(B) for any project funded by the set-
21 aside under subsection (m)(2)—

22 “(i) more than \$100,000,000; but

23 “(ii) less than \$500,000,000.

1 “(E) the applicant has, or will have, suffi-
2 cient legal, financial, and technical capacity to
3 carry out the project.

4 “(2) EVALUATION CRITERIA.—In awarding a
5 grant under the program, the Secretary shall evalu-
6 ate—

7 “(A) the extent to which a project supports
8 achieving a state of good repair for each exist-
9 ing asset to be improved by the project;

10 “(B) the level of benefits a project is ex-
11 pected to generate, including—

12 “(i) the costs avoided by the preven-
13 tion of closure or reduced use of the asset
14 to be improved by the project;

15 “(ii) reductions in maintenance costs
16 over the life of the applicable asset;

17 “(iii) safety benefits, including the re-
18 duction of serious injuries and fatalities
19 and related costs;

20 “(iv) improved person or freight
21 throughput, including improved mobility
22 and reliability; and

23 “(v) environmental benefits and
24 health impacts, such as—

1 “(I) reductions in greenhouse gas
2 emissions;

3 “(II) air quality benefits;

4 “(III) preventing stormwater
5 runoff that would be a detriment to
6 aquatic species; and

7 “(IV) improved infrastructure re-
8 silience;

9 “(C) the benefits of the project, as com-
10 pared to the costs of the project;

11 “(D) the number of persons or volume of
12 freight, as applicable, supported by the project;
13 and

14 “(E) national and regional economic bene-
15 fits of the project, including with respect to
16 short- and long-term job access, growth, or cre-
17 ation.

18 “(3) ADDITIONAL CONSIDERATIONS.—In select-
19 ing projects to receive grants under the program, the
20 Secretary shall take into consideration—

21 “(A) contributions to geographical diver-
22 sity among grant recipients, including a balance
23 between the needs of rural and urban commu-
24 nities;

1 “(B) whether multiple States would benefit
2 from a project;

3 “(C) whether, and the degree to which, a
4 project uses—

5 “(i) construction materials or ap-
6 proaches that have—

7 “(I) demonstrated reductions in
8 greenhouse gas emissions; or

9 “(II) reduced the need for main-
10 tenance of other projects; or

11 “(ii) technologies that will allow for
12 future connectivity and automation;

13 “(D) whether a project would benefit—

14 “(i) a historically disadvantaged com-
15 munity or population; or

16 “(ii) an area of persistent poverty;

17 “(E) whether a project benefits users of
18 multiple modes of transportation, including—

19 “(i) pedestrians;

20 “(ii) bicyclists; and

21 “(iii) users of nonvehicular rail and
22 public transportation, including intercity
23 and commuter rail; and

24 “(F) whether a project improves
25 connectivity between modes of transportation

1 moving persons or goods nationally or region-
2 ally.

3 “(4) RATINGS.—

4 “(A) IN GENERAL.—In evaluating applica-
5 tions for a grant under the program, the Sec-
6 retary shall assign the project proposed in the
7 application a rating described in subparagraph
8 (B), based on the information contained in the
9 applicable notice published under paragraph
10 (5).

11 “(B) RATINGS.—

12 “(i) HIGHLY RECOMMENDED.—The
13 Secretary shall assign a rating of ‘highly
14 recommended’ to projects that, in the de-
15 termination of the Secretary—

16 “(I) are exemplary projects of
17 national or regional significance; and

18 “(II) would provide significant
19 public benefit, as determined based on
20 the applicable criteria described in
21 this subsection, if funded under the
22 program.

23 “(ii) RECOMMENDED.—The Secretary
24 shall assign a rating of ‘recommended’ to

1 projects that, in the determination of the
2 Secretary—

3 “(I) are of national or regional
4 significance; and

5 “(II) would provide public ben-
6 efit, as determined based on the appli-
7 cable criteria described in this sub-
8 section, if funded under the program.

9 “(iii) NOT RECOMMENDED.—The Sec-
10 retary shall assign a rating of ‘not rec-
11 ommended’ to projects that, in the deter-
12 mination of the Secretary, should not re-
13 ceive a grant under the program, based on
14 the applicable criteria described in this
15 subsection.

16 “(C) TECHNICAL ASSISTANCE.—

17 “(i) IN GENERAL.—On request of an
18 eligible entity that submitted an applica-
19 tion under subsection (c) for a project that
20 is not selected to receive a grant under the
21 program, the Secretary shall provide to the
22 eligible entity technical assistance and
23 briefings relating to the project.

24 “(ii) TREATMENT.—Technical assist-
25 ance provided under this subparagraph

1 shall not be considered a guarantee of fu-
2 ture selection of the applicable project
3 under the program.

4 “(5) PUBLICATION OF PROJECT EVALUATION
5 AND SELECTION CRITERIA.—Not later than 90 days
6 after the date of enactment of this chapter, the Sec-
7 retary shall publish and make publicly available on
8 the website of the Department a notice that contains
9 a detailed explanation of—

10 “(A) the method by which the Secretary
11 will determine whether a project satisfies the
12 applicable requirements described in paragraph
13 (1);

14 “(B) any additional ratings the Secretary
15 may assign to determine the means by which a
16 project addresses the selection criteria and ad-
17 ditional considerations described in paragraphs
18 (2) and (3); and

19 “(C) the means by which the project re-
20 quirements and ratings referred to in subpara-
21 graphs (A) and (B) will be used to assign an
22 overall rating for the project under paragraph
23 (4).

24 “(6) PROJECT SELECTION PRIORITY.—In
25 awarding grants under the program, the Secretary

1 shall give priority to projects to which the Secretary
2 has assigned a rating of ‘highly recommended’ under
3 paragraph (4)(B)(i).

4 “(g) DATA COLLECTION AND ANALYSIS.—

5 “(1) PLAN.—

6 “(A) IN GENERAL.—An eligible entity
7 seeking a grant under the program shall submit
8 to the Secretary, together with the grant appli-
9 cation, a plan for the collection and analysis of
10 data to identify in accordance with the frame-
11 work established under paragraph (2)—

12 “(i) the impacts of the project; and

13 “(ii) the accuracy of any forecast pre-
14 pared during the development phase of the
15 project and included in the grant applica-
16 tion.

17 “(B) CONTENTS.—A plan under subpara-
18 graph (A) shall include—

19 “(i) an approach to measuring—

20 “(I) the criteria described in sub-
21 section (f)(2); and

22 “(II) if applicable, the additional
23 requirements described in subsection
24 (f)(3);

1 “(ii) an approach for analyzing the
2 consistency of predicted project character-
3 istics with actual outcomes; and

4 “(iii) any other elements that the Sec-
5 retary determines to be necessary.

6 “(2) FRAMEWORK.—The Secretary may publish
7 a standardized framework for the contents of the
8 plans under paragraph (1), which may include, as
9 appropriate—

10 “(A) standardized forecasting and meas-
11 urement approaches;

12 “(B) data storage system requirements;
13 and

14 “(C) any other requirements the Secretary
15 determines to be necessary to carry out this
16 section.

17 “(3) MULTIYEAR GRANT AGREEMENTS.—The
18 Secretary shall require an eligible entity, as a condi-
19 tion of receiving funding pursuant to a multiyear
20 grant agreement under the program, to collect addi-
21 tional data to measure the impacts of the project
22 and to accurately track improvements made by the
23 project, in accordance with a plan described in para-
24 graph (1).

25 “(4) REPORTS.—

1 “(A) development-phase activities and
2 costs, including planning, feasibility analysis,
3 revenue forecasting, alternatives analysis, data
4 collection and analysis, environmental review
5 and activities to support environmental review,
6 preliminary engineering and design work, and
7 other preconstruction activities, including the
8 preparation of a data collection and post-con-
9 struction analysis plan under subsection (g);
10 and

11 “(B) construction, reconstruction, rehabili-
12 tation, acquisition of real property (including
13 land relating to the project and improvements
14 to that land), environmental mitigation (includ-
15 ing projects to replace or rehabilitate culverts
16 or reduce stormwater runoff for the purpose of
17 improving habitat for aquatic species), con-
18 struction contingencies, acquisition of equip-
19 ment, protection, and operational improvements
20 directly relating to the project.

21 “(2) INTEREST AND OTHER FINANCING
22 COSTS.—The interest and other financing costs of
23 carrying out any part of a project under a multiyear
24 grant agreement within a reasonable period of time
25 shall be considered to be an eligible project cost only

1 if the applicable eligible entity certifies to the Sec-
2 retary that the eligible entity has demonstrated rea-
3 sonable diligence in seeking the most favorable fi-
4 nancing terms.

5 “(i) COST SHARING.—

6 “(1) IN GENERAL.—The total amount awarded
7 for a project under the program may not exceed 60
8 percent of the total eligible project costs described in
9 subsection (h).

10 “(2) MAXIMUM FEDERAL INVOLVEMENT.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), Federal assistance other than a
13 grant awarded under the program may be pro-
14 vided for a project for which a grant is awarded
15 under the program.

16 “(B) LIMITATION.—The total amount of
17 Federal assistance provided for a project for
18 which a grant is awarded under the program
19 shall not exceed 80 percent of the total cost of
20 the project.

21 “(C) NON-FEDERAL SHARE.—Secured
22 loans or financing provided under section 603
23 of title 23 or section 22402 of this title and re-
24 paid with local funds or revenues shall be con-

1 sidered to be part of the local share of the cost
2 of a project.

3 “(3) APPLICATION TO MULTIYEAR AGREE-
4 MENTS.—Notwithstanding any other provision of
5 this title, in any case in which amounts are provided
6 under the program pursuant to a multiyear agree-
7 ment, the disbursed Federal share of the cost of the
8 project may exceed the limitations described in para-
9 graphs (1) and (2)(B) for 1 or more years if the
10 total amount of the Federal share of the cost of the
11 project, once completed, does not exceed those limi-
12 tations.

13 “(j) GRANT AGREEMENTS.—

14 “(1) IN GENERAL.—A project for which an eli-
15 gible entity receives a multiyear grant under the pro-
16 gram shall be carried out in accordance with this
17 subsection.

18 “(2) TERMS.—A multiyear grant agreement
19 under this subsection shall—

20 “(A) establish the terms of Federal partici-
21 pation in the applicable project;

22 “(B) establish the maximum amount of
23 Federal financial assistance for the project;

1 “(C) establish a schedule of anticipated
2 Federal obligations for the project that provides
3 for obligation of the full grant amount;

4 “(D) describe the period of time for com-
5 pleting the project, regardless of whether that
6 period extends beyond the period of an author-
7 ization; and

8 “(E) facilitate timely and efficient manage-
9 ment of the applicable project by the eligible en-
10 tity carrying out the project, in accordance with
11 applicable law.

12 “(3) SPECIAL RULES.—

13 “(A) IN GENERAL.—A multiyear grant
14 agreement under this subsection—

15 “(i) shall provide for the obligation of
16 an amount of available budget authority
17 specified in law;

18 “(ii) may include a commitment, con-
19 tingent on amounts to be specified in law
20 in advance for commitments under this
21 paragraph, to obligate an additional
22 amount from future available budget au-
23 thority specified in law; and

24 “(iii) shall provide that any funds dis-
25 bursed under the program for the project

1 before the completion of any review re-
2 quired under the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et
4 seq.) may only cover costs associated with
5 development-phase activities described in
6 subsection (h)(1)(A).

7 “(B) CONTINGENT COMMITMENT.—A con-
8 tingent commitment under this paragraph is
9 not an obligation of the Federal Government,
10 including for purposes of section 1501 of title
11 31.

12 “(4) SINGLE-YEAR GRANTS.—The Secretary
13 may only provide to an eligible entity a full grant
14 under the program in a single year if all reviews re-
15 quired under the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4321 et seq.) with respect to the
17 applicable project have been completed before the re-
18 ceipt of any program funds.

19 “(k) CONGRESSIONAL NOTIFICATION.—

20 “(1) IN GENERAL.—Not later than 30 days be-
21 fore the date on which the Secretary publishes the
22 selection of projects to receive grants under the pro-
23 gram, the Secretary shall submit to the Committee
24 on Commerce, Science, and Transportation of the
25 Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a
2 written notice that includes—

3 “(A) a list of all project applications re-
4 viewed by the Secretary as part of the selection
5 process;

6 “(B) the rating assigned to each project
7 under subsection (f)(4);

8 “(C) an evaluation and justification with
9 respect to each project for which the Secretary
10 will—

11 “(i) provide a grant under the pro-
12 gram; and

13 “(ii) enter into a multiyear grant
14 agreement under the program;

15 “(D) a description of the means by which
16 the Secretary anticipates allocating among se-
17 lected projects the amounts made available to
18 the Secretary to carry out the program; and

19 “(E) anticipated funding levels required
20 for the 3 fiscal years beginning after the date
21 of submission of the notice for projects selected
22 for grants under the program, based on infor-
23 mation available to the Secretary as of that
24 date.

1 “(2) CONGRESSIONAL DISAPPROVAL.—The Sec-
2 retary may not provide a grant or any other obliga-
3 tion or commitment to fund a project under the pro-
4 gram if a joint resolution is enacted disapproving
5 funding for the project before the last day of the 30-
6 day period described in paragraph (1).

7 “(1) REPORTS.—

8 “(1) TRANSPARENCY.—Not later than 60 days
9 after the date on which the grants are announced
10 under the program, the Secretary shall publish on
11 the website of the Department a report that in-
12 cludes—

13 “(A) a list of all project applications re-
14 viewed by the Secretary as part of the selection
15 process under the program;

16 “(B) the rating assigned to each project
17 under subsection (f)(4); and

18 “(C) a description of each project for
19 which a grant has been provided under the pro-
20 gram.

21 “(2) COMPTROLLER GENERAL.—

22 “(A) ASSESSMENT.—The Comptroller Gen-
23 eral of the United States shall conduct an as-
24 sessment of the administrative establishment,
25 solicitation, selection, and justification process

1 with respect to the funding of grants under the
2 program.

3 “(B) REPORT.—Not later than 18 months
4 after the date on which the initial grants are
5 awarded for projects under the program, the
6 Comptroller General shall submit to the Com-
7 mittee on Commerce, Science, and Transpor-
8 tation of the Senate and the Committee on
9 Transportation and Infrastructure of the House
10 of Representatives a report that describes, as
11 applicable—

12 “(i) the adequacy and fairness of the
13 process by which the projects were se-
14 lected; and

15 “(ii) the justification and criteria used
16 for the selection of the projects.

17 “(m) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
19 appropriated to the Secretary to carry out the pro-
20 gram \$2,000,000,000 for each of fiscal years 2022
21 through 2026.

22 “(2) OTHER PROJECTS.—Of the amounts made
23 available under paragraph (1), 50 percent shall be
24 set aside for projects that have a project cost of—

25 “(A) more than \$100,000,000; but

1 “(B) less than \$500,000,000.

2 “(3) ADMINISTRATIVE EXPENSES.—Of the
3 amounts made available to carry out the program
4 for each fiscal year, the Secretary may reserve not
5 more than 2 percent for the costs of—

6 “(A) administering and overseeing the pro-
7 gram; and

8 “(B) hiring personnel for the program, in-
9 cluding personnel dedicated to processing per-
10 mitting and environmental review issues.

11 “(4) TRANSFER OF AUTHORITY.—The Sec-
12 retary may transfer any portion of the amounts re-
13 served under paragraph (3) for a fiscal year to the
14 Administrator of any of the Federal Highway Ad-
15 ministration, the Federal Transit Administration,
16 the Federal Railroad Administration, or the Mari-
17 time Administration to award and oversee grants in
18 accordance with this section.

19 “(n) ADDITIONAL REQUIREMENTS.—Each project
20 that receives a grant under the program shall achieve com-
21 pliance with the applicable requirements of—

22 “(1) title 23 relating to highway, road, and
23 bridge projects;

24 “(2) subchapter IV of chapter 31 of title 40;

1 “(3) title VI of the Civil Rights Act of 1964 (42
2 U.S.C. 2000d et seq.);

3 “(4) the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.);

5 “(5) chapter 53 relating to transit projects; and

6 “(6) section 22905, relating to rail projects.”.

7 **SEC. 1202. LOCAL AND REGIONAL PROJECT ASSISTANCE.**

8 (a) IN GENERAL.—Chapter 67 of subtitle III of title
9 49, United States Code (as added by section 1201), is
10 amended by adding at the end the following:

11 **“§ 6702. Local and regional project assistance**

12 “(a) DEFINITIONS.—In this section:

13 “(1) AREA OF PERSISTENT POVERTY.—The
14 term ‘area of persistent poverty’ means—

15 “(A) any county (or equivalent jurisdic-
16 tion) in which, during the 30-year period ending
17 on the date of enactment of this chapter, 20
18 percent or more of the population continually
19 lived in poverty, as measured by—

20 “(i) the 1990 decennial census;

21 “(ii) the 2000 decennial census; and

22 “(iii) the most recent annual small
23 area income and poverty estimate of the
24 Bureau of the Census;

1 “(B) any census tract with a poverty rate
2 of not less than 20 percent, as measured by the
3 5-year data series available from the American
4 Community Survey of the Bureau of the Census
5 for the period of 2014 through 2018; and

6 “(C) any territory or possession of the
7 United States.

8 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
9 tity’ means—

10 “(A) a State;

11 “(B) the District of Columbia;

12 “(C) any territory or possession of the
13 United States;

14 “(D) a unit of local government;

15 “(E) a public agency or publicly chartered
16 authority established by 1 or more States;

17 “(F) a special purpose district or public
18 authority with a transportation function, includ-
19 ing a port authority;

20 “(G) a federally recognized Indian Tribe or
21 a consortium of such Indian Tribes;

22 “(H) a transit agency; and

23 “(I) a multi-State or multijurisdictional
24 group of entities described in any of subpara-
25 graphs (A) through (H).

1 “(3) ELIGIBLE PROJECT.—The term ‘eligible
2 project’ means—

3 “(A) a highway or bridge project eligible
4 for assistance under title 23;

5 “(B) a public transportation project eligi-
6 ble for assistance under chapter 53;

7 “(C) a passenger rail or freight rail trans-
8 portation project eligible for assistance under
9 this title;

10 “(D) a port infrastructure investment, in-
11 cluding—

12 “(i) inland port infrastructure; and

13 “(ii) a land port-of-entry;

14 “(E) the surface transportation compo-
15 nents of an airport project eligible for assist-
16 ance under part B of subtitle VII;

17 “(F) a project for investment in a surface
18 transportation facility located on Tribal land,
19 the title or maintenance responsibility of which
20 is vested in the Federal Government;

21 “(G) a project to replace or rehabilitate a
22 culvert or prevent stormwater runoff for the
23 purpose of improving habitat for aquatic species
24 that will advance the goal of the program de-
25 scribed in subsection (b)(2); and

1 “(H) any other surface transportation in-
2 rastructure project that the Secretary con-
3 siders to be necessary to advance the goal of
4 the program.

5 “(4) PROGRAM.—The term ‘program’ means
6 the Local and Regional Project Assistance Program
7 established under subsection (b)(1).

8 “(5) RURAL AREA.—The term ‘rural area’
9 means an area that is located outside of an urban-
10 ized area.

11 “(6) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Transportation.

13 “(7) URBANIZED AREA.—The term ‘urbanized
14 area’ means an area with a population of more than
15 200,000 residents, based on the most recent decen-
16 nial census.

17 “(b) ESTABLISHMENT.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish and carry out a program, to be known as the
20 ‘Local and Regional Project Assistance Program’, to
21 provide for capital investments in surface transpor-
22 tation infrastructure.

23 “(2) GOAL.—The goal of the program shall be
24 to fund eligible projects that will have a significant

1 local or regional impact and improve transportation
2 infrastructure.

3 “(c) GRANTS.—

4 “(1) IN GENERAL.—In carrying out the pro-
5 gram, the Secretary may make grants to eligible en-
6 tities, on a competitive basis, in accordance with this
7 section.

8 “(2) AMOUNT.—Except as otherwise provided
9 in this section, each grant made under the program
10 shall be in an amount equal to—

11 “(A) not less than \$5,000,000 for an ur-
12 banized area;

13 “(B) not less than \$1,000,000 for a rural
14 area; and

15 “(C) not more than \$25,000,000.

16 “(3) LIMITATION.—Not more than 15 percent
17 of the funds made available to carry out the pro-
18 gram for a fiscal year may be awarded to eligible
19 projects in a single State during that fiscal year.

20 “(d) SELECTION OF ELIGIBLE PROJECTS.—

21 “(1) NOTICE OF FUNDING OPPORTUNITY.—Not
22 later than 60 days after the date on which funds are
23 made available to carry out the program, the Sec-
24 retary shall publish a notice of funding opportunity
25 for the funds.

1 “(2) APPLICATIONS.—To be eligible to receive a
2 grant under the program, an eligible entity shall
3 submit to the Secretary an application—

4 “(A) in such form and containing such in-
5 formation as the Secretary considers to be ap-
6 propriate; and

7 “(B) by such date as the Secretary may
8 establish, subject to the condition that the date
9 shall be not later than 90 days after the date
10 on which the Secretary issues the solicitation
11 under paragraph (1).

12 “(3) PRIMARY SELECTION CRITERIA.—In
13 awarding grants under the program, the Secretary
14 shall evaluate the extent to which a project—

15 “(A) improves safety;

16 “(B) improves environmental sustain-
17 ability;

18 “(C) improves the quality of life of rural
19 areas or urbanized areas;

20 “(D) increases economic competitiveness
21 and opportunity;

22 “(E) contributes to a state of good repair;
23 and

24 “(F) improves mobility and community
25 connectivity.

1 “(4) ADDITIONAL SELECTION CRITERIA.—In
2 selecting projects to receive grants under the pro-
3 gram, the Secretary shall take into consideration the
4 extent to which—

5 “(A) the project sponsors collaborated with
6 other public and private entities;

7 “(B) the project adopts innovative tech-
8 nologies or techniques, including—

9 “(i) innovative technology;

10 “(ii) innovative project delivery tech-
11 niques; and

12 “(iii) innovative project financing;

13 “(C) the project has demonstrated readi-
14 ness; and

15 “(D) the project is cost effective.

16 “(5) TRANSPARENCY.—

17 “(A) IN GENERAL.—The Secretary, shall
18 evaluate, through a methodology that is discern-
19 ible and transparent to the public, the means by
20 which each application submitted under para-
21 graph (2) addresses the criteria under para-
22 graphs (3) and (4) or otherwise established by
23 the Secretary.

24 “(B) PUBLICATION.—The methodology
25 under subparagraph (A) shall be published by

1 the Secretary as part of the notice of funding
2 opportunity under the program.

3 “(6) AWARDS.—Not later than 270 days after
4 the date on which amounts are made available to
5 provide grants under the program for a fiscal year,
6 the Secretary shall announce the selection by the
7 Secretary of eligible projects to receive the grants in
8 accordance with this section.

9 “(7) TECHNICAL ASSISTANCE.—

10 “(A) IN GENERAL.—On request of an eligi-
11 ble entity that submitted an application under
12 paragraph (2) for a project that is not selected
13 to receive a grant under the program, the Sec-
14 retary shall provide to the eligible entity tech-
15 nical assistance and briefings relating to the
16 project.

17 “(B) TREATMENT.—Technical assistance
18 provided under this paragraph shall not be con-
19 sidered a guarantee of future selection of the
20 applicable project under the program.

21 “(e) FEDERAL SHARE.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the Federal share of the cost of an eligi-
24 ble project carried out using a grant provided under
25 the program shall not exceed 80 percent.

1 “(2) EXCEPTION.—The Federal share of the
2 cost of an eligible project carried out in a rural area,
3 a historically disadvantaged community, or an area
4 of persistent poverty using a grant under this sub-
5 section may exceed 80 percent, at the discretion of
6 the Secretary.

7 “(3) TREATMENT OF OTHER FEDERAL
8 FUNDS.—Amounts provided under any of the fol-
9 lowing programs shall be considered to be a part of
10 the non-Federal share for purposes of this sub-
11 section:

12 “(A) The tribal transportation program
13 under section 202 of title 23.

14 “(B) The Federal lands transportation
15 program under section 203 of title 23.

16 “(C) The TIFIA program (as defined in
17 section 601(a) of title 23).

18 “(D) The Railroad Rehabilitation and Im-
19 provement Financing Program under chapter
20 224.

21 “(4) LIMITATION.—The Secretary shall not
22 take into consideration the Federal share in select-
23 ing eligible projects to receive grants under the pro-
24 gram.

25 “(f) OTHER CONSIDERATIONS.—

1 “(1) IN GENERAL.—Of the total amount made
2 available to carry out the program for each fiscal
3 year—

4 “(A) not more than 50 percent shall be al-
5 located for eligible projects located in rural
6 areas; and

7 “(B) not more than 50 percent shall be al-
8 located for eligible projects located in urbanized
9 areas.

10 “(2) HISTORICALLY DISADVANTAGED COMMU-
11 NITIES AND AREAS OF PERSISTENT POVERTY.—Of
12 the total amount made available to carry out the
13 program for each fiscal year, not less than 1 percent
14 shall be awarded for projects in historically dis-
15 advantaged communities or areas of persistent pov-
16 erty.

17 “(3) MULTIMODAL AND GEOGRAPHICAL CON-
18 siderations.—In selecting projects to receive
19 grants under the program, the Secretary shall take
20 into consideration geographical and modal diversity.

21 “(g) PROJECT PLANNING.—Of the amounts made
22 available to carry out the program for each fiscal year,
23 not less than 5 percent shall be made available for the
24 planning, preparation, or design of eligible projects.

1 “(h) TRANSFER OF AUTHORITY.—Of the amounts
2 made available to carry out the program for each fiscal
3 year, the Secretary may transfer not more than 2 percent
4 for a fiscal year to the Administrator of any of the Federal
5 Highway Administration, the Federal Transit Administra-
6 tion, the Federal Railroad Administration, or the Mari-
7 time Administration to award and oversee grants and
8 credit assistance in accordance with this section.

9 “(i) CREDIT PROGRAM COSTS.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 at the request of an eligible entity, the Secretary
12 may use a grant provided to the eligible entity under
13 the program to pay the subsidy or credit risk pre-
14 mium, and the administrative costs, of an eligible
15 project that is eligible for Federal credit assistance
16 under—

17 “(A) chapter 224; or

18 “(B) chapter 6 of title 23.

19 “(2) LIMITATION.—Not more than 20 percent
20 of the funds made available to carry out the pro-
21 gram for a fiscal year may be used to carry out
22 paragraph (1).

23 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section
25 \$1,500,000,000 for each of fiscal years 2022 through

1 2026, to remain available for a period of 3 fiscal years
2 following the fiscal year for which the amounts are appro-
3 priated.

4 “(k) REPORTS.—

5 “(1) ANNUAL REPORT.—The Secretary shall
6 make available on the website of the Department of
7 Transportation at the end of each fiscal year an an-
8 nual report that describes each eligible project for
9 which a grant was provided under the program dur-
10 ing that fiscal year.

11 “(2) COMPTROLLER GENERAL.—Not later than
12 1 year after the date on which the initial grants are
13 awarded for eligible projects under the program, the
14 Comptroller General of the United States shall—

15 “(A) review the administration of the pro-
16 gram, including—

17 “(i) the solicitation process; and

18 “(ii) the selection process, including—

19 “(I) the adequacy and fairness of
20 the process; and

21 “(II) the selection criteria; and

22 “(B) submit to the Committee on Com-
23 merce, Science, and Transportation of the Sen-
24 ate and the Committee on Transportation and
25 Infrastructure of the House of Representatives

1 a report describing the findings of the review
2 under subparagraph (A), including rec-
3 ommendations for improving the administration
4 of the program, if any.”.

5 (b) CLERICAL AMENDMENT.—The analysis for sub-
6 title III of title 49, United States Code, is amended by
7 adding at the end the following:

“CHAPTER 67—NATIONAL INFRASTRUCTURE INVESTMENTS

“Sec. 6701. National infrastructure project assistance.

“Sec. 6702. Local and regional project assistance.”.

8 **SEC. 1203. NATIONAL CULVERT REMOVAL, REPLACEMENT,**
9 **AND RESTORATION GRANT PROGRAM.**

10 (a) IN GENERAL.—Chapter 67 of title 49, United
11 States Code (as amended by section 1202(a)), is amended
12 by adding at the end the following:

13 **“§ 6703. National culvert removal, replacement, and**
14 **restoration grant program**

15 “(a) DEFINITIONS.—In this section:

16 “(1) DIRECTOR.—The term ‘Director’ means
17 the Director of the United States Fish and Wildlife
18 Service.

19 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
20 has the meaning given the term in section 4 of the
21 Indian Self-Determination and Education Assistance
22 Act (25 U.S.C. 5304).

1 “(3) PROGRAM.—The term ‘program’ means
2 the annual competitive grant program established
3 under subsection (b).

4 “(4) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Transportation.

6 “(5) UNDERSECRETARY.—The term ‘Undersec-
7 retary’ means the Undersecretary of Commerce for
8 Oceans and Atmosphere.

9 “(b) ESTABLISHMENT.—The Secretary, in consulta-
10 tion with the Undersecretary, shall establish an annual
11 competitive grant program to award grants to eligible enti-
12 ties for projects for the replacement, removal, and repair
13 of culverts or weirs that—

14 “(1) would meaningfully improve or restore fish
15 passage for anadromous fish; and

16 “(2) with respect to weirs, may include—

17 “(A) infrastructure to facilitate fish pas-
18 sage around or over the weir; and

19 “(B) weir improvements.

20 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
21 ceive a grant under the program is—

22 “(1) a State;

23 “(2) a unit of local government; or

24 “(3) an Indian Tribe.

1 “(d) GRANT SELECTION PROCESS.—The Secretary,
2 in consultation with the Undersecretary and the Director,
3 shall establish a process for determining criteria for
4 awarding grants under the program, subject to subsection
5 (e).

6 “(e) PRIORITIZATION.—The Secretary, in consulta-
7 tion with the Undersecretary and the Director, shall estab-
8 lish procedures to prioritize awarding grants under the
9 program to—

10 “(1) projects that would improve fish passage
11 for—

12 “(A) anadromous fish stocks listed as an
13 endangered species or a threatened species
14 under section 4 of the Endangered Species Act
15 of 1973 (16 U.S.C. 1533);

16 “(B) anadromous fish stocks identified by
17 the Undersecretary or the Director that could
18 reasonably become listed as an endangered spe-
19 cies or a threatened species under that section;

20 “(C) anadromous fish stocks identified by
21 the Undersecretary or the Director as prey for
22 endangered species, threatened species, or pro-
23 tected species, including Southern resident
24 orcas (*Orcinus orcas*); or

1 “(D) anadromous fish stocks identified by
2 the Undersecretary or the Director as climate
3 resilient stocks; and

4 “(2) projects that would open up more than
5 200 meters of upstream habitat before the end of
6 the natural habitat.

7 “(f) FEDERAL SHARE.—The Federal share of the
8 cost of a project carried out with a grant to a State or
9 a unit of local government under the program shall be not
10 more than 80 percent.

11 “(g) TECHNICAL ASSISTANCE.—The Secretary, in
12 consultation with the Undersecretary and the Director,
13 shall develop a process to provide technical assistance to
14 Indian Tribes and underserved communities to assist in
15 the project design and grant process and procedures.

16 “(h) ADMINISTRATIVE EXPENSES.—Of the amounts
17 made available for each fiscal year to carry out the pro-
18 gram, the Secretary, the Undersecretary, and the Director
19 may use not more than 2 percent to pay the administrative
20 expenses necessary to carry out this section.

21 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out the program
23 \$800,000,000 for each of fiscal years 2022 through
24 2026.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 67 of title 49, United States Code (as added by section
3 1202(b)), is amended by adding at the end the following:
“6703. National culvert removal, replacement, and restoration grant program.”.

4 **SEC. 1204. NATIONALLY SIGNIFICANT MULTIMODAL**
5 **FREIGHT PROJECTS.**

6 (a) IN GENERAL.—Section 117 of title 23, United
7 States Code, is amended—

8 (1) in the section heading, by inserting
9 “**multimodal**” before “**freight**”;

10 (2) in subsection (a)(2)—

11 (A) in subparagraph (C), by striking
12 “highway” and inserting “freight”; and

13 (B) in subparagraph (E), by striking
14 “highway” and inserting “freight”;

15 (3) in subsection (d)—

16 (A) in paragraph (1)(A)—

17 (i) in clause (iii)(II), by striking “or”
18 after the semicolon at the end;

19 (ii) in clause (iv), by striking “and” at
20 the end and inserting “or”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(v) a highway, bridge, or freight
24 project carried out on the National

1 Multimodal Freight Network established
2 under section 70103 of title 49; and”;

3 (B) in paragraph (2)(A), in the matter
4 preceding clause (i), by striking
5 “\$600,000,000” and inserting “50 percent”;

6 (4) in subsection (e)(1), by striking “10 per-
7 cent” and inserting “not less than 15 percent”;

8 (5) in subsection (f)(2), by inserting “(including
9 a project to replace or rehabilitate a culvert, or to
10 reduce stormwater runoff for the purpose of improv-
11 ing habitat for aquatic species)” after “environ-
12 mental mitigation”;

13 (6) in subsection (m), by striking paragraph (1)
14 and inserting the following:

15 “(1) IN GENERAL.—Not later than 60 days be-
16 fore the date on which a grant is provided for a
17 project under this section, the Secretary shall submit
18 to the Committees on Commerce, Science, and
19 Transportation and Environment and Public Works
20 of the Senate and the Committee on Transportation
21 and Infrastructure of the House of Representatives
22 a report describing the proposed grant, including—

23 “(A) an evaluation and justification for the
24 applicable project; and

1 “(B) a description of the amount of the
2 proposed grant award.”; and

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

4 “(o) **ADDITIONAL AUTHORIZATION OF APPROPRIA-**
5 **TIONS.**—In addition to amounts made available from the
6 Highway Trust Fund, there are authorized to be appro-
7 priated to carry out this section, to remain available for
8 a period of 3 fiscal years following the fiscal year for which
9 the amounts are appropriated—

10 “(1) \$1,000,000,000 for fiscal year 2022;

11 “(2) \$1,100,000,000 for fiscal year 2023;

12 “(3) \$1,200,000,000 for fiscal year 2024;

13 “(4) \$1,300,000,000 for fiscal year 2025; and

14 “(5) \$1,400,000,000 for fiscal year 2026.”.

15 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
16 ter 1 of title 23, United States Code, is amended by strik-
17 ing the item relating to section 117 and inserting the fol-
18 lowing:

 “117. Nationally significant multimodal freight and highway projects.”.

19 **SEC. 1205. NATIONAL MULTIMODAL COOPERATIVE**
20 **FREIGHT RESEARCH PROGRAM.**

21 (a) **IN GENERAL.**—Chapter 702 of title 49, United
22 States Code (as amended by section 1106(a)), is amended
23 by inserting after section 70204 the following:

1 **“§ 70205. National multimodal cooperative freight re-**
2 **search program**

3 “(a) ESTABLISHMENT.—Not later than 1 year after
4 the date of enactment of this section, the Secretary of
5 Transportation (referred to in this section as the ‘Sec-
6 retary’) shall establish and support a national cooperative
7 freight transportation research program.

8 “(b) ADMINISTRATION BY NATIONAL ACADEMY OF
9 SCIENCES.—

10 “(1) IN GENERAL.—The Secretary shall enter
11 into an agreement with the National Academy of
12 Sciences to support and carry out administrative
13 and management activities under the program estab-
14 lished under subsection (a).

15 “(2) ADVISORY COMMITTEE.—To assist the Na-
16 tional Academy of Sciences in carrying out this sub-
17 section, the National Academy shall establish an ad-
18 visory committee, the members of which represent a
19 cross-section of multimodal freight stakeholders, in-
20 cluding—

21 “(A) the Department of Transportation
22 and other relevant Federal departments and
23 agencies;

24 “(B) State (including the District of Co-
25 lumbia) departments of transportation;

1 “(C) units of local government, including
2 public port authorities;

3 “(D) nonprofit entities;

4 “(E) institutions of higher education;

5 “(F) labor organizations representing em-
6 ployees in freight industries; and

7 “(G) private sector entities representing
8 various transportation modes.

9 “(c) ACTIVITIES.—

10 “(1) NATIONAL RESEARCH AGENDA.—

11 “(A) IN GENERAL.—The advisory com-
12 mittee established under subsection (b)(2), in
13 consultation with interested parties, shall rec-
14 ommend a national research agenda for the
15 program in accordance with subsection (d),
16 which shall include a multiyear strategic plan.

17 “(B) ACTION BY INTERESTED PARTIES.—

18 For purposes of subparagraph (A), an inter-
19 ested party may—

20 “(i) submit to the advisory committee
21 research proposals;

22 “(ii) participate in merit reviews of re-
23 search proposals and peer reviews of re-
24 search products; and

25 “(iii) receive research results.

1 “(2) RESEARCH CONTRACTS AND GRANTS.—

2 “(A) IN GENERAL.—The National Acad-
3 emy of Sciences may award research contracts
4 and grants under the program established
5 under subsection (a) through—

6 “(i) open competition; and

7 “(ii) merit review, conducted on a reg-
8 ular basis.

9 “(B) EVALUATION.—

10 “(i) PEER REVIEW.—A contract or
11 grant for research under subparagraph (A)
12 may allow peer review of the research re-
13 sults.

14 “(ii) PROGRAMMATIC EVALUATIONS.—
15 The National Academy of Sciences may
16 conduct periodic programmatic evaluations
17 on a regular basis of a contract or grant
18 for research under subparagraph (A).

19 “(C) DISSEMINATION OF FINDINGS.—The
20 National Academy of Sciences shall disseminate
21 the findings of any research conducted under
22 this paragraph to relevant researchers, practi-
23 tioners, and decisionmakers through—

24 “(i) conferences and seminars;

25 “(ii) field demonstrations;

- 1 “(iii) workshops;
- 2 “(iv) training programs;
- 3 “(v) presentations;
- 4 “(vi) testimony to government offi-
- 5 cials;
- 6 “(vii) publicly accessible websites;
- 7 “(viii) publications for the general
- 8 public; and
- 9 “(ix) other appropriate means.

10 “(3) REPORT.—Not later than 1 year after the

11 date of establishment of the program under sub-

12 section (a), and annually thereafter, the Secretary

13 shall make available on a public website a report

14 that describes the ongoing research and findings

15 under the program.

16 “(d) AREAS FOR RESEARCH.—The national research

17 agenda under subsection (c)(1) shall consider research in

18 the following areas:

19 “(1) Improving the efficiency and resiliency of

20 freight movement, including—

21 “(A) improving the connections between

22 rural areas and domestic and foreign markets;

23 “(B) maximizing infrastructure utility, in-

24 cluding improving urban curb-use efficiency;

1 “(C) quantifying the national impact of
2 blocked railroad crossings;

3 “(D) improved techniques for estimating
4 and quantifying public benefits derived from
5 freight transportation projects; and

6 “(E) low-cost methods to reduce conges-
7 tion at bottlenecks.

8 “(2) Adapting to future trends in freight, in-
9 cluding—

10 “(A) considering the impacts of e-com-
11 merce;

12 “(B) automation; and

13 “(C) zero-emissions transportation.

14 “(3) Workforce considerations in freight, in-
15 cluding—

16 “(A) diversifying the freight transportation
17 industry workforce; and

18 “(B) creating and transitioning a work-
19 force capable of designing, deploying, and oper-
20 ating emerging technologies.

21 “(e) FEDERAL SHARE.—

22 “(1) IN GENERAL.—The Federal share of the
23 cost of an activity carried out under this section
24 shall be up to 100 percent.

1 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
2 tion to using funds made available to carry out this
3 section, the National Academy of Sciences may seek
4 and accept additional funding from public and pri-
5 vate entities capable of accepting funding from the
6 Department of Transportation, States, units of local
7 government, nonprofit entities, and the private sec-
8 tor.

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to the Secretary
11 \$3,750,000 for each fiscal year to carry out the program
12 established under subsection (a), to remain available until
13 expended.

14 “(g) SUNSET.—The program established under sub-
15 section (a) shall terminate 5 years after the date of enact-
16 ment of this section.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 702 of title 49, United States Code (as amended by
19 section 1106(b)), is amended by inserting after the item
20 relating to section 70204 the following:

“70205. National multimodal cooperative freight research program.”.

21 **SEC. 1206. RURAL AND TRIBAL INFRASTRUCTURE AD-**
22 **VANCEMENT.**

23 (a) DEFINITIONS.—In this section:

24 (1) BUILD AMERICA BUREAU.—The term
25 “Build America Bureau” means the National Sur-

1 face Transportation and Innovative Finance Bureau
2 established under section 116 of title 49, United
3 States Code.

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) a unit of local government or political
7 subdivision that is located outside of an urban-
8 ized area with a population of more than
9 150,000 residents, as determined by the Bureau
10 of the Census;

11 (B) a State seeking to advance a project
12 located in an area described in subparagraph
13 (A);

14 (C) a federally recognized Indian Tribe;
15 and

16 (D) the Department of Hawaiian Home
17 Lands.

18 (3) ELIGIBLE PROGRAM.—The term “eligible
19 program” means any program described in—

20 (A) subparagraph (A) or (B) of section
21 116(d)(1) of title 49, United States Code;

22 (B) section 118(d)(3)(A) of that title (as
23 added by section 1101(a)); or

24 (C) chapter 67 of that title (as added by
25 section 1201).

1 (4) PILOT PROGRAM.—The term “pilot pro-
2 gram” means the Rural and Tribal Assistance Pilot
3 Program established under subsection (b)(1).

4 (b) ESTABLISHMENT.—

5 (1) IN GENERAL.—The Secretary shall establish
6 within the Build America Bureau a pilot program,
7 to be known as the “Rural and Tribal Assistance
8 Pilot Program”, to provide to eligible entities the as-
9 sistance and information described in paragraph (2).

10 (2) ASSISTANCE AND INFORMATION.—In car-
11 rying out the pilot program, the Secretary may pro-
12 vide to an eligible entity the following:

13 (A) Financial, technical, and legal assist-
14 ance to evaluate potential projects reasonably
15 expected to be eligible to receive funding or fi-
16 nancing assistance under an eligible program.

17 (B) Assistance with development-phase ac-
18 tivities, including—

19 (i) project planning;

20 (ii) feasibility studies;

21 (iii) revenue forecasting and funding
22 and financing options analyses;

23 (iv) environmental review;

24 (v) preliminary engineering and de-
25 sign work;

- 1 (vi) economic assessments and cost-
2 benefit analyses;
- 3 (vii) public benefit studies;
- 4 (viii) statutory and regulatory frame-
5 work analyses;
- 6 (ix) value for money studies;
- 7 (x) evaluations of costs to sustain the
8 project;
- 9 (xi) evaluating opportunities for pri-
10 vate financing and project bundling; and
- 11 (xii) any other activity determined to
12 be appropriate by the Secretary.

13 (C) Information regarding innovative fi-
14 nancing best practices and case studies, if the
15 eligible entity is interested in using innovative
16 financing methods.

17 (c) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
18 retary may retain the services of expert firms, including
19 counsel, in the field of municipal and project finance to
20 assist in providing financial, technical, and legal assistance
21 to eligible entities under the pilot program.

22 (d) WEBSITE.—

23 (1) DESCRIPTION OF PILOT PROGRAM.—

24 (A) IN GENERAL.—The Secretary shall
25 make publicly available on the website of the

1 Department a description of the pilot program,
2 including—

3 (i) the resources available to eligible
4 entities under the pilot program; and

5 (ii) the application process established
6 under paragraph (2)(A).

7 (B) CLEARINGHOUSE.—The Secretary may
8 establish a clearinghouse for tools, templates,
9 and best practices on the page of the website of
10 the Department that contains the information
11 described in subparagraph (A).

12 (2) APPLICATIONS.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of enactment of this Act,
15 the Secretary shall establish a process by which
16 an eligible entity may submit to the Secretary
17 an application under the pilot program, in such
18 form and containing such information as the
19 Secretary may require.

20 (B) ONLINE PORTAL.—The Secretary shall
21 develop and make available to the public an on-
22 line portal through which the Secretary may re-
23 ceive applications under subparagraph (A), on a
24 rolling basis.

25 (C) APPROVAL.—

1 (i) IN GENERAL.—Not later than 60
2 days after the date on which the Secretary
3 receives a complete application under sub-
4 paragraph (A), the Secretary shall provide
5 to each eligible entity that submitted the
6 application a notice describing whether the
7 application is approved or disapproved.

8 (ii) ADDITIONAL WRITTEN NOTIFICA-
9 TION.—

10 (I) IN GENERAL.—Not later than
11 30 days after the date on which the
12 Secretary provides to an eligible entity
13 a notification under clause (i), the
14 Secretary shall provide to the eligible
15 entity an additional written notifica-
16 tion of the approval or disapproval of
17 the application.

18 (II) DISAPPROVED APPLICA-
19 TIONS.—If the application of an eligi-
20 ble entity is disapproved under this
21 subparagraph, the additional written
22 notification provided to the eligible en-
23 tity under subclause (I) shall include
24 an offer for a written or telephonic
25 debrief by the Secretary that will pro-

1 vide an explanation of, and guidance
2 regarding, the reasons why the appli-
3 cation was disapproved.

4 (iii) INSUFFICIENT APPLICATIONS.—

5 The Secretary shall not approve an appli-
6 cation under this subparagraph if the ap-
7 plication fails to meet the applicable cri-
8 teria established under this section.

9 (3) DASHBOARD.—The Secretary shall publish
10 on the website of the Department a monthly report
11 that includes, for each application received under the
12 pilot program—

13 (A) the type of eligible entity that sub-
14 mitted the application;

15 (B) the location of each potential project
16 described in the application;

17 (C) a brief description of the assistance re-
18 quested;

19 (D) the date on which the Secretary re-
20 ceived the application; and

21 (E) the date on which the Secretary pro-
22 vided the notice of approval or disapproval
23 under paragraph (2)(C)(i).

24 (e) EXPERTS.—An eligible entity that receives assist-
25 ance under the pilot program may retain the services of

1 an expert for any phase of a project carried out using the
2 assistance, including project development, regardless of
3 whether the expert is retained by the Secretary under sub-
4 section (c).

5 (f) FUNDING.—

6 (1) IN GENERAL.—For each of fiscal years
7 2022 through 2026, the Secretary may use to carry
8 out the pilot program, including to retain the serv-
9 ices of expert firms under subsection (c), any
10 amount made available to the Secretary to provide
11 credit assistance under an eligible program that is
12 not otherwise obligated, subject to paragraph (2).

13 (2) LIMITATION.—The amount used under
14 paragraph (1) to carry out the pilot program shall
15 be not more than—

16 (A) \$1,600,000 for fiscal year 2022;

17 (B) \$1,800,000 for fiscal year 2023;

18 (C) \$2,000,000 for fiscal year 2024;

19 (D) \$2,200,000 for fiscal year 2025; and

20 (E) \$2,400,000 for fiscal year 2026.

21 (3) GEOGRAPHICAL DISTRIBUTION.—Not more
22 than 20 percent of the funds made available to carry
23 out the pilot program for a fiscal year may be used
24 for projects in a single State during that fiscal year.

1 (g) SUNSET.—The pilot program shall terminate on
 2 the date that is 5 years after the date of enactment of
 3 this Act.

4 (h) NONAPPLICABILITY.—Nothing in this section
 5 limits the ability of the Build America Bureau or the Sec-
 6 retary to establish or carry out any other assistance pro-
 7 gram under title 23 or title 49, United States Code.

8 (i) ADMINISTRATION BY BUILD AMERICA BUREAU.—
 9 Section 116(d)(1) of title 49, United States Code (as
 10 amended by section 1101(c)(4)), is amended by adding at
 11 the end the following:

12 “(D) The Rural and Tribal Assistance
 13 Pilot Program established under section
 14 1206(b)(1) of the Surface Transportation In-
 15 vestment Act of 2021.”.

16 **Subtitle C—Railroad Rehabilita-**
 17 **tion and Improvement Financ-**
 18 **ing Reforms**

19 **SEC. 1301. RRIF CODIFICATION AND REFORMS.**

20 (a) CODIFICATION OF TITLE V OF THE RAILROAD
 21 REVITALIZATION AND REGULATORY REFORM ACT OF
 22 1976.—Part B of subtitle V of title 49, United States
 23 Code, is amended—

24 (1) by inserting after chapter 223 the following
 25 chapter analysis:

“CHAPTER 224—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

“Sec.
“22401. Definitions.
“22402. Direct loans and loan guarantees.
“22403. Administration of direct loans and loan guarantees.
“22404. Employee protection.
“22405. Authorization of appropriations.”;

1 (2) by inserting after the chapter analysis the
2 following section headings:

3 **“§ 22401. Definitions**

4 **“§ 22402. Direct loans and loan guarantees**

5 **“§ 22403. Administration of direct loans and loan**
6 **guarantees**

7 **“§ 22404. Employee protection”;**

8 (3) by inserting after the section heading for
9 section 22401, as added by paragraph (2), the text
10 of section 501 of the Railroad Revitalization and
11 Regulatory Reform Act of 1976 (45 U.S.C. 821);

12 (4) by inserting after the section heading for
13 section 22402, as added by paragraph (2), the text
14 of section 502 of the Railroad Revitalization and
15 Regulatory Reform Act of 1976 (45 U.S.C. 822);

16 (5) by inserting after the section heading for
17 section 22403, as added by paragraph (2), the text
18 of section 503 of the Railroad Revitalization and
19 Regulatory Reform Act of 1976 (45 U.S.C. 823);
20 and

21 (6) by inserting after the section heading for
22 section 22404, as added by paragraph (2), the text

1 of section 504 of the Railroad Revitalization and
2 Regulatory Reform Act of 1976 (45 U.S.C. 836).

3 (b) CONFORMING REPEALS.—

4 (1) IN GENERAL.—Sections 501, 502, 503, and
5 504 of the Railroad Revitalization and Regulatory
6 Reform Act of 1976 (45 U.S.C. 821, 822, 823, and
7 836) are repealed.

8 (2) SAVINGS PROVISION.—The section repeals
9 under paragraph (1) shall not affect the rights and
10 duties that matured under such sections, the pen-
11 alties that were incurred under such sections, or any
12 proceeding authorized under any such section that
13 commenced before the date of enactment of this Act.

14 (c) DEFINITIONS.—Section 22401 of title 49, United
15 States Code, as added by subsection (a)(2), and amended
16 by subsection (a)(3), is further amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “For purposes of this title:” and inserting
19 “In this chapter:”;

20 (2) by amending paragraph (12) to read as fol-
21 lows:

22 “(12) The term ‘railroad’ includes—

23 “(A) any ‘railroad’ or ‘railroad carrier’ (as
24 such terms are defined in section 20102); and

1 “(7) private entities with controlling ownership
2 in 1 or more freight railroads other than Class I car-
3 riers.”;

4 (2) in subsection (b)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) IN GENERAL.—Direct loans and loan guar-
8 antees authorized under this section shall be used—

9 “(A) to acquire, improve, or rehabilitate
10 intermodal or rail equipment or facilities, in-
11 cluding track, components of track, cuts and
12 fills, stations, tunnels, bridges, yards, buildings,
13 and shops, and costs related to these activities,
14 including pre-construction costs;

15 “(B) to develop or establish new inter-
16 modal or railroad facilities;

17 “(C) to develop landside port infrastruc-
18 ture for seaports serviced by rail;

19 “(D) to refinance outstanding debt in-
20 curred for the purposes described in subpara-
21 graph (A) , (B), or (C);

22 “(E) to reimburse planning, permitting,
23 and design expenses relating to activities de-
24 scribed in subparagraph (A), (B), or (C); or

1 “(F) to finance economic development, in-
2 cluding commercial and residential development,
3 and related infrastructure and activities, that—

4 “(i) incorporates private investment of
5 greater than 20 percent of total project
6 costs;

7 “(ii) is physically connected to, or is
8 within 1/2 mile of, a fixed guideway transit
9 station, an intercity bus station, a pas-
10 senger rail station, or a multimodal sta-
11 tion, provided that the location includes
12 service by a railroad;

13 “(iii) demonstrates the ability of the
14 applicant to commence the contracting
15 process for construction not later than 90
16 days after the date on which the direct
17 loan or loan guarantee is obligated for the
18 project under this chapter; and

19 “(iv) demonstrates the ability to gen-
20 erate new revenue for the relevant pas-
21 senger rail station or service by increasing
22 ridership, increasing tenant lease pay-
23 ments, or carrying out other activities that
24 generate revenue exceeding costs.”; and

25 (B) by striking paragraph (3);

1 (3) in subsection (c)—

2 (A) in paragraph (1), by striking “of title
3 49, United States Code”; and

4 (B) in paragraph (5), by striking “title 49,
5 United States Code,” and inserting “this title”

6 (4) in subsection (e), by amending paragraph
7 (1) to read as follows:

8 “(1) DIRECT LOANS.—The interest rate on a
9 direct loan under this section shall be not less than
10 the yield on United States Treasury securities of a
11 similar maturity to the maturity of the secured loan
12 on the date of execution of the loan agreement.”;

13 (5) in subsection (f)—

14 (A) in paragraph (3)—

15 (i) in the matter preceding subpara-
16 graph (A)—

17 (I) by striking “An applicant
18 may propose and” and inserting
19 “Upon receipt of a proposal from an
20 applicant under this section,”; and

21 (II) by striking “tangible asset”
22 and inserting “collateral described in
23 paragraph (6)”;

24 (ii) in subparagraph (B)(ii), by insert-
25 ing “, including operating or tenant

1 charges, facility rents, or other fees paid
2 by transportation service providers or oper-
3 ators for access to, or the use of, infra-
4 structure, including rail lines, bridges, tun-
5 nels, yards, or stations” after “user fees”;

6 (iii) in subparagraph (C), by striking
7 “\$75,000,000” and inserting
8 “\$150,000,000”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(D) Revenue from projected freight or
12 passenger demand for the project based on re-
13 gionally developed economic forecasts, including
14 projections of any modal diversion resulting
15 from the project.”; and

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

17 “(5) COHORTS OF LOANS.—For any direct loan
18 issued before the date of enactment of the Fixing
19 America’s Surface Transportation Act (Public Law
20 114–94) pursuant to sections 501 through 504 of
21 the Railroad Revitalization and Regulatory Reform
22 Act of 1976 (Public Law 94-210), the Secretary
23 shall repay the credit risk premiums of such loan,
24 with interest accrued thereon, not later than—

1 “(A) 60 days after the date of enactment
2 of the Surface Transportation Investment Act
3 of 2021 if the borrower has satisfied all obliga-
4 tions attached to such loan; or

5 “(B) if the borrower has not yet satisfied
6 all obligations attached to such loan, 60 days
7 after the date on which all obligations attached
8 to such loan have been satisfied.

9 “(6) COLLATERAL.—

10 “(A) TYPES OF COLLATERAL.—An appli-
11 cant or infrastructure partner may propose tan-
12 gible and intangible assets as collateral, exclu-
13 sive of goodwill. The Secretary, after evaluating
14 each such asset—

15 “(i) shall accept a net liquidation
16 value of collateral; and

17 “(ii) shall consider and may accept—

18 “(I) the market value of collat-
19 eral; or

20 “(II) in the case of a blanket
21 pledge or assignment of an entire op-
22 erating asset or basket of assets as
23 collateral, the market value of assets,
24 or, the market value of the going con-
25 cern, considering—

1 “(aa) inclusion in the pledge
2 of all the assets necessary for
3 independent operational utility of
4 the collateral, including tangible
5 assets such as real property,
6 track and structure, motive
7 power, equipment and rolling
8 stock, stations, systems and
9 maintenance facilities and intan-
10 gible assets such as long-term
11 shipping agreements, easements,
12 leases and access rights such as
13 for trackage and haulage;

14 “(bb) interchange commit-
15 ments; and

16 “(cc) the value of the asset
17 as determined through the cost
18 or market approaches, or the
19 market value of the going con-
20 cern, with the latter considering
21 discounted cash flows for a pe-
22 riod not to exceed the term of the
23 direct loan or loan guarantee.

1 “(B) APPRAISAL STANDARDS.—In evalu-
2 ating appraisals of collateral under subpara-
3 graph (A), the Secretary shall consider—

4 “(i) adherence to the substance and
5 principles of the Uniform Standards of
6 Professional Appraisal Practice, as devel-
7 oped by the Appraisal Standards Board of
8 the Appraisal Foundation; and

9 “(ii) the qualifications of the apprais-
10 ers to value the type of collateral offered.

11 “(7) REPAYMENT OF CREDIT RISK PRE-
12 MIUMS.—The Secretary shall return credit risk pre-
13 miums paid, and interest accrued on such premiums,
14 to the original source when all obligations of a loan
15 or loan guarantee have been satisfied. This para-
16 graph applies to any project that has been granted
17 assistance under this section after the date of enact-
18 ment of the Surface Transportation Investment Act
19 of 2021.”;

20 (6) in subsection (g), by amending paragraph
21 (1) the read as follows:

22 “(1) repayment of the obligation is required to
23 be made within a term that is not longer than the
24 shorter of—

1 “(A) 75 years after the date of substantial
2 completion of the project;

3 “(B) the estimated useful life of the rail
4 equipment or facilities to be acquired, rehabili-
5 tated, improved, developed, or established, sub-
6 ject to an adequate determination of long-term
7 risk; or

8 “(C) for projects determined to have an es-
9 timated useful life that is longer than 35 years,
10 the period that is equal to the sum of—

11 “(i) 35 years; and

12 “(ii) the product of—

13 “(I) the difference between the
14 estimated useful life and 35 years;
15 multiplied by

16 “(II) 75 percent.”;

17 (7) in subsection (h)—

18 (A) in paragraph (3)(B), by striking “sec-
19 tion 836 of this title” and inserting “section
20 22404”; and

21 (B) in paragraph (4), by striking
22 “(b)(1)(E)” and inserting “(b)(1)(F)”;

23 (8) in subsection (i)—

24 (A) by amending paragraph (4) to read as
25 follows:

1 “(4) STREAMLINED APPLICATION REVIEW
2 PROCESS.—

3 “(A) IN GENERAL.—Not later than 180
4 days after the date of enactment of the Surface
5 Transportation Investment Act of 2021, the
6 Secretary shall implement procedures and
7 measures to economize and make available an
8 streamlined application process or processes at
9 the request of applicants seeking loans or loan
10 guarantees.

11 “(B) CRITERIA.—Applicants seeking loans
12 and loan guarantees under this section shall—

13 “(i) seek a total loan or loan guar-
14 antee value not exceeding \$150,000,000;

15 “(ii) meet eligible project purposes de-
16 scribed in subparagraphs (A) and (B) of
17 subsection (b)(1); and

18 “(iii) meet other criteria considered
19 appropriate by the Secretary, in consulta-
20 tion with the Council on Credit and Fi-
21 nance of the Department of Transpor-
22 tation.

23 “(C) EXPEDITED CREDIT REVIEW.—The
24 total period between the submission of an appli-
25 cation and the approval or disapproval of an

1 application for a direct loan or loan guarantee
2 under this paragraph may not exceed 90 days.
3 If an application review conducted under this
4 paragraph exceeds 90 days, the Secretary
5 shall—

6 “(i) provide written notice to the ap-
7 plicant, including a justification for the
8 delay and updated estimate of the time
9 needed for approval or disapproval; and

10 “(ii) publish the notice on the dash-
11 board described in paragraph (5).”;

12 (B) in paragraph (5)—

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

15 (ii) in subparagraph (F), by adding “;
16 and” at the end; and

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

19 “(G) whether the project utilized the
20 streamlined application process under para-
21 graph (4).”; and

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

23 “(6) CREDITWORTHINESS REVIEW STATUS.—

24 “(A) IN GENERAL.—The Secretary shall
25 maintain status information related to each ap-

1 plication for a loan or loan guarantee, which
2 shall be provided to the applicant upon request,
3 including—

4 “(i) the total value of the proposed
5 loan or loan guarantee;

6 “(ii) the name of the applicant or ap-
7 plicants submitting the application;

8 “(iii) the proposed capital structure of
9 the project to which the loan or loan guar-
10 antee would be applied, including the pro-
11 posed Federal and non-Federal shares of
12 the total project cost;

13 “(iv) the type of activity to receive
14 credit assistance, including whether the
15 project is new construction, the rehabilita-
16 tion of existing rail equipment or facilities,
17 or the refinancing an existing loan or loan
18 guarantee;

19 “(v) if a deferred payment is pro-
20 posed, the length of such deferment;

21 “(vi) the credit rating or ratings pro-
22 vided for the applicant;

23 “(vii) if other credit instruments are
24 involved, the proposed subordination rela-

1 tionship and a description of such other
2 credit instruments;

3 “(viii) a schedule for the readiness of
4 proposed investments for financing;

5 “(ix) a description of any Federal per-
6 mits required, including under the Na-
7 tional Environmental Policy Act of 1969
8 (42 U.S.C. 4321 et seq.) and any waivers
9 under section 5323(j) (commonly known as
10 the ‘Buy America Act’);

11 “(x) other characteristics of the pro-
12 posed activity to be financed, borrower, key
13 agreements, or the nature of the credit
14 that the Secretary considers to be funda-
15 mental to the creditworthiness review;

16 “(xi) the status of the application in
17 the pre-application review and selection
18 process;

19 “(xii) the cumulative amounts paid by
20 the Secretary to outside advisors related to
21 the application, including financial and
22 legal advisors;

23 “(xiii) a description of the key rating
24 factors used by the Secretary to determine
25 credit risk, including—

1 “(I) the factors used to deter-
2 mine risk for the proposed applica-
3 tion;

4 “(II) an adjectival risk rating for
5 each identified factor, ranked as ei-
6 ther low, moderate, or high;

7 “(xiv) a nonbinding estimate of the
8 credit risk premium, which may be in the
9 form of—

10 “(I) a range, based on the assess-
11 ment of risk factors described in
12 clause (xiii); or

13 “(II) a justification for why the
14 estimate of the credit risk premium
15 cannot be determined based on avail-
16 able information; and

17 “(xv) a description of the key infor-
18 mation the Secretary needs from the appli-
19 cant to complete the credit review process
20 and make a final determination of the
21 credit risk premium.

22 “(B) REPORT UPON REQUEST.—The Sec-
23 retary shall provide the information described
24 in subparagraph (A) not later than 30 days
25 after a request from the applicant.

1 “(C) EXCEPTION.—Applications processed
2 using the streamlined application review process
3 under paragraph (4) are not subject to the re-
4 quirements under this paragraph.”; and
5 (9) by adding at the end the following:

6 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
7 provided under this section may be used as the non-Fed-
8 eral share of project costs for any grant program adminis-
9 tered by the Secretary if such loan is repayable from non-
10 Federal funds.”.

11 (e) ADMINISTRATION OF DIRECT LOANS AND LOAN
12 GUARANTEES.—Section 22403 of title 49, United States
13 Code, as added by subsection (a)(2), and amended by sub-
14 section (a)(5), is further amended—

15 (1) in subsection (a)—

16 (A) by striking “The Secretary shall” and
17 inserting the following:

18 “(1) IN GENERAL.—The Secretary shall”; and

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

20 “(2) DOCUMENTATION.—An applicant meeting
21 the size standard for small business concerns estab-
22 lished under section 3(a)(2) of the Small Business
23 Act (15 U.S.C. 632(a)(2)) may provide unaudited fi-
24 nancial statements as documentation of historical fi-
25 nancial information if such statements are accom-

1 panied by the applicant’s Federal tax returns and
2 Internal Revenue Service tax verifications for the
3 corresponding years.”; and

4 (2) in subsection (m), by striking “section 822
5 of this title” and inserting “section 22402”.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—Chapter
7 224 of title 49, United States Code, as added by sub-
8 section (a), and amended by subsections (b) through (e),
9 is further amended by adding at the end the following:
10 **“§ 22405. Authorization of appropriations.**

11 “(a) AUTHORIZATION.—

12 “(1) IN GENERAL.—There is authorized to be
13 appropriated for credit assistance under this chap-
14 ter, which shall be provided at the discretion of the
15 Secretary, \$50,000,000 for each of fiscal years 2022
16 through 2026.

17 “(2) REFUND OF PREMIUM.—There is author-
18 ized to be appropriated to the Secretary
19 \$70,000,000 to repay the credit risk premium in ac-
20 cordance with section 22402(f)(5).

21 “(3) AVAILABILITY.—Amounts appropriated
22 pursuant to this subsection shall remain available
23 until expended.

24 “(b) USE OF FUNDS.—

1 (2) PASSENGER RAIL REFORM AND INVEST-
2 MENT ACT.—Section 11315(e) of the Passenger Rail
3 Reform and Investment Act of 2015 (23 U.S.C. 322
4 note; Public Law 114–94) is amended by striking
5 “sections 502 and 503 of the Railroad Revitalization
6 and Regulatory Reform Act of 1976” and inserting
7 “sections 22402 and 22403 of title 49, United
8 States Code”.

