

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

---

IN THE SENATE OF THE UNITED STATES

Ms. CANTWELL (for herself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on

---

**A BILL**

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

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

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

## 2

- 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.
- 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.

#### Subtitle C—Intercity Passenger Rail Policy

- Sec. 2301. Northeast Corridor planning.
- Sec. 2302. Northeast Corridor Commission.

## 3

- Sec. 2303. Consolidated rail infrastructure and safety improvements.
- Sec. 2304. Restoration and enhancement grants.
- 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.

## 4

- Sec. 3016. National Consumer Complaint Database.
- Sec. 3017. Electronic logging device oversight.

## 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.

## 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 so consolidated such  
21 an 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 so eliminated such an  
2 office, 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 this section.

4           “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
5           are authorized to be appropriated to the Secretary such  
6           sums as are necessary to carry out this section.”.

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

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

10          (c) CONFORMING AMENDMENTS.—

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

16               (2) Section 70102 of title 49, United States  
17               Code, is amended—

18                       (A) in subsection (a), in the matter pre-  
19                       ceding paragraph (1), by striking “Not later”  
20                       and all that follows through “the Under Sec-  
21                       retary of Transportation for Policy” and insert-  
22                       ing “The Assistant Secretary for Multimodal  
23                       Freight (referred to in this section as the ‘As-  
24                       sistant Secretary’)”;

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

4 (C) in subsection (c), by striking “Under  
5 Secretary” and inserting “Assistant Secretary”;  
6 and

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

10 (3) Section 70103 of title 49, United States  
11 Code, is amended—

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

18 (B) by striking subsection (b);

19 (C) by redesignating subsections (c) and  
20 (d) as subsections (b) and (c), respectively;

21 (D) in subsection (b) (as so redesign-  
22 ated)—

23 (i) in the subsection heading, by strik-  
24 ing “FINAL NETWORK” and inserting



1 “DESIGNATION OF NATIONAL  
2 MULTIMODAL FREIGHT NETWORK”;

3 (ii) in paragraph (1), in the matter  
4 preceding subparagraph (A), by striking  
5 “Not later” and all that follows through  
6 “Under Secretary” and inserting “Assist-  
7 ant Secretary”;

8 (iii) in paragraph (2), in the matter  
9 preceding subparagraph (A), by striking  
10 “Under Secretary” and inserting “Assist-  
11 ant Secretary”; and

12 (iv) in paragraph (3), in the matter  
13 preceding subparagraph (A), by striking  
14 “Under Secretary” and inserting “Assist-  
15 ant Secretary”; and

16 (E) in subsection (c) (as so redesign-  
17 nated)—

18 (i) by striking “subsection (c)” each  
19 place it appears and inserting “subsection  
20 (b)”; and

21 (ii) by striking “Under Secretary”  
22 and inserting “Assistant Secretary”.

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

24 Section 70102(b) of title 49, United States Code, is  
25 amended—

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

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

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

6           “(12) best practices for reducing environmental  
7           impacts of freight movement (including stormwater  
8           runoff) and improving resiliency of the national  
9           multimodal freight system;

10          “(13) consideration of any potential unique im-  
11          pacts of the national freight system on rural and  
12          other underserved and historically disadvantaged  
13          communities;

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

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

18 **SEC. 1103. STATE COLLABORATION WITH NATIONAL**  
19 **MULTIMODAL FREIGHT NETWORK.**

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

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

1           “(C) provide to the States an opportunity  
2 to submit proposed designations from the  
3 States in accordance with paragraph (4).”; and  
4 (2) in paragraph (4)—

5           (A) in subparagraph (C)(i), by striking  
6 “20 percent” and inserting “30 percent”; and

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

8           “(E) CONDITION FOR ACCEPTANCE.—The  
9 Secretary shall accept from a State a designa-  
10 tion under subparagraph (D) only if the Sec-  
11 retary determines that the designation meets  
12 the applicable requirements of subparagraph  
13 (A).”.

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

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

17       (1) in subsection (b)—

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

20           (B) by redesignating paragraph (10) as  
21 paragraph (16); and

22           (C) by inserting after paragraph (9) the  
23 following:

1           “(10) the most recent commercial motor vehicle  
2           parking facilities assessment conducted by the State  
3           under subsection (f);

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

6           “(12) an inventory of commercial ports in the  
7           State;

8           “(13) if applicable, consideration of the findings  
9           or recommendations made by any multi-State freight  
10          compact to which the State is a party under section  
11          70204;

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

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

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

17          “(f) COMMERCIAL MOTOR VEHICLE PARKING FA-  
18          CILITIES ASSESSMENTS.—As part of the development or  
19          updating, as applicable, of a State freight plan under this  
20          section, each State that receives funding under section 167  
21          of title 23, in consultation with relevant State motor car-  
22          rier safety personnel, shall conduct an assessment of—

23                 “(1) the capability of the State, together with  
24                 the private sector in the State, to provide adequate

1 parking facilities and rest facilities for commercial  
2 motor vehicles engaged in interstate transportation;

3 “(2) the volume of commercial motor vehicle  
4 traffic in the State; and

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

11 (b) ALIGNMENT OF TRANSPORTATION PLANNING.—  
12 Section 70202 of title 49, United States Code, is amend-  
13 ed—

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

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

18 **SEC. 1105. IMPLEMENTATION OF NATIONAL MULTIMODAL**  
19 **FREIGHT NETWORK.**

20 Not later than 30 days after the date of enactment  
21 of this Act, the Secretary shall submit to the Committee  
22 on Commerce, Science, and Transportation of the Senate  
23 and the Committee on Transportation and Infrastructure  
24 of the House of Representatives a report that—

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

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

8           (3) estimates the date by which that network  
9           will be designated.

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

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

13           (1) by redesignating section 70204 as section  
14           70206; and

15           (2) by inserting after section 70203 the fol-  
16           lowing:

17 **“§ 70204. Multi-State freight corridor planning**

18           “(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY  
19           COMPACTS.—Congress grants consent to States, cities, re-  
20           gional planning organizations, federally recognized Indian  
21           Tribes, and local public authorities (including public port  
22           authorities) that are regionally linked with an interest in  
23           a specific nationally or regionally significant multi-State  
24           freight corridor to enter into multi-State compacts to pro-  
25           mote the improved mobility of goods, including—

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

3           “(2) assembling rights-of-way; and

4           “(3) performing capital improvements.

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

9           “(1) accept contributions from a unit of State  
10          or local government;

11          “(2) use any Federal or State funds made  
12          available for freight mobility infrastructure planning  
13          or construction, including applying for grants;

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

16                 “(A) borrow money on a short-term basis;  
17                 and

18                 “(B) issue—

19                         “(i) notes for borrowing under sub-  
20                         paragraph (A); and

21                         “(ii) bonds; and

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

24           “(c) ADVISORY COMMITTEES.—

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

7                   “(A) ports;

8                   “(B) freight railroads;

9                   “(C) shippers;

10                  “(D) carriers;

11                  “(E) freight-related associations;

12                  “(F) third-party logistics providers;

13                  “(G) the freight industry workforce;

14                  “(H) environmental organizations;

15                  “(I) community organizations; and

16                  “(J) units of local government.

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

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

23                   “(i) freight mobility; and

24                   “(ii) supply chains;



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

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

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

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

12       “(d) GRANTS.—

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

20           “(2) NEW COMPACTS.—

21           “(A) IN GENERAL.—To incentivize the es-  
22 tablishment of multi-State freight compacts, the  
23 Secretary may award a grant to multi-State  
24 freight compacts established under subsection  
25 (a) during the 2-year period beginning on the

1 date of establishment for operations costs in an  
2 amount of not more than \$2,000,000.

3 “(B) ELIGIBILITY.—A multi-State freight  
4 compact shall be eligible for a grant under this  
5 paragraph only during the initial 3 years of op-  
6 eration of the compact.

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

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

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

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

22 “(3) EXISTING COMPACTS.—

23 “(A) IN GENERAL.—The Secretary may  
24 award a grant to multi-State freight compacts  
25 that are not eligible to receive a grant under

1 paragraph (2) for operations costs in an  
2 amount of not more than \$1,000,000.

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

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

10 “(ii) provide a non-Federal match of  
11 not less than 50 percent of the operating  
12 costs of the compact; and

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

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

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 702 of title 49, United States Code, is amended by  
23 striking the item relating to section 70204 and inserting  
24 the following:

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

1 **Subtitle B—Multimodal Investment**

2 **SEC. 1201. NATIONAL INFRASTRUCTURE PROJECT ASSIST-**  
3 **ANCE.**

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

6 **“CHAPTER 67—NATIONAL**  
7 **INFRASTRUCTURE INVESTMENTS**

“6701. National infrastructure project assistance.

“6702. Local and regional project assistance.

8 **“§ 6701. National infrastructure project assistance**

9 “(a) DEFINITIONS.—In this section:

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

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

14 “(A) a State or a group of States;

15 “(B) a metropolitan planning organization;

16 “(C) a unit of local government;

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

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

21 “(F) a Tribal government or a consortium  
22 of Tribal governments;

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

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

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

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

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

11           “(A) any of the several States;

12           “(B) the District of Columbia;

13           “(C) the Commonwealth of Puerto Rico;

14           “(D) the Commonwealth of the Northern  
15           Mariana Islands;

16           “(E) the United States Virgin Islands;

17           “(F) Guam;

18           “(G) American Samoa; and

19           “(H) any other territory or possession of  
20           the United States.

21          “(b) ESTABLISHMENT.—There is established a pro-  
22          gram under which the Secretary shall provide to eligible  
23          entities grants, on a competitive basis pursuant to single-  
24          year or multiyear grant agreements, for projects described  
25          in subsection (d).

1 “(c) APPLICATIONS.—

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

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

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

13 “(1) that is—

14 “(A) a highway or bridge project carried  
15 out on—

16 “(i) the National Multimodal Freight  
17 Network established under section 70103;

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

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

23 “(B) a freight intermodal (including public  
24 ports) or freight rail project that provides a  
25 public benefit;

1           “(C) a railway-highway grade separation  
2 or elimination project;

3           “(D) an intercity passenger rail project;

4           “(E) a public transportation project that  
5 is—

6                 “(i) eligible for assistance under chap-  
7 ter 53; and

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

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

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

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

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

19                         “(i) more than \$100,000,000; but

20                         “(ii) less than \$500,000,000.

21           “(e) GEOGRAPHICAL DISTRIBUTION.—In providing  
22 grants under this section, the Secretary shall ensure  
23 among grant recipients—

24                 “(1) geographical diversity; and

1           “(2) a balance between rural and urban com-  
2           munities.

3           “(f) PROJECT EVALUATION AND SELECTION.—

4           “(1) REQUIREMENTS.—The Secretary may se-  
5           lect a project described in subsection (d) to receive  
6           a grant under the program only if the Secretary de-  
7           termines that—

8                   “(A) the project is likely to generate na-  
9                   tional or regional economic, mobility, or safety  
10                  benefits;

11                  “(B) the project is in need of significant  
12                  Federal funding;

13                  “(C) the project will be cost-effective;

14                  “(D) with respect to related non-Federal  
15                  financial commitments, 1 or more stable and  
16                  dependable sources of funding and financing  
17                  are available—

18                          “(i) to construct, operate, and main-  
19                          tain the project; and

20                          “(ii) to cover cost increases; and

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





1                   “(III) preventing stormwater  
2 runoff that would be a detriment to  
3 aquatic species; and

4                   “(IV) improved infrastructure re-  
5 silience;

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

8                   “(D) the number of persons or volume of  
9 freight, as applicable, supported by the project;  
10 and

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

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

18                   “(A) contributions to geographical diver-  
19 sity among grant recipients, including the need  
20 for a balance between the needs of rural and  
21 urban communities;

22                   “(B) whether multiple States would benefit  
23 from a project;

24                   “(C) whether, and the degree to which, a  
25 project uses—

1 “(i) construction materials or ap-  
2 proaches that have—

3 “(I) demonstrated reductions in  
4 greenhouse gas emissions; or

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

7 “(ii) technologies that will allow for  
8 future connectivity and automation;

9 “(D) whether a project would benefit—

10 “(i) a historically disadvantaged com-  
11 munity or population; or

12 “(ii) an area of persistent poverty;

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

15 “(i) pedestrians;

16 “(ii) bicyclists; and

17 “(iii) users of nonvehicular, railroad,  
18 and public transportation; and

19 “(F) whether a project improves  
20 connectivity between modes of transportation  
21 moving persons or goods nationally or region-  
22 ally.

23 “(4) RATINGS.—

24 “(A) IN GENERAL.—In evaluating applica-  
25 tions for a grant under the program, the Sec-



1 cable criteria described in this sub-  
2 section, if funded under the program.

3 “(iii) NOT RECOMMENDED.—The Sec-  
4 retary shall assign a rating of ‘not rec-  
5 ommended’ to projects that, in the deter-  
6 mination of the Secretary, should not re-  
7 ceive a grant under the program, based on  
8 the applicable criteria described in this  
9 subsection.

10 “(C) TECHNICAL ASSISTANCE.—

11 “(i) IN GENERAL.—On request of an  
12 eligible entity that submitted an applica-  
13 tion under subsection (c) for a project that  
14 is not selected to receive a grant under the  
15 program, the Secretary shall provide to the  
16 eligible entity technical assistance and  
17 briefings relating to the project.

18 “(ii) TREATMENT.—Technical assist-  
19 ance provided under this subparagraph  
20 shall not be considered to provide a guar-  
21 antee of future selection of the applicable  
22 project under the program.

23 “(5) PUBLICATION OF PROJECT EVALUATION  
24 AND SELECTION CRITERIA.—Not later than 90 days  
25 after the date of enactment of this chapter, the Sec-

1       retary shall publish and make publicly available on  
2       the website of the Department a notice that contains  
3       a detailed explanation of—

4               “(A) the method by which the Secretary  
5       will determine whether a project satisfies the  
6       applicable requirements described in paragraph  
7       (1);

8               “(B) any additional ratings the Secretary  
9       may assign to determine the means by which a  
10      project addresses the selection criteria and ad-  
11      ditional considerations described in paragraphs  
12      (2) and (3); and

13              “(C) the means by which the project re-  
14      quirements and ratings referred to in subpara-  
15      graphs (A) and (B) will be used to assign an  
16      overall rating for the project under paragraph  
17      (4).

18              “(6) PROJECT SELECTION PRIORITY.—In  
19      awarding grants under the program, the Secretary  
20      shall give priority to projects to which the Secretary  
21      has assigned a rating of ‘highly recommended’ under  
22      paragraph (4)(B)(i).

23              “(g) DATA COLLECTION AND ANALYSIS.—

24              “(1) PLAN.—

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

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

8                   “(ii) the accuracy of any forecast pre-  
9                   pared during the development phase of the  
10                  project and included in the grant applica-  
11                  tion.

12           “(B) CONTENTS.—A plan under subpara-  
13           graph (A) shall include—

14                   “(i) an approach to measuring—

15                           “(I) the criteria described in sub-  
16                           section (f)(2); and

17                           “(II) if applicable, the additional  
18                           requirements described in subsection  
19                           (f)(3);

20                   “(ii) an approach for analyzing the  
21                   consistency of predicted project character-  
22                   istics with actual outcomes; and

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

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

5           “(A) standardized forecasting and meas-  
6 urement approaches;

7           “(B) data storage system requirements;  
8 and

9           “(C) any other requirements the Secretary  
10 determines to be necessary to carry out this  
11 section.

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

20           “(4) REPORTS.—

21           “(A) PROJECT BASELINE.—Before the  
22 date of completion of a project for which a  
23 grant is provided under the program, the eligi-  
24 ble entity carrying out the project shall submit  
25 to the Secretary a report providing baseline



1 data for the purpose of analyzing the long-term  
2 impact of the project in accordance with the  
3 framework established under paragraph (2).

4 “(B) UPDATED REPORT.—Not later than 6  
5 years after the date of completion of a project  
6 for which a grant is provided under the pro-  
7 gram, the eligible entity carrying out the  
8 project shall submit to the Secretary a report  
9 that compares the baseline data included in the  
10 report under subparagraph (A) to project data  
11 collected during the period—

12 “(i) beginning on the date that is 5  
13 years after the date of completion of the  
14 project; and

15 “(ii) ending on the date on which the  
16 updated report is submitted.

17 “(h) ELIGIBLE PROJECT COSTS.—

18 “(1) IN GENERAL.—An eligible entity may use  
19 a grant provided under the program for—

20 “(A) development-phase activities and  
21 costs, including planning, feasibility analysis,  
22 revenue forecasting, alternatives analysis, data  
23 collection and analysis, environmental review  
24 and activities to support environmental review,  
25 preliminary engineering and design work, and

1 other preconstruction activities, including the  
2 preparation of a data collection and post-con-  
3 struction analysis plan under subsection (g);  
4 and

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

15 “(2) INTEREST AND OTHER FINANCING  
16 COSTS.—The interest and other financing costs of  
17 carrying out any part of a project under a multiyear  
18 grant agreement within a reasonable period of time  
19 shall be considered to be an eligible project cost only  
20 if the applicable eligible entity certifies to the Sec-  
21 retary that the eligible entity has demonstrated rea-  
22 sonable diligence in seeking the most favorable fi-  
23 nancing terms.

24 “(i) COST SHARING.—

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

5           “(2) MAXIMUM FEDERAL INVOLVEMENT.—

6           “(A) IN GENERAL.—Subject to subpara-  
7           graph (B), Federal assistance other than a  
8           grant awarded under the program may be pro-  
9           vided for a project for which a grant is awarded  
10          under the program.

11          “(B) LIMITATION.—The total amount of  
12          Federal assistance provided for a project for  
13          which a grant is awarded under the program  
14          shall not exceed 80 percent of the total cost of  
15          the project.

16          “(C) LOCAL SHARE.—Secured loans or fi-  
17          nancing provided under section 603 of title 23  
18          or section 22402 of this title and repaid with  
19          local funds or revenues shall be considered to be  
20          part of the local share of the cost of a project.

21          “(3) APPLICATION TO MULTIYEAR AGREE-  
22          MENTS.—Notwithstanding any other provision of  
23          this title, in any case in which amounts are provided  
24          under the program pursuant to a multiyear agree-  
25          ment, the disbursed Federal share of the cost of the

1 project may exceed the limitations described in para-  
2 graphs (1) and (2)(B) for 1 or more years if the  
3 total amount of the Federal share of the cost of the  
4 project, once completed, does not exceed those limi-  
5 tations.

6 “(j) GRANT AGREEMENTS.—

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

11 “(2) TERMS.—A multiyear grant agreement  
12 under this subsection shall—

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

15 “(B) establish the maximum amount of  
16 Federal financial assistance for the project;

17 “(C) establish a schedule of anticipated  
18 Federal obligations for the project that provides  
19 for obligation of the full grant amount;

20 “(D) describe the period of time for com-  
21 pleting the project, regardless of whether that  
22 period extends beyond the period of an author-  
23 ization; and

24 “(E) facilitate timely and efficient manage-  
25 ment of the applicable project by the eligible en-

1           tity carrying out the project, in accordance with  
2           applicable law.

3           “(3) SPECIAL RULES.—

4                   “(A) IN GENERAL.—A multiyear grant  
5           agreement under this subsection—

6                           “(i) shall provide for the obligation of  
7                           an amount of available budget authority  
8                           specified in law;

9                           “(ii) may include a commitment, con-  
10                          tingent on amounts to be specified in law  
11                          in advance for commitments under this  
12                          paragraph, to obligate an additional  
13                          amount from future available budget au-  
14                          thority specified in law; and

15                          “(iii) shall provide that any funds dis-  
16                          bursed under the program for the project  
17                          before the completion of any review re-  
18                          quired under the National Environmental  
19                          Policy Act of 1969 (42 U.S.C. 4321 et  
20                          seq.) may only cover costs associated with  
21                          development-phase activities described in  
22                          subsection (h)(1)(A).

23                          “(B) CONTINGENT COMMITMENT.—A con-  
24                          tingent commitment under this paragraph is  
25                          not an obligation of the Federal Government,

1 including for purposes of section 1501 of title  
2 31.

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

10 “(k) CONGRESSIONAL NOTIFICATION.—

11 “(1) IN GENERAL.—Not later than 30 days be-  
12 fore the date on which the Secretary publishes the  
13 selection of projects to receive grants under the pro-  
14 gram, the Secretary shall submit to the Committee  
15 on Commerce, Science, and Transportation of the  
16 Senate and the Committee on Transportation and  
17 Infrastructure of the House of Representatives a  
18 written notice that includes—

19 “(A) a list of all project applications re-  
20 viewed by the Secretary as part of the selection  
21 process;

22 “(B) the rating assigned to each project  
23 under subsection (f)(4);

1           “(C) an evaluation and justification with  
2           respect to each project for which the Secretary  
3           will—

4                   “(i) provide a grant under the pro-  
5                   gram; and

6                   “(ii) enter into a multiyear grant  
7                   agreement under the program;

8           “(D) a description of the means by which  
9           the Secretary anticipates allocating among se-  
10          lected projects the amounts made available to  
11          the Secretary to carry out the program; and

12                   “(E) anticipated funding levels required  
13                   for the 3 fiscal years beginning after the date  
14                   of submission of the notice for projects selected  
15                   for grants under the program, based on infor-  
16                   mation available to the Secretary as of that  
17                   date.

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

24           “(1) REPORTS.—

1           “(1) TRANSPARENCY.—Not later than 60 days  
2 after the date on which the grants are announced  
3 under the program, the Secretary shall publish on  
4 the website of the Department a report that in-  
5 cludes—

6           “(A) a list of all project applications re-  
7 viewed by the Secretary as part of the selection  
8 process under the program;

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

11           “(C) a description of each project for  
12 which a grant has been provided under the pro-  
13 gram.

14           “(2) COMPTROLLER GENERAL.—

15           “(A) ASSESSMENT.—The Comptroller Gen-  
16 eral of the United States shall conduct an as-  
17 sessment of the administrative establishment,  
18 solicitation, selection, and justification process  
19 with respect to the funding of grants under the  
20 program.

21           “(B) REPORT.—Not later than 18 months  
22 after the date on which the initial grants are  
23 awarded for projects under the program, the  
24 Comptroller General shall submit to the Com-  
25 mittee on Commerce, Science, and Transpor-



1           tation of the Senate and the Committee on  
2           Transportation and Infrastructure of the House  
3           of Representatives a report that describes, as  
4           applicable—

5                   “(i) the adequacy and fairness of the  
6                   process by which the projects were se-  
7                   lected; and

8                   “(ii) the justification and criteria used  
9                   for the selection of the projects.

10          “(m) AUTHORIZATION OF APPROPRIATIONS.—

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

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

18                           “(A) more than \$100,000,000; but

19                           “(B) less than \$500,000,000.

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

24                           “(A) administering and overseeing the pro-  
25                   gram; and

1           “(B) hiring personnel for the program, in-  
2           cluding personnel dedicated to processing per-  
3           mitting and environmental review issues.

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

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

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

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

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

20               “(4) the National Environmental Policy Act of  
21          1969 (42 U.S.C. 4321 et seq.);

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

23               “(6) section 22905, as applicable, relating to  
24          rail projects.”.

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

2 (a) IN GENERAL.—Chapter 67 of subtitle III of title  
3 49, United States Code (as added by section 1201), is  
4 amended by adding at the end the following:

5 **“§ 6702. Local and regional project assistance**

6 “(a) DEFINITIONS.—In this section:

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

9 “(A) any county (or equivalent jurisdic-  
10 tion) in which, during the 30-year period ending  
11 on the date of enactment of this chapter, 20  
12 percent or more of the population continually  
13 lived in poverty, as measured by—

14 “(i) the 1990 decennial census;

15 “(ii) the 2000 decennial census; and

16 “(iii) the most recent annual small  
17 area income and poverty estimate of the  
18 Bureau of the Census;

19 “(B) any census tract with a poverty rate  
20 of not less than 20 percent, as measured by the  
21 5-year data series available from the American  
22 Community Survey of the Bureau of the Census  
23 for the period of 2014 through 2018; and

24 “(C) any territory or possession of the  
25 United States.

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

3                   “(A) a State;

4                   “(B) the District of Columbia;

5                   “(C) any territory or possession of the  
6           United States;

7                   “(D) a unit of local government;

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

10                  “(F) a special purpose district or public  
11           authority with a transportation function, includ-  
12           ing a port authority;

13                  “(G) a federally recognized Indian Tribe or  
14           a consortium of such Indian Tribes;

15                  “(H) a transit agency; and

16                  “(I) a multi-State or multijurisdictional  
17           group of entities described in any of subpara-  
18           graphs (A) through (H).

19           “(3) ELIGIBLE PROJECT.—The term ‘eligible  
20           project’ means—

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

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

1           “(C) a passenger rail or freight rail trans-  
2           portation project eligible for assistance under  
3           this title;

4           “(D) a port infrastructure investment, in-  
5           cluding—

6                   “(i) inland port infrastructure; and

7                   “(ii) a land port-of-entry;

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

11          “(F) a project for investment in a surface  
12          transportation facility located on Tribal land,  
13          the title or maintenance responsibility of which  
14          is vested in the Federal Government;

15          “(G) a project to replace or rehabilitate a  
16          culvert or prevent stormwater runoff for the  
17          purpose of improving habitat for aquatic species  
18          that will advance the goal of the program de-  
19          scribed in subsection (b)(2); and

20          “(H) any other surface transportation in-  
21          frastructure project that the Secretary con-  
22          siders to be necessary to advance the goal of  
23          the program.

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

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

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

9           “(7) URBANIZED AREA.—The term ‘urbanized  
10 area’ means an area with a population of more than  
11 200,000 residents, based on the most recent decen-  
12 nial census.

13           “(b) ESTABLISHMENT.—

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

19           “(2) GOAL.—The goal of the program shall be  
20 to fund eligible projects that will have a significant  
21 local or regional impact and improve transportation  
22 infrastructure.

23           “(c) GRANTS.—

24           “(1) IN GENERAL.—In carrying out the pro-  
25 gram, the Secretary may make grants to eligible en-



1           “(A) in such form and containing such in-  
2           formation as the Secretary considers to be ap-  
3           propriate; and

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

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

12                 “(A) improves safety;

13                 “(B) improves environmental sustain-  
14                 ability;

15                 “(C) improves the quality of life of rural  
16                 areas or urbanized areas;

17                 “(D) increases economic competitiveness  
18                 and opportunity;

19                 “(E) contributes to a state of good repair;  
20                 and

21                 “(F) improves mobility and community  
22                 connectivity.

23           “(4) ADDITIONAL SELECTION CRITERIA.—In  
24          selecting projects to receive grants under the pro-



1           gram, the Secretary shall take into consideration the  
2           extent to which—

3                   “(A) the project sponsors collaborated with  
4                   other public and private entities;

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

7                           “(i) innovative technology;

8                           “(ii) innovative project delivery tech-  
9                           niques; and

10                           “(iii) innovative project financing;

11                   “(C) the project has demonstrated readi-  
12                   ness; and

13                   “(D) the project is cost effective.

14           “(5) TRANSPARENCY.—

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

22                   “(B) PUBLICATION.—The methodology  
23                   under subparagraph (A) shall be published by  
24                   the Secretary as part of the notice of funding  
25                   opportunity under the program.

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

7           “(7) TECHNICAL ASSISTANCE.—

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

15           “(B) TREATMENT.—Technical assistance  
16 provided under this paragraph shall not be con-  
17 sidered to provide a guarantee of future selec-  
18 tion of the applicable project under the pro-  
19 gram.

20           “(e) FEDERAL SHARE.—

21           “(1) IN GENERAL.—Except as provided in para-  
22 graph (2), the Federal share of the cost of an eligi-  
23 ble project carried out using a grant provided under  
24 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 or an area of persistent poverty using a grant under  
4 this subsection may exceed 80 percent, at the discre-  
5 tion of the Secretary.

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

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

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

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

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

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

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

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

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

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

6           “(b) ESTABLISHMENT.—The Secretary, in consulta-  
7           tion with the Undersecretary, shall establish an annual  
8           competitive grant program to award grants to eligible enti-  
9           ties for—

10           “(1) projects for the replacement, removal, and  
11           repair of culverts that would meaningfully improve  
12           or restore fish passage for anadromous fish; or

13           “(2) projects with the goal of addressing fresh-  
14           water runoff that impacts marine or anadromous  
15           fish and shellfish species.

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

18           “(1) a State;

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

20           “(3) an Indian Tribe.

21           “(d) GRANT SELECTION PROCESS.—The Secretary,  
22           in consultation with the Undersecretary, shall establish a  
23           process for determining criteria for awarding grants under  
24           the program, subject to subsection (e).



1           “(e) PRIORITIZATION.—The Secretary, in consulta-  
2 tion with the Undersecretary, shall establish procedures  
3 to prioritize awarding grants under the program to—

4           “(1) projects that would improve fish passage  
5 for—

6           “(A) anadromous fish stocks listed as an  
7 endangered species or a threatened species  
8 under section 4 of the Endangered Species Act  
9 of 1973 (16 U.S.C. 1533);

10           “(B) anadromous fish stocks identified by  
11 the Undersecretary that could reasonably be-  
12 come listed as an endangered species or a  
13 threatened species under that section;

14           “(C) anadromous fish stocks identified by  
15 the Undersecretary as prey for endangered spe-  
16 cies, threatened species, or protected species, in-  
17 cluding Southern resident orcas (*Orcinus*  
18 *orca*); or

19           “(D) anadromous fish stocks identified by  
20 the Undersecretary as climate resilient stocks;  
21 and

22           “(2) with respect to culvert removal, projects  
23 that would open up more than 200 meters of up-  
24 stream habitat before the end of the natural habitat.

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

5           “(g) TECHNICAL ASSISTANCE.—The Secretary, in  
6 consultation with the Undersecretary, shall develop a pro-  
7 cess to provide technical assistance to Indian Tribes and  
8 underserved communities to assist in the project design  
9 and grant process and procedures.

10          “(h) ADMINISTRATIVE EXPENSES.—Of the amounts  
11 made available for each fiscal year to carry out the pro-  
12 gram, the Secretary and the Undersecretary may use not  
13 more than 2 percent to pay the administrative expenses  
14 necessary to carry out this section.

15          “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out the program  
17 \$800,000,000 for each of fiscal years 2022 through  
18 2026.”.

19          (b) CLERICAL AMENDMENT.—The analysis for chap-  
20 ter 67 of title 49, United States Code (as added by section  
21 1202(b)), is amended by adding at the end the following:

“6703. National culvert removal, replacement, and restoration grant program.”.

22 **SEC. 1204. NATIONALLY SIGNIFICANT MULTIMODAL**  
23 **FREIGHT PROJECTS.**

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

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

3 (2) in subsection (a)(2)—

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

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

8 (3) in subsection (d)—

9 (A) in paragraph (1)(A)—

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

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

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(v) a highway, bridge, or freight  
17 project carried out on the National  
18 Multimodal Freight Network established  
19 under section 70103 of title 49; and”;

20 (B) in paragraph (2), by striking  
21 “\$600,000,000” and inserting “50 percent”;

22 (4) in subsection (e)(1)—

23 (A) by striking “10 percent” and inserting  
24 “not less than 15 percent”;

1 (B) by striking “subsection (d)(1)(A)” and  
2 inserting “subsection (d)(1)”; and

3 (C) by striking “subsection (d)(1)(B)” and  
4 inserting “subsection (d)(2)”;

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

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

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

20 “(A) an evaluation and justification for the  
21 applicable project; and

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

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

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

7           “(1) \$1,100,000,000 for fiscal year 2022;

8           “(2) \$1,200,000,000 for fiscal year 2023;

9           “(3) \$1,300,000,000 for fiscal year 2024;

10           “(4) \$1,400,000,000 for fiscal year 2025; and

11           “(5) \$1,500,000,000 for fiscal year 2026.”.

12           (b)           CONFORMING           AMENDMENT.—Section  
13 116(d)(1)(D) of title 49, United States Code, is amended  
14 by striking “freight and highway projects program” and  
15 inserting “multimodal freight and highway projects pro-  
16 gram”.

17 **SEC. 1205. NATIONAL MULTIMODAL COOPERATIVE**  
18 **FREIGHT RESEARCH PROGRAM.**

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

22 **“§ 70205. National multimodal cooperative freight re-**  
23 **search program**

24           “(a) ESTABLISHMENT.—Not later than 1 year after  
25 the date of enactment of this section, the Secretary of

1 Transportation (referred to in this section as the ‘Sec-  
2 retary’) shall establish and support a national cooperative  
3 freight transportation research program.

4 “(b) ADMINISTRATION BY NATIONAL ACADEMY OF  
5 SCIENCES.—

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

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

17 “(A) the Department of Transportation  
18 and other relevant Federal departments and  
19 agencies;

20 “(B) State (including the District of Co-  
21 lumbia) departments of transportation;

22 “(C) units of local government, including  
23 public port authorities;

24 “(D) nonprofit entities;

25 “(E) institutions of higher education;

1           “(F) labor organizations representing em-  
2           ployees in freight industries; and

3           “(G) private sector entities representing  
4           various transportation modes.

5           “(c) ACTIVITIES.—

6           “(1) NATIONAL RESEARCH AGENDA.—

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

13          “(B) ACTION BY INTERESTED PARTIES.—  
14          For purposes of subparagraph (A), an inter-  
15          ested party may—

16                 “(i) submit to the advisory committee  
17                 research proposals;

18                 “(ii) participate in merit reviews of re-  
19                 search proposals and peer reviews of re-  
20                 search products; and

21                 “(iii) receive research results.

22          “(2) RESEARCH CONTRACTS AND GRANTS.—

23                 “(A) IN GENERAL.—The National Acad-  
24                 emy of Sciences may award research contracts

1 and grants under the program established  
2 under subsection (a) through—

3 “(i) open competition; and

4 “(ii) merit review, conducted on a reg-  
5 ular basis.