9 (3) PROVISIONS CLASSIFIED IN TITLE 45,
10 UNITED STATES CODE.—

11 (A) RAILROAD REVITALIZATION AND REG-
12 ULATORY REFORM ACT OF 1976.—Section 101
13 of the Railroad Revitalization and Regulatory
14 Reform Act of 1976 (45 U.S.C. 801) is amend-
15 ed—

16 (i) in subsection (a), in the matter
17 preceding paragraph (1), by striking “It is
18 the purpose of the Congress in this Act to”
19 and inserting “The purpose of this Act and
20 chapter 224 of title 49, United States
21 Code, is to”; and

22 (ii) in subsection (b), in the matter
23 preceding paragraph (1), by striking “It is
24 declared to be the policy of the Congress in
25 this Act” and inserting “The policy of this

1 Act and chapter 224 of title 49, United
2 States Code, is”.

3 (B) RAILROAD INFRASTRUCTURE FINANC-
4 ING IMPROVEMENT ACT.—The Railroad Infra-
5 structure Financing Improvement Act (subtitle
6 F of title XI of Public Law 114–94)—

7 (i) in section 11607(b) (45 U.S.C.
8 821 note), by striking “All provisions
9 under sections 502 through 504 of the
10 Railroad Revitalization and Regulatory Re-
11 form Act of 1976 (45 U.S.C. 801 et seq.)”
12 and inserting “All provisions under section
13 22402 through 22404 of title 49, United
14 States Code,”; and

15 (ii) in section 11610(b) (45 U.S.C.
16 821 note), by striking “section 502(f) of
17 the Railroad Revitalization and Regulatory
18 Reform Act of 1976 (45 U.S.C. 822(f)), as
19 amended by section 11607 of this Act”
20 and inserting “section 22402(f) of title 49,
21 United States Code”.

22 (C) TRANSPORTATION EQUITY ACT FOR
23 THE 21ST CENTURY.—Section 7203(b)(2) of the
24 Transportation Equity Act for the 21st Century
25 (Public Law 105–178; 45 U.S.C. 821 note) is

1 amended by striking “title V of the Railroad
2 Revitalization and Regulatory Reform Act of
3 1976 (45 U.S.C. 821 et seq.)” and inserting
4 “chapter 224 of title 49, United States Code,”.

5 (D) HAMM ALERT MARITIME SAFETY ACT
6 OF 2018.—Section 212(d)(1) of Hamm Alert
7 Maritime Safety Act of 2018 (title II of Public
8 Law 115–265; 45 U.S.C. 822 note) is amended,
9 in the matter preceding subparagraph (A), by
10 striking “for purposes of section 502(f)(4) of
11 the Railroad Revitalization and Regulatory Re-
12 form Act of 1976 (45 U.S.C. 822(f)(4))” and
13 inserting “for purposes of section 22402 of title
14 49, United States Code”.

15 (E) MILWAUKEE RAILROAD RESTRUC-
16 TURING ACT.—Section 15(f) of the Milwaukee
17 Railroad Restructuring Act (45 U.S.C. 914(f))
18 is amended by striking “Section 516 of the
19 Railroad Revitalization and Regulatory Reform
20 Act of 1976 (45 U.S.C. 836)” and inserting
21 “Section 22404 of title 49, United States
22 Code,”.

23 (F) ROCK ISLAND RAILROAD TRANSITION
24 AND EMPLOYEE ASSISTANCE ACT.—Section
25 104(b) of the Rock Island Railroad Transition

1 and Employee Assistance Act (45 U.S.C.
2 1003(b)) is amended—

3 (i) in paragraph (1)—

4 (I) by striking “title V of the
5 Railroad Revitalization and Regu-
6 latory Reform Act of 1976 (45 U.S.C.
7 821 et seq.)” and inserting “chapter
8 224 of title 49, United States Code,”;
9 and

10 (II) by striking “and section
11 18(b) of the Milwaukee Railroad Re-
12 structuring Act”; and

13 (ii) in paragraph (2), by striking
14 “title V of the Railroad Revitalization and
15 Regulatory Reform Act of 1976, and sec-
16 tion 516 of such Act (45 U.S.C. 836)” and
17 inserting “chapter 224 of title 49, United
18 States Code, including section 22404 of
19 such title,”.

20 (G) PASSENGER RAIL INVESTMENT AND
21 IMPROVEMENT ACT OF 2008.—Section 205(g) of
22 the Passenger Rail Investment and Improve-
23 ment Act of 2008 (division B of Public Law
24 110–432; 49 U.S.C. 24101 note) is amended by
25 striking “title V of the Railroad Revitalization

1 and Regulatory Reform Act of 1976 (45 U.S.C.
2 821 et seq.)” and inserting “chapter 224 of
3 title 49, United States Code”.

4 (H) PASSENGER RAIL REFORM AND IN-
5 VESTMENT ACT OF 2015.—Section 11311(d) of
6 the Passenger Rail Reform and Investment Act
7 of 2015 (Public Law 114–94; 49 U.S.C. 20101
8 note) is amended by striking “, and section 502
9 of the Railroad Revitalization and Regulatory
10 Reform Act of 1976 (45 U.S.C. 822)”.

11 (4) TITLE 49.—

12 (A) NATIONAL SURFACE TRANSPORTATION
13 AND INNOVATIVE FINANCE BUREAU.—Section
14 116(d)(1)(B) of title 49, United States Code, is
15 amended by striking “sections 501 through 503
16 of the Railroad Revitalization and Regulatory
17 Reform Act of 1976 (45 U.S.C. 821–823)” and
18 inserting “sections 22401 through 22403”.

19 (B) PROHIBITED DISCRIMINATION.—Sec-
20 tion 306(b) of title 49, United States Code, is
21 amended—

22 (i) by striking “chapter 221 or 249 of
23 this title,” and inserting “chapter 221,
24 224, or 249 of this title, or”; and

1 (ii) by striking “, or title V of the
2 Railroad Revitalization and Regulatory Re-
3 form Act of 1976 (45 U.S.C. 821 et
4 seq.)”.

5 (C) GRANT CONDITIONS.—Section
6 22905(c)(2)(B) of title 49, United States Code,
7 is amended by striking “section 504 of the Rail-
8 road Revitalization and Regulatory Reform Act
9 of 1976 (45 U.S.C. 836)” and inserting “sec-
10 tion 22404”.

11 (D) AMTRAK AUTHORITY.—Section 24903
12 of title 49, United States Code, is amended—

13 (i) in subsection (a)(6), by striking
14 “and the Railroad Revitalization and Reg-
15 ulatory Reform Act of 1976 (45 U.S.C.
16 801 et seq.)” and inserting “, the Railroad
17 Revitalization and Regulatory Reform Act
18 of 1976 (45 U.S.C. 801 et seq.), and chap-
19 ter 224 of this title”; and

20 (ii) in subsection (c)(2), by striking
21 “and the Railroad Revitalization and Reg-
22 ulatory Reform Act of 1976 (45 U.S.C.
23 801 et seq.)” and inserting “, the Railroad
24 Revitalization and Regulatory Reform Act

1 of 1976 (45 U.S.C. 801 et seq.), and chap-
2 ter 224 of this title”.

3 **SEC. 1302. SUBSTANTIVE CRITERIA AND STANDARDS.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Secretary shall update the publicly avail-
6 able credit program guide in accordance with the provi-
7 sions of chapter 224 of title 49, United States Code, as
8 added by section 1301.

9 **SEC. 1303. SEMIANNUAL REPORT ON TRANSIT-ORIENTED**
10 **DEVELOPMENT ELIGIBILITY.**

11 Not later than 6 months after the date of enactment
12 of this Act, and every 6 months thereafter, the Secretary
13 shall submit a report 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 that identifies—

17 (1) the number of applications submitted to the
18 Department for a direct loan or loan guarantee
19 under section 22402(b)(1)(E) of title 49, United
20 States Code, as amended by section 1301;

21 (2) the number of such loans or loan guaran-
22 tees that were provided to the applicants; and

23 (3) for each such application, the reasons for
24 providing or declining to provide the requested loan
25 or loan guarantee.

1 **TITLE II—RAIL**

2 **SEC. 2001. SHORT TITLE.**

3 This title may be cited as the “Passenger Rail Expan-
4 sion and Rail Safety Act of 2021”.

5 **Subtitle A—Authorization of**
6 **Appropriations**

7 **SEC. 2101. GRANTS TO AMTRAK.**

8 (a) NORTHEAST CORRIDOR.—There are authorized
9 to be appropriated to the Secretary for grants to Amtrak
10 for activities associated with the Northeast Corridor the
11 following amounts:

12 (1) For fiscal year 2022, \$1,570,000,000.

13 (2) For fiscal year 2023, \$1,100,000,000.

14 (3) For fiscal year 2024, \$1,200,000,000.

15 (4) For fiscal year 2025, \$1,300,000,000.

16 (5) For fiscal year 2026, \$1,400,000,000.

17 (b) NATIONAL NETWORK.—There are authorized to
18 be appropriated to the Secretary for grants to Amtrak for
19 activities associated with the National Network the fol-
20 lowing amounts:

21 (1) For fiscal year 2022, \$2,300,000,000.

22 (2) For fiscal year 2023, \$2,200,000,000.

23 (3) For fiscal year 2024, \$2,450,000,000.

24 (4) For fiscal year 2025, \$2,700,000,000.

25 (5) For fiscal year 2026, \$3,000,000,000.

1 (c) OVERSIGHT.—The Secretary may withhold up to
2 0.5 percent from the amount appropriated for each fiscal
3 year pursuant to subsections (a) and (b) for the costs of
4 oversight of Amtrak.

5 (d) STATE-SUPPORTED ROUTE COMMITTEE.—The
6 Secretary may withhold up to \$3,000,000 from the
7 amount appropriated for each fiscal year pursuant to sub-
8 section (b) for use by the State-Supported Route Com-
9 mittee established under section 24712(a) of title 49,
10 United States Code.

11 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-
12 retary may withhold up to \$6,000,000 from the amount
13 appropriated for each fiscal year pursuant to subsection
14 (a) for use by the Northeast Corridor Commission estab-
15 lished under section 24905(a) of title 49, United States
16 Code.

17 (f) INTERSTATE RAIL COMPACTS.—The Secretary
18 may withhold up to \$3,000,000 from the amount appro-
19 priated for each fiscal year pursuant to subsection (b) for
20 grants authorized under section 22910 of title 49, United
21 States Code.

22 (g) ACCESSIBILITY UPGRADES.—

23 (1) IN GENERAL.—The Secretary shall withhold
24 \$50,000,000 from the amount appropriated for each
25 fiscal year pursuant to subsections (a) and (b) for

1 grants to assist Amtrak in financing capital projects
2 to upgrade the accessibility of the national rail pas-
3 senger transportation system by increasing the num-
4 ber of existing facilities that are compliant with the
5 requirements under the Americans with Disabilities
6 Act of 1990 (42 U.S.C. 12101 et seq.) until the Sec-
7 retary determines Amtrak's existing facilities are in
8 compliance with such requirements.

9 (2) SAVINGS PROVISION.—Nothing in para-
10 graph (1) may be construed to prevent Amtrak from
11 using additional funds appropriated pursuant to this
12 section to carry out the activities authorized under
13 such paragraph.

14 (h) CORRIDOR DEVELOPMENT.—In addition to the
15 activities authorized under subsection (b), Amtrak may
16 use up to 10 percent of the amounts appropriated under
17 subsection (b) in each fiscal year to support Amtrak-oper-
18 ated corridors selected under section 2306 for—

19 (1) planning and capital costs; and

20 (2) operating assistance consistent with the
21 Federal funding limitations under section 22908 of
22 title 49, United States Code.

23 **SEC. 2102. FEDERAL RAILROAD ADMINISTRATION.**

24 (a) SAFETY AND OPERATIONS.—There are author-
25 ized to be appropriated to the Secretary for the operations

1 of the Federal Railroad Administration and to carry out
2 railroad safety activities the following amounts:

3 (1) For fiscal year 2022, \$248,000,000.

4 (2) For fiscal year 2023, \$254,000,000.

5 (3) For fiscal year 2024, \$263,000,000.

6 (4) For fiscal year 2025, \$271,000,000.

7 (5) For fiscal year 2026, \$279,000,000.

8 (b) RAILROAD RESEARCH AND DEVELOPMENT.—

9 There are authorized to be appropriated to the Secretary
10 for the use of the Federal Railroad Administration for ac-
11 tivities associated with railroad research and development
12 the following amounts:

13 (1) For fiscal year 2022, \$43,000,000.

14 (2) For fiscal year 2023, \$44,000,000.

15 (3) For fiscal year 2024, \$45,000,000.

16 (4) For fiscal year 2025, \$46,000,000.

17 (5) For fiscal year 2026, \$47,000,000.

18 (c) TRANSPORTATION TECHNOLOGY CENTER.—The

19 Secretary may withhold up to \$3,000,000 from the
20 amount appropriated for each fiscal year pursuant to sub-
21 section (b) for activities authorized under section
22 20108(d) of title 49, United States Code.

23 (d) RAIL RESEARCH AND DEVELOPMENT CENTER OF
24 EXCELLENCE.—The Secretary may withhold up to 10 per-
25 cent of the amount appropriated for each fiscal year under

1 subsection (b) for grants authorized under section
2 20108(j) of title 49, United States Code.

3 **SEC. 2103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
4 **SAFETY IMPROVEMENTS GRANTS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to the Secretary for grants under section 22907
7 of title 49, United States Code, \$1,000,000,000 for each
8 of fiscal years 2022 through 2026.

9 (b) OVERSIGHT.—The Secretary may withhold up to
10 2 percent from the amount appropriated for each fiscal
11 year pursuant to subsection (a) for the costs of project
12 management oversight of grants authorized under title 49,
13 United States Code.

14 **SEC. 2104. RAILROAD CROSSING ELIMINATION PROGRAM.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated to the Secretary for grants under section 22909
17 of title 49, United States Code, as added by section 2305,
18 \$500,000,000 for each of fiscal years 2022 through 2026.

19 (b) PLANNING PROJECTS.—Not less than 3 percent
20 of the amount appropriated in each fiscal year pursuant
21 to subsection (a) year shall be used for planning projects
22 described in section 22909(d)(6) of title 49, United States
23 Code.

24 (c) HIGHWAY-RAIL GRADE CROSSING SAFETY IN-
25 FORMATION AND EDUCATION PROGRAM.—Of the amount

1 appropriated under subsection (a) in each fiscal year, 0.25
2 percent shall be used for contracts or grants to carry out
3 a highway-rail grade crossing safety information and edu-
4 cation program—

5 (1) to help prevent and reduce pedestrian,
6 motor vehicle, and other accidents, incidents, inju-
7 ries, and fatalities; and

8 (2) to improve awareness along railroad rights-
9 of-way and at highway-rail grade crossings.

10 (d) OVERSIGHT.—The Secretary may withhold up to
11 2 percent from the amount appropriated for each fiscal
12 year pursuant to subsection (a) for the costs of project
13 management oversight of grants authorized under title 49,
14 United States Code.

15 **SEC. 2105. RESTORATION AND ENHANCEMENT GRANTS.**

16 (a) IN GENERAL.—There is authorized to be appro-
17 priated to the Secretary for grants under section 22908
18 of title 49, United States Code, \$50,000,000 for each of
19 fiscal years 2022 through 2026.

20 (b) OVERSIGHT.—The Secretary may withhold up to
21 1 percent of the amount appropriated for each fiscal year
22 pursuant to subsection (a) for the costs of project manage-
23 ment oversight of grants authorized under title 49, United
24 States Code.

1 **SEC. 2106. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**
2 **PASSENGER RAIL GRANTS.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated to the Secretary for grants under section 24911
5 of title 49, United States Code, \$1,500,000,000 for each
6 of fiscal years 2022 through 2026.

7 (b) OVERSIGHT.—The Secretary may withhold up to
8 2 percent of the amount appropriated under subsection
9 (a) for the costs of project management oversight of
10 grants authorized under title 49, United States Code.

11 **SEC. 2107. AMTRAK OFFICE OF INSPECTOR GENERAL.**

12 There are authorized to be appropriated to the Office
13 of Inspector General of Amtrak the following amounts:

14 (1) For fiscal year 2022, \$26,500,000.

15 (2) For fiscal year 2023, \$27,000,000.

16 (3) For fiscal year 2024, \$27,500,000.

17 (4) For fiscal year 2025, \$28,000,000.

18 (5) For fiscal year 2026, \$28,500,000.

19 **Subtitle B—Amtrak Reforms**

20 **SEC. 2201. AMTRAK FINDINGS, MISSION, AND GOALS.**

21 (a) FINDINGS.—Section 24101(a) of title 49, United
22 States Code, is amended—

23 (1) in paragraph (1), by striking “between
24 crowded urban areas and in other areas of” and in-
25 serting “throughout”;

1 (2) in paragraph (4), by striking “to Amtrak to
2 achieve a performance level sufficient to justify ex-
3 pending public money” and inserting “in order to
4 meet the intercity passenger rail needs of the United
5 States”;

6 (3) in paragraph (5)—

7 (A) by inserting “intercity passenger and”
8 before “commuter”; and

9 (B) by inserting “and rural” after “major
10 urban;” and

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

12 “(9) Long-distance routes are valuable resources of
13 the United States that are used by rural and urban com-
14 munities.”.

15 (b) GOALS.—Section 24101(c) of title 49, United
16 States Code, is amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) use its best business judgment in acting to
20 maximize the benefits of Federal investments, in-
21 cluding—

22 “(A) offering competitive fares;

23 “(B) increasing revenue from the transpor-
24 tation of mail and express;

1 “(C) offering food service that meets the
2 needs of its customers;

3 “(D) improving its contracts with rail car-
4 riers over whose tracks Amtrak operates;

5 “(E) controlling or reducing management
6 and operating costs; and

7 “(F) providing economic benefits to the
8 communities it serves;”;

9 (2) in paragraph (11), by striking “and” at the
10 end;

11 (3) in paragraph (12), by striking the period at
12 the end and inserting “; and”; and

13 (4) by adding at the end the following:

14 “(13) support and maintain established long-
15 distance routes to provide value to the Nation by
16 serving customers throughout the United States and
17 connecting urban and rural communities.”.

18 (c) INCREASING REVENUES.—Section 24101(d) of
19 title 49, United States Code, is amended to read as fol-
20 lows:

21 “(d) INCREASING REVENUES.—Amtrak is encour-
22 aged to make agreements with private sector entities and
23 to undertake initiatives that are consistent with good busi-
24 ness judgment and designed to generate additional reve-
25 nues to advance the goals described in subsection (c).”.

1 **SEC. 2202. COMPOSITION OF AMTRAK'S BOARD OF DIREC-**
2 **TORS.**

3 (a) SELECTION; COMPOSITION; CHAIR.—Section
4 24302(a) of title 49, United States Code, is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (B), by striking
7 “President” and inserting “Chief Executive Of-
8 ficer”; and

9 (B) in subparagraph (C), by striking “or
10 a” and inserting “(including individuals with
11 disabilities) or of a”;

12 (2) in paragraph (2), by striking “and try to
13 provide adequate and balanced representation of the
14 major geographic regions of the United States
15 served by Amtrak”;

16 (3) by redesignating paragraph (5) as para-
17 graph (7); and

18 (4) by striking paragraph (4) and inserting the
19 following:

20 “(4) Of the individuals appointed pursuant to
21 paragraph (1)(C)—

22 “(A) 2 individuals shall reside in or near
23 a location served by a regularly scheduled Am-
24 trak service along the Northeast Corridor;

25 “(B) 4 individuals shall reside in or near
26 regions of the United States that are geographi-

1 cally distributed outside of the Northeast Cor-
2 ridor, of whom—

3 “(i) 2 individuals shall reside in
4 States served by a long-distance route op-
5 erated by Amtrak;

6 “(ii) 2 individuals shall reside in
7 States served by a State-supported route
8 operated by Amtrak; and

9 “(iii) an individual who resides in a
10 State that is served by a State-supported
11 route and a long-distance route may be ap-
12 pointed to serve either position referred to
13 in clauses (i) and (ii);

14 “(C) 2 individuals shall reside either—

15 “(i) in or near a location served by a
16 regularly scheduled Amtrak service on the
17 Northeast Corridor; or

18 “(ii) in a State served by long-dis-
19 tance or a State-supported route; and

20 “(D) each individual appointed to the
21 Board pursuant to this paragraph may only fill
22 1 of the allocations set forth in subparagraphs
23 (A) through (C).

24 “(5) The Board shall elect a chairperson and
25 vice chairperson, other than the Chief Executive Of-

1 ficer of Amtrak, from among its membership. The
2 vice chairperson shall act as chairperson in the ab-
3 sence of the chairperson.

4 “(6) The Board shall meet at least annually
5 with—

6 “(A) representatives of Amtrak employees;

7 “(B) representatives of persons with dis-
8 abilities; and

9 “(C) the general public, in an open meet-
10 ing with a virtual attendance option, to discuss
11 financial performance and service results.”.

12 (b) **RULE OF CONSTRUCTION.**—None of the amend-
13 ments made by subsection (a) may be construed as affect-
14 ing the term of any director serving on the Amtrak Board
15 of Directors under section 24302(a)(1)(C) of title 49,
16 United States Code, as of the date of enactment of this
17 Act.

18 **SEC. 2203. STATION AGENTS.**

19 Section 24312 of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(c) **AVAILABILITY OF STATION AGENTS.**—

22 “(1) **IN GENERAL.**—Except as provided in para-
23 graph (2), beginning on the date that is 1 year after
24 the date of enactment of the Passenger Rail Expans-
25 sion and Rail Safety Act of 2021, Amtrak shall en-

1 sure that at least 1 Amtrak ticket agent is employed
2 at each station building—

3 “(A) that Amtrak owns, or operates service
4 through, as part of a long-distance or Northeast
5 Corridor passenger service route;

6 “(B) where at least 1 Amtrak ticket agent
7 was employed on or after October 1, 2017; and

8 “(C) for which an average of 40 pas-
9 sengers boarded or deboarded an Amtrak train
10 per day during all of the days in fiscal year
11 2017 when the station was serviced by Amtrak,
12 regardless of the number of Amtrak trains serv-
13 icing the station per day.

14 “(2) EXCEPTION.—Paragraph (1) shall not
15 apply to any station building in which a commuter
16 rail ticket agent has the authority to sell Amtrak
17 tickets.”.

18 **SEC. 2204. INCREASING OVERSIGHT OF CHANGES TO AM-**
19 **TRAK LONG-DISTANCE ROUTES AND OTHER**
20 **INTERCITY SERVICES.**

21 (a) AMTRAK ANNUAL OPERATIONS REPORT.—Sec-
22 tion 24315(a)(1) of title 49, United States Code, is
23 amended—

24 (1) in subparagraph (G), by striking “and” at
25 the end;

1 (2) in subparagraph (H), by adding “and” at
2 the end; and

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

4 “(I) any change made to a route’s or serv-
5 icer’s frequency or station stops;”.

6 (b) 5-YEAR BUSINESS LINE PLANS.—Section
7 24320(b)(2) of title 49, United States Code, is amended—

8 (1) by redesignating subparagraphs (B)
9 through (L) as subparagraphs (C) through (M), re-
10 spectively; and

11 (2) by inserting after subparagraph (A) the fol-
12 lowing:

13 “(B) a detailed description of any plans to
14 permanently change a route’s or service’s fre-
15 quency or station stops for the service line;”.

16 **SEC. 2205. IMPROVED OVERSIGHT OF AMTRAK ACCOUNT-**
17 **ING.**

18 Section 24317 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a)(2), by striking “and costs
21 among Amtrak business lines” and inserting “, in-
22 cluding Federal grant funds, and costs among Am-
23 trak service lines”;

24 (2) by amending subsection (b) to read as fol-
25 lows:

1 “(b) ACCOUNT STRUCTURE.—

2 “(1) IN GENERAL.—The Secretary of Transpor-
3 tation, in consultation with Amtrak, shall define,
4 maintain, and periodically update an account struc-
5 ture and improvements to accounting methodologies,
6 as necessary, to support the Northeast Corridor and
7 the National Network.

8 “(2) NOTIFICATION OF SUBSTANTIVE
9 CHANGES.—The Secretary shall notify the Com-
10 mittee on Commerce, Science, and Transportation of
11 the Senate, the Committee on Appropriations of the
12 Senate, the Committee on Transportation and Infra-
13 structure of the House of Representatives, and the
14 Committee on Appropriations of the House of Rep-
15 resentatives regarding any substantive changes made
16 to the account structure, including changes to—

17 “(A) the service lines described in section
18 24320(b)(1); and

19 “(B) the asset lines described in section
20 24320(c)(1).”;

21 (3) in subsection (c), in the matter preceding
22 paragraph (1), by inserting “, maintaining, and up-
23 dating” after “defining”;

1 (4) in subsection (d), in the matter preceding
2 paragraph (1), by inserting “, maintaining, and up-
3 dating” after “defining”;

4 (5) by amending subsection (e) to read as fol-
5 lows:

6 “(e) IMPLEMENTATION AND REPORTING.—

7 “(1) IN GENERAL.—Amtrak, in consultation
8 with the Secretary of Transportation, shall maintain
9 and implement any account structures and improve-
10 ments defined under subsection (b) to enable Am-
11 trak to produce sources and uses statements for
12 each of the service lines described in section
13 24320(b)(1) and, as appropriate, each of the asset
14 lines described in section 24320(c)(1), that identify
15 sources and uses of revenues, appropriations, and
16 transfers between accounts.

17 “(2) UPDATED SOURCES AND USES STATE-
18 MENTS.—Not later than 30 days after the imple-
19 mentation of subsection (b), and monthly thereafter,
20 Amtrak shall submit to the Secretary of Transpor-
21 tation updated sources and uses statements for each
22 of the service lines and asset lines referred to in
23 paragraph (1). The Secretary and Amtrak may
24 agree to a different frequency of reporting.”;

25 (6) by striking subsection (h); and

1 (7) by redesignating subsection (i) as subsection
2 (h).

3 **SEC. 2206. IMPROVED OVERSIGHT OF AMTRAK SPENDING.**

4 (a) ALLOCATION OF COSTS AND REVENUES.—Sec-
5 tion 24318(a) of title 49, United States Code, is amended
6 by striking “Not later than 180 days after the date of
7 enactment of the Passenger Rail Reform and Investment
8 Act of 2015,”.

9 (b) GRANT PROCESS AND REPORTING.—Section
10 24319 of title 49, United States Code, is amended—

11 (1) in the section heading, by inserting “**and**
12 **reporting**” after “**process**”;

13 (2) by amending subsection (a) to read as fol-
14 lows:

15 “(a) PROCEDURES FOR GRANT REQUESTS.—The
16 Secretary of Transportation shall—

17 “(1) establish and maintain substantive and
18 procedural requirements, including schedules, for
19 grant requests under this section; and

20 “(2) report any changes to such procedures
21 to—

22 “(A) the Committee on Commerce,
23 Science, and Transportation of the Senate;

24 “(B) the Committee on Appropriations of
25 the Senate;

1 “(C) the Committee on Transportation and
2 Infrastructure of the House of Representatives;
3 and

4 “(D) the Committee on Appropriations of
5 the House of Representatives.”;

6 (3) in subsection (b), by striking “grant re-
7 quests” and inserting “a grant request annually, or
8 as additionally required,”;

9 (4) by amending subsection (c) to read as fol-
10 lows:

11 “(c) CONTENTS.—

12 “(1) IN GENERAL.—Each grant request under
13 subsection (b) shall, as applicable—

14 “(A) categorize and identify, by source, the
15 Federal funds and program income that will be
16 used for the upcoming fiscal year for each of
17 the Northeast Corridor and National Network
18 in 1 of the categories or subcategories set forth
19 in paragraph (2);

20 “(B) describe the operations, services, pro-
21 grams, projects, and other activities to be fund-
22 ed within each of the categories set forth in
23 paragraph (2), including—

1 “(i) the estimated scope, schedule,
2 and budget necessary to complete each
3 project and program; and

4 “(ii) the performance measures used
5 to quantify expected and actual project
6 outcomes and benefits, aggregated by fiscal
7 year, project milestone, and any other ap-
8 propriate grouping; and

9 “(C) describe the status of efforts to im-
10 prove Amtrak’s safety culture.

11 “(2) GRANT CATEGORIES.—

12 “(A) OPERATING EXPENSES.—Each grant
13 request to use Federal funds for operating ex-
14 penses shall—

15 “(i) include estimated net operating
16 costs not covered by other Amtrak revenue
17 sources;

18 “(ii) specify Federal funding re-
19 quested for each service line described in
20 section 24320(b)(1); and

21 “(iii) be itemized by route.

22 “(B) DEBT SERVICE.—A grant request to
23 use Federal funds for expenses related to debt,
24 including payment of principle and interest, as
25 allowed under section 205 of the Passenger Rail

1 Investment and Improvement Act of 2008
2 (Public Law 110–432; 49 U.S.C. 24101 note).

3 “(C) CAPITAL.—A grant request to use
4 Federal funds and program income for capital
5 expenses shall include capital projects and pro-
6 grams primarily associated with—

7 “(i) normalized capital replacement
8 programs, including regularly recurring
9 work programs implemented on a system-
10 atic basis on classes of physical railroad
11 assets, such as track, structures, electric
12 traction and power systems, rolling stock,
13 and communications and signal systems, to
14 maintain and sustain the condition and
15 performance of such assets to support con-
16 tinued railroad operations;

17 “(ii) improvement projects to support
18 service and safety enhancements, including
19 discrete projects implemented in accord-
20 ance with a fixed scope, schedule, and
21 budget that result in enhanced or new in-
22 frastructure, equipment, or facilities;

23 “(iii) backlog capital replacement
24 projects, including discrete projects imple-
25 mented in accordance with a fixed scope,

1 schedule, and budget that primarily replace
2 or rehabilitate major infrastructure assets,
3 including tunnels, bridges, stations, and
4 similar assets, to reduce the state of good
5 repair backlog on the Amtrak network;

6 “(iv) strategic initiative projects, in-
7 cluding discrete projects implemented in
8 accordance with a fixed scope, schedule,
9 and budget that primarily improve overall
10 operational performance, lower costs, or
11 otherwise improve Amtrak’s corporate effi-
12 ciency; and

13 “(v) statutory, regulatory, or other le-
14 gally mandated projects, including discrete
15 projects implemented in accordance with a
16 fixed scope, schedule, and budget that en-
17 able Amtrak to fulfill specific legal or regu-
18 latory mandates.

19 “(D) CONTINGENCY.—A grant request to
20 use Federal funds for operating and capital ex-
21 pense contingency shall include—

22 “(i) contingency levels for specified
23 activities and operations; and

24 “(ii) a process for the utilization of
25 such contingency.

1 “(3) MODIFICATION OF CATEGORIES.—The
2 Secretary of Transportation and Amtrak may jointly
3 agree to modify the categories set forth in paragraph
4 (2) if such modifications are necessary to improve
5 the transparency, oversight, or delivery of projects
6 funded through grant requests under this section.”;

7 (5) in subsection (d)(1)(A)—

8 (A) by inserting “complete” after “submits
9 a”;

10 (B) by striking “shall complete” and in-
11 serting “shall finish”; and

12 (C) in clause (ii), by striking “incomplete
13 or”;

14 (6) in subsection (e)—

15 (A) in paragraph (1)—

16 (i) by striking “and other activities to
17 be funded by the grant” and inserting
18 “programs, projects, and other activities to
19 be funded by the grant, consistent with the
20 categories required for Amtrak in a grant
21 request under subsection (c)(1)(A)”;

22 (ii) by striking “or activities” and in-
23 serting “programs, projects, and other ac-
24 tivities”; and

25 (B) in paragraph (3)—

1 (i) by redesignating subparagraphs
2 (A) and (B) as subparagraphs (B) and
3 (C), respectively; and

4 (ii) by inserting before subparagraph
5 (B), as redesignated, the following:

6 “(A) using an otherwise allowable ap-
7 proach to the method prescribed for a specific
8 project or category of projects under paragraph
9 (2) if the Secretary and Amtrak agree that a
10 different payment method is necessary to more
11 successfully implement and report on an oper-
12 ation, service, program, project, or other activ-
13 ity;”;

14 (7) by redesignating subsection (h) as sub-
15 section (j); and

16 (8) by inserting after subsection (g) the fol-
17 lowing:

18 “(h) APPLICABLE LAWS AND REGULATIONS.—

19 “(1) SINGLE AUDIT ACT OF 1984.—Notwith-
20 standing section 24301(a)(3) of this title and section
21 7501(a)(13) of title 31, Amtrak shall be deemed a
22 ‘non-Federal entity’ for purposes of chapter 75 of
23 title 31.

24 “(2) REGULATIONS AND GUIDANCE.—The Sec-
25 retary of Transportation may apply some or all of

1 the requirements set forth in the regulations and
2 guidance promulgated by the Secretary relating to
3 the management, administration, cost principles, and
4 audit requirements for Federal awards.

5 “(i) AMTRAK GRANT REPORTING.—The Secretary of
6 Transportation shall determine the varying levels of detail
7 and information that will be included in reports for oper-
8 ations, services, program, projects, program income, cash
9 on hand, and other activities within each of the grant cat-
10 egories described in subsection (c)(2).”.

11 (c) CONFORMING AMENDMENTS.—

12 (1) REPORTS AND AUDITS.—Section
13 24315(b)(1) of title 49, United States Code, is
14 amended—

15 (A) in subparagraph (A), by striking “the
16 goal of section 24902(b) of this title; and” and
17 inserting “the goal described in section
18 24902(a);”;

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

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

22 “(C) shall incorporate the category de-
23 scribed in section 24319(c)(2)(C).”.

24 (2) CLERICAL AMENDMENT.—The analysis for
25 chapter 243 of title 49, United States Code, is

1 amended by striking the item relating to section
2 24319 and inserting the following:

“24319. Grant process and reporting.”.

3 **SEC. 2207. INCREASING SERVICE LINE AND ASSET LINE**
4 **PLAN TRANSPARENCY.**

5 (a) IN GENERAL.—Section 24320 of title 49, United
6 States Code, is amended—

7 (1) in the section heading, by striking “**busi-**
8 **ness line and asset plans**” and inserting
9 “**service line and asset line plans**”;

10 (2) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “of each year” and in-
13 serting “, 2020, and biennially thereafter”;

14 (ii) by striking “5-year business line
15 plans and 5-year asset plans” and insert-
16 ing “5-year service line plans and 5-year
17 asset line plans”; and

18 (iii) by adding at the end the fol-
19 lowing: “During each year in which Am-
20 trak is not required to submit a plan under
21 this paragraph, Amtrak shall submit to
22 Congress updated financial sources and
23 uses statements and forecasts with the an-
24 nual report required under section
25 24315(b).”; and

1 (B) in paragraph (2), by striking “asset
2 plan required in” and inserting “asset line plan
3 required under”;

4 (3) in subsection (b)—

5 (A) in the subsection heading, by striking
6 “BUSINESS” and inserting “SERVICE”;

7 (B) in paragraph (1)—

8 (i) in the paragraph heading, by strik-
9 ing “BUSINESS” and inserting “SERVICE”;

10 (ii) by striking “business” each place
11 such term appears and inserting “service”;

12 (iii) by amending subparagraph (B) to
13 read as follows:

14 “(B) Amtrak State-supported train serv-
15 ices.”;

16 (iv) in subparagraph (C), by striking
17 “routes” and inserting “train services”;

18 and

19 (v) by adding at the end the following:

20 “(E) Infrastructure access services for use
21 of Amtrak-owned or Amtrak-controlled infra-
22 structure and facilities.”;

23 (C) in paragraph (2)—

24 (i) in the paragraph heading, by strik-
25 ing “BUSINESS” and inserting “SERVICE”;

1 (ii) by striking “business” each place
2 such term appears and inserting “service”;

3 (iii) in subparagraph (A), by striking
4 “Strategic Plan and 5-year asset plans”
5 and inserting “5-year asset line plans”;

6 (iv) in subparagraph (F) (as redesignated
7 by section 2204(b)(1)), by striking
8 “profit and loss” and inserting “sources
9 and uses”;

10 (v) by striking subparagraph (G) (as
11 redesignated by section 2204(b)(1));

12 (vi) by redesignating subparagraphs
13 (H) through (M) (as redesignated by section
14 2204(b)(1)) as subparagraphs (G)
15 through (L), respectively; and

16 (vii) by amending subparagraph (I)
17 (as so redesignated) to read as follows:

18 “(I) financial performance for each route,
19 if deemed applicable by the Secretary, within
20 each service line, including descriptions of the
21 cash operating loss or contribution;”;

22 (D) in paragraph (3)—

23 (i) in the paragraph heading, by striking
24 ing “BUSINESS” and inserting “SERVICE”;

1 (ii) by striking “business” each place
2 such term appears and inserting “service”;

3 (iii) by redesignating subparagraphs
4 (A), (B), (C), and (D) as clauses (i), (ii),
5 (iii), and (iv), respectively, and moving
6 such clauses 2 ems to the right;

7 (iv) by inserting before clause (i), as
8 redesignated, the following:

9 “(A) not later than 180 days after the date
10 of enactment of the Passenger Rail Expansion
11 and Rail Safety Act of 2021, submit to the Sec-
12 retary, for approval, a consultation process for
13 the development of each service line plan that
14 requires Amtrak to—”;

15 (v) in subparagraph (A), as amended
16 by clause (iv)—

17 (I) in clause (iii), as redesign-
18 nated, by inserting “and submit the
19 final service line plan required under
20 subsection (a)(1) to the State-Sup-
21 ported Route Committee” before the
22 semicolon at the end;

23 (II) in clause (iv), as redesign-
24 nated, by inserting “and” after the
25 semicolon at the end; and

1 (III) by adding at the end the
2 following:

3 “(v) for the infrastructure access serv-
4 ice line plan, consult with the Northeast
5 Corridor Commission and other entities, as
6 appropriate, and submit the final asset line
7 plan under subsection (a)(1) to the North-
8 east Corridor Commission;”; and

9 (vi) by redesignating subparagraphs
10 (E) and (F) as subparagraphs (B) and
11 (C), respectively;

12 (E) by redesignating paragraph (4) as
13 paragraph (5); and

14 (F) by inserting after paragraph (3)(C), as
15 redesignated, the following:

16 “(4) 5-YEAR SERVICE LINE PLANS UPDATES.—
17 Amtrak may modify the content to be included in
18 the service line plans described in paragraph (1),
19 upon the approval of the Secretary, if the Secretary
20 determines that such modifications are necessary to
21 improve the transparency, oversight, and delivery of
22 Amtrak services and the use of Federal funds by
23 Amtrak.”; and

24 (4) in subsection (c)—

1 (A) in the subsection heading, by inserting
2 “LINE” after “ASSET”;

3 (B) in paragraph (1)—

4 (i) in the paragraph heading, by strik-
5 ing “CATEGORIES” and inserting “LINES”;

6 (ii) in the matter preceding subpara-
7 graph (A), by striking “asset plan for each
8 of the following asset categories” and in-
9 serting “asset line plan for each of the fol-
10 lowing asset lines”;

11 (iii) by redesignating subparagraphs
12 (A), (B), (C), and (D) as subparagraphs
13 (B), (C), (D), and (E), respectively;

14 (iv) by inserting before subparagraph
15 (B), as redesignated, the following:

16 “(A) Transportation, including activities
17 and resources associated with the operation and
18 movement of Amtrak trains, onboard services,
19 and amenities.”;

20 (v) in subparagraph (B), as redesign-
21 ated, by inserting “and maintenance-of-
22 way equipment” after “facilities”; and

23 (vi) in subparagraph (C), as redesign-
24 ated, by striking “Passenger rail equip-
25 ment” and inserting “Equipment”;

1 (C) in paragraph (2)—

2 (i) in the paragraph heading, by in-
3 serting “LINE” after “ASSET”;

4 (ii) in the matter preceding subpara-
5 graph (A), by inserting “line” after
6 “asset”;

7 (iii) in subparagraph (A), by striking
8 “category” and inserting “line”;

9 (iv) in subparagraph (C)(iii)(III), by
10 striking “and” at the end;

11 (v) by amending subparagraph (D) to
12 read as follows:

13 “(D) annual sources and uses statements
14 and forecasts for each asset line; and”; and

15 (vi) by adding at the end the fol-
16 lowing:

17 “(E) other elements that Amtrak elects to
18 include.”;

19 (D) in paragraph (3)—

20 (i) in the paragraph heading, by in-
21 serting “LINE” after “ASSET”;

22 (ii) by redesignating subparagraphs
23 (A) and (B) as clauses (i) and (ii) and
24 moving such clauses 2 ems to the right;

1 (iii) by inserting before clause (i), as
2 redesignated, the following:

3 “(A) not later than 180 days after the date
4 of enactment of the Passenger Rail Expansion
5 and Rail Safety Act of 2021, submit to the Sec-
6 retary, for approval, a consultation process for
7 the development of each asset line plan that re-
8 quires Amtrak to—”;

9 (iv) in subparagraph (A), as added by
10 clause (iii)—

11 (I) in clause (i), as redesign-
12 nated—

13 (aa) by striking “business”
14 each place such term appears
15 and inserting “service”;

16 (bb) by inserting “line”
17 after “asset” each place such
18 term appears; and

19 (cc) by adding “and” at the
20 end; and

21 (II) in clause (ii), as redesign-
22 nated—

23 (aa) by inserting “consult
24 with the Secretary of Transpor-
25 tation in the development of

1 asset line plans and,” before “as
2 applicable”; and

3 (bb) by inserting “line”
4 after “5-year asset”;

5 (v) by redesignating subparagraph (C)
6 as subparagraph (B); and

7 (vi) in subparagraph (B), as redesign-
8 nated, by striking “category” and inserting
9 “line”;

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

13 (F) by inserting after paragraph (3) the
14 following:

15 “(4) 5-YEAR ASSET LINE PLAN UPDATES.—Am-
16 trak may modify the content to be included in the
17 asset line plans described in paragraph (1), on ap-
18 proval of the Secretary, if the Secretary determines
19 that such modifications are necessary to improve the
20 transparency, oversight, and delivery of Amtrak
21 services and the use of Federal funds by Amtrak.”;

22 (G) in paragraph (5)(A), as redesignated,
23 by inserting “, but shall not include corporate
24 services (as defined pursuant to section
25 24317(b))” after “national assets”; and

1 (H) in paragraph (7), as redesignated, by
2 striking “paragraph (4)” and inserting “para-
3 graph (5)”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 243 of title 49, United States Code, is amended by
6 striking the item relating to section 24320 and inserting
7 the following:

“24320. Amtrak 5-year service line and asset line plans.”.

8 (c) EFFECTIVE DATES.—Section 11203(b) of the
9 Passenger Rail Reform and Investment Act of 2015 (49
10 U.S.C. 24320 note) is amended—

11 (1) by striking “business” each place such term
12 appears and inserting “service”; and

13 (2) by inserting “line” after “asset” each place
14 such term appears.

15 **SEC. 2208. PASSENGER EXPERIENCE ENHANCEMENT.**

16 (a) IN GENERAL.—Section 24305(c)(4) of title 49,
17 United States Code, is amended by striking “only if reve-
18 nues from the services each year at least equal the cost
19 of providing the services”.

20 (b) FOOD AND BEVERAGE SERVICE WORKING
21 GROUP.—

22 (1) IN GENERAL.—Section 24321 of title 49,
23 United States Code, is amended to read as follows:

24 **“§ 24321. Food and beverage service**

25 **“(a) WORKING GROUP.—**

1 “(1) ESTABLISHMENT.—Not later than 180
2 days after enactment of the Passenger Rail Expan-
3 sion and Rail Safety Act of 2021, Amtrak shall es-
4 tablish a working group to provide recommendations
5 to improve Amtrak’s onboard food and beverage
6 service.

7 “(2) MEMBERSHIP.—The working group shall
8 consist of individuals representing—

9 “(A) Amtrak;

10 “(B) the labor organizations representing
11 Amtrak employees who prepare or provide on-
12 board food and beverage service;

13 “(C) nonprofit organizations representing
14 Amtrak passengers; and

15 “(D) States that are providing funding for
16 State-supported routes.

17 “(b) REPORT.—Not later than 1 year after the estab-
18 lishment of the working group pursuant to subsection (a),
19 the working group shall submit a report to the Committee
20 on Commerce, Science, and Transportation of the Senate
21 and the Committee on Transportation and Infrastructure
22 of the House of Representatives containing recommenda-
23 tions for improving Amtrak’s food and beverage service,
24 including—

1 “(1) ways to improve the financial performance
2 of Amtrak;

3 “(2) ways to increase and retain ridership;

4 “(3) the differing needs of passengers traveling
5 on long-distance routes, State supported routes, and
6 the Northeast Corridor;

7 “(4) Amtrak passenger survey data about the
8 food and beverages offered on Amtrak trains;

9 “(5) ways to incorporate local food and bev-
10 erage items on State-supported routes; and

11 “(6) any other issue that the working group de-
12 termines to be appropriate.

13 “(c) IMPLEMENTATION.—Not later than 180 days
14 after the submission of the report pursuant to subsection
15 (b), Amtrak shall submit a plan for implementing the rec-
16 ommendations of the working group, and an explanation
17 for any of the working group’s recommendations it does
18 not agree with and does not plan on implementing to the
19 Committee on Commerce, Science, and Transportation of
20 the Senate and the Committee on Transportation and In-
21 frastructure of the House of Representatives.

22 “(d) SAVINGS CLAUSE.—Amtrak shall ensure that no
23 Amtrak employee who held a position on a long distance
24 or Northeast Corridor route as of the date of enactment
25 of the Passenger Rail Expansion and Rail Safety Act of

1 2021, is involuntarily separated because of the develop-
2 ment and implementation of the plan required under this
3 section.”.

4 (2) CLERICAL AMENDMENT.—The analysis for
5 chapter 243 of title 49, United States Code, is
6 amended by striking the item relating to section
7 24321 and inserting the following:

“24321. Food and beverage service.”.

8 **SEC. 2209. AMTRAK SMOKING POLICY.**

9 (a) IN GENERAL.—Chapter 243 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 24323. Prohibition on smoking on Amtrak trains**

13 “(a) PROHIBITION.—Beginning on the date of enact-
14 ment of this section, Amtrak shall prohibit smoking, in-
15 cluding the use of electronic cigarettes, onboard all Am-
16 trak trains.

17 “(b) ELECTRONIC CIGARETTE DEFINED.—In this
18 section, the term ‘electronic cigarette’ means a device that
19 delivers nicotine or other substances to a user of the device
20 in the form of a vapor that is inhaled to simulate the expe-
21 rience of smoking.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 243 of title 49, United States Code, is amended
24 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

1 **SEC. 2210. PROTECTING AMTRAK ROUTES THROUGH**
2 **RURAL COMMUNITIES.**

3 Section 24706 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “subsection
6 (b) of this section, at least 180 days” and inserting
7 “subsection (c), not later than 180 days”;

8 (2) by redesignating subsections (b) and (c) as
9 subsections (c) and (e), respectively;

10 (3) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) DISCONTINUANCE OR SUBSTANTIAL ALTER-
13 ATION OF LONG-DISTANCE ROUTES.—Except as provided
14 in subsection (c), in an emergency, or during maintenance
15 or construction outages impacting Amtrak routes, Amtrak
16 may not discontinue, reduce the frequency of, suspend, or
17 substantially alter the route of rail service on any segment
18 of any long-distance route in any fiscal year in which Am-
19 trak receives adequate Federal funding for such route on
20 the National Network.”; and

21 (4) by inserting after subsection (c), as redesign-
22 nated, the following:

23 “(d) CONGRESSIONAL NOTIFICATION OF DIS-
24 CONTINUANCE.—Except as provided in subsection (c), not
25 later than 210 days before discontinuing service over a
26 route, Amtrak shall give written notice of such discontinu-

1 ance to all of the members of Congress representing any
2 State or district in which the discontinuance would
3 occur.”.

4 **SEC. 2211. STATE-SUPPORTED ROUTE COMMITTEE.**

5 (a) STATE-SUPPORTED ROUTE COMMITTEE.—Sec-
6 tion 24712(a) of title 49, United States Code, is amend-
7 ed—

8 (1) in paragraph (1)—

9 (A) by striking “Not later than 180 days
10 after the date of enactment of the Passenger
11 Rail Reform and Investment Act of 2015, the
12 Secretary of Transportation shall establish”
13 and inserting “There is established”; and

14 (B) by inserting “current and future” be-
15 fore “rail operations”;

16 (2) by redesignating paragraphs (4), (5), and
17 (6) as paragraphs (5), (6), and (7), respectively;

18 (3) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) ABILITY TO CONDUCT CERTAIN BUSI-
21 NESS.—If all of the members of 1 voting bloc de-
22 scribed in paragraph (3) abstain from a Committee
23 decision, agreement between the other 2 voting blocs
24 consistent with the procedures set forth in such

1 paragraph shall be deemed sufficient for purpose of
2 achieving unanimous consent.”;

3 (4) in paragraph (5), as redesignated, in the
4 matter preceding subparagraph (A)—

5 (A) by striking “convene a meeting and
6 shall define and implement” and inserting “de-
7 fine and periodically update”; and

8 (B) by striking “not later than 180 days
9 after the date of establishment of the Com-
10 mittee by the Secretary”; and

11 (5) in paragraph (7), as redesignated—

12 (A) in the paragraph heading, by striking
13 “ALLOCATION METHODOLOGY” and inserting
14 “METHODOLOGY POLICY”;

15 (B) in subparagraph (A), by striking “allo-
16 cation methodology” and inserting “method-
17 ology policy”;

18 (C) by amending subparagraph (B) to read
19 as follows:

20 “(B) REVISIONS TO COST METHODOLOGY
21 POLICY.—

22 “(i) REQUIREMENT TO REVISE AND
23 UPDATE.—Subject to rules and procedures
24 established pursuant to clause (iii), not
25 later than March 31, 2022, the Committee

1 shall revise and update the cost method-
2 ology policy required and previously ap-
3 proved under section 209 of the Passenger
4 Rail Investment and Improvement Act of
5 2008 (49 U.S.C. 20901 note). The Com-
6 mittee shall implement a revised cost meth-
7 odology policy during fiscal year 2023. Not
8 later than 30 days after the adoption of
9 the revised cost methodology policy, the
10 Committee shall submit a report docu-
11 menting and explaining any changes to the
12 cost methodology policy and plans for im-
13 plementation of such policy, including a de-
14 scription of the improvements to the ac-
15 counting information provided by Amtrak
16 to the States, to the Committee on Com-
17 merce, Science, and Transportation of the
18 Senate and the Committee on Transpor-
19 tation and Infrastructure of the House of
20 Representatives. The revised cost method-
21 ology policy shall ensure that States will be
22 responsible for costs attributable to the
23 provision of service for their routes.

24 “(ii) IMPLEMENTATION IMPACTS ON
25 FEDERAL FUNDING.—To the extent that a

1 revision developed pursuant to clause (i)
2 assigns to Amtrak costs that were pre-
3 viously allocated to States, Amtrak shall
4 request with specificity such additional
5 funding in the general and legislative an-
6 nual report required under section 24315
7 or in any appropriate subsequent Federal
8 funding request for the fiscal year in which
9 the revised cost methodology policy will be
10 implemented.

11 “(iii) PROCEDURES FOR CHANGING
12 METHODOLOGY.—Notwithstanding section
13 209(b) of the Passenger Rail Investment
14 and Improvement Act of 2008 (49 U.S.C.
15 20901 note), the rules and procedures im-
16 plemented pursuant to paragraph (5) shall
17 include—

18 “(I) procedures for changing the
19 cost methodology policy in accordance
20 with clause (i); and

21 “(II) procedures or broad guide-
22 lines for conducting financial plan-
23 ning, including operating and capital
24 forecasting, reporting, data sharing,
25 and governance.”;

1 (D) in subparagraph (C)—

2 (i) in the matter preceding clause (i),
3 by striking “allocation methodology” and
4 inserting “methodology policy”;

5 (ii) in clause (i), by striking “and” at
6 the end;

7 (iii) in clause (ii)—

8 (I) by striking “allocate” and in-
9 serting “assign”; and

10 (II) by striking the period and
11 inserting “; and”; and

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

14 “(iii) promote increased efficiency in
15 Amtrak’s operating and capital activities.”;

16 and

17 (E) by adding at the end the following:

18 “(D) INDEPENDENT EVALUATION.—Not
19 later than March 31 of each year, the Com-
20 mittee shall ensure that an independent entity
21 selected by the Committee has completed an
22 evaluation to determine whether State pay-
23 ments for the most recently concluded fiscal
24 year are accurate and comply with the applica-
25 ble cost allocation methodology.”.

1 (b) INVOICES AND REPORTS.—Section 24712(b) of
2 title 49, United States Code, is amended to read as fol-
3 lows:

4 “(b) INVOICES AND REPORTS.—

5 “(1) INVOICES.—Amtrak shall provide monthly
6 invoices to the Committee and to each State that
7 sponsors a State-supported route that identify the
8 operating costs for such route, including fixed costs
9 and third-party costs.

10 “(2) REPORTS.—

11 “(A) IN GENERAL.—The Committee shall
12 determine the frequency and contents of—

13 “(i) the financial and performance re-
14 ports that Amtrak is required to provide to
15 the Committee and the States; and

16 “(ii) the planning and demand reports
17 that the States are required to provide to
18 the Committee and Amtrak.

19 “(B) MONTHLY STATISTICAL REPORT.—

20 “(i) DEVELOPMENT.—Consistent with
21 the revisions to the policy required under
22 subsection (a)(7)(B), the Committee shall
23 develop a report that contains the general
24 ledger data and operating statistics from

1 Amtrak’s accounting systems used to cal-
2 culate payments to States.

3 “(ii) PROVISION OF NECESSARY
4 DATA.—Not later than 30 days after the
5 last day of each month, Amtrak shall pro-
6 vide to the States and to the Committee
7 the necessary data to complete the report
8 developed pursuant to clause (i) for such
9 month.”.

10 (c) DISPUTE RESOLUTION.—Section 24712(e) of title
11 49, United States Code, is amended—

12 (1) in paragraph (1)—

13 (A) by striking “(a)(4)” and inserting
14 “(a)(5)”; and

15 (B) by striking “(a)(6)” and inserting
16 “(a)(7)”; and

17 (2) in paragraph (4), by inserting “related to a
18 State-supported route that a State sponsors that is”
19 after “amount”.

20 (d) PERFORMANCE METRICS.—Section 24712(e) of
21 title 49, United States Code, is amended by inserting “,
22 including incentives to increase revenue, reduce costs, fi-
23 nalize contracts by the beginning of the fiscal year, and
24 require States to promptly make payments for services de-
25 livered” before the period at the end.

1 (e) STATEMENT OF GOALS AND OBJECTIVES.—Sec-
2 tion 24712(f) of title 49, United States Code, is amend-
3 ed—

4 (1) in paragraph (1), by inserting “, and review
5 and update, as necessary,” after “shall develop”;

6 (2) in paragraph (2), by striking “Not later
7 than 2 years after the date of enactment of the Pas-
8 senger Rail Reform and Investment Act of 2015, the
9 Committee shall transmit the statement” and insert-
10 ing “As applicable, based on updates, the Committee
11 shall submit an updated statement”; and

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

13 “(3) SENSE OF CONGRESS.—It is the sense of
14 Congress that—

15 “(A) the Committee shall be the forum
16 where Amtrak and the States collaborate on the
17 planning, improvement, and development of cor-
18 ridor routes across the National Network; and

19 “(B) such collaboration should include reg-
20 ular consultation with interstate rail compact
21 parties and other regional planning organiza-
22 tions that address passenger rail.”.

23 (f) OTHER REFORMS RELATED TO STATE-SUP-
24 PORTED ROUTES.—Section 24712 of title 49, United

1 States Code, as amended by subsections (a) through (e),
2 is further amended—

3 (1) by redesignating subsections (g) and (h) as
4 subsections (k) and (l), respectively; and

5 (2) by inserting after subsection (f) the fol-
6 lowing:

7 “(g) NEW STATE-SUPPORTED ROUTES.—

8 “(1) CONSULTATION.—In developing a new
9 State-supported route, Amtrak shall consult with—

10 “(A) the State or States and local municipi-
11 palities through which such new service would
12 operate;

13 “(B) commuter authorities and regional
14 transportation authorities in the areas that
15 would be served by the planned route;

16 “(C) host railroads;

17 “(D) the Administrator of the Federal
18 Railroad Administration; and

19 “(E) other stakeholders, as appropriate.

20 “(2) STATE COMMITMENTS.—Notwithstanding
21 any other provision of law, before beginning con-
22 struction necessary for, or beginning operation of, a
23 State-supported route that is initiated on or after
24 the date of enactment of the Passenger Rail Expans-
25 sion and Rail Safety Act of 2021, Amtrak shall

1 enter into a memorandum of understanding, or oth-
2 erwise secure an agreement, with each State in
3 which such route will operate for sharing—

4 “(A) ongoing operating costs and capital
5 costs in accordance with the cost methodology
6 policy referred to in subsection (a)(7) then in
7 effect; or

8 “(B) ongoing operating costs and capital
9 costs in accordance with the maximum funding
10 limitations described in section 22908(e).

11 “(3) APPLICATION OF TERMS.—In this sub-
12 section, the terms ‘capital costs’ and ‘operating
13 costs’ shall apply in the same manner as such terms
14 apply under the cost methodology policy developed
15 pursuant to subsection (a)(7).

16 “(h) COST METHODOLOGY POLICY UPDATE IMPLE-
17 MENTATION REPORT.—Not later than 18 months after
18 the updated cost methodology policy required under sub-
19 section (a)(7)(B) is implemented, the Committee shall
20 submit a report to the Committee on Commerce, Science,
21 and Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives that assesses the implementation of the up-
24 dated policy.

1 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
2 CHANGES.—Amtrak shall—

3 “(1) not later than 120 days before the submis-
4 sion of the general and legislative annual report re-
5 quired under section 24315(b), consult with the
6 Committee and any additional States through which
7 a State-supported route may operate regarding any
8 proposed changes to such route; and

9 “(2) include in such report an update of any
10 planned or proposed changes to State-supported
11 routes, including the introduction of new State-sup-
12 ported routes, including—

13 “(A) the timeframe in which such changes
14 would take effect; and

15 “(B) whether Amtrak has entered into
16 commitments with the affected States pursuant
17 subsection (g)(2).

18 “(j) ECONOMIC ANALYSIS.—Not later than 3 years
19 after the date of enactment of the Passenger Rail Expan-
20 sion and Rail Safety Act of 2021, the Committee shall
21 submit a report to the Committee on Commerce, Science,
22 and Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives that—

1 “(1) describes the role of the State-supported
2 routes in economic development; and

3 “(2) examines the impacts of the State-sup-
4 ported routes on local station areas, job creation,
5 transportation efficiency, State economies, and the
6 national economy.”.

7 **SEC. 2212. ENHANCING CROSS BORDER SERVICE.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, Amtrak, after consultation
10 with the Secretary, the Secretary of Homeland Security,
11 relevant State departments of transportation, Canadian
12 governmental agencies and entities, and owners of the rel-
13 evant rail infrastructure and facilities, shall submit a re-
14 port to the Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 regarding enhancing Amtrak passenger rail service be-
18 tween the United States and Canada that—

19 (1) identifies challenges to Amtrak operations
20 in Canada, including delays associated with custom
21 and immigration inspections in both the United
22 States and Canada; and

23 (2) includes recommendations to improve such
24 cross border service, including the feasibility of and

1 costs associated with a preclearance facility or facili-
2 ties.

3 (b) ASSISTANCE AND SUPPORT.—The Secretary, the
4 Secretary of State, and the Secretary of Homeland Secu-
5 rity may provide assistance and support requested by Am-
6 trak that is necessary to carry out this section, as deter-
7 mined appropriate by the respective Secretary.

8 **SEC. 2213. CREATING QUALITY JOBS.**

9 Section 121 of the Amtrak Reform and Account-
10 ability Act of 1997 (49 U.S.C. 24312 note) is amended—

11 (1) by redesignating subsection (d) as sub-
12 section (f); and

13 (2) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) FURLOUGHED WORK.—Amtrak may not con-
16 tract out work within the classification of work performed
17 by an employee in a bargaining unit covered by a collective
18 bargaining agreement entered into between Amtrak and
19 an organization representing Amtrak employees during
20 the period such employee has been laid off and has not
21 been recalled to perform such work.

22 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
23 OUT.—This section does not—

24 “(1) supersede a prohibition or limitation on
25 contracting out work covered by an agreement en-

1 tered into between Amtrak and an organization rep-
2 resenting Amtrak employees; or

3 “(2) prohibit Amtrak and an organization rep-
4 resenting Amtrak employees from entering into an
5 agreement that allows for contracting out the work
6 of a furloughed employee that would otherwise be
7 prohibited under subsection (d).”.

8 **SEC. 2214. AMTRAK DAILY LONG-DISTANCE SERVICE**
9 **STUDY.**

10 (a) **IN GENERAL.**—The Secretary shall conduct a
11 study to evaluate the restoration of daily intercity rail pas-
12 senger service along—

13 (1) any Amtrak long-distance routes that, as of
14 the date of enactment of this Act, were discontinued;
15 and

16 (2) any Amtrak long-distance routes that, as of
17 the date of enactment of this Act, occur on a
18 nondaily basis.

19 (b) **INCLUSIONS.**—The study under subsection (a)
20 shall—

21 (1) evaluate all options for restoring or enhanc-
22 ing to daily-basis intercity rail passenger service
23 along each Amtrak route described in that sub-
24 section;

1 (2) select a preferred option for restoring or re-
2 turning to daily service the service described in para-
3 graph (1);

4 (3) develop a prioritized inventory of capital
5 projects and other actions that are required to re-
6 store or enhance that service, including cost esti-
7 mates for those projects and actions; and

8 (4) identify Federal and non-Federal funding
9 sources required to restore or enhance that service,
10 including—

11 (A) increased Federal funding for Amtrak
12 based on applicable reductions or
13 discontinuations in service; and

14 (B) options for entering into public-private
15 partnerships to restore that service.

16 (c) CONSULTATION.—In conducting the study under
17 subsection (a), the Secretary shall consult with—

18 (1) Amtrak;

19 (2) each State along a relevant route;

20 (3) regional transportation planning organiza-
21 tions and metropolitan planning organizations, mu-
22 nicipalities, and communities along those relevant
23 routes, to be selected by the Secretary;

1 (4) host railroad carriers the tracks of which
2 may be used for a service described in subsection
3 (a);

4 (5) organizations representing onboard Amtrak
5 employees;

6 (6) nonprofit organizations representing Am-
7 trak passengers; and

8 (7) such other entities as the Secretary may se-
9 lect.

10 (d) REPORT.—Not later than 18 months after the
11 date of enactment of this Act, the Secretary shall submit
12 to the Committee on Commerce, Science, and Transpor-
13 tation of the Senate and the Committee on Transportation
14 and Infrastructure of the House of Representatives a re-
15 port that includes—

16 (1) the preferred options selected under sub-
17 section (b)(2), including the reasons for selecting
18 each option;

19 (2) the information described in subsection
20 (b)(3);

21 (3) the funding sources identified pursuant to
22 subsection (b)(4);

23 (4) the estimated costs and public benefits of
24 restoring or enhancing intercity rail passenger trans-

1 portation in the region impacted for each relevant
2 Amtrak route; and

3 (5) any other information the Secretary deter-
4 mines to be appropriate.

5 **Subtitle C—Intercity Passenger**
6 **Rail Policy**

7 **SEC. 2301. NORTHEAST CORRIDOR PLANNING.**

8 Section 24904 of title 49, United States Code, is
9 amended—

10 (1) by striking subsections (a) and (d);

11 (2) by redesignating subsections (b) and (c) as
12 subsections (c) and (d), respectively;

13 (3) by inserting before subsection (c), as redesi-
14 gnated, the following:

15 “(a) NORTHEAST CORRIDOR SERVICE DEVELOP-
16 MENT PLAN.—

17 “(1) IN GENERAL.—Not later than March 31,
18 2022, the Northeast Corridor Commission estab-
19 lished under section 24905 (referred to in this sec-
20 tion as the ‘Commission’) shall submit a service de-
21 velopment plan to Congress.

22 “(2) CONTENTS.—The plan required under
23 paragraph (1) shall—

1 “(A) identify key state-of-good-repair, ca-
2 capacity expansion, and capital improvement
3 projects planned for the Northeast Corridor;

4 “(B) provide a coordinated and consensus-
5 based plan covering a 15-year period;

6 “(C) identify service objectives and the
7 capital investments required to meet such objec-
8 tives;

9 “(D) provide a delivery-constrained strat-
10 egy that identifies—

11 “(i) capital investment phasing;

12 “(ii) an evaluation of workforce needs;

13 and

14 “(iii) strategies for managing re-
15 sources and mitigating construction im-
16 pacts on operations; and

17 “(E) include a financial strategy that iden-
18 tifies funding needs and potential funding
19 sources.