6 “(B) EVALUATION.—

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

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

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

21 “(i) conferences and seminars;

22 “(ii) field demonstrations;

23 “(iii) workshops;

24 “(iv) training programs;

25 “(v) presentations;



1                   “(vi) testimony to government offi-  
2                   cials;

3                   “(vii) publicly accessible websites;

4                   “(viii) publications for the general  
5                   public; and

6                   “(ix) other appropriate means.

7                   “(3) REPORT.—Not later than 1 year after the  
8                   date of establishment of the program under sub-  
9                   section (a), and annually thereafter, the Secretary  
10                  shall make available on a public website a report  
11                  that describes the ongoing research and findings  
12                  under the program.

13                  “(d) AREAS FOR RESEARCH.—The national research  
14                  agenda under subsection (c)(1) shall consider research in  
15                  the following areas:

16                  “(1) Improving the efficiency and resiliency of  
17                  freight movement, including—

18                         “(A) improving the connections between  
19                         rural areas and domestic and foreign markets;

20                         “(B) maximizing infrastructure utility, in-  
21                         cluding improving urban curb-use efficiency;

22                         “(C) quantifying the national impact of  
23                         blocked railroad crossings;

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

4           “(E) low-cost methods to reduce congest-  
5           tion at bottlenecks.

6           “(2) Adapting to future trends in freight, in-  
7           cluding—

8           “(A) considering the impacts of e-com-  
9           merce;

10           “(B) automation; and

11           “(C) zero-emissions transportation.

12           “(3) Workforce considerations in freight, in-  
13           cluding—

14           “(A) diversifying the freight transportation  
15           industry workforce; and

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

19           “(e) FEDERAL SHARE.—

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

23           “(2) USE OF NON-FEDERAL FUNDS.—In addi-  
24           tion to using funds made available to carry out this  
25           section, the National Academy of Sciences may seek

1 and accept additional funding from public and pri-  
2 vate entities capable of accepting funding from the  
3 Department of Transportation, States, units of local  
4 government, nonprofit entities, and the private sec-  
5 tor.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
7 is authorized to be appropriated to the Secretary  
8 \$3,750,000 for each fiscal year to carry out the program  
9 established under subsection (a), to remain available until  
10 expended.

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

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

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

18 **SEC. 1206. RURAL AND TRIBAL INFRASTRUCTURE AD-**  
19 **VANCEMENT.**

20 (a) DEFINITIONS.—In this section:

21 (1) BUILD AMERICA BUREAU.—The term  
22 “Build America Bureau” means the National Sur-  
23 face Transportation and Innovative Finance Bureau  
24 established under section 116 of title 49, United  
25 States Code.

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

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

8                   (B) a State seeking to advance a project  
9                   located in an area described in subparagraph  
10                  (A); and

11                  (C) a federally recognized Indian Tribe.

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

14                   (A) subparagraph (A), (B), or (D) of sec-  
15                   tion 116(d)(1) of title 49, United States Code;  
16                   or

17                   (B) chapter 67 of that title (as added by  
18                   section 1201).

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

22           (b) ESTABLISHMENT.—

23                   (1) IN GENERAL.—The Secretary shall establish  
24                   within the Build America Bureau a pilot program,  
25                   to be known as the “Rural and Tribal Assistance

1 Pilot Program”, to provide to eligible entities the as-  
2 sistance and information described in paragraph (2).

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

6 (A) Financial, technical, and legal assist-  
7 ance to evaluate potential projects reasonably  
8 expected to be eligible to receive funding or fi-  
9 nancing assistance under an eligible program.

10 (B) Assistance with development-phase ac-  
11 tivities, including—

12 (i) project planning;

13 (ii) feasibility studies;

14 (iii) revenue forecasting and funding  
15 and financing options analyses;

16 (iv) environmental review;

17 (v) preliminary engineering and de-  
18 sign work;

19 (vi) economic assessments and cost-  
20 benefit analyses;

21 (vii) public benefit studies;

22 (viii) statutory and regulatory frame-  
23 work analyses;

24 (ix) value for money studies;

1 (x) evaluations of costs to sustain the  
2 project;

3 (xi) evaluating opportunities for pri-  
4 vate financing and project bundling; and

5 (xii) any other activity determined to  
6 be appropriate by the Secretary.

7 (C) Information regarding innovative fi-  
8 nancing best practices and case studies, if the  
9 eligible entity is interested in using innovative  
10 financing methods.

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

16 (d) WEBSITE.—

17 (1) DESCRIPTION OF PILOT PROGRAM.—

18 (A) IN GENERAL.—The Secretary shall  
19 make publicly available on the website of the  
20 Department a description of the pilot program,  
21 including—

22 (i) the resources available to eligible  
23 entities under the pilot program; and

24 (ii) the application process established  
25 under paragraph (2)(A).

1           (B) CLEARINGHOUSE.—The Secretary may  
2           establish a clearinghouse for tools, templates,  
3           and best practices on the page of the website of  
4           the Department that contains the information  
5           described in subparagraph (A).

6           (2) APPLICATIONS.—

7           (A) IN GENERAL.—Not later than 180  
8           days after the date of enactment of this Act,  
9           the Secretary shall establish a process by which  
10          an eligible entity may submit to the Secretary  
11          an application under the pilot program, in such  
12          form and containing such information as the  
13          Secretary may require.

14          (B) ONLINE PORTAL.—The Secretary shall  
15          develop and make available to the public an on-  
16          line portal through which the Secretary may re-  
17          ceive applications under subparagraph (A), on a  
18          rolling basis.

19          (C) APPROVAL.—

20                 (i) IN GENERAL.—Not later than 60  
21                 days after the date on which the Secretary  
22                 receives a complete application under sub-  
23                 paragraph (A), the Secretary shall provide  
24                 to each eligible entity that submitted the

1 application a notice describing whether the  
2 application is approved or disapproved.

3 (ii) ADDITIONAL WRITTEN NOTIFICA-  
4 TION.—

5 (I) IN GENERAL.—Not later than  
6 30 days after the date on which the  
7 Secretary provides to an eligible entity  
8 a notification under clause (i), the  
9 Secretary shall provide to the eligible  
10 entity an additional written notifica-  
11 tion of the approval or disapproval of  
12 the application.

13 (II) DISAPPROVED APPLICA-  
14 TIONS.—If the application of an eligi-  
15 ble entity is disapproved under this  
16 subparagraph, the additional written  
17 notification provided to the eligible en-  
18 tity under subclause (I) shall include  
19 an offer for a written or telephonic  
20 debrief by the Secretary that will pro-  
21 vide an explanation of, and guidance  
22 regarding, the reasons why the appli-  
23 cation was disapproved.

24 (iii) INSUFFICIENT APPLICATIONS.—  
25 The Secretary shall not approve an appli-



1                    cation under this subparagraph if the ap-  
2                    plication fails to meet the applicable cri-  
3                    teria established under this section.

4                    (3) DASHBOARD.—The Secretary shall publish  
5                    on the website of the Department a monthly report  
6                    that includes, for each application received under the  
7                    pilot program—

8                    (A) the type of eligible entity that sub-  
9                    mitted the application;

10                    (B) the location of each potential project  
11                    described in the application;

12                    (C) a brief description of the assistance re-  
13                    quested;

14                    (D) the date on which the Secretary re-  
15                    ceived the application; and

16                    (E) the date on which the Secretary pro-  
17                    vided the notice of approval or disapproval  
18                    under paragraph (2)(C)(i).

19                    (e) EXPERTS.—An eligible entity that receives assist-  
20                    ance under the pilot program may retain the services of  
21                    an expert for any phase of a project carried out using the  
22                    assistance, including project development, regardless of  
23                    whether the expert is retained by the Secretary under sub-  
24                    section (c).

25                    (f) FUNDING.—

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

8           (2) LIMITATION.—The amount used under  
9           paragraph (1) to carry out the pilot program shall  
10          be not more than—

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

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

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

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

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

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

20          (g) SUNSET.—The pilot program shall terminate on  
21          the date that is 5 years after the date of enactment of  
22          this Act.

23          (h) NONAPPLICABILITY.—Nothing in this section  
24          limits the ability of the Build America Bureau or the Sec-

1 retary to establish or carry out any other assistance pro-  
 2 gram under title 23 or title 49, United States Code.

3 (i) ADMINISTRATION BY BUILD AMERICA BUREAU.—  
 4 Section 116(d)(1) of title 49, United States Code, is  
 5 amended by adding at the end the following:

6 “(E) The Rural and Tribal Assistance  
 7 Pilot Program established under section  
 8 1206(b)(1) of the Surface Transportation In-  
 9 vestment Act of 2021.”.

10 **Subtitle C—Railroad Rehabilita-**  
 11 **tion and Improvement Financ-**  
 12 **ing Reforms**

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

14 (a) CODIFICATION OF TITLE V OF THE RAILROAD  
 15 REVITALIZATION AND REGULATORY REFORM ACT OF  
 16 1976.—Part B of subtitle V of title 49, United States  
 17 Code, is amended—

18 (1) by inserting after chapter 223 the following  
 19 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.”;

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

1 **“§ 22401. Definitions**

2 **“§ 22402. Direct loans and loan guarantees**

3 **“§ 22403. Administration of direct loans and loan**  
4 **guarantees**

5 **“§ 22404. Employee protection”;**

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

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

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

19 (6) by inserting after the section heading for  
20 section 22404, as added by paragraph (2), the text  
21 of section 504 of the Railroad Revitalization and  
22 Regulatory Reform Act of 1976 (45 U.S.C. 836).

23 (b) CONFORMING REPEALS.—

24 (1) IN GENERAL.—Sections 501, 502, 503, and  
25 504 of the Railroad Revitalization and Regulatory

1 Reform Act of 1976 (45 U.S.C. 821, 822, 823, and  
2 836) are repealed.

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

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

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

15 (2) by amending paragraph (12) to read as fol-  
16 lows:

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

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

20 “(B) any ‘rail carrier’ (as defined in sec-  
21 tion 24102).”;

22 (3) by redesignating paragraph (14) as para-  
23 graph (15); and

24 (4) by inserting after paragraph (13) the fol-  
25 lowing:

1           “(14) The term ‘Secretary’ means the Secretary  
2 of Transportation.”.

3           (d) DIRECT LOANS AND LOAN GUARANTEES.—Sec-  
4 tion 22402 of title 49, United States Code, as added by  
5 subsection (a)(2), and amended by subsection (a)(4), is  
6 further amended—

7           (1) in subsection (a)—

8                 (A) in paragraph (2), by inserting “entities  
9 implementing” before “interstate compacts”;

10                (B) in paragraph (5), by striking “and” at  
11 the end; and

12                (C) by striking paragraph (6) and insert-  
13 ing the following:

14           “(6) limited option freight shippers that own or  
15 operate a plant or other facility, solely for the pur-  
16 pose of constructing a rail connection between a  
17 plant or facility and a railroad; and

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

21           (2) in subsection (b)—

22                 (A) by amending paragraph (1) to read as  
23 follows:

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

1           “(A) to acquire, improve, or rehabilitate  
2 intermodal or rail equipment or facilities, in-  
3 cluding track, components of track, cuts and  
4 fills, stations, tunnels, bridges, yards, buildings,  
5 and shops, and costs related to these activities,  
6 including pre-construction costs;

7           “(B) to develop or establish new inter-  
8 modal or railroad facilities;

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

11           “(D) to refinance outstanding debt in-  
12 curred for the purposes described in subpara-  
13 graph (A) , (B), or (C);

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

17           “(F) to finance economic development, in-  
18 cluding commercial and residential development,  
19 and related infrastructure and activities, that—

20           “(i) incorporates private investment of  
21 greater than 20 percent of total project  
22 costs;

23           “(ii) is physically connected to, or is  
24 within ½ mile of, a fixed guideway transit  
25 station, an intercity bus station, a pas-

1 senger rail station, or a multimodal station  
2 that includes rail service;

3 “(iii) demonstrates the ability of the  
4 applicant to commence the contracting  
5 process for construction not later than 90  
6 days after the date on which the direct  
7 loan or loan guarantee is obligated for the  
8 project under this chapter; and

9 “(iv) demonstrates the ability to gen-  
10 erate new revenue for the relevant pas-  
11 senger rail station or service by increasing  
12 ridership, increasing tenant lease pay-  
13 ments, or carrying out other activities that  
14 generate revenue exceeding costs.”; and

15 (B) by striking paragraph (3);

16 (3) in subsection (c)—

17 (A) in paragraph (1), by striking “of title  
18 49, United States Code”; and

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

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

23 “(1) DIRECT LOANS.—The interest rate on a  
24 direct loan under this section shall be not less than  
25 the yield on United States Treasury securities of a



1 similar maturity to the maturity of the secured loan  
2 on the date of execution of the loan agreement.”;

3 (5) in subsection (f)—

4 (A) in paragraph (3)—

5 (i) in the matter preceding subpara-  
6 graph (A)—

7 (I) by striking “An applicant  
8 may propose and” and inserting  
9 “Upon receipt of a proposal from an  
10 applicant under this section,”; and

11 (II) by striking “tangible asset”  
12 and inserting “collateral described in  
13 paragraph (6)”;

14 (ii) in subparagraph (B)(ii), by insert-  
15 ing “, including operating or tenant  
16 charges, facility rents, or other fees paid  
17 by transportation service providers or oper-  
18 ators for access to, or the use of, infra-  
19 structure, including rail lines, bridges, tun-  
20 nels, yards, or stations” after “user fees”;

21 (iii) in subparagraph (C), by striking  
22 “\$75,000,000” and inserting  
23 “\$150,000,000”; and

24 (iv) by adding at the end the fol-  
25 lowing:

1           “(D) Revenue from projected freight or  
2           passenger demand for the project based on re-  
3           gionally developed economic forecasts, including  
4           projections of any modal diversion resulting  
5           from the project.”; and

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

7           “(5) COHORTS OF LOANS.—For any direct loan  
8           issued before the date of enactment of the Fixing  
9           America’s Surface Transportation Act (Public Law  
10          114–94) pursuant to sections 501 through 504 of  
11          the Railroad Revitalization and Regulatory Reform  
12          Act of 1976 (Public Law 94-210), the Secretary  
13          shall repay the credit risk premiums of such loan,  
14          with interest accrued thereon, not later than—

15           “(A) 60 days after the date of enactment  
16           of the Surface Transportation Investment Act  
17           of 2021 if the borrower has satisfied all obliga-  
18           tions attached to such loan; or

19           “(B) if the borrower has not yet satisfied  
20           all obligations attached to such loan, 60 days  
21           after the date on which all obligations attached  
22           to such loan have been satisfied.

23          “(6) COLLATERAL.—

24           “(A) TYPES OF COLLATERAL.—An appli-  
25           cant or infrastructure partner may propose tan-

1           gible and intangible assets as collateral, exclu-  
2           sive of goodwill. The Secretary, after evaluating  
3           each such asset—

4                   “(i) shall accept a net liquidation  
5           value of collateral; and

6                   “(ii) shall consider and may accept—

7                           “(I) the market value of collat-  
8                   eral; or

9                           “(II) in the case of a blanket  
10           pledge or assignment of an entire op-  
11           erating asset or basket of assets as  
12           collateral, the market value of assets,  
13           or, the market value of the going con-  
14           cern, considering—

15                           “(aa) inclusion in the pledge  
16           of all the assets necessary for  
17           independent operational utility of  
18           the collateral, including tangible  
19           assets such as real property,  
20           track and structure, motive  
21           power, equipment and rolling  
22           stock, stations, systems and  
23           maintenance facilities and intan-  
24           gible assets such as long-term  
25           shipping agreements, easements,

1 leases and access rights such as  
2 for trackage and haulage;

3 “(bb) interchange commit-  
4 ments; and

5 “(cc) the value of the asset  
6 as determined through the cost  
7 or market approaches, or the  
8 market value of the going con-  
9 cern, with the latter considering  
10 discounted cash flows for a pe-  
11 riod not to exceed the term of the  
12 direct loan or loan guarantee.

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

16 “(i) adherence to the substance and  
17 principles of the Uniform Standards of  
18 Professional Appraisal Practice, as devel-  
19 oped by the Appraisal Standards Board of  
20 the Appraisal Foundation; and

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

23 “(7) REPAYMENT OF CREDIT RISK PRE-  
24 MIUMS.—The Secretary shall return credit risk pre-  
25 miums paid, and interest accrued on such premiums,

1 to the original source when all obligations of a loan  
2 or loan guarantee have been satisfied. This para-  
3 graph applies to any project that has been granted  
4 assistance under this section after the date of enact-  
5 ment of the Surface Transportation Investment Act  
6 of 2021.”;

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

9 “(1) repayment of the obligation is required to  
10 be made within a term that is not longer than the  
11 shorter of—

12 “(A) 75 years after the date of substantial  
13 completion of the project;

14 “(B) the estimated useful life of the rail  
15 equipment or facilities to be acquired, rehabili-  
16 tated, improved, developed, or established, sub-  
17 ject to an adequate determination of long-term  
18 risk; or

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

22 “(i) 35 years; and

23 “(ii) the product of—

1                   “(I) the difference between the  
2                   estimated useful life and 35 years;  
3                   multiplied by

4                   “(II) 75 percent.”;

5                   (7) in subsection (h)—

6                   (A) in paragraph (3)(B), by striking “sec-  
7                   tion 836 of this title” and inserting “section  
8                   22404”; and

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

11                  (8) in subsection (i)—

12                  (A) by amending paragraph (4) to read as  
13                  follows:

14                  “(4) STREAMLINE APPLICATION REVIEW PROC-  
15                  ESS.—

16                  “(A) IN GENERAL.—Not later than 180  
17                  days after the date of enactment of the Surface  
18                  Transportation Investment Act of 2021, the  
19                  Secretary shall implement procedures and  
20                  measures to economize and make available an  
21                  expedited application process or processes at  
22                  the request of applicants seeking loans or loan  
23                  guarantees.

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

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

3                   “(ii) meet eligible project purposes de-  
4                   scribed in subparagraphs (A) and (B) of  
5                   subsection (b)(1); and

6                   “(iii) meet other criteria considered  
7                   appropriate by the Secretary, in consulta-  
8                   tion with the Council on Credit and Fi-  
9                   nance of the Department of Transpor-  
10                  tation.

11                  “(C) EXPEDITED CREDIT REVIEW.—The  
12                  total period between the submission of an appli-  
13                  cation and the approval or disapproval of an  
14                  application for a direct loan or loan guarantee  
15                  under this paragraph may not exceed 90 days.  
16                  If an application review conducted under this  
17                  paragraph exceeds 90 days, the Secretary  
18                  shall—

19                         “(i) provide written notice to the ap-  
20                         plicant, including a justification for the  
21                         delay and updated estimate of the time  
22                         needed for approval or disapproval; and

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

25                         (B) in paragraph (5)—

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

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

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

7 “(G) whether the project utilized the expe-  
8 dited application process under paragraph  
9 (4).”; and

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

11 “(6) CREDITWORTHINESS REVIEW STATUS.—

12 “(A) IN GENERAL.—The Secretary shall  
13 maintain status information related to each ap-  
14 plication for a loan or loan guarantee, which  
15 shall be provided to the applicant upon request,  
16 including—

17 “(i) the total value of the proposed  
18 loan or loan guarantee;

19 “(ii) the name of the applicant or ap-  
20 plicants submitting the application;

21 “(iii) the proposed capital structure of  
22 the project to which the loan or loan guar-  
23 antee would be applied, including the pro-  
24 posed Federal and non-Federal shares of  
25 the total project cost;



1           “(iv) the type of activity to receive  
2           credit assistance, including whether the  
3           project is new construction, the rehabilita-  
4           tion of existing rail equipment or facilities,  
5           or the refinancing an existing loan or loan  
6           guarantee;

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

9           “(vi) the credit rating or ratings pro-  
10          vided for the applicant;

11          “(vii) if other credit instruments are  
12          involved, the proposed subordination rela-  
13          tionship and a description of such other  
14          credit instruments;

15          “(viii) a schedule for the readiness of  
16          proposed investments for financing;

17          “(ix) a description of any Federal per-  
18          mits required, including under the Na-  
19          tional Environmental Policy Act of 1969  
20          (42 U.S.C. 4321 et seq.) and any waivers  
21          under section 5323(j) (commonly known as  
22          the ‘Buy America Act’);

23          “(x) other characteristics of the pro-  
24          posed activity to be financed, borrower, key  
25          agreements, or the nature of the credit

1 that the Secretary considers to be funda-  
2 mental to the creditworthiness review;

3 “(xi) the status of the application in  
4 the pre-application review and selection  
5 process;

6 “(xii) the cumulative amounts paid by  
7 the Secretary to outside advisors related to  
8 the application, including financial and  
9 legal advisors;

10 “(xiii) a description of the key rating  
11 factors used by the Secretary to determine  
12 credit risk, including—

13 “(I) the factors used to deter-  
14 mine risk for the proposed applica-  
15 tion;

16 “(II) an adjectival risk rating for  
17 each identified factor, ranked as ei-  
18 ther low, moderate, or high;

19 “(xiv) a nonbinding estimate of the  
20 credit risk premium, which may be in the  
21 form of—

22 “(I) a range, based on the assess-  
23 ment of risk factors described in  
24 clause (xiii); or

1                   “(II) a justification for why the  
2                   estimate of the credit risk premium  
3                   cannot be determined based on avail-  
4                   able information; and

5                   “(xv) a description of the key infor-  
6                   mation the Secretary needs from the appli-  
7                   cant to complete the credit review process  
8                   and make a final determination of the  
9                   credit risk premium.

10                  “(B) REPORT UPON REQUEST.—The Sec-  
11                  retary shall provide the information described  
12                  in subparagraph (A) not later than 30 days  
13                  after a request from the applicant.

14                  “(C) EXCEPTION.—Applications processed  
15                  using the streamline application review process  
16                  under paragraph (4) are not subject to the re-  
17                  quirements under this paragraph.”; and

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

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

24                  (e) ADMINISTRATION OF DIRECT LOANS AND LOAN  
25                  GUARANTEES.—Section 22403 of title 49, United States

1 Code, as added by subsection (a)(2), and amended by sub-  
2 section (a)(5), is further amended—

3 (1) in subsection (a)—

4 (A) by striking “The Secretary shall” and  
5 inserting the following:

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

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

8 “(2) DOCUMENTATION.—An applicant meeting  
9 the size standard for small business concerns estab-  
10 lished under section 3(a)(2) of the Small Business  
11 Act (15 U.S.C. 632(a)(2)) may provide unaudited fi-  
12 nancial statements as documentation of historical fi-  
13 nancial information if such statements are accom-  
14 panied by the applicant’s Federal tax returns and  
15 Internal Revenue Service tax verifications for the  
16 corresponding years.”; and

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

19 (f) AUTHORIZATION OF APPROPRIATIONS.—Chapter  
20 224 of title 49, United States Code, as added by sub-  
21 section (a), and amended by subsections (b) through (e),  
22 is further amended by adding at the end the following:

23 **“§ 22405. Authorization of appropriations.**

24 “(a) AUTHORIZATION.—

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

6           “(2) REFUND OF PREMIUM.—There is author-  
7           ized to be appropriated to the Secretary  
8           \$70,000,000 to repay the credit risk premium in ac-  
9           cordance with section 22402(f)(5).

10           “(3) AVAILABILITY.—Amounts appropriated  
11           pursuant to this subsection shall remain available  
12           until expended.

13           “(b) USE OF FUNDS.—

14           “(1) IN GENERAL.—Credit assistance provided  
15           under subsection (a) may not exceed \$20,000,000  
16           for any loan or loan guarantee.

17           “(2) ADMINISTRATIVE COSTS.—Not less than 3  
18           percent of the amounts appropriated pursuant to  
19           subsection (a) in each fiscal year shall be made  
20           available to the Secretary for use in place of charges  
21           collected under section 22403(l)(1) for passenger  
22           railroads and freight railroads other than Class I  
23           carriers.

24           “(3) SHORT LINE SET-ASIDE.—Not less than  
25           50 percent of the amounts appropriated pursuant to

1 subsection (a)(1) for each fiscal year shall be set  
 2 aside for freight railroads other than Class I car-  
 3 riers.”.

4 (g) CLERICAL AMENDMENT.—The analysis for title  
 5 49, United States Code, is amended by inserting after the  
 6 item relating to chapter 223 the following:

**“224 . Railroad rehabilitation and improvement financ-  
 ing .....22401”.**

7 (h) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) NATIONAL TRAILS SYSTEM ACT.—Section  
 9 8(d) of the National Trails System Act (16 U.S.C.  
 10 1247(d)) is amended by inserting “(45 U.S.C. 801  
 11 et seq.) and chapter 224 of title 49, United States  
 12 Code” after “1976”.

13 (2) PASSENGER RAIL REFORM AND INVEST-  
 14 MENT ACT.—Section 11315(e) of the Passenger Rail  
 15 Reform and Investment Act of 2015 (23 U.S.C. 322  
 16 note; Public Law 114–94) is amended by striking  
 17 “sections 502 and 503 of the Railroad Revitalization  
 18 and Regulatory Reform Act of 1976” and inserting  
 19 “sections 22402 and 22403 of title 49, United  
 20 States Code”.

21 (3) PROVISIONS CLASSIFIED IN TITLE 45,  
 22 UNITED STATES CODE.—

23 (A) RAILROAD REVITALIZATION AND REG-  
 24 ULATORY REFORM ACT OF 1976.—Section 101

1 of the Railroad Revitalization and Regulatory  
2 Reform Act of 1976 (45 U.S.C. 801) is amend-  
3 ed—

4 (i) in subsection (a), in the matter  
5 preceding paragraph (1), by striking “It is  
6 the purpose of the Congress in this Act to”  
7 and inserting “The purpose of this Act and  
8 chapter 224 of title 49, United States  
9 Code, is to”; and

10 (ii) in subsection (b), in the matter  
11 preceding paragraph (1), by striking “It is  
12 declared to be the policy of the Congress in  
13 this Act” and inserting “The policy of this  
14 Act and chapter 224 of title 49, United  
15 States Code, is”.

16 (B) RAILROAD INFRASTRUCTURE FINANC-  
17 ING IMPROVEMENT ACT.—The Railroad Infra-  
18 structure Financing Improvement Act (subtitle  
19 F of title XI of Public Law 114–94)—

20 (i) in section 11607(b) (45 U.S.C.  
21 821 note), by striking “All provisions  
22 under sections 502 through 504 of the  
23 Railroad Revitalization and Regulatory Re-  
24 form Act of 1976 (45 U.S.C. 801 et seq.)”  
25 and inserting “All provisions under section

1                   22402 through 22404 of title 49, United  
2                   States Code,”; and

3                   (ii) in section 11610(b) (45 U.S.C.  
4                   821 note), by striking “section 502(f) of  
5                   the Railroad Revitalization and Regulatory  
6                   Reform Act of 1976 (45 U.S.C. 822(f)), as  
7                   amended by section 11607 of this Act”  
8                   and inserting “section 22402(f) of title 49,  
9                   United States Code”.

10                  (C) TRANSPORTATION EQUITY ACT FOR  
11                  THE 21ST CENTURY.—Section 7203(b)(2) of the  
12                  Transportation Equity Act for the 21st Century  
13                  (Public Law 105–178; 45 U.S.C. 821 note) is  
14                  amended by striking “title V of the Railroad  
15                  Revitalization and Regulatory Reform Act of  
16                  1976 (45 U.S.C. 821 et seq.)” and inserting  
17                  “chapter 224 of title 49, United States Code,”.

18                  (D) HAMM ALERT MARITIME SAFETY ACT  
19                  OF 2018.—Section 212(d)(1) of Hamm Alert  
20                  Maritime Safety Act of 2018 (title II of Public  
21                  Law 115–265; 45 U.S.C. 822 note) is amended,  
22                  in the matter preceding subparagraph (A), by  
23                  striking “for purposes of section 502(f)(4) of  
24                  the Railroad Revitalization and Regulatory Re-  
25                  form Act of 1976 (45 U.S.C. 822(f)(4))” and



1 inserting “for purposes of section 22402 of title  
2 49, United States Code”.

3 (E) MILWAUKEE RAILROAD RESTRUC-  
4 TURING ACT.—Section 15(f) of the Milwaukee  
5 Railroad Restructuring Act (45 U.S.C. 914(f))  
6 is amended by striking “Section 516 of the  
7 Railroad Revitalization and Regulatory Reform  
8 Act of 1976 (45 U.S.C. 836)” and inserting  
9 “Section 22404 of title 49, United States  
10 Code,”.

11 (F) ROCK ISLAND RAILROAD TRANSITION  
12 AND EMPLOYEE ASSISTANCE ACT.—Section  
13 104(b) of the Rock Island Railroad Transition  
14 and Employee Assistance Act (45 U.S.C.  
15 1003(b)) is amended—

16 (i) in paragraph (1)—

17 (I) by striking “title V of the  
18 Railroad Revitalization and Regu-  
19 latory Reform Act of 1976 (45 U.S.C.  
20 821 et seq.)” and inserting “chapter  
21 224 of title 49, United States Code,”;  
22 and

23 (II) by striking “and section  
24 18(b) of the Milwaukee Railroad Re-  
25 structuring Act”; and

1 (ii) in paragraph (2), by striking  
2 “title V of the Railroad Revitalization and  
3 Regulatory Reform Act of 1976, and sec-  
4 tion 516 of such Act (45 U.S.C. 836)” and  
5 inserting “chapter 224 of title 49, United  
6 States Code, including section 22404 of  
7 such title.”

8 (G) PASSENGER RAIL INVESTMENT AND  
9 IMPROVEMENT ACT OF 2008.—Section 205(g) of  
10 the Passenger Rail Investment and Improve-  
11 ment Act of 2008 (division B of Public Law  
12 110–432; 49 U.S.C. 24101 note) is amended by  
13 striking “title V of the Railroad Revitalization  
14 and Regulatory Reform Act of 1976 (45 U.S.C.  
15 821 et seq.)” and inserting “chapter 224 of  
16 title 49, United States Code”.

17 (H) PASSENGER RAIL REFORM AND IN-  
18 VESTMENT ACT OF 2015.—Section 11311(d) of  
19 the Passenger Rail Reform and Investment Act  
20 of 2015 (Public Law 114–94; 49 U.S.C. 20101  
21 note) is amended by striking “, and section 502  
22 of the Railroad Revitalization and Regulatory  
23 Reform Act of 1976 (45 U.S.C. 822)”.

24 (4) TITLE 49.—

1 (A) NATIONAL SURFACE TRANSPORTATION  
2 AND INNOVATIVE FINANCE BUREAU.—Section  
3 116(d)(1)(B) of title 49, United States Code, is  
4 amended by striking “sections 501 through 503  
5 of the Railroad Revitalization and Regulatory  
6 Reform Act of 1976 (45 U.S.C. 821–823)” and  
7 inserting “sections 22401 through 22403”.

8 (B) PROHIBITED DISCRIMINATION.—Sec-  
9 tion 306(b) of title 49, United States Code, is  
10 amended—

11 (i) by striking “chapter 221 or 249 of  
12 this title,” and inserting “chapter 221,  
13 224, or 249 of this title, or”; and

14 (ii) by striking “, or title V of the  
15 Railroad Revitalization and Regulatory Re-  
16 form Act of 1976 (45 U.S.C. 821 et  
17 seq.)”.

18 (C) GRANT CONDITIONS.—Section  
19 22905(c)(2)(B) of title 49, United States Code,  
20 is amended by striking “section 504 of the Rail-  
21 road Revitalization and Regulatory Reform Act  
22 of 1976 (45 U.S.C. 836)” and inserting “sec-  
23 tion 22404”.

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

1 (i) in subsection (a)(6), by striking  
2 “and the Railroad Revitalization and Reg-  
3 ulatory Reform Act of 1976 (45 U.S.C.  
4 801 et seq.)” and inserting “, the Railroad  
5 Revitalization and Regulatory Reform Act  
6 of 1976 (45 U.S.C. 801 et seq.), and chap-  
7 ter 224 of this title”; and

8 (ii) in subsection (c)(2), by striking  
9 “and the Railroad Revitalization and Reg-  
10 ulatory Reform Act of 1976 (45 U.S.C.  
11 801 et seq.)” and inserting “, the Railroad  
12 Revitalization and Regulatory Reform Act  
13 of 1976 (45 U.S.C. 801 et seq.), and chap-  
14 ter 224 of this title”.

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

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

21 **SEC. 1303. SEMIANNUAL REPORT ON TRANSIT-ORIENTED**  
22 **DEVELOPMENT ELIGIBILITY.**

23 Not later than 6 months after the date of enactment  
24 of this Act, and every 6 months thereafter, the Secretary  
25 shall submit a report to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-  
2 mittee on Transportation and Infrastructure of the House  
3 of Representatives that identifies—

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

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

10 (3) for each such application, the reasons for  
11 providing or declining to provide the requested loan  
12 or loan guarantee.

## 13 **TITLE II—RAIL**

### 14 **SEC. 2001. SHORT TITLE.**

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

## 17 **Subtitle A—Authorization of** 18 **Appropriations**

### 19 **SEC. 2101. GRANTS TO AMTRAK.**

20 (a) NORTHEAST CORRIDOR.—There are authorized  
21 to be appropriated to the Secretary for grants to Amtrak  
22 for activities associated with the Northeast Corridor the  
23 following amounts:

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

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

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

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

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

4 (b) NATIONAL NETWORK.—There are authorized to  
5 be appropriated to the Secretary for grants to Amtrak for  
6 activities associated with the National Network the fol-  
7 lowing amounts:

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

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

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

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

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

13 (c) OVERSIGHT.—The Secretary may withhold up to  
14 0.5 percent from the amount appropriated for each fiscal  
15 year pursuant to subsections (a) and (b) for the costs of  
16 oversight of Amtrak.

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

23 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-  
24 retary may withhold up to \$6,000,000 from the amount  
25 appropriated for each fiscal year pursuant to subsection

1 (a) for use by the Northeast Corridor Commission estab-  
2 lished under section 24905(a) of title 49, United States  
3 Code.

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

9 (g) ACCESSIBILITY UPGRADES.—

10 (1) IN GENERAL.—The Secretary shall withhold  
11 \$50,000,000 from the amount appropriated for each  
12 fiscal year pursuant to subsections (a) and (b) for  
13 grants to assist Amtrak in financing capital projects  
14 to upgrade the accessibility of the national rail pas-  
15 senger transportation system by increasing the num-  
16 ber of existing facilities that are compliant with the  
17 requirements under the Americans with Disabilities  
18 Act of 1990 (42 U.S.C. 12101 et seq.) until the Sec-  
19 retary determines Amtrak’s existing facilities are in  
20 compliance with such requirements.

21 (2) SAVINGS PROVISION.—Nothing in para-  
22 graph (1) may be construed to prevent Amtrak from  
23 using additional funds appropriated pursuant to this  
24 section to carry out the activities authorized under  
25 such paragraph.

1 (h) CORRIDOR DEVELOPMENT.—In addition to the  
2 activities authorized under subsection (b), Amtrak may  
3 use up to 10 percent of the amounts appropriated under  
4 subsection (b) in each fiscal year to support Amtrak-oper-  
5 ated corridors selected under section 2306 for—

6 (1) planning and capital costs; and

7 (2) operating assistance consistent with the  
8 Federal funding limitations under section 22908 of  
9 title 49, United States Code.

10 **SEC. 2102. FEDERAL RAILROAD ADMINISTRATION.**

11 (a) SAFETY AND OPERATIONS.—There are author-  
12 ized to be appropriated to the Secretary for the operations  
13 of the Federal Railroad Administration and to carry out  
14 railroad safety activities the following amounts:

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

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

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

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

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

20 (b) RAILROAD RESEARCH AND DEVELOPMENT.—

21 There are authorized to be appropriated to the Secretary  
22 for the use of the Federal Railroad Administration for ac-  
23 tivities associated with railroad research and development  
24 the following amounts:

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



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

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

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

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

5 (c) TRANSPORTATION TECHNOLOGY CENTER.—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 activities authorized under section  
9 20108(d) of title 49, United States Code.

10 (d) RAIL RESEARCH AND DEVELOPMENT CENTER OF  
11 EXCELLENCE.—The Secretary may withhold up to 10 per-  
12 cent of the amount appropriated for each fiscal year under  
13 subsection (b) for grants authorized under section  
14 20108(j) of title 49, United States Code.

15 **SEC. 2103. CONSOLIDATED RAIL INFRASTRUCTURE AND**  
16 **SAFETY IMPROVEMENTS GRANTS.**

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

21 (b) OVERSIGHT.—The Secretary may withhold up to  
22 2 percent from the amount appropriated for each fiscal  
23 year pursuant to subsection (a) for the costs of project  
24 management oversight of grants authorized under title 49,  
25 United States Code.

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

2 (a) IN GENERAL.—There is authorized to be appro-  
3 priated to the Secretary for grants under section 22909  
4 of title 49, United States Code, as added by section 2305,  
5 \$500,000,000 for each of fiscal years 2022 through 2026.

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

11 (c) HIGHWAY-RAIL GRADE CROSSING SAFETY IN-  
12 FORMATION AND EDUCATION PROGRAM.—Of the amount  
13 appropriated under subsection (a) in each fiscal year, 0.25  
14 percent shall be used for contracts or grants to carry out  
15 a highway-rail grade crossing safety information and edu-  
16 cation program—

17 (1) to help prevent and reduce pedestrian,  
18 motor vehicle, and other accidents, incidents, inju-  
19 ries, and fatalities; and

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

22 (d) OVERSIGHT.—The Secretary may withhold up to  
23 2 percent from the amount appropriated for each fiscal  
24 year pursuant to subsection (a) for the costs of project  
25 management oversight of grants authorized under title 49,  
26 United States Code.

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

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

6 (b) OVERSIGHT.—The Secretary may withhold up to  
7 1 percent of the amount appropriated for each fiscal year  
8 pursuant to subsection (a) for the costs of project manage-  
9 ment oversight of grants authorized under section 22908  
10 of title 49, United States Code.

11 **SEC. 2106. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**  
12 **PASSENGER RAIL GRANTS.**

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

17 (b) OVERSIGHT.—The Secretary may withhold up to  
18 2 percent of the amount appropriated under subsection  
19 (a) for the costs of project management oversight of  
20 grants authorized under title 49, United States Code.

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

22 There are authorized to be appropriated to the Office  
23 of Inspector General of Amtrak the following amounts:

- 24 (1) For fiscal year 2022, \$26,500,000.  
25 (2) For fiscal year 2023, \$27,000,000.  
26 (3) For fiscal year 2024, \$27,500,000.

1 (4) For fiscal year 2025, \$28,000,000.

2 (5) For fiscal year 2026, \$28,500,000.

### 3 **Subtitle B—Amtrak Reforms**

#### 4 **SEC. 2201. AMTRAK FINDINGS, MISSION, AND GOALS.**

5 (a) FINDINGS.—Section 24101(a) of title 49, United  
6 States Code, is amended—

7 (1) in paragraph (1), by striking “between  
8 crowded urban areas and in other areas of” and in-  
9 serting “throughout”;

10 (2) in paragraph (4), by striking “to Amtrak to  
11 achieve a performance level sufficient to justify ex-  
12 pending public money” and inserting “in order to  
13 meet the intercity passenger rail needs of the United  
14 States”;

15 (3) in paragraph (5)—

16 (A) by inserting “intercity passenger and”  
17 before “commuter”; and

18 (B) by inserting “and rural” after “major  
19 urban;” and

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

21 “(9) Long-distance routes are valuable resources of  
22 the United States that are used by rural and urban com-  
23 munities.”.

24 (b) GOALS.—Section 24101(c) of title 49, United  
25 States Code, is amended—

1 (1) by amending paragraph (1) to read as fol-  
2 lows:

3 “(1) use its best business judgment in acting to  
4 maximize the benefits of Federal investments, in-  
5 cluding—

6 “(A) offering competitive fares;

7 “(B) increasing revenue from the transpor-  
8 tation of mail and express;

9 “(C) offering food service that meets the  
10 needs of its customers;

11 “(D) improving its contracts with rail car-  
12 riers over whose tracks Amtrak operates;

13 “(E) controlling or reducing management  
14 and operating costs; and

15 “(F) providing economic benefits to the  
16 communities it serves;”;

17 (2) in paragraph (11), by striking “and” at the  
18 end;

19 (3) in paragraph (12), by striking the period at  
20 the end and inserting “; and”; and

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

22 “(13) support and maintain established long-  
23 distance routes to provide value to the Nation by  
24 serving customers throughout the United States and  
25 connecting urban and rural communities.”.

1 (c) INCREASING REVENUES.—Section 24101(d) of  
2 title 49, United States Code, is amended to read as fol-  
3 lows:

4 “(d) INCREASING REVENUES.—Amtrak is encour-  
5 aged to make agreements with private sector entities and  
6 to undertake initiatives that are consistent with good busi-  
7 ness judgment and designed to generate additional reve-  
8 nues to advance the goals described in subsection (c).”.

9 **SEC. 2202. COMPOSITION OF AMTRAK’S BOARD OF DIREC-**  
10 **TORS.**

11 (a) SELECTION; COMPOSITION; CHAIR.—Section  
12 24302(a) of title 49, United States Code, is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (B), by striking  
15 “President” and inserting “Chief Executive Of-  
16 ficer”; and

17 (B) in subparagraph (C), by striking “or  
18 a” and inserting “(including individuals with  
19 disabilities) or of a”;

20 (2) in paragraph (2), by striking “and try to  
21 provide adequate and balanced representation of the  
22 major geographic regions of the United States  
23 served by Amtrak”;

24 (3) by redesignating paragraph (5) as para-  
25 graph (7); and

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

3           “(4) Of the individuals appointed pursuant to  
4 paragraph (1)(C)—

5           “(A) 2 individuals shall reside in or near  
6 a location served by a regularly scheduled Am-  
7 trak service along the Northeast Corridor;

8           “(B) 4 individuals shall reside in or near  
9 regions of the United States that are geographi-  
10 cally distributed outside of the Northeast Cor-  
11 ridor, of whom—

12           “(i) 2 individuals shall reside in  
13 States served by a long-distance route op-  
14 erated by Amtrak;

15           “(ii) 2 individuals shall reside in  
16 States served by State-supported routes  
17 operated by Amtrak; and

18           “(iii) an individual who resides in a  
19 State that is served by a State-supported  
20 route and a long-distance route may be ap-  
21 pointed to serve either position referred to  
22 in clauses (i) and (ii);

23           “(C) 2 individuals shall reside either—

1                   “(i) in or near a location served by a  
2                   regularly scheduled Amtrak service on the  
3                   Northeast Corridor; or

4                   “(ii) in a State served by long-dis-  
5                   tance or State-supported routes; and

6                   “(D) each individual appointed to the  
7                   Board pursuant to this paragraph may only fill  
8                   1 of the allocations set forth in subparagraphs  
9                   (A) through (C).

10                  “(5) The Board shall elect a chairperson and  
11                  vice chairperson, other than the Chief Executive Of-  
12                  ficer of Amtrak, from among its membership. The  
13                  vice chairperson shall act as chairperson in the ab-  
14                  sence of the chairperson.

15                  “(6) The Board shall meet at least annually  
16                  with—

17                         “(A) representatives of Amtrak employees;

18                         “(B) representatives of persons with dis-  
19                         abilities; and

20                         “(C) the general public, in an open meet-  
21                         ing with a virtual attendance option, to discuss  
22                         financial performance and service results.”.

23                  (b) **RULE OF CONSTRUCTION.**—None of the amend-  
24                  ments made by subsection (a) may be construed as affect-  
25                  ing the term of any director serving on the Amtrak Board



1 of Directors under section 24302(a)(1)(C) of title 49,  
2 United States Code, as of the date of enactment of this  
3 Act.

4 **SEC. 2203. STATION AGENTS.**

5 Section 24312 of title 49, United States Code, is  
6 amended by adding at the end the following:

7 “(c) AVAILABILITY OF STATION AGENTS.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), beginning on the date that is 1 year after  
10 the date of enactment of the Passenger Rail Expans-  
11 sion and Rail Safety Act of 2021, Amtrak shall en-  
12 sure that at least 1 Amtrak ticket agent is employed  
13 at each station building—

14 “(A) that Amtrak owns, or operates service  
15 through, as part of a long-distance or Northeast  
16 Corridor passenger service route;

17 “(B) where at least 1 Amtrak ticket agent  
18 was employed on or after October 1, 2017; and

19 “(C) for which an average of 40 pas-  
20 sengers boarded or deboarded an Amtrak vehi-  
21 cle per day during all of the days in fiscal year  
22 2017 when the station was serviced by Amtrak,  
23 regardless of the number of Amtrak vehicles  
24 servicing the station per day.

1           “(2) EXCEPTION.—Paragraph (1) shall not  
2           apply to any station building in which a commuter  
3           rail ticket agent has the authority to sell Amtrak  
4           tickets.”.

5 **SEC. 2204. INCREASING OVERSIGHT OF CHANGES TO AM-**  
6 **TRAK LONG-DISTANCE ROUTES AND OTHER**  
7 **INTERCITY SERVICES.**

8           (a) AMTRAK ANNUAL OPERATIONS REPORT.—Sec-  
9           tion 24315(a)(1) of title 49, United States Code, is  
10           amended—

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

13           (2) in subparagraph (H), by adding “and” at  
14           the end; and

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

16                   “(I) any change made to a route’s or serv-  
17                   ice’s frequency or station stops;”.

18           (b) 5-YEAR BUSINESS LINE PLANS.—Section  
19           24320(b)(2) of title 49, United States Code, is amended—

20           (1) by redesignating subparagraphs (B)  
21           through (L) as subparagraphs (C) through (M), re-  
22           spectively; and

23           (2) by inserting after subparagraph (A) the fol-  
24           lowing:

1           “(B) a detailed description of any plans to  
2           permanently change a route’s or service’s fre-  
3           quency or station stops for the service line;”.

4 **SEC. 2205. IMPROVED OVERSIGHT OF AMTRAK ACCOUNT-**  
5 **ING.**

6           Section 24317 of title 49, United States Code, is  
7 amended—

8           (1) in subsection (a)(2), by striking “and costs  
9           among Amtrak business lines” and inserting “, in-  
10          cluding Federal grant funds, and costs among Am-  
11          trak service lines”;

12          (2) by amending subsection (b) to read as fol-  
13          lows:

14          “(b) ACCOUNT STRUCTURE.—

15               “(1) IN GENERAL.—The Secretary of Transpor-  
16          tation, in consultation with Amtrak, shall define,  
17          maintain, and periodically update an account struc-  
18          ture and improvements to accounting methodologies,  
19          as necessary, to support the Northeast Corridor and  
20          the National Network.

21               “(2) NOTIFICATION OF SUBSTANTIVE  
22          CHANGES.—The Secretary shall notify the Com-  
23          mittee on Commerce, Science, and Transportation of  
24          the Senate, the Committee on Appropriations of the  
25          Senate, the Committee on Transportation and Infra-

1 structure of the House of Representatives, and the  
2 Committee on Appropriations of the House of Rep-  
3 resentatives regarding any substantive changes made  
4 to the account structure, including changes to—

5 “(A) the service lines described in section  
6 24320(b)(1); and

7 “(B) the asset lines described in section  
8 24320(c)(1).”;

9 (3) in subsection (c), in the matter preceding  
10 paragraph (1), by inserting “, maintaining, and up-  
11 dating” after “defining”;

12 (4) in subsection (d), in the matter preceding  
13 paragraph (1), by inserting “, maintaining, and up-  
14 dating” after “defining”;

15 (5) by amending subsection (e) to read as fol-  
16 lows:

17 “(e) IMPLEMENTATION AND REPORTING.—

18 “(1) IN GENERAL.—Amtrak, in consultation  
19 with the Secretary of Transportation, shall maintain  
20 and implement any account structures and improve-  
21 ments defined under subsection (b) to enable Am-  
22 trak to produce sources and uses statements for  
23 each of the service lines described in section  
24 24320(b)(1) and, as appropriate, each of the asset  
25 lines described in section 24320(c)(1), that identify

1 sources and uses of revenues, appropriations, and  
2 transfers between accounts.

3 “(2) UPDATED SOURCES AND USES STATE-  
4 MENTS.—Not later than 30 days after the imple-  
5 mentation of subsection (b), and monthly thereafter,  
6 Amtrak shall submit to the Secretary of Transpor-  
7 tation updated sources and uses statements for each  
8 of the service lines and asset lines referred to in  
9 paragraph (1). The Secretary and Amtrak may  
10 agree to a different frequency of reporting.”;

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

12 (7) by redesignating subsection (i) as subsection  
13 (h).

14 **SEC. 2206. IMPROVED OVERSIGHT OF AMTRAK SPENDING.**

15 (a) ALLOCATION OF COSTS AND REVENUES.—Sec-  
16 tion 24318(a) of title 49, United States Code, is amended  
17 by striking “Not later than 180 days after the date of  
18 enactment of the Passenger Rail Reform and Investment  
19 Act of 2015,”.

20 (b) GRANT PROCESS AND REPORTING.—Section  
21 24319 of title 49, United States Code, is amended—

22 (1) in the section heading, by inserting “**and**  
23 **reporting**” after “**process**”;

24 (2) by amending subsection (a) to read as fol-  
25 lows:

1       “(a) PROCEDURES FOR GRANT REQUESTS.—The  
2 Secretary of Transportation shall—

3               “(1) establish and maintain substantive and  
4 procedural requirements, including schedules, for  
5 grant requests under this section; and

6               “(2) report any changes to such procedures  
7 to—

8                       “(A) the Committee on Commerce,  
9 Science, and Transportation of the Senate;

10                      “(B) the Committee on Appropriations of  
11 the Senate;

12                      “(C) the Committee on Transportation and  
13 Infrastructure of the House of Representatives;  
14 and

15                      “(D) the Committee on Appropriations of  
16 the House of Representatives.”;

17               (3) by amending subsection (c) to read as fol-  
18 lows:

19       “(c) CONTENTS.—

20               “(1) IN GENERAL.—Each grant request under  
21 subsection (b) shall, as applicable—

22                      “(A) categorize and identify, by source, the  
23 Federal funds and program income that will be  
24 used for the upcoming fiscal year for each of  
25 the Northeast Corridor and National Network

1 in 1 of the categories or subcategories set forth  
2 in paragraph (2);

3 “(B) describe the operations, services, pro-  
4 grams, projects, and other activities to be fund-  
5 ed within each of the categories set forth in  
6 paragraph (2), including—

7 “(i) the estimated scope, schedule,  
8 and budget necessary to complete each  
9 project and program; and

10 “(ii) the performance measures used  
11 to quantify expected and actual project  
12 outcomes and benefits, aggregated by fiscal  
13 year, project milestone, and any other ap-  
14 propriate grouping; and

15 “(C) describe the status of efforts to im-  
16 prove Amtrak’s safety culture.

17 “(2) GRANT CATEGORIES.—

18 “(A) OPERATING EXPENSES.—Each grant  
19 request to use Federal funds for operating ex-  
20 penses shall—

21 “(i) include estimated net operating  
22 costs not covered by other Amtrak revenue  
23 sources;

1                   “(ii) specify Federal funding re-  
2                   requested for each service line described in  
3                   section 24320(b)(1); and

4                   “(iii) be itemized by route.

5                   “(B) DEBT SERVICE.—A grant request to  
6                   use Federal funds for expenses related to debt,  
7                   including payment of principle and interest, as  
8                   allowed under section 205 of the Passenger Rail  
9                   Investment and Improvement Act of 2008  
10                  (Public Law 110–432; 49 U.S.C. 24101 note).

11                  “(C) CAPITAL.—A grant request to use  
12                  Federal funds and program income for capital  
13                  expenses shall include capital projects and pro-  
14                  grams primarily associated with—

15                         “(i) normalized capital replacement  
16                         programs, including regularly recurring  
17                         work programs implemented on a system-  
18                         atic basis on classes of physical railroad  
19                         assets, such as track, structures, electric  
20                         traction and power systems, rolling stock,  
21                         and communications and signal systems, to  
22                         maintain and sustain the condition and  
23                         performance of such assets to support con-  
24                         tinued railroad operations;



1           “(ii) improvement projects to support  
2           service and safety enhancements, including  
3           discrete projects implemented in accord-  
4           ance with a fixed scope, schedule, and  
5           budget that result in enhanced or new in-  
6           frastructure, equipment, or facilities;

7           “(iii) backlog capital replacement  
8           projects, including discrete projects imple-  
9           mented in accordance with a fixed scope,  
10          schedule, and budget that primarily replace  
11          or rehabilitate major infrastructure assets,  
12          including tunnels, bridges, stations, and  
13          similar assets, to reduce the state of good  
14          repair backlog on the Amtrak network;

15          “(iv) strategic initiative projects, in-  
16          cluding discrete projects implemented in  
17          accordance with a fixed scope, schedule,  
18          and budget that primarily improve overall  
19          operational performance, lower costs, or  
20          otherwise improve Amtrak’s corporate effi-  
21          ciency; and

22          “(v) statutory, regulatory, or other le-  
23          gally mandated projects, including discrete  
24          projects implemented in accordance with a  
25          fixed scope, schedule, and budget that en-

1                   able Amtrak to fulfill specific legal or regu-  
2                   latory mandates.

3                   “(D) CONTINGENCY.—A grant request to  
4                   use Federal funds for operating and capital ex-  
5                   pense contingency shall include—

6                               “(i) contingency levels for specified  
7                               activities and operations; and

8                               “(ii) a process for the utilization of  
9                               such contingency.

10                   “(3) MODIFICATION OF CATEGORIES.—The  
11                   Secretary of Transportation and Amtrak may jointly  
12                   agree to modify the categories set forth in paragraph  
13                   (2) if such modifications are necessary to improve  
14                   the transparency, oversight, or delivery of projects  
15                   funded through grant requests under this section.”;

16                   (4) in subsection (d)(1)(A)—

17                               (A) by inserting “complete” after “submits  
18                               a”;

19                               (B) by striking “shall complete” and in-  
20                               serting “shall finish”; and

21                               (C) in clause (ii), by striking “incomplete  
22                               or”;

23                   (5) in subsection (e)—

24                               (A) in paragraph (1)—

1 (i) by striking “and other activities to  
2 be funded by the grant” and inserting  
3 “programs, projects, and other activities to  
4 be funded by the grant, consistent with the  
5 categories required for Amtrak in a grant  
6 request under subsection (c)(1)(A)”; and

7 (ii) by striking “or activities” and in-  
8 serting “programs, projects, and other ac-  
9 tivities”; and

10 (B) in paragraph (3)—

11 (i) by redesignating subparagraphs  
12 (A) and (B) as subparagraphs (B) and  
13 (C), respectively; and

14 (ii) by inserting before subparagraph  
15 (B), as redesignated, the following:

16 “(A) using an otherwise allowable ap-  
17 proach to the method prescribed for a specific  
18 project or category of projects under paragraph  
19 (2) if the Secretary and Amtrak agree that a  
20 different payment method is necessary to more  
21 successfully implement and report on an oper-  
22 ation, service, program, project, or other activ-  
23 ity;”;

24 (6) by redesignating subsection (h) as sub-  
25 section (j); and

1           (7) by inserting after subsection (g) the fol-  
2           lowing:

3           “(h) APPLICABLE LAWS AND REGULATIONS.—

4           “(1) SINGLE AUDIT ACT OF 1984.—Notwith-  
5           standing section 24301(a)(3) of this title and section  
6           7501(a)(13) of title 31, Amtrak shall be deemed a  
7           ‘non-Federal entity’ for purposes of chapter 75 of  
8           title 31.

9           “(2) REGULATIONS AND GUIDANCE.—The Sec-  
10          retary of Transportation may apply some or all of  
11          the requirements set forth in the regulations and  
12          guidance promulgated by the Secretary relating to  
13          the management, administration, cost principles, and  
14          audit requirements for Federal awards.

15          “(i) AMTRAK GRANT REPORTING.—The Secretary of  
16          Transportation shall determine the varying levels of detail  
17          and information that will be included in reports for oper-  
18          ations, services, program, projects, program income, cash  
19          on hand, and other activities within each of the grant cat-  
20          egories described in subsection (c)(2).”.

21          (c) CONFORMING AMENDMENTS.—

22          (1) REPORTS AND AUDITS.—Section  
23          24315(b)(1) of title 49, United States Code, is  
24          amended—

1 (A) in subparagraph (A), by striking “the  
2 goal of section 24902(b) of this title; and” and  
3 inserting “the goal described in section  
4 24902(a);”;

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

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

8 “(C) shall incorporate the categories de-  
9 scribed in section 24319(c)(2).”.

10 (2) CLERICAL AMENDMENT.—The analysis for  
11 chapter 243 of title 49, United States Code, is  
12 amended by striking the item relating to section  
13 24319 and inserting the following:

“24319. Grant process and reporting.”.

14 **SEC. 2207. INCREASING SERVICE LINE AND ASSET LINE**  
15 **PLAN TRANSPARENCY.**

16 (a) IN GENERAL.—Section 24320 of title 49, United  
17 States Code, is amended—

18 (1) in the section heading, by striking “**busi-**  
19 **ness line and asset plans**” and inserting  
20 “**service line and asset line plans**”;

21 (2) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by striking “of each year” and in-  
24 serting “, 2020, and biennially thereafter”;

1 (ii) by striking “5-year business line  
2 plans and 5-year asset plans” and insert-  
3 ing “5-year service line plans and 5-year  
4 asset line plans”; and

5 (iii) by adding at the end the fol-  
6 lowing: “During each year in which Am-  
7 trak is not required to submit a plan under  
8 this paragraph, Amtrak shall submit to  
9 Congress updated financial sources and  
10 uses statements and forecasts with the an-  
11 nual report required under section  
12 24315(b).”; and

13 (B) in paragraph (2), by striking “asset  
14 plan required in” and inserting “asset line plan  
15 required under”;

16 (3) in subsection (b)—

17 (A) in the subsection heading, by striking  
18 “BUSINESS” and inserting “SERVICE”;

19 (B) in paragraph (1)—

20 (i) in the paragraph heading, by strik-  
21 ing “BUSINESS” and inserting “SERVICE”;

22 (ii) by striking “business” each place  
23 such term appears and inserting “service”;

24 (iii) by amending subparagraph (B) to  
25 read as follows:

1 “(B) Amtrak State-supported train serv-  
2 ices.”;

3 (iv) in subparagraph (C), by striking  
4 “routes” and inserting “train services”;  
5 and

6 (v) by adding at the end the following:

7 “(E) Infrastructure access services for use  
8 of Amtrak-owned or Amtrak-controlled infra-  
9 structure and facilities.”;

10 (C) in paragraph (2)—

11 (i) in the paragraph heading, by strik-  
12 ing “BUSINESS” and inserting “SERVICE”;

13 (ii) by striking “business” each place  
14 such term appears and inserting “service”;

15 (iii) in subparagraph (A), by striking  
16 “Strategic Plan and 5-year asset plans”  
17 and inserting “5-year asset line plans”;

18 (iv) in subparagraph (F) (as redesign-  
19 ated by section 2204(b)(1)), by striking  
20 “profit and loss” and inserting “sources  
21 and uses”;

22 (v) by striking subparagraph (G) (as  
23 redesignated by section 2204(b)(1));

24 (vi) by redesignating subparagraphs  
25 (H) through (M) (as redesignated by sec-

1                   tion 2204(b)(1)) as subparagraphs (G)  
2                   through (L), respectively; and

3                   (vii) by amending subparagraph (I)  
4                   (as so redesignated) to read as follows:

5                   “(I) financial performance for each route,  
6                   if deemed applicable by the Secretary, within  
7                   each service line, including descriptions of the  
8                   cash operating loss or contribution;”;

9                   (D) in paragraph (3)—

10                   (i) in the paragraph heading, by strik-  
11                   ing “BUSINESS” and inserting “SERVICE”;

12                   (ii) by striking “business” each place  
13                   such term appears and inserting “service”;

14                   (iii) by redesignating subparagraphs  
15                   (A), (B), (C), and (D) as clauses (i), (ii),  
16                   (iii), and (iv), respectively, and moving  
17                   such clauses 2 ems to the right;

18                   (iv) by inserting before clause (i), as  
19                   redesignated, the following:

20                   “(A) not later than 180 days after the date  
21                   of enactment of the Passenger Rail Expansion  
22                   and Rail Safety Act of 2021, submit to the Sec-  
23                   retary, for approval, a consultation process for  
24                   the development of each service line plan that  
25                   requires Amtrak to—”;



1 (v) in subparagraph (A), as amended  
2 by clause (iv)—

3 (I) in clause (iii), as redesign-  
4 nated, by inserting “and submit the  
5 final service line plan required under  
6 subsection (a)(1) to the State-Sup-  
7 ported Route Committee” before the  
8 semicolon at the end;

9 (II) in clause (iv), as redesign-  
10 nated, by inserting “and” after the  
11 semicolon at the end; and

12 (III) by adding at the end the  
13 following:

14 “(v) for the infrastructure access serv-  
15 ice line plan, consult with the Northeast  
16 Corridor Commission and other entities, as  
17 appropriate, and submit the final asset line  
18 plan under subsection (a)(1) to the North-  
19 east Corridor Commission;”; and

20 (vi) by redesignating subparagraphs  
21 (E) and (F) as subparagraphs (B) and  
22 (C), respectively;

23 (E) by redesignating paragraph (4) as  
24 paragraph (5); and

1 (F) by inserting after paragraph (3)(C), as  
2 redesignated, the following:

3 “(4) 5-YEAR SERVICE LINE PLANS UPDATES.—  
4 Amtrak may modify the service line plans described  
5 in paragraph (1), upon the approval of the Sec-  
6 retary, if the Secretary determines that such modi-  
7 fications are necessary to improve the transparency,  
8 oversight, and delivery of Amtrak services and the  
9 use of Federal funds by Amtrak.”; and

10 (4) in subsection (c)—

11 (A) in the subsection heading, by inserting  
12 “LINE” after “ASSET”;

13 (B) in paragraph (1)—

14 (i) in the paragraph heading, by strik-  
15 ing “CATEGORIES” and inserting “LINES”;

16 (ii) in the matter preceding subpara-  
17 graph (A), by striking “asset plan for each  
18 of the following asset categories” and in-  
19 serting “asset line plan for each of the fol-  
20 lowing asset lines”;

21 (iii) by redesignating subparagraphs  
22 (A), (B), (C), and (D) as subparagraphs  
23 (B), (C), (D), and (E), respectively;

24 (iv) by inserting before subparagraph  
25 (B), as redesignated, the following:

1           “(A) Transportation, including activities  
2           and resources associated with the operation and  
3           movement of Amtrak trains, onboard services,  
4           and amenities.”;

5           (v) in subparagraph (B), as redesign-  
6           nated, by inserting “and maintenance-of-  
7           way equipment” after “facilities”; and

8           (vi) in subparagraph (C), as redesign-  
9           nated, by striking “Passenger rail equip-  
10          ment” and inserting “Equipment”;

11          (C) in paragraph (2)—

12           (i) in the paragraph heading, by in-  
13           serting “LINE” after “ASSET”;

14           (ii) in the matter preceding subpara-  
15           graph (A), by inserting “line” after  
16           “asset”;

17           (iii) in subparagraph (A), by striking  
18           “category” and inserting “line”;

19           (iv) in subparagraph (C)(iii)(III), by  
20           striking “and” at the end;

21           (v) by amending subparagraph (D) to  
22           read as follows:

23           “(D) annual sources and uses statements  
24           and forecasts for each asset line; and”;

1 (vi) by adding at the end the fol-  
2 lowing:

3 “(E) other elements that Amtrak elects to  
4 include.”;

5 (D) in paragraph (3)—

6 (i) in the paragraph heading, by in-  
7 serting “LINE” after “ASSET”;

8 (ii) by redesignating subparagraphs  
9 (A) and (B) as clauses (i) and (ii) and  
10 moving such clauses 2 ems to the right;

11 (iii) by inserting before clause (i), as  
12 redesignated, the following:

13 “(A) not later than 180 days after the date  
14 of enactment of the Passenger Rail Expansion  
15 and Rail Safety Act of 2021, submit to the Sec-  
16 retary, for approval, a consultation process for  
17 the development of each asset line plan that re-  
18 quires Amtrak to—”;

19 (iv) in subparagraph (A), as added by  
20 clause (iii)—

21 (I) in clause (i), as redesign-  
22 nated—

23 (aa) by striking “business”  
24 each place such term appears  
25 and inserting “service”;

1 (bb) by inserting “line”  
2 after “asset” each place such  
3 term appears; and

4 (cc) by adding “and” at the  
5 end; and

6 (II) in clause (ii), as redesign-  
7 nated—

8 (aa) by inserting “consult  
9 with the Secretary of Transpor-  
10 tation in the development of  
11 asset line plans and,” before “as  
12 applicable”; and

13 (bb) by inserting “line”  
14 after “5-year asset”;

15 (v) by redesignating subparagraph (C)  
16 as subparagraph (B); and

17 (vi) in subparagraph (B), as redesign-  
18 nated, by striking “category” and inserting  
19 “line”;

20 (E) by redesignating paragraphs (4), (5),  
21 (6), and (7) as paragraphs (5), (6), (7), and  
22 (8), respectively;

23 (F) by inserting after paragraph (3) the  
24 following:

1           “(4) 5-YEAR ASSET LINE PLAN UPDATES.—Am-  
2           trak may modify the asset line plans described in  
3           paragraph (1) if the Secretary determines that such  
4           modifications are necessary to improve the trans-  
5           parency, oversight, and delivery of Amtrak services  
6           and the use of Federal funds by Amtrak.”;

7           (G) in paragraph (5)(A), as redesignated,  
8           by inserting “, but shall not include corporate  
9           services (as defined pursuant to section  
10          24317(b))” after “national assets”; and

11          (H) in paragraph (7), as redesignated, by  
12          striking “paragraph (4)” and inserting “para-  
13          graph (5)”.

14          (b) CLERICAL AMENDMENT.—The analysis for chap-  
15          ter 243 of title 49, United States Code, is amended by  
16          striking the item relating to section 24320 and inserting  
17          the following:

          “24320. Amtrak 5-year service line and asset line plans.”.

18          (c) EFFECTIVE DATES.—Section 11203(b) of the  
19          Passenger Rail Reform and Investment Act of 2015 (49  
20          U.S.C. 24320 note) is amended—

21                 (1) by striking “business” each place such term  
22                 appears and inserting “service”; and

23                 (2) by inserting “line” after “asset” each place  
24                 such term appears.

1 **SEC. 2208. PASSENGER EXPERIENCE ENHANCEMENT.**

2 (a) IN GENERAL.—Section 24305(c)(4) of title 49,  
3 United States Code, is amended by striking “only if reve-  
4 nues from the services each year at least equal the cost  
5 of providing the services”.

6 (b) FOOD AND BEVERAGE SERVICE WORKING  
7 GROUP.—

8 (1) IN GENERAL.—Section 24321 of title 49,  
9 United States Code, is amended to read as follows:

10 **“§ 24321. Food and beverage service**

11 **“(a) WORKING GROUP.—**

12 **“(1) ESTABLISHMENT.—**Not later than 180  
13 days after enactment of the Passenger Rail Expans-  
14 sion and Rail Safety Act of 2021, Amtrak shall es-  
15 tablish a working group to provide recommendations  
16 to improve Amtrak’s onboard food and beverage  
17 service.

18 **“(2) MEMBERSHIP.—**The working group shall  
19 consist of individuals representing—

20 **“(A) Amtrak;**

21 **“(B) the labor organizations representing**  
22 **Amtrak employees who prepare or provide on-**  
23 **board food and beverage service;**

24 **“(C) nonprofit organizations representing**  
25 **Amtrak passengers; and**

1                   “(D) States that are providing funding for  
2                   State-supported routes.