20 “(3) UPDATES.—The Commission shall update
21 the service development plan not less frequently than
22 once every 5 years.

23 “(b) NORTHEAST CORRIDOR CAPITAL INVESTMENT
24 PLAN.—

1 “(1) IN GENERAL.—Not later than November 1
2 of each year, the Commission shall—

3 “(A) develop an annual capital investment
4 plan for the Northeast Corridor; and

5 “(B) submit the capital investment plan
6 to—

7 “(i) the Secretary of Transportation;

8 “(ii) the Committee on Commerce,
9 Science, and Transportation of the Senate;
10 and

11 “(iii) the Committee on Transpor-
12 tation and Infrastructure of the House of
13 Representatives.

14 “(2) CONTENTS.—The plan required under
15 paragraph (1) shall—

16 “(A) reflect coordination across the entire
17 Northeast Corridor;

18 “(B) integrate the individual capital plans
19 developed by Amtrak, States, and commuter au-
20 thorities in accordance with the cost allocation
21 policy developed and approved under section
22 24905(c);

23 “(C) cover a period of 5 fiscal years, begin-
24 ning with the fiscal year during which the plan
25 is submitted;

1 “(D) notwithstanding section 24902(b),
2 document the projects and programs being un-
3 dertaken to advance the service objectives and
4 capital investments identified in the Northeast
5 Corridor service development plan developed
6 under subsection (a), and the asset condition
7 needs identified in the Northeast Corridor asset
8 management plans, after considering—

9 “(i) the benefits and costs of capital
10 investments in the plan;

11 “(ii) project and program readiness;

12 “(iii) the operational impacts; and

13 “(iv) Federal and non-Federal fund-
14 ing availability;

15 “(E) categorize capital projects and pro-
16 grams as primarily associated with 1 of the cat-
17 egories listed under section 24319(c)(2)(C);

18 “(F) identify capital projects and pro-
19 grams that are associated with more than 1
20 category described in subparagraph (E); and

21 “(G) include a financial plan that identi-
22 fies—

23 “(i) funding sources and financing
24 methods;

1 “(ii) the status of cost sharing agree-
2 ments pursuant to the cost allocation pol-
3 icy developed under section 24905(c);

4 “(iii) the projects and programs that
5 the Commission expects will receive Fed-
6 eral financial assistance; and

7 “(iv) the eligible entity or entities that
8 the Commission expects—

9 “(I) to receive the Federal finan-
10 cial assistance referred to in clause
11 (iii); and

12 “(II) to implement each capital
13 project.

14 “(3) REVIEW AND COORDINATION.—The Com-
15 mission shall require that the information described
16 in paragraph (2) be submitted in a timely manner
17 to allow for a reasonable period of review by, and co-
18 ordination with, affected agencies before the Com-
19 mission submits the capital investment plan pursu-
20 ant to paragraph (1).”;

21 (4) in subsection (c), as redesignated, by strik-
22 ing “spent only on—” and all that follows and in-
23 serting “spent only on capital projects and programs
24 contained in the Commission’s capital investment
25 plan for the prior fiscal year.”; and

1 (5) by amending subsection (d), as redesignig-
2 nated, to read as follows:

3 “(d) NORTHEAST CORRIDOR CAPITAL ASSET MAN-
4 AGEMENT SYSTEM.—

5 “(1) IN GENERAL.—Amtrak and other infra-
6 structure owners that provide or support intercity
7 rail passenger transportation along the Northeast
8 Corridor shall develop an asset management system
9 and use and update such system, as necessary, to
10 develop submissions to the Northeast Corridor cap-
11 ital investment plan described in subsection (b).

12 “(2) FEATURES.—The system required under
13 paragraph (1) shall develop submissions that—

14 “(A) are consistent with the transit asset
15 management system (as defined in section
16 5326(a)(3)); and

17 “(B) include—

18 “(i) an inventory of all capital assets
19 owned by the developer of the plan;

20 “(ii) an assessment of condition of
21 such capital assets;

22 “(iii) a description of the resources
23 and processes that will be necessary to
24 bring or to maintain such capital assets in
25 a state of good repair; and

1 “(iv) a description of changes in the
2 condition of such capital assets since the
3 submission of the prior version of the
4 plan.”.

5 **SEC. 2302. NORTHEAST CORRIDOR COMMISSION.**

6 Section 24905 of title 49, United States Code, is
7 amended—

8 (1) in subsection (a)(1)(D), by inserting “au-
9 thorities” after “carriers”;

10 (2) in subsection (b)(3)(B)—

11 (A) in clause (i)—

12 (i) by inserting “, including ridership
13 trends,” after “transportation”; and

14 (ii) by striking “and” at the end;

15 (B) in clause (ii)—

16 (i) by inserting “first year of the”
17 after “the delivery of the”; and

18 (ii) by striking the period at the end
19 and inserting “; and”; and

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

21 “(iii) progress in assessing and elimi-
22 nating the state-of-good-repair backlog.”;

23 (3) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) in the paragraph heading, by strik-
2 ing “DEVELOPMENT OF POLICY” and in-
3 sserting “POLICY”;

4 (ii) in subparagraph (A), by striking
5 “develop a standardized policy” and insert-
6 ing “develop and maintain the standard-
7 ized policy first approved on September 17,
8 2015, and update, as appropriate,”;

9 (iii) by amending subparagraph (B) to
10 read as follows:

11 “(B) develop timetables for implementing
12 and maintaining the policy;”;

13 (iv) in subparagraph (C), by striking
14 “the policy and the timetable” and insert-
15 ing “updates to the policy and timetables”;
16 and

17 (v) by amending subparagraph (D) to
18 read as follows:

19 “(D) support the efforts of the members of
20 the Commission to implement the policy in ac-
21 cordance with the timetables developed pursu-
22 ant to subparagraph (B);”;

23 (B) by amending paragraph (2) to read as
24 follows:

25 “(2) IMPLEMENTATION.—

1 “(A) IN GENERAL.—In accordance with
2 the timetables developed pursuant to paragraph
3 (1)(B), Amtrak and commuter authorities on
4 the Northeast Corridor shall implement the pol-
5 icy developed under paragraph (1) in their
6 agreements for usage of facilities or services.

7 “(B) EFFECT OF FAILURE TO IMPLEMENT
8 OR COMPLY WITH POLICY.—If the entities re-
9 ferred to in subparagraph (A) fail to implement
10 the policy in accordance with paragraph (1)(D)
11 or fail to comply with the policy thereafter, the
12 Surface Transportation Board shall—

13 “(i) determine the appropriate com-
14 pensation in accordance with the proce-
15 dures and procedural schedule applicable
16 to a proceeding under section 24903(c),
17 after taking into consideration the policy
18 developed under paragraph (1); and

19 “(ii) enforce its determination on the
20 party or parties involved.”; and

21 (C) in paragraph (4), by striking “public
22 authorities providing commuter rail passenger
23 transportation” and inserting “commuter au-
24 thorities”; and

25 (4) in subsection (d)—

1 (A) by striking “2016 through 2020” and
2 inserting “2022 through 2026”; and

3 (B) by striking “section 11101(g) of the
4 Passenger Rail Reform and Investment Act of
5 2015” and inserting “section 101(e) of the Pas-
6 senger Rail Expansion and Rail Safety Act of
7 2021”.

8 **SEC. 2303. CONSOLIDATED RAIL INFRASTRUCTURE AND**
9 **SAFETY IMPROVEMENTS.**

10 (a) IN GENERAL.—Section 22907 of title 49, United
11 States Code, is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by inserting “(in-
14 cluding the District of Columbia)” after
15 “State”;

16 (B) in paragraph (6), by inserting “rail
17 carrier and intercity rail passenger transpor-
18 tation are” before “defined”;

19 (C) by redesignating paragraphs (8)
20 through (11) as paragraphs (10) through (13),
21 respectively; and

22 (D) by inserting after paragraph (7) the
23 following:

24 “(8) An association representing 1 or more rail-
25 roads described in paragraph (7).”;

1 “(9) A federally recognized Indian Tribe.”;

2 (2) in subsection (c)—

3 (A) in paragraph (3), by adding “or safe-
4 ty” after “congestion”;

5 (B) in paragraph (6), by striking “and”
6 and inserting “or”;

7 (C) by redesignating paragraphs (11) and
8 (12) as paragraphs (12) and (13), respectively;

9 (D) by inserting after paragraph (10) the
10 following:

11 “(11) The development and implementation of
12 measures to prevent trespassing and reduce associ-
13 ated injuries and fatalities.”; and

14 (E) by inserting after paragraph (13), as
15 redesignated, the following:

16 “(14) Research, development, and testing to ad-
17 vance and facilitate innovative rail projects, includ-
18 ing projects using electromagnetic guideways in an
19 enclosure in a very low-pressure environment.

20 “(15) The preparation of emergency plans for
21 communities through which hazardous materials are
22 transported by rail.

23 “(16) Rehabilitating, remanufacturing, pro-
24 curing, or overhauling locomotives, provided that

1 such activities result in a significant reduction of
2 emissions.”; and

3 (3) in subsection (h), by adding at the end the
4 following:

5 “(4) GRADE CROSSING AND TRESPASSING
6 PROJECTS.—Applicants may use costs incurred pre-
7 viously for preliminary engineering associated with
8 highway-rail grade crossing improvement projects
9 under subsection (c)(5) and trespassing prevention
10 projects under subsection (c)(11) to satisfy the non-
11 Federal share requirements.”.

12 (b) RULE OF CONSTRUCTION.—The amendments
13 made by subsection (a) may not be construed to affect
14 any grant, including any application for a grant, made
15 under section 22907 of title 49, United States Code, be-
16 fore the date of enactment of this Act.

17 (c) TECHNICAL CORRECTION.—

18 (1) IN GENERAL.—Section 22907(l)(1)(A) of
19 title 49, United States Code, is amended by insert-
20 ing “, including highway construction over rail facili-
21 ties as an alternative to construction or improvement
22 of a highway-rail grade crossing,” after “under
23 chapter 227”.

24 (2) APPLICABILITY.—The amendment made by
25 paragraph (1) shall apply to amounts remaining

1 under section 22907(l) of title 49, United States
2 Code, from appropriations for prior fiscal years.

3 **SEC. 2304. RESTORATION AND ENHANCEMENT GRANTS.**

4 Section 22908 of title 49, United States Code, is
5 amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) DEFINITIONS.—In this section:

9 “(1) APPLICANT.—Notwithstanding section
10 22901(1), the term ‘applicant’ means—

11 “(A) a State, including the District of Co-
12 lumbia;

13 “(B) a group of States;

14 “(C) an entity implementing an interstate
15 compact;

16 “(D) a public agency or publicly chartered
17 authority established by 1 or more States;

18 “(E) a political subdivision of a State;

19 “(F) a federally recognized Indian Tribe;

20 “(G) Amtrak or another rail carrier that
21 provides intercity rail passenger transportation;

22 “(H) any rail carrier in partnership with
23 at least 1 of the entities described in subpara-
24 graphs (A) through (F); and

1 “(I) any combination of the entities de-
2 scribed in subparagraphs (A) through (F).

3 “(2) OPERATING ASSISTANCE.—The term ‘oper-
4 ating assistance’, with respect to any route subject
5 to section 209 of the Passenger Rail Investment and
6 Improvement Act of 2008 (Public Law 110–432),
7 means any cost allocated, or that may be allocated,
8 to a route pursuant to the cost methodology estab-
9 lished under such section or under section 24712.”;

10 (2) in subsection (c)(3), by striking “3 years”
11 each place such term appears and inserting “6
12 years”;

13 (3) in subsection (d)—

14 (A) in paragraph (8), by striking “and”;

15 (B) in paragraph (9), by striking the pe-
16 riod at the end and inserting “; and”; and

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

18 “(10) for routes selected under the Corridor
19 Identification and Development Program and oper-
20 ated by Amtrak.”; and

21 (4) in subsection (e)—

22 (A) in paragraph (1)—

23 (i) by striking “assistance”; and

24 (ii) by striking “3 years” and insert-
25 ing “6 years (including for any such routes

1 selected for funding before the date of en-
2 actment of the Passenger Rail Expansion
3 and Rail Safety Act of 2021)”; and

4 (B) in paragraph (3), by striking subpara-
5 graphs (A), (B), and (C) and inserting the fol-
6 lowing:

7 “(A) 90 percent of the projected net oper-
8 ating costs for the first year of service;

9 “(B) 80 percent of the projected net oper-
10 ating costs for the second year of service;

11 “(C) 70 percent of the projected net oper-
12 ating costs for the third year of service;

13 “(D) 60 percent of the projected net oper-
14 ating costs for the fourth year of service;

15 “(E) 50 percent of the projected net oper-
16 ating costs for the fifth year of service; and

17 “(F) 30 percent of the projected net oper-
18 ating costs for the sixth year of service.”.

19 **SEC. 2305. RAILROAD CROSSING ELIMINATION PROGRAM.**

20 (a) IN GENERAL.—Chapter 229 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 22909. Railroad Crossing Elimination Program**

24 “(a) IN GENERAL.—The Secretary of Transpor-
25 tation, in cooperation with the Administrator of the Fed-

1 eral Railroad Administration, shall establish a competitive
2 grant program (referred to in this section as the ‘Pro-
3 gram’) under which the Secretary shall award grants to
4 eligible recipients described in subsection (c) for highway-
5 rail or pathway-rail grade crossing improvement projects
6 that focus on improving the safety and mobility of people
7 and goods.

8 “(b) GOALS.—The goals of the Program are—

9 “(1) to eliminate highway-rail grade crossings
10 that are frequently blocked by trains;

11 “(2) to improve the health and safety of com-
12 munities;

13 “(3) to reduce the impacts that freight move-
14 ment and railroad operations may have on under-
15 served communities; and

16 “(4) to improve the mobility of people and
17 goods.

18 “(c) ELIGIBLE RECIPIENTS.—The following entities
19 are eligible to receive a grant under this section:

20 “(1) A State, including the District of Colum-
21 bia, Puerto Rico, and other United States territories
22 and possessions.

23 “(2) A political subdivision of a State.

24 “(3) A federally recognized Indian Tribe.

1 “(4) A unit of local government or a group of
2 local governments.

3 “(5) A public port authority.

4 “(6) A metropolitan planning organization.

5 “(7) A group of entities described in any of
6 paragraphs (1) through (6).

7 “(d) ELIGIBLE PROJECTS.—The Secretary may
8 award a grant under the Program for a highway-rail or
9 pathway-rail grade crossing improvement project (includ-
10 ing acquiring real property interests) involving—

11 “(1) grade separation or closure, including
12 through the use of a bridge, embankment, tunnel, or
13 combination thereof;

14 “(2) track relocation;

15 “(3) the improvement or installation of protec-
16 tive devices, signals, signs, or other measures to im-
17 prove safety, provided that such activities are related
18 to a separation or relocation project described in
19 paragraph (1) or (2);

20 “(4) other means to improve the safety and mo-
21 bility of people and goods at highway-rail grade
22 crossings (including technological solutions);

23 “(5) a group of related projects described in
24 paragraphs (1) through (4) that would collectively
25 improve the mobility of people and goods; or

1 “(6) the planning, environmental review, and
2 design of an eligible project described in paragraphs
3 (1) through (5).

4 “(e) APPLICATION PROCESS.—

5 “(1) IN GENERAL.—An eligible entity seeking a
6 grant under the Program shall submit an application
7 to the Secretary at such time, in such manner, and
8 containing such information as the Secretary may
9 require.

10 “(2) RAILROAD APPROVALS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the Secretary shall require
13 applicants to obtain the necessary approvals
14 from any impacted rail carriers or real property
15 owners before proceeding with the construction
16 of a project funded by a grant under the Pro-
17 gram.

18 “(B) EXCEPTION.—The requirement under
19 subparagraph (A) shall not apply to planning
20 projects described in subsection (d)(6) if the ap-
21 plicant agrees to work collaboratively with rail
22 carriers and right-of-way owners.

23 “(f) PROJECT SELECTION CRITERIA.—

1 “(1) IN GENERAL.—In awarding grants under
2 the Program, the Secretary shall evaluate the extent
3 to which proposed projects would—

4 “(A) improve safety at highway-rail or
5 pathway-rail grade crossings;

6 “(B) grade separate, eliminate, or close
7 highway-rail or pathway-rail grade crossings;

8 “(C) improve the mobility of people and
9 goods;

10 “(D) reduce emissions, protect the environ-
11 ment, and provide community benefits, includ-
12 ing noise reduction;

13 “(E) improve access to emergency services;

14 “(F) provide economic benefits; and

15 “(G) improve access to communities sepa-
16 rated by rail crossings.

17 “(2) ADDITIONAL CONSIDERATIONS.—In
18 awarding grants under the Program, the Secretary
19 shall consider—

20 “(A) the degree to which the proposed
21 project will use—

22 “(i) innovative technologies;

23 “(ii) innovative design and construc-
24 tion techniques; or

1 “(iii) construction materials that re-
2 duce greenhouse gas emissions;

3 “(B) the applicant’s planned use of con-
4 tracting incentives to employ local labor, to the
5 extent permissible under Federal law;

6 “(C) whether the proposed project will im-
7 prove the mobility of—

8 “(i) multiple modes of transportation,
9 including ingress and egress from freight
10 facilities; or

11 “(ii) users of nonvehicular modes of
12 transportation, such as pedestrians,
13 bicyclists, and public transportation;

14 “(D) whether the proposed project is iden-
15 tified in—

16 “(i) the freight investment plan com-
17 ponent of a State freight plan, as required
18 under section 70202(b)(9);

19 “(ii) a State rail plan prepared in ac-
20 cordance with chapter 227; or

21 “(iii) a State highway-rail grade
22 crossing action plan, as required under sec-
23 tion 11401(b) of the Passenger Rail Re-
24 form and Investment Act of 2015 (title XI
25 of Public Law 114–94); and

1 “(E) the level of financial support provided
2 by impacted rail carriers.

3 “(3) AWARD DISTRIBUTION.—In selecting
4 grants for Program funds in any fiscal year, the
5 Secretary shall comply with the following limitations:

6 “(A) GRANT FUNDS.—Not less than 20
7 percent of the grant funds available for the
8 Program in any fiscal year shall be reserved for
9 projects located in rural areas or on Tribal
10 lands. The requirement under section 22907(l),
11 which applies to this section, shall not apply to
12 grant funds reserved specifically under this sub-
13 section.

14 “(B) PLANNING GRANTS.—Not less than
15 25 percent of the grant funds set aside for
16 planning projects in any fiscal year pursuant to
17 section 2104(b) of the Passenger Rail Expans-
18 sion and Rail Safety Act of 2021 shall be
19 awarded for projects located in rural areas or
20 on tribal lands.

21 “(C) STATE LIMITATION.—Not more than
22 20 percent of the grant funds available for the
23 Program in any fiscal year may be selected for
24 projects in any single State.

1 “(D) MINIMUM SIZE.—No grant awarded
2 under this section shall be for less than
3 \$1,000,000, except for a planning grant de-
4 scribed in subsection (d)(6).

5 “(g) COST SHARE.—Except as provided in paragraph
6 (2), the Federal share of the cost of a project carried out
7 using a grant under the Program may not exceed 80 per-
8 cent of the total cost of the project. Applicants may count
9 costs incurred for preliminary engineering associated with
10 highway-rail and pathway-rail grade crossing improvement
11 projects as part of the total project costs.

12 “(h) CONGRESSIONAL NOTIFICATION.—Not later
13 than 3 days before awarding a grant for a project under
14 the Program, the Secretary shall submit written notifica-
15 tion of the proposed grant to the Committee on Com-
16 merce, Science, and Transportation of the Senate and the
17 Committee on Transportation and Infrastructure of the
18 House of Representatives, which shall include—

19 “(1) a summary of the project; and

20 “(2) the amount of the proposed grant award.

21 “(i) ANNUAL REPORT.—Not later than 60 days after
22 each round of award notifications, the Secretary shall
23 post, on the public website of the Department of Trans-
24 portation—

1 “(1) a list of all eligible applicants that sub-
2 mitted an application for funding under the Pro-
3 gram during the current fiscal year;

4 “(2) a list of the grant recipients and projects
5 that received grant funding under the Program dur-
6 ing such fiscal year; and

7 “(3) a list of the proposed projects and appli-
8 cants that were determined to be ineligible.

9 “(j) DEFINED TERM.—In this section, the term
10 ‘rural area’ means any area that is not within an area
11 designated as an urbanized area by the Bureau of the Cen-
12 sus.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 229 of title 49, United States Code, is amended by
15 adding at the end the following:

“22909. Railroad Crossing Elimination Program.”.

16 **SEC. 2306. INTERSTATE RAIL COMPACTS.**

17 (a) IN GENERAL.—Chapter 229 of title 49, United
18 States Code (as amended by section 2305(a)), is further
19 amended by adding at the end the following:

20 **“§ 22910. Interstate Rail Compacts Grant Program**

21 “(a) GRANTS AUTHORIZED.—The Secretary of
22 Transportation shall establish a competitive grant pro-
23 gram to provide financial assistance to entities imple-
24 menting interstate rail compacts pursuant to section 410

1 of the Amtrak Reform and Accountability Act of 1997 (49
2 U.S.C. 24101 note) for—

3 “(1) costs of administration;

4 “(2) systems planning, including studying the
5 impacts on freight rail operations and ridership;

6 “(3) promotion of intercity passenger rail oper-
7 ation;

8 “(4) preparation of applications for competitive
9 Federal grant programs; and

10 “(5) operations coordination.

11 “(b) MAXIMUM AMOUNT.—The Secretary may not
12 award a grant under this section in an amount exceeding
13 \$1,000,000 per year.

14 “(c) SELECTION CRITERIA.—In selecting a recipient
15 of a grant for an eligible project under this section, the
16 Secretary shall consider—

17 “(1) the amount of funding received (including
18 funding from a rail carrier (as defined in section
19 24102) or other participation by State, local, and re-
20 gional governments and the private sector;

21 “(2) the applicant’s work to foster economic de-
22 velopment through rail service, particularly in rural
23 communities;

24 “(3) whether the applicant seeks to restore
25 service over routes formerly operated by Amtrak, in-

1 including routes described in section 11304(a) of the
2 Passenger Rail Reform and Investment Act of 2015
3 (title XI of division A of Public Law 114–94);

4 “(4) the applicant’s dedication to providing
5 intercity passenger rail service to regions and com-
6 munities that are underserved or not served by other
7 intercity public transportation;

8 “(5) whether the applicant is enhancing
9 connectivity and geographic coverage of the existing
10 national network of intercity passenger rail service;

11 “(6) whether the applicant has prepared re-
12 gional rail or corridor service development plans and
13 corresponding environmental analysis; and

14 “(7) whether the applicant has engaged with
15 appropriate government entities and transportation
16 providers to identify projects necessary to enhance
17 multimodal connections or facilitate service integra-
18 tion between rail service and other modes, including
19 between intercity passenger rail service and intercity
20 bus service or commercial air service.

21 “(d) NUMERICAL LIMITATION.—The Secretary may
22 not award grants under this section for more than 10
23 interstate rail compacts in any fiscal year.

24 “(e) OPERATOR LIMITATION.—The Secretary may
25 only award grants under this section to applicants with

1 eligible expenses related to intercity passenger rail service
2 to be operated by Amtrak.

3 “(f) NON-FEDERAL MATCH.—The Secretary shall re-
4 quire each recipient of a grant under this section to pro-
5 vide a non-Federal match of not less than 50 percent of
6 the eligible expenses of carrying out the interstate rail
7 compact under this section.

8 “(g) REPORT.—Not later than 3 years after the date
9 of enactment of the Passenger Rail Expansion and Rail
10 Safety Act of 2021, the Secretary, after consultation with
11 grant recipients under this section, shall submit a report
12 to the Committee on Commerce, Science, and Transpor-
13 tation of the Senate and the Committee on Transportation
14 and Infrastructure of the House of Representatives that
15 describes—

16 “(1) the implementation of this section;

17 “(2) the status of the planning efforts and co-
18 ordination funded by grants awarded under this sec-
19 tion;

20 “(3) the plans of grant recipients for continued
21 implementation of the interstate rail compacts;

22 “(4) the status of, and data regarding, any
23 new, restored, or enhanced rail services initiated
24 under the interstate rail compacts; and

25 “(5) any legislative recommendations.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 229 of title 49, United States Code (as amended by
3 section 2305(b)), is amended by adding at the end the
4 following:

“22910. Interstate Rail Compacts Grant Program.”.

5 (c) IDENTIFICATION.—Section 410 of the Amtrak
6 Reform and Accountability Act of 1997 (Public Law 105–
7 134; 49 U.S.C. 24101 note) is amended—

8 (1) in subsection (b)(2), by striking “(except
9 funds made available for Amtrak)”; and

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

11 “(c) NOTIFICATION REQUIREMENT.—Any State that
12 enters into an interstate compact pursuant to subsection
13 (a) shall notify the Secretary of Transportation of such
14 compact not later than 60 days after it is formed. The
15 failure of any State to notify the Secretary under this sub-
16 section shall not affect the status of the interstate com-
17 pact.

18 “(d) INTERSTATE RAIL COMPACTS PROGRAM.—The
19 Secretary of Transportation shall—

20 (1) make available on a publicly accessible
21 website a list of interstate rail compacts established
22 under subsection (a) before the date of enactment of
23 the Passenger Rail Expansion and Rail Safety Act
24 of 2021 and interstate rail compacts established
25 after such date; and

1 “(2) make information regarding interstate rail
2 compacts available to the public, including how
3 States may establish interstate rail compacts under
4 subsection (a), and update such information, as nec-
5 essary.”.

6 **SEC. 2307. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**
7 **PASSENGER RAIL GRANTS.**

8 (a) IN GENERAL.—Section 24911 of title 49, United
9 States Code, is amended—

10 (1) in the section heading, by striking “**for**
11 **state of good repair**” and inserting “**for**
12 **intercity passenger rail**”;

13 (2) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (F), by striking
16 “or” at the end;

17 (ii) by redesignating subsection (G) as
18 subsection (H);

19 (iii) by inserting after subparagraph
20 (F), the following:

21 “(G) A federally recognized Indian Tribe;
22 or”; and

23 (iv) in subsection (H), as redesign-
24 ated, by striking “(F)” and inserting
25 “(G)”;

1 (B) by striking paragraphs (2) and (5);

2 and

3 (C) by redesignating paragraphs (3) and

4 (4) as paragraphs (2) and (3), respectively;

5 (3) in subsection (b), by striking “with respect

6 to qualified railroad assets” and inserting “, improve

7 performance, or expand or establish new intercity

8 passenger rail service, including privately operated

9 intercity passenger rail service if an eligible appli-

10 cant is involved;”;

11 (4) by striking subsections (c) through (e) and

12 inserting the following:

13 “(c) ELIGIBLE PROJECTS.—The following capital

14 projects, including acquisition of real property interests,

15 are eligible to receive grants under this section:

16 “(1) A project to replace, rehabilitate, or repair

17 infrastructure, equipment, or a facility used for pro-

18 viding intercity passenger rail service to bring such

19 assets into a state of good repair.

20 “(2) A project to improve intercity passenger

21 rail service performance, including reduced trip

22 times, increased train frequencies, higher operating

23 speeds, improved reliability, expanded capacity, re-

24 duced congestion, electrification, and other improve-

25 ments, as determined by the Secretary.

1 “(i) are in compliance with section
2 24905(c)(2); and

3 “(ii) identify funding for the intercity
4 passenger rail share, the commuter rail
5 share, and the local share of the eligible
6 project before the commencement of the
7 project;

8 “(2) for projects not located on the Northeast
9 Corridor, the Secretary shall—

10 “(A) give preference to eligible projects—

11 “(i) for which Amtrak is not the sole
12 applicant;

13 “(ii) that improve the financial per-
14 formance, reliability, service frequency, or
15 address the state of good repair of an Am-
16 trak route; and

17 “(iii) that are identified in, and con-
18 sistent with, a corridor inventory prepared
19 under the Corridor Identification and De-
20 velopment Program pursuant to section
21 25101; and

22 “(B) take into account—

23 “(i) the cost-benefit analysis of the
24 proposed project, including anticipated pri-

1 vate and public benefits relative to the
2 costs of the proposed project, including—
3 “(I) effects on system and service
4 performance, including as measured
5 by applicable metrics set forth in part
6 273 of title 49, Code of Federal Regu-
7 lations (or successor regulations);
8 “(II) effects on safety, competi-
9 tiveness, reliability, trip or transit
10 time, greenhouse gas emissions, and
11 resilience;
12 “(III) efficiencies from improved
13 connections with other modes; and
14 “(IV) ability to meet existing or
15 anticipated demand;
16 “(ii) the degree to which the proposed
17 project’s business plan considers potential
18 private sector participation in the financ-
19 ing, construction, or operation of the pro-
20 posed project;
21 “(iii) the applicant’s past performance
22 in developing and delivering similar
23 projects, and previous financial contribu-
24 tions;

1 “(iv) whether the applicant has, or
2 will have—

3 “(I) the legal, financial, and tech-
4 nical capacity to carry out the project;

5 “(II) satisfactory continuing ac-
6 cess to the equipment or facilities; and

7 “(III) the capability and willing-
8 ness to maintain the equipment or fa-
9 cilities;

10 “(v) if applicable, the consistency of
11 the project with planning guidance and
12 documents set forth by the Secretary or
13 otherwise required by law; and

14 “(vi) any other relevant factors, as de-
15 termined by the Secretary; and

16 “(3) the Secretary shall reserve—

17 “(A) not less than 45 percent of the
18 amounts appropriated for grants under this sec-
19 tion for projects not located along the North-
20 east Corridor, of which not less than 20 percent
21 shall be for projects that benefit (in whole or in
22 part) a long-distance route; and

23 “(B) not less than 45 percent of the
24 amounts appropriated for grants under this sec-
25 tion for projects listed on the Northeast Cor-

1 ridor project inventory published pursuant to
2 subsection (e)(1).

3 “(e) LONG-TERM PLANNING.—Not later than 1 year
4 after the date of enactment of the Passenger Rail Expan-
5 sion and Rail Safety Act of 2021, and every 2 years there-
6 after, the Secretary shall create a predictable project pipe-
7 line that will assist Amtrak, States, and the public with
8 long-term capital planning by publishing a Northeast Cor-
9 ridor project inventory that—

10 “(1) identifies capital projects for Federal in-
11 vestment, project applicants, and proposed Federal
12 funding levels under this section;

13 “(2) specifies the order in which the Secretary
14 will provide grant funding to projects that have iden-
15 tified sponsors and are located along the Northeast
16 Corridor, including a method and plan for appor-
17 tioning funds to project sponsors for the 2-year pe-
18 riod, which may be altered by the Secretary, as nec-
19 essary, if recipients are not carrying out projects in
20 accordance with the anticipated schedule;

21 “(3) takes into consideration the appropriate
22 sequence and phasing of projects described in the
23 Northeast Corridor capital investment plan devel-
24 oped pursuant to section 24904(a);

1 “(4) is consistent with the most recent North-
2 east Corridor service development plan update de-
3 scribed in section 24904(d);

4 “(5) takes into consideration the existing com-
5 mitments and anticipated Federal, project applicant,
6 sponsor, and other relevant funding levels for the
7 next 5 fiscal years based on information currently
8 available to the Secretary; and

9 “(6) is developed in consultation with the
10 Northeast Corridor Commission and the owners of
11 Northeast Corridor infrastructure and facilities.”;

12 (5) in subsection (f)(2), by inserting “, except
13 as specified under paragraph (4)” after “80 per-
14 cent”;

15 (6) in subsection (g)—

16 (A) in the subsection heading, by inserting
17 “; PHASED FUNDING AGREEMENTS” after “IN-
18 TENT”;

19 (B) in paragraph (1)—

20 (i) in the paragraph heading, by strik-
21 ing “IN GENERAL” and inserting “LET-
22 TERS OF INTENT”; and

23 (ii) by striking “shall, to the max-
24 imum extent practicable,” and inserting
25 “may”;

1 (C) by redesignating paragraphs (2) and
2 (3) as paragraphs (3) and (4), respectively;

3 (D) by inserting after paragraph (1) the
4 following:

5 “(2) PHASED FUNDING AGREEMENTS.—

6 “(A) IN GENERAL.—The Secretary may
7 enter into a phased funding agreement with an
8 applicant if—

9 “(i) the project is highly rated, based
10 on the evaluations and ratings conducted
11 pursuant to this section and the applicable
12 notice of funding opportunity; and

13 “(ii) the Federal assistance to be pro-
14 vided for the project under this section is
15 more than \$80,000,000.

16 “(B) TERMS.—A phased funding agree-
17 ment shall—

18 “(i) establish the terms of participa-
19 tion by the Federal Government in the
20 project;

21 “(ii) establish the maximum amount
22 of Federal financial assistance for the
23 project;

24 “(iii) include the period of time for
25 completing the project, even if such period

1 extends beyond the period for which Fed-
2 eral financial assistance is authorized;

3 “(iv) make timely and efficient man-
4 agement of the project easier in accordance
5 with Federal law; and

6 “(v) if applicable, specify when the
7 process for complying with the National
8 Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.) and related environ-
10 mental laws will be completed for the
11 project.

12 “(C) SPECIAL FINANCIAL RULES.—

13 “(i) IN GENERAL.—A phased funding
14 agreement under this paragraph obligates
15 an amount of available budget authority
16 specified in law and may include a commit-
17 ment, contingent on amounts to be speci-
18 fied in law in advance for commitments
19 under this paragraph, to obligate an addi-
20 tional amount from future available budget
21 authority specified in law.

22 “(ii) STATEMENT OF CONTINGENT
23 COMMITMENT.—The agreement shall state
24 that the contingent commitment is not an
25 obligation of the Government.

1 “(iii) INTEREST AND OTHER FINANC-
2 ING COSTS.—Interest and other financing
3 costs of efficiently carrying out a part of
4 the project within a reasonable time are a
5 cost of carrying out the project under a
6 phased funding agreement, except that eli-
7 gible costs may not be more than the cost
8 of the most favorable financing terms rea-
9 sonably available for the project at the
10 time of borrowing. The applicant shall cer-
11 tify, to the satisfaction of the Secretary,
12 that the applicant has shown reasonable
13 diligence in seeking the most favorable fi-
14 nancing terms.

15 “(iv) FAILURE TO CARRY OUT
16 PROJECT.—If an applicant does not carry
17 out the project for reasons within the con-
18 trol of the applicant, the applicant shall
19 repay all Federal grant funds awarded for
20 the project from all Federal funding
21 sources, for all project activities, facilities,
22 and equipment, plus reasonable interest
23 and penalty charges allowable by law or es-
24 tablished by the Secretary in the phased
25 funding agreement. For purposes of this

1 clause, a process for complying with the
2 National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.) that results
4 in the selection of the no build alternative
5 is not within the applicant's control.

6 “(v) CREDITING OF FUNDS RE-
7 CEIVED.—Any funds received by the Gov-
8 ernment under this paragraph, except for
9 interest and penalty charges, shall be cred-
10 ited to the appropriation account from
11 which the funds were originally derived.”;
12 (E) in paragraph (3), as redesignated—

13 (i) in subparagraph (A), in the matter
14 preceding clause (i), by inserting “a
15 phased funding agreement under para-
16 graph (2) or” after “issuing”; and

17 (ii) in subparagraph (B)(i), by insert-
18 ing “the phased funding agreement or”
19 after “a copy of”; and

20 (F) in paragraph (4), as redesignated—

21 (i) by striking “An obligation” and in-
22 serting the following:

23 “(B) APPROPRIATIONS REQUIRED.—An
24 obligation”; and

1 (ii) by inserting before subparagraph
2 (B), as added by clause (i), the following:

3 “(A) IN GENERAL.—The Secretary may
4 enter into phased funding agreements under
5 this subsection that contain contingent commit-
6 ments to incur obligations in such amounts as
7 the Secretary determines are appropriate.”; and
8 (7) by adding at the end the following:

9 “(j) ANNUAL REPORT ON PHASED FUNDING AGREE-
10 MENTS AND LETTERS OF INTENT.—Not later than the
11 first Monday in February of each year, the Secretary shall
12 submit a report to the Committee on Commerce, Science,
13 and Transportation of the Senate, the Committee on Ap-
14 propriations of the Senate, the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives,
16 and the Committee on Appropriations of the House of
17 Representatives that includes—

18 “(1) a proposal for the allocation of amounts to
19 be available to finance grants for projects under this
20 section among applicants for such amounts;

21 “(2) evaluations and ratings, as applicable, for
22 each project that has received a phased funding
23 agreement or a letter of intent; and

24 “(3) recommendations for each project that has
25 received a phased funding agreement or a letter of

1 intent for funding based on the evaluations and rat-
2 ings, as applicable, and on existing commitments
3 and anticipated funding levels for the next 3 fiscal
4 years based on information currently available to the
5 Secretary.

6 “(k) REGIONAL PLANNING GUIDANCE CORRIDOR
7 PLANNING.—The Secretary may withhold up to 5 percent
8 of the total amount made available for this section to carry
9 out planning and development activities related to section
10 25101, including—

11 “(1) providing funding to public entities for the
12 development of service development plans selected
13 under the Corridor Identification and Development
14 Program;

15 “(2) facilitating and providing guidance for
16 intercity passenger rail systems planning; and

17 “(3) providing funding for the development and
18 refinement of intercity passenger rail systems plan-
19 ning analytical tools and models.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 249 of title 49, United States Code, is amended by
22 striking the item relating to section 24911 and inserting
23 the following:

“24911. Federal-State partnership for intercity passenger rail.”.

1 **SEC. 2308. CORRIDOR IDENTIFICATION AND DEVELOPMENT**
2 **PROGRAM.**

3 (a) IN GENERAL.—Part C of subtitle V of title 49,
4 United States Code, is amended by adding at the end the
5 following:

6 **“CHAPTER 251—PASSENGER RAIL**
7 **PLANNING**

“Sec.

“25101. Corridor Identification and Development Program.

8 **“§ 25101. Corridor Identification and Development**
9 **Program**

10 “(a) IN GENERAL.—Not later than 180 days after
11 the date of enactment of the Passenger Rail Expansion
12 and Rail Safety Act of 2021, the Secretary of Transpor-
13 tation shall establish a program to facilitate the develop-
14 ment of intercity passenger rail corridors. The program
15 shall include—

16 “(1) a process for eligible entities described in
17 subsection (b) to submit proposals for the develop-
18 ment of intercity passenger rail corridors;

19 “(2) a process for the Secretary to review and
20 select proposals in accordance with subsection (c);

21 “(3) criteria for determining the level of readi-
22 ness for Federal financial assistance of an intercity
23 passenger rail corridor, which shall include—

1 “(A) identification of a service operator
2 which may include Amtrak or private rail car-
3 riers;

4 “(B) identification of a service sponsor or
5 sponsors;

6 “(C) identification capital project sponsors;

7 “(D) engagement with the host railroads;
8 and

9 “(E) other criteria as determined appro-
10 priate by the Secretary;

11 “(4) a process for preparing service develop-
12 ment plans in accordance with subsection (d), in-
13 cluding the identification of planning funds, such as
14 funds made available under section 24911(k) and
15 interstate rail compact grants established under sec-
16 tion 22210;

17 “(5) the creation of a pipeline of intercity pas-
18 senger rail corridor projects under subsection (g);

19 “(6) planning guidance to achieve the purposes
20 of this section, including guidance for intercity pas-
21 senger rail corridors not selected under this section;
22 and

23 “(7) such other features as the Secretary con-
24 siders relevant to the successful development of
25 intercity passenger rail corridors.

1 “(b) ELIGIBLE ENTITIES.—The Secretary may re-
2 ceive proposals under this section from Amtrak, States,
3 groups of States, entities implementing interstate com-
4 pacts, regional passenger rail authorities, regional plan-
5 ning organizations, political subdivisions of a State, feder-
6 ally recognized Indian Tribes, and other public entities,
7 as determined by the Secretary.

8 “(c) CORRIDOR SELECTION.—In selecting intercity
9 passenger rail corridors pursuant to subsection (a), the
10 Secretary shall consider—

11 “(1) whether the route was identified as part of
12 a regional or interregional intercity passenger rail
13 systems planning study;

14 “(2) projected ridership, revenues, capital in-
15 vestment, and operating funding requirements;

16 “(3) anticipated environmental, congestion miti-
17 gation, and other public benefits;

18 “(4) projected trip times and their competitive-
19 ness with other transportation modes;

20 “(5) anticipated positive economic and employ-
21 ment impacts, including development in the areas
22 near passenger stations, historic districts, or other
23 opportunity zones;

1 “(6) committed or anticipated State, regional
2 transportation authority, or other non-Federal fund-
3 ing for operating and capital costs;

4 “(7) benefits to rural communities;

5 “(8) whether the corridor is included in a
6 State’s approved State rail plan developed pursuant
7 to chapter 227;

8 “(9) whether the corridor serves historically
9 unserved or underserved and low-income commu-
10 nities or areas of persistent poverty;

11 “(10) whether the corridor would benefit or im-
12 prove connectivity with existing or planned transpor-
13 tation services of other modes;

14 “(11) whether the corridor connects at least 2
15 of the 100 most populated metropolitan areas;

16 “(12) whether the corridor would enhance the
17 regional equity and geographic diversity of intercity
18 passenger rail service;

19 “(13) whether the corridor is or would be inte-
20 grated into the national rail passenger transpor-
21 tation system and whether the corridor would create
22 benefits for other passenger rail routes and services;
23 and

1 “(14) whether a passenger rail operator, includ-
2 ing a private rail carrier, has expressed support for
3 the corridor.

4 “(d) SERVICE DEVELOPMENT PLANS.—For each cor-
5 ridor proposal selected for development under this section,
6 the Secretary shall partner with the entity that submitted
7 the proposal, relevant States, and Amtrak, as appropriate,
8 to prepare a service development plan (or to update an
9 existing service development plan), which shall include—

10 “(1) a detailed description of the proposed
11 intercity passenger rail service, including train fre-
12 quencies, peak and average operating speeds, and
13 trip times;

14 “(2) a corridor project inventory that—

15 “(A) identifies the capital projects nec-
16 essary to achieve the proposed intercity pas-
17 senger rail service, including—

18 “(i) the capital projects for which
19 Federal investment will be sought;

20 “(ii) the likely project applicants; and

21 “(iii) the proposed Federal funding
22 levels;

23 “(B) specifies the order in which Federal
24 funding will be sought for the capital projects
25 identified under subparagraph (A), after consid-

1 “(F) sources of capital investment and op-
2 erating financial support;

3 “(9) a description of how the corridor would
4 contribute to the development of a multi-State re-
5 gional network of intercity passenger rail;

6 “(10) an intermodal plan describing how the
7 new or improved corridor facilitates travel connec-
8 tions with other passenger transportation services;

9 “(11) a description of the anticipated environ-
10 mental benefits of the corridor; and

11 “(12) a description of the corridor’s impacts on
12 highway and aviation congestion, energy consump-
13 tion, land use, and economic development in the
14 service area.

15 “(e) CONSULTATION.—In partnering on the prepara-
16 tion of a service development plan under subsection (d),
17 the Secretary shall consult with—

18 “(1) Amtrak;

19 “(2) appropriate State and regional transpor-
20 tation authorities and local officials;

21 “(3) representatives of employee labor organiza-
22 tions representing railroad and other appropriate
23 employees;

24 “(4) host railroads for the proposed corridor;
25 and

1 “(5) other stakeholders, as determined by the
2 Secretary.

3 “(f) UPDATES.—Every 5 years, after the initial devel-
4 opment of the service development plan under subsection
5 (d), if at least 40 percent of the work to implement a serv-
6 ice development plan prepared under subsection (d) has
7 not yet been completed, the plan’s sponsor, in consultation
8 with the Secretary, shall determine whether such plan
9 should be updated.

10 “(g) PROJECT PIPELINE.—Not later than 1 year
11 after the establishment of the program under this section,
12 and by February 1st of each year thereafter, the Secretary
13 shall submit to the Committee on Commerce, Science, and
14 Transportation of the Senate, the Committee on Appro-
15 priations of the Senate, and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives,
17 and the Committee on Appropriations of the House of
18 Representatives a project pipeline, in accordance with this
19 section, that—

20 “(1) identifies intercity passenger rail corridors
21 selected for development under this section;

22 “(2) identifies capital projects for Federal in-
23 vestment, project applicants, and proposed Federal
24 funding levels, as applicable, consistent with the cor-
25 ridor project inventory;

1 “(3) specifies the order in which the Secretary
2 would provide Federal financial assistance, subject
3 to the availability of funds, to projects that have
4 identified sponsors, including a method and plan for
5 apportioning funds to project sponsors for a 5-year
6 period, which may be altered by the Secretary, as
7 necessary, if recipients are not carrying out projects
8 on the anticipated schedule;

9 “(4) takes into consideration the appropriate
10 sequence and phasing of projects described in the
11 corridor project inventory;

12 “(5) takes into consideration the existing com-
13 mitments and anticipated Federal, project applicant,
14 sponsor, and other relevant funding levels for the
15 next 5 fiscal years based on information currently
16 available to the Secretary;

17 “(6) is prioritized based on the level of readi-
18 ness of the corridor; and

19 “(7) reflects consultation with Amtrak.

20 “(h) DEFINITION.—In this section, the term ‘inter-
21 city passenger rail corridor’ means—

22 “(1) a new intercity passenger rail route of less
23 than 750 miles;

24 “(2) the enhancement of an existing intercity
25 passenger rail route of less than 750 miles;

1 “(3) the restoration of service over all or por-
 2 tions of an intercity passenger rail route formerly
 3 operated by Amtrak; or

4 “(4) the increase of service frequency of a long-
 5 distance intercity passenger rail route.”.

6 (b) CLERICAL AMENDMENT.—The table of chapters
 7 for subtitle V of title 49, United States Code, is amended
 8 by inserting after the item relating to chapter 249 the fol-
 9 lowing:

“Chapter 251. Passenger rail planning25101”.

10 **SEC. 2309. SURFACE TRANSPORTATION BOARD PASSENGER**
 11 **RAIL PROGRAM.**

12 The Surface Transportation Board shall—

13 (1) establish a passenger rail program with pri-
 14 mary responsibility for carrying out the Board’s pas-
 15 senger rail responsibilities; and

16 (2) hire up to 10 additional full-time employees
 17 to assist in carrying out the responsibilities referred
 18 to in paragraph (1).

19 **SEC. 2310. RAILROAD RIGHTS-OF-WAY.**

20 (a) REVIEW.—The Comptroller General of the United
 21 States shall—

22 (1) conduct a review of the exemption for rail-
 23 road rights-of-way under section 306108 of title 54,
 24 United States Code, to determine whether and to

1 what extent the exemption streamlines compliance
2 with such section; and

3 (2) quantify the efficiencies achieved by such
4 exemption and the remaining inefficiencies.

5 (b) CONSULTATION.—In conducting the review pur-
6 suant to subsection (a), the Comptroller General shall con-
7 sult with the Secretary, the Advisory Council on Historic
8 Preservation, the National Conference of State Historic
9 Preservation Officers, the National Association of Tribal
10 Historic Preservation Officers, the Department of the In-
11 terior, and representatives of the railroad industry.

12 (c) RECOMMENDATIONS.—Not later than 1 year after
13 the date of enactment of this Act, the Comptroller General
14 shall submit a report to the Committee on Commerce,
15 Science, and Transportation of the Senate and the Com-
16 mittee on Transportation and Infrastructure of the House
17 of Representatives that—

18 (1) describes the results of the review conducted
19 pursuant to subsection (a); and

20 (2) includes recommendations for any regu-
21 latory or legislative amendments that may further
22 streamline compliance with the requirements under
23 section 306108 of title 54, United States Code, in
24 a manner that is consistent with railroad safety and

1 the policies and purposes of such section, including
2 recommendations regarding—

3 (A) the property based exemption; and

4 (B) ways to improve the process, while en-
5 suring that historical properties remain pro-
6 tected under such section.

7 (d) REPORT TO CONGRESS.—Not later than 180 days
8 after date of enactment of this Act, the Secretary and the
9 Advisory Council on Historic Preservation shall submit a
10 report to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of Rep-
13 resentatives that—

14 (1) addresses the recommendations received
15 from the Comptroller General pursuant to subsection
16 (c)(2); and

17 (2) the actions that the Secretary will take to
18 implement such recommendations.

19 **Subtitle D—Rail Safety**

20 **SEC. 2401. RAILWAY-HIGHWAY CROSSINGS PROGRAM EVAL-** 21 **UATION.**

22 (a) IN GENERAL.—The Secretary shall evaluate the
23 requirements of the railway-highway crossings program
24 authorized under section 130 of title 23, United States
25 Code, to determine whether—

1 (1) the requirements of the program provide
2 States sufficient flexibility to adequately address
3 current and emerging highway-rail grade crossing
4 safety issues;

5 (2) the structure of the program provides suffi-
6 cient incentives and resources to States and local
7 agencies to make changes at highway-rail grade
8 crossings that are most effective at reducing deaths
9 and injuries;

10 (3) there are appropriate tools and resources to
11 support States in using data driven programs to de-
12 termine the most cost-effective use of program
13 funds; and

14 (4) any statutory changes are recommended to
15 improve the effectiveness of the program.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Secretary shall submit a re-
18 port to the Committee on Commerce, Science, and Trans-
19 portation of the Senate, the Committee on Environment
20 and Public Works of the Senate, and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives that summarizes and describes the results of
23 the evaluation conducted pursuant to subsection (a), in-
24 cluding any recommended statutory changes.

1 **SEC. 2402. GRADE CROSSING ACCIDENT PREDICTION**
2 **MODEL.**

3 Not later than 2 years after the date of enactment
4 of this Act, the Administrator of the Federal Railroad Ad-
5 ministration shall—

6 (1) update the grade crossing accident pre-
7 diction and severity model used by the Federal Rail-
8 road Administration to analyze accident risk at high-
9 way-rail grade crossings; and

10 (2) provide training on the use of the updated
11 grade crossing accident prediction and severity
12 model.

13 **SEC. 2403. PERIODIC UPDATES TO HIGHWAY-RAIL CROSS-**
14 **ING REPORTS AND PLANS.**

15 (a) **HIGHWAY-RAIL GRADE CROSSING SAFETY.**—Sec-
16 tion 11401 of the Fixing America’s Surface Transpor-
17 tation Act (Public Law 114–94; 49 U.S.C. 22907 note)
18 is amended—

19 (1) by striking subsection (c); and

20 (2) by redesignating subsections (d) and (e) as
21 subsections (c) and (d), respectively.

22 (b) **REPORTS ON HIGHWAY-RAIL GRADE CROSSING**
23 **SAFETY.**—

24 (1) **IN GENERAL.**—Chapter 201 of title 49,
25 United States Code, is amended by inserting after
26 section 20166 the following:

1 **“§ 20167. Reports on highway-rail grade crossing**
2 **safety**

3 “(a) REPORT.—Not later than 4 years after the date
4 by which States are required to submit State highway-rail
5 grade crossing action plans under section 11401(b) of the
6 Fixing America’s Surface Transportation Act (49 U.S.C.
7 22907 note), the Administrator of the Federal Railroad
8 Administration, in consultation with the Administrator of
9 the Federal Highway Administration, shall submit a re-
10 port to the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 that summarizes the State highway-rail grade crossing ac-
14 tion plans, including—

15 “(1) an analysis and evaluation of each State
16 railway-highway crossings program under section
17 130 of title 23, including—

18 “(A) compliance with section 11401 of the
19 Fixing America’s Surface Transportation Act
20 and section 130(g) of title 23; and

21 “(B) the specific strategies identified by
22 each State to improve safety at highway-rail
23 grade crossings, including crossings with mul-
24 tiple accidents or incidents;

25 “(2) the progress of each State in implementing
26 its State highway-rail grade crossings action plan;

1 “(3) the number of highway-rail grade crossing
2 projects undertaken pursuant to section 130 of title
3 23, including the distribution of such projects by
4 cost range, road system, nature of treatment, and
5 subsequent accident experience at improved loca-
6 tions;

7 “(4) which States are not in compliance with
8 their schedule of projects under section 130(d) of
9 title 23; and

10 “(5) any recommendations for future implemen-
11 tation of the railway-highway crossings program
12 under section 130 of title 23.

13 “(b) UPDATES.—Not later than 5 years after the
14 submission of the report required under subsection (a), the
15 Administrator of the Federal Railroad Administration, in
16 consultation with the Administrator of the Federal High-
17 way Administration, shall—

18 “(1) update the report based on the State an-
19 nual reports submitted pursuant to section 130(g) of
20 title 23 and any other information obtained by or
21 available to the Administrator of the Federal Rail-
22 road Administration; and

23 “(2) submit the updated report to the Com-
24 mittee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Transportation
2 and Infrastructure of the House of Representatives.

3 “(c) DEFINITIONS.—In this section:

4 “(1) HIGHWAY-RAIL GRADE CROSSING.—The
5 term ‘highway-rail grade crossing’ means a location
6 within a State, other than a location at which 1 or
7 more railroad tracks cross 1 or more railroad tracks
8 at grade, at which—

9 “(A) a public highway, road, or street, or
10 a private roadway, including associated side-
11 walks and pathways, crosses 1 or more railroad
12 tracks, either at grade or grade-separated; or

13 “(B) a pathway explicitly authorized by a
14 public authority or a railroad carrier that—

15 “(i) is dedicated for the use of non-
16 vehicular traffic, including pedestrians,
17 bicyclists, and others;

18 “(ii) is not associated with a public
19 highway, road, or street, or a private road-
20 way; and

21 “(iii) crosses 1 or more railroad
22 tracks, either at grade or grade-separated.

23 “(2) STATE.—The term ‘State’ means a State
24 of the United States or the District of Columbia.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 201 of title 49, United States Code, is
3 amended by inserting after the item relating to sec-
4 tion 20166 the following:

“20167. Reports on highway-rail grade crossing safety.”.

5 (c) ANNUAL REPORT.—Section 130(g) of title 23,
6 United States Code, is amended to read as follows:

7 “(g) ANNUAL REPORT.—

8 “(1) IN GENERAL.—Not later than August 31
9 of each year, each State shall submit a report to the
10 Administrator of the Federal Highway Administra-
11 tion that describes—

12 “(A) the progress being made to imple-
13 ment the railway-highway crossings program
14 authorized under this section; and

15 “(B) the effectiveness of the improvements
16 made as a result of such implementation.

17 “(2) CONTENTS.—Each report submitted pur-
18 suant to paragraph (1) shall contain an assessment
19 of—

20 “(A) the costs of the various treatments
21 employed by the State to implement the rail-
22 way-highway crossings program; and

23 “(B) the effectiveness of such treatments,
24 as measured by the accident experience at the
25 locations that received such treatments.

1 “(3) COORDINATION.—Not later than 30 days
2 after the Federal Highway Administration’s accept-
3 ance of each report submitted pursuant to para-
4 graph (1), the Administrator of the Federal High-
5 way Administration shall make such report available
6 to the Administrator of the Federal Railroad Admin-
7 istration.”.

8 **SEC. 2404. BLOCKED CROSSING PORTAL.**

9 (a) IN GENERAL.—The Administrator of the Federal
10 Railroad Administration shall establish a 3-year blocked
11 crossing portal, which shall include the maintenance of the
12 portal and corresponding database to receive, store, and
13 retrieve information regarding blocked highway-rail grade
14 crossings.

15 (b) BLOCKED CROSSING PORTAL.—The Adminis-
16 trator of the Federal Railroad Administration shall estab-
17 lish a blocked crossing portal that—

18 (1) collects information from the public, includ-
19 ing first responders, regarding blocked highway-rail
20 grade crossing events;

21 (2) solicits the apparent cause of the blocked
22 crossing and provides examples of common causes of
23 blocked crossings, such as idling trains or instances
24 when lights or gates are activated when no train is
25 present;

1 (3) provides each complainant with the contact
2 information for reporting a blocked crossing to the
3 relevant railroad; and

4 (4) encourages each complainant to report the
5 blocked crossing to the relevant railroad.

6 (c) COMPLAINTS.—The blocked crossing portal shall
7 be programmed to receive complaints from the general
8 public about blocked highway-rail grade crossings. Any
9 complaint reported through the portal shall indicate
10 whether the complainant also reported the blocked cross-
11 ing to the relevant railroad.

12 (d) INFORMATION RECEIVED.—In reviewing com-
13 plaints received pursuant to subsection (c), the Federal
14 Railroad Administration shall review, to the extent prac-
15 ticable, the information received from the complainant to
16 account for duplicative or erroneous reporting.

17 (e) USE OF INFORMATION.—The information re-
18 ceived and maintained in the blocked crossing portal data-
19 base shall be used by the Federal Railroad Administra-
20 tion—

21 (1) to identify frequent and long-duration
22 blocked highway-rail grade crossings;

23 (2) as a basis for conducting outreach to com-
24 munities, emergency responders, and railroads;

1 (3) to support collaboration in the prevention of
2 incidents at highway-rail grade crossings; and

3 (4) to assess the impacts of blocked crossings.

4 (f) SHARING INFORMATION RECEIVED.—

5 (1) IN GENERAL.—The Administrator of the
6 Federal Railroad Administration shall implement
7 and make publicly available procedures for sharing
8 any nonaggregated information received through the
9 blocked crossing portal with the public.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 section may be construed to authorize the Federal
12 Railroad Administration to make publically available
13 sensitive security information.

14 (g) ADDITIONAL INFORMATION.—If the information
15 submitted to the blocked crossing portal is insufficient to
16 determine the locations and potential impacts of blocked
17 highway-rail grade crossings, the Federal Railroad Admin-
18 istration may collect, from the general public, State and
19 local law enforcement personnel, and others as appro-
20 priate, such additional information as may be necessary
21 to make such determinations.

22 (h) LIMITATIONS.—Complaints, data, and other in-
23 formation received through the blocked crossing portal
24 may not be used—

1 (1) to infer or extrapolate the rate or instances
2 of crossings beyond the data received through the
3 portal; or

4 (2) for any regulatory or enforcement purposes
5 except those specifically described in this section.

6 (i) REPORTS.—

7 (1) ANNUAL PUBLIC REPORT.—The Adminis-
8 trator of the Federal Railroad Administration shall
9 publish an annual report on a public website regard-
10 ing the blocked crossing program, including the un-
11 derlying causes of blocked crossings, program chal-
12 lenges, and other findings.

13 (2) REPORT TO CONGRESS.—Not later than 1
14 year after the date of enactment of this Act, the Ad-
15 ministrator of the Federal Railroad Administration
16 shall submit a report to the Committee on Com-
17 merce, Science, and Transportation of the Senate
18 and the Committee on Transportation and Infra-
19 structure of the House of Representatives that de-
20 scribes—

21 (A) based on the information received
22 through the blocked crossing portal, frequent
23 and long-duration blocked highway-rail grade
24 crossings, including the locations, dates, dura-

1 tions, and impacts resulting from such occur-
2 rences;

3 (B) the Federal Railroad Administration's
4 process for verifying the accuracy of the com-
5 plaints submitted to the blocked crossing portal,
6 including whether the portal continues to be ef-
7 fective in collecting such information and identi-
8 fying blocked crossings;

9 (C) the Federal Railroad Administration's
10 use of the data compiled by the blocked cross-
11 ing portal to assess the underlying cause and
12 overall impacts of blocked crossings;

13 (D) the engagement of the Federal Rail-
14 road Administration with affected parties to
15 identify and facilitate solutions to frequent and
16 long-duration blocked highway-rail grade cross-
17 ings identified by the blocked crossing portal;
18 and

19 (E) whether the blocked crossing portal
20 continues to be an effective method to collect
21 blocked crossing information and what changes
22 could improve its effectiveness.

23 (j) SUNSET.—This section (other than subsection
24 (k)) shall have no force or effect beginning on the date
25 that is 3 years after the date of enactment of this Act.

1 (k) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to invalidate any authority of the
3 Secretary with respect to blocked highway-rail grade
4 crossings. The Secretary may continue to use any such
5 authority after the sunset date set forth in subsection (j).

6 **SEC. 2405. DATA ACCESSIBILITY.**

7 (a) REVIEW.—Not later than 180 days after the date
8 of enactment of this Act, the Chief Information Officer
9 of the Department shall—

10 (1) conduct a review of the website of the Office
11 of Safety Analysis of the Federal Railroad Adminis-
12 tration; and

13 (2) provide recommendations to the Secretary
14 for improving the public’s usability and accessibility
15 of the website referred to in paragraph (1).

16 (b) UPDATES.—Not later than 1 year after receiving
17 recommendations from the Chief Information Officer pur-
18 suant to subsection (a)(2), the Secretary, after considering
19 such recommendations, shall update the website of the Of-
20 fice of Safety Analysis of the Federal Railroad Adminis-
21 tration to improve the usability and accessibility of the
22 website.

23 **SEC. 2406. EMERGENCY LIGHTING.**

24 Not later than 1 year after the date of enactment
25 of this Act, the Secretary shall initiate a rulemaking to

1 require that all rail carriers providing intercity passenger
2 rail transportation or commuter rail passenger transpor-
3 tation (as such terms are defined in section 24102 of title
4 49, United States Code), develop and implement periodic
5 inspection plans to ensure that passenger equipment of-
6 fered for revenue service complies with the requirements
7 under part 238 of title 49, Code of Federal Regulations,
8 including ensuring that, in the event of a loss of power,
9 there is adequate emergency lighting available to allow
10 passengers, crew members, and first responders—

11 (1) to see and orient themselves;

12 (2) to identify obstacles;

13 (3) to safely move throughout the rail car; and

14 (4) to evacuate safely.

15 **SEC. 2407. COMPREHENSIVE RAIL SAFETY REVIEW OF AM-**
16 **TRAK.**

17 (a) **COMPREHENSIVE SAFETY ASSESSMENT.**—Not
18 later than 1 year after the date of enactment of this Act,
19 the Secretary shall—

20 (1) conduct a focused review of Amtrak’s safe-
21 ty-related processes and procedures, compliance with
22 safety regulations and requirements, and overall
23 safety culture; and

24 (2) submit a report to 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 the findings and recommendations resulting
4 from such assessment.

5 (b) PLAN.—

6 (1) INITIAL PLAN.—Not later than 6 months
7 after the completion of the comprehensive safety as-
8 sessment under subsection (a)(1), Amtrak shall sub-
9 mit a plan to the Committee on Commerce, Science,
10 and Transportation of the Senate and the Com-
11 mittee on Transportation and Infrastructure of the
12 House of Representatives for addressing the findings
13 and recommendations raised in the comprehensive
14 safety assessment.

15 (2) ANNUAL UPDATES.—Amtrak shall submit
16 annual updates of its progress toward implementing
17 the plan submitted pursuant to paragraph (1) to the
18 committees listed in such paragraph.

19 **SEC. 2408. COMPLETION OF HOURS OF SERVICE AND FA-**
20 **TIGUE STUDIES.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of enactment of this Act, the Administrator of the
23 Federal Railroad Administration shall commence the pilot
24 programs required under subparagraphs (A) and (B) of
25 section 21109(e)(1) of title 49, United States Code.

1 (b) CONSULTATION.—The Federal Railroad Adminis-
2 tration shall consult with the class or craft of employees
3 impacted by the pilot projects, including railroad carriers,
4 and representatives of labor organizations representing
5 the impacted employees when designing and conducting
6 the pilot programs referred to in subsection (a).

7 (c) REPORT.—If the pilot programs required under
8 section 21109(e)(1) of title 49, United States Code, have
9 not commenced on the date that is 1 year and 120 days
10 after the date of enactment of this Act, the Secretary, not
11 later than 30 days after such date, submit a report to the
12 Committee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Transportation and In-
14 frastructure of the House of Representatives that de-
15 scribes—

16 (1) the status of such pilot programs;

17 (2) actions that the Federal Railroad Adminis-
18 tration has taken to commence the pilot programs,
19 including efforts to recruit participant railroads;

20 (3) any challenges impacting the commence-
21 ment of the pilot programs; and

22 (4) any other details associated with the devel-
23 opment of the pilot programs that affect progress to-
24 ward meeting the mandate under such section
25 21109(e)(1).

1 **SEC. 2409. POSITIVE TRAIN CONTROL STUDY.**

2 (a) STUDY.—The Comptroller General of the United
3 States shall conduct a study to determine the annual posi-
4 tive train control system operation and maintenance costs
5 for public commuter railroads.

6 (b) REPORT.—Not later than 2 years after the date
7 of enactment of this Act, the Comptroller General of the
8 United States shall submit a report to the Committee on
9 Commerce, Science, and Transportation of the Senate and
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives that summarizes the study
12 conducted pursuant to subsection (a), including the esti-
13 mated annual positive train control system operation and
14 maintenance costs for public commuter railroads.

15 **SEC. 2410. OPERATING CREW MEMBER TRAINING, QUALI-**
16 **FICATION, AND CERTIFICATION.**

17 (a) AUDITS.—Not later than 60 days after the date
18 of enactment of this Act, the Secretary shall initiate audits
19 of the training, qualification, and certification programs
20 of locomotive engineers and conductors of railroad car-
21 riers, subject to the requirements of parts 240 and 242
22 of title 49, Code of Federal Regulations, which audits
23 shall—

24 (1) be conducted in accordance with subsection
25 (b);

1 (2) consider whether such programs are in com-
2 pliance with such parts 240 and 242;

3 (3) assess the type and content of training that
4 such programs provide locomotive engineers and
5 conductors, relevant to their respective roles, includ-
6 ing training related to installed technology;

7 (4) determine whether such programs provide
8 locomotive engineers and conductors the knowledge,
9 skill, and ability to safely operate a locomotive or
10 train, consistent with such parts 240 and 242;

11 (5) determine whether such programs reflect
12 the current operating practices of the railroad car-
13 rier;

14 (6) assess the current practice by which rail-
15 roads utilize simulator training, or any other tech-
16 nologies used to train and qualify locomotive engi-
17 neers and conductors by examining how such tech-
18 nologies are used;

19 (7) consider international experience and prac-
20 tice using similar technology, as appropriate, par-
21 ticularly before qualifying locomotive engineers on
22 new or unfamiliar equipment, new train control,
23 diagnostics, or other on-board technology;

24 (8) assess the current practice for familiarizing
25 locomotive engineers and conductors with new terri-

1 tory and using recurrency training to expose such
2 personnel to normal and abnormal conditions; and

3 (9) ensure that locomotive engineers and con-
4 ductor training programs are considered separately,
5 as appropriate, based on the unique requirements
6 and regulations.

7 (b) AUDIT SCHEDULING.—The Secretary shall—

8 (1) schedule the audits required under sub-
9 section (a) to ensure that—

10 (A) each Class I railroad, including the
11 National Railroad Passenger Corporation and
12 other intercity passenger rail providers, is au-
13 dited not less frequently than once every 5
14 years; and

15 (B) a select number, as determined appro-
16 priate by the Secretary, of Class II and Class
17 III railroads, along with other railroads pro-
18 viding passenger rail service that are not in-
19 cluded in subparagraph (A), are audited annu-
20 ally; and

21 (2) conduct the audits described in paragraph
22 (1)(B) in accordance with the Small Business Regu-
23 latory Enforcement Fairness Act of 1996 (5 U.S.C.
24 601 note) and appendix C of part 209 of title 49,
25 Code of Federal Regulations.

1 (c) UPDATES TO QUALIFICATION AND CERTIFI-
2 CATION PROGRAM.—If the Secretary, while conducting the
3 audits required under this section, identifies a deficiency
4 in a railroad’s training, qualification, and certification pro-
5 gram for locomotive engineers or conductors, the railroad
6 shall update the program to eliminate such deficiency.

7 (d) CONSULTATION AND COOPERATION.—

8 (1) CONSULTATION.—In conducting any audit
9 required under this section, the Secretary shall con-
10 sult with the railroad and its employees, including
11 any nonprofit employee labor organization rep-
12 resenting the engineers or conductors of the rail-
13 road.

14 (2) COOPERATION.—The railroad and its em-
15 ployees, including any nonprofit employee labor or-
16 ganization representing engineers or conductors of
17 the railroad, shall fully cooperate with any such
18 audit, including by—

19 (A) providing any relevant documents re-
20 quested; and

21 (B) making available any employees for
22 interview without undue delay or obstruction.

23 (3) FAILURE TO COOPERATE.—If the Secretary
24 determines that a railroad or any of its employees,
25 including any nonprofit employee labor organization

1 representing engineers or conductors of the railroad
2 is not fully cooperating with an audit, the Secretary
3 shall electronically notify the Committee on Com-
4 merce, Science, and Transportation of the Senate
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives.

7 (e) REVIEW OF REGULATIONS.—The Secretary shall
8 triennially determine whether any update to part 240 or
9 242 of title 49, Code of Federal Regulations, is necessary
10 to better prepare locomotive engineers and conductors to
11 safely operate trains by evaluating whether such regula-
12 tions establish appropriate Federal standards requiring
13 railroads—

14 (1) to provide locomotive engineers or conduc-
15 tors the knowledge and skills to safely operate trains
16 under conditions that reflect industry practices;

17 (2) to adequately address locomotive engineer
18 or conductor route situational awareness, including
19 ensuring locomotive engineers and conductors to
20 demonstrate knowledge on the physical characteris-
21 tics of a territory under various conditions and using
22 various resources;

23 (3) to provide relevant and adequate hands-on
24 training before a locomotive engineer or conductor is
25 certified;

1 (4) to adequately prepare locomotive engineers
2 or conductors to understand relevant locomotive op-
3 erating characteristics, to include instructions on
4 functions they are required to operate on any in-
5 stalled technology; and

6 (5) to address any other safety issue that the
7 Secretary determines to be appropriate for better
8 preparing locomotive engineers or conductors.

9 (f) ANNUAL REPORT.—The Secretary shall publish
10 an annual report on the public website of the Federal Rail-
11 road Administration that—

12 (1) summarizes the findings of the prior year’s
13 audits;

14 (2) summarizes any updates made pursuant to
15 subsection (c); and

16 (3) excludes and confidential business informa-
17 tion or sensitive security information.

18 **SEC. 2411. TRANSPARENCY AND SAFETY.**

19 Section 20103(d) of title 49, United States Code, is
20 amended to read as follows:

21 “(d) NONEMERGENCY WAIVERS.—

22 “(1) IN GENERAL.—The Secretary of Transpor-
23 tation may waive, or suspend the requirement to
24 comply with, any part of a regulation prescribed or
25 an order issued under this chapter if such waiver or

1 suspension is in the public interest and consistent
2 with railroad safety.

3 “(2) NOTICE REQUIRED.—The Secretary
4 shall—

5 “(A) provide timely public notice of any re-
6 quest for a waiver under this subsection or for
7 a suspension under subpart E of part 211 of
8 title 49, Code of Federal Regulations, or suc-
9 cessor regulations;

10 “(B) make available the application for
11 such waiver or suspension and any nonconfiden-
12 tial underlying data to interested parties;

13 “(C) provide the public with notice and a
14 reasonable opportunity to comment on a pro-
15 posed waiver or suspension under this sub-
16 section before making a final decision; and

17 “(D) publish on a publicly accessible
18 website the reasons for granting each such
19 waiver or suspension.

20 “(3) INFORMATION PROTECTION.—Nothing in
21 this subsection may be construed to require the re-
22 lease of information protected by law from public
23 disclosure.

24 “(4) RULEMAKING.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the first day on which a waiver under this
3 subsection or a suspension under subpart E of
4 part 211 of title 49, Code of Federal Regula-
5 tions, or successor regulations, has been in con-
6 tinuous effect for a 6-year period, the Secretary
7 shall complete a review and analysis of such
8 waiver or suspension to determine whether
9 issuing a rule that is consistent with the waiver
10 is—

11 “(i) in the public interest; and

12 “(ii) consistent with railroad safety.

13 “(B) FACTORS.—In conducting the review
14 and analysis under subparagraph (A), the Sec-
15 retary shall consider—

16 “(i) the relevant safety record under
17 the waiver or suspension;

18 “(ii) the likelihood that other entities
19 would have similar safety outcomes;

20 “(iii) the materials submitted in the
21 applications, including any comments re-
22 garding such materials; and

23 “(iv) related rulemaking activity.

24 “(C) NOTICE AND COMMENT.—

1 “(i) IN GENERAL.—The Secretary
2 shall publish the review and analysis re-
3 quired under this paragraph in the Federal
4 Register, which shall include a summary of
5 the data collected and all relevant under-
6 lying data, if the Secretary decides not to
7 initiate a regulatory update under subpara-
8 graph (D).

9 “(ii) NOTICE OF PROPOSED RULE-
10 MAKING.—The review and analysis under
11 this paragraph shall be included as part of
12 the notice of proposed rulemaking if the
13 Secretary initiates a regulatory update
14 under subparagraph (D).

15 “(D) REGULATORY UPDATE.—The Sec-
16 retary may initiate a rulemaking to incorporate
17 relevant aspects of a waiver under this sub-
18 section or a suspension under subpart E of part
19 211 of title 49, Code of Federal Regulations, or
20 successor regulations, into the relevant regula-
21 tion, to the extent the Secretary considers ap-
22 propriate.

23 “(5) RULE OF CONSTRUCTION.—Nothing in
24 this subsection may be construed to delay any waiver

1 granted pursuant to this subsection that is in the
2 public interest and consistent with railroad safety.”.

3 **SEC. 2412. RESEARCH AND DEVELOPMENT.**

4 Section 20108 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(d) FACILITIES.—The Secretary may erect, alter,
7 and repair buildings and make other public improvements
8 to carry out necessary railroad research, safety, and train-
9 ing activities at the Transportation Technology Center in
10 Pueblo, Colorado.

11 “(e) OFFSETTING COLLECTIONS.—The Secretary
12 may collect fees or rents from facility users to offset ap-
13 propriated amounts for the cost of providing facilities or
14 research, development, testing, training, or other services,
15 including long-term sustainment of the on-site physical
16 plant.

17 “(f) REVOLVING FUND.—Amounts appropriated to
18 carry out subsection (d) and all fees and rents collected
19 pursuant to subsection (e) shall be credited to a revolving
20 fund and remain available until expended. The Secretary
21 may use such fees and rents for operation, maintenance,
22 repair, or improvement of the Transportation Technology
23 Center.

24 “(g) LEASES AND CONTRACTS.—Notwithstanding
25 section 1302 of title 40, the Secretary may lease to others

1 or enter into contracts for terms of up to 20 years, for
2 such consideration and subject to such terms and condi-
3 tions as the Secretary determines to be in the best inter-
4 ests of the Government of the United States, for the oper-
5 ation, maintenance, repair, and improvement of the
6 Transportation Technology Center.

7 “(h) PROPERTY AND CASUALTY LOSS INSURANCE.—
8 The Secretary may allow its lessees and contractors to
9 purchase property and casualty loss insurance for its as-
10 sets and activities at the Transportation Technology Cen-
11 ter to mitigate the lessee’s or contractor’s risk associated
12 with operating a facility.

13 “(i) ENERGY PROJECTS.—Notwithstanding section
14 1341 of title 31, the Secretary may enter into contracts
15 or agreements, or commit to obligations in connection with
16 third-party contracts or agreements, including contingent
17 liability for the purchase of electric power in connection
18 with such contracts or agreements, for terms not to exceed
19 20 years, to enable the use of the land at the Transpor-
20 tation Technology Center for projects to produce energy
21 from renewable sources.”.

1 **SEC. 2413. RAIL RESEARCH AND DEVELOPMENT CENTER**
2 **OF EXCELLENCE.**

3 Section 20108 of title 49, United States Code, as
4 amended by section 2412, is further amended by adding
5 at the end the following:

6 “(j) RAIL RESEARCH AND DEVELOPMENT CENTER
7 OF EXCELLENCE.—

8 “(1) CENTER OF EXCELLENCE.—The Secretary
9 shall award grants to establish and maintain a cen-
10 ter of excellence to advance research and develop-
11 ment that improves the safety, efficiency, and reli-
12 ability of passenger and freight rail transportation.

13 “(2) ELIGIBILITY.—An institution of higher
14 education (as defined in section 101 of the Higher
15 Education Act of 1965 (20 U.S.C. 1001)) or a con-
16 sortium of nonprofit institutions of higher education
17 shall be eligible to receive a grant from the center
18 established pursuant to paragraph (1).

19 “(3) SELECTION CRITERIA.—In awarding a
20 grant under this subsection, the Secretary shall—

21 “(A) give preference to applicants with
22 strong past performance related to rail re-
23 search, education, and workforce development
24 activities;

1 “(B) consider the extent to which the ap-
2 plicant would involve public and private sector
3 passenger and freight railroad operators; and

4 “(C) consider the regional and national im-
5 pacts of the applicant’s proposal.

6 “(4) USE OF FUNDS.—Grant funds awarded
7 pursuant to this subsection shall be used for basic
8 and applied research, evaluation, education, work-
9 force development, and training efforts related to
10 safety, efficiency, reliability, resiliency, and sustain-
11 ability of urban commuter, intercity high-speed, and
12 freight rail transportation, to include advances in
13 rolling stock, advanced positive train control, human
14 factors, rail infrastructure, shared corridors, grade
15 crossing safety, inspection technology, remote sens-
16 ing, rail systems maintenance, network resiliency,
17 operational reliability, energy efficiency, and other
18 advanced technologies.

19 “(5) FEDERAL SHARE.—The Federal share of a
20 grant awarded under this subsection shall be 50 per-
21 cent of the cost of establishing and operating the
22 center of excellence and related research activities
23 carried out by the grant recipient.”.

1 **SEC. 2414. QUARTERLY REPORT ON POSITIVE TRAIN CON-**
2 **TROL SYSTEM PERFORMANCE.**

3 Section 20157 of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(m) REPORTS ON POSITIVE TRAIN CONTROL SYS-
6 TEM PERFORMANCE.—

7 “(1) IN GENERAL.—Each host railroad subject
8 to this section or subpart I of part 236 of title 49,
9 Code of Federal Regulations, shall electronically sub-
10 mit to the Secretary of Transportation a Report of
11 PTC System Performance on Form FRA F
12 6180.152, which shall be submitted on or before the
13 applicable due date set forth in paragraph (3) and
14 contain the information described in paragraph (2),
15 which shall be separated by the host railroad, each
16 applicable tenant railroad, and each positive train
17 control-governed track segment, consistent with the
18 railroad’s positive train control Implementation Plan
19 described in subsection (a)(1).

20 “(2) REQUIRED INFORMATION.—Each report
21 submitted pursuant to paragraph (1) shall include,
22 for the applicable reporting period—

23 “(A) the number of positive train control
24 system initialization failures, disaggregated by
25 the number of initialization failures for which
26 the source or cause was the onboard subsystem,

1 the wayside subsystem, the communications
2 subsystem, the back office subsystem, or a non-
3 positive train control component;

4 “(B) the number of positive train control
5 system cut outs, disaggregated by each compo-
6 nent listed in subparagraph (A) that was the
7 source or cause of such cut outs;

8 “(C) the number of positive train control
9 system malfunctions, disaggregated by each
10 component listed in subparagraph (A) that was
11 the source or cause of such malfunctions;

12 “(D) the number of enforcements by the
13 positive train control system;

14 “(E) the number of enforcements by the
15 positive train control system in which it is rea-
16 sonable to assume an accident or incident was
17 prevented;

18 “(F) the number of scheduled attempts at
19 initialization of the positive train control sys-
20 tem;

21 “(G) the number of train miles governed
22 by the positive train control system; and

23 “(H) a summary of any actions the host
24 railroad and its tenant railroads are taking to
25 reduce the frequency and rate of initialization

1 failures, cut outs, and malfunctions, such as
2 any actions to correct or eliminate systemic
3 issues and specific problems.

4 “(3) DUE DATES.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), each host railroad shall elec-
7 tronically submit the report required under
8 paragraph (1) not later than—

9 “(i) April 30, for the period from Jan-
10 uary 1 through March 31;

11 “(ii) July 31, for the period from
12 April 1 through June 30;

13 “(iii) October 31, for the period from
14 July 1 through September 30; and

15 “(iv) January 31, for the period from
16 October 1 through December 31 of the
17 prior calendar year.

18 “(B) FREQUENCY REDUCTION.—Beginning
19 on the date that is 3 years after the date of en-
20 actment of the Passenger Rail Expansion and
21 Rail Safety Act of 2021, the Secretary shall re-
22 duce the frequency with which host railroads
23 are required to submit the report described in
24 paragraph (1) to not less frequently than twice
25 per year, unless the Secretary—

1 “(i) determines that quarterly report-
2 ing is in the public interest; and

3 “(ii) publishes a justification for such
4 determination in the Federal Register.

5 “(4) TENANT RAILROADS.—Each tenant rail-
6 road that operates on a host railroad’s positive train
7 control-governed main line and is not currently sub-
8 ject to an exception under section 236.1006(b) of
9 title 49, Code of Federal Regulations, shall submit
10 the information described in paragraph (2) to each
11 applicable host railroad on a continuous basis.

12 “(5) ENFORCEMENTS.—Any railroad operating
13 a positive train control system classified under Fed-
14 eral Railroad Administration Type Approval number
15 FRA-TA-2010-001 or FRA-TA-2013-003 shall
16 begin submitting the metric required under para-
17 graph (2)(D) not later than January 31, 2023.”.

18 **SEC. 2415. SPEED LIMIT ACTION PLANS.**

19 (a) CODIFICATION OF, AND AMENDMENT TO, SEC-
20 TION 11406 OF THE FAST ACT.—Subchapter II of chap-
21 ter 201 of subtitle V of title 49, United States Code, is
22 amended by inserting after section 20168 the following:

23 **“§ 20169. Speed limit action plans**

24 “(a) IN GENERAL.—Not later than March 3, 2016,
25 each railroad carrier providing intercity rail passenger

1 transportation or commuter rail passenger transportation,
2 in consultation with any applicable host railroad carrier,
3 shall survey its entire system and identify each main track
4 location where there is a reduction of more than 20 miles
5 per hour from the approach speed to a curve, bridge, or
6 tunnel and the maximum authorized operating speed for
7 passenger trains at that curve, bridge, or tunnel.

8 “(b) ACTION PLANS.—Not later than 120 days after
9 the date that the survey under subsection (a) is complete,
10 a railroad carrier described in subsection (a) shall submit
11 to the Secretary of Transportation an action plan that—

12 “(1) identifies each main track location where
13 there is a reduction of more than 20 miles per hour
14 from the approach speed to a curve, bridge, or tun-
15 nel and the maximum authorized operating speed for
16 passenger trains at that curve, bridge, or tunnel;

17 “(2) describes appropriate actions to enable
18 warning and enforcement of the maximum author-
19 ized speed for passenger trains at each location iden-
20 tified under paragraph (1), including—

21 “(A) modification to automatic train con-
22 trol systems, if applicable, or other signal sys-
23 tems;

24 “(B) increased crew size;

1 “(C) installation of signage alerting train
2 crews of the maximum authorized speed for
3 passenger trains in each location identified
4 under paragraph (1);

5 “(D) installation of alerters;

6 “(E) increased crew communication; and

7 “(F) other practices;

8 “(3) contains milestones and target dates for
9 implementing each appropriate action described
10 under paragraph (2); and

11 “(4) ensures compliance with the maximum au-
12 thorized speed at each location identified under
13 paragraph (1).

14 “(c) APPROVAL.—Not later than 90 days after the
15 date on which an action plan is submitted under sub-
16 section (b) or (d)(2), the Secretary shall approve, approve
17 with conditions, or disapprove the action plan.

18 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
19 road carrier that submits an action plan to the Secretary
20 pursuant to subsection (b) shall—

21 “(1) not later than 1 year after the date of en-
22 actment of the Passenger Rail Expansion and Rail
23 Safety Act of 2021, and annually thereafter, review
24 such plan to ensure the effectiveness of actions
25 taken to enable warning and enforcement of the

1 maximum authorized speed for passenger trains at
2 each location identified pursuant to subsection
3 (b)(1); and

4 “(2) not later than 90 days before imple-
5 menting any significant operational or territorial op-
6 erating change, including initiating a new service or
7 route, submit to the Secretary a revised action plan,
8 after consultation with any applicable host railroad,
9 that addresses such operational or territorial oper-
10 ating change.

11 “(e) NEW SERVICE.—If a railroad carrier providing
12 intercity rail passenger transportation or commuter rail
13 passenger transportation did not exist on the date of en-
14 actment of the FAST Act (Public Law 114–94; 129 Stat.
15 1312), such railroad carrier, in consultation with any ap-
16 plicable host railroad carrier, shall—

17 “(1) survey its routes pursuant to subsection
18 (a) not later than 90 days after the date of enact-
19 ment of the Passenger Rail Expansion and Rail
20 Safety Act of 2021; and

21 “(2) develop an action plan pursuant to sub-
22 section (b) not later than 120 days after the date on
23 which such survey is complete.

24 “(f) ALTERNATIVE SAFETY MEASURES.—The Sec-
25 retary may exempt from the requirements under this sec-

1 tion each segment of track for which operations are gov-
2 erned by a positive train control system certified under
3 section 20157, or any other safety technology or practice
4 that would achieve an equivalent or greater level of safety
5 in reducing derailment risk.

6 “(g) PROHIBITION.—No new intercity or commuter
7 rail passenger service may begin operation unless the rail-
8 road carrier providing such service is in compliance with
9 the requirements under this section.

10 “(h) SAVINGS CLAUSE.—Nothing in this section may
11 be construed to prohibit the Secretary from applying the
12 requirements under this section to other segments of track
13 at high risk of overspeed derailment.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 201 of subtitle V of title 49, United States Code, is
16 amended by adding at the end the following:

“20169. Speed limit action plans.”.

17 **SEC. 2416. NEW PASSENGER SERVICE PRE-REVENUE SAFE-**
18 **TY VALIDATION PLAN.**

19 (a) IN GENERAL.—Subchapter II of chapter 201 of
20 subtitle V of title 49, United States Code, as amended by
21 section 2415, is further amended by adding at the end
22 the following:

23 **“§ 20170. Pre-revenue service safety validation plan**

24 “(a) PLAN SUBMISSION.—Any railroad providing
25 new, regularly scheduled, intercity or commuter rail pas-

1 senger transportation, an extension of existing service, or
2 a renewal of service that has been discontinued for more
3 than 180 days shall develop and submit for review a com-
4 prehensive pre-revenue service safety validation plan to the
5 Secretary of Transportation not later than 60 days before
6 initiating such revenue service. Such plan shall include
7 pertinent safety milestones and a minimum period of sim-
8 ulated revenue service to ensure operational readiness and
9 that all safety sensitive personnel are properly trained and
10 qualified.

11 “(b) COMPLIANCE.—After submitting a plan pursu-
12 ant to subsection (a), the railroad shall adopt and comply
13 with such plan and may not amend the plan without first
14 notifying the Secretary of the proposed amendment. Rev-
15 enue service may not begin until the railroad has com-
16 pleted the requirements of its plan, including the min-
17 imum simulated service period required by the plan.

18 “(c) RULEMAKING.—The Secretary shall promulgate
19 regulations to carry out this section, including—

20 “(1) requiring that any identified safety defi-
21 ciencies be addressed and corrected before the initi-
22 ation of revenue service; and

23 “(2) establishing appropriate deadlines to en-
24 able the Secretary to review and approve the pre-rev-

1 railroad carriers, and others, as determined rel-
2 evant by the Secretary; and

3 “(B) consulting with railroad carriers, con-
4 tractors or employees of railroad carriers or
5 representatives of employees of railroad car-
6 riers, and others, as determined relevant by the
7 Secretary, for technical expertise on the facts of
8 the accident or incident under investigation.

9 “(2) CONFIDENTIALITY.—In developing the
10 process required under paragraph (1), the Secretary
11 shall factor in ways to maintain the confidentiality
12 of any entity identified under paragraph (1) if—

13 “(A) such entity requests confidentiality;

14 “(B) such entity was not involved in the
15 accident or incident; and

16 “(C) maintaining such entity’s confiden-
17 tiality does not adversely affect an investigation
18 of the Federal Railroad Administration.

19 “(3) APPLICABILITY.—This subsection shall not
20 apply to any investigation carried out by the Na-
21 tional Transportation Safety Board.”.

22 **SEC. 2418. CIVIL PENALTY ENFORCEMENT AUTHORITY.**

23 Section 21301(a) of title 49, United States Code, is
24 amended by striking paragraph (3) and inserting the fol-
25 lowing:

1 “(3) The Secretary may find that a person has vio-
2 lated this chapter or a regulation prescribed or order, spe-
3 cial permit, or approval issued under this chapter only
4 after notice and an opportunity for a hearing. The Sec-
5 retary shall impose a penalty under this section by giving
6 the person written notice of the amount of the penalty.
7 The Secretary may compromise the amount of a civil pen-
8 alty by settlement agreement without issuance of an order.
9 In determining the amount of a compromise, the Secretary
10 shall consider—

11 “(A) the nature, circumstances, extent, and
12 gravity of the violation;

13 “(B) with respect to the violator, the degree of
14 culpability, any history of violations, the ability to
15 pay, and any effect on the ability to continue to do
16 business; and

17 “(C) other matters that justice requires.

18 “(4) The Attorney General may bring a civil action
19 in an appropriate district court of the United States to
20 collect a civil penalty imposed or compromise under this
21 section and any accrued interest on the civil penalty. In
22 the civil action, the amount and appropriateness of the
23 civil penalty shall not be subject to review.”.

1 **SEC. 2419. ADVANCING SAFETY AND INNOVATIVE TECH-**
2 **NOLOGY.**

3 (a) IN GENERAL.—Section 26103 of title 49, United
4 States Code, is amended to read as follows:

5 **“§ 26103. Safety regulations and evaluation**

6 “The Secretary—

7 “(1) shall promulgate such safety regulations as
8 may be necessary for high-speed rail services;

9 “(2) shall, before promulgating such regula-
10 tions, consult with developers of new high-speed rail
11 technologies to develop a method for evaluating safe-
12 ty performance; and

13 “(3) may solicit feedback from relevant safety
14 experts or representatives of rail employees who per-
15 form work on similar technology or who may be ex-
16 pected to perform work on new technology, as appro-
17 priate.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 261 of title 49, United States Code, is amended by
20 striking the item relating to section 26103 and inserting
21 the following:

“26103. Safety regulations and evaluation.”.

22 **SEC. 2420. PASSENGER RAIL VEHICLE OCCUPANT PROTEC-**
23 **TION SYSTEMS.**

24 (a) STUDY.—The Administrator of the Federal Rail-
25 road Administration shall conduct a study of the potential

1 installation and use in new passenger rail rolling stock of
2 passenger rail vehicle occupant protection systems that
3 could materially improve passenger safety.

4 (b) CONSIDERATIONS.—In conducting the study
5 under subsection (a), the Administrator shall consider
6 minimizing the risk of secondary collisions, including esti-
7 mating the costs and benefits of the new requirements,
8 through the use of—

9 (1) occupant restraint systems;

10 (2) air bags;

11 (3) emergency window retention systems; and

12 (4) interior designs, including seats, baggage
13 restraints, and table configurations and attach-
14 ments.

15 (c) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Administrator shall—

17 (1) submit a report summarizing the findings of
18 the study conducted pursuant to subsection (a) to
19 the Committee on Commerce, Science, and Trans-
20 portation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives; and

23 (2) publish such report on the website of the
24 Federal Railroad Administration.

1 (d) RULEMAKING.—Following the completion of the
2 study required under subsection (a), and after considering
3 the costs and benefits of the proposed protection systems,
4 the Administrator may promulgate a rule that establishes
5 standards for the use of occupant protection systems in
6 new passenger rail rolling stock.

7 **SEC. 2421. FEDERAL RAILROAD ADMINISTRATION SAFETY**
8 **REPORTING.**

9 Not later than 1 year after the date of enactment
10 of this Act, and annually thereafter for the following 4
11 years, the Secretary shall update Special Study Block 49
12 on Form FRA F 6180.54 (Rail Equipment Accident/Incident
13 Report) to collect, with respect to trains involved in
14 accidents required to be reported to the Federal Railroad
15 Administration—

16 (1) the number of cars and length of the in-
17 volved trains; and

18 (2) the number of crew members who were
19 aboard a controlling locomotive involved in an acci-
20 dent at the time of such accident.

21 **SEC. 2422. NATIONAL ACADEMIES STUDY ON TRAINS**
22 **LONGER THAN 7,500 FEET.**

23 (a) STUDY.—The Secretary shall seek to enter into
24 an agreement with the National Academies to conduct a

1 study on the operation of freight trains that are longer
2 than 7,500 feet.

3 (b) ELEMENTS.—The study conducted pursuant to
4 subsection (a) shall—

5 (1) examine any potential impacts to safety
6 from the operation of freight trains that are longer
7 than 7,500 feet and the mitigation of any identified
8 risks, including—

9 (A) any potential changes in the risk of
10 loss of communications between the end of train
11 device and the locomotive cab, including com-
12 munications over differing terrains and condi-
13 tions;

14 (B) any potential changes in the risk of
15 loss of radio communications between crew
16 members when a crew member alights from the
17 train, including communications over differing
18 terrains and conditions;

19 (C) any potential changes in the risk of
20 derailments, including any risks associated with
21 in-train compressive forces and slack action or
22 other safety risks in the operations of such
23 trains in differing terrains and conditions;

1 (D) any potential impacts associated with
2 the deployment of multiple distributed power
3 units in the consists of such trains; and

4 (E) any potential impacts on braking and
5 locomotive performance and track wear and
6 tear;

7 (2) evaluate any impacts on scheduling and effi-
8 ciency of passenger operations and in the shipping
9 of goods by freight as a result of longer trains;

10 (3) determine whether additional engineer and
11 conductor training is required for safely operating
12 such trains;

13 (4) assess the potential impact on the amount
14 of time and frequency of occurrence highway-rail
15 grade crossings are occupied; and

16 (5) identify any potential environmental im-
17 pacts, including greenhouse gas emissions, that have
18 resulted from the operation of longer trains.

19 (c) COMPARISON.—When evaluating the potential im-
20 pacts of the operation of trains longer than 7,500 feet
21 under subsection (b), the impacts of such trains shall be
22 compared to the impacts of trains that are shorter than
23 7,500 feet, after taking into account train frequency.

24 (d) REPORT.—Not later than 2 years after the date
25 of enactment of this Act, the Secretary shall submit a re-

1 port to the Committee on Commerce, Science, and Trans-
2 portation of the Senate and the Committee on Transpor-
3 tation and Infrastructure of the House of Representatives
4 that contains the results of the study conducted by the
5 National Academies under this section.

6 (e) FUNDING.—From the amounts appropriated for
7 fiscal year 2021 pursuant to the authorization under sec-
8 tion 20117(a) of title 49, United States Code, the Sec-
9 retary shall expend not less than \$1,000,000 and not more
10 than \$2,000,000 to carry out the study required under
11 this section.

12 **SEC. 2423. HIGH-SPEED TRAIN NOISE EMISSIONS.**

13 (a) IN GENERAL.—Section 17 of the Noise Control
14 Act of 1972 (42 U.S.C. 4916) is amended—

15 (1) by redesignating subsections (c) and (d) as
16 subsections (d) and (e), respectively; and

17 (2) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) HIGH-SPEED TRAIN NOISE EMISSIONS.—

20 “(1) IN GENERAL.—The Secretary of Transpor-
21 tation, in consultation with the Administrator, may
22 prescribe regulations governing railroad-related noise
23 emission standards for trains operating on the gen-
24 eral railroad system of transportation at speeds ex-
25 ceeding 160 miles per hour, including noise related

1 to magnetic levitation systems and other new tech-
2 nologies not traditionally associated with railroads.

3 “(2) FACTORS IN RULEMAKING.—The regula-
4 tions prescribed pursuant to paragraph (1) may—

5 “(A) consider variances in maximum pass-
6 by noise with respect to the speed of the equip-
7 ment;

8 “(B) account for current engineering best
9 practices; and

10 “(C) encourage the use of noise mitigation
11 techniques to the extent reasonable if the bene-
12 fits exceed the costs.

13 “(3) CONVENTIONAL-SPEED TRAINS.—Railroad-
14 related noise regulations prescribed under subsection
15 (a) shall continue to govern noise emissions from the
16 operation of trains, including locomotives and rail
17 cars, when operating at speeds not exceeding 160
18 miles per hour.”.

19 (b) TECHNICAL AMENDMENT.—The second sentence
20 of section 17(b) of the Noise Control Act of 1972 (42
21 U.S.C. 4916(b)) is amended by striking “the Safety Appli-
22 ance Acts, the Interstate Commerce Act, and the Depart-
23 ment of Transportation Act” and inserting “subtitle V of
24 title 49, United States Code”.

1 **SEC. 2424. CRITICAL INCIDENT STRESS PLANS.**

2 The Secretary shall amend part 272 of title 49, Code
3 of Federal Regulations, to the extent necessary to ensure
4 that—

5 (1) the coverage of a critical incident stress
6 plan under section 272.7 of such part includes em-
7 ployees of commuter railroads and intercity pas-
8 senger railroads (as such terms are defined in sec-
9 tion 272.9 of such part), including employees who
10 directly interact with passengers; and

11 (2) an assault against an employee requiring
12 medical attention is included in the definition of crit-
13 ical incident under section 272.9 of such part.

14 **TITLE III—MOTOR CARRIER**
15 **SAFETY**

16 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) ADMINISTRATIVE EXPENSES.—Section 31110 of
18 title 49, United States Code, is amended by striking sub-
19 section (a) and inserting the following:

20 “(a) ADMINISTRATIVE EXPENSES.—There are au-
21 thorized to be appropriated from the Highway Trust Fund
22 (other than the Mass Transit Account) for the Secretary
23 of Transportation to pay administrative expenses of the
24 Federal Motor Carrier Safety Administration—

25 “(1) \$360,000,000 for fiscal year 2022;

26 “(2) \$367,500,000 for fiscal year 2023;

1 “(3) \$375,000,000 for fiscal year 2024;

2 “(4) \$382,500,000 for fiscal year 2025; and

3 “(5) \$390,000,000 for fiscal year 2026.”.

4 (b) FINANCIAL ASSISTANCE PROGRAMS.—Section
5 31104 of title 49, United States Code, is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) FINANCIAL ASSISTANCE PROGRAMS.—There are
9 authorized to be appropriated from the Highway Trust
10 Fund (other than the Mass Transit Account)—

11 “(1) subject to subsection (c), to carry out the
12 motor carrier safety assistance program under sec-
13 tion 31102 (other than the high priority program
14 under subsection (l) of that section)—

15 “(A) \$390,500,000 for fiscal year 2022;

16 “(B) \$398,500,000 for fiscal year 2023;

17 “(C) \$406,500,000 for fiscal year 2024;

18 “(D) \$414,500,000 for fiscal year 2025;

19 and

20 “(E) \$422,500,000 for fiscal year 2026;

21 “(2) subject to subsection (c), to carry out the
22 high priority program under section 31102(l) (other
23 than the commercial motor vehicle enforcement
24 training and support grant program under para-
25 graph (5) of that section)—

1 “(A) \$57,600,000 for fiscal year 2022;

2 “(B) \$58,800,000 for fiscal year 2023;

3 “(C) \$60,000,000 for fiscal year 2024;

4 “(D) \$61,200,000 for fiscal year 2025;

5 and

6 “(E) \$62,400,000 for fiscal year 2026;

7 “(3) to carry out the commercial motor vehicle
8 enforcement training and support grant program
9 under section 31102(1)(5), \$5,000,000 for each of
10 fiscal years 2022 through 2026;

11 “(4) to carry out the commercial motor vehicle
12 operators grant program under section 31103—

13 “(A) \$1,100,000 for fiscal year 2022;

14 “(B) \$1,200,000 for fiscal year 2023;

15 “(C) \$1,300,000 for fiscal year 2024;

16 “(D) \$1,400,000 for fiscal year 2025; and

17 “(E) \$1,500,000 for fiscal year 2026; and

18 “(5) subject to subsection (c), to carry out the
19 financial assistance program for commercial driver’s
20 license implementation under section 31313—

21 “(A) \$41,800,000 for fiscal year 2022;

22 “(B) \$42,650,000 for fiscal year 2023;

23 “(C) \$43,500,000 for fiscal year 2024;

24 “(D) \$44,350,000 for fiscal year 2025;

25 and

1 “(E) \$45,200,000 for fiscal year 2026.”;

2 (2) in subsection (b)(2)—

3 (A) in the third sentence, by striking “The
4 Secretary” and inserting the following:

5 “(C) IN-KIND CONTRIBUTIONS.—The Sec-
6 retary”;

7 (B) in the second sentence, by striking
8 “The Secretary” and inserting the following:

9 “(B) LIMITATION.—The Secretary”;

10 (C) in the first sentence—

11 (i) by inserting “(except subsection
12 (l)(5) of that section)” after “section
13 31102”; and

14 (ii) by striking “The Secretary” and
15 inserting the following:

16 “(A) REIMBURSEMENT PERCENTAGE.—

17 “(i) IN GENERAL.—The Secretary”;

18 and

19 (D) in subparagraph (A) (as so des-
20 ignated), by adding at the end the following:

21 “(ii) COMMERCIAL MOTOR VEHICLE
22 ENFORCEMENT TRAINING AND SUPPORT
23 GRANT PROGRAM.—The Secretary shall re-
24 imburse a recipient, in accordance with a
25 financial assistance agreement made under

1 section 31102(l)(5), an amount that is
2 equal to 100 percent of the costs incurred
3 by the recipient in a fiscal year in devel-
4 oping and implementing a training pro-
5 gram under that section.”;

6 (3) in subsection (c)—

7 (A) in the subsection heading, by striking
8 “PARTNER TRAINING AND”;

9 (B) in the first sentence—

10 (i) by striking “(4)” and inserting
11 “(5)”; and

12 (ii) by striking “partner training
13 and”; and

14 (C) by striking the second sentence; and

15 (4) in subsection (f)—

16 (A) in paragraph (1), by striking “for the
17 next fiscal year” and inserting “for the next 2
18 fiscal years”;

19 (B) in paragraph (4), by striking “for the
20 next fiscal year” and inserting “for the next 2
21 fiscal years”;

22 (C) by redesignating paragraphs (4) and
23 (5) as paragraphs (5) and (6), respectively; and

24 (D) by inserting after paragraph (3) the
25 following:

1 “(4) For grants made for carrying out section
2 31102(l)(5), for the fiscal year in which the Sec-
3 retary approves the financial assistance agreement
4 and for the next 4 fiscal years.”; and

5 (5) in subsection (i)—

6 (A) by striking “Amounts not expended”
7 and inserting the following:

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), amounts not expended”; and

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

11 “(2) MOTOR CARRIER SAFETY ASSISTANCE PRO-
12 GRAM.—Amounts made available for the motor car-
13 rier safety assistance program established under sec-
14 tion 31102 (other than amounts made available to
15 carry out section 31102(l)) that are not expended by
16 a recipient during the period of availability shall be
17 released back to the Secretary for reallocation under
18 that program.”.

19 (c) ENFORCEMENT DATA UPDATES.—Section
20 31102(h)(2)(A) of title 49, United States Code, is amend-
21 ed by striking “2004 and 2005” and inserting “2014 and
22 2015”.

1 **SEC. 3002. MOTOR CARRIER SAFETY ADVISORY COM-**
2 **MITTEE.**

3 Section 4144 of the SAFETEA-LU (49 U.S.C.
4 31100 note; Public Law 109–59) is amended—

5 (1) in subsection (b)(1), in the second sentence,
6 by inserting “, including small business motor car-
7 riers” after “industry”; and

8 (2) in subsection (d), by striking “September
9 30, 2013” and inserting “September 30, 2025”.

10 **SEC. 3003. COMBATING HUMAN TRAFFICKING.**

11 Section 31102(l) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (2)—

14 (A) in subparagraph (G)(ii), by striking
15 “and” at the end;

16 (B) by redesignating subparagraph (H) as
17 subparagraph (J); and

18 (C) by inserting after subparagraph (G)
19 the following:

20 “(H) support, through the use of funds
21 otherwise available for such purposes—

22 “(i) the recognition, prevention, and
23 reporting of human trafficking, including
24 the trafficking of human beings—

25 “(I) in a commercial motor vehi-
26 cle; or

1 “(II) by any occupant, including
2 the operator, of a commercial motor
3 vehicle;

4 “(ii) the detection of criminal activity
5 or any other violation of law relating to
6 human trafficking; and

7 “(iii) enforcement of laws relating to
8 human trafficking;

9 “(I) otherwise support the recognition, pre-
10 vention, and reporting of human trafficking;
11 and”;

12 (2) in paragraph (3)(D)—

13 (A) in clause (ii), by striking “and” at the
14 end;

15 (B) in clause (iii), by striking the period at
16 the end and inserting a semicolon; and

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

18 “(iv) for the detection of, and enforce-
19 ment actions taken as a result of, criminal
20 activity (including the trafficking of human
21 beings)—

22 “(I) in a commercial motor vehi-
23 cle; or

1 “(II) by any occupant, including
2 the operator, of a commercial motor
3 vehicle; and

4 “(v) in addition to any funds other-
5 wise made available for the recognition,
6 prevention, and reporting of human traf-
7 ficking, to support the recognition, preven-
8 tion, and reporting of human trafficking.”.

9 **SEC. 3004. IMMOBILIZATION GRANT PROGRAM.**

10 Section 31102(l) of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(4) IMMOBILIZATION GRANT PROGRAM.—

13 “(A) DEFINITION OF PASSENGER-CAR-
14 RYING COMMERCIAL MOTOR VEHICLE.—In this
15 paragraph, the term ‘passenger-carrying com-
16 mercial motor vehicle’ has the meaning given
17 the term ‘commercial motor vehicle’ in section
18 31301.

19 “(B) ESTABLISHMENT.—The Secretary
20 shall establish an immobilization grant program
21 under which the Secretary shall provide to
22 States discretionary grants for the immobiliza-
23 tion or impoundment of passenger-carrying
24 commercial motor vehicles that—

25 “(i) are determined to be unsafe; or

1 “(ii) fail inspection.

2 “(C) LIST OF CRITERIA FOR IMMOBILIZA-
3 TION.—The Secretary, in consultation with
4 State commercial motor vehicle entities, shall
5 develop a list of commercial motor vehicle safety
6 violations and defects that the Secretary deter-
7 mines warrant the immediate immobilization of
8 a passenger-carrying commercial motor vehicle.

9 “(D) ELIGIBILITY.—A State shall be eligi-
10 ble to receive a grant under this paragraph only
11 if the State has the authority to require the im-
12 mobilization or impoundment of a passenger-
13 carrying commercial motor vehicle—

14 “(i) with respect to which a motor ve-
15 hicle safety violation included in the list
16 developed under subparagraph (C) is deter-
17 mined to exist; or

18 “(ii) that is determined to have a de-
19 fect included in that list.

20 “(E) USE OF FUNDS.—A grant provided
21 under this paragraph may be used for—

22 “(i) the immobilization or impound-
23 ment of passenger-carrying commercial
24 motor vehicles described in subparagraph
25 (D);

1 “(ii) safety inspections of those pas-
2 senger-carrying commercial motor vehicles;
3 and

4 “(iii) any other activity relating to an
5 activity described in clause (i) or (ii), as
6 determined by the Secretary.

7 “(F) SECRETARY AUTHORIZATION.—The
8 Secretary may provide to a State amounts for
9 the costs associated with carrying out an immo-
10 bilization program using funds made available
11 under section 31104(a)(2).”.

12 **SEC. 3005. COMMERCIAL MOTOR VEHICLE ENFORCEMENT**
13 **TRAINING AND SUPPORT.**

14 Section 31102(l) of title 49, United States Code (as
15 amended by section 3004), is amended—

16 (1) in paragraph (1), by striking “(2) and (3)”
17 and inserting “(2) through (5)”; and

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

19 “(5) COMMERCIAL MOTOR VEHICLE ENFORCE-
20 MENT TRAINING AND SUPPORT GRANT PROGRAM.—

21 “(A) IN GENERAL.—The Secretary shall
22 administer a commercial motor vehicle enforce-
23 ment training and support grant program fund-
24 ed under section 31104(a)(3), under which the
25 Secretary shall make discretionary grants to eli-

1 gible entities described in subparagraph (C) for
2 the purposes described in subparagraph (B).

3 “(B) PURPOSES.—The purposes of the
4 grant program under subparagraph (A) are—

5 “(i) to train non-Federal employees
6 who conduct commercial motor vehicle en-
7 forcement activities; and

8 “(ii) to develop related training mate-
9 rials.

10 “(C) ELIGIBLE ENTITIES.—An entity eligi-
11 ble for a discretionary grant under the program
12 described in subparagraph (A) is a nonprofit
13 organization that has—

14 “(i) expertise in conducting a training
15 program for non-Federal employees; and

16 “(ii) the ability to reach and involve in
17 a training program a target population of
18 commercial motor vehicle safety enforce-
19 ment employees.”.

20 **SEC. 3006. STUDY OF COMMERCIAL MOTOR VEHICLE**
21 **CRASH CAUSATION.**

22 (a) DEFINITIONS.—In this section:

23 (1) COMMERCIAL MOTOR VEHICLE.—The term
24 “commercial motor vehicle” has the meaning given

1 the term in section 31132 of title 49, United States
2 Code.

3 (2) STUDY.—The term “study” means the
4 study carried out under subsection (b).

5 (b) STUDY.—The Secretary shall carry out a com-
6 prehensive study—

7 (1) to determine the causes of, and contributing
8 factors to, crashes that involve a commercial motor
9 vehicle; and

10 (2) to identify data requirements, data collec-
11 tion procedures, reports, and any other measures
12 that can be used to improve the ability of States and
13 the Secretary—

14 (A) to evaluate future crashes involving
15 commercial motor vehicles;

16 (B) to monitor crash trends and identify
17 causes and contributing factors; and

18 (C) to develop effective safety improvement
19 policies and programs.

20 (c) DESIGN.—The study shall be designed to yield in-
21 formation that can be used to help policy makers, regu-
22 lators, and law enforcement identify activities and other
23 measures that are likely to lead to reductions in—

24 (1) the frequency of crashes involving a com-
25 mercial motor vehicle;

1 (2) the severity of crashes involving a commer-
2 cial motor vehicle; and

3 (3) fatalities and injuries.

4 (d) CONSULTATION.—In designing and carrying out
5 the study, the Secretary may consult with individuals or
6 entities with expertise on—

7 (1) crash causation and prevention;

8 (2) commercial motor vehicles, commercial driv-
9 ers, and motor carriers, including passenger carriers;

10 (3) highways and noncommercial motor vehicles
11 and drivers;

12 (4) Federal and State highway and motor car-
13 rier safety programs;

14 (5) research methods and statistical analysis;
15 and

16 (6) other relevant topics, as determined by the
17 Secretary.

18 (e) PUBLIC COMMENT.—The Secretary shall make
19 available for public comment information about the objec-
20 tives, methodology, implementation, findings, and other
21 aspects of the study.

22 (f) REPORTS.—As soon as practicable after the date
23 on which the study is completed, the Secretary shall sub-
24 mit to Congress a report describing the results of the
25 study and any legislative recommendations to facilitate re-

1 ductions in the matters described in paragraphs (1)
2 through (3) of subsection (c).

3 **SEC. 3007. PROMOTING WOMEN IN THE TRUCKING WORK-**
4 **FORCE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) women make up 47 percent of the work-
7 force of the United States;

8 (2) women are significantly underrepresented in
9 the trucking industry, holding only 24 percent of all
10 transportation and warehousing jobs and rep-
11 resenting only—

12 (A) 6.6 percent of truck drivers;

13 (B) 12.5 percent of all workers in truck
14 transportation; and

15 (C) 8 percent of freight firm owners;

16 (3) given the total number of women truck driv-
17 ers, women are underrepresented in the truck-driv-
18 ing workforce; and

19 (4) women truck drivers have been shown to be
20 20 percent less likely than male counterparts to be
21 involved in a crash.

22 (b) SENSE OF CONGRESS REGARDING WOMEN IN
23 TRUCKING.—It is the sense of Congress that the trucking
24 industry should explore every opportunity to encourage
25 and support the pursuit and retention of careers in truck-

1 ing by women, including through programs that support
2 recruitment, driver training, and mentorship.

3 (c) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Federal
6 Motor Carrier Safety Administration.

7 (2) BOARD.—The term “Board” means the
8 Women of Trucking Advisory Board established
9 under subsection (d)(1).

10 (3) LARGE TRUCKING COMPANY.—The term
11 “large trucking company” means a motor carrier (as
12 defined in section 13102 of title 49, United States
13 Code) with more than 100 power units.

14 (4) MID-SIZED TRUCKING COMPANY.—The term
15 “mid-sized trucking company” means a motor car-
16 rier (as defined in section 13102 of title 49, United
17 States Code) with not fewer than 11 power units
18 and not more than 100 power units.

19 (5) POWER UNIT.—The term “power unit”
20 means a self-propelled vehicle under the jurisdiction
21 of the Federal Motor Carrier Safety Administration.

22 (6) SMALL TRUCKING COMPANY.—The term
23 “small trucking company” means a motor carrier
24 (as defined in section 13102 of title 49, United

1 States Code) with not fewer than 1 power unit and
2 not more than 10 power units.

3 (d) WOMEN OF TRUCKING ADVISORY BOARD.—

4 (1) ESTABLISHMENT.—To encourage women to
5 enter the field of trucking, the Administrator shall
6 establish and facilitate an advisory board, to be
7 known as the “Women of Trucking Advisory
8 Board”, to review and report on policies that—

9 (A) provide education, training,
10 mentorship, or outreach to women in the truck-
11 ing industry; and

12 (B) recruit, retain, or advance women in
13 the trucking industry.

14 (2) MEMBERSHIP.—

15 (A) IN GENERAL.—The Board shall be
16 composed of not fewer than 8 members whose
17 backgrounds, experience, and certifications
18 allow those members to contribute balanced
19 points of view and diverse ideas regarding the
20 matters described in paragraph (3)(B).

21 (B) APPOINTMENT.—

22 (i) IN GENERAL.—Not later than 270
23 days after the date of enactment of this
24 Act, the Administrator shall appoint the
25 members of the Board, of whom—

1 (I) not fewer than 1 shall be a
2 representative of large trucking com-
3 panies;

4 (II) not fewer than 1 shall be a
5 representative of mid-sized trucking
6 companies;

7 (III) not fewer than 1 shall be a
8 representative of small trucking com-
9 panies;

10 (IV) not fewer than 1 shall be a
11 representative of nonprofit organiza-
12 tions in the trucking industry;

13 (V) not fewer than 1 shall be a
14 representative of trucking business as-
15 sociations;

16 (VI) not fewer than 1 shall be a
17 representative of independent owner-
18 operators;

19 (VII) not fewer than 1 shall be a
20 woman who is a professional truck
21 driver; and

22 (VIII) not fewer than 1 shall be
23 a representative of an institution of
24 higher education or trucking trade
25 school.

1 (ii) DIVERSITY.—A member of the
2 Board appointed under any of subclauses
3 (I) through (VIII) of clause (i) may not be
4 appointed under any other subclause of
5 that clause.

6 (C) TERMS.—Each member shall be ap-
7 pointed for the life of the Board.

8 (D) COMPENSATION.—A member of the
9 Board shall serve without compensation.

10 (3) DUTIES.—

11 (A) IN GENERAL.—The Board shall iden-
12 tify—

13 (i) barriers and industry trends that
14 directly or indirectly discourage women
15 from pursuing and retaining careers in
16 trucking, including—

17 (I) any particular barriers and
18 trends that impact women minority
19 groups;

20 (II) any particular barriers and
21 trends that impact women who live in
22 rural, suburban, or urban areas; and

23 (III) any safety risks unique to
24 women in the trucking industry;

1 tions, and trucking associations in a man-
2 ner that facilitates support for women pur-
3 suing careers in trucking;

4 (iii)(I) to take advantage of any op-
5 portunities identified under subparagraph
6 (A)(iii); and

7 (II) to create new opportunities to ex-
8 pand existing scholarship opportunities for
9 women in the trucking industry; and

10 (iv) to enhance trucking training,
11 mentorship, education, and outreach pro-
12 grams that are exclusive to women.

13 (4) REPORT TO CONGRESS.—

14 (A) IN GENERAL.—Not later than 3 years
15 after the date of enactment of this Act, the Ad-
16 ministrator shall submit to the Committee on
17 Commerce, Science, and Transportation of the
18 Senate and the Committee on Transportation
19 and Infrastructure of the House of Representa-
20 tives a report describing—

21 (i) the findings and recommendations
22 of the Board under paragraph (3)(B); and

23 (ii) any actions taken by the Adminis-
24 trator to adopt the recommendations of the

1 Board (or an explanation of the reasons
2 for not adopting the recommendations).

3 (B) PUBLIC AVAILABILITY.—The Adminis-
4 trator shall make the report under subpara-
5 graph (A) publicly available—

6 (i) on the website of the Federal
7 Motor Carrier Safety Administration; and

8 (ii) in appropriate offices of the Fed-
9 eral Motor Carrier Safety Administration.

10 (5) TERMINATION.—The Board shall terminate
11 on submission of the report to Congress under para-
12 graph (4).

13 **SEC. 3008. STATE INSPECTION OF PASSENGER-CARRYING**
14 **COMMERCIAL MOTOR VEHICLES.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary shall solicit
17 additional comment on the advance notice of proposed
18 rulemaking entitled “State Inspection Programs for Pas-
19 senger-Carrier Vehicles” (81 Fed. Reg. 24769 (April 27,
20 2016)).

21 (b) FINAL RULE.—

22 (1) IN GENERAL.—After reviewing all com-
23 ments received in response to the solicitation under
24 subsection (a), if the Secretary determines that data
25 and information exist to support moving forward

1 with a final rulemaking action, the Secretary shall
2 issue a final rule relating to the advance notice of
3 proposed rulemaking described in that subsection.

4 (2) CONSIDERATIONS.—In determining whether
5 to issue a final rule under paragraph (1), the Sec-
6 retary shall consider the impact of continuing to
7 allow self-inspection as a means to satisfy periodic
8 inspection requirements on the safety of passenger
9 carrier operations.

10 **SEC. 3009. TRUCK LEASING TASK FORCE.**

11 (a) ESTABLISHMENT.—Not later than 180 days after
12 the date of enactment of this Act, the Secretary, in con-
13 sultation with the Secretary of Labor, shall establish a
14 task force, to be known as the “Truck Leasing Task
15 Force” (referred to in this section as the “Task Force”).

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—The Secretary shall select
18 not more than 10 individuals to serve as members
19 of the Task Force, including at least 1 representa-
20 tive from each of the following:

21 (A) Labor organizations.

22 (B) Motor carriers that provide lease-pur-
23 chase agreements to owner-operators.

24 (C) Consumer protection groups.

1 (D) Members of the legal profession who
2 specialize in consumer finance issues, including
3 experience with lease-purchase agreements.

4 (E) Owner-operators in the trucking indus-
5 try with experience regarding lease-purchase
6 agreements.

7 (F) Businesses that provide or are subject
8 to lease-purchase agreements in the trucking in-
9 dustry.

10 (2) COMPENSATION.—A member of the Task
11 Force shall serve without compensation.

12 (c) DUTIES.—The Task Force shall examine, at a
13 minimum—

14 (1) common truck leasing arrangements avail-
15 able to commercial motor vehicle drivers, including
16 lease-purchase agreements;

17 (2) the terms of the leasing agreements de-
18 scribed in paragraph (1);

19 (3)(A) the existence of inequitable leasing
20 agreements and terms in the motor carrier industry;

21 (B) whether any such inequitable terms and
22 agreements affect the frequency of maintenance per-
23 formed on vehicles subject to those agreements; and

1 (C) whether any such inequitable terms and
2 agreements affect whether a vehicle is kept in a gen-
3 eral state of good repair;

4 (4) specific agreements available to drayage
5 drivers at ports relating to the Clean Truck Pro-
6 gram or any similar program to decrease emissions
7 from port operations;

8 (5) the impact of truck leasing agreements on
9 the net compensation of commercial motor vehicle
10 drivers, including port drayage drivers;

11 (6) whether truck leasing agreements properly
12 incentivize the safe operation of vehicles, including
13 driver compliance with the hours of service regula-
14 tions and laws governing speed and safety generally;

15 (7) resources to assist commercial motor vehicle
16 drivers in assessing the financial impacts of leasing
17 agreements; and

18 (8)(A) the opportunity that equitable leasing
19 agreements provide for drivers to start or expand
20 trucking companies; and

21 (B) the history of motor carriers starting from
22 single owner-operators.

23 (d) REPORT.—On completion of the examination
24 under subsection (c), the Task Force shall submit to the

1 Secretary, the Secretary of Labor, and the appropriate
2 committees of Congress a report containing—

3 (1) the findings of the Task Force with respect
4 to the matters described in subsection (c);

5 (2) best practices relating to—

6 (A) assisting a commercial motor vehicle
7 driver in assessing the impacts of leasing agree-
8 ments prior to entering into such an agreement;

9 (B) assisting a commercial motor vehicle
10 driver who has entered into a predatory lease
11 agreement; and

12 (C) preventing coercion and impacts on
13 safety as described in section 31136 of title 49,
14 United States Code; and

15 (3) recommendations relating to changes to
16 laws (including regulations), as applicable, at the
17 Federal, State, or local level to promote fair leasing
18 agreements under which a commercial motor vehicle
19 driver, including a short haul driver, who is a party
20 to such an agreement is able to earn a rate commen-
21 surate with other commercial motor vehicle drivers
22 performing similar duties.

23 (e) TERMINATION.—Not later than 30 days after the
24 date on which the report under subsection (d) is sub-
25 mitted, the Task Force shall terminate.

1 **SEC. 3010. AUTOMATIC EMERGENCY BRAKING.**

2 (a) DEFINITIONS.—In this section:

3 (1) AUTOMATIC EMERGENCY BRAKING SYS-
4 TEM.—The term “automatic emergency braking sys-
5 tem” means a system on a commercial motor vehicle
6 that, based on a predefined distance and closing rate
7 with respect to an obstacle in the path of the com-
8 mercial motor vehicle—

9 (A) alerts the driver of the obstacle; and

10 (B) if necessary to avoid or mitigate a col-
11 lision with the obstacle, automatically applies
12 the brakes of the commercial motor vehicle.

13 (2) COMMERCIAL MOTOR VEHICLE.—The term
14 “commercial motor vehicle” has the meaning given
15 the term in section 31101 of title 49, United States
16 Code.

17 (b) FEDERAL MOTOR VEHICLE SAFETY STAND-
18 ARD.—Not later than 2 years after the date of enactment
19 of this Act, the Secretary shall—

20 (1) prescribe a motor vehicle safety standard
21 under section 30111 of title 49, United States Code,
22 that requires any commercial motor vehicle subject
23 to section 571.136 of title 49, Code of Federal Reg-
24 ulations (relating to Federal Motor Vehicle Safety
25 Standard Number 136) (or a successor regulation)
26 that is manufactured after the effective date of the

1 standard prescribed under this paragraph to be
2 equipped with an automatic emergency braking sys-
3 tem; and

4 (2) as part of the standard under paragraph
5 (1), establish performance requirements for auto-
6 matic emergency braking systems.

7 (c) FEDERAL MOTOR CARRIER SAFETY REGULA-
8 TION.—Not later than 1 year after the date of enactment
9 of this Act, the Secretary shall prescribe a regulation
10 under section 31136 of title 49, United States Code, that
11 requires that an automatic emergency braking system in-
12 stalled in a commercial motor vehicle manufactured after
13 the effective date of the standard prescribed under sub-
14 section (b)(1) that is in operation on or after that date
15 and is subject to section 571.136 of title 49, Code of Fed-
16 eral Regulations (relating to Federal Motor Vehicle Safety
17 Standard Number 136) (or a successor regulation) be
18 used at any time during which the commercial motor vehi-
19 cle is in operation.

20 (d) REPORT ON AUTOMATIC EMERGENCY BRAKING
21 IN OTHER COMMERCIAL MOTOR VEHICLES.—

22 (1) STUDY.—Not later than 2 years after the
23 date of enactment of this Act, the Secretary shall
24 complete a study on equipping a variety of commer-
25 cial motor vehicles not subject to section 571.136 of

1 title 49, Code of Federal Regulations (relating to
2 Federal Motor Vehicle Safety Standard Number
3 136) (or a successor regulation) as of that date of
4 enactment with automatic emergency braking sys-
5 tems to avoid or mitigate a collision with an obstacle
6 in the path of the commercial motor vehicle, includ-
7 ing an assessment of the feasibility, benefits, and
8 costs associated with installing automatic emergency
9 braking systems on a variety of newly manufactured
10 commercial motor vehicles with a gross vehicle
11 weight rating greater than 10,001 pounds.

12 (2) INDEPENDENT RESEARCH.—If the Sec-
13 retary enters into a contract with a third party to
14 perform research relating to the study required
15 under paragraph (1), the Secretary shall ensure that
16 the third party does not have any financial or con-
17 tractual ties to, or relationships with—

18 (A) a motor carrier that transports pas-
19 sengers or property for compensation;

20 (B) the motor carrier industry; or

21 (C) an entity producing or supplying auto-
22 matic emergency braking systems.

23 (3) PUBLIC COMMENT.—Not later than 90 days
24 after the date on which the study under paragraph
25 (1) is completed, the Secretary shall—

1 (A) issue a notice in the Federal Register
2 containing the findings of the study; and

3 (B) provide an opportunity for public com-
4 ment.

5 (4) REPORT TO CONGRESS.—Not later than 90
6 days after the conclusion of the public comment pe-
7 riod under paragraph (3)(B), the Secretary shall
8 submit to the Committee on Commerce, Science, and
9 Transportation of the Senate and the Committees on
10 Transportation and Infrastructure and Energy and
11 Commerce of the House of Representatives a report
12 that includes—

13 (A) the results of the study under para-
14 graph (1);

15 (B) a summary of any comments received
16 under paragraph (3)(B); and

17 (C) a determination as to whether the Sec-
18 retary intends to develop performance require-
19 ments for automatic emergency braking systems
20 for applicable commercial motor vehicles, in-
21 cluding any analysis that led to that determina-
22 tion.

23 (5) RULEMAKING.—Not later than 2 years after
24 the date on which the study under paragraph (1) is
25 completed, the Secretary shall—

1 (A) determine whether a motor vehicle
2 safety standard relating to equipping the com-
3 mercial motor vehicles described in that para-
4 graph with automatic emergency braking sys-
5 tems would meet the requirements and consid-
6 erations described in subsections (a) and (b) of
7 section 30111 of title 49, United States Code;
8 and

9 (B) if the Secretary determines that a
10 motor vehicle safety standard described in sub-
11 paragraph (A) would meet the requirements
12 and considerations described in that subpara-
13 graph, initiate a rulemaking to prescribe such a
14 motor vehicle safety standard.

15 **SEC. 3011. UNDERRIDE PROTECTION.**

16 (a) DEFINITIONS.—In this section:

17 (1) COMMITTEE.—The term “Committee”
18 means the Advisory Committee on Underride Protec-
19 tion established under subsection (d)(1).

20 (2) MOTOR CARRIER.—The term “motor car-
21 rier” has the meaning given the term in section
22 13102 of title 49, United States Code.

23 (3) PASSENGER MOTOR VEHICLE.—The term
24 “passenger motor vehicle” has the meaning given

1 the term in section 32101 of title 49, United States
2 Code.

3 (4) UNDERRIDE CRASH.—The term “underride
4 crash” means a crash in which a trailer or
5 semitrailer intrudes into the passenger compartment
6 of a passenger motor vehicle.

7 (b) REAR UNDERRIDE GUARDS.—

8 (1) TRAILERS AND SEMITRAILERS.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary shall promulgate such regulations as are
12 necessary to revise sections 571.223 and
13 571.224 of title 49, Code of Federal Regula-
14 tions (relating to Federal Motor Vehicle Safety
15 Standard Numbers 223 and 224, respectively),
16 to require trailers and semitrailers manufac-
17 tured after the date on which those regulations
18 are promulgated to be equipped with rear im-
19 pact guards that are designed to prevent pas-
20 senger compartment intrusion from a trailer or
21 semitrailer when a passenger motor vehicle
22 traveling at 35 miles per hour makes—

23 (i) an impact in which the passenger
24 motor vehicle impacts the center of the
25 rear of the trailer or semitrailer;

1 (ii) an impact in which 50 percent of
2 the width of the passenger motor vehicle
3 overlaps the rear of the trailer or
4 semitrailer; and

5 (iii) an impact in which 30 percent of
6 the width of the passenger motor vehicle
7 overlaps the rear of the trailer or
8 semitrailer, if the Secretary determines
9 that a revision of sections 571.223 and
10 571.224 of title 49, Code of Federal Regu-
11 lations (relating to Federal Motor Vehicle
12 Safety Standard Numbers 223 and 224,
13 respectively) to address such an impact
14 would meet the requirements and consider-
15 ations described in subsections (a) and (b)
16 of section 30111 of title 49, United States
17 Code.

18 (B) EFFECTIVE DATE.—The regulations
19 promulgated under subparagraph (A) shall re-
20 quire full compliance with each Federal Motor
21 Vehicle Safety Standard revised pursuant to
22 those regulations not later than 2 years after
23 the date on which those regulations are promul-
24 gated.

1 (2) ADDITIONAL RESEARCH.—The Secretary
2 shall conduct additional research on the design and
3 development of rear impact guards that can—

4 (A) prevent underride crashes in cases in
5 which the passenger motor vehicle is traveling
6 at speeds of up to 65 miles per hour; and

7 (B) protect passengers in passenger motor
8 vehicles against severe injury in crashes in
9 which the passenger motor vehicle is traveling
10 at speeds of up to 65 miles per hour.