3           “(b) REPORT.—Not later than 1 year after the estab-  
4 lishment of the working group pursuant to subsection (a),  
5 the working group shall submit a report to the Committee  
6 on Commerce, Science, and Transportation of the Senate  
7 and the Committee on Transportation and Infrastructure  
8 of the House of Representatives containing recommenda-  
9 tions for improving Amtrak’s food and beverage service,  
10 including—

11                   “(1) ways to improve the financial performance  
12                   of Amtrak;

13                   “(2) ways to increase and retain ridership;

14                   “(3) the differing needs of passengers traveling  
15                   on long-distance routes, State supported routes, and  
16                   the Northeast Corridor;

17                   “(4) Amtrak passenger survey data about the  
18                   food and beverages offered on Amtrak trains;

19                   “(5) ways to incorporate local food and bev-  
20                   erage items on State-supported routes; and

21                   “(6) any other issue that the working group de-  
22                   termines to be appropriate.

23           “(c) IMPLEMENTATION.—Not later than 180 days  
24 after the submission of the report pursuant to subsection  
25 (b), Amtrak shall submit a plan for implementing the rec-



1 ommendations of the working group, and an explanation  
2 for any of the working group’s recommendations it does  
3 not agree with and does not plan on implementing to the  
4 Committee on Commerce, Science, and Transportation of  
5 the Senate and the Committee on Transportation and In-  
6 frastructure of the House of Representatives.

7 “(d) SAVINGS CLAUSE.—Amtrak shall ensure that no  
8 Amtrak employee who held a position on a long distance  
9 or Northeast Corridor route as of the date of enactment  
10 of the Passenger Rail Expansion and Rail Safety Act of  
11 2021, is involuntarily separated because of the develop-  
12 ment and implementation of the plan required under this  
13 section.”.

14 (2) CLERICAL AMENDMENT.—The analysis for  
15 chapter 243 of title 49, United States Code, is  
16 amended by striking the item relating to section  
17 24321 and inserting the following:

“24321. Food and beverage service.”.

18 **SEC. 2209. AMTRAK SMOKING POLICY.**

19 (a) IN GENERAL.—Chapter 243 of title 49, United  
20 States Code, is amended by adding at the end the fol-  
21 lowing:

22 **“§ 24323. Prohibition on smoking on Amtrak trains**

23 “(a) PROHIBITION.—Beginning on the date of enact-  
24 ment of this section, Amtrak shall prohibit smoking, in-

1 cluding the use of electronic cigarettes, onboard all Am-  
2 trak trains.

3 “(b) **ELECTRONIC CIGARETTE DEFINED.**—In this  
4 section, the term ‘electronic cigarette’ means a device that  
5 delivers nicotine or other substances to a user of the device  
6 in the form of a vapor that is inhaled to simulate the expe-  
7 rience of smoking.”.

8 (b) **CONFORMING AMENDMENT.**—The analysis for  
9 chapter 243 of title 49, United States Code, is amended  
10 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

11 **SEC. 2210. PROTECTING AMTRAK ROUTES THROUGH**  
12 **RURAL COMMUNITIES.**

13 Section 24706 of title 49, United States Code, is  
14 amended—

15 (1) in subsection (a), by striking “subsection  
16 (b) of this section, at least 180 days” and inserting  
17 “subsection (c), not later than 180 days”;

18 (2) by redesignating subsections (b) and (c) as  
19 subsections (c) and (e), respectively;

20 (3) by inserting after subsection (a) the fol-  
21 lowing:

22 “(b) **DISCONTINUANCE OR SUBSTANTIAL ALTER-**  
23 **ATION OF LONG-DISTANCE ROUTES.**—Except as provided  
24 in subsection (c), in an emergency, or during maintenance  
25 or construction outages impacting Amtrak routes, Amtrak

1 may not discontinue, reduce the frequency of, suspend, or  
2 substantially alter the route of rail service on any segment  
3 of any long-distance route in any fiscal year in which Am-  
4 trak receives adequate Federal funding for such route on  
5 the National Network.”; and

6 (4) by inserting after subsection (c), as redesignig-  
7 nated, the following:

8 “(d) CONGRESSIONAL NOTIFICATION OF DIS-  
9 CONTINUANCE.—Except as provided in subsection (c), not  
10 later than 210 days before discontinuing service over a  
11 route, Amtrak shall give written notice of such discontinu-  
12 ance to all of the members of Congress representing any  
13 State or district in which the discontinuance would  
14 occur.”.

15 **SEC. 2211. STATE-SUPPORTED ROUTE COMMITTEE.**

16 (a) STATE-SUPPORTED ROUTE COMMITTEE.—Sec-  
17 tion 24712(a) of title 49, United States Code, is amend-  
18 ed—

19 (1) in paragraph (1)—

20 (A) by striking “Not later than 180 days  
21 after the date of enactment of the Passenger  
22 Rail Reform and Investment Act of 2015, the  
23 Secretary of Transportation shall establish”  
24 and inserting “There is established”; and

1 (B) by inserting “current and future” be-  
2 fore “rail operations”;

3 (2) by redesignating paragraphs (4), (5), and  
4 (6) as paragraphs (5), (6), and (7), respectively;

5 (3) by inserting after paragraph (3) the fol-  
6 lowing:

7 “(4) ABILITY TO CONDUCT CERTAIN BUSI-  
8 NESS.—If all of the members of 1 voting bloc de-  
9 scribed in paragraph (3) abstain from a Committee  
10 decision, agreement between the other 2 voting blocs  
11 consistent with the procedures set forth in such  
12 paragraph shall be deemed sufficient for purpose of  
13 achieving unanimous consent.”;

14 (4) in paragraph (5), as redesignated, in the  
15 matter preceding subparagraph (A)—

16 (A) by striking “convene a meeting and  
17 shall define and implement” and inserting “de-  
18 fine and periodically update”; and

19 (B) by striking “not later than 180 days  
20 after the date of establishment of the Com-  
21 mittee by the Secretary”; and

22 (5) in paragraph (7), as redesignated—

23 (A) in the paragraph heading, by striking  
24 “ALLOCATION METHODOLOGY” and inserting  
25 “METHODOLOGY POLICY”;

1 (B) in subparagraph (A), by striking “allo-  
2 cation methodology” and inserting “method-  
3 ology policy”;

4 (C) by amending subparagraph (B) to read  
5 as follows:

6 “(B) REVISIONS TO COST METHODOLOGY  
7 POLICY.—

8 “(i) REQUIREMENT TO REVISE AND  
9 UPDATE.—Subject to rules and procedures  
10 established pursuant to clause (iii), not  
11 later than March 31, 2022, the Committee  
12 shall revise and update the cost method-  
13 ology policy required and previously ap-  
14 proved under section 209 of the Passenger  
15 Rail Investment and Improvement Act of  
16 2008 (49 U.S.C. 20901 note). The Com-  
17 mittee shall implement a revised cost meth-  
18 odology policy during fiscal year 2023. Not  
19 later than 30 days after the adoption of  
20 the revised cost methodology policy, the  
21 Committee shall submit a report docu-  
22 menting and explaining any changes to the  
23 cost methodology policy and plans for im-  
24 plementation of such policy, including a de-  
25 scription of the improvements to the ac-

1 counting information provided by Amtrak  
2 to the States, to the Committee on Com-  
3 merce, Science, and Transportation of the  
4 Senate and the Committee on Transpor-  
5 tation and Infrastructure of the House of  
6 Representatives. The revised cost method-  
7 ology policy shall ensure that States will be  
8 responsible for costs attributable to the  
9 provision of service for their routes.

10 “(ii) IMPLEMENTATION IMPACTS ON  
11 FEDERAL FUNDING.—To the extent that a  
12 revision developed pursuant to clause (i)  
13 assigns to Amtrak costs that were pre-  
14 viously allocated to States, Amtrak shall  
15 request with specificity such additional  
16 funding in the general and legislative an-  
17 nual report required under section 24315  
18 or in any appropriate subsequent Federal  
19 funding request for the fiscal year in which  
20 the revised cost methodology policy will be  
21 implemented.

22 “(iii) PROCEDURES FOR CHANGING  
23 METHODOLOGY.—Notwithstanding section  
24 209(b) of the Passenger Rail Investment  
25 and Improvement Act of 2008 (49 U.S.C.

1 20901 note), the rules and procedures im-  
2 plemented pursuant to paragraph (5) shall  
3 include—

4 “(I) procedures for changing the  
5 cost methodology policy in accordance  
6 with clause (i); and

7 “(II) procedures or broad guide-  
8 lines for conducting financial plan-  
9 ning, including operating and capital  
10 forecasting, reporting, data sharing,  
11 and governance.”;

12 (D) in subparagraph (C)—

13 (i) in the matter preceding clause (i),  
14 by striking “allocation methodology” and  
15 inserting “methodology policy”;

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

18 (iii) in clause (ii)—

19 (I) by striking “allocate” and in-  
20 serting “assign”; and

21 (II) by striking the period and  
22 inserting “; and”; and

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





1           “(i) the financial and performance re-  
2           ports that Amtrak is required to provide to  
3           the Committee and the States; and

4           “(ii) the planning and demand reports  
5           that the States are required to provide to  
6           the Committee and Amtrak.

7           “(B) MONTHLY STATISTICAL REPORT.—

8           “(i) DEVELOPMENT.—Consistent with  
9           the revisions to the policy required under  
10          subsection (a)(7)(B), the Committee shall  
11          develop a report that contains the general  
12          ledger data and operating statistics from  
13          Amtrak’s accounting systems used to cal-  
14          culate payments to States.

15          “(ii) PROVISION OF NECESSARY  
16          DATA.—Not later than 30 days after the  
17          last day of each month, Amtrak shall pro-  
18          vide to the States and to the Committee  
19          the necessary data to complete the report  
20          developed pursuant to clause (i) for such  
21          month.”.

22          (c) DISPUTE RESOLUTION.—Section 24712(c) of title  
23          49, United States Code, is amended—

24                  (1) in paragraph (1)—

1 (A) by striking “(a)(4)” and inserting  
2 “(a)(5)”; and

3 (B) by striking “(a)(6)” and inserting  
4 “(a)(7)”; and

5 (2) in paragraph (4), by inserting “related to a  
6 State-supported route that a State sponsors that is”  
7 after “amount”.

8 (d) PERFORMANCE METRICS.—Section 24712(e) of  
9 title 49, United States Code, is amended by inserting “,  
10 including incentives to increase revenue, reduce costs, fi-  
11 nalize contracts by the beginning of the fiscal year, and  
12 require States to promptly make payments for services de-  
13 livered” before the period at the end.

14 (e) STATEMENT OF GOALS AND OBJECTIVES.—Sec-  
15 tion 24712(f) of title 49, United States Code, is amend-  
16 ed—

17 (1) in paragraph (1), by inserting “, and review  
18 and update, as necessary,” after “shall develop”;

19 (2) in paragraph (2), by striking “Not later  
20 than 2 years after the date of enactment of the Pas-  
21 senger Rail Reform and Investment Act of 2015, the  
22 Committee shall transmit the statement” and insert-  
23 ing “As applicable, based on updates, the Committee  
24 shall submit an updated statement”; and

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

1           “(3) SENSE OF CONGRESS.—It is the sense of  
2 Congress that—

3           “(A) the Committee shall be the forum  
4 where Amtrak and the States collaborate on the  
5 planning, improvement, and development of cor-  
6 ridor routes across the National Network; and

7           “(B) such collaboration should include reg-  
8 ular consultation with interstate rail compact  
9 parties and other regional planning organiza-  
10 tions that address passenger rail.”.

11       (f) OTHER REFORMS RELATED TO STATE-SUP-  
12 PORTED ROUTES.—Section 24712 of title 49, United  
13 States Code, as amended by subsections (a) through (e),  
14 is further amended—

15           (1) by redesignating subsections (g) and (h) as  
16 subsections (k) and (l), respectively; and

17           (2) by inserting after subsection (f) the fol-  
18 lowing:

19       “(g) NEW STATE-SUPPORTED ROUTES.—

20           “(1) CONSULTATION.—In developing a new  
21 State-supported route, Amtrak shall consult with—

22           “(A) the State or States and local munici-  
23 palities through which such new service would  
24 operate;

1           “(B) commuter authorities and regional  
2           transportation authorities in the areas that  
3           would be served by the planned route;

4           “(C) host railroads;

5           “(D) the Administrator of the Federal  
6           Railroad Administration; and

7           “(E) other stakeholders, as appropriate.

8           “(2) STATE COMMITMENTS.—Notwithstanding  
9           any other provision of law, before beginning con-  
10          struction necessary for, or beginning operation of, a  
11          State-supported route that is initiated on or after  
12          the date of enactment of the Passenger Rail Expan-  
13          sion and Rail Safety Act of 2021, Amtrak shall  
14          enter into a memorandum of understanding, or oth-  
15          erwise secure an agreement, with each State in  
16          which such route will operate for sharing—

17           “(A) ongoing operating costs and capital  
18           costs in accordance with the cost methodology  
19           policy referred to in subsection (a)(7) then in  
20           effect; or

21           “(B) ongoing operating costs and capital  
22           costs in accordance with the maximum funding  
23           limitations described in section 22908(e).

24           “(3) APPLICATION OF TERMS.—In this sub-  
25          section, the terms ‘capital costs’ and ‘operating

1 costs' shall apply in the same manner as such terms  
2 apply under the cost methodology policy developed  
3 pursuant to subsection (a)(7).

4 “(h) COST METHODOLOGY POLICY UPDATE IMPLE-  
5 MENTATION REPORT.—Not later than 18 months after  
6 the updated cost methodology policy required under sub-  
7 section (a)(7)(B) is implemented, the Committee shall  
8 submit a report to the Committee on Commerce, Science,  
9 and Transportation of the Senate and the Committee on  
10 Transportation and Infrastructure of the House of Rep-  
11 resentatives that assesses the implementation of the up-  
12 dated policy.

13 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE  
14 CHANGES.—Amtrak shall—

15 “(1) not later than 120 days before the submis-  
16 sion of the general and legislative annual report re-  
17 quired under section 24315(b), consult with the  
18 Committee and any additional States through which  
19 a State-supported route may operate regarding any  
20 proposed changes to such route; and

21 “(2) include in such report an update of any  
22 planned or proposed changes to State-supported  
23 routes, including the introduction of new State-sup-  
24 ported routes, including—

1           “(A) the timeframe in which such changes  
2           would take effect; and

3           “(B) whether Amtrak has entered into  
4           commitments with the affected States pursuant  
5           subsection (g)(2).

6           “(j) ECONOMIC ANALYSIS.—Not later than 3 years  
7           after the date of enactment of the Passenger Rail Expan-  
8           sion and Rail Safety Act of 2021, the Committee shall  
9           submit a report to the Committee on Commerce, Science,  
10          and Transportation of the Senate and the Committee on  
11          Transportation and Infrastructure of the House of Rep-  
12          resentatives that—

13           “(1) describes the role of the State-supported  
14          routes in economic development; and

15           “(2) examines the impacts of the State-sup-  
16          ported routes on local station areas, job creation,  
17          transportation efficiency, State economies, and the  
18          national economy.”.

19   **SEC. 2212. ENHANCING CROSS BORDER SERVICE.**

20          (a) IN GENERAL.—Not later than 1 year after the  
21          date of enactment of this Act, Amtrak, after consultation  
22          with the Secretary, the Secretary of Homeland Security,  
23          relevant State departments of transportation, Canadian  
24          governmental agencies and entities, and owners of the rel-  
25          evant rail infrastructure and facilities, 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 regarding enhancing Amtrak passenger rail service be-  
5 tween the United States and Canada that—

6 (1) identifies challenges to Amtrak operations  
7 in Canada, including delays associated with custom  
8 and immigration inspections in both the United  
9 States and Canada; and

10 (2) includes recommendations to improve such  
11 cross border service, including the feasibility of and  
12 costs associated with a preclearance facility or facili-  
13 ties.

14 (b) ASSISTANCE AND SUPPORT.—The Secretary, the  
15 Secretary of State, and the Secretary of Homeland Secu-  
16 rity may provide assistance and support requested by Am-  
17 trak that is necessary to carry out this section, as deter-  
18 mined appropriate by the respective Secretary.

19 **SEC. 2213. CREATING QUALITY JOBS.**

20 Section 121 of the Amtrak Reform and Account-  
21 ability Act of 1997 (49 U.S.C. 24312 note) is amended—

22 (1) by redesignating subsection (d) as sub-  
23 section (f); and

24 (2) by inserting after subsection (e) the fol-  
25 lowing:

1       “(d) FURLOUGHED WORK.—Amtrak may not con-  
2 tract out work within the classification of work performed  
3 by an employee in a bargaining unit covered by a collective  
4 bargaining agreement entered into between Amtrak and  
5 an organization representing Amtrak employees during  
6 the period such employee has been laid off and has not  
7 been recalled to perform such work.

8       “(e) AGREEMENT PROHIBITIONS ON CONTRACTING  
9 OUT.—This section does not—

10           “(1) supersede a prohibition or limitation on  
11 contracting out work covered by an agreement en-  
12 tered into between Amtrak and an organization rep-  
13 resenting Amtrak employees; or

14           “(2) prohibit Amtrak and an organization rep-  
15 resenting Amtrak employees from entering into an  
16 agreement that allows for contracting out the work  
17 of a furloughed employee that would otherwise be  
18 prohibited under subsection (d).”.

19       **Subtitle C—Intercity Passenger**  
20                           **Rail Policy**

21       **SEC. 2301. NORTHEAST CORRIDOR PLANNING.**

22       Section 24904 of title 49, United States Code, is  
23 amended—

24           (1) by striking subsections (a) and (d);



1           (2) by redesignating subsections (b) and (c) as  
2 subsections (c) and (d), respectively;

3           (3) by inserting before subsection (c), as redesi-  
4 gnated, the following:

5           “(a) NORTHEAST CORRIDOR SERVICE DEVELOP-  
6 MENT PLAN.—

7           “(1) IN GENERAL.—Not later than March 31,  
8 2022, the Northeast Corridor Commission estab-  
9 lished under section 24905 (referred to in this sec-  
10 tion as the ‘Commission’) shall submit a service de-  
11 velopment plan to Congress.

12           “(2) CONTENTS.—The plan required under  
13 paragraph (1) shall—

14           “(A) identify key state-of-good-repair, ca-  
15 pacity expansion, and capital improvement  
16 projects planned for the Northeast Corridor;

17           “(B) provide a coordinated and consensus-  
18 based plan covering a 15-year period;

19           “(C) identify service objectives and the  
20 capital investments required to meet such objec-  
21 tives;

22           “(D) provide a delivery-constrained strat-  
23 egy that identifies—

24           “(i) capital investment phasing;

1 “(ii) an evaluation of workforce needs;

2 and

3 “(iii) strategies for managing re-

4 sources and mitigating construction im-

5 pacts on operations; and

6 “(E) include a financial strategy that iden-

7 tifies funding needs and potential funding

8 sources.

9 “(3) UPDATES.—The Commission shall update

10 the service development plan not less frequently than

11 once every 5 years.

12 “(b) NORTHEAST CORRIDOR CAPITAL INVESTMENT

13 PLAN.—

14 “(1) IN GENERAL.—Not later than November 1

15 of each year, the Commission shall—

16 “(A) develop an annual capital investment

17 plan for the Northeast Corridor; and

18 “(B) submit the capital investment plan

19 to—

20 “(i) the Secretary of Transportation;

21 “(ii) the Committee on Commerce,

22 Science, and Transportation of the Senate;

23 and

1                   “(iii) the Committee on Transpor-  
2                   tation and Infrastructure of the House of  
3                   Representatives.

4                   “(2) CONTENTS.—The plan required under  
5                   paragraph (1) shall—

6                   “(A) reflect coordination across the entire  
7                   Northeast Corridor;

8                   “(B) integrate the individual capital plans  
9                   developed by Amtrak, States, and commuter au-  
10                  thorities in accordance with the cost allocation  
11                  policy developed and approved under section  
12                  24905(c);

13                  “(C) cover a period of 5 fiscal years, begin-  
14                  ning with the fiscal year during which the plan  
15                  is submitted;

16                  “(D) notwithstanding section 24902(b),  
17                  document the projects and programs being un-  
18                  dertaken to advance the service objectives and  
19                  capital investments identified in the Northeast  
20                  Corridor service development plan developed  
21                  under subsection (a), and the asset condition  
22                  needs identified in the Northeast Corridor asset  
23                  management plans, after considering—

24                         “(i) the benefits and costs of capital  
25                         investments in the plan;

1 “(ii) project and program readiness;

2 “(iii) the operational impacts; and

3 “(iv) Federal and non-Federal fund-  
4 ing availability;

5 “(E) categorize capital projects and pro-  
6 grams as primarily associated with 1 of the cat-  
7 egories listed under section 24319(c)(2)(C);

8 “(F) identify capital projects and pro-  
9 grams that are associated with more than 1  
10 category described in subparagraph (E); and

11 “(G) include a financial plan that identi-  
12 fies—

13 “(i) funding sources and financing  
14 methods;

15 “(ii) the status of cost sharing agree-  
16 ments pursuant to the cost allocation pol-  
17 icy developed under section 24905(c);

18 “(iii) the projects and programs that  
19 the Commission expects will receive Fed-  
20 eral financial assistance; and

21 “(iv) the eligible entity or entities that  
22 the Commission expects—

23 “(I) to receive the Federal finan-  
24 cial assistance referred to in clause  
25 (iii); and

1                                   “(II) to implement each capital  
2                                   project.

3                                   “(3) REVIEW AND COORDINATION.—The Com-  
4                                   mission shall require that the information described  
5                                   in paragraph (2) be submitted in a timely manner  
6                                   to allow for a reasonable period of review by, and co-  
7                                   ordination with, affected agencies before the Com-  
8                                   mission submits the capital investment plan pursu-  
9                                   ant to paragraph (1).”;

10                                  (4) in subsection (c), as redesignated, by strik-  
11                                  ing “spent only on—” and all that follows and in-  
12                                  serting “spent only on capital projects and programs  
13                                  contained in the Commission’s capital investment  
14                                  plan for the prior fiscal year.”; and

15                                  (5) by amending subsection (d), as redesi-  
16                                  gnated, to read as follows:

17                                  “(d) NORTHEAST CORRIDOR CAPITAL ASSET MAN-  
18                                  AGEMENT SYSTEM.—

19                                  “(1) IN GENERAL.—Amtrak and other infra-  
20                                  structure owners that provide or support intercity  
21                                  rail passenger transportation along the Northeast  
22                                  Corridor shall develop an asset management system  
23                                  and use and update such system, as necessary, to  
24                                  develop submissions to the Northeast Corridor cap-  
25                                  ital investment plan described in subsection (b).

1           “(2) FEATURES.—The system required under  
2 paragraph (1) shall develop submissions that—

3           “(A) are consistent with the transit asset  
4 management system (as defined in section  
5 5326(a)(3)); and

6           “(B) include—

7           “(i) an inventory of all capital assets  
8 owned by the developer of the plan;

9           “(ii) an assessment of condition of  
10 such capital assets;

11           “(iii) a description of the resources  
12 and processes that will be necessary to  
13 bring or to maintain such capital assets in  
14 a state of good repair; and

15           “(iv) a description of changes in the  
16 condition of such capital assets since the  
17 submission of the prior version of the  
18 plan.”.

19 **SEC. 2302. NORTHEAST CORRIDOR COMMISSION.**

20           Section 24905 of title 49, United States Code, is  
21 amended—

22           (1) in subsection (a)(1)(D), by inserting “au-  
23 thorities” after “carriers”;

24           (2) in subsection (b)(3)(B)—

25           (A) in clause (i)—

1 (i) by inserting “, including ridership  
2 trends,” after “transportation”; and

3 (ii) by striking “and” at the end;

4 (B) in clause (ii)—

5 (i) by inserting “first year of the”  
6 after “the delivery of the”; and

7 (ii) by striking the period at the end  
8 and inserting “; and”; and

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

10 “(iii) progress in assessing and elimi-  
11 nating the state-of-good-repair backlog.”;

12 (3) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) in the paragraph heading, by strik-  
15 ing “DEVELOPMENT OF POLICY” and in-  
16 serting “POLICY”;

17 (ii) in subparagraph (A), by striking  
18 “develop a standardized policy” and insert-  
19 ing “develop and maintain the standard-  
20 ized policy first approved on September 17,  
21 2015, and update, as appropriate,”;

22 (iii) by amending subparagraph (B) to  
23 read as follows:

24 “(B) develop timetables for implementing  
25 and maintaining the policy;”;

1 (iv) in subparagraph (C), by striking  
2 “the policy and the timetable” and insert-  
3 ing “updates to the policy and timetables”;  
4 and

5 (v) by amending subparagraph (D) to  
6 read as follows:

7 “(D) support the efforts of the members of  
8 the Commission to implement the policy in ac-  
9 cordance with the timetables developed pursu-  
10 ant to subparagraph (B);”;

11 (B) by amending paragraph (2) to read as  
12 follows:

13 “(2) IMPLEMENTATION.—

14 “(A) IN GENERAL.—In accordance with  
15 the timetables developed pursuant to paragraph  
16 (1)(B), Amtrak and commuter authorities on  
17 the Northeast Corridor shall implement the pol-  
18 icy developed under paragraph (1) in their  
19 agreements for usage of facilities or services.

20 “(B) EFFECT OF FAILURE TO IMPLEMENT  
21 OR COMPLY WITH POLICY.—If the entities re-  
22 ferred to in subparagraph (A) fail to implement  
23 the policy in accordance with paragraph (1)(D)  
24 or fail to comply with the policy thereafter, the  
25 Surface Transportation Board shall—



1 “(i) determine the appropriate com-  
2 pensation in accordance with the proce-  
3 dures and procedural schedule applicable  
4 to a proceeding under section 24903(c),  
5 after taking into consideration the policy  
6 developed under paragraph (1); and

7 “(ii) enforce its determination on the  
8 party or parties involved.”; and

9 (C) in paragraph (4), by striking “public  
10 authorities providing commuter rail passenger  
11 transportation” and inserting “commuter au-  
12 thorities”; and

13 (4) in subsection (d)—

14 (A) by striking “2016 through 2020” and  
15 inserting “2022 through 2026”; and

16 (B) by striking “section 11101(g) of the  
17 Passenger Rail Reform and Investment Act of  
18 2015” and inserting “section 101(e) of the Pas-  
19 senger Rail Expansion and Rail Safety Act of  
20 2021”.

21 **SEC. 2303. CONSOLIDATED RAIL INFRASTRUCTURE AND**  
22 **SAFETY IMPROVEMENTS.**

23 (a) IN GENERAL.—Section 22907 of title 49, United  
24 States Code, is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1), by inserting “(in-  
2 cluding the District of Columbia)” after  
3 “State”;

4 (B) in paragraph (6), by inserting “rail  
5 carrier and intercity rail passenger transpor-  
6 tation are” before “defined”;

7 (C) by redesignating paragraphs (8)  
8 through (11) as paragraphs (10) through (13),  
9 respectively; and

10 (D) by inserting after paragraph (7) the  
11 following:

12 “(8) An association representing 1 or more rail-  
13 roads described in paragraph (7).”;

14 “(9) A federally recognized Indian Tribe.”;

15 (2) in subsection (c)—

16 (A) in paragraph (3), by adding “or safe-  
17 ty” after “congestion”;

18 (B) in paragraph (6), by striking “and”  
19 and inserting “or”;

20 (C) by redesignating paragraphs (11) and  
21 (12) as paragraphs (12) and (13), respectively;

22 (D) by inserting after paragraph (10) the  
23 following:

1           “(11) The development and implementation of  
2           measures to prevent trespassing and reduce associ-  
3           ated injuries and fatalities.”; and

4           (E) by inserting after paragraph (13), as  
5           redesignated, the following:

6           “(14) Research, development, and testing to ad-  
7           vance and facilitate innovative rail projects, includ-  
8           ing projects using electromagnetic guideways in an  
9           enclosure in a very low-pressure environment.

10          “(15) The preparation of emergency plans for  
11          communities through which hazardous materials are  
12          transported by rail.”; and

13          (3) in subsection (h), by adding at the end the  
14          following:

15          “(4) GRADE CROSSING AND TRESPASSING  
16          PROJECTS.—Applicants may use costs incurred pre-  
17          viously for preliminary engineering associated with  
18          highway-rail grade crossing improvement projects  
19          under subsection (c)(5) and trespassing prevention  
20          projects under subsection (c)(11) to satisfy the non-  
21          Federal share requirements.”.

22          (b) RULE OF CONSTRUCTION.—The amendments  
23          made by subsection (a) may not be construed to affect  
24          any grant, including any application for a grant, made

1 under section 22907 of title 49, United States Code, be-  
2 fore the date of enactment of this Act.

3 (c) TECHNICAL CORRECTION.—

4 (1) IN GENERAL.—Section 22907(l)(1)(A) of  
5 title 49, United States Code, is amended by insert-  
6 ing “, including highway construction over rail facili-  
7 ties as an alternative to construction or improvement  
8 of a highway-rail grade crossing,” after “under  
9 chapter 227”.

10 (2) APPLICABILITY.—The amendment made by  
11 paragraph (1) shall apply to amounts remaining  
12 under section 22907(l) of title 49, United States  
13 Code, from appropriations for prior fiscal years.

14 **SEC. 2304. RESTORATION AND ENHANCEMENT GRANTS.**

15 Section 22908 of title 49, United States Code, is  
16 amended—

17 (1) by amending subsection (a) to read as fol-  
18 lows:

19 “(a) DEFINITIONS.—In this section:

20 “(1) APPLICANT.—Notwithstanding section  
21 22901(1), the term ‘applicant’ means—

22 “(A) a State, including the District of Co-  
23 lumbia;

24 “(B) a group of States;

1           “(C) an entity implementing an interstate  
2 compact;

3           “(D) a public agency or publicly chartered  
4 authority established by 1 or more States;

5           “(E) a political subdivision of a State;

6           “(F) a federally recognized Indian Tribe;

7           “(G) Amtrak or another rail carrier that  
8 provides intercity rail passenger transportation;

9           “(H) any rail carrier in partnership with  
10 at least 1 of the entities described in subpara-  
11 graphs (A) through (F); and

12           “(I) any combination of the entities de-  
13 scribed in subparagraphs (A) through (F).

14           “(2) OPERATING ASSISTANCE.—The term ‘oper-  
15 ating assistance’, with respect to any route subject  
16 to section 209 of the Passenger Rail Investment and  
17 Improvement Act of 2008 (Public Law 110–432),  
18 means any cost allocated, or that may be allocated,  
19 to a route pursuant to the cost methodology estab-  
20 lished under such section or under section 24712.”;

21           (2) in subsection (c)(3), by striking “3 years”  
22 each place such term appears and inserting “6  
23 years”;

24           (3) in subsection (d)—

25           (A) in paragraph (8), by striking “and”;

1 (B) in paragraph (9), by striking the pe-  
2 riod at the end and inserting “; and”; and

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

4 “(10) for routes selected under the Corridor  
5 Identification and Development Program and oper-  
6 ated by Amtrak.”; and

7 (4) in subsection (e)—

8 (A) in paragraph (1)—

9 (i) by striking “assistance”; and

10 (ii) by striking “3 years” and insert-  
11 ing “6 years (including for any such routes  
12 selected for funding before the date of en-  
13 actment of the Passenger Rail Expansion  
14 and Rail Safety Act of 2021)”; and

15 (B) in paragraph (3), by striking subpara-  
16 graphs (A), (B), and (C) and inserting the fol-  
17 lowing:

18 “(A) 90 percent of the projected net oper-  
19 ating costs for the first year of service;

20 “(B) 80 percent of the projected net oper-  
21 ating costs for the second year of service;

22 “(C) 70 percent of the projected net oper-  
23 ating costs for the third year of service;

24 “(D) 60 percent of the projected net oper-  
25 ating costs for the fourth year of service;

1                   “(E) 50 percent of the projected net oper-  
2                   ating costs for the fifth year of service; and

3                   “(F) 30 percent of the projected net oper-  
4                   ating costs for the sixth year of service.”.

5 **SEC. 2305. RAILROAD CROSSING ELIMINATION PROGRAM.**

6           (a) IN GENERAL.—Chapter 229 of title 49, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 22909. Railroad Crossing Elimination Program**

10           “(a) IN GENERAL.—The Secretary of Transpor-  
11 tation, in cooperation with the Administrator of the Fed-  
12 eral Railroad Administration, shall establish a competitive  
13 grant program (referred to in this section as the ‘Pro-  
14 gram’) under which the Secretary shall award grants to  
15 eligible recipients described in subsection (c) for highway-  
16 rail or pathway-rail grade crossing improvement projects  
17 that focus on improving the safety and mobility of people  
18 and goods.

19           “(b) GOALS.—The goals of the Program are—

20                   “(1) to eliminate highway-rail grade crossings  
21                   that are frequently blocked by trains;

22                   “(2) to improve the health and safety of com-  
23                   munities;

1           “(3) to reduce the impacts that freight move-  
2           ment and railroad operations may have on under-  
3           served communities; and

4           “(4) to improve the mobility of people and  
5           goods.

6           “(c) ELIGIBLE RECIPIENTS.—The following entities  
7           are eligible to receive a grant under this section:

8           “(1) A State, including the District of Colum-  
9           bia, Puerto Rico, and other United States territories  
10          and possessions.

11          “(2) A political subdivision of a State.

12          “(3) A federally recognized Indian Tribe.

13          “(4) A unit of local government or a group of  
14          local governments.

15          “(5) A public port authority.

16          “(6) A metropolitan planning organization.

17          “(7) A group of entities described in any of  
18          paragraphs (1) through (6).

19          “(d) ELIGIBLE PROJECTS.—The Secretary may  
20          award a grant under the Program for a highway-rail or  
21          pathway-rail grade crossing improvement project (includ-  
22          ing acquiring real property interests) involving—

23                 “(1) grade separation or closure, including  
24                 through the use of a bridge, embankment, tunnel, or  
25                 combination thereof;



1           “(2) track relocation;

2           “(3) the improvement or installation of protec-  
3           tive devices, signals, signs, or other measures to im-  
4           prove safety, provided that such activities are related  
5           to a separation or relocation project described in  
6           paragraph (1) or (2);

7           “(4) other means to improve the safety and mo-  
8           bility of people and goods at highway-rail grade  
9           crossings (including technological solutions);

10          “(5) a group of related projects described in  
11          paragraphs (1) through (4) that would collectively  
12          improve the mobility of people and goods; or

13          “(6) the planning, environmental review, and  
14          design of an eligible project described in paragraphs  
15          (1) through (5).

16          “(e) APPLICATION PROCESS.—

17                 “(1) IN GENERAL.—An eligible entity seeking a  
18                 grant under the Program shall submit an application  
19                 to the Secretary at such time, in such manner, and  
20                 containing such information as the Secretary may  
21                 require.

22                 “(2) RAILROAD APPROVALS.—

23                         “(A) IN GENERAL.—Except as provided in  
24                         subparagraph (B), the Secretary shall require  
25                         applicants to obtain the necessary approvals

1 from any impacted rail carriers or real property  
2 owners before proceeding with the construction  
3 of a project funded by a grant under the Pro-  
4 gram.

5 “(B) EXCEPTION.—The requirement under  
6 subparagraph (A) shall not apply to planning  
7 projects described in subsection (d)(6) if the ap-  
8 plicant agrees to work collaboratively with rail  
9 carriers and right-of-way owners.

10 “(f) PROJECT SELECTION CRITERIA.—

11 “(1) IN GENERAL.—In awarding grants under  
12 the Program, the Secretary shall evaluate the extent  
13 to which proposed projects would—

14 “(A) improve safety at highway-rail or  
15 pathway-rail grade crossings;

16 “(B) grade separate, eliminate, or close  
17 highway-rail or pathway-rail grade crossings;

18 “(C) improve the mobility of people and  
19 goods;

20 “(D) reduce emissions, protect the environ-  
21 ment, and provide community benefits, includ-  
22 ing noise reduction;

23 “(E) improve access to emergency services;

24 “(F) provide economic benefits; and

1           “(G) improve access to communities sepa-  
2           rated by rail crossings.

3           “(2)     ADDITIONAL     CONSIDERATIONS.—In  
4           awarding grants under the Program, the Secretary  
5           shall consider—

6           “(A) the degree to which the proposed  
7           project will use—

8                     “(i) innovative technologies;

9                     “(ii) innovative design and construc-  
10           tion techniques; or

11                    “(iii) construction materials that re-  
12           duce greenhouse gas emissions;

13           “(B) the applicant’s planned use of con-  
14           tracting incentives to employ local labor, to the  
15           extent permissible under Federal law;

16           “(C) whether the proposed project will im-  
17           prove the mobility of—

18                    “(i) multiple modes of transportation,  
19           including ingress and egress from freight  
20           facilities; or

21                    “(ii) users of nonvehicular modes of  
22           transportation, such as pedestrians,  
23           bicyclists, and public transportation;

24           “(D) whether the proposed project is iden-  
25           tified in—

1           “(i) the freight investment plan com-  
2           ponent of a State freight plan, as required  
3           under section 70202(b)(9);

4           “(ii) a State rail plan prepared in ac-  
5           cordance with chapter 227; or

6           “(iii) a State highway-rail grade  
7           crossing action plan, as required under sec-  
8           tion 11401(b) of the Passenger Rail Re-  
9           form and Investment Act of 2015 (title XI  
10          of Public Law 114–94); and

11          “(E) the level of financial support provided  
12          by impacted rail carriers.

13          “(3) AWARD DISTRIBUTION.—In selecting  
14          grants for Program funds in any fiscal year, the  
15          Secretary shall comply with the following limitations:

16               “(A) GRANT FUNDS.—Not less than 20  
17               percent of the grant funds available for the  
18               Program in any fiscal year shall be reserved for  
19               projects located in rural areas or on Tribal  
20               lands. The requirement under section 22907(l),  
21               which applies to this section, shall not apply to  
22               grant funds reserved specifically under this sub-  
23               section.

24               “(B) PLANNING GRANTS.—Not less than  
25               25 percent of the grant funds set aside for

1           planning projects in any fiscal year pursuant to  
2           section 2104(b) of the Passenger Rail Expan-  
3           sion and Rail Safety Act of 2021 shall be  
4           awarded for projects located in rural areas or  
5           on tribal lands.

6           “(C) STATE LIMITATION.—Not more than  
7           20 percent of the grant funds available for the  
8           Program in any fiscal year may be selected for  
9           projects in any single State.

10          “(D) MINIMUM SIZE.—No grant awarded  
11          under this section shall be for less than  
12          \$1,000,000, except for a planning grant de-  
13          scribed in subsection (d)(6).

14          “(g) COST SHARE.—Except as provided in paragraph  
15          (2), the Federal share of the cost of a project carried out  
16          using a grant under the Program may not exceed 80 per-  
17          cent of the total cost of the project. Applicants may count  
18          costs incurred for preliminary engineering associated with  
19          highway-rail and pathway-rail grade crossing improvement  
20          projects as part of the total project costs.

21          “(h) CONGRESSIONAL NOTIFICATION.—Not later  
22          than 3 days before awarding a grant for a project under  
23          the Program, the Secretary shall submit written notifica-  
24          tion of the proposed grant to the Committee on Com-  
25          merce, Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of the  
2 House of Representatives, which shall include—

3 “(1) a summary of the project; and

4 “(2) the amount of the proposed grant award.

5 “(i) ANNUAL REPORT.—Not later than 60 days after  
6 each round of award notifications, the Secretary shall  
7 post, on the public website of the Department of Trans-  
8 portation—

9 “(1) a list of all eligible applicants that sub-  
10 mitted an application for funding under the Pro-  
11 gram during the current fiscal year;

12 “(2) a list of the grant recipients and projects  
13 that received grant funding under the Program dur-  
14 ing such fiscal year; and

15 “(3) a list of the proposed projects and appli-  
16 cants that were determined to be ineligible.

17 “(j) DEFINED TERM.—In this section, the term  
18 ‘rural area’ means any area that is not within an area  
19 designated as an urbanized area by the Bureau of the Cen-  
20 sus.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 229 of title 49, United States Code, is amended by  
23 adding at the end the following:

“22909. Railroad Crossing Elimination Program.”.

1 **SEC. 2306. INTERSTATE RAIL COMPACTS.**

2 (a) IN GENERAL.—Chapter 229 of title 49, United  
3 States Code (as amended by section 2305(a)), is further  
4 amended by adding at the end the following:

5 **“§ 22910. Interstate Rail Compacts Grant Program**

6 “(a) GRANTS AUTHORIZED.—The Secretary of  
7 Transportation shall establish a competitive grant pro-  
8 gram to provide financial assistance to entities imple-  
9 menting interstate rail compacts pursuant to section 410  
10 of the Amtrak Reform and Accountability Act of 1997 (49  
11 U.S.C. 24101 note) for—

12 “(1) costs of administration;

13 “(2) systems planning, including studying the  
14 impacts on freight rail operations and ridership;

15 “(3) promotion of intercity passenger rail oper-  
16 ation;

17 “(4) preparation of applications for competitive  
18 Federal grant programs; and

19 “(5) operations coordination.

20 “(b) MAXIMUM AMOUNT.—The Secretary may not  
21 award a grant under this section in an amount exceeding  
22 \$1,000,000 per year.

23 “(c) SELECTION CRITERIA.—In selecting a recipient  
24 of a grant for an eligible project under this section, the  
25 Secretary shall consider—

1           “(1) the amount of funding received (including  
2 funding from a rail carrier (as defined in section  
3 24102) or other participation by State, local, and re-  
4 gional governments and the private sector;

5           “(2) the applicant’s work to foster economic de-  
6 velopment through rail service, particularly in rural  
7 communities;

8           “(3) whether the applicant seeks to restore  
9 service over routes formerly operated by Amtrak, in-  
10 cluding routes described in section 11304(a) of the  
11 Passenger Rail Reform and Investment Act of 2015  
12 (title XI of division A of Public Law 114–94);

13           “(4) the applicant’s dedication to providing  
14 intercity passenger rail service to regions and com-  
15 munities that are underserved or not served by other  
16 intercity public transportation;

17           “(5) whether the applicant is enhancing  
18 connectivity and geographic coverage of the existing  
19 national network of intercity passenger rail service;

20           “(6) whether the applicant prepares regional  
21 rail or corridor service development plans and cor-  
22 responding environmental analysis; and

23           “(7) whether the applicant has engaged with  
24 appropriate government entities and transportation  
25 providers to identify projects necessary to enhance



1 multimodal connections or facilitate service integra-  
2 tion between rail service and other modes, including  
3 between intercity passenger rail service and intercity  
4 bus service or commercial air service.

5 “(d) NUMERICAL LIMITATION.—The Secretary may  
6 not award grants under this section for more than 10  
7 interstate rail compacts in any fiscal year.

8 “(e) OPERATOR LIMITATION.—The Secretary may  
9 only award grants under this section to applicants with  
10 eligible expenses related to intercity passenger rail service  
11 to be operated by Amtrak.

12 “(f) NON-FEDERAL MATCH.—The Secretary shall re-  
13 quire each recipient of a grant under this section to pro-  
14 vide a non-Federal match of not less than 50 percent of  
15 the eligible expenses of carrying out the interstate rail  
16 compact under this section.

17 “(g) REPORT.—Not later than 3 years after the date  
18 of enactment of the Passenger Rail Expansion and Rail  
19 Safety Act of 2021, the Secretary, after consultation with  
20 grant recipients under this section, shall submit a report  
21 to the Committee on Commerce, Science, and Transpor-  
22 tation of the Senate and the Committee on Transportation  
23 and Infrastructure of the House of Representatives that  
24 describes—

25 “(1) the implementation of this section;

1           “(2) the status of the planning efforts and co-  
2           ordination funded by grants awarded under this sec-  
3           tion;

4           “(3) the plans of grant recipients for continued  
5           implementation of the interstate rail compacts;

6           “(4) the status of, and data regarding, any  
7           new, restored, or enhanced rail services initiated  
8           under the interstate rail compacts; and

9           “(5) any legislative recommendations.”.

10          (b) CLERICAL AMENDMENT.—The analysis for chap-  
11          ter 229 of title 49, United States Code (as amended by  
12          section 2305(b)), is amended by adding at the end the  
13          following:

          “22910. Interstate Rail Compacts Grant Program.”.

14          (c) IDENTIFICATION.—Section 410 of the Amtrak  
15          Reform and Accountability Act of 1997 (Public Law 105–  
16          134; 49 U.S.C. 24101 note) is amended—

17                 (1) in subsection (b)(2), by striking “(except  
18                 funds made available for Amtrak)”; and

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

20                 “(c) NOTIFICATION REQUIREMENT.—Any State that  
21                 enters into an interstate compact pursuant to subsection  
22                 (a) shall notify the Secretary of Transportation of such  
23                 compact not later than 60 days after it is formed. The  
24                 failure of any State to notify the Secretary under this sub-

1 section shall not affect the status of the interstate com-  
2 pact.

3 “(d) INTERSTATE RAIL COMPACTS PROGRAM.—The  
4 Secretary of Transportation shall—

5 “(1) make available on a publicly accessible  
6 website a list of interstate rail compacts established  
7 under subsection (a) before the date of enactment of  
8 the Passenger Rail Expansion and Rail Safety Act  
9 of 2021 and interstate rail compacts established  
10 after such date; and

11 “(2) make information regarding interstate rail  
12 compacts available to the public, including how  
13 States may establish interstate rail compacts under  
14 subsection (a), and update such information, as nec-  
15 essary.”.

16 **SEC. 2307. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**  
17 **PASSENGER RAIL GRANTS.**

18 (a) IN GENERAL.—Section 24911 of title 49, United  
19 States Code, is amended—

20 (1) in the section heading, by striking “**for**  
21 **state of good repair**” and inserting “**for**  
22 **intercity passenger rail**”;

23 (2) in subsection (a)—

24 (A) in paragraph (1)—

- 1 (i) in subparagraph (F), by striking  
2 “or” at the end;
- 3 (ii) by redesignating subsection (G) as  
4 subsection (H);
- 5 (iii) by inserting after subparagraph  
6 (F), the following:  
7 “(G) A federally recognized Indian Tribe;  
8 or”; and
- 9 (iv) in subsection (H), as redesign-  
10 nated, by striking “(F)” and inserting  
11 “(G)”;
- 12 (B) by striking paragraphs (2) and (5);  
13 and
- 14 (C) by redesignating paragraphs (3) and  
15 (4) as paragraphs (2) and (3), respectively;
- 16 (3) in subsection (b), by striking “with respect  
17 to qualified railroad assets” and inserting “, improve  
18 performance, or expand or establish new intercity  
19 passenger rail service, including privately operated  
20 intercity passenger rail service if an eligible appli-  
21 cant is involved;”;
- 22 (4) by striking subsections (c) through (e) and  
23 inserting the following:

1       “(c) ELIGIBLE PROJECTS.—The following capital  
2 projects, including acquisition of real property interests,  
3 are eligible to receive grants under this section:

4           “(1) A project to replace, rehabilitate, or repair  
5 infrastructure, equipment, or a facility used for pro-  
6 viding intercity passenger rail service to bring such  
7 assets into a state of good repair.

8           “(2) A project to improve intercity passenger  
9 rail service performance, including reduced trip  
10 times, increased train frequencies, higher operating  
11 speeds, improved reliability, expanded capacity, re-  
12 duced congestion, electrification, and other improve-  
13 ments, as determined by the Secretary.

14           “(3) A project to expand or establish new inter-  
15 city passenger rail service.

16           “(4) A group of related projects described in  
17 paragraphs (1) through (3).

18           “(5) The planning, environmental studies, and  
19 final design for a project or group of projects de-  
20 scribed in paragraphs (1) through (4).

21       “(d) PROJECT SELECTION CRITERIA.—In selecting a  
22 project for funding under this section—

23           “(1) for projects located on the Northeast Cor-  
24 ridor, the Secretary shall—

1           “(A) make selections consistent with the  
2 Northeast Corridor Project Inventory published  
3 pursuant to subsection (e)(1), unless when nec-  
4 essary to address materially changed infrastruc-  
5 ture or service conditions, changes in project  
6 sponsor capabilities or commitments, or other  
7 significant changes since the completion of the  
8 most recently issued Northeast Corridor Project  
9 Inventory; and

10           “(B) for projects that benefit intercity and  
11 commuter rail services, only make such selec-  
12 tions when Amtrak and the public authorities  
13 providing commuter rail passenger transpor-  
14 tation at the eligible project location—

15           “(i) are in compliance with section  
16 24905(c)(2);

17           “(ii) have identified the intercity pas-  
18 senger rail share of the eligible project;  
19 and

20           “(iii) identify funding for the com-  
21 muter rail share of the non-Federal share  
22 of the project before the commencement of  
23 the project;

24           “(2) for projects not located on the Northeast  
25 Corridor, the Secretary shall—

1 “(A) give preference to eligible projects—

2 “(i) for which Amtrak is not the sole  
3 applicant;

4 “(ii) that improve the financial per-  
5 formance reliability, service frequency, or  
6 address the state of good repair of an Am-  
7 trak route; and

8 “(iii) that are identified in, and con-  
9 sistent with, a corridor inventory prepared  
10 under the Corridor Identification and De-  
11 velopment Program pursuant to section  
12 25101; and

13 “(B) take into account—

14 “(i) the cost-benefit analysis of the  
15 proposed project, including anticipated pri-  
16 vate and public benefits relative to the  
17 costs of the proposed project, including—

18 “(I) effects on system and service  
19 performance, including as measured  
20 by applicable metrics set forth in part  
21 273 of title 49, Code of Federal Regu-  
22 lations;

23 “(II) effects on safety, competi-  
24 tiveness, reliability, trip or transit

1 time, greenhouse gas emissions, and  
2 resilience;

3 “(III) efficiencies from improved  
4 connections with other modes; and

5 “(IV) ability to meet existing or  
6 anticipated demand;

7 “(ii) the degree to which the proposed  
8 project’s business plan considers potential  
9 private sector participation in the financ-  
10 ing, construction, or operation of the pro-  
11 posed project;

12 “(iii) the applicant’s past performance  
13 in developing and delivering similar  
14 projects, and previous financial contribu-  
15 tions;

16 “(iv) whether the applicant has, or  
17 will have—

18 “(I) the legal, financial, and tech-  
19 nical capacity to carry out the project;

20 “(II) satisfactory continuing ac-  
21 cess to the equipment or facilities; and

22 “(III) the capability and willing-  
23 ness to maintain the equipment or fa-  
24 cilities;



1                   “(v) if applicable, the consistency of  
2                   the project with planning guidance and  
3                   documents set forth by the Secretary or  
4                   otherwise required by law; and

5                   “(vi) any other relevant factors, as de-  
6                   termined by the Secretary; and

7                   “(3) the Secretary shall reserve—

8                   “(A) not less than 45 percent of the  
9                   amounts appropriated for grants under this sec-  
10                  tion for projects not located along the North-  
11                  east Corridor, of which not less than 20 percent  
12                  shall be for projects that benefit (in whole or in  
13                  part) a long-distance route; and

14                  “(B) not less than 45 percent of the  
15                  amounts appropriated for grants under this sec-  
16                  tion for projects listed on the Northeast Cor-  
17                  ridor project inventory published pursuant to  
18                  subsection (e)(1).

19                  “(e) LONG-TERM PLANNING.—Not later than 1 year  
20                  after the date of enactment of the Passenger Rail Expan-  
21                  sion and Rail Safety Act of 2021, and every 2 years there-  
22                  after, the Secretary shall create a predictable project pipe-  
23                  line that will assist Amtrak, States, and the public with  
24                  long-term capital planning by publishing a Northeast Cor-  
25                  ridor project inventory that—

1           “(1) identifies capital projects for Federal in-  
2           vestment, project applicants, and proposed Federal  
3           funding levels under this section;

4           “(2) specifies the order in which the Secretary  
5           will provide grant funding to projects that have iden-  
6           tified sponsors and are located along the Northeast  
7           Corridor, including a method and plan for appor-  
8           tioning funds to project sponsors for the 2-year pe-  
9           riod, which may be altered by the Secretary, as nec-  
10          essary, if recipients are not carrying out projects in  
11          accordance with the anticipated schedule;

12          “(3) takes into consideration the appropriate  
13          sequence and phasing of projects described in the  
14          Northeast Corridor capital investment plan devel-  
15          oped pursuant to section 24904(a);

16          “(4) is consistent with the most recent North-  
17          east Corridor service development plan update de-  
18          scribed in section 24904(d);

19          “(5) takes into consideration the existing com-  
20          mitments and anticipated Federal, project applicant,  
21          sponsor, and other relevant funding levels for the  
22          next 5 fiscal years based on information currently  
23          available to the Secretary; and

1           “(6) is developed in consultation with the  
2 Northeast Corridor Commission and the owners of  
3 Northeast Corridor infrastructure and facilities.”;

4           (5) in subsection (f)(2), by inserting “, except  
5 as specified under paragraph (4)” after “80 per-  
6 cent”;

7           (6) in subsection (g)—

8           (A) in the subsection heading, by inserting  
9 “; PHASED FUNDING AGREEMENTS” after “IN-  
10 TENT”;

11           (B) in paragraph (1)—

12           (i) in the paragraph heading, by strik-  
13 ing “IN GENERAL” and inserting “LET-  
14 TERS OF INTENT”; and

15           (ii) by striking “shall, to the max-  
16 imum extent practicable,” and inserting  
17 “may”;

18           (C) by redesignating paragraphs (2) and  
19 (3) as paragraphs (3) and (4), respectively;

20           (D) by inserting after paragraph (1) the  
21 following:

22           “(2) PHASED FUNDING AGREEMENTS.—

23           “(A) IN GENERAL.—The Secretary may  
24 enter into a phased funding agreement with an  
25 applicant if—

1           “(i) the project is highly rated, based  
2           on the evaluations and ratings conducted  
3           pursuant to this section and the applicable  
4           notice of funding opportunity; and

5           “(ii) the Federal assistance to be pro-  
6           vided for the project under this section is  
7           more than \$80,000,000.

8           “(B) TERMS.—A phased funding agree-  
9           ment shall—

10           “(i) establish the terms of participa-  
11           tion by the Federal Government in the  
12           project;

13           “(ii) establish the maximum amount  
14           of Federal financial assistance for the  
15           project;

16           “(iii) include the period of time for  
17           completing the project, even if such period  
18           extends beyond the period for which Fed-  
19           eral financial assistance is authorized;

20           “(iv) make timely and efficient man-  
21           agement of the project easier in accordance  
22           with Federal law; and

23           “(v) if applicable, specify when the  
24           process for complying with the National  
25           Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) and related environ-  
2 mental laws will be completed for the  
3 project.

4 “(C) SPECIAL FINANCIAL RULES.—

5 “(i) IN GENERAL.—A phased funding  
6 agreement under this paragraph obligates  
7 an amount of available budget authority  
8 specified in law and may include a commit-  
9 ment, contingent on amounts to be speci-  
10 fied in law in advance for commitments  
11 under this paragraph, to obligate an addi-  
12 tional amount from future available budget  
13 authority specified in law.

14 “(ii) STATEMENT OF CONTINGENT  
15 COMMITMENT.—The agreement shall state  
16 that the contingent commitment is not an  
17 obligation of the Government.

18 “(iii) INTEREST AND OTHER FINANC-  
19 ING COSTS.—Interest and other financing  
20 costs of efficiently carrying out a part of  
21 the project within a reasonable time are a  
22 cost of carrying out the project under a  
23 phased funding agreement, except that eli-  
24 gible costs may not be more than the cost  
25 of the most favorable financing terms rea-

1 sonably available for the project at the  
2 time of borrowing. The applicant shall cer-  
3 tify, to the satisfaction of the Secretary,  
4 that the applicant has shown reasonable  
5 diligence in seeking the most favorable fi-  
6 nancing terms.

7 “(iv) FAILURE TO CARRY OUT  
8 PROJECT.—If an applicant does not carry  
9 out the project for reasons within the con-  
10 trol of the applicant, the applicant shall  
11 repay all Federal grant funds awarded for  
12 the project from all Federal funding  
13 sources, for all project activities, facilities,  
14 and equipment, plus reasonable interest  
15 and penalty charges allowable by law or es-  
16 tablished by the Secretary in the phased  
17 funding agreement. For purposes of this  
18 clause, a process for complying with the  
19 National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.) that results  
21 in the selection of the no build alternative  
22 is not within the applicant’s control.

23 “(v) CREDITING OF FUNDS RE-  
24 CEIVED.—Any funds received by the Gov-  
25 ernment under this paragraph, except for

1 interest and penalty charges, shall be cred-  
2 ited to the appropriation account from  
3 which the funds were originally derived.”;

4 (E) in paragraph (3), as redesignated—

5 (i) in subparagraph (A), in the matter  
6 preceding clause (i), by inserting “a  
7 phased funding agreement under para-  
8 graph (2) or” after “issuing”; and

9 (ii) in subparagraph (B)(i), by insert-  
10 ing “the phased funding agreement or”  
11 after “a copy of”; and

12 (F) in paragraph (4), as redesignated—

13 (i) by striking “An obligation” and in-  
14 serting the following:

15 “(B) APPROPRIATIONS REQUIRED.—An  
16 obligation”; and

17 (ii) by inserting before subparagraph  
18 (B), as added by clause (i), the following:

19 “(A) IN GENERAL.—The Secretary may  
20 enter into phased funding agreements under  
21 this subsection that contain contingent commit-  
22 ments to incur obligations in such amounts as  
23 the Secretary determines are appropriate.”; and

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

1           “(j) ANNUAL REPORT ON PHASED FUNDING AGREE-  
2 MENTS AND LETTERS OF INTENT.—Not later than the  
3 first Monday in February of each year, the Secretary shall  
4 submit a report to the Committee on Commerce, Science,  
5 and Transportation of the Senate, the Committee on Ap-  
6 propriations of the Senate, the Committee on Transpor-  
7 tation and Infrastructure of the House of Representatives,  
8 and the Committee on Appropriations of the House of  
9 Representatives that includes—

10           “(1) a proposal for the allocation of amounts to  
11 be available to finance grants for projects under this  
12 section among applicants for such amounts;

13           “(2) evaluations and ratings, as applicable, for  
14 each project that has received a phased funding  
15 agreement or a letter of intent; and

16           “(3) recommendations for each project that has  
17 received a phased funding agreement or a letter of  
18 intent for funding based on the evaluations and rat-  
19 ings, as applicable, and on existing commitments  
20 and anticipated funding levels for the next 3 fiscal  
21 years based on information currently available to the  
22 Secretary.

23           “(k) REGIONAL PLANNING GUIDANCE CORRIDOR  
24 PLANNING.—The Secretary may withhold up to 5 percent  
25 of the total amount made available to carry out this sec-



1 tion to carry out planning and development activities re-  
2 lated to section 25101, including—

3 “(1) providing funding to public entities for the  
4 development of corridor development plans selected  
5 under the Corridor Identification and Development  
6 Program;

7 “(2) facilitating and providing guidance for  
8 intercity passenger rail systems planning; and

9 “(3) providing funding for the development and  
10 refinement of intercity passenger rail systems plan-  
11 ning analytical tools and models; and

12 “(4) providing funding to public entities for the  
13 development of corridor development plans selected  
14 under the Corridor Identification and Development  
15 Program.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-  
17 ter 249 of title 49, United States Code, is amended by  
18 striking the item relating to section 24911 and inserting  
19 the following:

“24911. Federal-State partnership for intercity passenger rail.”.

20 **SEC. 2308. CORRIDOR IDENTIFICATION AND DEVELOPMENT**  
21 **PROGRAM.**

22 (a) IN GENERAL.—Part C of subtitle V of title 49,  
23 United States Code, is amended by adding at the end the  
24 following:

1           **“CHAPTER 251—PASSENGER RAIL**  
2                                   **PLANNING**

“Sec.

“25101. Corridor Identification and Development Program.

3   **“§ 25101. Corridor Identification and Development**  
4                                   **Program**

5           “(a) IN GENERAL.—Not later than 180 days after  
6 the date of enactment of the Passenger Rail Expansion  
7 and Rail Safety Act of 2021, the Secretary of Transpor-  
8 tation shall establish a program to facilitate the develop-  
9 ment of intercity passenger rail corridors. The program  
10 shall include—

11                   “(1) a process for eligible entities described in  
12 subsection (b) to submit proposals for the develop-  
13 ment of intercity passenger rail corridors;

14                   “(2) a process for the Secretary to review and  
15 select proposals in accordance with subsection (c);

16                   “(3) criteria for determining the level of readi-  
17 ness for Federal financial assistance of an intercity  
18 passenger rail corridor, which shall include—

19                           “(A) identification of a service operator  
20 which may include Amtrak or private rail car-  
21 riers;

22                           “(B) identification of a service sponsor or  
23 sponsors;

24                           “(C) identification capital project sponsors;

1                   “(D) engagement with the host railroads;

2                   and

3                   “(E) other criteria as determined appro-  
4                   priate by the Secretary;

5                   “(4) a process for preparing service develop-  
6                   ment plans in accordance with subsection (d), in-  
7                   cluding the identification of planning funds, such as  
8                   funds made available under section 24911(k) and  
9                   interstate rail compact grants established under sec-  
10                  tion 22210;

11                  “(5) the creation of a pipeline of intercity pas-  
12                  senger rail corridor projects under subsection (g);

13                  “(6) planning guidance to achieve the purposes  
14                  of this section, including guidance for intercity pas-  
15                  senger rail corridors not selected under this section;  
16                  and

17                  “(7) such other features as the Secretary con-  
18                  siders relevant to the successful development of  
19                  intercity passenger rail corridors.

20                  “(b) ELIGIBLE ENTITIES.—The Secretary may re-  
21                  ceive proposals under this section from Amtrak, States,  
22                  groups of States, entities implementing interstate com-  
23                  pacts, regional passenger rail authorities, regional plan-  
24                  ning organizations, political subdivisions of a State, feder-

1 ally recognized Indian Tribes, and other public entities,  
2 as determined by the Secretary.

3 “(c) CORRIDOR SELECTION.—In selecting intercity  
4 passenger rail corridors pursuant to subsection (a), the  
5 Secretary shall consider—

6 “(1) whether the route was identified as part of  
7 a regional or interregional intercity passenger rail  
8 systems planning study;

9 “(2) projected ridership, revenues, capital in-  
10 vestment, and operating funding requirements;

11 “(3) anticipated environmental, congestion miti-  
12 gation, and other public benefits;

13 “(4) projected trip times and their competitive-  
14 ness with other transportation modes;

15 “(5) anticipated positive economic and employ-  
16 ment impacts, including development in the areas  
17 near passenger stations, historic districts, or other  
18 opportunity zones;

19 “(6) committed or anticipated State, regional  
20 transportation authority, or other non-Federal fund-  
21 ing for operating and capital costs;

22 “(7) benefits to rural communities;

23 “(8) whether the corridor is included in a  
24 State’s approved State rail plan developed pursuant  
25 to chapter 227;

1           “(9) whether the corridor serves historically  
2           unserved or underserved and low-income commu-  
3           nities or areas of persistent poverty;

4           “(10) whether the corridor would benefit or im-  
5           prove connectivity with existing or planned transpor-  
6           tation services of other modes;

7           “(11) whether the corridor connects at least 2  
8           of the 100 most populated metropolitan areas;

9           “(12) whether the corridor would enhance the  
10          regional equity and geographic diversity of intercity  
11          passenger rail service;

12          “(13) whether the corridor is or would be inte-  
13          grated into the national rail passenger transpor-  
14          tation system and whether the corridor would create  
15          benefits for other passenger rail routes and services;  
16          and

17          “(14) whether a passenger rail operator, includ-  
18          ing a private rail carrier, has expressed support for  
19          the corridor.

20          “(d) SERVICE DEVELOPMENT PLANS.—For each cor-  
21          ridor proposal selected for development under this section,  
22          the Secretary shall partner with the entity that submitted  
23          the proposal and relevant States to prepare a service de-  
24          velopment plan (or to update an existing service develop-  
25          ment plan), which shall include—

1           “(1) a detailed description of the proposed  
2           intercity passenger rail service, including train fre-  
3           quencies, peak and average operating speeds, and  
4           trip times;

5           “(2) a corridor project inventory that—

6                   “(A) identifies the capital projects nec-  
7                   essary to achieve the proposed intercity pas-  
8                   senger rail service, including—

9                           “(i) the capital projects for which  
10                          Federal investment will be sought;

11                           “(ii) the likely project applicants; and

12                           “(iii) the proposed Federal funding  
13                          levels;

14                          “(B) specifies the order in which Federal  
15                          funding will be sought for the capital projects  
16                          identified under subparagraph (A), after consid-  
17                          ering the appropriate sequence and phasing of  
18                          projects based on the anticipated availability of  
19                          funds; and

20                          “(C) is developed in consultation with the  
21                          entities listed in subsection (e);

22           “(3) a schedule and any associated phasing of  
23           projects and related service initiation or changes;

24           “(4) project sponsors and other entities ex-  
25           pected to participate in carrying out the plan;

1           “(5) a description of how the corridor would  
2           comply with Federal rail safety and security laws,  
3           orders, and regulations;

4           “(6) the locations of existing and proposed sta-  
5           tions;

6           “(7) the needs for rolling stock and other  
7           equipment;

8           “(8) a financial plan identifying projected—

9                   “(A) annual revenues;

10                   “(B) annual ridership;

11                   “(C) capital investments before service  
12           could be initiated;

13                   “(D) capital investments required to main-  
14           tain service;

15                   “(E) annual operating and costs; and

16                   “(F) sources of capital investment and op-  
17           erating financial support;

18           “(9) a description of how the corridor would  
19           contribute to the development of a multi-State re-  
20           gional network of intercity passenger rail;

21           “(10) an intermodal plan describing how the  
22           new or improved corridor facilitates travel connec-  
23           tions with other passenger transportation services;

24           “(11) a description of the anticipated environ-  
25           mental benefits of the corridor; and

1           “(12) a description of the corridor’s impacts on  
2 highway and aviation congestion, energy consump-  
3 tion, land use, and economic development in the  
4 service area.

5           “(e) CONSULTATION.—In partnering on the prepara-  
6 tion of a service development plan under subsection (d),  
7 the Secretary shall consult with—

8           “(1) Amtrak;

9           “(2) appropriate State and regional transpor-  
10 tation authorities and local officials;

11           “(3) representatives of employee labor organiza-  
12 tions representing railroad and other appropriate  
13 employees;

14           “(4) host railroads for the proposed corridor;  
15 and

16           “(5) other stakeholders, as determined by the  
17 Secretary.

18           “(f) UPDATES.—If at least 40 percent of the work  
19 to implement a service development plan prepared under  
20 subsection (d) has not yet been completed, the plan’s spon-  
21 sor, in consultation with the Secretary, shall determine  
22 whether such plan should be updated.