11 (3) REVIEW OF STANDARDS.—Not later than 5
12 years after the date on which the regulations under
13 paragraph (1)(A) are promulgated, the Secretary
14 shall—

15 (A) review the Federal Motor Vehicle Safe-
16 ty Standards revised pursuant to those regula-
17 tions and any other requirements of those regu-
18 lations relating to rear underride guards on
19 trailers or semitrailers to evaluate the need for
20 changes in response to advancements in tech-
21 nology; and

22 (B) update those Federal Motor Vehicle
23 Safety Standards and those regulations accord-
24 ingly.

25 (4) INSPECTIONS.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary shall promulgate such regulations as are
4 necessary to revise the regulations relating to
5 minimum periodic inspection standards under
6 appendix G to subchapter B of chapter III of
7 title 49, Code of Federal Regulations, and the
8 regulations relating to driver vehicle inspection
9 reports under section 396.11 of that title to in-
10 clude requirements relating to rear impact
11 guards and rear end protection that are con-
12 sistent with the requirements described in sec-
13 tion 393.86 of that title.

14 (B) CONSIDERATIONS.—In revising the
15 regulations described in subparagraph (A), the
16 Secretary shall consider it to be a defect or a
17 deficiency if a rear impact guard is missing an,
18 or has a corroded or compromised, element that
19 affects the structural integrity and protective
20 feature of the rear impact guard.

21 (c) SIDE UNDERRIDE GUARDS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary
24 shall—

1 (A) complete additional research on side
2 underride guards to better understand the over-
3 all effectiveness of side underride guards;

4 (B) assess the feasibility, benefits, and
5 costs of, and any impacts on intermodal equip-
6 ment, freight mobility (including port oper-
7 ations), and freight capacity associated with, in-
8 stallng side underride guards on newly manu-
9 factured trailers and semitrailers with a gross
10 vehicle weight rating of 10,000 pounds or more;

11 (C) consider the unique structural and
12 operational aspects of—

13 (i) intermodal chassis (as defined in
14 section 340.2 of title 46, Code of Federal
15 Regulations; and

16 (ii) pole trailers (as defined in section
17 390.5 of title 49, Code of Federal Regula-
18 tions; and

19 (D) if warranted, develop performance
20 standards for side underride guards.

21 (2) INDEPENDENT RESEARCH.—If the Sec-
22 retary enters into a contract with a third party to
23 perform the research required under paragraph
24 (1)(A), the Secretary shall ensure that the third

1 party does not have any financial or contractual ties
2 to, or relationships with—

3 (A) a motor carrier that transports pas-
4 sengers or property for compensation;

5 (B) the motor carrier industry; or

6 (C) an entity producing or supplying
7 underride guards.

8 (3) PUBLICATION OF ASSESSMENT.—Not later
9 than 90 days after completion of the assessment re-
10 quired under paragraph (1)(B), the Secretary
11 shall—

12 (A) issue a notice in the Federal Register
13 containing the findings of the assessment; and

14 (B) provide an opportunity for public com-
15 ment.

16 (4) REPORT TO CONGRESS.—Not later than 90
17 days after the conclusion of the public comment pe-
18 riod under paragraph (3)(B), the Secretary shall
19 submit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a report that includes—

23 (A) the results of the assessment under
24 paragraph (1)(B);

1 (B) a summary of any comments received
2 by the Secretary under paragraph (3)(B); and

3 (C) a determination as to whether the Sec-
4 retary intends to develop performance require-
5 ments for side underride guards, including any
6 analysis that led to that determination.

7 (d) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
8 TION.—

9 (1) ESTABLISHMENT.—The Secretary shall es-
10 tablish an Advisory Committee on Underride Protec-
11 tion to provide advice and recommendations to the
12 Secretary on safety regulations to reduce underride
13 crashes and fatalities relating to underride crashes.

14 (2) MEMBERSHIP.—

15 (A) IN GENERAL.—The Committee shall be
16 composed of not more than 20 members, ap-
17 pointed by the Secretary, who—

18 (i) are not employees of the Depart-
19 ment; and

20 (ii) are qualified to serve on the Com-
21 mittee because of their expertise, training,
22 or experience.

23 (B) REPRESENTATION.—The Committee
24 shall include 2 representatives of each of the
25 following:

- 1 (i) Truck and trailer manufacturers.
- 2 (ii) Motor carriers, including inde-
3 pendent owner-operators.
- 4 (iii) Law enforcement.
- 5 (iv) Motor vehicle engineers.
- 6 (v) Motor vehicle crash investigators.
- 7 (vi) Truck safety organizations.
- 8 (vii) The insurance industry.
- 9 (viii) Emergency medical service pro-
10 viders.
- 11 (ix) Families of underride crash vic-
12 tims.
- 13 (x) Labor organizations.

14 (3) COMPENSATION.—Members of the Com-
15 mittee shall serve without compensation.

16 (4) MEETINGS.—The Committee shall meet not
17 less frequently than annually.

18 (5) SUPPORT.—On request of the Committee,
19 the Secretary shall provide information, administra-
20 tive services, and supplies necessary for the Com-
21 mittee to carry out the duties of the Committee.

22 (6) REPORT.—The Committee shall submit to
23 the Committee on Commerce, Science, and Trans-
24 portation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives a biennial report that—

3 (A) describes the advice and recommenda-
4 tions made to the Secretary; and

5 (B) includes an assessment of progress
6 made by the Secretary in advancing safety reg-
7 ulations relating to underride crashes.

8 (e) DATA COLLECTION.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall im-
10 plement the recommendations described in the report of
11 the Government Accountability Office entitled “Truck
12 Underride Guards: Improved Data Collection, Inspections,
13 and Research Needed”, published on March 14, 2019, and
14 numbered GAO–19–264.

15 **SEC. 3012. PROVIDERS OF RECREATIONAL ACTIVITIES.**

16 Section 13506(b) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (2), by striking “or” at the
19 end;

20 (2) in paragraph (3), by striking the period at
21 the end and inserting “; or”; and

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

23 “(4) transportation by a motor vehicle designed
24 or used to transport not fewer than 9, and not more
25 than 15, passengers (including the driver), whether

1 operated alone or with a trailer attached for the
2 transport of recreational equipment, if—

3 “(A) the motor vehicle is operated by a
4 person that provides recreational activities;

5 “(B) the transportation is provided within
6 a 150 air-mile radius of the location at which
7 passengers initially boarded the motor vehicle at
8 the outset of the trip; and

9 “(C) in the case of a motor vehicle trans-
10 porting passengers over a route between a place
11 in a State and a place in another State, the
12 person operating the motor vehicle is lawfully
13 providing transportation of passengers over the
14 entire route in accordance with applicable State
15 law.”.

16 **SEC. 3013. AMENDMENTS TO REGULATIONS RELATING TO**
17 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
18 **INTERSTATE COMMERCE.**

19 (a) DEFINITIONS.—In this section:

20 (1) ADMINISTRATION.—The term “Administra-
21 tion” means the Federal Motor Carrier Safety Ad-
22 ministration.

23 (2) COVERED CARRIER.—The term “covered
24 carrier” means a motor carrier that is—

1 (A) engaged in the interstate transpor-
2 tation of household goods; and

3 (B) subject to the requirements of part
4 375 of title 49, Code of Federal Regulations (as
5 in effect on the effective date of any amend-
6 ments made pursuant to the notice of proposed
7 rulemaking issued under subsection (b)).

8 (b) AMENDMENTS TO REGULATIONS.—Not later
9 than 1 year after the date of enactment of this Act, the
10 Secretary shall issue a notice of proposed rulemaking to
11 amend, as the Secretary determines to be appropriate, reg-
12 ulations relating to the interstate transportation of house-
13 hold goods.

14 (c) CONSIDERATIONS.—In issuing the notice of pro-
15 posed rulemaking under subsection (b), the Secretary shall
16 consider amending the following provisions of title 49,
17 Code of Federal Regulations, in accordance with the fol-
18 lowing recommendations:

19 (1) Section 375.207(b) to require each covered
20 carrier to include on the website of the covered car-
21 rier a link—

22 (A) to the publication of the Administra-
23 tion entitled “Ready to Move—Tips for a Suc-
24 cessful Interstate Move” and numbered ESA-
25 03–005 on the website of the Administration; or

1 (B) to a copy of the publication referred to
2 in subparagraph (A) on the website of the cov-
3 ered carrier.

4 (2) Subsections (a) and (b)(1) of section
5 375.213 to require each covered carrier to provide to
6 each individual shipper, together with any written
7 estimate provided to the shipper, a copy of the publi-
8 cation described in appendix A of part 375 of that
9 title, entitled “Your Rights and Responsibilities
10 When You Move” and numbered ESA–03–006 (or a
11 successor publication), in the form of a written copy
12 or a hyperlink on the website of the covered carrier
13 to the location on the website of the Administration
14 containing that publication.

15 (3) Section 375.213 to repeal subsection (e) of
16 that section.

17 (4) Section 375.401(a) to require each covered
18 carrier—

19 (A) to conduct a visual survey of the
20 household goods to be transported by the cov-
21 ered carrier—

22 (i) in person; or

23 (ii) virtually, using—

24 (I) a remote camera; or

1 (II) another appropriate tech-
2 nology;

3 (B) to offer a visual survey described in
4 subparagraph (A) for all household goods ship-
5 ments, regardless of the distance between—

6 (i) the location of the household
7 goods; and

8 (ii) the location of the agent of the
9 covered carrier preparing the estimate; and

10 (C) to provide to each shipper a copy of
11 the publication of the Administration entitled
12 “Ready to Move—Tips for a Successful Inter-
13 state Move” and numbered ESA-03-005 on re-
14 ceipt from the shipper of a request to schedule,
15 or a waiver of, a visual survey offered under
16 subparagraph (B).

17 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
18 and 375.405(b)(7)(ii), and subpart D of appendix A
19 of part 375, to require that, in any case in which a
20 shipper tenders any additional item or requests any
21 additional service prior to loading a shipment, the
22 affected covered carrier shall—

23 (A) prepare a new estimate; and

1 (B) maintain a record of the date, time,
2 and manner in which the new estimate was ac-
3 cepted by the shipper.

4 (6) Section 375.501(a), to establish that a cov-
5 ered carrier is not required to provide to a shipper
6 an order for service if the covered carrier elects to
7 provide the information described in paragraphs (1)
8 through (15) of that section in a bill of lading that
9 is presented to the shipper before the covered carrier
10 receives the shipment.

11 (7) Subpart H of part 375, to replace the re-
12 place the terms “freight bill” and “expense bill”
13 with the term “invoice”.

14 **SEC. 3014. IMPROVING FEDERAL-STATE MOTOR CARRIER**
15 **SAFETY ENFORCEMENT COORDINATION.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED STATE.—The term “covered
18 State” means a State that receives Federal funds
19 under the motor carrier safety assistance program
20 established under section 31102 of title 49, United
21 States Code.

22 (2) IMMINENT HAZARD.—The term “imminent
23 hazard” has the same meaning as in section 521 of
24 title 49, United States Code.

1 (b) REVIEW AND ENFORCEMENT OF STATE OUT-OF-
2 SERVICE ORDERS.—As soon as practicable after the date
3 of enactment of this Act, the Secretary shall publish in
4 the Federal Register a process under which the Secretary
5 shall review each out-of-service order issued by a covered
6 State in accordance with section 31144(d) of title 49,
7 United States Code, by not later than 30 days after the
8 date on which the out-of-service order is submitted to the
9 Secretary by the covered State.

10 (c) REVIEW AND ENFORCEMENT OF STATE IMMI-
11 NENT HAZARD DETERMINATIONS.—

12 (1) IN GENERAL.—As soon as practicable after
13 the date of enactment of this Act, the Secretary
14 shall publish in the Federal Register a process under
15 which the Secretary shall review imminent hazard
16 determinations made by covered States.

17 (2) ENFORCEMENT.—On reviewing an immi-
18 nent hazard determination under paragraph (1), the
19 Secretary shall pursue enforcement under section
20 521 of title 49, United States Code, as the Secretary
21 determines to be appropriate.

22 **SEC. 3015. LIMOUSINE RESEARCH.**

23 (a) DEFINITIONS.—In this section:

24 (1) LIMOUSINE.—The term “limousine” means
25 a motor vehicle—

1 (A) that has a seating capacity of 9 or
2 more persons (including the driver);

3 (B) with a gross vehicle weight rating
4 greater than 10,000 pounds but not greater
5 than 26,000 pounds;

6 (C) that the Secretary has determined by
7 regulation has physical characteristics resem-
8 bling—

9 (i) a passenger car;

10 (ii) a multipurpose passenger vehicle;

11 or

12 (iii) a truck with a gross vehicle
13 weight rating of 10,000 pounds or less;

14 and

15 (D) that is not a taxi, nonemergency med-
16 ical, or paratransit motor vehicle.

17 (2) LIMOUSINE OPERATOR.—The term “lim-
18 ousine operator” means a person who owns or
19 leases, and uses, a limousine to transport passengers
20 for compensation.

21 (3) MOTOR VEHICLE SAFETY STANDARD.—The
22 term “motor vehicle safety standard” has the mean-
23 ing given the term in section 30102(a) of title 49,
24 United States Code.

1 (4) STATE.—The term “State” has the mean-
2 ing given such term in section 30102(a) of title 49,
3 United States Code.

4 (b) CRASHWORTHINESS.—

5 (1) RESEARCH.—Not later than 4 years after
6 the date of enactment of this Act, the Secretary
7 shall complete research into the development of
8 motor vehicle safety standards for side impact pro-
9 tection, roof crush resistance, and air bag systems
10 for the protection of occupants in limousines with al-
11 ternative seating positions, including perimeter seat-
12 ing arrangements.

13 (2) RULEMAKING OR REPORT.—

14 (A) CRASHWORTHINESS STANDARDS.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), not later than 2 years after the date
17 on which the research under paragraph (1)
18 is completed, the Secretary shall prescribe,
19 for the protection of occupants in lim-
20 ousines with alternative seating positions,
21 a final motor vehicle safety standard for
22 each of the following:

23 (I) Side impact protection.

24 (II) Roof crush resistance.

25 (III) Air bag systems.

1 (ii) REQUIREMENTS AND CONSIDER-
2 ATIONS.—The Secretary may only pre-
3 scribe a motor vehicle safety standard de-
4 scribed in clause (i) if the Secretary deter-
5 mines that the standard meets the require-
6 ments and considerations described in sub-
7 sections (a) and (b) of section 30111 of
8 title 49, United States Code.

9 (B) REPORT.—If the Secretary determines
10 that a motor vehicle safety standard described
11 in subparagraph (A)(i) would not meet the re-
12 quirements and considerations described in sub-
13 sections (a) and (b) of section 30111 of title 49,
14 United States Code, the Secretary shall publish
15 in the Federal Register and submit to the Com-
16 mittee on Commerce, Science, and Transpor-
17 tation of the Senate and the Committee on En-
18 ergy and Commerce of the House of Represent-
19 atives a report describing the reasons for not
20 prescribing the standard.

21 (c) EVACUATION.—

22 (1) RESEARCH.—Not later than 2 years after
23 the date of enactment of this Act, the Secretary
24 shall complete research into safety features and
25 standards that aid evacuation in the event that an

1 exit in the passenger compartment of a limousine is
2 blocked.

3 (2) RULEMAKING OR REPORT.—

4 (A) LIMOUSINE EVACUATION.—

5 (i) IN GENERAL.—Subject to clause
6 (ii), not later than 2 years after the date
7 on which the research under paragraph (1)
8 is completed, the Secretary shall prescribe
9 a final motor vehicle safety standard based
10 on the results of that research.

11 (ii) REQUIREMENTS AND CONSIDER-
12 ATIONS.—The Secretary may only pre-
13 scribe a motor vehicle safety standard de-
14 scribed in clause (i) if the Secretary deter-
15 mines that the standard meets the require-
16 ments and considerations described in sub-
17 sections (a) and (b) of section 30111 of
18 title 49, United States Code.

19 (B) REPORT.—If the Secretary determines
20 that a standard described in subparagraph
21 (A)(i) would not meet the requirements and
22 considerations described in subsections (a) and
23 (b) of section 30111 of title 49, United States
24 Code, the Secretary shall publish in the Federal
25 Register and submit to the Committee on Com-

1 merce, Science, and Transportation of the Sen-
2 ate and the Committee on Energy and Com-
3 merce of the House of Representatives a report
4 describing the reasons for not prescribing the
5 standard.

6 (d) LIMOUSINE INSPECTION DISCLOSURE.—

7 (1) IN GENERAL.—A limousine operator may
8 not introduce a limousine into interstate commerce
9 unless the limousine operator has prominently dis-
10 closed in a clear and conspicuous notice, including
11 on the website of the operator if the operator has a
12 website, the following:

13 (A) The date of the most recent inspection
14 of the limousine required under State or Fed-
15 eral law, if applicable.

16 (B) The results of the inspection, if appli-
17 cable.

18 (C) Any corrective action taken by the lim-
19 ousine operator to ensure the limousine passed
20 inspection, if applicable.

21 (2) FEDERAL TRADE COMMISSION ENFORCE-
22 MENT.—

23 (A) IN GENERAL.—The Federal Trade
24 Commission shall enforce this subsection in the
25 same manner, by the same means, and with the

1 same jurisdiction, powers, and duties as though
2 all applicable terms and provisions of the Fed-
3 eral Trade Commission Act (15 U.S.C. 41 et
4 seq.) were incorporated into and made a part of
5 this subsection.

6 (B) TREATMENT.—Any person who vio-
7 lates this subsection shall be subject to the pen-
8 alties and entitled to the privileges and immuni-
9 ties provided in the Federal Trade Commission
10 Act (15 U.S.C. 41 et seq.).

11 (3) SAVINGS PROVISION.—Nothing in this sub-
12 section limits the authority of the Federal Trade
13 Commission under any other provision of law.

14 (4) EFFECTIVE DATE.—This subsection shall
15 take effect on the date that is 180 days after the
16 date of enactment of this Act.

17 **SEC. 3016. NATIONAL CONSUMER COMPLAINT DATABASE.**

18 (a) IN GENERAL.—Not later than 18 months after
19 the date of enactment of this Act, the Comptroller General
20 of the United States shall submit to the Committee on
21 Commerce, Science, and Transportation of the Senate and
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives a report on the National
24 Consumer Complaint Database of the Federal Motor Car-
25 rier Safety Administration.

1 (b) CONTENTS.—The report under subsection (a)
2 shall include—

3 (1) a review of the process and effectiveness of
4 efforts to review and follow-up on complaints sub-
5 mitted to the National Consumer Complaint Data-
6 base;

7 (2) an identification of the top 5 complaint cat-
8 egories;

9 (3) an identification of—

10 (A) the process that the Federal Motor
11 Carrier Safety Administration uses to deter-
12 mine which entities to take enforcement actions
13 against; and

14 (B) the top categories of enforcement ac-
15 tions taken by the Federal Motor Carrier Safe-
16 ty Administration;

17 (4) a review of the use of the National Con-
18 sumer Complaint Database website over the 5-year
19 period ending on December 31, 2020, including in-
20 formation obtained by conducting interviews with
21 drivers, customers of movers of household goods,
22 brokers, motor carriers, including small business
23 motor carriers, and other users of the website to de-
24 termine the usability of the website;

1 (5) a review of efforts taken by the Federal
2 Motor Carrier Safety Administration to raise aware-
3 ness of the National Consumer Complaint Database;
4 and

5 (6) recommendations, as appropriate, including
6 with respect to methods—

7 (A) for improving the usability of the Na-
8 tional Consumer Complaint Database website;

9 (B) for improving the review of complaints;

10 (C) for using data collected through the
11 National Consumer Complaint Database to
12 identify bad actors;

13 (D) to improve confidence and trans-
14 parency in the complaint process; and

15 (E) for improving stakeholder awareness of
16 and participation in the National Consumer
17 Complaint Database and the complaint system,
18 including improved communication about the
19 purpose of the National Consumer Complaint
20 Database.

21 **SEC. 3017. ELECTRONIC LOGGING DEVICE OVERSIGHT.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Secretary shall submit to Congress a re-
24 port detailing the processes—

1 (1) used by the Federal Motor Carrier Safety
2 Administration—

3 (A) to review electronic logging device logs;
4 and

5 (B) to protect proprietary information and
6 personally identifiable information obtained
7 from electronic logging device logs; and

8 (2) through which an operator may challenge or
9 appeal a violation notice issued by the Federal
10 Motor Carrier Safety Administration relating to an
11 electronic logging device.

12 **TITLE IV—HIGHWAY AND MOTOR**
13 **VEHICLE SAFETY**

14 **Subtitle A—Highway Traffic Safety**

15 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—The following amounts are au-
17 thorized to be appropriated out of the Highway Trust
18 Fund (other than the Mass Transit Account):

19 (1) HIGHWAY SAFETY PROGRAMS.—To carry
20 out section 402 of title 23, United States Code—

21 (A) \$363,400,000 for fiscal year 2022;

22 (B) \$370,900,000 for fiscal year 2023;

23 (C) \$378,400,000 for fiscal year 2024;

24 (D) \$385,900,000 for fiscal year 2025;

25 and

1 (E) \$393,400,000 for fiscal year 2026.

2 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
3 OPMENT.—To carry out section 403 of title 23,
4 United States Code—

5 (A) \$186,000,000 for fiscal year 2022;

6 (B) \$190,000,000 for fiscal year 2023;

7 (C) \$194,000,000 for fiscal year 2024;

8 (D) \$198,000,000 for fiscal year 2025;

9 and

10 (E) \$202,000,000 for fiscal year 2026.

11 (3) HIGH-VISIBILITY ENFORCEMENT PRO-
12 GRAM.—To carry out section 404 of title 23, United
13 States Code—

14 (A) \$36,400,000 for fiscal year 2022;

15 (B) \$38,300,000 for fiscal year 2023;

16 (C) \$40,300,000 for fiscal year 2024;

17 (D) \$42,300,000 for fiscal year 2025; and

18 (E) \$44,300,000 for fiscal year 2026.

19 (4) NATIONAL PRIORITY SAFETY PROGRAMS.—
20 To carry out section 405 of title 23, United States
21 Code—

22 (A) \$336,500,000 for fiscal year 2022;

23 (B) \$346,500,000 for fiscal year 2023;

24 (C) \$353,500,000 for fiscal year 2024;

1 (D) \$360,500,000 for fiscal year 2025;

2 and

3 (E) \$367,500,000 for fiscal year 2026.

4 (5) ADMINISTRATIVE EXPENSES.—For adminis-
5 trative and related operating expenses of the Na-
6 tional Highway Traffic Safety Administration in car-
7 rying out chapter 4 of title 23, United States Code,
8 and this title—

9 (A) \$38,000,000 for fiscal year 2022;

10 (B) \$39,520,000 for fiscal year 2023;

11 (C) \$41,100,800 for fiscal year 2024;

12 (D) \$42,744,832 for fiscal year 2025; and

13 (E) \$44,454,625 for fiscal year 2026.

14 (6) 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) \$6,800,000 for fiscal year 2022;

19 (B) \$7,000,000 for fiscal year 2023;

20 (C) \$7,200,000 for fiscal year 2024;

21 (D) \$7,400,000 for fiscal year 2025; and

22 (E) \$7,600,000 for fiscal year 2026.

23 (b) PROHIBITION ON OTHER USES.—Except as oth-
24 erwise provided in chapter 4 of title 23, and chapter 303
25 of title 49, United States Code, the amounts made avail-

1 able under subsection (a) or any other provision of law
2 from the Highway Trust Fund (other than the Mass Tran-
3 sit Account) for a program under those chapters—

4 (1) shall only be used to carry out that pro-
5 gram; and

6 (2) may not be used by a State or local govern-
7 ment for construction purposes.

8 (c) APPLICABILITY OF TITLE 23.—Except as other-
9 wise provided in chapter 4 of title 23, and chapter 303
10 of title 49, United States Code, the amounts made avail-
11 able under subsection (a) for fiscal years 2022 through
12 2026 shall be available for obligation in the same manner
13 as if those funds were apportioned under chapter 1 of title
14 23, United States Code.

15 (d) HIGHWAY SAFETY GENERAL REQUIREMENTS.—

16 (1) IN GENERAL.—Chapter 4 of title 23, United
17 States Code, is amended—

18 (A) by redesignating sections 409 and 412
19 and sections 407 and 408, respectively; and

20 (B) by inserting after section 405 the fol-
21 lowing:

22 **“§ 406. General requirements for Federal assistance**

23 “(a) DEFINITION OF FUNDED PROJECT.—In this
24 section, the term ‘funded project’ means a project funded,

1 in whole or in part, by a grant provided under this chap-
2 ter.

3 “(b) REGULATORY AUTHORITY.—Each funded
4 project shall be carried out in accordance with applicable
5 regulations promulgated by the Secretary.

6 “(c) STATE MATCHING REQUIREMENTS.—If a grant
7 provided under this chapter requires any State to share
8 in the cost of a funded project, the aggregate of the ex-
9 penditures made by the State (including any political sub-
10 division of the State) for highway safety activities during
11 a fiscal year, exclusive of Federal funds, for carrying out
12 the funded project (other than expenditures for planning
13 or administration) shall be credited toward the non-Fed-
14 eral share of the cost of any other funded project (other
15 than planning and administration) during that fiscal year,
16 regardless of whether those expenditures were made in
17 connection with the project.

18 “(d) GRANT APPLICATION AND DEADLINE.—

19 “(1) APPLICATIONS.—To be eligible to receive a
20 grant under this chapter, a State shall submit to the
21 Secretary an application at such time, in such man-
22 ner, and containing such information as the Sec-
23 retary may require.

24 “(2) DEADLINE.—The Secretary shall establish
25 a single deadline for the submission of applications

1 under paragraph (1) to enable the provision of
2 grants under this chapter early in the first fiscal
3 year beginning after the date of submission.

4 “(e) DISTRIBUTION OF FUNDS TO STATES.—Not
5 later than 60 days after the date of enactment of any ap-
6 propriations Act making funds available to carry out this
7 chapter, the Secretary shall distribute to each State the
8 portion of those funds to which the State is entitled for
9 the applicable fiscal year.”.

10 (2) CLERICAL AMENDMENT.—The analysis for
11 chapter 4 of title 23, United States Code, is amend-
12 ed by striking the items relating to sections 406
13 through 412 and inserting the following:

“406. General requirements for Federal assistance.

“407. Discovery and admission as evidence of certain reports and surveys.

“408. Agency accountability.”.

14 **SEC. 4102. HIGHWAY SAFETY PROGRAMS.**

15 (a) IN GENERAL.—Section 402 of title 23, United
16 States Code, is amended—

17 (1) by striking “accidents” each place it ap-
18 pears and inserting “crashes”;

19 (2) by striking “accident” each place it appears
20 and inserting “crash”;

21 (3) in subsection (a)—

22 (A) in paragraph (1), by striking “shall
23 have” and all that follows through the period at

1 the end and inserting the following: “shall have
2 in effect a highway safety program that—
3 “(i) is designed to reduce—
4 “(I) traffic crashes; and
5 “(II) deaths, injuries, and prop-
6 erty damage resulting from those
7 crashes;
8 “(ii) includes—
9 “(I) an approved, current, tri-
10 ennial highway safety plan in accord-
11 ance with subsection (k); and
12 “(II) an approved grant applica-
13 tion under subsection (l) for the fiscal
14 year;
15 “(iii) demonstrates compliance with
16 the applicable administrative requirements
17 of subsection (b)(1); and
18 “(iv) is approved by the Secretary.”;
19 (B) in paragraph (2)(A)—
20 (i) in clause (ii), by striking “occu-
21 pant protection devices (including the use
22 of safety belts and child restraint sys-
23 tems)” and inserting “safety belts”;
24 (ii) in clause (vii), by striking “and”
25 at the end;

1 (iii) by redesignating clauses (iii)
2 through (viii) as clauses (iv) through (ix),
3 respectively;

4 (iv) by inserting after clause (ii) the
5 following:

6 “(iii) to encourage more widespread
7 and proper use of child restraints, with an
8 emphasis on underserved populations;”;
9 and

10 (v) by adding at the end the following:

11 “(x) to reduce crashes caused by driv-
12 er misuse or misunderstanding of new ve-
13 hicle technology;

14 “(xi) to increase vehicle recall aware-
15 ness;

16 “(xii) to provide to the public infor-
17 mation relating to the risks of child heat-
18 stroke death when left unattended in a
19 motor vehicle after the motor is deacti-
20 vated by the operator;

21 “(xiii) to reduce injuries and deaths
22 resulting from the failure by drivers of
23 motor vehicles to move to another traffic
24 lane or reduce the speed of the vehicle
25 when law enforcement, fire service, emer-

1 gency medical services, or other emergency
2 or first responder vehicles are stopped or
3 parked on or next to a roadway with emer-
4 gency lights activated; and

5 “(xiv) to prevent crashes, injuries, and
6 deaths caused by unsecured vehicle loads;”;
7 and

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

9 “(3) ADDITIONAL CONSIDERATIONS.—A State
10 that has legalized medicinal or recreational mari-
11 juana shall take into consideration implementing
12 programs in addition to the programs described in
13 paragraph (2)(A)—

14 “(A) to educate drivers regarding the risks
15 associated with marijuana-impaired driving; and

16 “(B) to reduce injuries and deaths result-
17 ing from individuals driving motor vehicles
18 while impaired by marijuana.”;

19 (4) in subsection (b)(1)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “may” and inserting “shall”;

22 (B) by striking subparagraph (B) and in-
23 serting the following:

24 “(B) provide for a comprehensive, data-
25 driven traffic safety program that results from

1 meaningful public participation and engagement
2 from affected communities, particularly those
3 most significantly impacted by traffic crashes
4 resulting in injuries and fatalities;”;

5 (C) in subparagraph (C), by striking “au-
6 thorized in accordance with subparagraph (B)”;

7 (D) in subparagraph (D), by striking
8 “with disabilities, including those in wheel-
9 chairs” and inserting “, including those with
10 disabilities and those in wheelchairs”;

11 (E) by striking subparagraph (E) and in-
12 serting the following:

13 “(E) as part of a comprehensive program,
14 support—

15 “(i) data-driven traffic safety enforce-
16 ment programs that foster effective com-
17 munity collaboration to increase public
18 safety; and

19 “(ii) data collection and analysis to
20 ensure transparency, identify disparities in
21 traffic enforcement, and inform traffic en-
22 forcement policies, procedures, and activi-
23 ties; and”;

24 (F) in subparagraph (F)—

1 (i) in clause (i), by striking “national
2 law enforcement mobilizations and high-
3 visibility” and inserting “national, high-vis-
4 ibility”;

5 (ii) in clause (iv), by striking “and”
6 after the semicolon at the end;

7 (iii) in clause (v), by striking the pe-
8 riod at the end and inserting “; and”;

9 (iv) by adding at the end the fol-
10 lowing:

11 “(vi) unless the State highway safety
12 program is developed by American Samoa,
13 Guam, the Commonwealth of the Northern
14 Mariana Islands, or the United States Vir-
15 gin Islands, participation in the Fatality
16 Analysis Reporting System.”;

17 (5) in subsection (c)—

18 (A) in paragraph (1)—

19 (i) by striking the paragraph designa-
20 tion and heading and all that follows
21 through “Funds authorized” and inserting
22 the following:

23 “(1) USE FOR STATE ACTIVITIES.—

24 “(A) IN GENERAL.—The funds author-
25 ized”; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(B) NEIGHBORING STATES.—A State,
4 acting in cooperation with any neighboring
5 State, may use funds provided under this sec-
6 tion for a highway safety program that may
7 confer a benefit on the neighboring State.”;

8 (B) by striking paragraphs (2) and (3) and
9 inserting the following:

10 “(2) APPORTIONMENT TO STATES.—

11 “(A) DEFINITION OF PUBLIC ROAD.—In
12 this paragraph, the term ‘public road’ means
13 any road that is—

14 “(i) subject to the jurisdiction of, and
15 maintained by, a public authority; and

16 “(ii) held open to public travel.

17 “(B) APPORTIONMENT.—

18 “(i) IN GENERAL.—Except for the
19 amounts identified in section 403(f) and
20 the amounts subject to subparagraph (C),
21 of the funds made available under this sec-
22 tion—

23 “(I) 75 percent shall be appor-
24 tioned to each State based on the

1 ratio that, as determined by the most
2 recent decennial census—

3 “(aa) the population of the
4 State; bears to

5 “(bb) the total population of
6 all States; and

7 “(II) 25 percent shall be appor-
8 tioned to each State based on the
9 ratio that, subject to clause (ii)—

10 “(aa) the public road mile-
11 age in each State; bears to

12 “(bb) the total public road
13 mileage in all States.

14 “(ii) CALCULATION.—For purposes of
15 clause (i)(II), public road mileage shall
16 be—

17 “(I) determined as of the end of
18 the calendar year preceding the year
19 during which the funds are appor-
20 tioned;

21 “(II) certified by the Governor of
22 the State; and

23 “(III) subject to approval by the
24 Secretary.

1 “(C) MINIMUM APPORTIONMENTS.—The
2 annual apportionment under this section to—

3 “(i) each State shall be not less than
4 $\frac{3}{4}$ of 1 percent of the total apportionment;

5 “(ii) the Secretary of the Interior
6 shall be not less than 2 percent of the total
7 apportionment; and

8 “(iii) the United States Virgin Is-
9 lands, Guam, American Samoa, and the
10 Commonwealth of the Northern Mariana
11 Islands shall be not less than $\frac{1}{4}$ of 1 per-
12 cent of the total apportionment.

13 “(D) PENALTY.—

14 “(i) IN GENERAL.—The funds appor-
15 tioned under this section to a State that
16 does not have approved or in effect a high-
17 way safety program described in subsection
18 (a)(1) shall be reduced by an amount equal
19 to not less than 20 percent of the amount
20 that would otherwise be apportioned to the
21 State under this section, until the date on
22 which the Secretary, as applicable—

23 “(I) approves such a highway
24 safety program; or

1 “(II) determines that the State is
2 implementing such a program.

3 “(ii) FACTOR FOR CONSIDERATION.—

4 In determining the amount of the reduc-
5 tion in funds apportioned to a State under
6 this subparagraph, the Secretary shall take
7 into consideration the gravity of the failure
8 by the State to secure approval, or to im-
9 plement, a highway safety program de-
10 scribed in subsection (a)(1).

11 “(E) LIMITATIONS.—

12 “(i) IN GENERAL.—A highway safety
13 program approved by the Secretary shall
14 not include any requirement that a State
15 shall implement such a program by adopt-
16 ing or enforcing any law, rule, or regula-
17 tion based on a guideline promulgated by
18 the Secretary under this section requiring
19 any motorcycle operator aged 18 years or
20 older, or a motorcycle passenger aged 18
21 years or older, to wear a safety helmet
22 when operating or riding a motorcycle on
23 the streets and highways of that State.

24 “(ii) EFFECT OF GUIDELINES.—Noth-
25 ing in this section requires a State high-

1 way safety program to require compliance
2 with every uniform guideline, or with every
3 element of every uniform guideline, in
4 every State.

5 “(3) REAPPORTIONMENT.—

6 “(A) IN GENERAL.—The Secretary shall
7 promptly apportion to a State any funds with-
8 held from the State under paragraph (2)(D) if
9 the Secretary makes an approval or determina-
10 tion, as applicable, described in that paragraph
11 by not later than July 31 of the fiscal year for
12 which the funds were withheld.

13 “(B) CONTINUING STATE FAILURE.—If
14 the Secretary determines that a State fails to
15 correct a failure to have approved or in effect
16 a highway safety program described in sub-
17 section (a)(1) by the date described in subpara-
18 graph (A), the Secretary shall reapportion the
19 funds withheld from that State under para-
20 graph (2)(D) for the fiscal year to the other
21 States in accordance with the formula described
22 in paragraph (2)(B) by not later than the last
23 day of the fiscal year.”; and

24 (C) in paragraph (4)—

25 (i) by striking subparagraph (C);

1 State triennial highway safety plan”;
2 and

3 (II) by inserting “, with respect
4 to the 3 fiscal years covered by the
5 plan, based on the information avail-
6 able on the date of submission under
7 paragraph (2)” after “include”;

8 (ii) in subparagraph (A)(ii), by strik-
9 ing “annual performance targets” and in-
10 sserting “performance targets that dem-
11 onstrate constant or improved perform-
12 ance”;

13 (iii) by striking subparagraph (B) and
14 inserting the following:

15 “(B) a countermeasure strategy for pro-
16 gramming funds under this section for projects
17 that will allow the State to meet the perform-
18 ance targets described in subparagraph (A), in-
19 cluding a description—

20 “(i) that demonstrates the link be-
21 tween the effectiveness of each proposed
22 countermeasure strategy and those per-
23 formance targets; and

24 “(ii) of the manner in which each
25 countermeasure strategy is informed by

1 uniform guidelines issued by the Sec-
2 retary;” and

3 (iv) in subparagraph (D), by striking
4 “, State, local, or private”;

5 (F) by striking paragraph (5) and insert-
6 ing the following:

7 “(5) PERFORMANCE MEASURES.—The Sec-
8 retary shall develop minimum performance measures
9 under paragraph (4)(A) in consultation with the
10 Governors Highway Safety Association.”; and

11 (G) in paragraph (6)—

12 (i) in the paragraph heading, by in-
13 serting “TRIENNIAL” before “HIGHWAY”;

14 (ii) by redesignating subparagraphs
15 (B) through (E) as subparagraphs (C)
16 through (F), respectively;

17 (iii) in each of subparagraphs (C)
18 through (F) (as so redesignated), by in-
19 serting “triennial” before “highway” each
20 place it appears; and

21 (iv) by striking subparagraph (A) and
22 inserting the following:

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the Secretary shall review
25 and approve or disapprove a triennial highway

1 safety plan of a State by not later than 60 days
2 after the date on which the plan is received by
3 the Secretary.

4 “(B) ADDITIONAL INFORMATION.—

5 “(i) IN GENERAL.—The Secretary
6 may request a State to submit to the Sec-
7 retary such additional information as the
8 Secretary determines to be necessary for
9 review of the triennial highway safety plan
10 of the State.

11 “(ii) EXTENSION OF DEADLINE.—On
12 providing to a State a request for addi-
13 tional information under clause (i), the
14 Secretary may extend the deadline to ap-
15 prove or disapprove the triennial highway
16 safety plan of the State under subpara-
17 graph (A) for not more than an additional
18 90 days, as the Secretary determines to be
19 necessary to accommodate that request,
20 subject to clause (iii).

21 “(iii) TIMING.—Any additional infor-
22 mation requested under clause (i) shall be
23 submitted to the Secretary by not later
24 than 7 business days after the date of re-
25 ceipt by the State of the request.”;

1 (7) by inserting after subsection (k) the fol-
2 lowing:

3 “(l) ANNUAL GRANT APPLICATION AND REPORTING
4 REQUIREMENTS.—

5 “(1) ANNUAL GRANT APPLICATION.—

6 “(A) IN GENERAL.—To be eligible to re-
7 ceive grant funds under this chapter for a fiscal
8 year, each State shall submit to the Secretary
9 an annual grant application that, as determined
10 by the Secretary—

11 “(i) demonstrates alignment with the
12 approved triennial highway safety plan of
13 the State; and

14 “(ii) complies with the requirements
15 under this subsection.

16 “(B) TIMING.—The deadline for submis-
17 sion of annual grant applications under this
18 paragraph shall be determined by the Secretary
19 in accordance with section 406(d)(2).

20 “(C) CONTENTS.—An annual grant appli-
21 cation under this paragraph shall include, at a
22 minimum—

23 “(i) such updates as the State deter-
24 mines to be necessary to any analysis in-

1 cluded in the triennial highway safety plan
2 of the State;

3 “(ii) an identification of each project
4 and subrecipient to be funded by the State
5 using the grants during the upcoming
6 grant year, subject to the condition that
7 the State shall separately submit, on a
8 date other than the date of submission of
9 the annual grant application, a description
10 of any projects or subrecipients to be fund-
11 ed, as that information becomes available;

12 “(iii) a description of the means by
13 which the strategy of the State to use
14 grant funds was adjusted and informed by
15 the previous report of the State under
16 paragraph (2); and

17 “(iv) an application for any additional
18 grants available to the State under this
19 chapter.

20 “(D) REVIEW.—The Secretary shall review
21 and approve or disapprove an annual grant ap-
22 plication under this paragraph by not later than
23 60 days after the date of submission of the ap-
24 plication.

1 “(2) REPORTING REQUIREMENTS.—Not later
2 than 120 days after the end of each fiscal year for
3 which a grant is provided to a State under this
4 chapter, the State shall submit to the Secretary an
5 annual report that includes—

6 “(A) an assessment of the progress made
7 by the State in achieving the performance tar-
8 gets identified in the triennial highway safety
9 plan of the State, based on the most currently
10 available Fatality Analysis Reporting System
11 data; and

12 “(B)(i) a description of the extent to which
13 progress made in achieving those performance
14 targets is aligned with the triennial highway
15 safety plan of the State; and

16 “(ii) if applicable, any plans of the State to
17 adjust a strategy for programming funds to
18 achieve the performance targets.”;

19 (8) in subsection (m)(1), by striking “a State’s
20 highway safety plan” and inserting “the applicable
21 triennial highway safety plan of the State”; and

22 (9) by striking subsection (n) and inserting the
23 following:

24 “(n) PUBLIC TRANSPARENCY.—

1 “(1) IN GENERAL.—The Secretary shall pub-
2 licly release on a Department of Transportation
3 website, by not later than 45 calendar days after the
4 applicable date of availability—

5 “(A) each triennial highway safety plan ap-
6 proved by the Secretary under subsection (k);

7 “(B) each State performance target under
8 subsection (k); and

9 “(C) an evaluation of State achievement of
10 applicable performance targets under subsection
11 (k).

12 “(2) STATE HIGHWAY SAFETY PLAN
13 WEBSITE.—

14 “(A) IN GENERAL.—In carrying out para-
15 graph (1), the Secretary shall establish a public
16 website that is easily accessible, navigable, and
17 searchable for the information required under
18 that paragraph, in order to foster greater trans-
19 parency in approved State highway safety pro-
20 grams.

21 “(B) CONTENTS.—The website established
22 under subparagraph (A) shall—

23 “(i) include the applicable triennial
24 highway safety plan, and the annual re-
25 port, of each State submitted to, and ap-

1 proved by, the Secretary under subsection
2 (k); and

3 “(ii) provide a means for the public to
4 search the website for State highway safety
5 program content required under subsection
6 (k), including—

7 “(I) performance measures re-
8 quired by the Secretary;

9 “(II) progress made toward
10 meeting the applicable performance
11 targets during the preceding program
12 year;

13 “(III) program areas and ex-
14 penditures; and

15 “(IV) a description of any
16 sources of funds, other than funds
17 provided under this section, that the
18 State proposes to use to carry out the
19 triennial highway safety plan of the
20 State.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect with respect to any grant
23 application or State highway safety plan submitted under
24 chapter 4 of title 23, United States Code, for fiscal year
25 2024 or thereafter.

1 **SEC. 4103. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
2 **MENT.**

3 Section 403 of title 23, United States Code, is
4 amended—

5 (1) by striking “accident” each place it appears
6 and inserting “crash”;

7 (2) in subsection (b)(1), in the matter pre-
8 ceding subparagraph (A), by inserting “, training,
9 education,” after “demonstration projects”;

10 (3) in subsection (f)(1)—

11 (A) by striking “\$2,500,000” and inserting
12 “\$3,500,000”; and

13 (B) by striking “subsection 402(c) in each
14 fiscal year ending before October 1, 2015, and
15 \$443,989 of the total amount available for ap-
16 portionment to the States for highway safety
17 programs under section 402(c) in the period be-
18 ginning on October 1, 2015, and ending on De-
19 cember 4, 2015,” and inserting “section 402(c)
20 in each fiscal year”;

21 (4) in subsection (h)—

22 (A) in paragraph (2), by striking “2017
23 through 2021 not more than \$26,560,000’ to
24 conduct the research described in paragraph
25 (1)” and inserting “2022 through 2025, not

1 more than \$45,000,000 to conduct the research
2 described in paragraph (2)”;

3 (B) in paragraph (5)(A), by striking “sec-
4 tion 30102(a)(6)” and inserting “section
5 30102(a)”; and

6 (C) by redesignating paragraphs (1), (2),
7 (3), (4), and (5) as paragraphs (2), (3), (4),
8 (5), and (1), respectively, and moving the para-
9 graphs so as to appear in numerical order; and
10 (5) by adding at the end the following:

11 “(k) CHILD SAFETY CAMPAIGN.—

12 “(1) IN GENERAL.—The Secretary shall carry
13 out an education campaign to reduce the incidence
14 of vehicular heatstroke of children left in passenger
15 motor vehicles (as defined in section 30102(a) of
16 title 49).

17 “(2) ADVERTISING.—The Secretary may use, or
18 authorize the use of, funds made available to carry
19 out this section to pay for the development, produc-
20 tion, and use of broadcast and print media adver-
21 tising and Internet-based outreach for the education
22 campaign under paragraph (1).

23 “(3) COORDINATION.—In carrying out the edu-
24 cation campaign under paragraph (1), the Secretary
25 shall coordinate with—

1 “(A) interested State and local govern-
2 ments;

3 “(B) private industry; and

4 “(C) other parties, as determined by the
5 Secretary.

6 “(1) DEVELOPMENT OF STATE PROCESSES FOR IN-
7 FORMING CONSUMERS OF RECALLS.—

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

9 “(A) MOTOR VEHICLE.—The term ‘motor
10 vehicle’ has the meaning given the term in sec-
11 tion 30102(a) of title 49.

12 “(B) OPEN RECALL.—The term ‘open re-
13 call’ means a motor vehicle recall—

14 “(i) for which a notification by a man-
15 ufacturer has been provided under section
16 30119 of title 49; and

17 “(ii) that has not been remedied
18 under section 30120 of that title.

19 “(C) PROGRAM.—The term ‘program’
20 means the program established under para-
21 graph (2)(A).

22 “(D) REGISTRATION.—The term ‘registra-
23 tion’ means the process for registering a motor
24 vehicle in a State (including registration re-
25 newal).

1 “(E) STATE.—The term ‘State’ has the
2 meaning given the term in section 101(a).

3 “(2) GRANTS.—

4 “(A) ESTABLISHMENT OF PROGRAM.—Not
5 later than 2 years after the date of enactment
6 of this subsection, the Secretary shall establish
7 a program under which the Secretary shall pro-
8 vide grants to States for use in developing and
9 implementing State processes for informing
10 each applicable owner and lessee of a motor ve-
11 hicle of any open recall on the motor vehicle at
12 the time of registration of the motor vehicle in
13 the State, in accordance with this paragraph.

14 “(B) ELIGIBILITY.—To be eligible to re-
15 ceive a grant under the program, a State
16 shall—

17 “(i) submit to the Secretary an appli-
18 cation at such time, in such manner, and
19 containing such information as the Sec-
20 retary may require; and

21 “(ii) agree—

22 “(I) to notify each owner or les-
23 see of a motor vehicle presented for
24 registration in the State of any open
25 recall on that motor vehicle; and

1 “(II) to provide to each owner or
2 lessee of a motor vehicle presented for
3 registration, at no cost—

4 “(aa) the open recall infor-
5 mation for the motor vehicle; and

6 “(bb) such other information
7 as the Secretary may require.

8 “(C) FACTORS FOR CONSIDERATION.—In
9 selecting grant recipients under the program,
10 the Secretary shall take into consideration the
11 methodology of a State for—

12 “(i) identifying open recalls on a
13 motor vehicle;

14 “(ii) informing each owner and lessee
15 of a motor vehicle of an open recall; and

16 “(iii) measuring performance in—

17 “(I) informing owners and lessees
18 of open recalls; and

19 “(II) remedying open recalls.

20 “(D) PERFORMANCE PERIOD.—A grant
21 provided under the program shall require a per-
22 formance period of 2 years.

23 “(E) REPORT.—Not later than 90 days
24 after the date of completion of the performance
25 period under subparagraph (D), each State that

1 receives a grant under the program shall submit
2 to the Secretary a report that contains such in-
3 formation as the Secretary considers to be nec-
4 essary to evaluate the extent to which open re-
5 calls have been remedied in the State.

6 “(F) NO REGULATIONS REQUIRED.—Not-
7 withstanding any other provision of law, the
8 Secretary shall not be required to issue any reg-
9 ulations to carry out the program.

10 “(3) PAPERWORK REDUCTION ACT.—Chapter
11 35 of title 44 (commonly known as the ‘Paperwork
12 Reduction Act’) shall not apply to information col-
13 lected under the program.

14 “(4) FUNDING.—For each of fiscal years 2022
15 through 2026, the Secretary shall obligate from
16 funds made available to carry out this section
17 \$1,500,000 to carry out the program.

18 “(m) INNOVATIVE HIGHWAY SAFETY COUNTER-
19 MEASURES.—

20 “(1) IN GENERAL.—In conducting research
21 under this section, the Secretary shall evaluate the
22 effectiveness of innovative behavioral traffic safety
23 countermeasures, other than traffic enforcement,
24 that are considered promising or likely to be effec-
25 tive for the purpose of enriching revisions to the doc-

1 ument entitled ‘Countermeasures That Work: A
2 Highway Safety Countermeasure Guide for State
3 Highway Safety Offices, Ninth Edition’ and num-
4 bered DOT HS 812 478 (or any successor docu-
5 ment).

6 “(2) TREATMENT.—The research described in
7 paragraph (1) shall be in addition to any other re-
8 search carried out under this section.”.

9 **SEC. 4104. HIGH-VISIBILITY ENFORCEMENT PROGRAMS.**

10 Section 404(a) of title 23, United States Code, is
11 amended by striking “each of fiscal years 2016 through
12 2020” and inserting “each fiscal year”.

13 **SEC. 4105. NATIONAL PRIORITY SAFETY PROGRAMS.**

14 (a) IN GENERAL.—Section 405 of title 23, United
15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking paragraphs (6) and (9);

18 (B) by redesignating paragraphs (1)
19 through (5) as paragraphs (2) through (6), re-
20 spectively;

21 (C) by striking the subsection designation
22 and heading and all that follows through “the
23 following:” in the matter preceding paragraph
24 (2) (as so redesignated) and inserting the fol-
25 lowing:

1 “(a) PROGRAM AUTHORITY.—

2 “(1) IN GENERAL.—Subject to the require-
3 ments of this section, the Secretary shall—

4 “(A) manage programs to address national
5 priorities for reducing highway deaths and inju-
6 ries; and

7 “(B) allocate funds for the purpose de-
8 scribed in subparagraph (A) in accordance with
9 this subsection.”;

10 (D) in paragraph (4) (as so redesignated),
11 by striking “52.5 percent” and inserting “53
12 percent”;

13 (E) in paragraph (7)—

14 (i) by striking “5 percent” and insert-
15 ing “7 percent”; and

16 (ii) by striking “subsection (h)” and
17 inserting “subsection (g)”;

18 (F) by redesignating paragraphs (8) and
19 (10) as paragraphs (10) and (11), respectively;

20 (G) by inserting after paragraph (7) the
21 following:

22 “(8) PREVENTING ROADSIDE DEATHS.—In each
23 fiscal year, 1 percent of the funds provided under
24 this section shall be allocated among States that

1 meet requirements with respect to preventing road-
2 side deaths under subsection (h).

3 “(9) DRIVER OFFICER SAFETY EDUCATION.—In
4 each fiscal year, 1.5 percent of the funds provided
5 under this section shall be allocated among States
6 that meet requirements with respect to driver and
7 officer safety education under subsection (i).”; and

8 (H) in paragraph (10) (as so redesign-
9 nated)—

10 (i) by striking “(1) through (7)” and
11 inserting “(2) through (9)”; and

12 (ii) by striking “(b) through (h)” and
13 inserting “(b) through (i)”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “of
16 Transportation”;

17 (B) in paragraph (3)(B)(ii)(VI)(aa), by
18 striking “3-year” and inserting “5-year”; and

19 (C) in paragraph (4)—

20 (i) in subparagraph (A), by striking
21 clause (v) and inserting the following:

22 “(v) implement programs—

23 “(I) to recruit and train nation-
24 ally certified child passenger safety
25 technicians among police officers, fire

1 and other first responders, emergency
2 medical personnel, and other individ-
3 uals or organizations serving low-in-
4 come and underserved populations;

5 “(II) to educate parents and
6 caregivers in low-income and under-
7 served populations regarding the im-
8 portance of proper use and correct in-
9 stallation of child restraints on every
10 trip in a motor vehicle; and

11 “(III) to purchase and distribute
12 child restraints to low-income and un-
13 derserved populations; and”;

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) REQUIREMENTS.—Each State that is
17 eligible to receive funds—

18 “(i) under paragraph (3)(A) shall
19 use—

20 “(I) not more than 90 percent of
21 those funds to carry out a project or
22 activity eligible for funding under sec-
23 tion 402; and

24 “(II) any remaining funds to
25 carry out subparagraph (A)(v); and

1 “(ii) under paragraph (3)(B) shall use
2 not less than 10 percent of those funds to
3 carry out the activities described in sub-
4 paragraph (A)(v).”;

5 (3) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “of Transpor-
9 tation”; and

10 (ii) in subparagraph (D), by striking
11 “States; and” and inserting “States, in-
12 cluding the National EMS Information
13 System;”;

14 (B) in paragraph (3)—

15 (i) by striking the paragraph designa-
16 tion and heading and all that follows
17 through “has a functioning” in subpara-
18 graph (A) and inserting the following:

19 “(3) ELIGIBILITY.—A State shall not be eligible
20 to receive a grant under this subsection for a fiscal
21 year unless the State—

22 “(A) has certified to the Secretary that the
23 State—

24 “(i) has a functioning”;

25 (ii) in subparagraph (B)—

1 (I) by adding “and” after the
2 semicolon at the end; and

3 (II) by redesignating the sub-
4 paragraph as clause (ii) of subpara-
5 graph (A) and indenting the clause
6 appropriately;

7 (iii) in subparagraph (C)—

8 (I) by adding “and” after the
9 semicolon at the end; and

10 (II) by redesignating the sub-
11 paragraph as clause (iii) of subpara-
12 graph (A) and indenting the clause
13 appropriately;

14 (iv) by redesignating subparagraph
15 (D) as subparagraph (B);

16 (v) in clause (vi) of subparagraph (B)
17 (as so redesignated), by striking “; and”
18 and inserting a period; and

19 (vi) by striking subparagraph (E);

20 (C) by striking paragraph (4) and insert-
21 ing the following:

22 “(4) USE OF GRANT AMOUNTS.—A State may
23 use a grant received under this subsection to make
24 data program improvements to core highway safety
25 databases relating to quantifiable, measurable

1 progress in any significant data program attribute
2 described in paragraph (3)(B), including through—

3 “(A) software or applications to identify,
4 collect, and report data to State and local gov-
5 ernment agencies, and enter data into State
6 core highway safety databases, including crash,
7 citation or adjudication, driver, emergency med-
8 ical services or injury surveillance system, road-
9 way, and vehicle data;

10 “(B) purchasing equipment to improve a
11 process by which data are identified, collated,
12 and reported to State and local government
13 agencies, including technology for use by law
14 enforcement for near-real time, electronic re-
15 porting of crash data;

16 “(C) improving the compatibility and inter-
17 operability of the core highway safety databases
18 of the State with national data systems and
19 data systems of other States, including the Na-
20 tional EMS Information System;

21 “(D) enhancing the ability of a State and
22 the Secretary to observe and analyze local,
23 State, and national trends in crash occurrences,
24 rates, outcomes, and circumstances;

1 “(E) supporting traffic records improve-
2 ment training and expenditures for law enforce-
3 ment, emergency medical, judicial, prosecu-
4 torial, and traffic records professionals;

5 “(F) hiring traffic records professionals for
6 the purpose of improving traffic information
7 systems (including a State Fatal Accident Re-
8 porting System (FARS) liaison);

9 “(G) adoption of the Model Minimum Uni-
10 form Crash Criteria, or providing to the public
11 information regarding why any of those criteria
12 will not be used, if applicable;

13 “(H) supporting reporting criteria relating
14 to emerging topics, including—

15 “(i) impaired driving as a result of
16 drug, alcohol, or polysubstance consump-
17 tion; and

18 “(ii) advanced technologies present on
19 motor vehicles; and

20 “(I) conducting research relating to State
21 traffic safety information systems, including de-
22 veloping programs to improve core highway
23 safety databases and processes by which data
24 are identified, collected, reported to State and

1 local government agencies, and entered into
2 State core safety databases.”; and

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

4 “(6) TECHNICAL ASSISTANCE.—

5 “(A) IN GENERAL.—The Secretary shall
6 provide technical assistance to States, regard-
7 less of whether a State receives a grant under
8 this subsection, with respect to improving the
9 timeliness, accuracy, completeness, uniformity,
10 integration, and public accessibility of State
11 safety data that are needed to identify priorities
12 for Federal, State, and local highway and traf-
13 fic safety programs, including on adoption by a
14 State of the Model Minimum Uniform Crash
15 Criteria.

16 “(B) FUNDS.—The Secretary may use not
17 more than 3 percent of the amounts available
18 under this subsection to carry out subparagraph
19 (A).”;

20 (4) in subsection (d)—

21 (A) in paragraph (4)—

22 (i) in subparagraph (B)—

23 (I) by striking clause (iii) and in-
24 serting the following:

1 “(iii) court support of impaired driv-
2 ing prevention efforts, including—

3 “(I) hiring criminal justice pro-
4 fessionals, including law enforcement
5 officers, prosecutors, traffic safety re-
6 source prosecutors, judges, judicial
7 outreach liaisons, and probation offi-
8 cers;

9 “(II) training and education of
10 those professionals to assist the pro-
11 fessionals in preventing impaired driv-
12 ing and handling impaired driving
13 cases, including by providing com-
14 pensation to a law enforcement officer
15 to carry out safety grant activities to
16 replace a law enforcement officer who
17 is receiving drug recognition expert
18 training or participating as an in-
19 structor in that drug recognition ex-
20 pert training; and

21 “(III) establishing driving while
22 intoxicated courts;”;

23 (II) by striking clause (v) and in-
24 serting the following:

1 “(v) improving blood alcohol and drug
2 concentration screening and testing, detec-
3 tion of potentially impairing drugs (includ-
4 ing through the use of oral fluid as a speci-
5 men), and reporting relating to testing and
6 detection;”;

7 (III) in clause (vi), by striking
8 “conducting standardized field sobri-
9 ety training, advanced roadside im-
10 paired driving evaluation training,
11 and” and inserting “conducting initial
12 and continuing standardized field so-
13 briety training, advanced roadside im-
14 paired driving evaluation training, law
15 enforcement phlebotomy training,
16 and”;

17 (IV) in clause (ix), by striking
18 “and” at the end;

19 (V) in clause (x), by striking the
20 period at the end and inserting “;
21 and”; and

22 (VI) by adding at the end the fol-
23 lowing:

24 “(xi) testing and implementing pro-
25 grams, and purchasing technologies, to

1 better identify, monitor, or treat impaired
2 drivers, including—

3 “(I) oral fluid-screening tech-
4 nologies;

5 “(II) electronic warrant pro-
6 grams;

7 “(III) equipment to increase the
8 scope, quantity, quality, and timeli-
9 ness of forensic toxicology chemical
10 testing;

11 “(IV) case management software
12 to support the management of im-
13 paired driving offenders; and

14 “(V) technology to monitor im-
15 paired-driving offenders, and equip-
16 ment and related expenditures used in
17 connection with impaired-driving en-
18 forcement in accordance with criteria
19 established by the National Highway
20 Traffic Safety Administration.”; and

21 (ii) in subparagraph (C)—

22 (I) in the second sentence, by
23 striking “Medium-range” and insert-
24 ing the following:

1 “(ii) MEDIUM-RANGE AND HIGH-
2 RANGE STATES.—Subject to clause (iii),
3 medium-range”;

4 (II) in the first sentence, by
5 striking “Low-range” and inserting
6 the following:

7 “(i) LOW-RANGE STATES.—Subject to
8 clause (iii), low-range”; and

9 (III) by adding at the end the
10 following:

11 “(iii) REPORTING AND IMPAIRED
12 DRIVING MEASURES.—A State may use
13 grant funds for any expenditure relating
14 to—

15 “(I) increasing the timely and ac-
16 curate reporting to Federal, State,
17 and local databases of—

18 “(aa) crash information, in-
19 cluding electronic crash reporting
20 systems that allow accurate real-
21 or near-real-time uploading of
22 crash information; and

23 “(bb) impaired driving
24 criminal justice information; or

1 “(I) a State law requiring for
2 any individual who is convicted of, or
3 the driving privilege of whom is re-
4 voked or denied for, refusing to sub-
5 mit to a chemical or other appropriate
6 test for the purpose of determining
7 the presence or concentration of any
8 intoxicating substance, a State law re-
9 quiring a period of not less than 180
10 days of ignition interlock installation
11 on each motor vehicle to be operated
12 by the individual; and

13 “(II) a compliance-based removal
14 program, under which an individual
15 convicted of driving under the influ-
16 ence of alcohol or of driving while in-
17 toxicated shall—

18 “(aa) satisfy a period of not
19 less than 180 days of ignition
20 interlock installation on each
21 motor vehicle to be operated by
22 the individual; and

23 “(bb) have completed a min-
24 imum consecutive period of not
25 less than 40 percent of the re-

1 required period of ignition interlock
2 installation immediately pre-
3 ceding the date of release of the
4 individual, without a confirmed
5 violation.”; and

6 (ii) in subparagraph (D), by striking
7 “2009” and inserting “2022”; and

8 (C) in paragraph (7)(A), in the matter
9 preceding clause (i), by inserting “or local”
10 after “authorizes a State”;

11 (5) in subsection (e)—

12 (A) by striking paragraphs (6) and (8);

13 (B) by redesignating paragraphs (1), (2),
14 (3), (4), (5), (7), and (9) as paragraphs (2),
15 (4), (6), (7), (8), (9), and (1), respectively, and
16 moving the paragraphs so as to appear in nu-
17 merical order;

18 (C) in paragraph (1) (as so redesign-
19 ated)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “, the following defi-
22 nitions apply”;

23 (ii) by striking subparagraph (B) and
24 inserting the following:

1 “(B) PERSONAL WIRELESS COMMUNICA-
2 TIONS DEVICE.—

3 “(i) IN GENERAL.—The term ‘per-
4 sonal wireless communications device’
5 means—

6 “(I) a device through which per-
7 sonal wireless services (as defined in
8 section 332(c)(7)(C) of the Commu-
9 nications Act of 1934 (47 U.S.C.
10 332(c)(7)(C))) are transmitted; and

11 “(II) a mobile telephone or other
12 portable electronic communication de-
13 vice with which a user engages in a
14 call or writes, sends, or reads a text
15 message using at least 1 hand.

16 “(ii) EXCLUSION.—The term ‘per-
17 sonal wireless communications device’ does
18 not include a global navigation satellite
19 system receiver used for positioning, emer-
20 gency notification, or navigation pur-
21 poses.”; and

22 (iii) by striking subparagraph (E) and
23 inserting the following:

24 “(E) TEXT.—The term ‘text’ means—

1 “(i) to read from, or manually to
2 enter data into, a personal wireless com-
3 munications device, including for the pur-
4 pose of SMS texting, emailing, instant
5 messaging, or any other form of electronic
6 data retrieval or electronic data commu-
7 nication; and

8 “(ii) manually to enter, send, or re-
9 trieve a text message to communicate with
10 another individual or device.

11 “(F) TEXT MESSAGE.—

12 “(i) IN GENERAL.—The term ‘text
13 message’ means—

14 “(I) a text-based message;

15 “(II) an instant message;

16 “(III) an electronic message; and

17 “(IV) email.

18 “(ii) EXCLUSIONS.—The term ‘text
19 message’ does not include—

20 “(I) an emergency, traffic, or
21 weather alert; or

22 “(II) a message relating to the
23 operation or navigation of a motor ve-
24 hicle.”;

1 (D) by striking paragraph (2) (as so reded-
2 igned) and inserting the following:

3 “(2) GRANT PROGRAM.—The Secretary shall
4 provide a grant under this subsection to any State
5 that includes distracted driving awareness as part of
6 the driver’s license examination of the State.

7 “(3) ALLOCATION.—

8 “(A) IN GENERAL.—For each fiscal year,
9 not less than 50 percent of the amounts made
10 available to carry out this subsection shall be
11 allocated to States, based on the proportion
12 that—

13 “(i) the apportionment of the State
14 under section 402 for fiscal year 2009;
15 bears to

16 “(ii) the apportionment of all States
17 under section 402 for that fiscal year.