23           “(g) PROJECT PIPELINE.—Not later than 1 year  
24 after the establishment of the program under this section,  
25 and by February 1st of each year thereafter, the Secretary



1 shall submit to the Committee on Commerce, Science, and  
2 Transportation of the Senate, the Committee on Appro-  
3 priations of the Senate, and the Committee on Transpor-  
4 tation and Infrastructure of the House of Representatives,  
5 and the Committee on Appropriations of the House of  
6 Representatives a project pipeline, in accordance with this  
7 section, that—

8           “(1) identifies intercity passenger rail corridors  
9           selected for development under this section;

10           “(2) identifies capital projects for Federal in-  
11           vestment, project applicants, and proposed Federal  
12           funding levels, as applicable, consistent with the cor-  
13           ridor project inventory;

14           “(3) specifies the order in which the Secretary  
15           would provide Federal financial assistance, subject  
16           to the availability of funds, to projects that have  
17           identified sponsors, including a method and plan for  
18           apportioning funds to project sponsors for a 5-year  
19           period, which may be altered by the Secretary, as  
20           necessary, if recipients are not carrying out projects  
21           on the anticipated schedule;

22           “(4) takes into consideration the appropriate  
23           sequence and phasing of projects described in the  
24           corridor project inventory;

1           “(5) takes into consideration the existing com-  
 2           mitments and anticipated Federal, project applicant,  
 3           sponsor, and other relevant funding levels for the  
 4           next 5 fiscal years based on information currently  
 5           available to the Secretary;

6           “(6) is prioritized based on the level of readi-  
 7           ness of the corridor; and

8           “(7) reflects consultation with Amtrak.

9           “(h) DEFINITION.—In this section, the term ‘inter-  
 10          city passenger rail corridor’ means—

11           “(1) a new intercity passenger rail route of less  
 12          than 750 miles;

13           “(2) the enhancement of an existing intercity  
 14          passenger rail route of less than 750 miles;

15           “(3) the restoration of service over all or por-  
 16          tions of an intercity passenger rail route formerly  
 17          operated by Amtrak; or

18           “(4) the increase of service frequency of a long-  
 19          distance intercity passenger rail route.”.

20          (b) CLERICAL AMENDMENT.—The table of chapters  
 21          for subtitle V of title 49, United States Code, is amended  
 22          by inserting after the item relating to chapter 249 the fol-  
 23          lowing:

**“Chapter 251. Passenger rail planning .....25101”.**

1 **SEC. 2309. SURFACE TRANSPORTATION BOARD PASSENGER**  
2 **RAIL PROGRAM.**

3 The Surface Transportation Board shall—

4 (1) establish a passenger rail program with pri-  
5 mary responsibility for carrying out the Board's pas-  
6 senger rail responsibilities; and

7 (2) hire up to 10 additional full-time employees  
8 to assist in carrying out the responsibilities referred  
9 to in paragraph (1).

10 **SEC. 2310. RAILROAD RIGHTS-OF-WAY.**

11 (a) REVIEW.—The Comptroller General of the United  
12 States shall—

13 (1) conduct a review of the exemption for rail-  
14 road rights-of-way under section 306108 of title 54,  
15 United States Code, to determine whether and to  
16 what extent the exemption streamlines compliance  
17 with such section; and

18 (2) quantify the efficiencies achieved by such  
19 exemption and the remaining inefficiencies.

20 (b) CONSULTATION.—In conducting the review pur-  
21 suant to subsection (a), the Comptroller General shall con-  
22 sult with the Secretary, the Advisory Council on Historic  
23 Preservation, the National Conference of State Historic  
24 Preservation Officers, the National Association of Tribal  
25 Historic Preservation Officers, the Department of the In-  
26 terior, and representatives of the railroad industry.

1 (c) RECOMMENDATIONS.—Not later than 1 year after  
2 the date of enactment of this Act, the Comptroller General  
3 shall submit a report to the Committee on Commerce,  
4 Science, and Transportation of the Senate and the Com-  
5 mittee on Transportation and Infrastructure of the House  
6 of Representatives that—

7 (1) describes the results of the review conducted  
8 pursuant to subsection (a); and

9 (2) includes recommendations for any regu-  
10 latory or legislative amendments that may further  
11 streamline compliance with the requirements under  
12 section 306108 of title 54, United States Code, in  
13 a manner that is consistent with railroad safety and  
14 the policies and purposes of such section, including  
15 recommendations regarding—

16 (A) the property based exemption; and

17 (B) ways to improve the process, while en-  
18 suring that historical properties remain pro-  
19 tected under such section.

20 (d) REPORT TO CONGRESS.—Not later than 180 days  
21 after date of enactment of this Act, the Secretary and the  
22 Advisory Council on Historic Preservation shall submit a  
23 report to the Committee on Commerce, Science, and  
24 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-  
2 resentatives that—

3 (1) addresses the recommendations received  
4 from the Comptroller General pursuant to subsection  
5 (c)(2); and

6 (2) the actions that the Secretary will take to  
7 implement such recommendations.

## 8 **Subtitle D—Rail Safety**

### 9 **SEC. 2401. RAILWAY-HIGHWAY CROSSINGS PROGRAM EVAL-** 10 **UATION.**

11 (a) IN GENERAL.—The Secretary shall evaluate the  
12 requirements of the railway-highway crossings program  
13 authorized under section 130 of title 23, United States  
14 Code, to determine whether—

15 (1) the requirements of the program provide  
16 States sufficient flexibility to adequately address  
17 current and emerging highway-rail grade crossing  
18 safety issues;

19 (2) the structure of the program provides suffi-  
20 cient incentives and resources to States and local  
21 agencies to make changes at highway-rail grade  
22 crossings that are most effective at reducing deaths  
23 and injuries;

24 (3) there are appropriate tools and resources to  
25 support States in using data driven programs to de-

1        terminate the most cost-effective use of program  
2        funds; and

3            (4) any statutory changes are recommended to  
4        improve the effectiveness of the program.

5        (b) REPORT.—Not later than 1 year after the date  
6 of enactment of this Act, the Secretary shall submit a re-  
7 port to the Committee on Commerce, Science, and Trans-  
8 portation of the Senate, the Committee on Environment  
9 and Public Works of the Senate, and the Committee on  
10 Transportation and Infrastructure of the House of Rep-  
11 resentatives that summarizes and describes the results of  
12 the evaluation conducted pursuant to subsection (a), in-  
13 cluding any recommended statutory changes.

14 **SEC. 2402. GRADE CROSSING ACCIDENT PREDICTION**  
15 **MODEL.**

16        Not later than 2 years after the date of enactment  
17 of this Act, the Administrator of the Federal Railroad Ad-  
18 ministration shall—

19            (1) update the grade crossing accident pre-  
20 diction and severity model used by the Federal Rail-  
21 road Administration to analyze accident risk at high-  
22 way-rail grade crossings; and

23            (2) provide training on the use of the updated  
24 grade crossing accident prediction and severity  
25 model.

1 **SEC. 2403. PERIODIC UPDATES TO HIGHWAY-RAIL CROSS-**  
2 **ING REPORTS AND PLANS.**

3 (a) HIGHWAY-RAIL GRADE CROSSING SAFETY.—Sec-  
4 tion 11401 of the Fixing America’s Surface Transpor-  
5 tation Act (Public Law 114–94; 49 U.S.C. 22907 note)  
6 is amended—

7 (1) by striking subsection (c); and

8 (2) by redesignating subsections (d) and (e) as  
9 subsections (c) and (d), respectively.

10 (b) REPORTS ON HIGHWAY-RAIL GRADE CROSSING  
11 SAFETY.—

12 (1) IN GENERAL.—Chapter 201 of title 49,  
13 United States Code, is amended by inserting after  
14 section 20166 the following:

15 **“§ 20167. Reports on highway-rail grade crossing**  
16 **safety**

17 “(a) REPORT.—Not later than 4 years after the date  
18 by which States are required to submit State highway-rail  
19 grade crossing action plans under section 11401(b) of the  
20 Fixing America’s Surface Transportation Act (49 U.S.C.  
21 22907 note), the Administrator of the Federal Railroad  
22 Administration, in consultation with the Administrator of  
23 the Federal Highway Administration, shall submit a re-  
24 port to the Committee on Commerce, Science, and Trans-  
25 portation of the Senate and the Committee on Transpor-  
26 tation and Infrastructure of the House of Representatives

1 that summarizes the State highway-rail grade crossing ac-  
2 tion plans, including—

3 “(1) an analysis and evaluation of each State  
4 railway-highway crossings program under section  
5 130 of title 23, including—

6 “(A) compliance with section 11401 of the  
7 Fixing America’s Surface Transportation Act  
8 and section 130(g) of title 23; and

9 “(B) the specific strategies identified by  
10 each State to improve safety at highway-rail  
11 grade crossings, including crossings with mul-  
12 tiple accidents or incidents;

13 “(2) the progress of each State in implementing  
14 its State highway-rail grade crossings action plan;

15 “(3) the number of highway-rail grade crossing  
16 projects undertaken pursuant to section 130 of title  
17 23, including the distribution of such projects by  
18 cost range, road system, nature of treatment, and  
19 subsequent accident experience at improved loca-  
20 tions;

21 “(4) which States are not in compliance with  
22 their schedule of projects under section 130(d) of  
23 title 23; and



1           “(5) any recommendations for future implemen-  
2           tation of the railway-highway crossings program  
3           under section 130 of title 23.

4           “(b) UPDATES.—Not later than 5 years after the  
5           submission of the report required under subsection (a), the  
6           Administrator of the Federal Railroad Administration, in  
7           consultation with the Administrator of the Federal High-  
8           way Administration, shall—

9           “(1) update the report based on the State an-  
10          nual reports submitted pursuant to section 130(g) of  
11          title 23 and any other information obtained by or  
12          available to the Administrator of the Federal Rail-  
13          road Administration; and

14          “(2) submit the updated report to the Com-  
15          mittee on Commerce, Science, and Transportation of  
16          the Senate and the Committee on Transportation  
17          and Infrastructure of the House of Representatives.

18          “(c) DEFINITIONS.—In this section:

19          “(1) HIGHWAY-RAIL GRADE CROSSING.—The  
20          term ‘highway-rail grade crossing’ means a location  
21          within a State, other than a location at which 1 or  
22          more railroad tracks cross 1 or more railroad tracks  
23          at grade, at which—

24                  “(A) a public highway, road, or street, or  
25                  a private roadway, including associated side-

1 walks and pathways, crosses 1 or more railroad  
2 tracks, either at grade or grade-separated; or

3 “(B) a pathway explicitly authorized by a  
4 public authority or a railroad carrier that—

5 “(i) is dedicated for the use of non-  
6 vehicular traffic, including pedestrians,  
7 bicyclists, and others;

8 “(ii) is not associated with a public  
9 highway, road, or street, or a private road-  
10 way; and

11 “(iii) crosses 1 or more railroad  
12 tracks, either at grade or grade-separated.

13 “(2) STATE.—The term ‘State’ means a State  
14 of the United States or the District of Columbia.”.

15 (2) CLERICAL AMENDMENT.—The analysis for  
16 chapter 201 of title 49, United States Code, is  
17 amended by inserting after the item relating to sec-  
18 tion 20166 the following:

“20167. Reports on highway-rail grade crossing safety.”.

19 (c) ANNUAL REPORT.—Section 130(g) of title 23,  
20 United States Code, is amended to read as follows:

21 “(g) ANNUAL REPORT.—

22 “(1) IN GENERAL.—Not later than August 31  
23 of each year, each State shall submit a report to the  
24 Administrator of the Federal Highway Administra-  
25 tion that describes—

1           “(A) the progress being made to imple-  
2           ment the railway-highway crossings program  
3           authorized under this section; and

4           “(B) the effectiveness of the improvements  
5           made as a result of such implementation.

6           “(2) CONTENTS.—Each report submitted pur-  
7           suant to paragraph (1) shall contain an assessment  
8           of—

9           “(A) the costs of the various treatments  
10          employed by the State to implement the rail-  
11          way-highway crossings program; and

12          “(B) the effectiveness of such treatments,  
13          as measured by the accident experience at the  
14          locations that received such treatments.

15          “(3) COORDINATION.—Not later than 30 days  
16          after the Federal Highway Administration’s accept-  
17          ance of each report submitted pursuant to para-  
18          graph (1), the Administrator of the Federal High-  
19          way Administration shall make such report available  
20          to the Administrator of the Federal Railroad Admin-  
21          istration.”.

22 **SEC. 2404. BLOCKED CROSSING PORTAL.**

23          (a) IN GENERAL.—The Administrator of the Federal  
24          Railroad Administration shall establish a 3-year blocked  
25          crossing portal, which shall include the maintenance of the

1 portal and corresponding database to receive, store, and  
2 retrieve information regarding blocked highway-rail grade  
3 crossings.

4 (b) **BLOCKED CROSSING PORTAL.**—The Adminis-  
5 trator of the Federal Railroad Administration shall estab-  
6 lish a blocked crossing portal that—

7 (1) collects information from the public, includ-  
8 ing first responders, regarding blocked highway-rail  
9 grade crossing events;

10 (2) solicits the apparent cause of the blocked  
11 crossing and provides examples of common causes of  
12 blocked crossings, such as idling trains or instances  
13 when lights or gates are activated when no train is  
14 present;

15 (3) provides each complainant with the contact  
16 information for reporting a blocked crossing to the  
17 relevant railroad; and

18 (4) encourages each complainant to report the  
19 blocked crossing to the relevant railroad.

20 (c) **COMPLAINTS.**—The blocked crossing portal shall  
21 be programmed to receive complaints from the general  
22 public about blocked highway-rail grade crossings. Any  
23 complaint reported through the portal shall indicate  
24 whether the complainant also reported the blocked cross-  
25 ing to the relevant railroad.

1 (d) INFORMATION RECEIVED.—In reviewing com-  
2 plaints received pursuant to subsection (c), the Federal  
3 Railroad Administration shall review, to the extent prac-  
4 ticable, the information received from the complainant to  
5 account for duplicative or erroneous reporting.

6 (e) USE OF INFORMATION.—The information re-  
7 ceived and maintained in the blocked crossing portal data-  
8 base shall be used by the Federal Railroad Administra-  
9 tion—

10 (1) to identify frequent and long-duration  
11 blocked highway-rail grade crossings;

12 (2) as a basis for conducting outreach to com-  
13 munities, emergency responders, and railroads;

14 (3) to support collaboration in the prevention of  
15 incidents at highway-rail grade crossings; and

16 (4) to assess the impacts of blocked crossings.

17 (f) SHARING INFORMATION RECEIVED.—

18 (1) IN GENERAL.—The Administrator of the  
19 Federal Railroad Administration shall implement  
20 and make publicly available procedures for sharing  
21 any nonaggregated information received through the  
22 blocked crossing portal with the public.

23 (2) RULE OF CONSTRUCTION.—Nothing in this  
24 section may be construed to authorize the Federal

1 Railroad Administration to make publically available  
2 sensitive security information.

3 (g) ADDITIONAL INFORMATION.—If the information  
4 submitted to the blocked crossing portal is insufficient to  
5 determine the locations and potential impacts of blocked  
6 highway-rail grade crossings, the Federal Railroad Admin-  
7 istration may collect, from the general public, State and  
8 local law enforcement personnel, and others as appro-  
9 priate, such additional information as may be necessary  
10 to make such determinations.

11 (h) LIMITATIONS.—Complaints, data, and other in-  
12 formation received through the blocked crossing portal  
13 may not be used—

14 (1) to infer or extrapolate the rate or instances  
15 of crossings beyond the data received through the  
16 portal; or

17 (2) for any regulatory or enforcement purposes  
18 except those specifically described in this section.

19 (i) REPORTS.—

20 (1) ANNUAL PUBLIC REPORT.—The Adminis-  
21 trator of the Federal Railroad Administration shall  
22 publish an annual report on a public website regard-  
23 ing the blocked crossing program, including the un-  
24 derlying causes of blocked crossings, program chal-  
25 lenges, and other findings.

1           (2) REPORT TO CONGRESS.—Not later than 1  
2           year after the date of enactment of this Act, the Ad-  
3           ministrator of the Federal Railroad Administration  
4           shall submit a report to the Committee on Com-  
5           merce, Science, and Transportation of the Senate  
6           and the Committee on Transportation and Infra-  
7           structure of the House of Representatives that de-  
8           scribes—

9                   (A) based on the information received  
10                  through the blocked crossing portal, frequent  
11                  and long-duration blocked highway-rail grade  
12                  crossings, including the locations, dates, dura-  
13                  tions, and impacts resulting from such occur-  
14                  rences;

15                  (B) the Federal Railroad Administration’s  
16                  process for verifying the accuracy of the com-  
17                  plaints submitted to the blocked crossing portal,  
18                  including whether the portal continues to be ef-  
19                  fective in collecting such information and identi-  
20                  fying blocked crossings;

21                  (C) the Federal Railroad Administration’s  
22                  use of the data compiled by the blocked cross-  
23                  ing portal to assess the underlying cause and  
24                  overall impacts of blocked crossings;

1 (D) the engagement of the Federal Rail-  
2 road Administration with affected parties to  
3 identify and facilitate solutions to frequent and  
4 long-duration blocked highway-rail grade cross-  
5 ings identified by the blocked crossing portal;  
6 and

7 (E) whether the blocked crossing portal  
8 continues to be an effective method to collect  
9 blocked crossing information and what changes  
10 could improve its effectiveness.

11 (j) SUNSET.—This section (other than subsection  
12 (k)) shall have no force or effect beginning on the date  
13 that is 3 years after the date of enactment of this Act.

14 (k) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion may be construed to invalidate any authority of the  
16 Secretary with respect to blocked highway-rail grade  
17 crossings. The Secretary may continue to use any such  
18 authority after the sunset date set forth in subsection (j).

19 **SEC. 2405. DATA ACCESSIBILITY.**

20 (a) REVIEW.—Not later than 180 days after the date  
21 of enactment of this Act, the Chief Information Officer  
22 of the Department shall—

23 (1) conduct a review of the website of the Office  
24 of Safety Analysis of the Federal Railroad Adminis-  
25 tration; and



1           (2) provide recommendations to the Secretary  
2           for improving the public's usability and accessibility  
3           of the website referred to in paragraph (1).

4           (b) UPDATES.—Not later than 1 year after receiving  
5           recommendations from the Chief Information Officer pur-  
6           suant to subsection (a)(2), the Secretary, after considering  
7           such recommendations, shall update the website of the Of-  
8           fice of Safety Analysis of the Federal Railroad Adminis-  
9           tration to improve the usability and accessibility of the  
10          website.

11       **SEC. 2406. EMERGENCY LIGHTING.**

12          Not later than 1 year after the date of enactment  
13          of this Act, the Secretary shall initiate a rulemaking to  
14          require that all rail carriers providing intercity passenger  
15          rail transportation or commuter rail passenger transpor-  
16          tation (as such terms are defined in section 24102 of title  
17          49, United States Code), develop and implement periodic  
18          inspection plans to ensure that passenger equipment of-  
19          fered for revenue service complies with the requirements  
20          under part 238 of title 49, Code of Federal Regulations,  
21          including ensuring that, in the event of a loss of power,  
22          there is adequate emergency lighting available to allow  
23          passengers, crew members, and first responders—

24                (1) to see and orient themselves;

25                (2) to identify obstacles;

1 (3) to safely move throughout the rail car; and

2 (4) to evacuate safely.

3 **SEC. 2407. COMPREHENSIVE RAIL SAFETY REVIEW OF AM-**

4 **TRAK.**

5 (a) **COMPREHENSIVE SAFETY ASSESSMENT.**—Not  
6 later than 1 year after the date of enactment of this Act,  
7 the Secretary shall—

8 (1) conduct a focused review of Amtrak’s safe-  
9 ty-related processes and procedures, compliance with  
10 safety regulations and requirements, and overall  
11 safety culture; and

12 (2) submit a report to the Committee on Com-  
13 merce, Science, and Transportation of the Senate  
14 and the Committee on Transportation and Infra-  
15 structure of the House of Representatives that in-  
16 cludes the findings and recommendations resulting  
17 from such assessment.

18 (b) **PLAN.**—

19 (1) **INITIAL PLAN.**—Not later than 6 months  
20 after the completion of the comprehensive safety as-  
21 sessment under subsection (a)(1), Amtrak shall sub-  
22 mit a plan to the Committee on Commerce, Science,  
23 and Transportation of the Senate and the Com-  
24 mittee on Transportation and Infrastructure of the  
25 House of Representatives for addressing the findings

1 and recommendations raised in the comprehensive  
2 safety assessment.

3 (2) ANNUAL UPDATES.—Amtrak shall submit  
4 annual updates of its progress toward implementing  
5 the plan submitted pursuant to paragraph (1) to the  
6 committees listed in such paragraph.

7 **SEC. 2408. COMPLETION OF HOURS OF SERVICE AND FA-**  
8 **TIGUE STUDIES.**

9 (a) IN GENERAL.—Not later than 90 days after the  
10 date of enactment of this Act, the Administrator of the  
11 Federal Railroad Administration shall commence the pilot  
12 programs required under subparagraphs (A) and (B) of  
13 section 21109(e)(1) of title 49, United States Code.

14 (b) CONSULTATION.—The Federal Railroad Adminis-  
15 tration shall consult with the class or craft of employees  
16 impacted by the pilot projects, including railroad carriers,  
17 and representatives of labor organizations representing  
18 the impacted employees when designing and conducting  
19 the pilot programs referred to in subsection (a).

20 (c) REPORT.—If the pilot programs required under  
21 section 21109(e)(1) of title 49, United States Code, have  
22 not commenced on the date that is 1 year and 120 days  
23 after the date of enactment of this Act, the Secretary, not  
24 later than 30 days after such date, submit a report to the  
25 Committee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Transportation and In-  
2 frastructure of the House of Representatives that de-  
3 scribes—

4 (1) the status of such pilot programs;

5 (2) actions that the Federal Railroad Adminis-  
6 tration has taken to commence the pilot programs,  
7 including efforts to recruit participant railroads;

8 (3) any challenges impacting the commence-  
9 ment of the pilot programs; and

10 (4) any other details associated with the devel-  
11 opment of the pilot programs that affect progress to-  
12 ward meeting the mandate under such section  
13 21109(e)(1).

14 **SEC. 2409. POSITIVE TRAIN CONTROL STUDY.**

15 (a) **STUDY.**—The Comptroller General of the United  
16 States shall conduct a study to determine the annual posi-  
17 tive train control system operation and maintenance costs  
18 for public commuter railroads.

19 (b) **REPORT.**—Not later than 2 years after the date  
20 of enactment of this Act, the Comptroller General of the  
21 United States shall submit a report to the Committee on  
22 Commerce, Science, and Transportation of the Senate and  
23 the Committee on Transportation and Infrastructure of  
24 the House of Representatives that summarizes the study  
25 conducted pursuant to subsection (a), including the esti-

1 mated annual positive train control system operation and  
2 maintenance costs for public commuter railroads.

3 **SEC. 2410. OPERATING CREW MEMBER TRAINING, QUALI-**  
4 **FICATION, AND CERTIFICATION.**

5 (a) AUDITS.—Not later than 60 days after the date  
6 of enactment of this Act, the Secretary shall initiate audits  
7 of the training, qualification, and certification programs  
8 of locomotive engineers and conductors of railroad car-  
9 riers, subject to the requirements of parts 240 and 242  
10 of title 49, Code of Federal Regulations, which audits  
11 shall—

12 (1) be conducted in accordance with subsection

13 (b);

14 (2) consider whether such programs are in com-  
15 pliance with such parts 240 and 242;

16 (3) assess the type and content of training that  
17 such programs provide locomotive engineers and  
18 conductors, relevant to their respective roles, includ-  
19 ing training related to installed technology;

20 (4) determine whether such programs provide  
21 locomotive engineers and conductors the knowledge,  
22 skill, and ability to safely operate a locomotive or  
23 train, consistent with such parts 240 and 242;

1           (5) determine whether such programs reflect  
2           the current operating practices of the railroad car-  
3           rier;

4           (6) assess the current practice by which rail-  
5           roads utilize simulator training, or any other tech-  
6           nologies used to train and qualify locomotive engi-  
7           neers and conductors by examining how such tech-  
8           nologies are used;

9           (7) consider international experience and prac-  
10          tice using similar technology, as appropriate, par-  
11          ticularly before qualifying locomotive engineers on  
12          new or unfamiliar equipment, new train control,  
13          diagnostics, or other on-board technology;

14          (8) assess the current practice for familiarizing  
15          locomotive engineers and conductors with new terri-  
16          tory and using recurrency training to expose such  
17          personnel to normal and abnormal conditions; and

18          (9) ensure that locomotive engineers and con-  
19          ductor training programs are considered separately,  
20          as appropriate, based on the unique requirements  
21          and regulations.

22          (b) AUDIT SCHEDULING.—The Secretary shall—

23               (1) schedule the audits required under sub-  
24               section (a) to ensure that—

1 (A) each Class I railroad, including the  
2 National Railroad Passenger Corporation and  
3 other intercity passenger rail providers, is au-  
4 dited not less frequently than once every 5  
5 years; and

6 (B) a select number, as determined appro-  
7 priate by the Secretary, of Class II and Class  
8 III railroads, along with other railroads pro-  
9 viding passenger rail service that are not in-  
10 cluded in subparagraph (A), are audited annu-  
11 ally; and

12 (2) conduct the audits described in paragraph  
13 (1)(B) in accordance with the Small Business Regu-  
14 latory Enforcement Fairness Act of 1996 (5 U.S.C.  
15 601 note) and appendix C of part 209 of title 49,  
16 Code of Federal Regulations.

17 (c) UPDATES TO QUALIFICATION AND CERTIFI-  
18 CATION PROGRAM.—If the Secretary, while conducting the  
19 audits required under this section, identifies a deficiency  
20 in a railroad’s training, qualification, and certification pro-  
21 gram for locomotive engineers or conductors, the railroad  
22 shall update the program to eliminate such deficiency.

23 (d) CONSULTATION AND COOPERATION.—

24 (1) CONSULTATION.—In conducting any audit  
25 required under this section, the Secretary shall con-

1       sult with the railroad and its employees, including  
2       any nonprofit employee labor organization rep-  
3       resenting the engineers or conductors of the rail-  
4       road.

5           (2) COOPERATION.—The railroad and its em-  
6       ployees, including any nonprofit employee labor or-  
7       ganization representing engineers or conductors of  
8       the railroad, shall fully cooperate with any such  
9       audit, including by—

10           (A) providing any relevant documents re-  
11       quested; and

12           (B) making available any employees for  
13       interview without undue delay or obstruction.

14           (3) FAILURE TO COOPERATE.—If the Secretary  
15       determines that a railroad or any of its employees,  
16       including any nonprofit employee labor organization  
17       representing engineers or conductors of the railroad  
18       is not fully cooperating with an audit, the Secretary  
19       shall electronically notify the Committee on Com-  
20       merce, Science, and Transportation of the Senate  
21       and the Committee on Transportation and Infra-  
22       structure of the House of Representatives.

23           (e) REVIEW OF REGULATIONS.—The Secretary shall  
24       triennially determine whether any update to part 240 or  
25       242 of title 49, Code of Federal Regulations, is necessary



1 to better prepare locomotive engineers and conductors to  
2 safely operate trains by evaluating whether such regula-  
3 tions establish appropriate Federal standards requiring  
4 railroads—

5 (1) to provide locomotive engineers or conduc-  
6 tors the knowledge and skills to safely operate trains  
7 under conditions that reflect industry practices;

8 (2) to adequately address locomotive engineer  
9 or conductor route situational awareness, including  
10 ensuring locomotive engineers and conductors to  
11 demonstrate knowledge on the physical characteris-  
12 tics of a territory under various conditions and using  
13 various resources;

14 (3) to provide relevant and adequate hands-on  
15 training before a locomotive engineer or conductor is  
16 certified;

17 (4) to adequately prepare locomotive engineers  
18 or conductors to understand relevant locomotive op-  
19 erating characteristics, to include instructions on  
20 functions they are required to operate on any in-  
21 stalled technology; and

22 (5) to address any other safety issue that the  
23 Secretary determines to be appropriate for better  
24 preparing locomotive engineers or conductors.

1 (f) ANNUAL REPORT.—The Secretary shall publish  
2 an annual report on the public website of the Federal Rail-  
3 road Administration that—

4 (1) summarizes the findings of the prior year’s  
5 audits;

6 (2) summarizes any updates made pursuant to  
7 subsection (c); and

8 (3) excludes and confidential business informa-  
9 tion or sensitive security information.

10 **SEC. 2411. TRANSPARENCY AND SAFETY.**

11 Section 20103(d) of title 49, United States Code, is  
12 amended to read as follows:

13 “(d) NONEMERGENCY WAIVERS.—

14 “(1) IN GENERAL.—The Secretary of Transpor-  
15 tation may waive, or suspend the requirement to  
16 comply with, any part of a regulation prescribed or  
17 an order issued under this chapter if such waiver or  
18 suspension is in the public interest and consistent  
19 with railroad safety.

20 “(2) NOTICE REQUIRED.—The Secretary  
21 shall—

22 “(A) provide timely public notice of any re-  
23 quest for a waiver under this subsection or for  
24 a suspension under subpart E of part 211 of

1 title 49, Code of Federal Regulations, or suc-  
2 cessor regulations;

3 “(B) make available the application for  
4 such waiver or suspension and any nonconfiden-  
5 tial underlying data to interested parties;

6 “(C) provide the public with notice and a  
7 reasonable opportunity to comment on a pro-  
8 posed waiver or suspension under this sub-  
9 section before making a final decision; and

10 “(D) publish on a publicly accessible  
11 website the reasons for granting each such  
12 waiver or suspension.

13 “(3) INFORMATION PROTECTION.—Nothing in  
14 this subsection may be construed to require the re-  
15 lease of information protected by law from public  
16 disclosure.

17 “(4) RULEMAKING.—

18 “(A) IN GENERAL.—Not later than 1 year  
19 after the first day on which a waiver under this  
20 subsection or a suspension under subpart E of  
21 part 211 of title 49, Code of Federal Regula-  
22 tions, or successor regulations, has been in con-  
23 tinuous effect for a 6-year period, the Secretary  
24 shall complete a review and analysis of such  
25 waiver or suspension to determine whether

1 issuing a rule that is consistent with the waiver  
2 is—

3 “(i) in the public interest; and

4 “(ii) consistent with railroad safety.

5 “(B) FACTORS.—In conducting the review  
6 and analysis under subparagraph (A), the Sec-  
7 retary shall consider—

8 “(i) the relevant safety record under  
9 the waiver;

10 “(ii) the likelihood that other entities  
11 would have similar safety outcomes;

12 “(iii) the materials submitted in the  
13 applications, including any comments re-  
14 garding such materials; and

15 “(iv) related rulemaking activity.

16 “(C) NOTICE AND COMMENT.—The Sec-  
17 retary shall publish notice of the review and  
18 analysis of the waiver in the Federal Register,  
19 which shall include a summary of the data col-  
20 lected and all relevant underlying data, which  
21 may be included in a regulatory update under  
22 subparagraph (D).

23 “(D) REGULATORY UPDATE.—The Sec-  
24 retary may initiate a rulemaking to incorporate  
25 relevant aspects of a waiver under this sub-

1 section or a suspension under subpart E of part  
2 211 of title 49, Code of Federal Regulations, or  
3 successor regulations, into the relevant regula-  
4 tion, to the extent the Secretary considers ap-  
5 propriate.

6 “(5) RULE OF CONSTRUCTION.—Nothing in  
7 this subsection may be construed to delay any waiver  
8 granted pursuant to this subsection that is in the  
9 public interest and consistent with railroad safety.”.

10 **SEC. 2412. RESEARCH AND DEVELOPMENT.**

11 Section 20108 of title 49, United States Code, is  
12 amended by adding at the end the following:

13 “(d) FACILITIES.—The Secretary may erect, alter,  
14 and repair buildings and make other public improvements  
15 to carry out necessary railroad research, safety, and train-  
16 ing activities at the Transportation Technology Center in  
17 Pueblo, Colorado.

18 “(e) OFFSETTING COLLECTIONS.—The Secretary  
19 may collect fees or rents from facility users to offset ap-  
20 propriated amounts for the cost of providing facilities or  
21 research, development, testing, training, or other services,  
22 including long-term sustainment of the on-site physical  
23 plant.

24 “(f) REVOLVING FUND.—Amounts appropriated to  
25 carry out subsection (d) and all fees and rents collected

1 pursuant to subsection (e) shall be credited to a revolving  
2 fund and remain available until expended. The Secretary  
3 may use such fees and rents for operation, maintenance,  
4 repair, or improvement of the Transportation Technology  
5 Center.

6 “(g) LEASES AND CONTRACTS.—Notwithstanding  
7 section 1302 of title 40, the Secretary may lease to others  
8 or enter into contracts for terms of up to 20 years, for  
9 such consideration and subject to such terms and condi-  
10 tions as the Secretary determines to be in the best inter-  
11 ests of the Government of the United States, for the oper-  
12 ation, maintenance, repair, and improvement of the  
13 Transportation Technology Center.

14 “(h) PROPERTY AND CASUALTY LOSS INSURANCE.—  
15 The Secretary may allow its lessees and contractors to  
16 purchase property and casualty loss insurance for its as-  
17 sets and activities at the Transportation Technology Cen-  
18 ter to mitigate the lessee’s or contractor’s risk associated  
19 with operating a facility.

20 “(i) ENERGY PROJECTS.—Notwithstanding section  
21 1341 of title 31, the Secretary may enter into contracts  
22 or agreements, or commit to obligations in connection with  
23 third-party contracts or agreements, including contingent  
24 liability for the purchase of electric power in connection  
25 with such contracts or agreements, for terms not to exceed

1 20 years, to enable the use of the land at the Transpor-  
2 tation Technology Center for projects to produce energy  
3 from renewable sources.”.

4 **SEC. 2413. RAIL RESEARCH AND DEVELOPMENT CENTER**  
5 **OF EXCELLENCE.**

6 Section 20108 of title 49, United States Code, as  
7 amended by section 2412, is further amended by adding  
8 at the end the following:

9 “(j) RAIL RESEARCH AND DEVELOPMENT CENTER  
10 OF EXCELLENCE.—

11 “(1) CENTER OF EXCELLENCE.—The Secretary  
12 shall award grants to establish and maintain a cen-  
13 ter of excellence to advance research and develop-  
14 ment that improves the safety, efficiency, and reli-  
15 ability of passenger and freight rail transportation.