18 “(B) GRANTS FOR STATES WITH DIS-
19 TRACTED DRIVING LAWS.—

20 “(i) IN GENERAL.—In addition to the
21 allocations under subparagraph (A), for
22 each fiscal year, not more than 50 percent
23 of the amounts made available to carry out
24 this subsection shall be allocated to States
25 that enact and enforce a law that meets

1 the requirements of paragraph (4), (5), or
2 (6)—

3 “(I) based on the proportion
4 that—

5 “(aa) the apportionment of
6 the State under section 402 for
7 fiscal year 2009; bears to

8 “(bb) the apportionment of
9 all States under section 402 for
10 that fiscal year; and

11 “(II) subject to clauses (ii), (iii),
12 and (iv), as applicable.

13 “(ii) PRIMARY LAWS.—Subject to
14 clause (iv), in the case of a State that en-
15 acts and enforces a law that meets the re-
16 quirements of paragraph (4), (5), or (6) as
17 a primary offense, the allocation to the
18 State under this subparagraph shall be
19 100 percent of the amount calculated to be
20 allocated to the State under clause (i)(I).

21 “(iii) SECONDARY LAWS.—Subject to
22 clause (iv), in the case of a State that en-
23 acts and enforces a law that meets the re-
24 quirements of paragraph (4), (5), or (6) as
25 a secondary enforcement action, the alloca-

1 tion to the State under this subparagraph
2 shall be an amount equal to 50 percent of
3 the amount calculated to be allocated to
4 the State under clause (i)(I).

5 “(iv) TEXTING WHILE DRIVING.—Not-
6 withstanding clauses (ii) and (iii), the allo-
7 cation under this subparagraph to a State
8 that enacts and enforces a law that pro-
9 hibits a driver from viewing a personal
10 wireless communications device (except for
11 purposes of navigation) shall be 25 percent
12 of the amount calculated to be allocated to
13 the State under clause (i)(I).”;

14 (E) in paragraph (4) (as so redesign-
15 nated)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “set forth in this”
18 and inserting “of this”;

19 (ii) by striking subparagraph (B);

20 (iii) by redesignating subparagraphs
21 (C) and (D) as subparagraphs (B) and
22 (C), respectively;

23 (iv) in subparagraph (B) (as so redesi-
24 gnated), by striking “minimum”; and

1 (v) in subparagraph (C) (as so rededesignated), by striking “text through a personal wireless communication device” and
2 inserting “use a personal wireless communications device for texting”;
3
4
5

6 (F) by inserting after paragraph (4) (as so redesignated) the following:
7

8 “(5) PROHIBITION ON HANDHELD PHONE USE
9 WHILE DRIVING.—A State law meets the requirements of this paragraph if the law—
10

11 “(A) prohibits a driver from holding a personal wireless communications device while driving;
12
13

14 “(B) establishes a fine for a violation of that law; and
15

16 “(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communications device for
17 texting while stopped in traffic.”;
18
19

20 (G) in paragraph (6) (as so redesignated)—
21

22 (i) in the matter preceding subparagraph (A), by striking “set forth in this”
23 and inserting “of this”;
24

- 1 (ii) in subparagraph (A)(ii), by strik-
2 ing “set forth in subsection (g)(2)(B)”;
- 3 (iii) by striking subparagraphs (B)
4 and (D);
- 5 (iv) by redesignating subparagraph
6 (C) as subparagraph (B);
- 7 (v) in subparagraph (B) (as so redesi-
8 gnated), by striking “minimum”; and
- 9 (vi) by adding at the end the fol-
10 lowing:
11 “(C) does not provide for—
12 “(i) an exemption that specifically al-
13 lows a driver to use a personal wireless
14 communications device for texting while
15 stopped in traffic; or
16 “(ii) an exemption described in para-
17 graph (7)(E).”; and
18 (H) in paragraph (7) (as so redesi-
19 gnated)—
20 (i) in the matter preceding subpara-
21 graph (A), by striking “set forth in para-
22 graph (2) or (3)” and inserting “of para-
23 graph (4), (5), or (6)”;
- 24 (ii) by striking subparagraph (A) and
25 inserting the following:

1 “(A) a driver who uses a personal wireless
2 communications device during an emergency to
3 contact emergency services to prevent injury to
4 persons or property;”;

5 (iii) in subparagraph (C), by striking
6 “and” at the end;

7 (iv) by redesignating subparagraph
8 (D) as subparagraph (F); and

9 (v) by inserting after subparagraph
10 (C) the following:

11 “(D) a driver who uses a personal wireless
12 communications device for navigation;

13 “(E) except for a law described in para-
14 graph (6), the use of a personal wireless com-
15 munications device—

16 “(i) in a hands-free manner;

17 “(ii) with a hands-free accessory; or

18 “(iii) with the activation or deactiva-
19 tion of a feature or function of the per-
20 sonal wireless communications device with
21 the motion of a single swipe or tap of the
22 finger of the driver; and”;

23 (6) in subsection (f)(3)—

24 (A) in subparagraph (A)(i), by striking
25 “accident” and inserting “crash”;

1 (B) by redesignating subparagraphs (C)
2 through (F) as subparagraphs (D) through (G),
3 respectively;

4 (C) by inserting after subparagraph (B)
5 the following:

6 “(C) HELMET LAW.—A State law requir-
7 ing the use of a helmet for each motorcycle
8 rider under the age of 18.”; and

9 (D) in subparagraph (F) (as so redesign-
10 ated), in the subparagraph heading, by strik-
11 ing “ACCIDENTS” and inserting “CRASHES”;

12 (7) by striking subsection (g);

13 (8) by redesignating subsection (h) as sub-
14 section (g);

15 (9) in subsection (g) (as so redesignated)—

16 (A) by redesignating paragraphs (1)
17 through (5) as paragraphs (2) through (6), re-
18 spectively;

19 (B) by inserting before paragraph (2) (as
20 so redesignated) the following:

21 “(1) DEFINITION OF NONMOTORIZED ROAD
22 USER.—In this subsection, the term ‘nonmotorized
23 road user’ means—

24 “(A) a pedestrian;

1 “(B) an individual using a nonmotorized
2 mode of transportation, including a bicycle, a
3 scooter, or a personal conveyance; and

4 “(C) an individual using a low-speed or
5 low-horsepower motorized vehicle, including an
6 electric bicycle, electric scooter, personal mobil-
7 ity assistance device, personal transporter, or
8 all-terrain vehicle.”;

9 (C) in paragraph (2) (as so redesignated),
10 by striking “pedestrian and bicycle fatalities
11 and injuries that result from crashes involving
12 a motor vehicle” and inserting “nonmotorized
13 road user fatalities involving a motor vehicle in
14 transit on a trafficway”;

15 (D) in paragraph (4) (as so redesignated),
16 by striking “pedestrian and bicycle” and insert-
17 ing “nonmotorized road user”; and

18 (E) by striking paragraph (5) (as so redesi-
19 gnated) and inserting the following:

20 “(5) USE OF GRANT AMOUNTS.—Grant funds
21 received by a State under this subsection may be
22 used for the safety of nonmotorized road users, in-
23 cluding—

24 “(A) training of law enforcement officials
25 relating to nonmotorized road user safety, State

1 laws applicable to nonmotorized road user safe-
2 ty, and infrastructure designed to improve non-
3 motorized road user safety;

4 “(B) carrying out a program to support
5 enforcement mobilizations and campaigns de-
6 signed to enforce State traffic laws applicable to
7 nonmotorized road user safety;

8 “(C) public education and awareness pro-
9 grams designed to inform motorists and non-
10 motorized road users regarding—

11 “(i) nonmotorized road user safety,
12 including information relating to non-
13 motorized mobility and the importance of
14 speed management to the safety of non-
15 motorized road users;

16 “(ii) the value of the use of non-
17 motorized road user safety equipment, in-
18 cluding lighting, conspicuity equipment,
19 mirrors, helmets, and other protective
20 equipment, and compliance with any State
21 or local laws requiring the use of that
22 equipment;

23 “(iii) State traffic laws applicable to
24 nonmotorized road user safety, including

1 the responsibilities of motorists with re-
2 spect to nonmotorized road users; and

3 “(iv) infrastructure designed to im-
4 prove nonmotorized road user safety; and

5 “(D) the collection of data, and the estab-
6 lishment and maintenance of data systems, re-
7 lating to nonmotorized road user traffic fatali-
8 ties.”; and

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

10 “(h) PREVENTING ROADSIDE DEATHS.—

11 “(1) IN GENERAL.—The Secretary shall provide
12 grants to States to prevent death and injury from
13 crashes involving motor vehicles striking other vehi-
14 cles and individuals stopped at the roadside.

15 “(2) FEDERAL SHARE.—The Federal share of
16 the cost of carrying out an activity funded through
17 a grant under this subsection may not exceed 80
18 percent.

19 “(3) ELIGIBILITY.—A State shall receive a
20 grant under this subsection in a fiscal year if the
21 State submits to the Secretary a plan that describes
22 the method by which the State will use grant funds
23 in accordance with paragraph (4).

1 “(4) USE OF FUNDS.—Amounts received by a
2 State under this subsection shall be used by the
3 State—

4 “(A) to purchase and deploy digital alert
5 technology that—

6 “(i) is capable of receiving alerts re-
7 garding nearby first responders; and

8 “(ii) in the case of a motor vehicle
9 that is used for emergency response activi-
10 ties, is capable of sending alerts to civilian
11 drivers to protect first responders on the
12 scene and en route;

13 “(B) to educate the public regarding the
14 safety of vehicles and individuals stopped at the
15 roadside in the State through public informa-
16 tion campaigns for the purpose of reducing
17 roadside deaths and injury;

18 “(C) for law enforcement costs relating to
19 enforcing State laws to protect the safety of ve-
20 hicles and individuals stopped at the roadside;

21 “(D) for programs to identify, collect, and
22 report to State and local government agencies
23 data relating to crashes involving vehicles and
24 individuals stopped at the roadside; and

1 “(E) to pilot and incentivize measures, in-
2 cluding optical visibility measures, to increase
3 the visibility of stopped and disabled vehicles.

4 “(5) GRANT AMOUNT.—The allocation of grant
5 funds to a State under this subsection for a fiscal
6 year shall be in proportion to the apportionment of
7 that State under section 402 for fiscal year 2022.

8 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

9 “(1) DEFINITION OF PEACE OFFICER.—In this
10 subsection, the term ‘peace officer’ includes any indi-
11 vidual—

12 “(A) who is an elected, appointed, or em-
13 ployed agent of a government entity;

14 “(B) who has the authority—

15 “(i) to carry firearms; and

16 “(ii) to make warrantless arrests; and

17 “(C) whose duties involve the enforcement
18 of criminal laws of the United States.

19 “(2) GRANTS.—Subject to the requirements of
20 this subsection, the Secretary shall provide grants
21 to—

22 “(A) States that enact or adopt a law or
23 program described in paragraph (4); and

24 “(B) qualifying States under paragraph
25 (7).

1 “(3) FEDERAL SHARE.—The Federal share of
2 the cost of carrying out an activity funded through
3 a grant under this subsection may not exceed 80
4 percent.

5 “(4) DESCRIPTION OF LAW OR PROGRAM.—A
6 law or program referred to in paragraph (2)(A) is
7 a law or program that requires 1 or more of the fol-
8 lowing:

9 “(A) DRIVER EDUCATION AND DRIVING
10 SAFETY COURSES.—The inclusion, in driver
11 education and driver safety courses provided to
12 individuals by educational and motor vehicle
13 agencies of the State, of instruction and testing
14 relating to law enforcement practices during
15 traffic stops, including information relating
16 to—

17 “(i) the role of law enforcement and
18 the duties and responsibilities of peace offi-
19 cers;

20 “(ii) the legal rights of individuals
21 concerning interactions with peace officers;

22 “(iii) best practices for civilians and
23 peace officers during those interactions;

1 “(iv) the consequences for failure of
2 an individual or officer to comply with the
3 law or program; and

4 “(v) how and where to file a com-
5 plaint against, or a compliment relating to,
6 a peace officer.

7 “(B) PEACE OFFICER TRAINING PRO-
8 GRAMS.—Development and implementation of a
9 training program, including instruction and
10 testing materials, for peace officers and reserve
11 law enforcement officers (other than officers
12 who have received training in a civilian course
13 described in subparagraph (A)) with respect to
14 proper interaction with civilians during traffic
15 stops.

16 “(5) USE OF FUNDS.—A State may use a grant
17 provided under this subsection for—

18 “(A) the production of educational mate-
19 rials and training of staff for driver education
20 and driving safety courses and peace officer
21 training described in paragraph (4); and

22 “(B) the implementation of a law or pro-
23 gram described in paragraph (4).

24 “(6) GRANT AMOUNT.—The allocation of grant
25 funds to a State under this subsection for a fiscal

1 year shall be in proportion to the apportionment of
2 that State under section 402 for fiscal year 2022.

3 “(7) SPECIAL RULE FOR CERTAIN STATES.—

4 “(A) DEFINITION OF QUALIFYING
5 STATE.—In this paragraph, the term ‘qualifying
6 State’ means a State that—

7 “(i) has received a grant under this
8 subsection for a period of not more than 5
9 years; and

10 “(ii) as determined by the Secretary—

11 “(I) has not fully enacted or
12 adopted a law or program described in
13 paragraph (4); but

14 “(II)(aa) has taken meaningful
15 steps toward the full implementation
16 of such a law or program; and

17 “(bb) has established a timetable
18 for the implementation of such a law
19 or program.

20 “(B) WITHHOLDING.—The Secretary
21 shall—

22 “(i) withhold 50 percent of the
23 amount that each qualifying State would
24 otherwise receive under this subsection if

1 the qualifying State were a State described
2 in paragraph (2)(A); and

3 “(ii) direct any amounts withheld
4 under clause (i) for distribution among the
5 States that are enforcing and carrying out
6 a law or program described in paragraph
7 (4).”.

8 (b) TECHNICAL AMENDMENT.—Section 4010(2) of
9 the FAST Act (23 U.S.C. 405 note; Public Law 114–94)
10 is amended by inserting “all” before “deficiencies”.

11 **SEC. 4106. MULTIPLE SUBSTANCE-IMPAIRED DRIVING PRE-**
12 **VENTION.**

13 (a) IMPAIRED DRIVING COUNTERMEASURES.—Sec-
14 tion 154(c)(1) of title 23, United States Code, is amended
15 by striking “alcohol-impaired” each place it appears and
16 inserting “impaired”.

17 (b) COMPTROLLER GENERAL STUDY OF NATIONAL
18 DUI REPORTING.—

19 (1) IN GENERAL.—The Comptroller General of
20 the United States shall conduct a study of the re-
21 porting of impaired driving arrest and citation data
22 into Federal databases and the interstate sharing of
23 information relating to impaired driving-related con-
24 victions and license suspensions to facilitate the

1 widespread identification of repeat impaired driving
2 offenders.

3 (2) INCLUSIONS.—The study conducted under
4 paragraph (1) shall include a detailed assessment
5 of—

6 (A) the extent to which State and local
7 criminal justice agencies are reporting impaired
8 driving arrest and citation data to Federal
9 databases;

10 (B) barriers—

11 (i) at the Federal, State, and local
12 levels, to the reporting of impaired driving
13 arrest and citation data to Federal data-
14 bases; and

15 (ii) to the use of those databases by
16 criminal justice agencies;

17 (C) Federal, State, and local resources
18 available to improve the reporting and sharing
19 of impaired driving data; and

20 (D) any options or recommendations for
21 actions that Federal agencies or Congress could
22 take to further improve the reporting and shar-
23 ing of impaired driving data.

24 (3) REPORT.—Not later than 1 year after the
25 date of enactment of this Act, the Comptroller Gen-

1 eral shall submit to the appropriate committees of
2 Congress a report describing the results of the study
3 conducted under this subsection.

4 **SEC. 4107. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
5 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
6 **ING UNDER THE INFLUENCE.**

7 Section 164(b)(1) of title 23, United States Code, is
8 amended—

9 (1) in subparagraph (A), by striking “alcohol-
10 impaired” and inserting “alcohol- or multiple sub-
11 stance-impaired”; and

12 (2) in subparagraph (B)—

13 (A) by striking “intoxicated or driving”
14 and inserting “intoxicated, driving while mul-
15 tiple substance-impaired, or driving”; and

16 (B) by striking “alcohol-impaired” and in-
17 serting “alcohol- or multiple substance-im-
18 paired”.

19 **SEC. 4108. CRASH DATA.**

20 (a) IN GENERAL.—Not later than 3 years after the
21 date of enactment of this Act, the Secretary shall revise
22 the crash data collection system to include the collection
23 of crash report data elements that distinguish individual
24 personal conveyance vehicles, such as electric scooters and
25 bicycles, from other vehicles involved in a crash.

1 (b) COORDINATION.—In carrying out subsection (a),
2 the Secretary may coordinate with States to update the
3 Model Minimum Uniform Crash Criteria to provide guid-
4 ance to States regarding the collection of information and
5 data elements for the crash data collection system.

6 (c) VULNERABLE ROAD USERS.—

7 (1) UPDATE.—Based on the information con-
8 tained in the vulnerable road user safety assess-
9 ments required by subsection (f) of section 32302 of
10 title 49, United States Code (as added by section
11 4213(b)(2)), the Secretary shall modify existing
12 crash data collection systems to include the collec-
13 tion of additional crash report data elements relating
14 to vulnerable road user safety.

15 (2) INJURY HEALTH DATA.—The Secretary
16 shall coordinate with the Director of the Centers for
17 Disease Control and Prevention to develop and im-
18 plement a plan for States to combine highway crash
19 data and injury health data to produce a national
20 database of pedestrian injuries and fatalities,
21 disaggregated by demographic characteristics.

22 (d) STATE ELECTRONIC DATA COLLECTION.—

23 (1) DEFINITIONS.—In this subsection:

24 (A) ELECTRONIC DATA TRANSFER.—The
25 term “electronic data transfer” means a pro-

1 tocol for automated electronic transfer of State
2 crash data to the National Highway Traffic
3 Safety Administration.

4 (B) STATE.—The term “State” means—

5 (i) each of the 50 States;

6 (ii) the District of Columbia;

7 (iii) the Commonwealth of Puerto
8 Rico;

9 (iv) the United States Virgin Islands;

10 (v) Guam;

11 (vi) American Samoa;

12 (vii) the Commonwealth of the North-
13 ern Mariana Islands; and

14 (viii) the Secretary of the Interior,
15 acting on behalf of an Indian Tribe.

16 (2) ESTABLISHMENT OF PROGRAM.—The Sec-
17 retary shall establish a program under which the
18 Secretary shall—

19 (A) provide grants for the modernization
20 of State data collection systems to enable full
21 electronic data transfer under paragraph (3);
22 and

23 (B) upgrade the National Highway Traffic
24 Safety Administration system to manage and

1 support State electronic data transfers relating
2 to crashes under paragraph (4).

3 (3) STATE GRANTS.—

4 (A) IN GENERAL.—The Secretary shall
5 provide grants to States to upgrade and stand-
6 ardize State crash data systems to enable elec-
7 tronic data collection, intrastate data sharing,
8 and electronic data transfers to the National
9 Highway Traffic Safety Administration to in-
10 crease the accuracy, timeliness, and accessibility
11 of the data, including data relating to fatalities
12 involving vulnerable road users.

13 (B) ELIGIBILITY.—A State shall be eligible
14 to receive a grant under this paragraph if the
15 State submits to the Secretary an application,
16 at such time, in such manner, and containing
17 such information as the Secretary may require,
18 that includes a plan to implement full electronic
19 data transfer to the National Highway Traffic
20 Safety Administration by not later than 5 years
21 after the date on which the grant is provided.

22 (C) USE OF FUNDS.—A grant provided
23 under this paragraph may be used for the costs
24 of—

1 (i) equipment to upgrade a statewide
2 crash data repository;

3 (ii) adoption of electronic crash re-
4 porting by law enforcement agencies; and

5 (iii) increasing alignment of State
6 crash data with the latest Model Minimum
7 Uniform Crash Criteria.

8 (D) FEDERAL SHARE.—The Federal share
9 of the cost of a project funded with a grant
10 under this paragraph may be up to 80 percent.

11 (4) NATIONAL HIGHWAY TRAFFIC SAFETY AD-
12 MINISTRATION SYSTEM UPGRADE.—The Secretary
13 shall manage and support State electronic data
14 transfers relating to vehicle crashes by—

15 (A) increasing the capacity of the National
16 Highway Traffic Safety Administration system;
17 and

18 (B) making State crash data accessible to
19 the public.

20 (e) CRASH INVESTIGATION SAMPLING SYSTEM.—The
21 Secretary may use funds made available to carry out this
22 section to enhance the collection of crash data by upgrad-
23 ing the Crash Investigation Sampling System to include—

24 (1) additional program sites;

1 (2) an expanded scope that includes all crash
2 types; and

3 (3) on-scene investigation protocols.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section \$150,000,000 for each of fiscal years 2022
7 through 2026, to remain available for a period of 3 fiscal
8 years following the fiscal year for which the amounts are
9 appropriated.

10 **SEC. 4109. REVIEW OF MOVE OVER OR SLOW DOWN LAW**

11 **PUBLIC AWARENESS.**

12 (a) DEFINITION OF MOVE OVER OR SLOW DOWN
13 LAW.—In this section, the term “Move Over or Slow
14 Down Law” means any Federal or State law intended to
15 ensure first responder and motorist safety by requiring
16 motorists to change lanes or slow down when approaching
17 an authorized emergency vehicle that is stopped or parked
18 on or next to a roadway with emergency lights activated.

19 (b) STUDY.—

20 (1) IN GENERAL.—The Comptroller General of
21 the United States shall carry out a study of the effi-
22 cacy of Move Over or Slow Down Laws and related
23 public awareness campaigns.

24 (2) INCLUSIONS.—The study under paragraph

25 (1) shall include—

1 (A) a review of each Federal and State
2 Move Over or Slow Down Law, including—

3 (i) penalties associated with the Move
4 Over or Slow Down Laws;

5 (ii) the level of enforcement of Move
6 Over or Slow Down Laws; and

7 (iii) the applicable class of vehicles
8 that triggers Move Over or Slow Down
9 Laws.

10 (B) an identification and description of
11 each Federal and State public awareness cam-
12 paign relating to Move Over or Slow Down
13 Laws; and

14 (C) a description of the role of the Depart-
15 ment in supporting State efforts with respect to
16 Move Over or Slow Down Laws, such as con-
17 ducting research, collecting data, or supporting
18 public awareness or education efforts.

19 (c) REPORT.—On completion of the study under sub-
20 section (b), the Comptroller General shall submit to the
21 Committee on Commerce, Science, and Transportation of
22 the Senate and the Committee on Transportation and In-
23 frastructure of the House of Representatives a report that
24 describes—

25 (1) the findings of the study; and

1 (2) any recommendations to improve public
2 awareness campaigns, research, or education efforts
3 relating to the issues described in subsection (b)(2).

4 **SEC. 4110. REVIEW OF LAWS, SAFETY MEASURES, AND**
5 **TECHNOLOGIES RELATING TO SCHOOL**
6 **BUSES.**

7 (a) REVIEW OF ILLEGAL PASSING LAWS.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date of enactment of this Act, the Secretary
10 shall prepare a report that—

11 (A) identifies and describes all illegal pass-
12 ing laws in each State relating to school buses,
13 including—

14 (i) the level of enforcement of those
15 laws;

16 (ii) the penalties associated with those
17 laws;

18 (iii) any issues relating to the enforce-
19 ment of those laws; and

20 (iv) the effectiveness of those laws;

21 (B) reviews existing State laws that may
22 inhibit the effectiveness of safety counter-
23 measures in school bus loading zones, such as—

24 (i) laws that require the face of a
25 driver to be visible in an image captured

1 by a camera if enforcement action is to be
2 taken based on that image;

3 (ii) laws that may reduce stop-arm
4 camera effectiveness;

5 (iii) the need for a law enforcement
6 officer to witness an event for enforcement
7 action to be taken; and

8 (iv) the lack of primary enforcement
9 for texting and driving offenses;

10 (C) identifies the methods used by each
11 State to review, document, and report to law
12 enforcement school bus stop-arm violations; and

13 (D) identifies best practices relating to the
14 most effective approaches to address the illegal
15 passing of school buses.

16 (2) PUBLICATION.—The report under para-
17 graph (1) shall be made publicly available on the
18 website of the Department.

19 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary
22 shall establish and implement a public safety mes-
23 saging campaign that uses public safety media mes-
24 sages, posters, digital media messages, and other
25 media messages distributed to States, State depart-

1 ments of motor vehicles, schools, and other public
2 outlets—

3 (A) to highlight the importance of address-
4 ing the illegal passing of school buses; and

5 (B) to educate students and the public re-
6 garding the safe loading and unloading of
7 schools buses.

8 (2) CONSULTATION.—In carrying out para-
9 graph (1), the Secretary shall consult with—

10 (A) representatives of the school bus indus-
11 try from the public and private sectors; and

12 (B) States.

13 (3) UPDATES.—The Secretary shall periodically
14 update the materials used in the campaign under
15 paragraph (1).

16 (c) REVIEW OF TECHNOLOGIES.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary
19 shall review and evaluate the effectiveness of various
20 technologies for enhancing school bus safety, includ-
21 ing technologies such as—

22 (A) cameras;

23 (B) audible warning systems; and

24 (C) enhanced lighting.

- 1 (2) INCLUSIONS.—The review under paragraph
2 (1)—
- 3 (A) shall include—
- 4 (i) an assessment of—
- 5 (I) the costs of acquiring and op-
6 erating new equipment;
- 7 (II) the potential impact of that
8 equipment on overall school bus rider-
9 ship; and
- 10 (III) motion-activated detection
11 systems capable of—
- 12 (aa) detecting pedestrians,
13 cyclists, and other road users lo-
14 cated near the exterior of the
15 school bus; and
- 16 (bb) alerting the operator of
17 the school bus of those road
18 users;
- 19 (ii) an assessment of the impact of
20 advanced technologies designed to improve
21 loading zone safety; and
- 22 (iii) an assessment of the effectiveness
23 of school bus lighting systems at clearly
24 communicating to surrounding drivers the

1 appropriate actions those drivers should
2 take; and

3 (B) may include—

4 (i) an evaluation of any technological
5 solutions that may enhance school bus
6 safety outside the school bus loading zone;
7 and

8 (ii) a pilot program to test any tech-
9 nologies in school bus service.

10 (3) CONSULTATION.—In carrying out the re-
11 view under paragraph (1), the Secretary shall con-
12 sult with—

13 (A) manufacturers of school buses;

14 (B) manufacturers of various technologies
15 that may enhance school bus safety; and

16 (C) representatives of the school bus indus-
17 try from the public and private sectors.

18 (4) PUBLICATION.—The Secretary shall make
19 the findings of the review under paragraph (1) pub-
20 licly available on the website of the Department.

21 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Secretary
24 shall—

1 (A) review driver manuals, handbooks, and
2 other materials in all States to determine
3 whether and the means by which illegal passing
4 of school buses is addressed in those driver ma-
5 terials, including in—

6 (i) testing for noncommercial driver's
7 licenses; and

8 (ii) road tests; and

9 (B) make recommendations on methods by
10 which States can improve education regarding
11 the illegal passing of school buses, particularly
12 for new drivers.

13 (2) CONSULTATION.—In carrying out para-
14 graph (1), the Secretary shall consult with—

15 (A) representatives of the school bus indus-
16 try from the public and private sectors;

17 (B) States;

18 (C) State motor vehicle administrators or
19 senior State executives responsible for driver li-
20 censing; and

21 (D) other appropriate motor vehicle ex-
22 perts.

23 (3) PUBLICATION.—The Secretary shall make
24 the findings of the review under paragraph (1) pub-
25 licly available on the website of the Department.

1 (e) REVIEW OF OTHER SAFETY ISSUES.—

2 (1) IN GENERAL.—Not later than 2 years after
3 the date of enactment of this Act, the Secretary
4 shall research and prepare a report describing any
5 relationship between the illegal passing of school
6 buses and other safety issues, including issues such
7 as—

8 (A) distracted driving;

9 (B) poor visibility, such as morning dark-
10 ness;

11 (C) illumination and reach of vehicle head-
12 lights;

13 (D) speed limits; and

14 (E) characteristics associated with school
15 bus stops, including the characteristics of school
16 bus stops in rural areas.

17 (2) PUBLICATION.—The Secretary shall make
18 the report under paragraph (1) publicly available on
19 the website of the Department.

20 **SEC. 4111. MOTORCYCLIST ADVISORY COUNCIL.**

21 (a) IN GENERAL.—Subchapter III of chapter 3 of
22 title 49, United States Code, is amended by adding at the
23 end the following:

1 **“§ 355. Motorcyclist Advisory Council**

2 “(a) ESTABLISHMENT.—Not later than 90 days after
3 the date of enactment of this section, the Secretary of
4 Transportation (referred to in this section as the ‘Sec-
5 retary’) shall establish a council, to be known as the ‘Mo-
6 torcyclist Advisory Council’ (referred to in this section as
7 the ‘Council’).

8 “(b) MEMBERSHIP.—

9 “(1) IN GENERAL.—The Council shall be com-
10 prised of 13 members, to be appointed by the Sec-
11 retary, of whom—

12 “(A) 5 shall be representatives of units of
13 State or local government with expertise relat-
14 ing to highway engineering and safety issues,
15 including—

16 “(i) motorcycle and motoreyclist safe-
17 ty;

18 “(ii) barrier and road design, con-
19 struction, and maintenance; or

20 “(iii) intelligent transportation sys-
21 tems;

22 “(B) 1 shall be a motoreyclist who serves
23 as a State or local—

24 “(i) traffic and safety engineer;

25 “(ii) design engineer; or

1 “(iii) other transportation department
2 official;

3 “(C) 1 shall be a representative of a na-
4 tional association of State transportation offi-
5 cials;

6 “(D) 1 shall be a representative of a na-
7 tional motorcyclist association;

8 “(E) 1 shall be a representative of a na-
9 tional motorcyclist foundation;

10 “(F) 1 shall be a representative of a na-
11 tional motorcycle manufacturing association;

12 “(G) 1 shall be a representative of a mo-
13 torcycle manufacturing company headquartered
14 in the United States;

15 “(H) 1 shall be a roadway safety data ex-
16 pert with expertise relating to crash testing and
17 analysis; and

18 “(I) 1 shall be a member of a national
19 safety organization that represents the traffic
20 safety systems industry.

21 “(2) TERM.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graphs (B) and (C), each member shall serve on
24 the Council for a single term of 2 years.

1 “(B) ADDITIONAL TERM.—If a successor
2 is not appointed for a member of the Council
3 before the expiration of the term of service of
4 the member, the member may serve on the
5 Council for a second term of not longer than 2
6 years.

7 “(C) APPOINTMENT OF REPLACEMENTS.—
8 If a member of the Council resigns before the
9 expiration of the 2-year term of service of the
10 member—

11 “(i) the Secretary may appoint a re-
12 placement for the member, who shall serve
13 the remaining portion of the term; and

14 “(ii) the resigning member may con-
15 tinue to serve after resignation until the
16 date on which a successor is appointed.

17 “(3) VACANCIES.—A vacancy on the Council
18 shall be filled in the manner in which the original
19 appointment was made.

20 “(4) COMPENSATION.—A member of the Coun-
21 cil shall serve without compensation.

22 “(c) DUTIES.—

23 “(1) ADVISING.—The Council shall advise the
24 Secretary, the Administrator of the National High-
25 way Traffic Safety Administration, and the Adminis-

1 trator of the Federal Highway Administration re-
2 garding transportation safety issues of concern to
3 motorcyclists, including—

4 “(A) motorcycle and motorcyclist safety;

5 “(B) barrier and road design, construction,
6 and maintenance practices; and

7 “(C) the architecture and implementation
8 of intelligent transportation system tech-
9 nologies.

10 “(2) BIENNIAL REPORT.—Not later than Octo-
11 ber 31 of the calendar year following the calendar
12 year in which the Council is established, and not less
13 frequently than once every 2 years thereafter, the
14 Council shall submit to the Secretary a report con-
15 taining recommendations of the Council regarding
16 the issues described in paragraph (1).

17 “(d) DUTIES OF SECRETARY.—

18 “(1) COUNCIL RECOMMENDATIONS.—

19 “(A) IN GENERAL.—The Secretary shall
20 determine whether to accept or reject a rec-
21 ommendation contained in a report of the
22 Council under subsection (c)(2).

23 “(B) INCLUSION IN REVIEW.—

24 “(i) IN GENERAL.—The Secretary
25 shall indicate in each review under para-

1 graph (2) whether the Secretary accepts or
2 rejects each recommendation of the Coun-
3 cil covered by the review.

4 “(ii) EXCEPTION.—The Secretary
5 may indicate in a review under paragraph
6 (2) that a recommendation of the Council
7 is under consideration, subject to the con-
8 dition that a recommendation so under
9 consideration shall be accepted or rejected
10 by the Secretary in the subsequent review
11 of the Secretary under paragraph (2).

12 “(2) REVIEW.—

13 “(A) IN GENERAL.—Not later than 60
14 days after the date on which the Secretary re-
15 ceives a report from the Council under sub-
16 section (c)(2), the Secretary shall submit a re-
17 view describing the response of the Secretary to
18 the recommendations of the Council contained
19 in the Council report to—

20 “(i) the Committee on Commerce,
21 Science, and Transportation of the Senate;

22 “(ii) the Committee on Environment
23 and Public Works of the Senate;

24 “(iii) the Subcommittee on Transpor-
25 tation, Housing and Urban Development,

1 and Related Agencies of the Committee on
2 Appropriations of the Senate;

3 “(iv) the Committee on Transpor-
4 tation and Infrastructure of the House of
5 Representatives; and

6 “(v) the Subcommittee on Transpor-
7 tation, Housing and Urban Development,
8 and Related Agencies of the Committee on
9 Appropriations of the House of Represent-
10 atives.

11 “(B) CONTENTS.—A review of the Sec-
12 retary under this paragraph shall include a de-
13 scription of—

14 “(i) each recommendation contained
15 in the Council report covered by the re-
16 view; and

17 “(ii)(I) each recommendation of the
18 Council that was categorized under para-
19 graph (1)(B)(ii) as being under consider-
20 ation by the Secretary in the preceding re-
21 view submitted under this paragraph; and

22 “(II) for each such recommendation,
23 whether the recommendation—

24 “(aa) is accepted or rejected by
25 the Secretary; or

1 (1) COMPREHENSIVE SAFETY ACTION PLAN.—

2 The term “comprehensive safety action plan” means
3 a plan aimed at preventing transportation-related fa-
4 talities and serious injuries in a locality, commonly
5 referred to as a “Vision Zero” or “Toward Zero
6 Deaths” plan, that may include—

7 (A) a goal and timeline for eliminating fa-
8 talities and serious injuries;

9 (B) an analysis of the location and severity
10 of vehicle-involved crashes in a locality;

11 (C) an analysis of community input, gath-
12 ered through public outreach and education;

13 (D) a data-driven approach to identify
14 projects or strategies to prevent fatalities and
15 serious injuries in a locality, such as those in-
16 volving—

17 (i) education and community out-
18 reach;

19 (ii) effective methods to enforce traffic
20 laws and regulations;

21 (iii) new vehicle or other transpor-
22 tation-related technologies; and

23 (iv) roadway planning and design; and

24 (E) mechanisms for evaluating the out-
25 comes and effectiveness of the comprehensive

1 safety action plan, including the means by
2 which that effectiveness will be reported to resi-
3 dents in a locality.

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) a metropolitan planning organization;

7 (B) a political subdivision of a State;

8 (C) a federally recognized Tribal govern-
9 ment; and

10 (D) a multijurisdictional group of entities
11 described in any of subparagraphs (A) through
12 (C).

13 (3) ELIGIBLE PROJECT.—The term “eligible
14 project” means a project—

15 (A) to develop a comprehensive safety ac-
16 tion plan;

17 (B) to conduct planning, design, and devel-
18 opment activities for projects and strategies
19 identified in a comprehensive safety action plan;
20 or

21 (C) to carry out projects and strategies
22 identified in a comprehensive safety action plan.

23 (4) PROGRAM.—The term “program” means
24 the Safe Streets and Roads for All program estab-
25 lished under subsection (b).

1 (b) ESTABLISHMENT.—The Secretary shall establish
2 and carry out a program, to be known as the Safe Streets
3 and Roads for All program, that supports local initiatives
4 to prevent death and serious injury on roads and streets,
5 commonly referred to as “Vision Zero” or “Toward Zero
6 Deaths” initiatives.

7 (c) GRANTS.—

8 (1) IN GENERAL.—In carrying out the program,
9 the Secretary may make grants to eligible entities,
10 on a competitive basis, in accordance with this sec-
11 tion.

12 (2) LIMITATIONS.—

13 (A) IN GENERAL.—Not more than 15 per-
14 cent of the funds made available to carry out
15 the program for a fiscal year may be awarded
16 to eligible projects in a single State during that
17 fiscal year.

18 (B) PLANNING GRANTS.—Of the total
19 amount made available to carry out the pro-
20 gram for each fiscal year, not less than 40 per-
21 cent shall be awarded to eligible projects de-
22 scribed in subsection (a)(3)(A).

23 (d) SELECTION OF ELIGIBLE PROJECTS.—

24 (1) SOLICITATION.—Not later than 180 days
25 after the date on which amounts are made available

1 to provide grants under the program for a fiscal
2 year, the Secretary shall solicit from eligible entities
3 grant applications for eligible projects in accordance
4 with this section.

5 (2) APPLICATIONS.—

6 (A) IN GENERAL.—To be eligible to receive
7 a grant under the program, an eligible entity
8 shall submit to the Secretary an application in
9 such form and containing such information as
10 the Secretary considers to be appropriate.

11 (B) REQUIREMENT.—An application for a
12 grant under this paragraph shall include mech-
13 anisms for evaluating the success of applicable
14 eligible projects and strategies.

15 (3) CONSIDERATIONS.—In awarding a grant
16 under the program, the Secretary shall take into
17 consideration the extent to which an eligible entity,
18 and each eligible project proposed to be carried out
19 by the eligible entity, as applicable—

20 (A) is likely to significantly reduce or
21 eliminate transportation-related fatalities and
22 serious injuries involving various road users, in-
23 cluding pedestrians, bicyclists, public transpor-
24 tation users, motorists, and commercial opera-

1 tors, within the timeframe proposed by the eli-
2 gible entity;

3 (B) demonstrates engagement with a vari-
4 ety of public and private stakeholders;

5 (C) seeks to adopt innovative technologies
6 or strategies to promote safety;

7 (D) employs low-cost, high-impact strate-
8 gies that can improve safety over a wider geo-
9 graphical area;

10 (E) ensures, or will ensure, equitable in-
11 vestment in the safety needs of underserved
12 communities in preventing transportation-re-
13 lated fatalities and injuries;

14 (F) includes evidence-based projects or
15 strategies; and

16 (G) achieves such other conditions as the
17 Secretary considers to be necessary.

18 (4) TRANSPARENCY.—

19 (A) IN GENERAL.—The Secretary shall
20 evaluate, through a methodology that is discern-
21 ible and transparent to the public, the means
22 by, and extent to, which each application under
23 the program addresses any applicable merit cri-
24 teria established by the Secretary.

1 (B) PUBLICATION.—The methodology
2 under subparagraph (A) shall be published by
3 the Secretary as part of the notice of funding
4 opportunity under the program.

5 (e) FEDERAL SHARE.—The Federal share of the cost
6 of an eligible project carried out using a grant provided
7 under the program shall not exceed 80 percent.

8 (f) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this section \$200,000,000 for each of fiscal years
12 2022 through 2026, to remain available for a period
13 of 3 fiscal years following the fiscal year for which
14 the amounts are appropriated.

15 (2) ADMINISTRATIVE EXPENSES.—Of the
16 amounts made available to carry out the program
17 for a fiscal year, the Secretary may retain not more
18 than 2 percent for the administrative expenses of the
19 program.

20 (3) AVAILABILITY TO ELIGIBLE ENTITIES.—
21 Amounts made available under a grant under the
22 program shall remain available for use by the appli-
23 cable eligible entity until the date that is 5 years
24 after the date on which the grant is provided.

25 (g) DATA SUBMISSION.—

1 (1) IN GENERAL.—As a condition of receiving a
2 grant under this program, an eligible entity shall
3 submit to the Secretary, on a regular basis as estab-
4 lished by the Secretary, data, information, or anal-
5 yses collected or conducted in accordance with sub-
6 section (d)(3).

7 (2) FORM.—The data, information, and anal-
8 yses under paragraph (1) shall be submitted in such
9 form such manner as may be prescribed by the Sec-
10 retary.

11 (h) REPORTS.—Not later than 4 years after the date
12 on which an eligible entity receives a grant under the pro-
13 gram, the eligible entity shall submit to the Secretary a
14 report that describes—

15 (1) the costs of each eligible project carried out
16 using the grant;

17 (2) the outcomes and benefits that each such el-
18 igible project has generated, as—

19 (A) identified in the grant application of
20 the eligible entity; and

21 (B) measured by data, to the maximum ex-
22 tent practicable; and

23 (3) the lessons learned and any recommenda-
24 tions relating to future projects or strategies to pre-
25 vent death and serious injury on roads and streets.

1 (i) BEST PRACTICES.—Based on the information
2 submitted by eligible entities under subsection (g), the
3 Secretary shall—

4 (1) periodically post on a publicly available
5 website best practices and lessons learned for pre-
6 venting transportation-related fatalities and serious
7 injuries pursuant to strategies or interventions im-
8 plemented under the program; and

9 (2) evaluate and incorporate, as appropriate,
10 the effectiveness of strategies and interventions im-
11 plemented under the program for the purpose of en-
12 riching revisions to the document entitled “Counter-
13 measures That Work: A Highway Safety Counter-
14 measure Guide for State Highway Safety Offices,
15 Ninth Edition” and numbered DOT HS 812 478 (or
16 any successor document).

17 **SEC. 4113. IMPLEMENTATION OF GAO RECOMMENDATIONS.**

18 (a) NEXT GENERATION 911.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary
21 shall implement the recommendations of the Comp-
22 troller General of the United States contained in the
23 report entitled “Next Generation 911: National 911
24 Program Could Strengthen Efforts to Assist
25 States”, numbered GAO–18–252, and dated Janu-

1 ary 1, 2018, by requiring that the Administrator of
2 the National Highway Traffic Safety Administra-
3 tion, in collaboration with the appropriate Federal
4 agencies, shall determine the roles and responsibil-
5 ities of the Federal agencies participating in the ini-
6 tiative entitled “National NG911 Roadmap initia-
7 tive” to carry out the national-level tasks with re-
8 spect which each agency has jurisdiction.

9 (2) IMPLEMENTATION PLAN.—The Adminis-
10 trator of the National Highway Traffic Safety Ad-
11 ministration shall develop an implementation plan to
12 support the completion of national-level tasks under
13 the National NG911 Roadmap initiative.

14 (b) PEDESTRIAN AND CYCLISTS INFORMATION AND
15 ENHANCED PERFORMANCE MANAGEMENT.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary
18 shall implement the recommendations of the Comp-
19 troller General of the United States contained in the
20 report entitled “Pedestrians and Cyclists: Better In-
21 formation to States and Enhanced Performance
22 Management Could Help DOT Improve Safety”,
23 numbered GAO–21–405, and dated May 20, 2021,
24 by—

1 (A) carrying out measures to collect infor-
2 mation relating to the range of counter-
3 measures implemented by States;

4 (B) analyzing that information to help ad-
5 vance knowledge regarding the effectiveness of
6 those countermeasures; and

7 (C) sharing with States any results.

8 (2) PERFORMANCE MANAGEMENT PRACTICES.—

9 The Administrator of the National Highway Traffic
10 Safety Administration shall use performance man-
11 agement practices to guide pedestrian and cyclist
12 safety activities by—

13 (A) developing performance measures for
14 the Administration and program offices respon-
15 sible for implementing pedestrian and cyclist
16 safety activities to demonstrate the means by
17 which those activities contribute to safety goals;
18 and

19 (B) using performance information to
20 make any necessary changes to advance pedes-
21 trian and cyclist safety efforts.

1 **Subtitle B—Vehicle Safety**

2 **SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.**

3 There are authorized to be appropriated to the Sec-
4 retary to carry out chapter 301, and part C of subtitle
5 VI, of title 49, United States Code—

6 (1) \$200,294,333 for fiscal year 2022;

7 (2) \$204,300,219 for fiscal year 2023;

8 (3) \$208,386,224 for fiscal year 2024;

9 (4) \$212,553,948 for fiscal year 2025; and

10 (5) \$216,805,027 for fiscal year 2026.

11 **SEC. 4202. RECALL COMPLETION.**

12 (a) **REPORTS ON RECALL CAMPAIGNS.**—Section
13 30118 of title 49, United States Code, is amended by add-
14 ing at the end the following:

15 “(f) **REPORTS ON NOTIFICATION CAMPAIGNS.**—

16 “(1) **IN GENERAL.**—Each manufacturer that is
17 conducting a campaign under subsection (b) or (c)
18 or any other provision of law (including regulations)
19 to notify manufacturers, distributors, owners, pur-
20 chasers, or dealers of a defect or noncompliance
21 shall submit to the Administrator of the National
22 Highway Traffic Safety Administration—

23 “(A) by the applicable date described in
24 section 573.7(d) of title 49, Code of Federal
25 Regulations (or a successor regulation), a quar-

1 terly report describing the campaign for each of
2 8 consecutive quarters, beginning with the
3 quarter in which the campaign was initiated;
4 and

5 “(B) an annual report for each of the 3
6 years beginning after the date of completion of
7 the last quarter for which a quarterly report is
8 submitted under subparagraph (A).

9 “(2) REQUIREMENTS.—Except as otherwise
10 provided in this subsection, each report under this
11 subsection shall comply with the requirements of
12 section 573.7 of title 49, Code of Federal Regula-
13 tions (or a successor regulation).”.

14 (b) RECALL COMPLETION RATES.—Section 30120 of
15 title 49, United States Code, is amended by adding at the
16 end the following:

17 “(k) RECALL COMPLETION RATES.—

18 “(1) IN GENERAL.—The Administrator of the
19 National Highway Traffic Safety Administration
20 shall publish an annual list of recall completion rates
21 for each recall campaign for which 8 quarterly re-
22 ports have been submitted under subsection (f) of
23 section 30118 as of the date of publication of the
24 list.

1 “(2) REQUIREMENTS.—The annual list under
2 paragraph (1) shall include—

3 “(A) for each applicable campaign—

4 “(i) the total number of vehicles sub-
5 ject to recall; and

6 “(ii) the percentage of vehicles that
7 have been remedied; and

8 “(B) for each manufacturer submitting an
9 applicable quarterly report under section
10 30118(f)—

11 “(i) the total number of recalls issued
12 by the manufacturer during the year cov-
13 ered by the list;

14 “(ii) the estimated number of vehicles
15 of the manufacturer subject to recall dur-
16 ing the year covered by the list; and

17 “(iii) the percentage of vehicles that
18 have been remedied.”.

19 **SEC. 4203. RECALL ENGAGEMENT.**

20 (a) RECALL REPAIR.—Not later than 2 years after
21 the date of enactment of this Act, the Comptroller General
22 of the United States shall—

23 (1) conduct a study to determine—

1 (A) the reasons why vehicle owners do not
2 have repairs performed for vehicles subject to
3 open recalls; and

4 (B) whether engagement by third parties,
5 including State and local governments, insur-
6 ance companies, or other entities, could increase
7 the rate at which vehicle owners have repairs
8 performed for vehicles subject to open recalls;
9 and

10 (2) submit to Congress a report describing the
11 results of the study under paragraph (1), including
12 any recommendations for increasing the rate of re-
13 pair for vehicles subject to open recalls.

14 (b) RIDESHARING.—Not later than 18 months after
15 the date of enactment of this Act, the Comptroller General
16 shall—

17 (1) conduct a study to determine the number of
18 passenger motor vehicles in each State that—

19 (A) are used by transportation network
20 companies for for-hire purposes, such as ride-
21 sharing; and

22 (B) have 1 or more open recalls; and

23 (2) submit to Congress a report describing the
24 results of the study under paragraph (1).

1 (c) NHTSA STUDY AND REPORT.—Not later than
2 3 years after the date of enactment of this Act, the Admin-
3 istrator of the National Highway Traffic Safety Adminis-
4 tration shall—

5 (1) conduct a study to determine the ways in
6 which vehicle recall notices could—

7 (A) more effectively reach vehicle owners;

8 (B) be made easier for all consumers to
9 understand; and

10 (C) incentivize vehicle owners to complete
11 the repairs described in the recall notices; and

12 (2) submit to Congress a report describing the
13 results of the study under paragraph (1), including
14 any recommendations for—

15 (A) increasing the rate of repair for vehi-
16 cles subject to open recalls; or

17 (B) any regulatory or statutory legislative
18 changes that would facilitate an increased rate
19 of repair.

20 **SEC. 4204. MOTOR VEHICLE SEAT BACK SAFETY STAND-**
21 **ARDS.**

22 (a) IN GENERAL.—Not later than 2 years after the
23 date of enactment of this Act, subject to subsection (b),
24 the Secretary shall issue an advanced notice of proposed

1 rulemaking to update section 571.207 of title 49, Code
2 of Federal Regulations.

3 (b) COMPLIANCE DATE.—If the Secretary determines
4 that a final rule is appropriate consistent with the consid-
5 erations described in section 30111(b) of title 49, United
6 States Code, in issuing a final rule pursuant to subsection
7 (a), the Secretary shall establish a date for required com-
8 pliance with the final rule of not later than 2 motor vehicle
9 model years after the model year during which the effec-
10 tive date of the final rule occurs.

11 **SEC. 4205. AUTOMATIC SHUTOFF.**

12 (a) DEFINITIONS.—In this section:

13 (1) KEY.—The term “key” has the meaning
14 given the term in section 571.114 of title 49, Code
15 of Federal Regulations (or a successor regulation).

16 (2) MANUFACTURER.—The term “manufac-
17 turer” has the meaning given the term in section
18 30102(a) of title 49, United States Code.

19 (3) MOTOR VEHICLE.—

20 (A) IN GENERAL.—The term “motor vehi-
21 cle” has the meaning given the term in section
22 30102(a) of title 49, United States Code.

23 (B) EXCLUSIONS.—The term “motor vehi-
24 cle” does not include—

1 (i) a motorcycle or trailer (as those
2 terms are defined in section 571.3 of title
3 49, Code of Federal Regulations (or a suc-
4 cessor regulation));

5 (ii) any motor vehicle with a gross ve-
6 hicle weight rating of more than 10,000
7 pounds;

8 (iii) a battery electric vehicle; or

9 (iv) a motor vehicle that requires ex-
10 tended periods with the engine in idle to
11 operate in service mode or to operate
12 equipment, such as an emergency vehicle
13 (including a police vehicle, an ambulance,
14 or a tow vehicle) and a commercial-use ve-
15 hicle (including a refrigeration vehicle).

16 (b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VE-
17 HICLES.—

18 (1) FINAL RULE.—

19 (A) IN GENERAL.—Not later than 2 years
20 after the date of enactment of this Act, the Sec-
21 retary shall issue a final rule amending section
22 571.114 of title 49, Code of Federal Regula-
23 tions, to require manufacturers to install in
24 each motor vehicle that is equipped with a key-
25 less ignition device and an internal combustion

1 engine a device or system to automatically shut-
2 off the motor vehicle after the motor vehicle has
3 idled for the period described in subparagraph
4 (B).

5 (B) DESCRIPTION OF PERIOD.—

6 (i) IN GENERAL.—The period referred
7 to in subparagraph (A) is the period des-
8 ignated by the Secretary as necessary to
9 prevent, to the maximum extent prac-
10 ticable, carbon monoxide poisoning.

11 (ii) DIFFERENT PERIODS.—The Sec-
12 retary may designate different periods
13 under clause (i) for different types of
14 motor vehicles, depending on the rate at
15 which the motor vehicle emits carbon mon-
16 oxide, if—

17 (I) the Secretary determines a
18 different period is necessary for a type
19 of motor vehicle for purposes of sec-
20 tion 30111 of title 49, United States
21 Code; and

22 (II) requiring a different period
23 for a type of motor vehicle is con-
24 sistent with the prevention of carbon
25 monoxide poisoning.

1 (C) in the first sentence, by striking “The
2 Secretary shall grant or deny a petition” and
3 inserting the following:

4 “(1) IN GENERAL.—The Secretary shall deter-
5 mine whether to approve or deny a petition under
6 this section by”.

7 **SEC. 4207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.**

8 (a) IN GENERAL.—The Secretary, in coordination
9 with other relevant Federal departments and agencies, in-
10 cluding the Secretary of Agriculture, the Secretary of
11 Education, and the Secretary of Health and Human Serv-
12 ices, shall conduct a study to review the status of motor
13 vehicle child safety seat accessibility for low-income fami-
14 lies and underserved populations.

15 (b) ADDRESSING NEEDS.—In conducting the study
16 under subsection (a), the Secretary shall—

17 (1) examine the impact of Federal funding pro-
18 vided under section 405 of title 23, United States
19 Code; and

20 (2) develop a plan for addressing any needs
21 identified in the study, including by working with so-
22 cial service providers.

1 **SEC. 4208. CRASH AVOIDANCE TECHNOLOGY.**

2 (a) IN GENERAL.—Subchapter II of chapter 301 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 30129. Crash avoidance technology**

6 “(a) IN GENERAL.—The Secretary of Transportation
7 shall promulgate a rule—

8 “(1) to establish minimum performance stand-
9 ards with respect to crash avoidance technology; and

10 “(2) to require that all passenger motor vehicles
11 manufactured for sale in the United States on or
12 after the compliance date described in subsection (b)
13 shall be equipped with—

14 “(A) a forward collision warning and auto-
15 matic emergency braking system that—

16 “(i) alerts the driver if—

17 “(I) the distance to a vehicle
18 ahead or an object in the path of travel
19 ahead is closing too quickly; and

20 “(II) a collision is imminent; and

21 “(ii) automatically applies the brakes
22 if the driver fails to do so; and

23 “(B) a lane departure warning and lane-
24 keeping assist system that—

25 “(i) warns the driver to maintain the
26 lane of travel; and

1 “(ii) corrects the course of travel if
2 the driver fails to do so.

3 “(b) COMPLIANCE DATE.—The Secretary of Trans-
4 portation shall determine the appropriate effective date,
5 and any phasing-in of requirements, of the final rule pro-
6 mulgated pursuant to subsection (a).”.

7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter II of chapter 301 of title 49, United States Code,
9 is amended by adding at the end the following:

“30129. Crash avoidance technology.”.

10 **SEC. 4209. REDUCTION OF DRIVER DISTRACTION.**

11 (a) IN GENERAL.—Not later than 3 years after the
12 date of enactment of this Act, the Secretary shall conduct
13 research regarding the installation and use on motor vehi-
14 cles of driver monitoring systems to minimize or elimi-
15 nate—

- 16 (1) driver distraction;
17 (2) driver disengagement;
18 (3) automation complacency by drivers; and
19 (4) foreseeable misuse of advanced driver-assist
20 systems.

21 (b) REPORT.—Not later than 180 days after the date
22 of completion of the research under subsection (a), the
23 Secretary shall submit to the Committee on Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittee on Energy and Commerce of the House of Rep-

1 representatives a detailed report describing the findings of the
2 research.

3 (c) RULEMAKING.—

4 (1) IN GENERAL.—If, based on the research
5 completed under subsection (a), the Secretary deter-
6 mines that—

7 (A) 1 or more rulemakings are necessary
8 to ensure safety, in accordance with the section
9 30111 of title 49, United States Code, the Sec-
10 retary shall initiate the rulemakings by not
11 later than 2 years after the date of submission
12 of the report under subsection (b); and

13 (B) an additional rulemaking is not nec-
14 essary, or an additional rulemaking cannot
15 meet the applicable requirements and consider-
16 ations described in subsections (a) and (b) of
17 section 30111 of title 49, United States Code,
18 the Secretary shall submit to the Committee on
19 Commerce, Science, and Transportation of the
20 Senate and the Committee on Energy and Com-
21 merce of the House of Representatives a report
22 describing the reasons for not prescribing addi-
23 tional Federal motor vehicle safety standards
24 regarding the research conducted under sub-
25 section (a).

1 (2) PRIVACY.—A rule issued pursuant to para-
2 graph (1) shall incorporate appropriate privacy and
3 data security safeguards, as determined by the Sec-
4 retary.

5 **SEC. 4210. RULEMAKING REPORT.**

6 (a) DEFINITION OF COVERED RULEMAKING.—In this
7 section, the term “covered rulemaking” means a regula-
8 tion or rulemaking that—

9 (1) has not been finalized by the date on which
10 the relevant notification is submitted under sub-
11 section (b); and

12 (2) relates to—

13 (A) section 30120A of title 49, United
14 States Code;

15 (B) section 30166(o) of title 49, United
16 States Code;

17 (C) section 30172 of title 49, United
18 States Code;

19 (D) section 32302(c) of title 49, United
20 States Code;

21 (E) a defect reporting requirement under
22 section 32302(d) of title 49, United States
23 Code;

24 (F) subsections (b) and (c) of section
25 32304A of title 49, United States Code;

1 (G) the tire pressure monitoring standards
2 required under section 24115 of the FAST Act
3 (49 U.S.C. 30123 note; Public Law 114–94);

4 (H) the amendment made by section
5 24402 of the FAST Act (129 Stat. 1720; Pub-
6 lic Law 114–94) to section 30120(g)(1) of title
7 49, United States Code;

8 (I) the records retention rule required
9 under section 24403 of the FAST Act (49
10 U.S.C. 30117 note; Public Law 114–94);

11 (J) the amendments made by section
12 24405 of the FAST Act (Public Law 114–94;
13 129 Stat. 1721) to section 30114 of title 49,
14 United States Code;

15 (K) a defect and noncompliance notifica-
16 tion required under—

17 (i) section 24104 of the FAST Act
18 (49 U.S.C. 30119 note; Public Law 114–
19 94); or

20 (ii) section 31301 of MAP–21 (49
21 U.S.C. 30166 note; Public Law 112–141);

22 (L) a side impact or frontal impact test
23 procedure for child restraint systems under sec-
24 tion 31501 of MAP–21 (49 U.S.C. 30127 note;
25 Public Law 112–141);

1 (M) an upgrade to child restraint anchor-
2 age system usability requirements required
3 under section 31502 of MAP-21 (49 U.S.C.
4 30127 note; Public Law 112-141);

5 (N) the rear seat belt reminder system re-
6 quired under section 31503 of MAP-21 (49
7 U.S.C. 30127 note; Public Law 112-141);

8 (O) a motorcoach rulemaking required
9 under section 32703 of MAP-21 (49 U.S.C.
10 31136 note; Public Law 112-141); or

11 (P) any rulemaking required under this
12 Act.

13 (b) NOTIFICATION.—Not later than 180 days after
14 the date of enactment of this Act, and not less frequently
15 than biannually thereafter until the applicable covered
16 rulemaking is complete, the Secretary shall submit to the
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Energy and Commerce
19 of the House of Representatives a written notification that
20 includes, with respect to each covered rulemaking—

21 (1) for a covered rulemaking with a statutory
22 deadline for completion—

23 (A) an explanation of why the deadline was
24 not met; and

1 (B) an expected date of completion of the
2 covered rulemaking; and

3 (2) for a covered rulemaking without a statu-
4 tory deadline for completion, an expected date of
5 completion of the covered rulemaking.

6 (c) ADDITIONAL CONTENTS.—A notification under
7 subsection (b) shall include, for each applicable covered
8 rulemaking—

9 (1) an updated timeline;

10 (2) a list of factors causing delays in the com-
11 pletion of the covered rulemaking; and

12 (3) any other details associated with the status
13 of the covered rulemaking.

14 **SEC. 4211. GLOBAL HARMONIZATION.**

15 The Secretary shall cooperate, to the maximum ex-
16 tent practicable, with foreign governments, nongovern-
17 mental stakeholder groups, the motor vehicle industry,
18 and consumer groups with respect to global harmonization
19 of vehicle regulations as a means for improving motor ve-
20 hicle safety.

21 **SEC. 4212. HEADLAMPS.**

22 (a) DEFINITIONS.—In this section:

23 (1) ADAPTIVE DRIVING BEAM HEADLAMP.—The
24 term “adaptive driving beam headlamp” means a
25 headlamp (as defined in Standard 108) that meets

1 the performance requirements specified in SAE
2 International Standard J3069, published on June
3 30, 2016.

4 (2) STANDARD 108.—The term “Standard 108”
5 means Federal Motor Vehicle Safety Standard Num-
6 ber 108, contained in section 571.108 of title 49,
7 Code of Federal Regulations (as in effect on the
8 date of enactment of this Act).

9 (b) RULEMAKING.—Not later than 2 years after the
10 date of enactment of this Act, the Secretary shall issue
11 a final rule amending Standard 108—

12 (1) to include performance-based standards for
13 vehicle headlamp systems—

14 (A) to ensure that headlights are correctly
15 aimed on the road; and

16 (B) requiring those systems to be tested
17 on-vehicle to account for headlight height and
18 lighting performance; and

19 (2) to allow for the use on vehicles of adaptive
20 driving beam headlamp systems.

21 (c) PERIODIC REVIEW.—Nothing in this section pre-
22 cludes the Secretary from—

23 (1) reviewing Standard 108, as amended pursu-
24 ant to subsection (b); and

1 (2) revising Standard 108 to reflect an updated
2 version of SAE International Standard J3069, as
3 the Secretary determines to be—

4 (A) appropriate; and

5 (B) in accordance with section 30111 of
6 title 49, United States Code.

7 **SEC. 4213. NEW CAR ASSESSMENT PROGRAM.**

8 (a) **UPDATES.**—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall finalize the
10 proceeding for which comments were requested in the no-
11 tice entitled “New Car Assessment Program” (80 Fed.
12 Reg. 78522 (December 16, 2015)) to update the pas-
13 senger motor vehicle information required under section
14 32302(a) of title 49, United States Code.

15 (b) **INFORMATION PROGRAM.**—Section 32302 of title
16 49, United States Code, is amended—

17 (1) in subsection (a), in the matter preceding
18 paragraph (1), by inserting “(referred to in this sec-
19 tion as the ‘Secretary’)” after “of Transportation”;
20 and

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

22 “(e) **ADVANCED CRASH-AVOIDANCE TECH-**
23 **NOLOGIES.**—

24 “(1) **NOTICE.**—Not later than 1 year after the
25 date of enactment of this subsection, the Secretary

1 shall publish a notice, for purposes of public review
2 and comment, to establish, distinct from crash-
3 worthiness information, a means for providing to
4 consumers information relating to advanced crash-
5 avoidance technologies, in accordance with sub-
6 section (a).

7 “(2) INCLUSIONS.—The notice under paragraph
8 (1) shall include—

9 “(A) an appropriate methodology for—

10 “(i) determining which advanced
11 crash-avoidance technologies shall be in-
12 cluded in the information;

13 “(ii) developing performance test cri-
14 teria for use by manufacturers in evalu-
15 ating advanced crash-avoidance tech-
16 nologies;

17 “(iii) determining a distinct rating in-
18 volving each advanced crash-avoidance
19 technology to be included; and

20 “(iv) updating overall vehicle ratings
21 to incorporate advanced crash-avoidance
22 technology ratings; and

23 “(B) such other information and analyses
24 as the Secretary determines to be necessary to

1 “(ii) developing performance test cri-
2 teria for use by manufacturers in evalu-
3 ating the extent to which automated pedes-
4 trian safety systems in light vehicles at-
5 tempt to prevent and mitigate, to the best
6 extent possible, pedestrian injury;

7 “(iii) determining a distinct rating in-
8 volving each technology to be included; and

9 “(iv) updating overall vehicle ratings
10 to incorporate vulnerable road user safety
11 technology ratings; and

12 “(B) such other information and analyses
13 as the Secretary determines to be necessary to
14 implement the rating of vulnerable road user
15 safety technologies.

16 “(3) REPORT.—Not later than 18 months after
17 the date of enactment of this subsection, the Sec-
18 retary shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the
20 Committee on Energy and Commerce of the House
21 of Representatives a report that describes a plan for
22 implementing an information and rating system for
23 vulnerable road user safety technologies, in accord-
24 ance with subsection (a).”.

25 (c) ROADMAP.—

1 (1) IN GENERAL.—Chapter 323 of title 49,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 32310. New Car Assessment Program roadmap**

5 “(a) ESTABLISHMENT.—Not later than 1 year after
6 the date of enactment of this section, and not less fre-
7 quently than once every 4 years thereafter, the Secretary
8 of Transportation (referred to in this section as the ‘Sec-
9 retary’) shall establish a roadmap for the implementation
10 of the New Car Assessment Program of the National
11 Highway Traffic Safety Administration.

12 “(b) REQUIREMENTS.—A roadmap under subsection
13 (a) shall—

14 “(1) cover a term of 10 years, consisting of—

15 “(A) a mid-term component covering the
16 initial 5 years of the term; and

17 “(B) a long-term component covering the
18 final 5 years of the term; and

19 “(2) be in accordance with—

20 “(A) section 306 of title 5;

21 “(B) section 1115 of title 31;

22 “(C) section 24401 of the FAST Act (49
23 U.S.C. 105 note; Public Law 114–94); and

24 “(D) any other relevant plans of the Na-
25 tional Highway Traffic Safety Administration.

1 “(c) CONTENTS.—A roadmap under subsection (a)
2 shall include—

3 “(1) a plan for any changes to the New Car As-
4 assessment Program of the National Highway Traffic
5 Safety Administration, including—

6 “(A) descriptions of actions to be carried
7 out to update the passenger motor vehicle infor-
8 mation developed under section 32302(a), in-
9 cluding the development of test procedures, test
10 devices, test fixtures, and safety performance
11 metrics, which shall, as applicable, incor-
12 porate—

13 “(i) objective criteria for evaluating
14 safety technologies; and

15 “(ii) reasonable time periods for com-
16 pliance with new or updated tests;

17 “(B) key milestones, including the antici-
18 pated start of an action, completion of an ac-
19 tion, and effective date of an update; and

20 “(C) descriptions of the means by which
21 an update will improve the passenger motor ve-
22 hicle information developed under section
23 32302(a);

24 “(2) an identification and prioritization of safe-
25 ty opportunities and technologies—

1 “(A) with respect to the mid-term compo-
2 nent of the roadmap under subsection
3 (b)(1)(A)—

4 “(i) that are practicable; and

5 “(ii) for which objective rating tests,
6 evaluation criteria, and other consumer
7 data exist for a market-based, consumer
8 information approach; and

9 “(B) with respect to the long-term compo-
10 nent of the roadmap under subsection
11 (b)(1)(B), exist or are in development;

12 “(3) an identification of—

13 “(A) any safety opportunity or technology
14 that—

15 “(i) is identified through the activities
16 carried out pursuant to subsection (d) or
17 (e); and

18 “(ii) is not included in the roadmap
19 under paragraph (2);

20 “(B) the reasons why such a safety oppor-
21 tunity or technology is not included in the road-
22 map; and

23 “(C) any developments or information that
24 would be necessary for the Secretary to con-

1 sider including such a safety opportunity or
2 technology in a future roadmap; and

3 “(4) consideration of the benefits of consistency
4 with other rating systems used—

5 “(A) within the United States; and

6 “(B) internationally.

7 “(d) CONSIDERATIONS.—Before finalizing a roadmap
8 under this section, the Secretary shall—

9 “(1) make the roadmap available for public
10 comment;

11 “(2) review any public comments received under
12 paragraph (1); and

13 “(3) incorporate in the roadmap under this sec-
14 tion those comments, as the Secretary determines to
15 be appropriate.

16 “(e) STAKEHOLDER ENGAGEMENT.—Not less fre-
17 quently than annually, the Secretary shall engage stake-
18 holders that represent a diversity of technical backgrounds
19 and viewpoints—

20 “(1) to identify—

21 “(A) safety opportunities or technologies in
22 development that could be included in future
23 roadmaps; and

1 “(B) opportunities to benefit from collabo-
2 ration or harmonization with third-party safety
3 rating programs;

4 “(2) to assist with long-term planning;

5 “(3) to provide an interim update of the status
6 and development of the following roadmap to be es-
7 tablished under subsection (a); and

8 “(4) to collect feedback or other information
9 that the Secretary determines to be relevant to en-
10 hancing the New Car Assessment Program of the
11 National Highway Traffic Safety Administration.”.

12 (2) CLERICAL AMENDMENT.—The analysis for
13 chapter 323 of title 49, United States Code, is
14 amended by adding at the end the following:

“32310. New Car Assessment Program roadmap.”.

15 **SEC. 4214. HOOD AND BUMPER STANDARDS.**

16 (a) NOTICE.—Not later than 2 years after the date
17 of enactment of this Act, the Secretary shall issue a notice,
18 for purposes of public review and comment, regarding po-
19 tential updates to hood and bumper standards for motor
20 vehicles (as defined in section 30102(a) of title 49, United
21 States Code).

22 (b) INCLUSIONS.—The notice under subsection (a)
23 shall include information relating to—

1 (1) the incorporation or consideration of ad-
2 vanced crash-avoidance technology in existing motor
3 vehicle standards;

4 (2) the incorporation or consideration of stand-
5 ards or technologies to reduce the number of injuries
6 and fatalities suffered by pedestrians, bicyclists, or
7 other vulnerable road users;

8 (3) the development of performance test criteria
9 for use by manufacturers in evaluating advanced
10 crash-avoidance technology, including technology re-
11 lating to vulnerable road user safety;

12 (4) potential harmonization with global stand-
13 ards, including United Nations Economic Commis-
14 sion for Europe Regulation Number 42; and

15 (5) such other information and analyses as the
16 Secretary determines to be necessary.

17 (c) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Commerce, Science, and Transportation
20 of the Senate and the Committee on Energy and Com-
21 merce of the House of Representatives a report that de-
22 scribes—

23 (1) the current status of hood and bumper
24 standards;

1 (2) relevant advanced crash-avoidance tech-
2 nology;

3 (3) actions needed to be carried out to develop
4 performance test criteria; and

5 (4) if applicable, a plan for incorporating ad-
6 vanced crash-avoidance technology, including tech-
7 nology relating to vulnerable road user safety, in ex-
8 isting standards.

9 **SEC. 4215. EMERGENCY MEDICAL SERVICES AND 9-1-1.**

10 Section 158(a) of the National Telecommunications
11 and Information Administration Organization Act (47
12 U.S.C. 942(a)) is amended by striking paragraph (4).

13 **SEC. 4216. EARLY WARNING REPORTING.**

14 (a) IN GENERAL.—Section 30166(m)(3) of title 49,
15 United States Code, is amended by adding at the end the
16 following:

17 “(D) SETTLEMENTS.—Notwithstanding
18 any order entered in a civil action restricting
19 the disclosure of information, a manufacturer of
20 a motor vehicle or motor vehicle equipment
21 shall comply with the requirements of this sub-
22 section and any regulations promulgated pursu-
23 ant to this subsection.”.

24 (b) STUDY AND REPORT.—Not later than 18 months
25 after the date of enactment of this Act, the Administrator

1 of the National Highway Traffic Safety Administration
2 shall—

3 (1) conduct a study—

4 (A) to evaluate the early warning reporting
5 data submitted under section 30166(m) of title
6 49, United States Code (including regulations);
7 and

8 (B) to identify improvements, if any, that
9 would enhance the use by the National High-
10 way Traffic Administration of early warning re-
11 porting data to enhance safety; and

12 (2) submit to the Committee on the Committee
13 on Commerce, Science, and Transportation of the
14 Senate and the Committee on Energy and Com-
15 merce of the House of Representatives a report de-
16 scribing the results of the study under paragraph
17 (1), including any recommendations for regulatory
18 or legislative action.

19 **SEC. 4217. IMPROVED VEHICLE SAFETY DATABASES.**

20 Not later than 3 years after the date of enactment
21 of this Act, after consultation with frequent users of pub-
22 licly available databases, the Secretary shall improve pub-
23 lic accessibility to information relating to the publicly ac-
24 cessible vehicle safety databases of the National Highway

1 Traffic Safety Administration by revising the publicly ac-
2 cessible vehicle safety databases—

3 (1) to improve organization and functionality,
4 including design features such as drop-down menus;

5 (2) to allow data from applicable publicly acces-
6 sible vehicle safety databases to be searched, sorted,
7 aggregated, and downloaded in a manner that—

8 (A) is consistent with the public interest;

9 and

10 (B) facilitates easy use by consumers;

11 (3) to provide greater consistency in presen-
12 tation of vehicle safety issues;

13 (4) to improve searchability regarding specific
14 vehicles and issues, which may include the standard-
15 ization of commonly used search terms; and

16 (5) to ensure nonconfidential documents and
17 materials relating to information created or obtained
18 by the National Highway Traffic Safety Administra-
19 tion are made publicly available in a manner that
20 is—

21 (A) timely; and

22 (B) searchable in databases by any ele-
23 ment that the Secretary determines to be in the
24 public interest.

1 **SEC. 4218. NATIONAL DRIVER REGISTER ADVISORY COM-**
2 **MITTEE REPEAL.**

3 (a) IN GENERAL.—Section 30306 of title 49, United
4 States Code, is repealed.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 303 of title 49, United States Code, is amended by
7 striking the item relating to section 30306.

8 **SEC. 4219. RESEARCH ON CONNECTED VEHICLE TECH-**
9 **NOLOGY.**

10 The Administrator of the National Highway Traffic
11 Safety Administration, in collaboration with the head of
12 the Intelligent Transportation Systems Joint Program Of-
13 fice and the Administrator of the Federal Highway Ad-
14 ministration, shall—

15 (1) not later than 180 days after the date of
16 enactment of this Act, expand vehicle-to-pedestrian
17 research efforts focused on incorporating bicyclists
18 and other vulnerable road users into the safe deploy-
19 ment of connected vehicle systems; and

20 (2) not later than 2 years after the date of en-
21 actment of this Act, submit to Congress and make
22 publicly available a report describing the findings of
23 the research efforts described in paragraph (1), in-
24 cluding an analysis of the extent to which applica-
25 tions supporting vulnerable road users can be ac-

1 commodated within existing spectrum allocations for
2 connected vehicle systems.

3 **SEC. 4220. ADVANCED IMPAIRED DRIVING TECHNOLOGY.**

4 (a) FINDINGS.—Congress finds that—

5 (1) alcohol-impaired driving fatalities represent
6 approximately $\frac{1}{3}$ of all highway fatalities in the
7 United States each year;

8 (2) in 2019, there were 10,142 alcohol-impaired
9 driving fatalities in the United States involving driv-
10 ers with a blood alcohol concentration level of .08 or
11 higher, and 68 percent of the crashes that resulted
12 in those fatalities involved a driver with a blood alco-
13 hol concentration level of .15 or higher;

14 (3) the estimated economic cost for alcohol-im-
15 paired driving in 2010 was \$44,000,000,000;

16 (4) according to the Insurance Institute for
17 Highway Safety, advanced drunk and impaired driv-
18 ing prevention technology can prevent more than
19 9,400 alcohol-impaired driving fatalities annually;
20 and

21 (5) to ensure the prevention of alcohol-impaired
22 driving fatalities, advanced drunk and impaired driv-
23 ing prevention technology must be standard equip-
24 ment in all new passenger motor vehicles.

25 (b) DEFINITIONS.—In this section:

1 (1) ADVANCED DRUNK AND IMPAIRED DRIVING
2 PREVENTION TECHNOLOGY.—The term “advanced
3 drunk and impaired driving prevention technology”
4 means a system that—

5 (A) can—

6 (i) passively monitor the performance
7 of a driver of a motor vehicle to accurately
8 identify whether that driver may be im-
9 paired; and

10 (ii) prevent or limit motor vehicle op-
11 eration if an impairment is detected;

12 (B) can—

13 (i) passively and accurately detect
14 whether the blood alcohol concentration of
15 a driver of a motor vehicle is equal to or
16 greater than the blood alcohol concentra-
17 tion described in section 163(a) of title 23,
18 United States Code; and

19 (ii) prevent or limit motor vehicle op-
20 eration if a blood alcohol concentration
21 above the legal limit is detected; or

22 (C) is a combination of systems described
23 in subparagraphs (A) and (B).

1 (2) NEW.—The term “new”, with respect to a
2 passenger motor vehicle, means that the passenger
3 motor vehicle—

4 (A) is a new vehicle (as defined in section
5 37.3 of title 49, Code of Federal Regulations
6 (or a successor regulation)); and

7 (B) has not been purchased for purposes
8 other than resale.

9 (3) PASSENGER MOTOR VEHICLE.—The term
10 “passenger motor vehicle” has the meaning given
11 the term in section 32101 of title 49, United States
12 Code.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Transportation, acting through the
15 Administrator of the National Highway Traffic Safe-
16 ty Administration.

17 (c) ADVANCED DRUNK AND IMPAIRED DRIVING PRE-
18 VENTION TECHNOLOGY SAFETY STANDARD.—Subject to
19 subsection (e) and not later than 3 years after the date
20 of enactment of this Act, the Secretary shall issue a final
21 rule prescribing a Federal motor vehicle safety standard
22 under section 30111 of title 49, United States Code, that
23 requires passenger motor vehicles manufactured after the
24 effective date of that standard to be equipped with ad-
25 vanced drunk and impaired driving prevention technology.

1 (d) REQUIREMENTS.—

2 (1) LEAD TIME.—To allow sufficient time for
3 manufacturer compliance, the compliance date of the
4 rule issued under subsection (c) shall be not earlier
5 than 2 years and not more than 3 years after the
6 date on which that rule is issued.

7 (2) TECHNICAL CAPABILITY.—Any advanced
8 drunk and impaired driving prevention technology
9 required for new passenger motor vehicles under
10 subsection (c) that measures blood alcohol con-
11 centration shall use the blood alcohol concentration
12 described in section 163(a) of title 23, United States
13 Code.

14 (e) TIMING.—If the Secretary determines that the
15 Federal motor vehicle safety standard required under sub-
16 section (c) cannot meet the requirements and consider-
17 ations described in subsections (a) and (b) of section
18 30111 of title 49, United States Code, by the applicable
19 date, the Secretary—

20 (1) may extend the time period to such date as
21 the Secretary determines to be necessary, but not
22 later than the date that is 3 years after the date de-
23 scribed in subsection (c);

24 (2) shall, not later than the date described in
25 subsection (c) and not less frequently than annually

1 thereafter until the date on which the rule under
2 that subsection is issued, submit to the Committee
3 on Commerce, Science, and Transportation of the
4 Senate and the Committee on Energy and Com-
5 merce of the House of Representatives a report de-
6 scribing, as of the date of submission of the report—

7 (A) the reasons for not prescribing a Fed-
8 eral motor vehicle safety standard under section
9 30111 of title 49, United States Code, that re-
10 quires advanced drunk and impaired driving
11 prevention technology in all new passenger
12 motor vehicles;

13 (B) the deployment of advanced drunk and
14 impaired driving prevention technology in vehi-
15 cles;

16 (C) any information relating to the ability
17 of vehicle manufacturers to include advanced
18 drunk and impaired driving prevention tech-
19 nology in new passenger motor vehicles; and

20 (D) an anticipated timeline for prescribing
21 the Federal motor vehicle safety standard de-
22 scribed in subsection (c); and

23 (3) if the Federal motor vehicle safety standard
24 required by subsection (c) has not been finalized by
25 the date that is 10 years after the date of enactment

1 of this Act, shall submit to the Committee on Com-
2 merce, Science, and Transportation of the Senate
3 and the Committee on Energy and Commerce of the
4 House of Representative a report describing—

5 (A) the reasons why the Federal motor ve-
6 hicle safety standard has not been finalized;

7 (B) the barriers to finalizing the Federal
8 motor vehicle safety standard; and

9 (C) recommendations to Congress to facili-
10 tate the Federal motor vehicle safety standard.

11 **SEC. 4221. GAO REPORT ON CRASH DUMMIES.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Comptroller General
14 of the United States shall conduct a study and submit to
15 the Committee on Commerce, Science, and Transportation
16 of the Senate and the Committee on Energy and Com-
17 merce of the House of Representatives a report that—

18 (1) examines—

19 (A) the processes used by the National
20 Highway Traffic Safety Administration (re-
21 ferred to in this section as the “Administra-
22 tion”) for studying and deploying crash test
23 dummies;

1 (B)(i) the types of crash test dummies
2 used by the Administration as of the date of en-
3 actment of this Act;

4 (ii) the seating positions in which those
5 crash test dummies are tested; and

6 (iii) whether the seating position affects
7 disparities in motor vehicle safety outcomes
8 based on demographic characteristics, including
9 sex, and, if so, how the seating position affects
10 those disparities;

11 (C) the biofidelic crash test dummies that
12 are available in the global and domestic market-
13 place that reflect the physical and demographic
14 characteristics of the driving public in the
15 United States, including—

16 (i) females;

17 (ii) the elderly;

18 (iii) young adults;

19 (iv) children; and

20 (v) individuals of differing body
21 weights;

22 (D) how the Administration determines
23 whether to study and deploy new biofidelic
24 crash test dummies, including the biofidelic
25 crash test dummies examined under subpara-

1 graph (C), and the timelines by which the Ad-
2 ministration conducts the work of making those
3 determinations and studying and deploying new
4 biofidelic crash test dummies;

5 (E) challenges the Administration faces in
6 studying and deploying new crash test dum-
7 mies; and

8 (F) how the practices of the Administra-
9 tion with respect to crash test dummies com-
10 pare to other programs that test vehicles and
11 report results to the public, including the Euro-
12 pean New Car Assessment Programme;

13 (2) evaluates potential improvements to the
14 processes described in paragraph (1) that could re-
15 duce disparities in motor vehicle safety outcomes
16 based on demographic characteristics, including sex;

17 (3) analyzes the potential use of computer sim-
18 ulation techniques, as a supplement to physical
19 crash tests, to conduct virtual simulations of vehicle
20 crash tests in order to evaluate predicted motor vehi-
21 cle safety outcomes based on the different physical
22 and demographic characteristics of motor vehicle oc-
23 cupants; and

24 (4) includes, as applicable, any assessments or
25 recommendations relating to crash test dummies

1 that are relevant to reducing disparities in motor ve-
2 hicle safety outcomes based on demographic charac-
3 teristics, including sex.

4 (b) INTERIM REPORT FROM THE ADMINISTRA-
5 TION.—Not later than 90 days after the date of enactment
6 of this Act, the Administrator of the Administration shall
7 submit to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on En-
9 ergy and Commerce of the House of Representatives a re-
10 port that—

11 (1) identifies—

12 (A) the types of crash test dummies used
13 by the Administration as of the date of enact-
14 ment of this Act with respect to—

15 (i) the New Car Assessment Program
16 of the Administration; and

17 (ii) testing relating to Federal Motor
18 Vehicle Safety Standards;

19 (B) how each type of crash test dummy
20 identified under subparagraph (A) is tested
21 with respect to seating position; and

22 (C) any crash test dummies that the Ad-
23 ministration is actively evaluating for future
24 use—

1 (i) in the New Car Assessment Pro-
2 gram of the Administration; or

3 (ii) for testing relating to Federal
4 Motor Vehicle Safety Standards;

5 (2) explains—

6 (A) the plans of the Administration, in-
7 cluding the expected timelines, for putting any
8 crash test dummies identified under paragraph
9 (1)(C) to use as described in that paragraph;

10 (B) any challenges to putting those crash
11 test dummies to use; and

12 (C) the potential use of computer simula-
13 tion techniques, as a supplement to physical
14 crash tests, to conduct virtual simulations of ve-
15 hicle crash tests in order to evaluate predicted
16 motor vehicle safety outcomes based on the dif-
17 ferent physical and demographic characteristics
18 of motor vehicle occupants; and

19 (3) provides policy recommendations for reduc-
20 ing disparities in motor vehicle safety testing and
21 outcomes based on demographic characteristics, in-
22 cluding sex.

1 **TITLE V—RESEARCH AND**
2 **INNOVATION**

3 **SEC. 5001. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
4 **GRAM ADVISORY COMMITTEE.**

5 Section 515(h) of title 23, United States Code, is
6 amended—

7 (1) in paragraph (1), by inserting “(referred to
8 in this subsection as the ‘Advisory Committee’)”
9 after “an Advisory Committee”;

10 (2) in paragraph (2)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “20 members” and inserting
13 “25 members”;

14 (B) in subparagraph (K), by striking “;
15 and” and inserting a semicolon;

16 (C) in subparagraph (L)—

17 (i) by striking “utilities,”; and

18 (ii) by striking the period at the end
19 and inserting a semicolon;

20 (D) by redesignating subparagraphs (E)
21 through (L) as subparagraphs (G), (I), (J),
22 (K), (L), (M), (Q), and (R), respectively;

23 (E) by inserting after subparagraph (D)
24 the following:

1 “(E) a representative of a national transit
2 association;

3 “(F) a representative of a national, State,
4 or local transportation agency or association;”;

5 (F) by inserting after subparagraph (G)
6 (as so redesignated) the following:

7 “(H) a private sector developer of intel-
8 ligent transportation system technologies, which
9 may include emerging vehicle technologies;”;

10 (G) by inserting after subparagraph (M)
11 (as so redesignated) the following:

12 “(N) a representative of a labor organiza-
13 tion;

14 “(O) a representative of a mobility-pro-
15 viding entity;

16 “(P) an expert in traffic management;”;

17 and

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

19 “(S) an expert in cybersecurity; and

20 “(T) an automobile manufacturer.”;

21 (3) in paragraph (3)—

22 (A) in subparagraph (A), by striking “sec-
23 tion 508” and inserting “section 6503 of title
24 49”; and

25 (B) in subparagraph (B)—

1 (i) in the matter preceding clause (i),
2 by inserting “programs and” before “re-
3 search”; and

4 (ii) in clause (iii), by striking “re-
5 search and” and inserting “programs, re-
6 search, and”;

7 (4) by redesignating paragraphs (3) through
8 (5) as paragraphs (5) through (7); and

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

11 “(3) TERM.—

12 “(A) IN GENERAL.—The term of a mem-
13 ber of the Advisory Committee shall be 3 years.

14 “(B) RENEWAL.—On expiration of the
15 term of a member of the Advisory Committee,
16 the member—

17 “(i) may be reappointed; or

18 “(ii) if the member is not reappointed
19 under clause (i), may serve until a new
20 member is appointed.

21 “(4) MEETINGS.—The Advisory Committee—

22 “(A) shall convene not less frequently than
23 twice each year; and

24 “(B) may convene with the use of remote
25 video conference technology.”.

1 **SEC. 5002. SMART COMMUNITY RESOURCE CENTER.**

2 (a) DEFINITIONS.—In this section:

3 (1) RESOURCE CENTER.—The term “resource
4 center” means the Smart Community Resource Cen-
5 ter established under subsection (b).

6 (2) SMART COMMUNITY.—The term “smart
7 community” means a community that uses innova-
8 tive technologies, data, analytics, and other means to
9 improve the community and address local challenges.

10 (b) ESTABLISHMENT.—The Secretary shall work
11 with the modal administrations of the Department and
12 with such other Federal agencies and departments as the
13 Secretary determines to be appropriate to make available
14 to the public on an Internet website a resource center, to
15 be known as the “Smart Community Resource Center”,
16 that includes a compilation of resources or links to re-
17 sources for States and local communities to use in devel-
18 oping and implementing—

19 (1) intelligent transportation system programs;

20 or

21 (2) smart community transportation programs.

22 (c) INCLUSIONS.—The resource center shall include
23 links to—

24 (1) existing programs and resources for intel-
25 ligent transportation system or smart community
26 transportation programs, including technical assist-

1 Transportation Statistics shall perform outreach to plan-
2 ning and infrastructure decision-making officials in units
3 of local government and other units of government, includ-
4 ing a geographically diverse group of individuals from—

- 5 (1) States;
- 6 (2) political subdivisions of States;
- 7 (3) cities;
- 8 (4) metropolitan planning organizations;
- 9 (5) regional transportation planning organiza-
10 tions; and
- 11 (6) federally recognized Indian Tribes.

12 (b) WORK PLAN.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, based on the out-
15 reach performed under subsection (a), the Director
16 of the Bureau of Transportation Statistics shall sub-
17 mit to the Secretary a work plan for reviewing and
18 updating existing data analysis tools and developing
19 any additional data analysis tools needed to assist
20 local communities with making infrastructure invest-
21 ment decisions.

22 (2) CONTENTS.—Based on the needs identified
23 pursuant to the outreach performed under sub-
24 section (a), the work plan submitted under para-
25 graph (1) shall include—

1 (A) a description of the data analysis tools
2 identified that would benefit infrastructure deci-
3 sion-making by local governments and address
4 the goals described in subsection (c);

5 (B) a review of the datasets that local gov-
6 ernments need to effectively use the data anal-
7 ysis tools described in subparagraph (A);

8 (C) an identification of existing or pro-
9 posed data analysis tools that use publicly avail-
10 able data;

11 (D) the estimated cost of obtaining each
12 dataset described in subparagraph (B);

13 (E) the estimated cost to develop the data
14 analysis tools described in subparagraph (A);

15 (F) a prioritization for the development of
16 data analysis tools described in subparagraph
17 (A); and

18 (G) a determination as to whether it would
19 be appropriate for the Federal Government to
20 develop the data analysis tools described in sub-
21 paragraph (A).

22 (c) GOALS.—

23 (1) IN GENERAL.—A data analysis tool created
24 pursuant to the work plan submitted under sub-

1 section (b)(1) shall be developed to help inform local
2 communities in making infrastructure investments.

3 (2) SPECIFIC ISSUES.—A data analysis tool cre-
4 ated pursuant to the work plan submitted under
5 subsection (b)(1) shall be intended to help units of
6 local government and other units of government ad-
7 dress 1 or more of the following:

8 (A) Improving maintenance of existing as-
9 sets.

10 (B) Rebuilding infrastructure to a state of
11 good repair.

12 (C) Creating economic development
13 through infrastructure development.

14 (D) Establishing freight plans and infra-
15 structure that connects the community to sup-
16 ply chains.

17 (E) Increasing options for communities
18 that lack access to affordable transportation to
19 improve access to jobs, affordable housing,
20 schools, medical services, foods and other essen-
21 tial community services.

22 (F) Reducing congestion.

23 (G) Improving community resilience to ex-
24 treme weather events.

1 (H) Any other subject, as the Director de-
2 termines to be necessary.

3 (d) IMPLEMENTATION.—Subject to the availability of
4 appropriations, the Secretary shall develop data analysis
5 tools and purchase datasets as prioritized in the work
6 plan.

7 (e) COORDINATION.—The Director of the Bureau of
8 Transportation Statistics may utilize existing working
9 groups or advisory committees to perform the local out-
10 reach required under subsection (a).

11 **SEC. 5004. BUREAU OF TRANSPORTATION STATISTICS.**

12 (a) FUNDING.—In addition to amounts made avail-
13 able from the Highway Trust Fund, there is authorized
14 to be appropriated to the Secretary for use by the Bureau
15 of Transportation Statistics for data collection and anal-
16 ysis activities \$10,000,000 for each of fiscal years 2022
17 through 2026.

18 (b) AMENDMENT.—Section 6302(b)(3)(B)(vi) of title
19 49, United States Code, is amended—

20 (1) by striking subclause (V);

21 (2) by redesignating subclauses (VI) through
22 (XI) as subclauses (VII) through (XII), respectively;
23 and

24 (3) by adding after subclause (IV) the fol-
25 lowing:

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1 “(V) employment in the transpor-
2 tation sector;

3 “(VI) the effects of the transpor-
4 tation system, including advanced
5 technologies and automation, on glob-
6 al and domestic economic competitive-
7 ness;”.

8 **SEC. 5005. STRENGTHENING MOBILITY AND REVOLUTION-**
9 **IZING TRANSPORTATION GRANT PROGRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means—

13 (A) a State;

14 (B) a political subdivision of a State;

15 (C) a Tribal government;

16 (D) a public transit agency or authority;

17 (E) a public toll authority;

18 (F) a metropolitan planning organization;

19 and

20 (G) a group of 2 or more eligible entities
21 described in any of subparagraphs (A) through
22 (F) applying through a single lead applicant.

23 (2) ELIGIBLE PROJECT.—The term “eligible
24 project” means a project described in subsection (e).

1 (3) LARGE COMMUNITY.—The term “large com-
2 munity” means a community with a population of
3 not less than 400,000 individuals, as determined
4 under the most recent annual estimate of the Bu-
5 reau of the Census.

6 (4) MIDSIZED COMMUNITY.—The term
7 “midsized community” means any community that
8 is not a large community or a rural community.

9 (5) REGIONAL PARTNERSHIP.—The term “re-
10 gional partnership” means a partnership composed
11 of 2 or more eligible entities located in jurisdictions
12 with a combined population that is equal to or great-
13 er than the population of any midsized community.

14 (6) RURAL COMMUNITY.—The term “rural
15 community” means a community that is located in
16 an area that is outside of an urbanized area (as de-
17 fined in section 5302 of title 49, United States
18 Code).

19 (7) SMART GRANT.—The term “SMART
20 grant” means a grant provided to an eligible entity
21 under the Strengthening Mobility and Revolution-
22 izing Transportation Grant Program established
23 under subsection (b).

24 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
25 shall establish a program, to be known as the “Strenght-

1 ening Mobility and Revolutionizing Transportation Grant
2 Program”, under which the Secretary shall provide grants
3 to eligible entities to conduct demonstration projects fo-
4 cused on advanced smart city or community technologies
5 and systems in a variety of communities to improve trans-
6 portation efficiency and safety.

7 (c) DISTRIBUTION.—In determining the projects for
8 which to provide a SMART grant, the Secretary shall con-
9 sider contributions to geographical diversity among grant
10 recipients, including the need for balancing the needs of
11 rural communities, midsized communities, and large com-
12 munities, consistent with the requirements of subpara-
13 graphs (A) through (C) of subsection (g)(1).

14 (d) APPLICATIONS.—

15 (1) IN GENERAL.—An eligible entity may sub-
16 mit to the Secretary an application for a SMART
17 grant at such time, in such manner, and containing
18 such information as the Secretary may require.

19 (2) TRANSPARENCY.—The Secretary shall in-
20 clude, in any notice of funding availability relating
21 to SMART grants, a full description of the method
22 by which applications under paragraph (1) will be
23 evaluated.

24 (3) SELECTION CRITERIA.—

1 (A) IN GENERAL.—The Secretary shall
2 evaluate applications for SMART grants based
3 on—

4 (i) the extent to which the eligible en-
5 tity or applicable beneficiary community—

6 (I) has a public transportation
7 system or other transit options capa-
8 ble of integration with other systems
9 to improve mobility and efficiency;

10 (II) has a population density and
11 transportation needs conducive to
12 demonstrating proposed strategies;

13 (III) has continuity of committed
14 leadership and the functional capacity
15 to carry out the proposed project;

16 (IV) is committed to open data
17 sharing with the public; and

18 (V) is likely to successfully imple-
19 ment the proposed eligible project, in-
20 cluding through technical and finan-
21 cial commitments from the public and
22 private sectors; and

23 (ii) the extent to which a proposed eli-
24 gible project will use advanced data, tech-
25 nology, and applications to provide signifi-

1 cant benefits to a local area, a State, a re-
2 gion, or the United States, including the
3 extent to which the proposed eligible
4 project will—

5 (I) reduce congestion and delays
6 for commerce and the traveling public;

7 (II) improve the safety and inte-
8 gration of transportation facilities and
9 systems for pedestrians, bicyclists,
10 and the broader traveling public;

11 (III) improve access to jobs, edu-
12 cation, and essential services, includ-
13 ing health care;

14 (IV) connect or expand access for
15 underserved or disadvantaged popu-
16 lations and reduce transportation
17 costs;

18 (V) contribute to medium- and
19 long-term economic competitiveness;

20 (VI) improve the reliability of ex-
21 isting transportation facilities and sys-
22 tems;

23 (VII) promote connectivity be-
24 tween and among connected vehicles,
25 roadway infrastructure, pedestrians,

1 bicyclists, the public, and transpor-
2 tation systems

3 (VIII) incentivize private sector
4 investments or partnerships, including
5 by working with mobile and fixed tele-
6 communication service providers, to
7 the extent practicable;

8 (IX) improve energy efficiency or
9 reduce pollution;

10 (X) increase the resiliency of the
11 transportation system; and

12 (XI) improve emergency re-
13 sponse.

14 (B) PRIORITY.—In providing SMART
15 grants, the Secretary shall give priority to ap-
16 plications for eligible projects that would—

17 (i) demonstrate smart city or commu-
18 nity technologies in repeatable ways that
19 can rapidly be scaled;

20 (ii) encourage public and private shar-
21 ing of data and best practices;

22 (iii) encourage private-sector innova-
23 tion by promoting industry-driven tech-
24 nology standards, open platforms, tech-

1 nology-neutral requirements, and inter-
2 operability;

3 (iv) promote a skilled workforce that
4 is inclusive of minority or disadvantaged
5 groups;

6 (v) allow for the measurement and
7 validation of the cost savings and perform-
8 ance improvements associated with the in-
9 stallation and use of smart city or commu-
10 nity technologies and practices;

11 (vi) encourage the adoption of smart
12 city or community technologies by commu-
13 nities;

14 (vii) promote industry practices re-
15 garding cybersecurity; and

16 (viii) safeguard individual privacy.

17 (e) USE OF GRANT FUNDS.—

18 (1) ELIGIBLE PROJECTS.—

19 (A) IN GENERAL.—A SMART grant may
20 be used to carry out a project that dem-
21 onstrates at least 1 of the following:

22 (i) COORDINATED AUTOMATION.—The
23 use of automated transportation and au-
24 tonomous vehicles, while working to mini-

1 mize the impact on the accessibility of any
2 other user group or mode of travel.

3 (ii) CONNECTED VEHICLES.—Vehicles
4 that send and receive information regard-
5 ing vehicle movements in the network and
6 use vehicle-to-vehicle and vehicle-to-every-
7 thing communications to provide advanced
8 and reliable connectivity.

9 (iii) INTELLIGENT, SENSOR-BASED IN-
10 FRASTRUCTURE.—The deployment and use
11 of a collective intelligent infrastructure
12 that allows sensors to collect and report
13 real-time data to inform everyday trans-
14 portation-related operations and perform-
15 ance.

16 (iv) SYSTEMS INTEGRATION.—The in-
17 tegration of intelligent transportation sys-
18 tems with other existing systems and other
19 advanced transportation technologies.

20 (v) COMMERCE DELIVERY AND LOGIS-
21 TICS.—Innovative data and technological
22 solutions supporting efficient goods move-
23 ment, such as connected vehicle probe
24 data, road weather data, or global posi-
25 tioning data to improve on-time pickup

1 and delivery, improved travel time reli-
2 ability, reduced fuel consumption and
3 emissions, and reduced labor and vehicle
4 maintenance costs.

5 (vi) LEVERAGING USE OF INNOVATIVE
6 AVIATION TECHNOLOGY.—Leveraging the
7 use of innovative aviation technologies,
8 such as unmanned aircraft systems, to
9 support transportation safety and effi-
10 ciencies, including traffic monitoring and
11 infrastructure inspection.

12 (vii) SMART GRID.—Development of a
13 programmable and efficient energy trans-
14 mission and distribution system to support
15 the adoption or expansion of energy cap-
16 ture, electric vehicle deployment, or freight
17 or commercial fleet fuel efficiency.

18 (2) ELIGIBLE PROJECT COSTS.—A SMART
19 grant may be used for—

20 (A) development phase activities, includ-
21 ing—

22 (i) planning;

23 (ii) feasibility analyses;

24 (iii) revenue forecasting;

25 (iv) environmental review;

- 1 (v) permitting;
- 2 (vi) preliminary engineering and de-
- 3 sign work;
- 4 (vii) systems development or informa-
- 5 tion technology work; and
- 6 (viii) acquisition of real property (in-
- 7 cluding land and improvements to land re-
- 8 lating to an eligible project); and
- 9 (B) construction phase activities, includ-
- 10 ing—
- 11 (i) construction;
- 12 (ii) reconstruction;
- 13 (iii) rehabilitation;
- 14 (iv) replacement;
- 15 (v) environmental mitigation;
- 16 (vi) construction contingencies; and
- 17 (vii) acquisition of equipment, includ-
- 18 ing vehicles.

19 (3) PROHIBITED USES.—A SMART grant shall

20 not be used—

21 (A) to reimburse any preaward costs or ap-

22 plication preparation costs of the SMART grant

23 application;

24 (B) for any traffic or parking enforcement

25 activity; or

1 (C) to purchase or lease a license plate
2 reader.

3 (f) REPORTS.—

4 (1) ELIGIBLE ENTITIES.—Not later than 2
5 years after the date on which an eligible entity re-
6 ceives a SMART grant, and annually thereafter until
7 the date on which the SMART grant is expended,
8 the eligible entity shall submit to the Secretary an
9 implementation report that describes—

10 (A) the deployment and operational costs
11 of each eligible project carried out by the eligi-
12 ble entity, as compared to the benefits and sav-
13 ings from the eligible project; and

14 (B) the means by which each eligible
15 project carried out by the eligible entity has
16 met the original expectation, as projected in the
17 SMART grant application, including—

18 (i) data describing the means by
19 which the eligible project met the specific
20 goals for the project, such as—

21 (I) reducing traffic-related fatali-
22 ties and injuries;

23 (II) reducing traffic congestion
24 or improving travel-time reliability;

1 (III) providing the public with
2 access to real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to make informed
5 travel decisions; or

6 (IV) reducing barriers or improv-
7 ing access to jobs, education, or var-
8 ious essential services;

9 (ii) the effectiveness of providing to
10 the public real-time integrated traffic,
11 transit, and multimodal transportation in-
12 formation to make informed travel deci-
13 sions; and

14 (iii) lessons learned and recommenda-
15 tions for future deployment strategies to
16 optimize transportation efficiency and
17 multimodal system performance.

18 (2) GAO.—Not later than 4 years after the
19 date of enactment of this Act, the Comptroller Gen-
20 eral of the United States shall conduct, and submit
21 to the Committee on Commerce, Science, and Trans-
22 portation of the Senate, the Committee on Energy
23 and Commerce of the House of Representatives, and
24 the Committee on Transportation and Infrastructure
25 of the House of Representatives a report describing

1 the results of, a review of the SMART grant pro-
2 gram under this section.

3 (3) SECRETARY.—Not later than 2 years after
4 the date on which the initial SMART grants are pro-
5 vided under this section, the Secretary shall submit
6 to the Committee on Commerce, Science, and Trans-
7 portation of the Senate, the Committee on Energy
8 and Commerce of the House of Representatives, and
9 the Committee on Transportation and Infrastructure
10 of the House of Representatives a report that—

11 (A) describes each eligible entity that re-
12 ceived a SMART grant;

13 (B) identifies the amount of each SMART
14 grant provided;

15 (C) summarizes the intended uses of each
16 SMART grant;

17 (D) describes the effectiveness of eligible
18 entities in meeting the goals described in the
19 SMART grant application of the eligible entity,
20 including an assessment or measurement of the
21 realized improvements or benefits resulting
22 from each SMART grant; and

23 (E) describes lessons learned and rec-
24 ommendations for future deployment strategies

1 to optimize transportation efficiency and
2 multimodal system performance.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to the Secretary \$100,000,000 for each
6 of the first 5 fiscal years beginning after the date of
7 enactment of this Act, of which—

8 (A) not more than 40 percent shall be used
9 to provide SMART grants for eligible projects
10 that primarily benefit large communities;

11 (B) not more than 30 percent shall be pro-
12 vided for eligible projects that primarily benefit
13 midsized communities; and

14 (C) not more than 30 percent shall be used
15 to provide SMART grants for eligible projects
16 that primarily benefit rural communities or re-
17 gional partnerships.

18 (2) ADMINISTRATIVE COSTS.—Of the amounts
19 made available under paragraph (1) for each fiscal
20 year, not more than 2 percent shall be used for ad-
21 ministrative costs of the Secretary in carrying out
22 this section.

23 (3) LIMITATION.—An eligible entity may not
24 use more than 3 percent of the amount of a SMART

1 grant for each fiscal year to achieve compliance with
2 applicable planning and reporting requirements.

3 (4) AVAILABILITY.—The amounts made avail-
4 able for a fiscal year pursuant to this subsection
5 shall be available for obligation during the 2-fiscal-
6 year period beginning on the first day of the fiscal
7 year for which the amounts were appropriated.

8 **SEC. 5006. ELECTRIC VEHICLE WORKING GROUP.**

9 (a) DEFINITIONS.—In this section:

10 (1) SECRETARIES.—The term “Secretaries”
11 means—

12 (A) the Secretary; and

13 (B) the Secretary of Energy.

14 (2) WORKING GROUP.—The term “working
15 group” means the electric vehicle working group es-
16 tablished under subsection (b)(1).

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretaries
20 shall jointly establish an electric vehicle working
21 group to make recommendations regarding the de-
22 velopment, adoption, and integration of light-, me-
23 dium-, and heavy-duty electric vehicles into the
24 transportation and energy systems of the United
25 States.

1 (2) MEMBERSHIP.—

2 (A) IN GENERAL.—The working group
3 shall be composed of—

4 (i) the Secretaries (or designees), who
5 shall be cochairs of the working group; and

6 (ii) not more than 25 members, to be
7 appointed by the Secretaries, of whom—

8 (I) not more than 6 shall be Fed-
9 eral stakeholders as described in sub-
10 paragraph (B); and

11 (II) not more than 19 shall be
12 non-Federal stakeholders as described
13 in subparagraph (C).

14 (B) FEDERAL STAKEHOLDERS.—The
15 working group—

16 (i) shall include not fewer than 1 rep-
17 resentative of each of—

18 (I) the Department;

19 (II) the Department of Energy;

20 (III) the Environmental Protec-
21 tion Agency;

22 (IV) the Council on Environ-
23 mental Quality; and

24 (V) the General Services Admin-
25 istration; and

1 (ii) may include a representative of
2 any other Federal agency the Secretaries
3 consider to be appropriate.

4 (C) NON-FEDERAL STAKEHOLDERS.—

5 (i) IN GENERAL.—Subject to clause
6 (ii), the working group—

7 (I) shall include not fewer than 1
8 representative of each of—

9 (aa) a manufacturer of
10 light-duty electric vehicles or the
11 relevant components of light-duty
12 electric vehicles;

13 (bb) a manufacturer of
14 medium- and heavy-duty vehicles
15 or the relevant components of
16 medium- and heavy-duty electric
17 vehicles;

18 (cc) a manufacturer of elec-
19 tric vehicle batteries;

20 (dd) an owner, operator, or
21 manufacturer of electric vehicle
22 charging equipment;

23 (ee) the public utility indus-
24 try;

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- 1 (ff) a public utility regulator
2 or association of public utility
3 regulators;
- 4 (gg) the transportation fuel-
5 ing distribution industry;
- 6 (hh) the energy provider in-
7 dustry;
- 8 (ii) the automotive dealing
9 industry;
- 10 (jj) the for-hire passenger
11 transportation industry;
- 12 (kk) an organization rep-
13 resenting units of local govern-
14 ment;
- 15 (ll) an organization rep-
16 resenting regional transportation
17 or planning agencies;
- 18 (mm) an organization rep-
19 resenting State departments of
20 transportation;
- 21 (nn) an organization rep-
22 resenting State departments of
23 energy or State energy planners;

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1 (oo) the intelligent transpor-
2 tation systems and technologies
3 industry;

4 (pp) labor organizations rep-
5 resenting workers in transpor-
6 tation manufacturing, construc-
7 tion, or operations;

8 (qq) the trucking industry;

9 (rr) Tribal governments; and

10 (ss) the property develop-
11 ment industry; and

12 (II) may include a representative
13 of any other non-Federal stakeholder
14 that the Secretaries consider to be ap-
15 propriate.

16 (ii) REQUIREMENT.—The stake-
17 holders selected under clause (i) shall, in
18 the aggregate—

19 (I) consist of individuals with a
20 balance of backgrounds, experiences,
21 and viewpoints; and

22 (II) include individuals that rep-
23 resent geographically diverse regions
24 of the United States, including indi-

- 1 (i) consumer behavior;
- 2 (ii) charging infrastructure needs, in-
- 3 cluding standardization and cybersecurity;
- 4 (iii) manufacturing and battery costs,
- 5 including the raw material shortages for
- 6 batteries and electric motor magnets;
- 7 (iv) the adoption of electric vehicles
- 8 for low- and moderate-income individuals
- 9 and underserved communities, including
- 10 charging infrastructure access and vehicle
- 11 purchase financing;
- 12 (v) business models for charging per-
- 13 sonal electric vehicles outside the home, in-
- 14 cluding wired and wireless charging;
- 15 (vi) charging infrastructure permit-
- 16 ting and regulatory issues;
- 17 (vii) the connections between housing
- 18 and transportation costs and emissions;
- 19 (viii) freight transportation, including
- 20 local, port and drayage, regional, and long-
- 21 haul trucking;
- 22 (ix) intercity passenger travel;
- 23 (x) the process by which governments
- 24 collect a user fee for the contribution of

1 electric vehicles to funding roadway im-
2 provements;

3 (xi) State- and local-level policies, in-
4 centives, and zoning efforts;

5 (xii) the installation of highway cor-
6 ridor signage;

7 (xiii) secondary markets and recycling
8 for batteries;

9 (xiv) grid capacity and integration;

10 (xv) energy storage; and

11 (xvi) specific regional or local issues
12 that may not appear to apply throughout
13 the United States, but may hamper nation-
14 wide adoption or coordination of electric
15 vehicles;

16 (B) examples of successful public and pri-
17 vate models and demonstration projects that
18 encourage electric vehicle adoption;

19 (C) an analysis of current efforts to over-
20 come the barriers described in subparagraph
21 (A);

22 (D) an analysis of the estimated costs and
23 benefits of any recommendations of the working
24 group; and

1 (E) any other topics, as determined by the
2 working group.

3 (2) DEADLINES.—A report under paragraph
4 (1) shall be submitted to the Secretaries, the Com-
5 mittees on Commerce, Science, and Transportation
6 and Appropriations of the Senate and the Commit-
7 tees on Transportation and Infrastructure and Ap-
8 propriations of the House of Representatives—

9 (A) in the case of the first report, by not
10 later than 18 months after the date on which
11 the working group is established under sub-
12 section (b)(1);

13 (B) in the case of the second report, by not
14 later than 2 years after the date on which the
15 first report is required to be submitted under
16 subparagraph (A); and

17 (C) in the case of the third report, by not
18 later than 2 years after the date on which the
19 second report is required to be submitted under
20 subparagraph (B).

21 (3) STRATEGY.—

22 (A) IN GENERAL.—Based on the reports
23 submitted by the working group under para-
24 graph (1), the Secretaries shall jointly develop,
25 maintain, and update a strategy that describes

1 the means by which the Federal Government,
2 States, units of local government, and industry
3 can—

4 (i) establish quantitative targets for
5 transportation electrification;

6 (ii) overcome the barriers described in
7 paragraph (1)(A);

8 (iii) identify areas of opportunity in
9 research and development to improve bat-
10 tery manufacturing, mineral mining, recy-
11 cling costs, material recovery, fire risks,
12 and battery performance for electric vehi-
13 cles;

14 (iv) enhance Federal interagency co-
15 ordination to promote electric vehicle adop-
16 tion;

17 (v) prepare the workforce for the
18 adoption of electric vehicles, including
19 through collaboration with labor unions,
20 educational institutions, and relevant man-
21 ufacturers;

22 (vi) expand electric vehicle and charg-
23 ing infrastructure;

1 (vii) expand knowledge of the benefits
2 of electric vehicles among the general pub-
3 lic;

4 (viii) maintain the global competitive-
5 ness of the United States in the electric ve-
6 hicle and charging infrastructure markets;

7 (ix) provide clarity in regulations to
8 improve national uniformity with respect to
9 electric vehicles; and

10 (x) ensure the sustainable integration
11 of electric vehicles into the national electric
12 grid.

13 (B) NOTICE AND COMMENT.—In carrying
14 out subparagraph (A), the Secretaries shall pro-
15 vide public notice and opportunity for comment
16 on the strategy described in that subparagraph.

17 (4) INFORMATION.—

18 (A) IN GENERAL.—The Secretaries may
19 enter into an agreement with the Transpor-
20 tation Research Board of the National Acad-
21 emies of Sciences, Engineering, and Medicine to
22 provide, track, or report data, information, or
23 research to assist the working group in carrying
24 out paragraph (1).

1 (B) USE OF EXISTING INFORMATION.—In
2 developing a report under paragraph (1) or a
3 strategy under paragraph (3), the Secretaries
4 and the working group shall take into consider-
5 ation existing Federal, State, local, private sec-
6 tor, and academic data and information relating
7 to electric vehicles and, to the maximum extent
8 practicable, coordinate with the entities that
9 publish that information—

10 (i) to prevent duplication of efforts by
11 the Federal Government; and

12 (ii) to leverage existing information
13 and complementary efforts.

14 (d) COORDINATION.—To the maximum extent prac-
15 ticable, the Secretaries and the working group shall carry
16 out this section using all available existing resources,
17 websites, and databases of Federal agencies, such as—

18 (1) the Alternative Fuels Data Center;

19 (2) the Energy Efficient Mobility Systems pro-
20 gram; and

21 (3) the Clean Cities Coalition Network.

22 **SEC. 5007. RISK AND SYSTEM RESILIENCE.**

23 (a) IN GENERAL.—The Secretary, in consultation
24 with appropriate Federal, State, and local agencies, shall
25 develop a process for quantifying annual risk in order to

1 increase system resilience with respect to the surface
2 transportation system of the United States by meas-
3 uring—

4 (1) resilience to threat probabilities by type of
5 hazard and geographical location;

6 (2) resilience to asset vulnerabilities with re-
7 spect to each applicable threat; and

8 (3) anticipated consequences from each applica-
9 ble threat to each asset.

10 (b) USE BY STATE, REGIONAL, TRIBAL, AND LOCAL
11 ENTITIES.—

12 (1) IN GENERAL.—The Secretary shall provide
13 the process developed under subsection (a) to State
14 departments of transportation, metropolitan plan-
15 ning organizations, Indian Tribes, local govern-
16 ments, and other relevant entities.

17 (2) GUIDANCE AND TECHNICAL ASSISTANCE.—
18 The Secretary shall provide to the entities described
19 in paragraph (1) guidance and technical assistance
20 on the use of the process referred to in that para-
21 graph.

22 (c) RESEARCH.—

23 (1) IN GENERAL.—The Secretary shall—

24 (A) identify and support fundamental re-
25 search to develop a framework and quantitative

1 models to support compilation of information
2 for risk-based analysis of transportation assets
3 by standardizing the basis for quantifying an-
4 nual risk and increasing system resilience; and
5 (B) build on existing resilience research,
6 including studies conducted by—

- 7 (i) the Transportation Research
8 Board of the National Academies of
9 Sciences, Engineering, and Medicine; and
10 (ii) the National Institute of Stand-
11 ards and Technology.

12 (2) USE OF EXISTING FACILITIES.—In carrying
13 out paragraph (1), the Secretary shall use existing
14 research facilities available to the Secretary, includ-
15 ing the Turner–Fairbank Highway Research Center
16 and University Transportation Centers established
17 under section 5505 of title 49, United States Code.

18 **SEC. 5008. COORDINATION ON EMERGING TRANSPOR-**
19 **TATION TECHNOLOGY.**

20 (a) IN GENERAL.—Subchapter I of chapter 3 of title
21 49, United States Code, is amended by adding at the end
22 the following:

1 **“§ 313. Nontraditional and Emerging Transportation**
2 **Technology Council**

3 “(a) ESTABLISHMENT.—Not later than 180 days
4 after the date of enactment of this section, the Secretary
5 of Transportation (referred to in this section as the ‘Sec-
6 retary’) shall establish a council, to be known as the ‘Non-
7 traditional and Emerging Transportation Technology
8 Council’ (referred to in this section as the ‘Council’), to
9 address coordination on emerging technology issues across
10 all modes of transportation.

11 “(b) MEMBERSHIP.—

12 “(1) IN GENERAL.—The Council shall be com-
13 posed of—

14 “(A) the Secretary, who shall serve as an
15 ex officio member of the Council;

16 “(B) the Deputy Secretary of Transpor-
17 tation;

18 “(C) the Under Secretary of Transpor-
19 tation for Policy;

20 “(D) the Assistant Secretary for Research
21 and Technology of the Department of Trans-
22 portation;

23 “(E) the Assistant Secretary for Budget
24 and Programs of the Department of Transpor-
25 tation;

1 “(F) the General Counsel of the Depart-
2 ment of Transportation;

3 “(G) the Chief Information Officer of the
4 Department of Transportation;

5 “(H) the Administrator of the Federal
6 Aviation Administration;

7 “(I) the Administrator of the Federal
8 Highway Administration;

9 “(J) the Administrator of the Federal
10 Motor Carrier Safety Administration;

11 “(K) the Administrator of the Federal
12 Railroad Administration;

13 “(L) the Administrator of the Federal
14 Transit Administration;

15 “(M) the Administrator of the Maritime
16 Administration;

17 “(N) the Administrator of the National
18 Highway Traffic Safety Administration;

19 “(O) the Administrator of the Pipeline and
20 Hazardous Materials Safety Administration;
21 and

22 “(P) any other official of the Department
23 of Transportation, as determined by the Sec-
24 retary.

25 “(2) CHAIR AND VICE CHAIR.—

1 “(A) CHAIR.—The Deputy Secretary of
2 Transportation (or a designee) shall serve as
3 Chair of the Council.

4 “(B) VICE CHAIR.—The Under Secretary
5 of Transportation for Policy (or a designee)
6 shall serve as Vice Chair of the Council.

7 “(c) DUTIES.—The Council shall—

8 “(1) identify and resolve jurisdictional and reg-
9 ulatory gaps or inconsistencies associated with non-
10 traditional and emerging transportation tech-
11 nologies, modes, or projects pending or brought be-
12 fore the Department of Transportation to reduce, to
13 the maximum extent practicable, impediments to the
14 prompt and safe deployment of new and innovative
15 transportation technology, including with respect
16 to—

17 “(A) safety oversight;

18 “(B) environmental review; and

19 “(C) funding and financing issues;

20 “(2) coordinate the response of the Department
21 of Transportation to nontraditional and emerging
22 transportation technology projects;

23 “(3) engage with stakeholders in nontraditional
24 and emerging transportation technology projects;
25 and

1 “(4) develop and establish Department of
2 Transportation-wide processes, solutions, and best
3 practices for identifying and managing nontradi-
4 tional and emerging transportation technology
5 projects.

6 “(d) BEST PRACTICES.—Not later than 1 year after
7 the date of enactment of this section, the Council shall—

8 “(1) publish initial guidelines to achieve the
9 purposes described in subsection (c)(4); and

10 “(2) promote each modal administration within
11 the Department of Transportation to further test
12 and support the advancement of nontraditional and
13 emerging transportation technologies not specifically
14 considered by the Council.

15 “(e) SUPPORT.—The Office of the Secretary shall
16 provide support for the Council.

17 “(f) MEETINGS.—The Council shall meet not less fre-
18 quently than 4 times per year, at the call of the Chair.

19 “(g) LEAD MODAL ADMINISTRATION.—For each
20 nontraditional or emerging transportation technology,
21 mode, or project associated with a jurisdictional or regu-
22 latory gap or inconsistency identified under subsection
23 (c)(1), the Chair of the Council shall—

1 (2) in subsection (b), in the first sentence, by
2 inserting “(referred to in this section as the ‘Sec-
3 retary’)” after “Transportation”;

4 (3) in subsection (f)(1), by striking “of Trans-
5 portation” each place it appears;

6 (4) by redesignating subsection (h) as sub-
7 section (i); and

8 (5) by inserting after subsection (g) the fol-
9 lowing:

10 “(h) INTERAGENCY INFRASTRUCTURE PERMITTING
11 IMPROVEMENT CENTER.—

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

13 “(A) CENTER.—The term ‘Center’ means
14 the Interagency Infrastructure Permitting Im-
15 provement Center established by paragraph (2).

16 “(B) PROJECT.—The term ‘project’ means
17 a project authorized or funded under—

18 “(i) this title; or

19 “(ii) title 14, 23, 46, or 51.

20 “(2) ESTABLISHMENT.—There is established
21 within the Office of the Secretary a center, to be
22 known as the ‘Interagency Infrastructure Permitting
23 Improvement Center’.

24 “(3) PURPOSES.—The purposes of the Center
25 shall be—

1 “(A) to implement reforms to improve
2 interagency coordination and expedite projects
3 relating to the permitting and environmental re-
4 view of major transportation infrastructure
5 projects, including—

6 “(i) developing and deploying informa-
7 tion technology tools to track project
8 schedules and metrics; and

9 “(ii) improving the transparency and
10 accountability of the permitting process;

11 “(B)(i) to identify appropriate methods to
12 assess environmental impacts; and

13 “(ii) to develop innovative methods for
14 reasonable mitigation;

15 “(C) to reduce uncertainty and delays with
16 respect to environmental reviews and permit-
17 ting; and

18 “(D) to reduce costs and risks to taxpayers
19 in project delivery.

20 “(4) EXECUTIVE DIRECTOR.—The Center shall
21 be headed by an Executive Director, who shall—

22 “(A) report to the Under Secretary of
23 Transportation for Policy;

1 “(B) be responsible for the management
2 and oversight of the daily activities, decisions,
3 operations, and personnel of the Center; and

4 “(C) carry out such additional duties as
5 the Secretary may prescribe.

6 “(5) DUTIES.—The Center shall carry out the
7 following duties:

8 “(A) Coordinate and support implementa-
9 tion of priority reform actions for Federal agen-
10 cy permitting and reviews.

11 “(B) Support modernization efforts at the
12 operating administrations within the Depart-
13 ment and interagency pilot programs relating to
14 innovative approaches to the permitting and re-
15 view of transportation infrastructure projects.

16 “(C) Provide technical assistance and
17 training to Department staff on policy changes,
18 innovative approaches to project delivery, and
19 other topics, as appropriate.

20 “(D) Identify, develop, and track metrics
21 for timeliness of permit reviews, permit deci-
22 sions, and project outcomes.

23 “(E) Administer and expand the use of on-
24 line transparency tools providing for—

25 “(i) tracking and reporting of metrics;

1 “(ii) development and posting of
2 schedules for permit reviews and permit
3 decisions;

4 “(iii) the sharing of best practices re-
5 lating to efficient project permitting and
6 reviews; and

7 “(iv) the visual display of relevant
8 geospatial data to support the permitting
9 process.

10 “(F) Submit to the Secretary reports de-
11 scribing progress made toward achieving—

12 “(i) greater efficiency in permitting
13 decisions and review of infrastructure
14 projects; and

15 “(ii) better outcomes for communities
16 and the environment.

17 “(6) INNOVATIVE BEST PRACTICES.—

18 “(A) IN GENERAL.—The Center shall work
19 with the operating administrations within the
20 Department, eligible entities, and other public
21 and private interests to develop and promote
22 best practices for innovative project delivery.

23 “(B) ACTIVITIES.—The Center shall sup-
24 port the Department and operating administra-
25 tions in conducting environmental reviews and

1 permitting, together with project sponsor tech-
2 nical assistance activities, by—

3 “(i) carrying out activities that are
4 appropriate and consistent with the goals
5 and policies of the Department to improve
6 the delivery timelines for projects;

7 “(ii) serving as the Department liai-
8 son to—

9 “(I) the Council on Environ-
10 mental Quality; and

11 “(II) the Federal Permitting Im-
12 provement Steering Council estab-
13 lished by section 41002(a) of the Fix-
14 ing America’s Surface Transportation
15 Act (42 U.S.C. 4370m–1(a));

16 “(iii) supporting the National Surface
17 Transportation and Innovative Finance
18 Bureau (referred to in this paragraph as
19 the ‘Bureau’) in implementing activities to
20 improve delivery timelines, as described in
21 section 116(f), for projects carried out
22 under the programs described in section
23 116(d)(1) for which the Bureau admin-
24 isters the application process;

1 “(iv) leading activities to improve de-
2 livery timelines for projects carried out
3 under programs not administered by the
4 Bureau by—

5 “(I) coordinating efforts to im-
6 prove the efficiency and effectiveness
7 of the environmental review and per-
8 mitting process;

9 “(II) providing technical assist-
10 ance and training to field and head-
11 quarters staff of Federal agencies
12 with respect to policy changes and in-
13 novative approaches to the delivery of
14 projects; and

15 “(III) identifying, developing,
16 and tracking metrics for permit re-
17 views and decisions by Federal agen-
18 cies for projects under the National
19 Environmental Policy Act of 1969 (42
20 U.S.C. 4321 et seq.).

21 “(C) NEPA COMPLIANCE ASSISTANCE.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), at the request of an entity that is car-
24 rying out a project, the Center, in coordi-
25 nation with the appropriate operating ad-

1 ministrations within the Department, shall
2 provide technical assistance relating to
3 compliance with the applicable require-
4 ments of the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321 et seq.)
6 and applicable Federal authorizations.

7 “(ii) ASSISTANCE FROM THE BU-
8 REAU.—For projects carried out under the
9 programs described in section 116(d)(1)
10 for which the Bureau administers the ap-
11 plication process, the Bureau, on request
12 of the entity carrying out the project, shall
13 provide the technical assistance described
14 in clause (i).”.

15 (b) CONFORMING AMENDMENT.—Section 116(f)(2)
16 of title 49, United States Code, is amended—

17 (1) by striking subparagraph (A); and
18 (2) by redesignating subparagraphs (B)
19 through (D) and subparagraphs (A) through (C), re-
20 spectively.

21 **SEC. 5010. RURAL OPPORTUNITIES TO USE TRANSPOR-**
22 **TATION FOR ECONOMIC SUCCESS INITIATIVE.**

23 (a) DEFINITIONS.—In this section:

24 (1) BUILD AMERICA BUREAU.—The term
25 “Build America Bureau” means the National Sur-

1 face Transportation and Innovative Finance Bureau
2 established under section 116 of title 49, United
3 States Code.

4 (2) ROUTES COUNCIL.—The term “ROUTES
5 Council” means the Rural Opportunities to Use
6 Transportation for Economic Success Council estab-
7 lished by subsection (c)(1).

8 (3) ROUTES OFFICE.—The term “ROUTES
9 Office” means the Rural Opportunities to Use
10 Transportation for Economic Success Office estab-
11 lished by subsection (b)(1).

12 (b) ROUTES OFFICE.—

13 (1) IN GENERAL.—The Secretary shall establish
14 within the Department the Rural Opportunities to
15 Use Transportation for Economic Success Office—

16 (A) to improve analysis of projects from
17 rural areas, federally recognized Indian Tribes,
18 and historically disadvantaged communities in
19 rural or Tribal areas applying for Department
20 discretionary grants, including ensuring that
21 project costs, local resources, and the larger
22 benefits to the people and the economy of the
23 United States are appropriately considered; and

24 (B) to provide rural communities, federally
25 recognized Indian Tribes, and historically dis-

1 advantaged communities in rural or Tribal
2 areas with technical assistance for meeting the
3 transportation infrastructure investment needs
4 of the United States in a financially sustainable
5 manner.

6 (2) OBJECTIVES.—The ROUTES Office shall—

7 (A) collect input from knowledgeable enti-
8 ties and the public on—

9 (i) the benefits of rural and Tribal
10 transportation projects;

11 (ii) the technical and financial assist-
12 ance required for constructing and oper-
13 ating rural and Tribal transportation in-
14 frastructure and services;

15 (iii) barriers and opportunities to
16 funding rural and Tribal transportation
17 projects; and

18 (iv) unique transportation barriers
19 and challenges facing historically disadvan-
20 taged communities in rural and Tribal
21 areas;

22 (B) evaluate data on rural and Tribal
23 transportation challenges and determining
24 methods to align the discretionary funding and
25 financing opportunities of the Department with

1 the needs of those communities for meeting na-
2 tional transportation goals; and

3 (C) educate rural communities and Tribal
4 communities about applicable Department dis-
5 cretionary grants, develop effective methods to
6 evaluate projects in those communities in dis-
7 cretionary grant programs, and communicate
8 those methods through program guidance.

9 (c) ROUTES COUNCIL.—

10 (1) IN GENERAL.—The Secretary shall establish
11 a Rural Opportunities to Use Transportation for
12 Economic Success Council—

13 (A) to organize, guide, and lead the
14 ROUTES Office; and

15 (B) to coordinate rural-related and Tribal-
16 related funding programs and assistance among
17 the modal administrations.

18 (2) MEMBERSHIP.—

19 (A) IN GENERAL.—The ROUTES Council
20 shall be composed of the following officers of
21 the Department, or their designees:

22 (i) The Under Secretary of Transpor-
23 tation for Policy.

24 (ii) The General Counsel.

1 (iii) The Chief Financial Officer and
2 Assistant Secretary for Budget and Pro-
3 grams.

4 (iv) The Assistant Secretary for Re-
5 search and Technology.

6 (v) The Assistant Secretary for
7 Multimodal Freight.

8 (vi) The Administrators of—

9 (I) the Federal Aviation Adminis-
10 tration;

11 (II) the Federal Highway Admin-
12 istration;

13 (III) the Federal Railroad Ad-
14 ministration; and

15 (IV) the Federal Transit Admin-
16 istration.

17 (vii) The Executive Director of the
18 Build America Bureau.

19 (viii) The Assistant Secretary of Gov-
20 ernment Affairs.

21 (B) CHAIR.—The Under Secretary of
22 Transportation for Policy shall be the Chair of
23 the ROUTES Council.

24 (C) ADDITIONAL MEMBERS.—The Sec-
25 retary or the Chair of the ROUTES Council

1 may designate additional members to serve on
2 the ROUTES Council.