16 “(2) ELIGIBILITY.—An institution of higher  
17 education (as defined in section 102 of the Higher  
18 Education Act of 1965 (20 U.S.C. 1002)) or a con-  
19 sortium of nonprofit institutions of higher education  
20 shall be eligible to receive a grant from the center  
21 established pursuant to paragraph (1).

22 “(3) SELECTION CRITERIA.—In awarding a  
23 grant under this subsection, the Secretary shall—

24 “(A) give preference to applicants with  
25 strong past performance related to rail re-

1 search, education, and workforce development  
2 activities;

3 “(B) consider the extent to which the ap-  
4 plicant would involve public and private sector  
5 passenger and freight railroad operators; and

6 “(C) consider the regional and national im-  
7 pacts of the applicant’s proposal.

8 “(4) USE OF FUNDS.—Grant funds awarded  
9 pursuant to this subsection shall be used for basic  
10 and applied research, evaluation, education, work-  
11 force development, and training efforts related to  
12 safety, efficiency, reliability, resiliency, and sustain-  
13 ability of urban commuter, intercity high-speed, and  
14 freight rail transportation, to include advances in  
15 rolling stock, advanced positive train control, human  
16 factors, rail infrastructure, shared corridors, grade  
17 crossing safety, inspection technology, remote sens-  
18 ing, rail systems maintenance, network resiliency,  
19 operational reliability, energy efficiency, and other  
20 advanced technologies.

21 “(5) FEDERAL SHARE.—The Federal share of a  
22 grant awarded under this subsection shall be 50 per-  
23 cent of the cost of establishing and operating the  
24 center of excellence and related research activities  
25 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 shall—

7 “(1) promulgate such safety regulations as may  
8 be necessary for high-speed rail services; and

9 “(2) before promulgating such regulations, con-  
10 sult with developers of new high-speed rail tech-  
11 nologies to develop a method for evaluating safety  
12 performance.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 261 of title 49, United States Code, is amended by  
15 striking the item relating to section 26103 and inserting  
16 the following:

“26103. Safety regulations and evaluation.”.

17 **SEC. 2420. PASSENGER RAIL VEHICLE OCCUPANT PROTEC-**  
18 **TION SYSTEMS.**

19 (a) STUDY.—The Administrator of the Federal Rail-  
20 road Administration shall conduct a study of the potential  
21 installation and use in new passenger rail rolling stock of  
22 passenger rail vehicle occupant protection systems that  
23 could materially improve passenger safety.

24 (b) CONSIDERATIONS.—In conducting the study  
25 under subsection (a), the Administrator shall consider

1 minimizing the risk of secondary collisions, including esti-  
2 mating the costs and benefits of the new requirements,  
3 through the use of—

4 (1) occupant restraint systems;

5 (2) air bags;

6 (3) emergency window retention systems; and

7 (4) interior designs, including seats, baggage  
8 restraints, and table configurations and attach-  
9 ments.

10 (c) REPORT.—Not later than 2 years after the date  
11 of enactment of this Act, the Administrator shall—

12 (1) submit a report summarizing the findings of  
13 the study conducted pursuant to subsection (a) to  
14 the Committee on Commerce, Science, and Trans-  
15 portation of the Senate and the Committee on  
16 Transportation and Infrastructure of the House of  
17 Representatives; and

18 (2) publish such report on the website of the  
19 Federal Railroad Administration.

20 (d) RULEMAKING.—Following the completion of the  
21 study required under subsection (a), and after considering  
22 the costs and benefits of the proposed protection systems,  
23 the Administrator may promulgate a rule that establishes  
24 standards for the use of occupant protection systems in  
25 new passenger rail rolling stock.

1 **SEC. 2421. FEDERAL RAILROAD ADMINISTRATION SAFETY**  
2 **REPORTING.**

3 Not later than 1 year after the date of enactment  
4 of this Act, and annually thereafter for the following 4  
5 years, the Secretary shall update Special Study Block 49  
6 on Form FRA F 6180.54 (Rail Equipment Accident/Incident  
7 Report) to collect, with respect to trains involved in  
8 accidents required to be reported to the Federal Railroad  
9 Administration—

10 (1) the number of cars and length of the in-  
11 volved trains; and

12 (2) the number of crew members who were  
13 aboard a controlling locomotive involved in an acci-  
14 dent at the time of such accident.

15 **SEC. 2422. NATIONAL ACADEMIES STUDY ON TRAINS**  
16 **LONGER THAN 7,500 FEET.**

17 (a) STUDY.—The Secretary shall seek to enter into  
18 an agreement with the National Academies to conduct a  
19 study on the operation of freight trains that are longer  
20 than 7,500 feet.

21 (b) ELEMENTS.—The study conducted pursuant to  
22 subsection (a) shall—

23 (1) examine any potential impacts to safety  
24 from the operation of freight trains that are longer  
25 than 7,500 feet and the mitigation of any identified  
26 risks, including—

1 (A) any potential changes in the risk of  
2 loss of communications between the end of train  
3 device and the locomotive cab, including com-  
4 munications over differing terrains and condi-  
5 tions;

6 (B) any potential changes in the risk of  
7 loss of radio communications between crew  
8 members when a crew member alights from the  
9 train, including communications over differing  
10 terrains and conditions;

11 (C) any potential changes in the risk of  
12 derailments, including any risks associated with  
13 in-train compressive forces and slack action or  
14 other safety risks in the operations of such  
15 trains in differing terrains and conditions;

16 (D) any potential impacts associated with  
17 the deployment of multiple distributed power  
18 units in the consists of such trains; and

19 (E) any potential impacts on braking and  
20 locomotive performance and track wear and  
21 tear;

22 (2) evaluate any impacts on scheduling and effi-  
23 ciency of passenger operations and in the shipping  
24 of goods by freight as a result of longer trains;



1           (3) determine whether additional engineer and  
2 conductor training is required for safely operating  
3 such trains;

4           (4) assess the potential impact on the amount  
5 of time and frequency of occurrence highway-rail  
6 grade crossings are occupied; and

7           (5) identify any potential environmental im-  
8 pacts, including greenhouse gas emissions, that have  
9 resulted from the operation of longer trains.

10       (c) COMPARISON.—When evaluating the potential im-  
11 pacts of the operation of trains longer than 7,500 feet  
12 under subsection (b), the impacts of such trains shall be  
13 compared to the impacts of trains that are shorter than  
14 7,500 feet, after taking into account train frequency.

15       (d) REPORT.—Not later than 2 years after the date  
16 of enactment of this Act, the Secretary shall submit a re-  
17 port to the Committee on Commerce, Science, and Trans-  
18 portation of the Senate and the Committee on Transpor-  
19 tation and Infrastructure of the House of Representatives  
20 that contains the results of the study conducted by the  
21 National Academies under this section.

22       (e) FUNDING.—From the amounts appropriated for  
23 fiscal year 2021 pursuant to the authorization under sec-  
24 tion 20117(a) of title 49, United States Code, the Sec-  
25 retary shall expend not less than \$1,000,000 and not more

1 than \$2,000,000 to carry out the study required under  
2 this section.

3 **SEC. 2423. HIGH-SPEED TRAIN NOISE EMISSIONS.**

4 (a) IN GENERAL.—Section 17 of the Noise Control  
5 Act of 1972 (42 U.S.C. 4916) is amended—

6 (1) by redesignating subsections (c) and (d) as  
7 subsections (d) and (e), respectively; and

8 (2) by inserting after subsection (b) the fol-  
9 lowing:

10 “(c) HIGH-SPEED TRAIN NOISE EMISSIONS.—

11 “(1) IN GENERAL.—The Secretary of Transpor-  
12 tation, in consultation with the Administrator, may  
13 prescribe regulations governing railroad-related noise  
14 emission standards for trains operating on the gen-  
15 eral railroad system of transportation at speeds ex-  
16 ceeding 160 miles per hour, including noise related  
17 to magnetic levitation systems and other new tech-  
18 nologies not traditionally associated with railroads.

19 “(2) FACTORS IN RULEMAKING.—The regula-  
20 tions prescribed pursuant to paragraph (1) may—

21 “(A) consider variances in maximum pass-  
22 by noise with respect to the speed of the equip-  
23 ment;

24 “(B) account for current engineering best  
25 practices; and

1           “(C) encourage the use of noise mitigation  
2           techniques to the extent reasonable if the bene-  
3           fits exceed the costs.

4           “(3) CONVENTIONAL-SPEED TRAINS.—Railroad-  
5           related noise regulations prescribed under subsection  
6           (a) shall continue to govern noise emissions from the  
7           operation of trains, including locomotives and rail  
8           cars, when operating at speeds not exceeding 160  
9           miles per hour.”.

10          (b) TECHNICAL AMENDMENT.—The second sentence  
11 of section 17(b) of the Noise Control Act of 1972 (42  
12 U.S.C. 4916(b)) is amended by striking “the Safety Appli-  
13 ance Acts, the Interstate Commerce Act, and the Depart-  
14 ment of Transportation Act” and inserting “subtitle V of  
15 title 49, United States Code”.

16 **SEC. 2424. CRITICAL INCIDENT STRESS PLANS.**

17          The Secretary shall amend part 272 of title 49, Code  
18 of Federal Regulations, to the extent necessary to ensure  
19 that—

20           (1) the coverage of a critical incident stress  
21           plan under section 272.7 of such part includes em-  
22           ployees of commuter railroads and intercity pas-  
23           senger railroads (as such terms are defined in sec-  
24           tion 272.9 of such part), including employees who  
25           directly interact with passengers; and

1           (2) an assault against an employee requiring  
2           medical attention is included in the definition of crit-  
3           ical incident under section 272.9 of such part.

4           **TITLE III—MOTOR CARRIER**  
5           **SAFETY**

6           **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

7           (a) ADMINISTRATIVE EXPENSES.—Section 31110 of  
8           title 49, United States Code, is amended by striking sub-  
9           section (a) and inserting the following:

10          “(a) ADMINISTRATIVE EXPENSES.—There are au-  
11          thorized to be appropriated from the Highway Trust Fund  
12          (other than the Mass Transit Account) for the Secretary  
13          of Transportation to pay administrative expenses of the  
14          Federal Motor Carrier Safety Administration—

15                 “(1) \$360,000,000 for fiscal year 2022;

16                 “(2) \$367,500,000 for fiscal year 2023;

17                 “(3) \$375,000,000 for fiscal year 2024;

18                 “(4) \$382,500,000 for fiscal year 2025; and

19                 “(5) \$390,000,000 for fiscal year 2026.”.

20          (b) FINANCIAL ASSISTANCE PROGRAMS.—Section  
21          31104 of title 49, United States Code, is amended—

22                 (1) by striking subsection (a) and inserting the  
23                 following:

1           “(a) FINANCIAL ASSISTANCE PROGRAMS.—There are  
2 authorized to be appropriated from the Highway Trust  
3 Fund (other than the Mass Transit Account)—

4           “(1) subject to subsection (c), to carry out the  
5 motor carrier safety assistance program under sec-  
6 tion 31102 (other than the high priority program  
7 under subsection (l) of that section)—

8                   “(A) \$390,500,000 for fiscal year 2022;

9                   “(B) \$398,500,000 for fiscal year 2023;

10                  “(C) \$406,500,000 for fiscal year 2024;

11                  “(D) \$414,500,000 for fiscal year 2025;

12                  and

13                   “(E) \$422,500,000 for fiscal year 2026;

14           “(2) subject to subsection (c), to carry out the  
15 high priority program under section 31102(l) (other  
16 than the commercial motor vehicle enforcement  
17 training and support grant program under para-  
18 graph (5) of that section)—

19                   “(A) \$57,600,000 for fiscal year 2022;

20                   “(B) \$58,800,000 for fiscal year 2023;

21                   “(C) \$60,000,000 for fiscal year 2024;

22                   “(D) \$61,200,000 for fiscal year 2025;

23                  and

24                   “(E) \$62,400,000 for fiscal year 2026;

1           “(3) to carry out the commercial motor vehicle  
2 enforcement training and support grant program  
3 under section 31102(1)(5), \$5,000,000 for each of  
4 fiscal years 2022 through 2026;

5           “(4) to carry out the commercial motor vehicle  
6 operators grant program under section 31103—

7                   “(A) \$1,100,000 for fiscal year 2022;

8                   “(B) \$1,200,000 for fiscal year 2023;

9                   “(C) \$1,300,000 for fiscal year 2024;

10                  “(D) \$1,400,000 for fiscal year 2025; and

11                  “(E) \$1,500,000 for fiscal year 2026; and

12           “(5) subject to subsection (c), to carry out the  
13 financial assistance program for commercial driver’s  
14 license implementation under section 31313—

15                   “(A) \$41,800,000 for fiscal year 2022;

16                   “(B) \$42,650,000 for fiscal year 2023;

17                   “(C) \$43,500,000 for fiscal year 2024;

18                   “(D) \$44,350,000 for fiscal year 2025;

19           and

20                   “(E) \$45,200,000 for fiscal year 2026.”;

21           (2) in subsection (b)(2)—

22                   (A) in the third sentence, by striking “The  
23 Secretary” and inserting the following:

24                   “(C) IN-KIND CONTRIBUTIONS.—The Sec-  
25 retary”;

1 (B) in the second sentence, by striking  
2 “The Secretary” and inserting the following:

3 “(B) LIMITATION.—The Secretary”;

4 (C) in the first sentence—

5 (i) by inserting “(except subsection  
6 (l)(5) of that section)” after “section  
7 31102”; and

8 (ii) by striking “The Secretary” and  
9 inserting the following:

10 “(A) REIMBURSEMENT PERCENTAGE.—

11 “(i) IN GENERAL.—The Secretary”;

12 and

13 (D) in subparagraph (A) (as so des-  
14 ignated), by adding at the end the following:

15 “(ii) COMMERCIAL MOTOR VEHICLE  
16 ENFORCEMENT TRAINING AND SUPPORT  
17 GRANT PROGRAM.—The Secretary shall re-  
18 imburse a recipient, in accordance with a  
19 financial assistance agreement made under  
20 section 31102(l)(5), an amount that is  
21 equal to 100 percent of the costs incurred  
22 by the recipient in a fiscal year in devel-  
23 oping and implementing a training pro-  
24 gram under that section.”;

25 (3) in subsection (c)—

1 (A) in the subsection heading, by striking  
2 “PARTNER TRAINING AND”;

3 (B) in the first sentence—

4 (i) by striking “(4)” and inserting  
5 “(5)”; and

6 (ii) by striking “partner training  
7 and”; and

8 (C) by striking the second sentence; and

9 (4) in subsection (f)—

10 (A) in paragraph (1), by striking “for the  
11 next fiscal year” and inserting “for the next 2  
12 fiscal years”;

13 (B) in paragraph (4), by striking “for the  
14 next fiscal year” and inserting “for the next 2  
15 fiscal years”;

16 (C) by redesignating paragraphs (4) and  
17 (5) as paragraphs (5) and (6), respectively; and

18 (D) by inserting after paragraph (3) the  
19 following:

20 “(4) For grants made for carrying out section  
21 31102(1)(5), for the fiscal year in which the Sec-  
22 retary approves the financial assistance agreement  
23 and for the next 4 fiscal years.”; and

24 (5) in subsection (i)—



1 (A) by striking “Amounts not expended”  
2 and inserting the following:

3 “(1) IN GENERAL.—Except as provided in para-  
4 graph (2), amounts not expended”; and

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

6 “(2) MOTOR CARRIER SAFETY ASSISTANCE PRO-  
7 GRAM.—Amounts made available for the motor car-  
8 rier safety assistance program established under sec-  
9 tion 31102 (other than amounts made available to  
10 carry out section 31102(l)) that are not expended by  
11 a recipient during the period of availability shall be  
12 released back to the Secretary for reallocation under  
13 that program.”.

14 (c) ENFORCEMENT DATA UPDATES.—Section  
15 31102(h)(2)(A) of title 49, United States Code, is amend-  
16 ed by striking “2004 and 2005” and inserting “2014 and  
17 2015”.

18 **SEC. 3002. MOTOR CARRIER SAFETY ADVISORY COM-**  
19 **MITTEE.**

20 Section 4144 of the SAFETEA-LU (49 U.S.C.  
21 31100 note; Public Law 109–59) is amended—

22 (1) in subsection (b)(1), in the second sentence,  
23 by inserting “, including small business motor car-  
24 riers” after “industry”; and



1                   “(iii) enforcement of laws relating to  
2                   human trafficking;

3                   “(I) otherwise support the recognition, pre-  
4                   vention, and reporting of human trafficking;  
5                   and”; and

6                   (2) in paragraph (3)(D)—

7                   (A) in clause (ii), by striking “and” at the  
8                   end;

9                   (B) in clause (iii), by striking the period at  
10                  the end and inserting a semicolon; and

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

12                   “(iv) for the detection of, and enforce-  
13                   ment actions taken as a result of, criminal  
14                   activity (including the trafficking of human  
15                   beings)—

16                   “(I) in a commercial motor vehi-  
17                   cle; or

18                   “(II) by any occupant, including  
19                   the operator, of a commercial motor  
20                   vehicle; and

21                   “(v) in addition to any funds other-  
22                   wise made available for the recognition,  
23                   prevention, and reporting of human traf-  
24                   ficking, to support the recognition, preven-  
25                   tion, and reporting of human trafficking.”.

1 **SEC. 3004. IMMOBILIZATION GRANT PROGRAM.**

2 Section 31102(l) of title 49, United States Code, is  
3 amended by adding at the end the following:

4 “(4) IMMOBILIZATION GRANT PROGRAM.—

5 “(A) DEFINITION OF PASSENGER-CAR-  
6 RYING COMMERCIAL MOTOR VEHICLE.—In this  
7 paragraph, the term ‘passenger-carrying com-  
8 mercial motor vehicle’ has the meaning given  
9 the term ‘commercial motor vehicle’ in section  
10 31301.

11 “(B) ESTABLISHMENT.—The Secretary  
12 shall establish an immobilization grant program  
13 under which the Secretary shall provide to  
14 States discretionary grants for the immobiliza-  
15 tion or impoundment of passenger-carrying  
16 commercial motor vehicles that—

17 “(i) are determined to be unsafe; or

18 “(ii) fail inspection.

19 “(C) LIST OF CRITERIA FOR IMMOBILIZA-  
20 TION.—The Secretary, in consultation with  
21 State commercial motor vehicle entities, shall  
22 develop a list of commercial motor vehicle safety  
23 violations and defects that the Secretary deter-  
24 mines warrant the immediate immobilization of  
25 a passenger-carrying commercial motor vehicle.

1           “(D) ELIGIBILITY.—A State shall be eligi-  
2           ble to receive a grant under this paragraph only  
3           if the State has the authority to require the im-  
4           mobilization or impoundment of a passenger-  
5           carrying commercial motor vehicle—

6                   “(i) with respect to which a motor ve-  
7                   hicle safety violation included in the list  
8                   developed under subparagraph (C) is deter-  
9                   mined to exist; or

10                   “(ii) that is determined to have a de-  
11                   fect included in that list.

12           “(E) USE OF FUNDS.—A grant provided  
13           under this paragraph may be used for—

14                   “(i) the immobilization or impound-  
15                   ment of passenger-carrying commercial  
16                   motor vehicles described in subparagraph  
17                   (D);

18                   “(ii) safety inspections of those pas-  
19                   senger-carrying commercial motor vehicles;  
20                   and

21                   “(iii) any other activity relating to an  
22                   activity described in clause (i) or (ii), as  
23                   determined by the Secretary.

24           “(F) SECRETARY AUTHORIZATION.—The  
25           Secretary may provide to a State amounts for

1 the costs associated with carrying out an immo-  
2 bilization program using funds made available  
3 under section 31104(a)(2).”.

4 **SEC. 3005. COMMERCIAL MOTOR VEHICLE ENFORCEMENT**  
5 **TRAINING AND SUPPORT.**

6 Section 31102(l) of title 49, United States Code (as  
7 amended by section 3004), is amended—

8 (1) in paragraph (1), by striking “(2) and (3)”  
9 and inserting “(2) through (5)”;

10 (2) in paragraph (3)(E), by striking “sections  
11 31104(a)(1) and 31104(a)(2)” and inserting “para-  
12 graphs (1) and (2)(A) of section 31104(a)”;

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

14 “(5) COMMERCIAL MOTOR VEHICLE ENFORCE-  
15 MENT TRAINING AND SUPPORT GRANT PROGRAM.—

16 “(A) IN GENERAL.—The Secretary shall  
17 administer a commercial motor vehicle enforce-  
18 ment training and support grant program fund-  
19 ed under section 31104(a)(2)(B), under which  
20 the Secretary shall make discretionary grants to  
21 eligible entities described in subparagraph (C)  
22 for the purposes described in subparagraph (B).

23 “(B) PURPOSES.—The purposes of the  
24 grant program under subparagraph (A) are—



1 (b) STUDY.—The Secretary shall carry out a com-  
2 prehensive study—

3 (1) to determine the causes of, and contributing  
4 factors to, crashes that involve a commercial motor  
5 vehicle; and

6 (2) to identify data requirements, data collec-  
7 tion procedures, reports, and any other measures  
8 that can be used to improve the ability of States and  
9 the Secretary—

10 (A) to evaluate future crashes involving  
11 commercial motor vehicles;

12 (B) to monitor crash trends and identify  
13 causes and contributing factors; and

14 (C) to develop effective safety improvement  
15 policies and programs.

16 (c) DESIGN.—The study shall be designed to yield in-  
17 formation that can be used to help policy makers, regu-  
18 lators, and law enforcement identify activities and other  
19 measures that are likely to lead to reductions in—

20 (1) the frequency of crashes involving a com-  
21 mercial motor vehicle;

22 (2) the severity of crashes involving a commer-  
23 cial motor vehicle; and

24 (3) fatalities and injuries.



1 (d) CONSULTATION.—In designing and carrying out  
2 the study, the Secretary may consult with individuals or  
3 entities with expertise on—

4 (1) crash causation and prevention;

5 (2) commercial motor vehicles, commercial driv-  
6 ers, and motor carriers, including passenger carriers;

7 (3) highways and noncommercial motor vehicles  
8 and drivers;

9 (4) Federal and State highway and motor car-  
10 rier safety programs;

11 (5) research methods and statistical analysis;  
12 and

13 (6) other relevant topics, as determined by the  
14 Secretary.

15 (e) PUBLIC COMMENT.—The Secretary shall make  
16 available for public comment information about the objec-  
17 tives, methodology, implementation, findings, and other  
18 aspects of the study.

19 (f) REPORTS.—As soon as practicable after the date  
20 on which the study is completed, the Secretary shall sub-  
21 mit to Congress a report describing the results of the  
22 study and any legislative recommendations to facilitate re-  
23 ductions in the matters described in paragraphs (1)  
24 through (3) of subsection (c).

1 **SEC. 3007. PROMOTING WOMEN IN THE TRUCKING WORK-**  
2 **FORCE.**

3 (a) FINDINGS.—Congress finds that—

4 (1) women make up 47 percent of the work-  
5 force of the United States;

6 (2) women are significantly underrepresented in  
7 the trucking industry, holding only 24 percent of all  
8 transportation and warehousing jobs and rep-  
9 resenting only—

10 (A) 6.6 percent of truck drivers;

11 (B) 12.5 percent of all workers in truck  
12 transportation; and

13 (C) 8 percent of freight firm owners;

14 (3) given the total number of women truck driv-  
15 ers, women are underrepresented in the truck-driv-  
16 ing workforce; and

17 (4) women truck drivers have been shown to be  
18 20 percent less likely than male counterparts to be  
19 involved in a crash.

20 (b) SENSE OF CONGRESS REGARDING WOMEN IN  
21 TRUCKING.—It is the sense of Congress that the trucking  
22 industry should explore every opportunity to encourage  
23 and support the pursuit and retention of careers in truck-  
24 ing by women, including through programs that support  
25 recruitment, driver training, and mentorship.

26 (c) DEFINITIONS.—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Federal  
3           Motor Carrier Safety Administration.

4           (2) BOARD.—The term “Board” means the  
5           Women of Trucking Advisory Board established  
6           under subsection (d)(1).

7           (3) LARGE TRUCKING COMPANY.—The term  
8           “large trucking company” means a motor carrier (as  
9           defined in section 13102 of title 49, United States  
10          Code) with more than 100 power units.

11          (4) MID-SIZED TRUCKING COMPANY.—The term  
12          “mid-sized trucking company” means a motor car-  
13          rier (as defined in section 13102 of title 49, United  
14          States Code) with not fewer than 11 power units  
15          and not more than 100 power units.

16          (5) POWER UNIT.—The term “power unit”  
17          means a self-propelled vehicle under the jurisdiction  
18          of the Federal Motor Carrier Safety Administration.

19          (6) SMALL TRUCKING COMPANY.—The term  
20          “small trucking company” means a motor carrier  
21          (as defined in section 13102 of title 49, United  
22          States Code) with not fewer than 1 power unit and  
23          not more than 10 power units.

24          (d) WOMEN OF TRUCKING ADVISORY BOARD.—

1           (1) ESTABLISHMENT.—To encourage women to  
2           enter the field of trucking, the Administrator shall  
3           establish and facilitate an advisory board, to be  
4           known as the “Women of Trucking Advisory  
5           Board”, to review and report on policies that—

6                   (A)     provide     education,     training,  
7                   mentorship, or outreach to women in the truck-  
8                   ing industry; and

9                   (B) recruit, retain, or advance women in  
10                  the trucking industry.

11           (2) MEMBERSHIP.—

12                   (A) IN GENERAL.—The Board shall be  
13                  composed of not fewer than 8 members whose  
14                  backgrounds, experience, and certifications  
15                  allow those members to contribute balanced  
16                  points of view and diverse ideas regarding the  
17                  matters described in paragraph (3)(B).

18                   (B) APPOINTMENT.—

19                           (i) IN GENERAL.—Not later than 270  
20                          days after the date of enactment of this  
21                          Act, the Administrator shall appoint the  
22                          members of the Board, of whom—

23                                   (I) not fewer than 1 shall be a  
24                                   representative of large trucking com-  
25                                   panies;

277

1 (II) not fewer than 1 shall be a  
2 representative of mid-sized trucking  
3 companies;

4 (III) not fewer than 1 shall be a  
5 representative of small trucking com-  
6 panies;

7 (IV) not fewer than 1 shall be a  
8 representative of nonprofit organiza-  
9 tions in the trucking industry;

10 (V) not fewer than 1 shall be a  
11 representative of trucking business as-  
12 sociations;

13 (VI) not fewer than 1 shall be a  
14 representative of independent owner-  
15 operators;

16 (VII) not fewer than 1 shall be a  
17 woman who is a professional truck  
18 driver; and

19 (VIII) not fewer than 1 shall be  
20 a representative of an institution of  
21 higher education or trucking trade  
22 school.

23 (ii) DIVERSITY.—A member of the  
24 Board appointed under any of subclauses  
25 (I) through (VIII) of clause (i) may not be

1 appointed under any other subclause of  
2 that clause.

3 (C) TERMS.—Each member shall be ap-  
4 pointed for the life of the Board.

5 (D) COMPENSATION.—A member of the  
6 Board shall serve without compensation.

7 (3) DUTIES.—

8 (A) IN GENERAL.—The Board shall iden-  
9 tify—

10 (i) barriers and industry trends that  
11 directly or indirectly discourage women  
12 from pursuing and retaining careers in  
13 trucking, including—

14 (I) any particular barriers and  
15 trends that impact women minority  
16 groups;

17 (II) any particular barriers and  
18 trends that impact women who live in  
19 rural, suburban, or urban areas; and

20 (III) any safety risks unique to  
21 women in the trucking industry;

22 (ii) ways in which the functions of  
23 trucking companies, nonprofit organiza-  
24 tions, training and education providers,  
25 and trucking associations may be coordi-

1 nated to facilitate support for women pur-  
2 suing careers in trucking;

3 (iii) opportunities to expand existing  
4 opportunities for women in the trucking in-  
5 dustry; and

6 (iv) opportunities to enhance trucking  
7 training, mentorship, education, and ad-  
8 vancement and outreach programs that  
9 would increase the number of women in  
10 the trucking industry.

11 (B) REPORT.—Not later than 2 years after  
12 the date of enactment of this Act, the Board  
13 shall submit to the Administrator a report con-  
14 taining the findings and recommendations of  
15 the Board, including recommendations that  
16 companies, associations, institutions, other or-  
17 ganizations, or the Administrator may adopt—

18 (i) to address any industry trends  
19 identified under subparagraph (A)(i);

20 (ii) to coordinate the functions of  
21 trucking companies, nonprofit organiza-  
22 tions, and trucking associations in a man-  
23 ner that facilitates support for women pur-  
24 suing careers in trucking;

1 (iii)(I) to take advantage of any op-  
2 portunities identified under subparagraph  
3 (A)(iii); and

4 (II) to create new opportunities to ex-  
5 pand existing scholarship opportunities for  
6 women in the trucking industry; and

7 (iv) to enhance trucking training,  
8 mentorship, education, and outreach pro-  
9 grams that are exclusive to women.

10 (4) REPORT TO CONGRESS.—

11 (A) IN GENERAL.—Not later than 3 years  
12 after the date of enactment of this Act, the Ad-  
13 ministrator shall submit to the Committee on  
14 Commerce, Science, and Transportation of the  
15 Senate and the Committee on Transportation  
16 and Infrastructure of the House of Representa-  
17 tives a report describing—

18 (i) the findings and recommendations  
19 of the Board under paragraph (3)(B); and

20 (ii) any actions taken by the Adminis-  
21 trator to adopt the recommendations of the  
22 Board (or an explanation of the reasons  
23 for not adopting the recommendations).



1 (B) PUBLIC AVAILABILITY.—The Adminis-  
2 trator shall make the report under subpara-  
3 graph (A) publicly available—

4 (i) on the website of the Federal  
5 Motor Carrier Safety Administration; and

6 (ii) in appropriate offices of the Fed-  
7 eral Motor Carrier Safety Administration.

8 (5) TERMINATION.—The Board shall terminate  
9 on submission of the report to Congress under para-  
10 graph (4).

11 **SEC. 3008. STATE INSPECTION OF PASSENGER-CARRYING**  
12 **COMMERCIAL MOTOR VEHICLES.**

13 (a) IN GENERAL.—Not later than 1 year after the  
14 date of enactment of this Act, the Secretary shall solicit  
15 additional comment on the advance notice of proposed  
16 rulemaking entitled “State Inspection Programs for Pas-  
17 senger-Carrier Vehicles” (81 Fed. Reg. 24769 (April 27,  
18 2016)).

19 (b) FINAL RULE.—

20 (1) IN GENERAL.—After reviewing all com-  
21 ments received in response to the solicitation under  
22 subsection (a), if the Secretary determines that data  
23 and information exist to support moving forward  
24 with a final rulemaking action, the Secretary shall

1 issue a final rule relating to the advance notice of  
2 proposed rulemaking described in that subsection.

3 (2) CONSIDERATIONS.—In determining whether  
4 to issue a final rule under paragraph (1), the Sec-  
5 retary shall consider the impact of continuing to  
6 allow self-inspection as a means to satisfy periodic  
7 inspection requirements on the safety of passenger  
8 carrier operations.

9 **SEC. 3009. TRUCK LEASING TASK FORCE.**

10 (a) ESTABLISHMENT.—Not later than 180 days after  
11 the date of enactment of this Act, the Secretary, in con-  
12 sultation with the Secretary of Labor, shall establish a  
13 task force, to be known as the “Truck Leasing Task  
14 Force” (referred to in this section as the “Task Force”).

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—The Secretary shall select  
17 not more than 10 individuals to serve as members  
18 of the Task Force, including at least 1 representa-  
19 tive from each of the following:

20 (A) Labor organizations.

21 (B) Motor carriers that provide lease-pur-  
22 chase agreements to owner-operators.

23 (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; and

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 (2) LIMOUSINE OPERATOR.—The term “lim-  
15 ousine operator” means a person who owns or  
16 leases, and uses, a limousine to transport passengers  
17 for compensation.

18 (3) MOTOR VEHICLE SAFETY STANDARD.—The  
19 term “motor vehicle safety standard” has the mean-  
20 ing given the term in section 30102(a) of title 49,  
21 United States Code.

22 (4) STATE.—The term “State” has the mean-  
23 ing given such term in section 30102(a) of title 49,  
24 United States Code.

25 (b) CRASHWORTHINESS.—

1           (1) RESEARCH.—Not later than 4 years after  
2 the date of enactment of this Act, the Secretary  
3 shall complete research into the development of  
4 motor vehicle safety standards for side impact pro-  
5 tection, roof crush resistance, and air bag systems  
6 for the protection of occupants in limousines with al-  
7 ternative seating positions, including perimeter seat-  
8 ing arrangements.

9           (2) RULEMAKING OR REPORT.—

10           (A) CRASHWORTHINESS STANDARDS.—

11           (i) IN GENERAL.—Subject to clause  
12 (ii), not later than 2 years after the date  
13 on which the research under paragraph (1)  
14 is completed, the Secretary shall prescribe,  
15 for the protection of occupants in lim-  
16 ousines with alternative seating positions,  
17 a final motor vehicle safety standard for  
18 each of the following:

19                   (I) Side impact protection.

20                   (II) Roof crush resistance.

21                   (III) Air bag systems.

22           (ii) REQUIREMENTS AND CONSIDER-  
23 ATIONS.—The Secretary may only pre-  
24 scribe a motor vehicle safety standard de-  
25 scribed in clause (i) if the Secretary deter-

1           mines that the standard meets the require-  
2           ments and considerations described in sub-  
3           sections (a) and (b) of section 30111 of  
4           title 49, United States Code.

5           (B) REPORT.—If the Secretary determines  
6           that a motor vehicle safety standard described  
7           in subparagraph (A)(i) would not meet the re-  
8           quirements and considerations described in sub-  
9           sections (a) and (b) of section 30111 of title 49,  
10          United States Code, the Secretary shall publish  
11          in the Federal Register and submit to the Com-  
12          mittee on Commerce, Science, and Transpor-  
13          tation of the Senate and the Committee on En-  
14          ergy and Commerce of the House of Represent-  
15          atives a report describing the reasons for not  
16          prescribing the standard.