3 (3) ADDITIONAL MODAL INPUT.—To address
4 issues related to safety and transport of rural and
5 Tribal commodities, the ROUTES Council shall con-
6 sult with the Administrators (or their designees)
7 of—

8 (A) the Maritime Administration;

9 (B) the Great Lakes St. Lawrence Seaway
10 Development Corporation; and

11 (C) the National Highway Traffic Safety
12 Administration.

13 (4) DUTIES.—Members of the ROUTES Coun-
14 cil shall—

15 (A) participate in all meetings and relevant
16 ROUTES Council activities and be prepared to
17 share information relevant to rural and Tribal
18 transportation infrastructure projects and
19 issues;

20 (B) provide guidance and leadership on
21 rural and Tribal transportation infrastructure
22 issues and represent the work of the ROUTES
23 Council and the Department on those issues to
24 external stakeholders; and

1 (C) recommend initiatives for the consider-
2 ation of the Chair of the ROUTES Council to
3 establish and staff any resulting activities or
4 working groups.

5 (5) MEETINGS.—The ROUTES Council shall
6 meet bimonthly.

7 (6) WORK PRODUCTS AND DELIVERABLES.—
8 The ROUTES Council may develop work products
9 or deliverables to meet the goals of the ROUTES
10 Council, including—

11 (A) an annual report to Congress describ-
12 ing ROUTES Council activities for the past
13 year and expected activities for the coming
14 year;

15 (B) any recommendations to enhance the
16 effectiveness of Department discretionary grant
17 programs regarding rural and Tribal infrastruc-
18 ture issues; and

19 (C) other guides and reports for relevant
20 groups and the public.

21 **SEC. 5011. ADVANCED TRANSPORTATION TECHNOLOGIES**
22 **DEPLOYMENT PROGRAM.**

23 Section 503 of title 23, United States Code, is
24 amended—

1 (1) in subsection (a)(2), by striking “under sec-
2 tion 508” and inserting “under section 6503 of title
3 49”; and

4 (2) in subsection (c)(4)—

5 (A) in subparagraph (A), by striking “and
6 congestion management”;

7 (B) in subparagraph (B)—

8 (i) by redesignating clauses (i)
9 through (viii) as clauses (vii) through (xiv),
10 respectively;

11 (ii) by inserting before clause (vii) (as
12 so redesignated) the following:

13 “(i) improve the mobility of people
14 and goods;

15 “(ii) reduce congestion;

16 “(iii) promote safety;

17 “(iv) improve the durability and ex-
18 tend the life of transportation infrastruc-
19 ture;

20 “(v) preserve the environment;

21 “(vi) preserve the existing transpor-
22 tation system;” and

23 (iii) in clause (xiv) (as so redesign-
24 ated), by inserting “vehicle-to-pedes-
25 trian,” after “vehicle-to-infrastructure,”;

- 1 (C) in subparagraph (C)(ii)—
- 2 (i) in subclause (I), by striking “and
- 3 congestion management”;
- 4 (ii) by striking subclause (II);
- 5 (iii) by redesignating subclauses (III)
- 6 through (V) as subclauses (II) through
- 7 (IV), respectively; and
- 8 (iv) in subclause (II) (as so redesign-
- 9 ated), by striking “efficiency and reduce
- 10 traffic congestion”;
- 11 (D) in subparagraph (E)—
- 12 (i) in the matter preceding clause (i),
- 13 by striking “and congestion management”;
- 14 (ii) in clause (viii), by striking “or” at
- 15 the end;
- 16 (iii) in clause (ix), by striking the pe-
- 17 riod at the end and inserting “; or”; and
- 18 (iv) by adding at the end the fol-
- 19 lowing:
- 20 “(x) advanced transportation tech-
- 21 nologies, in accordance with the research
- 22 areas described in section 6503 of title
- 23 49.”;

1 (E) in subparagraph (I)(i), by striking
2 “2016 through 2020” and inserting “2022
3 through 2026”; and

4 (F) in subparagraph (N)—

5 (i) in the matter preceding clause (i),
6 by striking “, the following definitions
7 apply”;

8 (ii) by striking clause (ii) and insert-
9 ing the following:

10 “(ii) **ADVANCED TRANSPORTATION**
11 **TECHNOLOGY.**—The term ‘advanced trans-
12 portation technology’ means any tech-
13 nology that improves the efficiency, dura-
14 bility, sustainability, safety, or state of
15 good repair of a surface transportation
16 system.”; and

17 (iii) in clause (iii), in the matter pre-
18 ceding subclause (I), by striking “a any”
19 and inserting “any”.

20 **SEC. 5012. SAFETY DATA INITIATIVE.**

21 (a) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-
22 tion, the term “eligible entity” means—

23 (1) a State;

24 (2) a unit of local government;

25 (3) a transit agency or authority;

- 1 (4) a metropolitan planning organization;
- 2 (5) any other subdivision of a State or local
- 3 government;
- 4 (6) an institution of higher education; and
- 5 (7) a multi-State or multijurisdictional group.

6 (b) SAFETY DATA INITIATIVE.—

7 (1) ESTABLISHMENT.—The Secretary shall es-

8 tablish an initiative, to be known as the “Safety

9 Data Initiative”, to promote the use of data integra-

10 tion, data visualization, and advanced analytics for

11 surface transportation safety through the develop-

12 ment of innovative practices and products for use by

13 Federal, State, and local entities.

14 (2) ACTIVITIES.—

15 (A) APPLIED RESEARCH.—

16 (i) IN GENERAL.—The Secretary shall

17 support and carry out applied research to

18 develop practices and products that will en-

19 courage the integration and use of tradi-

20 tional and new sources of safety data and

21 safety information to improve policy and

22 decisionmaking at the Federal, State, and

23 local government levels.

24 (ii) METHODOLOGY.—In carrying out

25 clause (i), the Secretary may—

517

1 (I) carry out demonstration pro-
2 grams;

3 (II) award grants and provide in-
4 centives to eligible entities;

5 (III) enter into partnerships
6 with—

7 (aa) eligible entities;

8 (bb) private sector entities;

9 and

10 (cc) National Laboratories;

11 and

12 (IV) use any other tools, strate-
13 gies, or methods that will result in the
14 effective use of data and information
15 for safety purposes.

16 (B) TOOLS AND PRACTICES.—In carrying
17 out subparagraph (A), the Secretary, to the
18 maximum extent practicable, shall—

19 (i) develop safety analysis tools for
20 State and local governments, with a par-
21 ticular focus on State and local govern-
22 ments with limited capacity to perform
23 safety analysis;

24 (ii)(I) identify innovative State and
25 local government practices;

1 (II) incubate those practices for fur-
2 ther development; and

3 (III) replicate those practices nation-
4 wide; and

5 (iii) transfer to State and local gov-
6 ernments the results of the applied re-
7 search carried out under that subpara-
8 graph.

9 (C) DATA SHARING.—

10 (i) IN GENERAL.—To inform the cre-
11 ation of information useful for safety pol-
12 icy and decisionmaking, the Secretary
13 shall—

14 (I) encourage the sharing of data
15 between and among Federal, State,
16 and local transportation agencies; and

17 (II) leverage data from private
18 sector entities.

19 (ii) GOALS.—The goals of the data-
20 sharing activities under clause (i) shall in-
21 clude—

22 (I) the creation of data eco-
23 systems to reduce barriers to the effi-
24 cient integration and analysis of rel-

1 evant datasets for use by safety pro-
2 fessionals; and

3 (II) the establishment of proce-
4 dures adequate to ensure sufficient se-
5 curity, privacy, and confidentiality as
6 needed to promote the sharing of sen-
7 sitive or proprietary data.

8 (iii) MANAGEMENT OF DATA ECO-
9 SYSTEMS.—A data ecosystem described in
10 clause (ii)(I) may be managed by—

11 (I) the Director of the Bureau of
12 Transportation Statistics;

13 (II) 1 or more trusted third par-
14 ties, as determined by the Secretary;
15 or

16 (III) 1 or more other entities or
17 partnerships capable of securing,
18 managing, and analyzing sensitive or
19 proprietary data.

20 (3) PLAN.—

21 (A) IN GENERAL.—The Safety Data Initia-
22 tive shall be carried out pursuant to a plan to
23 be jointly established by—

24 (i) the Under Secretary of Transpor-
25 tation for Policy;

1 (ii) the Chief Information Officer of
2 the Department;

3 (iii) the Administrator of the National
4 Highway Traffic Safety Administration;

5 (iv) the Administrator of the Federal
6 Highway Administration;

7 (v) the Administrator of the Federal
8 Motor Carrier Safety Administration;

9 (vi) the Administrator of the Federal
10 Transit Administration; and

11 (vii) the Administrator of the Federal
12 Railroad Administration.

13 (B) REQUIREMENT.—The plan established
14 under subparagraph (A) shall include details re-
15 garding the means by which tools and innova-
16 tions developed by projects carried out under
17 the Safety Data Initiative will be transferred to
18 the appropriate program of the Department for
19 further implementation.

20 (C) DEADLINE.—Not later than 1 year
21 after the date of enactment of this Act, the Sec-
22 retary shall direct the officials described in
23 clauses (i) through (vii) of subparagraph (A) to
24 establish, by a date determined by the Sec-

1 retary, the plan referred to in that subpara-
2 graph.

3 **SEC. 5013. ADVANCED TRANSPORTATION RESEARCH.**

4 (a) IN GENERAL.—Chapter 1 of title 49, United
5 States Code (as amended by section 1101(a)), is amended
6 by adding at the end the following:

7 **“§ 119. Advanced Research Projects Agency–Infra-
8 structure**

9 “(a) DEFINITIONS.—In this section:

10 “(1) ARPA–I.— The term ‘ARPA–I’ means the
11 Advanced Research Projects Agency–Infrastructure
12 established by subsection (b).

13 “(2) DEPARTMENT.—The term ‘Department’
14 means the Department of Transportation.

15 “(3) DIRECTOR.—The term ‘Director’ means
16 the Director of ARPA–I appointed under subsection
17 (d).

18 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a unit of State or local government;

21 “(B) an institution of higher education;

22 “(C) a commercial entity;

23 “(D) a research foundation;

24 “(E) a trade or industry research collabo-
25 rative;

1 “(F) a federally funded research and devel-
2 opment center;

3 “(G) a research facility owned or funded
4 by the Department;

5 “(H) a collaborative that includes relevant
6 international entities; and

7 “(I) a consortia of 2 or more entities de-
8 scribed in any of subparagraphs (A) through
9 (H).

10 “(5) INFRASTRUCTURE.—

11 “(A) IN GENERAL.—The term ‘infrastruc-
12 ture’ means any transportation method or facil-
13 ity that facilitates the transit of goods or people
14 within the United States (including territories).

15 “(B) INCLUSIONS.—The term ‘infrastruc-
16 ture’ includes—

17 “(i) roads;

18 “(ii) highways;

19 “(iii) bridges;

20 “(iv) airports;

21 “(v) rail lines;

22 “(vi) harbors; and

23 “(vii) pipelines.

24 “(6) SECRETARY.—The term ‘Secretary’ means
25 the Secretary of Transportation.

1 “(b) ESTABLISHMENT.—There is established within
2 the Department an agency, to be known as the ‘Advanced
3 Research Projects Agency—Infrastructure’, to support the
4 development of science and technology solutions—

5 “(1) to overcome long-term challenges; and

6 “(2) to advance the state of the art for United
7 States transportation infrastructure.

8 “(c) GOALS.—

9 “(1) IN GENERAL.—The goals of ARPA–I shall
10 be—

11 “(A) to advance the transportation infra-
12 structure of the United States by developing in-
13 novative science and technology solutions that—

14 “(i) lower the long-term costs of infra-
15 structure development, including costs of
16 planning, construction, and maintenance;

17 “(ii) reduce the lifecycle impacts of
18 transportation infrastructure on the envi-
19 ronment, including through the reduction
20 of greenhouse gas emissions;

21 “(iii) contribute significantly to im-
22 proving the safe, secure, and efficient
23 movement of goods and people; and

1 “(iv) promote the resilience of infra-
2 structure from physical and cyber threats;
3 and

4 “(B) to ensure that the United States is a
5 global leader in developing and deploying ad-
6 vanced transportation infrastructure tech-
7 nologies and materials.

8 “(2) RESEARCH PROJECTS.—ARPA-I shall
9 achieve the goals described in paragraph (1) by pro-
10 viding assistance under this section for infrastruc-
11 ture research projects that—

12 “(A) advance novel, early-stage research
13 with practicable application to transportation
14 infrastructure;

15 “(B) translate techniques, processes, and
16 technologies, from the conceptual phase to pro-
17 totype, testing, or demonstration;

18 “(C) develop advanced manufacturing
19 processes and technologies for the domestic
20 manufacturing of novel transportation-related
21 technologies; and

22 “(D) accelerate transformational techno-
23 logical advances in areas in which industry enti-
24 ties are unlikely to carry out projects due to
25 technical and financial uncertainty.

1 “(d) DIRECTOR.—

2 “(1) APPOINTMENT.—ARPA–I shall be headed
3 by a Director, who shall be appointed by the Presi-
4 dent, by and with the advice and consent of the Sen-
5 ate.

6 “(2) QUALIFICATIONS.—The Director shall be
7 an individual who, by reason of professional back-
8 ground and experience, is especially qualified to ad-
9 vise the Secretary regarding, and manage research
10 programs addressing, matters relating to the devel-
11 opment of science and technology solutions to ad-
12 vance United States transportation infrastructure.

13 “(3) RELATIONSHIP TO SECRETARY.—The Di-
14 rector shall—

15 “(A) be located within the Office of the As-
16 sistant Secretary for Research and Technology;
17 and

18 “(B) report to the Secretary.

19 “(4) RELATIONSHIP TO OTHER PROGRAMS.—
20 No other program within the Department shall re-
21 port to the Director.

22 “(5) RESPONSIBILITIES.—The responsibilities
23 of the Director shall include—

24 “(A) approving new programs within
25 ARPA–I;

1 “(B) developing funding criteria, and as-
2 sessing the success of programs, to achieve the
3 goals described in subsection (c)(1) through the
4 establishment of technical milestones;

5 “(C) administering available funding by
6 providing to eligible entities assistance to
7 achieve the goals described in subsection (c)(1);

8 “(D) terminating programs carried out
9 under this section that are not achieving the
10 goals of the programs; and

11 “(E) establishing a process through which
12 eligible entities can submit to ARPA–I unsolic-
13 ited research proposals for assistance under this
14 section in accordance with subsection (f).

15 “(e) PERSONNEL.—

16 “(1) IN GENERAL.—The Director shall establish
17 and maintain within ARPA–I a staff with sufficient
18 qualifications and expertise to enable ARPA–I to
19 carry out the responsibilities under this section, in
20 conjunction with other operations of the Depart-
21 ment.

22 “(2) PROGRAM DIRECTORS.—

23 “(A) IN GENERAL.—The Director shall
24 designate employees to serve as program direc-
25 tors for ARPA–I.

1 “(B) RESPONSIBILITIES.—Each program
2 director shall be responsible for—

3 “(i) establishing research and develop-
4 ment goals for the applicable program, in-
5 cluding by convening workshops and con-
6 ferring with outside experts;

7 “(ii) publicizing the goals of the appli-
8 cable program;

9 “(iii) soliciting applications for spe-
10 cific areas of particular promise, especially
11 in areas that the private sector or the Fed-
12 eral Government are not likely to carry out
13 absent assistance from ARPA-I;

14 “(iv) establishing research collabora-
15 tions for carrying out the applicable pro-
16 gram;

17 “(v) selecting on the basis of merit
18 each project to be supported under the ap-
19 plicable program, taking into consider-
20 ation—

21 “(I) the novelty and scientific
22 and technical merit of proposed
23 projects;

1 “(II) the demonstrated capabili-
2 ties of eligible entities to successfully
3 carry out proposed projects;

4 “(III) the extent to which an eli-
5 gible entity took into consideration fu-
6 ture commercial applications of a pro-
7 posed project, including the feasibility
8 of partnering with 1 or more commer-
9 cial entities; and

10 “(IV) such other criteria as the
11 Director may establish;

12 “(vi) identifying innovative cost-shar-
13 ing arrangements for projects carried out
14 or funded by ARPA-I;

15 “(vii) monitoring the progress of
16 projects supported under the applicable
17 program;

18 “(viii) identifying mechanisms for
19 commercial application of successful tech-
20 nology development projects, including
21 through establishment of partnerships be-
22 tween eligible entities and commercial enti-
23 ties; and

24 “(ix) as applicable, recommending—

25 “(I) program restructuring; or

1 “(II) termination of applicable
2 research partnerships or projects.

3 “(C) TERM OF SERVICE.—A program di-
4 rector—

5 “(i) shall serve for a term of 3 years;
6 and

7 “(ii) may be reappointed for any sub-
8 sequent term of service.

9 “(3) HIRING AND MANAGEMENT.—

10 “(A) IN GENERAL.—The Director may—

11 “(i) make appointments of scientific,
12 engineering, and professional personnel,
13 without regard to the civil service laws;

14 “(ii) fix the basic pay of such per-
15 sonnel at such rate as the Director may
16 determine, but not to exceed level II of the
17 Executive Schedule, without regard to the
18 civil service laws; and

19 “(iii) pay an employee appointed
20 under this subparagraph payments in addi-
21 tion to basic pay, subject to the condition
22 that the total amount of those additional
23 payments for any 12-month period shall
24 not exceed the least of—

25 “(I) \$25,000;

1 “(II) an amount equal to 25 per-
2 cent of the annual rate of basic pay of
3 the employee; and

4 “(III) the amount of the applica-
5 ble limitation for a calendar year
6 under section 5307(a)(1) of title 5.

7 “(B) PRIVATE RECRUITING FIRMS.—The
8 Director may enter into a contract with a pri-
9 vate recruiting firm for the hiring of qualified
10 technical staff to carry out this section.

11 “(C) ADDITIONAL STAFF.—The Director
12 may use all authorities available to the Sec-
13 retary to hire administrative, financial, and
14 clerical staff, as the Director determines to be
15 necessary to carry out this section.

16 “(f) RESEARCH PROPOSALS.—

17 “(1) IN GENERAL.—An eligible entity may sub-
18 mit to the Director an unsolicited research proposal
19 at such time, in such manner, and containing such
20 information as the Director may require, including a
21 description of—

22 “(A) the extent of current and prior efforts
23 with respect to the project proposed to be car-
24 ried out using the assistance, if applicable; and

1 “(B) any current or prior investments in
2 the technology area for which funding is re-
3 quested, including as described in subsection
4 (c)(2)(D).

5 “(2) REVIEW.—The Director—

6 “(A) shall review each unsolicited research
7 proposal submitted under paragraph (1), taking
8 into consideration—

9 “(i) the novelty and scientific and
10 technical merit of the research proposal;

11 “(ii) the demonstrated capabilities of
12 the applicant to successfully carry out the
13 research proposal;

14 “(iii) the extent to which the applicant
15 took into consideration future commercial
16 applications of the proposed research
17 project, including the feasibility of
18 partnering with 1 or more commercial enti-
19 ties; and

20 “(iv) such other criteria as the Direc-
21 tor may establish;

22 “(B) may approve a research proposal if
23 the Director determines that the research is in
24 accordance with—

1 “(i) the goals described in subsection
2 (c)(1); or

3 “(ii) an applicable transportation re-
4 search and development strategic plan de-
5 veloped under section 6503; and

6 “(C)(i) if funding is denied for the re-
7 search proposal, shall provide to the eligible en-
8 tity that submitted the proposal a written no-
9 tice of the denial that, as applicable—

10 “(I) explains why the research pro-
11 posal was not selected, including whether
12 the research proposal fails to cover an area
13 of need; and

14 “(II) recommends that the research
15 proposal be submitted to another research
16 program; or

17 “(ii) if the research proposal is approved
18 for funding, shall provide to the eligible entity
19 that submitted the proposal—

20 “(I) a written notice of the approval;
21 and

22 “(II) assistance in accordance with
23 subsection (g) for the proposed research.

1 “(g) FORMS OF ASSISTANCE.—On approval of a re-
2 search proposal of an eligible entity, the Director may pro-
3 vide to the eligible entity assistance in the form of—

4 “(1) a grant;

5 “(2) a contract;

6 “(3) a cooperative agreement;

7 “(4) a cash prize; or

8 “(5) another, similar form of funding.

9 “(h) REPORTS AND ROADMAPS.—

10 “(1) ANNUAL REPORTS.—For each fiscal year,
11 the Director shall provide to the Secretary, for inclu-
12 sion in the budget request submitted by the Sec-
13 retary to the President under section 1108 of title
14 31 for the fiscal year, a report that, with respect to
15 the preceding fiscal year, describes—

16 “(A) the projects that received assistance
17 from ARPA–I, including—

18 “(i) each such project that was funded
19 as a result of an unsolicited research pro-
20 posal; and

21 “(ii) each such project that examines
22 topics or technologies closely related to
23 other activities funded by the Department,
24 including an analysis of whether the Direc-

1 tor achieved compliance with subsection
2 (i)(1) in supporting the project; and

3 “(B) the instances of, and reasons for, the
4 provision of assistance under this section for
5 any projects being carried out by industry enti-
6 ties.

7 “(2) STRATEGIC VISION ROADMAP.—Not later
8 than October 1, 2022, and not less frequently than
9 once every 4 years thereafter, the Director shall sub-
10 mit to the relevant authorizing and appropriations
11 committees of Congress a roadmap describing the
12 strategic vision that ARPA–I will use to guide the
13 selection of future projects for technology investment
14 during the 4 fiscal-year period beginning on the date
15 of submission of the report.

16 “(i) COORDINATION AND NONDUPLICATION.—To the
17 maximum extent practicable, the Director shall ensure
18 that—

19 “(1) the activities of ARPA–I are coordinated
20 with, and do not duplicate the efforts of, programs
21 and laboratories within—

22 “(A) the Department; and

23 “(B) other relevant research agencies; and

1 “(2) no funding is provided by ARPA–I for a
2 project, unless the eligible entity proposing the
3 project—

4 “(A) demonstrates sufficient attempts to
5 secure private financing; or

6 “(B) indicates that the project is not inde-
7 pendently commercially viable.

8 “(j) FEDERAL DEMONSTRATION OF TECH-
9 NOLOGIES.—The Director shall seek opportunities to part-
10 ner with purchasing and procurement programs of Federal
11 agencies to demonstrate technologies resulting from activi-
12 ties funded through ARPA–I.

13 “(k) PARTNERSHIPS.—The Director shall seek op-
14 portunities to enter into contracts or partnerships with mi-
15 nority-serving institutions (as described in any of para-
16 graphs (1) through (7) of section 371(a) of the Higher
17 Education Act of 1965 (20 U.S.C. 1067q(a)))—

18 “(1) to accomplish the goals of ARPA–I;

19 “(2) to develop institutional capacity in ad-
20 vanced transportation infrastructure technologies
21 and materials;

22 “(3) to engage underserved populations in de-
23 veloping, demonstrating, and deploying those tech-
24 nologies and materials; and

1 “(4) to otherwise address the needs of ARPA–
2 I.

3 “(1) UNIVERSITY TRANSPORTATION CENTERS.—The
4 Director may—

5 “(1) partner with university transportation cen-
6 ters under section 5505 to accomplish the goals, and
7 address the needs, of ARPA–I; and

8 “(2) sponsor and select for funding, in accord-
9 ance with section 5505, competitively selected uni-
10 versity transportation center grants, in addition to
11 the assistance provided under section 5505, to ad-
12 dress targeted technology and material goals of
13 ARPA–I.

14 “(m) ADVICE.—

15 “(1) ADVISORY COMMITTEES.—The Director
16 may seek advice regarding any aspect of ARPA–I
17 from—

18 “(A) an existing advisory committee, of-
19 fice, or other group within the Department; and

20 “(B) a new advisory committee organized
21 to support the programs of ARPA–I by pro-
22 viding advice and assistance regarding—

23 “(i) specific program tasks; or

24 “(ii) the overall direction of ARPA–I.

1 “(2) ADDITIONAL SOURCES.—In carrying out
2 this section, the Director may seek advice and review
3 from—

4 “(A) the President’s Council of Advisors
5 on Science and Technology;

6 “(B) the Advanced Research Projects
7 Agency–Energy; and

8 “(C) any professional or scientific organi-
9 zation with expertise relating to specific proc-
10 esses or technologies under development by
11 ARPA–I.

12 “(n) EVALUATION.—

13 “(1) IN GENERAL.—Not later than December
14 27, 2024, the Secretary may enter into an arrange-
15 ment with the National Academy of Sciences under
16 which the National Academy shall conduct an eval-
17 uation of the achievement by ARPA–I of the goals
18 described in subsection (c)(1).

19 “(2) INCLUSIONS.—The evaluation under para-
20 graph (1) may include—

21 “(A) a recommendation regarding whether
22 ARPA–I should be continued;

23 “(B) a recommendation regarding whether
24 ARPA–I, or the Department generally, should

1 continue to allow entities to submit unsolicited
2 research proposals; and

3 “(C) a description of—

4 “(i) the lessons learned from the oper-
5 ation of ARPA–I; and

6 “(ii) the manner in which those les-
7 sons may apply to the operation of other
8 programs of the Department.

9 “(3) AVAILABILITY.—On completion of the
10 evaluation under paragraph (1), the evaluation shall
11 be made available to—

12 “(A) Congress; and

13 “(B) the public.

14 “(o) PROTECTION OF INFORMATION.—

15 “(1) IN GENERAL.—Each type of information
16 described in paragraph (2) that is collected by
17 ARPA–I from eligible entities shall be considered to
18 be—

19 “(A) commercial and financial information
20 obtained from a person;

21 “(B) privileged or confidential; and

22 “(C) not subject to disclosure under sec-
23 tion 552(b)(4) of title 5.

1 “(2) DESCRIPTION OF TYPES OF INFORMA-
2 TION.—The types of information referred to in para-
3 graph (1) are—

4 “(A) information relating to plans for com-
5 mercialization of technologies developed using
6 assistance provided under this section, including
7 business plans, technology-to-market plans,
8 market studies, and cost and performance mod-
9 els;

10 “(B) information relating to investments
11 provided to an eligible entity from a third party
12 (such as a venture capital firm, a hedge fund,
13 and a private equity firm), including any per-
14 centage of ownership of an eligible entity pro-
15 vided in return for such an investment;

16 “(C) information relating to additional fi-
17 nancial support that the eligible entity—

18 “(i) plans to invest, or has invested,
19 in the technology developed using assist-
20 ance provided under this section; or

21 “(ii) is seeking from a third party;
22 and

23 “(D) information relating to revenue from
24 the licensing or sale of a new product or service

1 resulting from research conducted using assist-
2 ance provided under this section.

3 “(p) EFFECT ON EXISTING AUTHORITIES.—The au-
4 thority provided by this section—

5 “(1) shall be in addition to any existing author-
6 ity provided to the Secretary; and

7 “(2) shall not supersede or modify any other
8 existing authority.

9 “(q) FUNDING.—

10 “(1) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to the Sec-
12 retary such sums as are necessary to carry out this
13 section.

14 “(2) SEPARATE BUDGET AND APPROPRIA-
15 TION.—

16 “(A) BUDGET REQUEST.—The budget re-
17 quest for ARPA–I shall be separate from the
18 budget request of the remainder of the Depart-
19 ment.

20 “(B) APPROPRIATIONS.—The funding ap-
21 propriated for ARPA–I shall be separate and
22 distinct from the funding appropriated for the
23 remainder of the Department.

24 “(3) ALLOCATION.—Of the amounts made
25 available for a fiscal year under paragraph (1)—

1 “(A) not less than 5 percent shall be used
2 for technology transfer and outreach activi-
3 ties—

4 “(i) in accordance with the goal de-
5 scribed in subsection (c)(2)(D); and

6 “(ii) within the responsibilities of the
7 program directors described in subsection
8 (e)(2)(B)(viii); and

9 “(B) none may be used for the construc-
10 tion of any new building or facility during the
11 5-year period beginning on the date of enact-
12 ment of the Surface Transportation Investment
13 Act of 2021.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 49, United States Code (as amended by sec-
16 tion 1101(b)), is amended by adding at the end the fol-
17 lowing:

 “119. Advanced Research Projects Agency–Infrastructure.”.

18 **SEC. 5014. OPEN RESEARCH INITIATIVE.**

19 (a) IN GENERAL.—Subchapter I of chapter 55 of title
20 49, United States Code, is amended by adding at the end
21 the following:

22 **“§ 5506. Advanced transportation research initiative**

23 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
24 tion, the term ‘eligible entity’ means—

25 “(1) a State agency;

1 “(2) a local government agency;

2 “(3) an institution of higher education (as de-
3 fined in section 102 of the Higher Education Act of
4 1965 (20 U.S.C. 1002)), including a university
5 transportation center established under section
6 5505;

7 “(4) a nonprofit organization, including a non-
8 profit research organization; and

9 “(5) a private sector organization working in
10 collaboration with an entity described in any of
11 paragraphs (1) through (4).

12 “(b) PILOT PROGRAM.—The Secretary of Transpor-
13 tation (referred to in this section as the ‘Secretary’) shall
14 establish an advanced transportation research pilot pro-
15 gram under which the Secretary—

16 “(1) shall establish a process for eligible entities
17 to submit to the Secretary unsolicited research pro-
18 posals; and

19 “(2) may enter into arrangements with 1 or
20 more eligible entities to fund research proposed
21 under paragraph (1), in accordance with this sec-
22 tion.

23 “(c) ELIGIBLE RESEARCH.—The Secretary may
24 enter into an arrangement with an eligible entity under
25 this section to fund research that addresses—

1 “(1) a research need identified by—

2 “(A) the Secretary; or

3 “(B) the Administrator of a modal admin-
4 istration of the Department of Transportation;
5 or

6 “(2) an issue that the Secretary determines to
7 be important.

8 “(d) PROJECT REVIEW.—The Secretary shall—

9 “(1) review each research proposal submitted
10 under the pilot program established under sub-
11 section (b); and

12 “(2)(A) if funding is denied for the research
13 proposal—

14 “(i) provide to the eligible entity that sub-
15 mitted the proposal a written notice of the de-
16 nial that, as applicable—

17 “(I) explains why the research pro-
18 posal was not selected, including whether
19 the research proposal fails to cover an area
20 of need; and

21 “(II) recommends that the research
22 proposal be submitted to another research
23 program; and

24 “(ii) if the Secretary recommends that the
25 research proposal be submitted to another re-

1 search program under clause (i)(II), provide
2 guidance and direction to—

3 “(I) the eligible entity; and

4 “(II) the proposed research program
5 office; or

6 “(B) if the research proposal is selected for
7 funding—

8 “(i) provide to the eligible entity that
9 submitted the proposal a written notice of
10 the selection; and

11 “(ii) seek to enter into an arrange-
12 ment with the eligible entity to provide
13 funding for the proposed research.

14 “(e) COORDINATION.—

15 “(1) IN GENERAL.—To the maximum extent
16 practicable, the Secretary shall ensure that the ac-
17 tivities carried out under subsection (c) are coordi-
18 nated with, and do not duplicate the efforts of, pro-
19 grams of the Department of Transportation and
20 other Federal agencies.

21 “(2) INTRAAGENCY COORDINATION.—The Sec-
22 retary shall coordinate the research carried out
23 under this section with—

1 “(A) the research, education, and tech-
2 nology transfer activities carried out by grant
3 recipients under section 5505; and

4 “(B) the research, development, dem-
5 onstration, and commercial application activities
6 of other relevant programs of the Department
7 of Transportation, including all modal adminis-
8 trations of the Department.

9 “(3) INTERAGENCY COLLABORATION.—The
10 Secretary shall coordinate, as appropriate, regarding
11 fundamental research with the potential for applica-
12 tion in the transportation sector with—

13 “(A) the Director of the Office of Science
14 and Technology Policy;

15 “(B) the Director of the National Science
16 Foundation;

17 “(C) the Secretary of Energy;

18 “(D) the Director of the National Institute
19 of Standards and Technology;

20 “(E) the Secretary of Homeland Security;

21 “(F) the Administrator of the National
22 Oceanic and Atmospheric Administration;

23 “(G) the Secretary of Defense; and

24 “(H) the heads of other appropriate Fed-
25 eral agencies, as determined by the Secretary.

1 “(f) REVIEW, EVALUATION, AND REPORT.—Not less
2 frequently than biennially, in accordance with the plan de-
3 veloped under section 6503, the Secretary shall—

4 “(1) review and evaluate the pilot program es-
5 tablished under subsection (b), including the re-
6 search carried out under that pilot program; and

7 “(2) make public on a website of the Depart-
8 ment of Transportation a report describing the re-
9 view and evaluation under paragraph (1).

10 “(g) FEDERAL SHARE.—

11 “(1) IN GENERAL.—The Federal share of the
12 cost of an activity carried out under this section
13 shall not exceed 80 percent.

14 “(2) NON-FEDERAL SHARE.—All costs directly
15 incurred by the non-Federal partners (including per-
16 sonnel, travel, facility, and hardware development
17 costs) shall be credited toward the non-Federal
18 share of the cost of an activity carried out under
19 this section.

20 “(h) LIMITATION ON CERTAIN EXPENSES.—Of any
21 amounts made available to carry out this section for a fis-
22 cal year, the Secretary may use not more than 1.5 percent
23 for coordination, evaluation, and oversight activities under
24 this section.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—Of the
2 funds made available to carry out the university transpor-
3 tation centers program under section 5505, \$50,000,000
4 shall be available to carry out this section for each of fiscal
5 years 2022 through 2026.”.

6 (b) CLERICAL AMENDMENT.—The analysis for sub-
7 chapter I of chapter 55 of title 49, United States Code,
8 is amended by adding at the end the following:

“5506. Advanced transportation research initiative.”.

9 **SEC. 5015. TRANSPORTATION RESEARCH AND DEVELOP-**
10 **MENT 5-YEAR STRATEGIC PLAN.**

11 Section 6503 of title 49, United States Code, is
12 amended—

13 (1) in subsection (a), by striking “The Sec-
14 retary” and inserting “Not later than 180 days after
15 the date of publication of the Department of Trans-
16 portation Strategic Plan and not less frequently
17 than once every 5 years thereafter, the Secretary”;

18 (2) in subsection (b), in the matter preceding
19 paragraph (1), by striking “The strategic” and in-
20 serting “Each strategic”;

21 (3) in subsection (c)—

22 (A) in the matter preceding paragraph (1),
23 by striking “The strategic” and inserting
24 “Each strategic”; and

25 (B) in paragraph (1)—

1 (i) in subparagraph (E), by striking
2 “and” at the end;

3 (ii) in subparagraph (F), by adding
4 “and” after the semicolon at the end; and

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

7 “(G) reducing transportation cybersecurity
8 risks;”;

9 (4) in subsection (d)—

10 (A) in the matter preceding paragraph (1),
11 by striking “the strategic” and inserting “each
12 strategic”; and

13 (B) in paragraph (4), by striking “2016”
14 and inserting “2021, and not less frequently
15 than once every 5 years thereafter”; and

16 (5) by striking subsection (e).

17 **SEC. 5016. RESEARCH PLANNING MODIFICATIONS.**

18 (a) ANNUAL MODAL RESEARCH PLANS.—Section
19 6501 of title 49, United States Code, is amended—

20 (1) in subsection (a)—

21 (A) by striking paragraph (1) and insert-
22 ing the following:

23 “(1) IN GENERAL.—Not later than June 1 of
24 each year, the head of each modal administration
25 and joint program office of the Department of

1 Transportation shall prepare and submit to the As-
2 sistant Secretary for Research and Technology of
3 the Department of Transportation (referred to in
4 this chapter as the ‘Assistant Secretary’)—

5 “(A) a comprehensive annual modal re-
6 search plan for the following fiscal year; and

7 “(B) a detailed outlook for the fiscal year
8 thereafter.”;

9 (B) in paragraph (2), by inserting “pre-
10 pared or” before “submitted”;

11 (C) by redesignating paragraph (2) as
12 paragraph (3); and

13 (D) by inserting after paragraph (1) the
14 following:

15 “(2) REQUIREMENTS.—Each plan under para-
16 graph (1) shall include—

17 “(A) a general description of the strategic
18 goals of the Department that are addressed by
19 the research programs being carried out by the
20 Assistant Secretary or modal administration, as
21 applicable;

22 “(B) a description of each proposed re-
23 search program, as described in the budget re-
24 quest submitted by the Secretary of Transpor-

1 tation to the President under section 1108 of
2 title 31 for the following fiscal year, including—

3 “(i) the major objectives of the pro-
4 gram; and

5 “(ii) the requested amount of funding
6 for each program and area;

7 “(C) a list of activities the Assistant Sec-
8 retary or modal administration plans to carry
9 out under the research programs described in
10 subparagraph (B);

11 “(D) an assessment of the potential impact
12 of the research programs described in subpara-
13 graph (B), including—

14 “(i) potential outputs, outcomes, and
15 impacts on technologies and practices used
16 by entities subject to the jurisdiction of the
17 modal administration;

18 “(ii) potential effects on applicable
19 regulations of the modal administration,
20 including the modification or moderniza-
21 tion of those regulations;

22 “(iii) potential economic or societal
23 impacts; and

24 “(iv) progress made toward achieving
25 strategic goals of—

1 “(I) the applicable modal admin-
2 istration; or

3 “(II) the Department of Trans-
4 portation;

5 “(E) a description of potential partner-
6 ships to be established to conduct the research
7 program, including partnerships with—

8 “(i) institutions of higher education;
9 and

10 “(ii) private sector entities; and

11 “(F) such other requirements as the As-
12 sistant Secretary considers to be necessary.”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), by inserting “by the head of a
17 modal administration or joint program of-
18 fice” after “submitted”; and

19 (ii) in subparagraph (B), by striking
20 clause (ii) and inserting the following:

21 “(ii) request that the plan and outlook
22 be—

23 “(I) revised in accordance with
24 such suggestions as the Assistant Sec-
25 retary shall include to ensure con-

1 formity with the criteria described in
2 paragraph (2); and

3 “(II) resubmitted to the Assist-
4 ant Secretary for approval.”;

5 (B) by redesignating paragraphs (2) and
6 (3) as paragraphs (3) and (4), respectively; and

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) CRITERIA.—In conducting a review under
10 paragraph (1)(A), the Assistant Secretary shall, with
11 respect to the modal research plan that is the sub-
12 ject of the review—

13 “(A) take into consideration whether—

14 “(i) the plan contains research objec-
15 tives that are consistent with the strategic
16 research and policy objectives of the De-
17 partment of Transportation included in the
18 strategic plan required under section 6503;
19 and

20 “(ii) the research programs described
21 in the plan have the potential to benefit
22 the safety, mobility, and efficiency of the
23 United States transportation system;

24 “(B) identify and evaluate any potential
25 opportunities for collaboration between or

1 among modal administrations with respect to
2 particular research programs described in the
3 plan;

4 “(C) identify and evaluate whether other
5 modal administrations may be better suited to
6 carry out the research programs described in
7 the plan;

8 “(D) assess whether any projects described
9 in the plan are—

10 “(i) duplicative across modal adminis-
11 trations; or

12 “(ii) unnecessary; and

13 “(E) take into consideration such other
14 criteria as the Assistant Secretary determines
15 to be necessary.”; and

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

17 “(5) SAVINGS CLAUSE.—Nothing in this sub-
18 section limits the ability of the head of a modal ad-
19 ministration to comply with applicable law.”; and

20 (3) in subsection (c), in the matter preceding
21 paragraph (1), by striking “subsection (b)(3)” and
22 inserting “subsection (b)(4).

23 (b) CONSOLIDATED RESEARCH DATABASE.—Section
24 6502(a) of title 49, United States Code, is amended by
25 striking the subsection designation and heading and all

1 that follows through subparagraph (B) of paragraph (2)
2 and inserting the following:

3 “(a) RESEARCH ABSTRACT DATABASE.—

4 “(1) SUBMISSION.—Not later than September 1
5 of each year, the head of each modal administration
6 and joint program office of the Department of
7 Transportation shall submit to the Assistant Sec-
8 retary, for review and public posting, a description
9 of each proposed research project to be carried out
10 during the following fiscal year, including—

11 “(A) proposed funding for any new
12 projects; and

13 “(B) proposed additional funding for any
14 existing projects.

15 “(2) PUBLICATION.—Not less frequently than
16 annually, after receiving the descriptions under para-
17 graph (1), the Assistant Secretary shall publish on
18 a public website a comprehensive database including
19 a description of all research projects conducted by
20 the Department of Transportation, including re-
21 search funded through university transportation cen-
22 ters under section 5505.

23 “(3) CONTENTS.—The database published
24 under paragraph (2) shall—

25 “(A) be delimited by research project; and

1 “(B) include a description of, with respect
2 to each research project—

3 “(i) research objectives;

4 “(ii) the progress made with respect
5 to the project, including whether the
6 project is ongoing or complete;

7 “(iii) any outcomes of the project, in-
8 cluding potential implications for policy,
9 regulations, or guidance issued by a modal
10 administration or the Department of
11 Transportation;

12 “(iv) any findings of the project;

13 “(v) the amount of funds allocated for
14 the project; and

15 “(vi) such other information as the
16 Assistant Secretary determines to be nec-
17 essary to address Departmental priorities
18 and statutory mandates;”.

19 **SEC. 5017. INCORPORATION OF DEPARTMENT OF TRANS-**
20 **PORTATION RESEARCH.**

21 (a) IN GENERAL.—Chapter 65 of title 49, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 6504. Incorporation of Department of Transpor-**
2 **tation research**

3 “(a) REVIEW.—Not later than December 31, 2021,
4 and not less frequently than once every 5 years thereafter,
5 in concurrence with the applicable strategic plan under
6 section 6503, the Secretary of Transportation shall—

7 “(1) conduct a review of research conducted by
8 the Department of Transportation; and

9 “(2) to the maximum extent practicable and ap-
10 propriate, identify modifications to laws, regulations,
11 guidance, and other policy documents to incorporate
12 any innovations resulting from the research de-
13 scribed in paragraph (1) that have the potential to
14 improve the safety or efficiency of the United States
15 transportation system.

16 “(b) REQUIREMENTS.—In conducting a review under
17 subsection (a), the Secretary of Transportation shall—

18 “(1) identify any innovative practices, mate-
19 rials, or technologies that have demonstrable benefits
20 to the transportation system;

21 “(2) determine whether the practices, materials,
22 or technologies described in paragraph (1) require
23 any statutory or regulatory modifications for adop-
24 tion; and

25 “(3)(A) if modifications are determined to be
26 required under paragraph (2), develop—

1 “(i) a proposal for those modifications; and

2 “(ii) a description of the manner in which

3 any such regulatory modifications would be—

4 “(I) incorporated into the Unified
5 Regulatory Agenda; or

6 “(II) adopted into existing regulations
7 as soon as practicable; or

8 “(B) if modifications are determined not to be
9 required under paragraph (2), develop a description
10 of the means by which the practices, materials, or
11 technologies described in paragraph (1) will other-
12 wise be incorporated into Department of Transpor-
13 tation or modal administration policy or guidance,
14 including as part of the Technology Transfer Pro-
15 gram of the Office of the Assistant Secretary for Re-
16 search and Technology.

17 “(c) REPORT.—On completion of each review under
18 subsection (a), the Secretary of Transportation shall sub-
19 mit to the appropriate committees of Congress a report
20 describing, with respect to the period covered by the re-
21 port—

22 “(1) each new practice, material, or technology
23 identified under subsection (b)(1); and

1 “(2) any statutory or regulatory modification
2 for the adoption of such a practice, material, or
3 technology that—

4 “(A) is determined to be required under
5 subsection (b)(2); or

6 “(B) was otherwise made during that pe-
7 riod.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 65 of title 49, United States Code, is amended by add-
10 ing at the end the following:

 “6504. Incorporation of Department of Transportation research.”.

11 **SEC. 5018. UNIVERSITY TRANSPORTATION CENTERS PRO-**
12 **GRAM.**

13 Section 5505 of title 49, United States Code, is
14 amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by inserting “of
17 Transportation, acting through the Assistant
18 Secretary for Research and Technology (re-
19 ferred to in this section as the ‘Secretary’),”
20 after “The Secretary”; and

21 (B) in paragraph (2)—

22 (i) in subparagraph (B), by inserting
23 “multimodal” after “critical”; and

24 (ii) in subparagraph (C), by inserting
25 “with respect to the matters described in

1 subparagraphs (A) through (G) of section
2 6503(c)(1)” after “transportation leaders”;
3 (2) in subsection (b)—

4 (A) in paragraph (2)(A), by striking “for
5 each of the transportation centers described
6 under paragraphs (2), (3), and (4) of sub-
7 section (c)” and inserting “as a lead institution
8 under this section, except as provided in sub-
9 paragraph (B)”;

10 (B) in paragraph (4)—

11 (i) in subparagraph (A), by striking
12 “identified in chapter 65” and inserting
13 “described in subparagraphs (A) through
14 (G) of section 6503(c)(1)”;

15 (ii) in subparagraph (B), in the mat-
16 ter preceding clause (i), by striking “the
17 Assistant Secretary” and all that follows
18 through “modal administrations” and in-
19 serting “the heads of the modal adminis-
20 trations of the Department of Transpor-
21 tation,”; and

22 (C) in paragraph (5)(B), in the matter
23 preceding clause (i), by striking “submit” and
24 all that follows through “of the Senate” and in-

1 serting “make available to the public on a
2 website of the Department of Transportation”;
3 (3) in subsection (c)(3)(E)—

4 (A) by inserting “, including the cybersecu-
5 rity implications of technologies relating to con-
6 nected vehicles, connected infrastructure, and
7 autonomous vehicles” after “autonomous vehi-
8 cles”; and

9 (B) by striking “The Secretary” and in-
10 serting the following:

11 “(i) IN GENERAL.—A regional univer-
12 sity transportation center receiving a grant
13 under this paragraph shall carry out re-
14 search focusing on 1 or more of the mat-
15 ters described in subparagraphs (A)
16 through (G) of section 6503(c)(1).

17 “(ii) FOCUSED OBJECTIVES.—The
18 Secretary”; and

19 (4) in subsection (d)—

20 (A) in paragraph (2)—

21 (i) in the paragraph heading, by strik-
22 ing “ANNUAL REVIEW” and inserting “RE-
23 VIEW”;

1 (ii) in the matter preceding subpara-
2 graph (A), by striking “annually” and in-
3 serting “biennially”; and

4 (iii) in subparagraph (B), by striking
5 “submit” and all that follows through “of
6 the Senate” and inserting “make available
7 to the public on a website of the Depart-
8 ment of Transportation”; and

9 (B) in paragraph (3), by striking “2016
10 through 2020” and inserting “2022 through
11 2026”.

12 **SEC. 5019. NATIONAL TRAVEL AND TOURISM INFRASTRUC-**
13 **TURE STRATEGIC PLAN.**

14 Section 1431(e) of the FAST Act (49 U.S.C. 301
15 note; Public Law 114–94) is amended—

16 (1) by redesignating paragraphs (1) through
17 (7) as subparagraphs (A) through (G), respectively,
18 and indenting appropriately;

19 (2) in the matter preceding subparagraph (A)
20 (as so redesignated)—

21 (A) by striking “Not later than 3 years
22 after the date of enactment of this Act” and in-
23 serting “Not later than 180 days after the date
24 of enactment of the Surface Transportation In-
25 vestment Act of 2021”; and

1 (B) by striking “plan that includes” and
2 inserting the following: “plan—

3 “(1) to develop an immediate-term and long-
4 term strategy, including policy recommendations
5 across all modes of transportation, for the Depart-
6 ment and other agencies to use infrastructure invest-
7 ments to revive the travel and tourism industry and
8 the overall travel and tourism economy in the wake
9 of the Coronavirus Disease 2019 (COVID–19) pan-
10 demic; and

11 “(2) that includes”; and

12 (3) in paragraph (2) (as so redesignated)—

13 (A) in subparagraph (A) (as so redesign-
14 ated), by inserting “, including consideration
15 of the impacts of the COVID–19 pandemic”
16 after “network”;

17 (B) in subparagraph (D) (as so redesign-
18 ated), by inserting “of regional significance”
19 after “corridors”;

20 (C) in subparagraph (F) (as so redesign-
21 ated), by striking “and” at the end;

22 (D) in subparagraph (G) (as so redesign-
23 ated), by striking the period at the end and in-
24 serting “; and”; and

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

1 “(H) an identification of possible infra-
2 structure investments that create recovery op-
3 portunities for small, underserved, minority,
4 and rural businesses in the travel and tourism
5 industry, including efforts to preserve and pro-
6 tect the scenic, but often less-traveled, roads
7 that promote tourism and economic develop-
8 ment throughout the United States.”.

9 **SEC. 5020. LOCAL HIRING PREFERENCE FOR CONSTRUC-**
10 **TION JOBS.**

11 (a) AUTHORIZATION.—

12 (1) IN GENERAL.—A recipient or subrecipient
13 of a grant provided by the Secretary under title 23
14 or 49, United States Code, may implement a local
15 or other geographical or economic hiring preference
16 relating to the use of labor for construction of a
17 project funded by the grant, including prehire agree-
18 ments, subject to any applicable State and local
19 laws, policies, and procedures.

20 (2) TREATMENT.—The use of a local or other
21 geographical or economic hiring preference pursuant
22 to paragraph (1) in any bid for a contract for the
23 construction of a project funded by a grant de-
24 scribed in paragraph (1) shall not be considered to
25 unduly limit competition.

1 (b) WORKFORCE DIVERSITY REPORT.—Not later
2 than 1 year after the date of enactment of this Act, the
3 Secretary shall submit to Congress a report describing
4 methods—

5 (1) to ensure preapprenticeship programs are
6 established and implemented to meet the needs of
7 employers in transportation and transportation in-
8 frastructure construction industries, including with
9 respect to the formal connection of the
10 preapprenticeship programs to registered apprentice-
11 ship programs;

12 (2) to address barriers to employment (within
13 the meaning of the Workforce Innovation and Op-
14 portunity Act (29 U.S.C. 3101 et seq.)) in transpor-
15 tation and transportation infrastructure construction
16 industries for—

17 (A) individuals who are former offenders
18 (as defined in section 3 of the Workforce Inno-
19 vation and Opportunity Act (29 U.S.C. 3102));

20 (B) individuals with a disability (as defined
21 in section 3 of the Americans with Disabilities
22 Act of 1990 (42 U.S.C. 12102)); and

23 (C) individuals that represent populations
24 that are traditionally underrepresented in the
25 workforce; and

1 (B) the development of a workforce skilled
2 in various types of intelligent transportation
3 technologies, components, infrastructure, and
4 equipment, including with respect to—

- 5 (i) installation;
- 6 (ii) maintenance;
- 7 (iii) manufacturing;
- 8 (iv) operations, including data anal-
9 ysis and review; and
- 10 (v) cybersecurity; and

11 (C) barriers to employment in the intel-
12 ligent transportation technologies and systems
13 industry for—

14 (i) individuals who are former offend-
15 ers (as defined in section 3 of the Work-
16 force Innovation and Opportunity Act (29
17 U.S.C. 3102));

18 (ii) individuals with a disability (as
19 defined in section 3 of the Americans with
20 Disabilities Act of 1990 (42 U.S.C.
21 12102)); and

22 (iii) individuals that represent popu-
23 lations that are traditionally underrep-
24 resented in the workforce; and

1 (2) includes recommendations relating to the
2 issues described in paragraph (1).

3 (b) WORKING GROUP.—

4 (1) ESTABLISHMENT.—The Secretary shall es-
5 tablish a working group, to be composed of—

6 (A) the Secretary of Energy;

7 (B) the Secretary of Labor; and

8 (C) the heads of such other Federal agen-
9 cies as the Secretary determines to be nec-
10 essary.

11 (2) IMPLEMENTATION PLAN.—

12 (A) IN GENERAL.—The working group es-
13 tablished under paragraph (1) shall develop an
14 intelligent transportation technologies and sys-
15 tems industry workforce development implanta-
16 tion plan.

17 (B) REQUIREMENTS.—The implementation
18 plan under subparagraph (A) shall address any
19 issues and recommendations included in the
20 needs assessment under subsection (a), taking
21 into consideration a whole-of-government ap-
22 proach with respect to—

23 (i) using registered apprenticeship and
24 preapprenticeship programs; and

1 (ii) re-skilling workers who may be in-
2 terested in working within the intelligent
3 transportation technologies and systems in-
4 dustry.

5 (3) SUBMISSION TO CONGRESS.—Not later than
6 1 year after the date of receipt of the needs assess-
7 ment under subsection (a), the Secretary shall sub-
8 mit to Congress the implementation plan developed
9 under paragraph (2).

10 (c) TRANSPORTATION WORKFORCE OUTREACH PRO-
11 GRAM.—

12 (1) IN GENERAL.—Subchapter I of chapter 55
13 of title 49, United States Code (as amended by sec-
14 tion 5014(a)), is amended by adding at the end the
15 following:

16 **“§ 5507. Transportation workforce outreach program**

17 “(a) IN GENERAL.—The Secretary of Transportation
18 (referred to in this section as the ‘Secretary’) shall estab-
19 lish and administer a transportation workforce outreach
20 program, under which the Secretary shall carry out a se-
21 ries of public service announcement campaigns during
22 each of fiscal years 2022 through 2026.

23 “(b) PURPOSES.—The purpose of the campaigns car-
24 ried out under the program under this section shall be—

1 “(1) to increase awareness of career opportuni-
2 ties in the transportation sector, including aviation
3 pilots, safety inspectors, mechanics and technicians,
4 air traffic controllers, flight attendants, truck and
5 bus drivers, engineers, transit workers, railroad
6 workers, and other transportation professionals; and

7 “(2) to target awareness of professional oppor-
8 tunities in the transportation sector to diverse seg-
9 ments of the population, including with respect to
10 race, sex, ethnicity, ability (including physical and
11 mental ability), and socioeconomic status.

12 “(c) ADVERTISING.—The Secretary may use, or au-
13 thorize the use of, amounts made available to carry out
14 the program under this section for the development, pro-
15 duction, and use of broadcast, digital, and print media ad-
16 vertising and outreach in carrying out a campaign under
17 this section.

18 “(d) FUNDING.—The Secretary may use to carry out
19 this section any amounts otherwise made available to the
20 Secretary, not to exceed \$5,000,000, for each of fiscal
21 years 2022 through 2026.”.

22 (2) CLERICAL AMENDMENT.—The analysis for
23 subchapter I of chapter 55 of title 49, United States
24 Code (as amended by section 5014(b)), is amended
25 by adding at the end the following:

“5507. Transportation workforce outreach program.”.

1 **SEC. 5022. INTERMODAL TRANSPORTATION ADVISORY**
2 **BOARD REPEAL.**

3 (a) IN GENERAL.—Section 5502 of title 49, United
4 States Code, is repealed.

5 (b) CLERICAL AMENDMENT.—The analysis for sub-
6 chapter I of chapter 55 of title 49, United States Code,
7 is amended by striking the item relating to section 5502.

8 **SEC. 5023. GAO CYBERSECURITY RECOMMENDATIONS.**

9 (a) CYBERSECURITY RISK MANAGEMENT.—Not later
10 than 3 years after the date of enactment of this Act, the
11 Secretary shall implement the recommendation for the De-
12 partment made by the Comptroller General of the United
13 States in the report entitled “Cybersecurity: Agencies
14 Need to Fully Establish Risk Management Programs and
15 Address Challenges”, numbered GAO–19–384, and dated
16 July 2019—

17 (1) by developing a cybersecurity risk manage-
18 ment strategy for the systems and information of
19 the Department;

20 (2) by updating policies to address an organiza-
21 tion-wide risk assessment; and

22 (3) by updating the processes for coordination
23 between cybersecurity risk management functions
24 and enterprise risk management functions.

25 (b) WORK ROLES.—Not later than 3 years after the
26 date of enactment of this Act, the Secretary shall imple-

1 ment the recommendation of the Comptroller General of
2 the United States in the report entitled “Cybersecurity
3 Workforce: Agencies Need to Accurately Categorize Posi-
4 tions to Effectively Identify Critical Staffing Needs”,
5 numbered GAO–19–144, and dated March 2019, by—

6 (1) reviewing positions in the Department; and

7 (2) assigning appropriate work roles in accord-
8 ance with the National Initiative for Cybersecurity
9 Education Cybersecurity Workforce Framework.

10 (c) GAO REVIEW.—

11 (1) REPORT.—Not later than 18 months after
12 the date of enactment of this Act, the Comptroller
13 General of the United States shall submit to the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Trans-
16 portation and Infrastructure of the House of Rep-
17 resentatives a report that examines the approach of
18 the Department to managing cybersecurity for the
19 systems and information of the Department.

20 (2) CONTENTS.—The report under paragraph
21 (1) shall include an evaluation of—

22 (A) the roles, responsibilities, and report-
23 ing relationships of the senior officials of the
24 Department with respect to cybersecurity at the
25 components of the Department;

1 (B) the extent to which officials of the De-
2 partment—

3 (i) establish requirements for, share
4 information with, provide resources to, and
5 monitor the performance of managers with
6 respect to cybersecurity within the compo-
7 nents of the Department; and

8 (ii) hold managers accountable for cy-
9 bersecurity within the components of the
10 Department; and

11 (C) other aspects of cybersecurity, as the
12 Comptroller General of the United States deter-
13 mines to be appropriate.

14 **SEC. 5024. VOLPE OVERSIGHT.**

15 (a) **FINANCIAL MANAGEMENT.**—Not later than 1
16 year after the date of enactment of this Act, the Secretary
17 shall implement the recommendations of the Inspector
18 General of the Department included in the report entitled
19 “DOT Needs to Strengthen Its Oversight of IAAs With
20 Volpe” and dated September 30, 2019, to improve plan-
21 ning, financial management, and the sharing of perform-
22 ance information with respect to intraagency agreements
23 with the John A. Volpe National Transportation Systems
24 Center (referred to in this section as the “Volpe Center”).

25 (b) **GAO REVIEW.**—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Comptroller
3 General of the United States shall submit to the
4 Committee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on Trans-
6 portation and Infrastructure of the House of Rep-
7 resentatives a report that examines the surface
8 transportation activities at the Volpe Center.

9 (2) CONTENTS.—The report under paragraph
10 (1) shall include an evaluation of—

11 (A) the amount of Department funding
12 provided to the Volpe Center, as compared to
13 other Federal and non-Federal research part-
14 ners;

15 (B) the process used by the Department to
16 determine whether to work with the Volpe Cen-
17 ter, as compared to any other Federal or non-
18 Federal research partner; and

19 (C) the extent to which the Department is
20 collaborating with the Volpe Center to address
21 research needs relating to emerging issues.

1 **TITLE VI—HAZARDOUS**
2 **MATERIALS**

3 **SEC. 6001. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 5128 of title 49, United States Code, is
5 amended to read as follows:

6 **“§ 5128. Authorization of appropriations**

7 “(a) IN GENERAL.—There are authorized to be ap-
8 propriated to the Secretary to carry out this chapter (ex-
9 cept section 5107(e), 5108(g)(2), 5113, 5115, 5116, and
10 5119)—

11 “(1) \$67,000,000 for fiscal year 2022;

12 “(2) \$68,000,000 for fiscal year 2023;

13 “(3) \$69,000,000 for fiscal year 2024;

14 “(4) \$70,000,000 for fiscal year 2025; and

15 “(5) \$71,000,000 for fiscal year 2026.

16 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
17 PAREDNESS FUND.—From the Hazardous Materials Pre-
18 paredness Fund established under section 5116(h), the
19 Secretary may expend, for each of fiscal years 2022
20 through 2026—

21 “(1) \$39,050,000 to carry out section 5116(a);

22 “(2) \$150,000 to carry out section 5116(e);

23 “(3) \$625,000 to publish and distribute the
24 Emergency Response Guidebook under section
25 5116(h)(3); and

1 “(4) \$2,000,000 to carry out section 5116(i).

2 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—

3 From the Hazardous Materials Emergency Preparedness

4 Fund established pursuant to section 5116(h), the Sec-

5 retary may expend \$5,000,000 for each of fiscal years

6 2022 through 2026 to carry out section 5107(e).

7 “(d) COMMUNITY SAFETY GRANTS.—Of the amounts

8 made available under subsection (a) to carry out this chap-

9 ter, the Secretary shall withhold \$4,000,000 for each of

10 fiscal years 2022 through 2026 to carry out section

11 5107(i).

12 “(e) CREDITS TO APPROPRIATIONS.—

13 “(1) EXPENSES.—In addition to amounts oth-

14 erwise made available to carry out this chapter, the

15 Secretary may credit amounts received from a State,

16 Indian tribe, or other public authority or private en-

17 tity for expenses the Secretary incurs in providing

18 training to the State, Indian tribe, authority or enti-

19 ty.

20 “(2) AVAILABILITY OF AMOUNTS.—Amounts

21 made available under this section shall remain avail-

22 able until expended.”.

1 **SEC. 6002. ASSISTANCE FOR LOCAL EMERGENCY RE-**
2 **SPONSE TRAINING GRANT PROGRAM.**

3 Section 5116 of title 49, United States Code, is
4 amended—

5 (1) in subsection (j), in the second sentence of
6 the matter preceding paragraph (1), by striking
7 “subsection (i)” and inserting “subsections (i) and
8 (j)”;

9 (2) by redesignating subsection (j) as sub-
10 section (k); and

11 (3) by inserting after subsection (i) the fol-
12 lowing:

13 “(j) ALERT GRANT PROGRAM.—

14 “(1) ASSISTANCE FOR LOCAL EMERGENCY RE-
15 SPONSE TRAINING.—The Secretary shall establish a
16 grant program to make grants to eligible entities de-
17 scribed in paragraph (2)—

18 “(A) to develop a hazardous materials re-
19 sponse training curriculum for emergency re-
20 sponders, including response activities for the
21 transportation of crude oil, ethanol, and other
22 flammable liquids by rail, consistent with the
23 standards of the National Fire Protection Asso-
24 ciation; and

1 “(B) to make the training described in
2 subparagraph (A) available in an electronic for-
3 mat.

4 “(2) ELIGIBLE ENTITIES.—An eligible entity
5 referred to in paragraph (1) is a nonprofit organiza-
6 tion that—

7 “(A) represents first responders or public
8 officials responsible for coordinating disaster re-
9 sponse; and

10 “(B) is able to provide direct or web-based
11 training to individuals responsible for respond-
12 ing to accidents and incidents involving haz-
13 ardous materials.

14 “(3) FUNDING.—

15 “(A) IN GENERAL.—To carry out the
16 grant program under paragraph (1), the Sec-
17 retary may use, for each fiscal year, any
18 amounts recovered during such fiscal year from
19 grants awarded under this section during a
20 prior fiscal year.

21 “(B) OTHER HAZARDOUS MATERIAL
22 TRAINING ACTIVITIES.—For each fiscal year,
23 after providing grants under paragraph (1), if
24 funds remain available, the Secretary may use
25 the amounts described in subparagraph (A)—

1 “(i) to make grants under—
2 “(I) subsection (a)(1)(C);
3 “(II) subsection (i); and
4 “(III) section 5107(e);
5 “(ii) to conduct monitoring and pro-
6 vide technical assistance under subsection
7 (e);
8 “(iii) to publish and distribute the
9 emergency response guide referred to in
10 subsection (h)(3); and
11 “(iv) to pay administrative costs in
12 accordance with subsection (h)(4).

13 “(C) OBLIGATION LIMITATION.—Notwith-
14 standing any other provision of law, for each
15 fiscal year, amounts described in subparagraph
16 (A) shall not be included in the obligation limi-
17 tation for the Hazardous Materials Emergency
18 Preparedness grant program for that fiscal
19 year.”.

20 **SEC. 6003. REAL-TIME EMERGENCY RESPONSE INFORMA-**
21 **TION.**

22 Section 7302 of the FAST Act (49 U.S.C. 20103
23 note; Public Law 114–94) is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “1 year after the date of enactment
3 of this Act” and inserting “December 5, 2022”;

4 (B) in paragraph (1), by amending sub-
5 paragraph (B) to read as follows:

6 “(B) to provide the electronic train consist
7 information described in subparagraph (A) to
8 authorized State and local first responders,
9 emergency response officials, and law enforce-
10 ment personnel that are involved in the re-
11 sponse to, or investigation of, an accident, inci-
12 dent, or public health or safety emergency in-
13 volving the rail transportation of hazardous ma-
14 terials;”;

15 (C) by striking paragraph (2);

16 (D) by redesignating paragraphs (3), (4),
17 (5), (6), and (7) as paragraphs (2), (3), (4),
18 (5), and (6), respectively; and

19 (E) in paragraph (3), as redesignated, by
20 striking “paragraph (3)” and inserting “para-
21 graph (2)”;

22 (2) in subsection (b)—

23 (A) by striking paragraphs (1) and (4);
24 and

1 (B) by redesignating paragraphs (2), (3),
2 (5), (6), and (7) as paragraphs (1), (2), (3),
3 (4), and (5), respectively; and
4 (3) in subsection (c), by striking “, as described
5 in subsection (a)(1)(B),”.