17          (c) EVACUATION.—

18           (1) RESEARCH.—Not later than 2 years after  
19           the date of enactment of this Act, the Secretary  
20           shall complete research into safety features and  
21           standards that aid evacuation in the event that an  
22           exit in the passenger compartment of a limousine is  
23           blocked.

24           (2) RULEMAKING OR REPORT.—

25           (A) LIMOUSINE EVACUATION.—

1 (i) IN GENERAL.—Subject to clause  
2 (ii), not later than 2 years after the date  
3 on which the research under paragraph (1)  
4 is completed, the Secretary shall prescribe  
5 a final motor vehicle safety standard based  
6 on the results of that research.

7 (ii) REQUIREMENTS AND CONSIDER-  
8 ATIONS.—The Secretary may only pre-  
9 scribe a motor vehicle safety standard de-  
10 scribed in clause (i) if the Secretary deter-  
11 mines that the standard meets the require-  
12 ments and considerations described in sub-  
13 sections (a) and (b) of section 30111 of  
14 title 49, United States Code.

15 (B) REPORT.—If the Secretary determines  
16 that a standard described in subparagraph  
17 (A)(i) would not meet the requirements and  
18 considerations described in subsections (a) and  
19 (b) of section 30111 of title 49, United States  
20 Code, the Secretary shall publish in the Federal  
21 Register and submit to the Committee on Com-  
22 merce, Science, and Transportation of the Sen-  
23 ate and the Committee on Energy and Com-  
24 merce of the House of Representatives a report

1           describing the reasons for not prescribing the  
2           standard.

3           (d) LIMOUSINE INSPECTION DISCLOSURE.—

4           (1) IN GENERAL.—A limousine operator may  
5           not introduce a limousine into interstate commerce  
6           unless the limousine operator has prominently dis-  
7           closed in a clear and conspicuous notice, including  
8           on the website of the operator if the operator has a  
9           website, the following:

10                   (A) The date of the most recent inspection  
11                   of the limousine required under State or Fed-  
12                   eral law, if applicable.

13                   (B) The results of the inspection, if appli-  
14                   cable.

15                   (C) Any corrective action taken by the lim-  
16                   ousine operator to ensure the limousine passed  
17                   inspection, if applicable.

18           (2) FEDERAL TRADE COMMISSION ENFORCE-  
19           MENT.—

20                   (A) IN GENERAL.—The Federal Trade  
21                   Commission shall enforce this subsection in the  
22                   same manner, by the same means, and with the  
23                   same jurisdiction, powers, and duties as though  
24                   all applicable terms and provisions of the Fed-  
25                   eral Trade Commission Act (15 U.S.C. 41 et

1           seq.) were incorporated into and made a part of  
2           this subsection.

3           (B) TREATMENT.—Any person who vio-  
4           lates this subsection shall be subject to the pen-  
5           alties and entitled to the privileges and immuni-  
6           ties provided in the Federal Trade Commission  
7           Act (15 U.S.C. 41 et seq.).

8           (3) SAVINGS PROVISION.—Nothing in this sub-  
9           section limits the authority of the Federal Trade  
10          Commission under any other provision of law.

11          (4) EFFECTIVE DATE.—This subsection shall  
12          take effect on the date that is 180 days after the  
13          date of enactment of this Act.

14 **SEC. 3016. NATIONAL CONSUMER COMPLAINT DATABASE.**

15          (a) IN GENERAL.—Not later than 18 months after  
16          the date of enactment of this Act, the Comptroller General  
17          of the United States shall submit to the Committee on  
18          Commerce, Science, and Transportation of the Senate and  
19          the Committee on Transportation and Infrastructure of  
20          the House of Representatives a report on the National  
21          Consumer Complaint Database of the Federal Motor Car-  
22          rier Safety Administration.

23          (b) CONTENTS.—The report under subsection (a)  
24          shall include—

1           (1) a review of the process and effectiveness of  
2           efforts to review and follow-up on complaints sub-  
3           mitted to the National Consumer Complaint Data-  
4           base;

5           (2) an identification of the top 5 complaint cat-  
6           egories;

7           (3) an identification of—

8                   (A) the process that the Federal Motor  
9                   Carrier Safety Administration uses to deter-  
10                   mine which entities to take enforcement actions  
11                   against; and

12                   (B) the top categories of enforcement ac-  
13                   tions taken by the Federal Motor Carrier Safe-  
14                   ty Administration;

15           (4) a review of the use of the National Con-  
16           sumer Complaint Database website over the 5-year  
17           period ending on December 31, 2020, including in-  
18           formation obtained by conducting interviews with  
19           drivers, customers of movers of household goods,  
20           brokers, motor carriers, including small business  
21           motor carriers, and other users of the website to de-  
22           termine the usability of the website;

23           (5) a review of efforts taken by the Federal  
24           Motor Carrier Safety Administration to raise aware-



1       ness of the National Consumer Complaint Database;  
2       and

3           (6) recommendations, as appropriate, including  
4       with respect to methods—

5           (A) for improving the usability of the Na-  
6       tional Consumer Complaint Database website;

7           (B) for improving the review of complaints;

8           (C) for using data collected through the  
9       National Consumer Complaint Database to  
10      identify bad actors;

11          (D) to improve confidence and trans-  
12      parency in the complaint process; and

13          (E) for improving stakeholder awareness of  
14      and participation in the National Consumer  
15      Complaint Database and the complaint system,  
16      including improved communication about the  
17      purpose of the National Consumer Complaint  
18      Database.

19   **SEC. 3017. ELECTRONIC LOGGING DEVICE OVERSIGHT.**

20       Not later than 180 days after the date of enactment  
21   of this Act, the Secretary shall submit to Congress a re-  
22   port detailing the processes—

23          (1) used by the Federal Motor Carrier Safety  
24      Administration—

1 (A) to review electronic logging device logs;

2 and

3 (B) to protect proprietary information and

4 personally identifiable information obtained

5 from electronic logging device logs; and

6 (2) through which an operator may challenge or

7 appeal a violation notice issued by the Federal

8 Motor Carrier Safety Administration relating to an

9 electronic logging device.

10 **TITLE IV—HIGHWAY AND MOTOR**  
11 **VEHICLE SAFETY**

12 **Subtitle A—Highway Traffic Safety**

13 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—The following amounts are au-

15 thorized to be appropriated out of the Highway Trust

16 Fund (other than the Mass Transit Account):

17 (1) HIGHWAY SAFETY PROGRAMS.—To carry

18 out section 402 of title 23, United States Code—

19 (A) \$363,400,000 for fiscal year 2022;

20 (B) \$370,900,000 for fiscal year 2023;

21 (C) \$378,400,000 for fiscal year 2024;

22 (D) \$385,900,000 for fiscal year 2025;

23 and

24 (E) \$393,400,000 for fiscal year 2026.

1           (2) HIGHWAY SAFETY RESEARCH AND DEVEL-  
2           OPMENT.—To carry out section 403 of title 23,  
3           United States Code—

4                   (A) \$186,000,000 for fiscal year 2022;

5                   (B) \$190,000,000 for fiscal year 2023;

6                   (C) \$194,000,000 for fiscal year 2024;

7                   (D) \$198,000,000 for fiscal year 2025;

8                   and

9                   (E) \$202,000,000 for fiscal year 2026.

10          (3) HIGH-VISIBILITY ENFORCEMENT PRO-  
11          GRAM.—To carry out section 404 of title 23, United  
12          States Code—

13                   (A) \$36,400,000 for fiscal year 2022;

14                   (B) \$38,300,000 for fiscal year 2023;

15                   (C) \$40,300,000 for fiscal year 2024;

16                   (D) \$42,300,000 for fiscal year 2025; and

17                   (E) \$44,300,000 for fiscal year 2026.

18          (4) NATIONAL PRIORITY SAFETY PROGRAMS.—  
19          To carry out section 405 of title 23, United States  
20          Code—

21                   (A) \$336,500,000 for fiscal year 2022;

22                   (B) \$346,500,000 for fiscal year 2023;

23                   (C) \$353,500,000 for fiscal year 2024;

24                   (D) \$360,500,000 for fiscal year 2025;

25                   and

1 (E) \$367,500,000 for fiscal year 2026.

2 (5) ADMINISTRATIVE EXPENSES.—For adminis-  
3 trative and related operating expenses of the Na-  
4 tional Highway Traffic Safety Administration in car-  
5 rying out chapter 4 of title 23, United States Code,  
6 and this title—

7 (A) \$38,000,000 for fiscal year 2022;

8 (B) \$39,520,000 for fiscal year 2023;

9 (C) \$41,100,800 for fiscal year 2024;

10 (D) \$42,744,832 for fiscal year 2025; and

11 (E) \$44,454,625 for fiscal year 2026.

12 (6) NATIONAL DRIVER REGISTER.—For the Na-  
13 tional Highway Traffic Safety Administration to  
14 carry out chapter 303 of title 49, United States  
15 Code—

16 (A) \$6,800,000 for fiscal year 2022;

17 (B) \$7,000,000 for fiscal year 2023;

18 (C) \$7,200,000 for fiscal year 2024;

19 (D) \$7,400,000 for fiscal year 2025; and

20 (E) \$7,600,000 for fiscal year 2026.

21 (b) PROHIBITION ON OTHER USES.—Except as oth-  
22 erwise provided in chapter 4 of title 23, and chapter 303  
23 of title 49, United States Code, the amounts made avail-  
24 able under subsection (a) or any other provision of law

1 from the Highway Trust Fund (other than the Mass Tran-  
2 sit Account) for a program under those chapters—

3 (1) shall only be used to carry out that pro-  
4 gram; and

5 (2) may not be used by a State or local govern-  
6 ment for construction purposes.

7 (c) APPLICABILITY OF TITLE 23.—Except as other-  
8 wise provided in chapter 4 of title 23, and chapter 303  
9 of title 49, United States Code, the amounts made avail-  
10 able under subsection (a) for fiscal years 2022 through  
11 2026 shall be available for obligation in the same manner  
12 as if those funds were apportioned under chapter 1 of title  
13 23, United States Code.

14 (d) HIGHWAY SAFETY GENERAL REQUIREMENTS.—

15 (1) IN GENERAL.—Chapter 4 of title 23, United  
16 States Code, is amended—

17 (A) by redesignating sections 409 and 412  
18 and sections 407 and 408, respectively; and

19 (B) by inserting after section 405 the fol-  
20 lowing:

21 **“§ 406. General requirements for Federal assistance**

22 “(a) DEFINITION OF FUNDED PROJECT.—In this  
23 section, the term ‘funded project’ means a project funded,  
24 in whole or in part, by a grant provided under this chap-  
25 ter.

1       “(b) REGULATORY AUTHORITY.—Each funded  
2 project shall be carried out in accordance with applicable  
3 regulations promulgated by the Secretary.

4       “(c) STATE MATCHING REQUIREMENTS.—If a grant  
5 provided under this chapter requires any State to share  
6 in the cost of a funded project, the aggregate of the ex-  
7 penditures made by the State (including any political sub-  
8 division of the State) for highway safety activities during  
9 a fiscal year, exclusive of Federal funds, for carrying out  
10 the funded project (other than expenditures for planning  
11 or administration) shall be credited toward the non-Fed-  
12 eral share of the cost of any other funded project (other  
13 than planning and administration) during that fiscal year,  
14 regardless of whether those expenditures were made in  
15 connection with the project.

16       “(d) GRANT APPLICATION AND DEADLINE.—

17               “(1) APPLICATIONS.—To be eligible to receive a  
18 grant under this chapter, a State shall submit to the  
19 Secretary an application at such time, in such man-  
20 ner, and containing such information as the Sec-  
21 retary may require.

22               “(2) DEADLINE.—The Secretary shall establish  
23 a single deadline for the submission of applications  
24 under paragraph (1) to enable the provision of

1 grants under this chapter early in the first fiscal  
2 year beginning after the date of submission.

3 “(e) DISTRIBUTION OF FUNDS TO STATES.—Not  
4 later than 60 days after the date of enactment of any ap-  
5 propriations Act making funds available to carry out this  
6 chapter, the Secretary shall distribute to each State the  
7 portion of those funds to which the State is entitled for  
8 the applicable fiscal year.”.

9 (2) CLERICAL AMENDMENT.—The analysis for  
10 chapter 4 of title 23, United States Code, is amend-  
11 ed by striking the items relating to sections 406  
12 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.”.

13 **SEC. 4102. HIGHWAY SAFETY PROGRAMS.**

14 (a) IN GENERAL.—Section 402 of title 23, United  
15 States Code, is amended—

16 (1) by striking “accidents” each place it ap-  
17 pears and inserting “crashes”;

18 (2) by striking “accident” each place it appears  
19 and inserting “crash”;

20 (3) in subsection (a)—

21 (A) in paragraph (1), by striking “shall  
22 have” and all that follows through the period at  
23 the end and inserting the following: “shall have  
24 in effect a highway safety program that—

1 “(i) is designed to reduce—  
2 “(I) traffic crashes; and  
3 “(II) deaths, injuries, and prop-  
4 erty damage resulting from those  
5 crashes;  
6 “(ii) includes—  
7 “(I) an approved, current, tri-  
8 ennial highway safety plan in accord-  
9 ance with subsection (k); and  
10 “(II) an approved grant applica-  
11 tion under subsection (l) for the fiscal  
12 year;  
13 “(iii) demonstrates compliance with  
14 the applicable administrative requirements  
15 of subsection (b)(1); and  
16 “(iv) is approved by the Secretary.”;  
17 (B) in paragraph (2)(A)—  
18 (i) in clause (ii), by striking “occu-  
19 pant protection devices (including the use  
20 of safety belts and child restraint sys-  
21 tems)” and inserting “safety belts”;  
22 (ii) in clause (vii), by striking “and”  
23 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”; 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 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           “thereafter” in paragraph (1) and inserting the  
2           following:

3           “(k) TRIENNIAL HIGHWAY SAFETY PLAN.—

4           “(1) IN GENERAL.—For fiscal year 2022, and  
5           not less frequently than once every 3 fiscal years  
6           thereafter”;

7           (B) in paragraph (1), by striking “for that  
8           fiscal year, to develop and submit to the Sec-  
9           retary for approval a highway safety plan” and  
10          inserting “for the 3 fiscal years covered by the  
11          plan, to develop and submit to the Secretary for  
12          approval a triennial highway safety plan”;

13          (C) by striking paragraph (2) and insert-  
14          ing the following:

15          “(2) TIMING.—Each State shall submit to the  
16          Secretary a triennial highway safety plan by not  
17          later than July 1 of the fiscal year preceding the  
18          first fiscal year covered by the plan.”;

19          (D) in paragraph (3), by inserting “tri-  
20          ennial” before “highway”;

21          (E) in paragraph (4)—

22                  (i) in the matter preceding subpara-  
23          graph (A)—

24                  (I) by striking “State highway  
25          safety plans” and inserting “Each

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           “(1) 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”;

13 (B) by striking “subsection 402(c) in each  
14 fiscal year ending before October 1, 2015” and  
15 inserting “section 402(c)(2) in each fiscal year  
16 ending before October 1, 2021”; and

17 (C) by striking “section 402(c) in the pe-  
18 riod beginning on October 1, 2015, and ending  
19 on December 4, 2015” and inserting “section  
20 402(c)(2) beginning on October 1, 2021, and  
21 ending on December 4, 2021”;

22 (4) in subsection (h)—

23 (A) by redesignating paragraphs (1), (2),  
24 (3), (4), and (5) as paragraphs (2), (3), (4),  
25 (5), and (1), respectively, and moving the para-  
26 graphs so as to appear in numerical order;

1 (B) in subparagraph (A) of paragraph (1)  
2 (as so redesignated), by striking “section  
3 30102(a)(6)” and inserting “section 30102(a)”;  
4 and

5 (C) in paragraph (3) (as so redesignated),  
6 by striking “paragraph (1)” and inserting  
7 “paragraph (2)”; and  
8 (5) by adding at the end the following:

9 “(k) CHILD SAFETY CAMPAIGN.—

10 “(1) IN GENERAL.—The Secretary shall carry  
11 out an education campaign to reduce the incidence  
12 of vehicular heatstroke of children left in passenger  
13 motor vehicles (as defined in section 30102(a) of  
14 title 49).

15 “(2) ADVERTISING.—The Secretary may use, or  
16 authorize the use of, funds made available to carry  
17 out this section to pay for the development, produc-  
18 tion, and use of broadcast and print media adver-  
19 tising and Internet-based outreach for the education  
20 campaign under paragraph (1).

21 “(3) COORDINATION.—In carrying out the edu-  
22 cation campaign under paragraph (1), the Secretary  
23 shall coordinate with—

24 “(A) interested State and local govern-  
25 ments;

1                   “(B) private industry; and

2                   “(C) other parties, as determined by the  
3                   Secretary.

4           “(1) DEVELOPMENT OF STATE PROCESSES FOR IN-  
5 FORMING CONSUMERS OF RECALLS.—

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

7                   “(A) MOTOR VEHICLE.—The term ‘motor  
8                   vehicle’ has the meaning given the term in sec-  
9                   tion 30102(a) of title 49.

10                   “(B) OPEN RECALL.—The term ‘open re-  
11                   call’ means a motor vehicle recall—

12                               “(i) for which a notification by a man-  
13                               ufacturer has been provided under section  
14                               30119 of title 49; and

15                               “(ii) that has not been remedied  
16                               under section 30120 of that title.

17                   “(C) PROGRAM.—The term ‘program’  
18                   means the program established under para-  
19                   graph (2)(A).

20                   “(D) REGISTRATION.—The term ‘registra-  
21                   tion’ means the process for registering a motor  
22                   vehicle in a State (including registration re-  
23                   newal).

24                   “(E) STATE.—The term ‘State’ has the  
25                   meaning given the term in section 101(a).

1           “(2) GRANTS.—

2                   “(A) ESTABLISHMENT OF PROGRAM.—Not  
3 later than 2 years after the date of enactment  
4 of this subsection, the Secretary shall establish  
5 a program under which the Secretary shall pro-  
6 vide grants to States for use in developing and  
7 implementing State processes for informing  
8 each applicable owner and lessee of a motor ve-  
9 hicle of any open recall on the motor vehicle at  
10 the time of registration of the motor vehicle in  
11 the State, in accordance with this paragraph.

12                   “(B) ELIGIBILITY.—To be eligible to re-  
13 ceive a grant under the program, a State  
14 shall—

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

19                           “(ii) agree—

20                                   “(I) to notify each owner or les-  
21 see of a motor vehicle presented for  
22 registration in the State of any open  
23 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 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”;

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



## 360

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 and

22           “(D) for programs to identify, collect, and  
23 report to State and local government agencies  
24 data relating to crashes involving vehicles and  
25 individuals stopped at the roadside.

1           “(5) GRANT AMOUNT.—The allocation of grant  
2 funds to a State under this subsection for a fiscal  
3 year shall be in proportion to the apportionment of  
4 that State under section 402 for fiscal year 2022.

5           “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

6           “(1) DEFINITION OF PEACE OFFICER.—In this  
7 subsection, the term ‘peace officer’ includes any indi-  
8 vidual—

9           “(A) who is an elected, appointed, or em-  
10 ployed agent of a government entity;

11           “(B) who has the authority—

12           “(i) to carry firearms; and

13           “(ii) to make warrantless arrests; and

14           “(C) whose duties involve the enforcement  
15 of criminal laws of the United States.

16           “(2) GRANTS.—Subject to the requirements of  
17 this subsection, the Secretary shall provide grants  
18 to—

19           “(A) States that enact or adopt a law or  
20 program described in paragraph (4); and

21           “(B) qualifying States under paragraph  
22 (7).

23           “(3) FEDERAL SHARE.—The Federal share of  
24 the cost of carrying out an activity funded through

1 a grant under this subsection may not exceed 80  
2 percent.

3 “(4) DESCRIPTION OF LAW OR PROGRAM.—A  
4 law or program referred to in paragraph (2)(A) is  
5 a law or program that requires 1 or more of the fol-  
6 lowing:

7 “(A) DRIVER EDUCATION AND DRIVING  
8 SAFETY COURSES.—The inclusion, in driver  
9 education and driver safety courses provided to  
10 individuals by educational and motor vehicle  
11 agencies of the State, of instruction and testing  
12 relating to law enforcement practices during  
13 traffic stops, including information relating  
14 to—

15 “(i) the role of law enforcement and  
16 the duties and responsibilities of peace offi-  
17 cers;

18 “(ii) the legal rights of individuals  
19 concerning interactions with peace officers;

20 “(iii) best practices for civilians and  
21 peace officers during those interactions;

22 “(iv) the consequences for failure of  
23 an individual or officer to comply with the  
24 law or program; and



1                   “(v) how and where to file a com-  
2                   plaint against, or a compliment relating to,  
3                   a peace officer.

4                   “(B) PEACE OFFICER TRAINING PRO-  
5                   GRAMS.—Development and implementation of a  
6                   training program, including instruction and  
7                   testing materials, for peace officers and reserve  
8                   law enforcement officers (other than officers  
9                   who have received training in a civilian course  
10                  described in subparagraph (A)) with respect to  
11                  proper interaction with civilians during traffic  
12                  stops.

13                  “(5) USE OF FUNDS.—A State may use a grant  
14                  provided under this subsection for—

15                  “(A) the production of educational mate-  
16                  rials and training of staff for driver education  
17                  and driving safety courses and peace officer  
18                  training described in paragraph (4); and

19                  “(B) the implementation of a law or pro-  
20                  gram described in paragraph (4).

21                  “(6) GRANT AMOUNT.—The allocation of grant  
22                  funds to a State under this subsection for a fiscal  
23                  year shall be in proportion to the apportionment of  
24                  that State under section 402 for fiscal year 2022.

25                  “(7) SPECIAL RULE FOR CERTAIN STATES.—

1           “(A) DEFINITION OF QUALIFYING  
2 STATE.—In this paragraph, the term ‘qualifying  
3 State’ means a State that—

4           “(i) has received a grant under this  
5 subsection for a period of not more than 5  
6 years; and

7           “(ii) as determined by the Secretary—

8           “(I) has not fully enacted or  
9 adopted a law or program described in  
10 paragraph (4); but

11           “(II)(aa) has taken meaningful  
12 steps toward the full implementation  
13 of such a law or program; and

14           “(bb) has established a timetable  
15 for the implementation of such a law  
16 or program.

17           “(B) WITHHOLDING.—The Secretary  
18 shall—

19           “(i) withhold 50 percent of the  
20 amount that each qualifying State would  
21 otherwise receive under this subsection if  
22 the qualifying State were a State described  
23 in paragraph (2)(A); and

24           “(ii) direct any amounts withheld  
25 under clause (i) for distribution among the

1 States that are enforcing and carrying out  
2 a law or program described in paragraph  
3 (4).”.

4 (b) TECHNICAL AMENDMENT.—Section 4010(2) of  
5 the FAST Act (23 U.S.C. 405 note; Public Law 114–94)  
6 is amended by inserting “all” before “deficiencies”.

7 **SEC. 4106. MULTIPLE SUBSTANCE-IMPAIRED DRIVING PRE-**  
8 **VENTION.**

9 (a) IMPAIRED DRIVING COUNTERMEASURES.—Sec-  
10 tion 154(c)(1) of title 23, United States Code, is amended  
11 by striking “alcohol-impaired” each place it appears and  
12 inserting “impaired”.

13 (b) COMPTROLLER GENERAL STUDY OF NATIONAL  
14 DUI REPORTING.—

15 (1) IN GENERAL.—The Comptroller General of  
16 the United States shall conduct a study of the re-  
17 porting of impaired driving arrest and citation data  
18 into Federal databases and the interstate sharing of  
19 information relating to impaired driving-related con-  
20 victions and license suspensions to facilitate the  
21 widespread identification of repeat impaired driving  
22 offenders.

23 (2) INCLUSIONS.—The study conducted under  
24 paragraph (1) shall include a detailed assessment  
25 of—

1 (A) the extent to which State and local  
2 criminal justice agencies are reporting impaired  
3 driving arrest and citation data to Federal  
4 databases;

5 (B) barriers—

6 (i) at the Federal, State, and local  
7 levels, to the reporting of impaired driving  
8 arrest and citation data to Federal data-  
9 bases; and

10 (ii) to the use of those databases by  
11 criminal justice agencies;

12 (C) Federal, State, and local resources  
13 available to improve the reporting and sharing  
14 of impaired driving data; and

15 (D) any options or recommendations for  
16 actions that Federal agencies or Congress could  
17 take to further improve the reporting and shar-  
18 ing of impaired driving data.

19 (3) REPORT.—Not later than 1 year after the  
20 date of enactment of this Act, the Comptroller Gen-  
21 eral shall submit to the appropriate committees of  
22 Congress a report describing the results of the study  
23 conducted under this subsection.

1 **SEC. 4107. MINIMUM PENALTIES FOR REPEAT OFFENDERS**  
2 **FOR DRIVING WHILE INTOXICATED OR DRIV-**  
3 **ING UNDER THE INFLUENCE.**

4 Section 164(b)(1) of title 23, United States Code, is  
5 amended—

6 (1) in subparagraph (A), by striking “alcohol-  
7 impaired” and inserting “alcohol- or multiple sub-  
8 stance-impaired”; and

9 (2) in subparagraph (B)—

10 (A) by striking “intoxicated or driving”  
11 and inserting “intoxicated, driving while mul-  
12 tiple substance-impaired, or driving”; and

13 (B) by striking “alcohol-impaired” and in-  
14 serting “alcohol- or multiple substance-im-  
15 paired”.

16 **SEC. 4108. CRASH DATA.**

17 (a) IN GENERAL.—Not later than 3 years after the  
18 date of enactment of this Act, the Secretary shall revise  
19 the crash data collection system to include the collection  
20 of crash report data elements that distinguish individual  
21 personal conveyance vehicles, such as electric scooters and  
22 bicycles, from other vehicles involved in a crash.

23 (b) COORDINATION.—In carrying out subsection (a),  
24 the Secretary may coordinate with States to update the  
25 Model Minimum Uniform Crash Criteria to provide guid-

1   ance to States regarding the collection of information and  
2   data elements for the crash data collection system.

3       (c) VULNERABLE ROAD USERS.—

4           (1) UPDATE.—Based on the information con-  
5           tained in the vulnerable road user safety assess-  
6           ments required by subsection (f) of section 32302 of  
7           title 49, United States Code (as added by section  
8           4213(b)(2)), the Secretary shall modify existing  
9           crash data collection systems to include the collec-  
10          tion of additional crash report data elements relating  
11          to vulnerable road user safety.

12          (2) INJURY HEALTH DATA.—The Secretary  
13          shall coordinate with the Director of the Centers for  
14          Disease Control and Prevention to develop and im-  
15          plement a plan for States to combine highway crash  
16          data and injury health data to produce a national  
17          database of pedestrian injuries and fatalities,  
18          disaggregated by demographic characteristics.

19       (d) STATE ELECTRONIC DATA COLLECTION.—

20           (1) DEFINITIONS.—In this subsection:

21           (A) ELECTRONIC DATA TRANSFER.—The  
22           term “electronic data transfer” means a pro-  
23           tocol for automated electronic transfer of State  
24           crash data to the National Highway Traffic  
25           Safety Administration.

- 1 (B) STATE.—The term “State” means—  
2 (i) each of the 50 States;  
3 (ii) the District of Columbia;  
4 (iii) the Commonwealth of Puerto  
5 Rico;  
6 (iv) the United States Virgin Islands;  
7 (v) Guam;  
8 (vi) American Samoa;  
9 (vii) the Commonwealth of the North-  
10 ern Mariana Islands; and  
11 (viii) the Secretary of the Interior,  
12 acting on behalf of an Indian Tribe.

13 (2) ESTABLISHMENT OF PROGRAM.—The Sec-  
14 retary shall establish a program under which the  
15 Secretary shall—

16 (A) provide grants for the modernization  
17 of State data collection systems to enable full  
18 electronic data transfer under paragraph (3);  
19 and

20 (B) upgrade the National Highway Traffic  
21 Safety Administration system to manage and  
22 support State electronic data transfers relating  
23 to crashes under paragraph (4).

24 (3) STATE GRANTS.—

1           (A) IN GENERAL.—The Secretary shall  
2 provide grants to States to upgrade and stand-  
3 ardize State crash data systems to enable elec-  
4 tronic data collection, intrastate data sharing,  
5 and electronic data transfers to the National  
6 Highway Traffic Safety Administration to in-  
7 crease the accuracy, timeliness, and accessibility  
8 of the data, including data relating to fatalities  
9 involving vulnerable road users.

10           (B) ELIGIBILITY.—A State shall be eligible  
11 to receive a grant under this paragraph if the  
12 State submits to the Secretary an application,  
13 at such time, in such manner, and containing  
14 such information as the Secretary may require,  
15 that includes a plan to implement full electronic  
16 data transfer to the National Highway Traffic  
17 Safety Administration by not later than 5 years  
18 after the date on which the grant is provided.

19           (C) USE OF FUNDS.—A grant provided  
20 under this paragraph may be used for the costs  
21 of—

22                   (i) equipment to upgrade a statewide  
23 crash data repository;

24                   (ii) adoption of electronic crash re-  
25 porting by law enforcement agencies; and



1 (iii) increasing alignment of State  
2 crash data with the latest Model Minimum  
3 Uniform Crash Criteria.

4 (D) FEDERAL SHARE.—The Federal share  
5 of the cost of a project funded with a grant  
6 under this paragraph may be up to 80 percent.

7 (4) NATIONAL HIGHWAY TRAFFIC SAFETY AD-  
8 MINISTRATION SYSTEM UPGRADE.—The Secretary  
9 shall manage and support State electronic data  
10 transfers relating to vehicle crashes by—

11 (A) increasing the capacity of the National  
12 Highway Traffic Safety Administration system;  
13 and

14 (B) making State crash data accessible to  
15 the public.

16 (e) CRASH INVESTIGATION SAMPLING SYSTEM.—The  
17 Secretary may use funds made available to carry out this  
18 section to enhance the collection of crash data by upgrad-  
19 ing the Crash Investigation Sampling System to include—

20 (1) additional program sites;

21 (2) an expanded scope that includes all crash  
22 types; and

23 (3) on-scene investigation protocols.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to the Secretary to carry

1 out this section \$150,000,000 for each of fiscal years 2022  
2 through 2026, to remain available for a period of 3 fiscal  
3 years following the fiscal year for which the amounts are  
4 appropriated.

5 **SEC. 4109. REVIEW OF MOVE OVER OR SLOW DOWN LAW**  
6 **PUBLIC AWARENESS.**

7 (a) DEFINITION OF MOVE OVER OR SLOW DOWN  
8 LAW.—In this section, the term “Move Over or Slow  
9 Down Law” means any Federal or State law intended to  
10 ensure first responder and motorist safety by requiring  
11 motorists to change lanes or slow down when approaching  
12 an authorized emergency vehicle that is stopped or parked  
13 on or next to a roadway with emergency lights activated.

14 (b) STUDY.—

15 (1) IN GENERAL.—The Comptroller General of  
16 the United States shall carry out a study of the effi-  
17 cacy of Move Over or Slow Down Laws and related  
18 public awareness campaigns.

19 (2) INCLUSIONS.—The study under paragraph  
20 (1) shall include—

21 (A) a review of each Federal and State  
22 Move Over or Slow Down Law, including—

23 (i) penalties associated with the Move  
24 Over or Slow Down Laws; and

1 (ii) the level of enforcement of Move  
2 Over or Slow Down Laws;

3 (B) an identification and description of  
4 each Federal and State public awareness cam-  
5 paign relating to Move Over or Slow Down  
6 Laws; and

7 (C) a description of the role of the Depart-  
8 ment in supporting State efforts with respect to  
9 Move Over or Slow Down Laws, such as con-  
10 ducting research, collecting data, or supporting  
11 public awareness or education efforts.

12 (c) REPORT.—On completion of the study under sub-  
13 section (b), the Comptroller General shall submit to the  
14 Committee on Commerce, Science, and Transportation of  
15 the Senate and the Committee on Transportation and In-  
16 frastructure of the House of Representatives a report that  
17 describes—

18 (1) the findings of the study; and

19 (2) any recommendations to improve public  
20 awareness campaigns, research, or education efforts  
21 relating to the issues described in subsection (b)(2).

22 **SEC. 4110. REVIEW OF LAWS, SAFETY MEASURES, AND**  
23 **TECHNOLOGIES RELATING TO SCHOOL**  
24 **BUSES.**

25 (a) REVIEW OF ILLEGAL PASSING LAWS.—

1           (1) IN GENERAL.—Not later than 2 years after  
2 the date of enactment of this Act, the Secretary  
3 shall prepare a report that—

4           (A) identifies and describes all illegal pass-  
5 ing laws in each State relating to school buses,  
6 including—

7           (i) the level of enforcement of those  
8 laws;

9           (ii) the penalties associated with those  
10 laws;

11           (iii) any issues relating to the enforce-  
12 ment of those laws; and

13           (iv) the effectiveness of those laws;

14           (B) reviews existing State laws that may  
15 inhibit the effectiveness of safety counter-  
16 measures in school bus loading zones, such as—

17           (i) laws that require the face of a  
18 driver to be visible in an image captured  
19 by a camera if enforcement action is to be  
20 taken based on that image;

21           (ii) laws that may reduce stop-arm  
22 camera effectiveness;

23           (iii) the need for a law enforcement  
24 officer to witness an event for enforcement  
25 action to be taken; and

1 (iv) the lack of primary enforcement  
2 for texting and driving offenses;

3 (C) identifies the methods used by each  
4 State to review, document, and report to law  
5 enforcement school bus stop-arm violations; and

6 (D) identifies best practices relating to the  
7 most effective approaches to address the illegal  
8 passing of school buses.

9 (2) PUBLICATION.—The report under para-  
10 graph (1) shall be made publicly available on the  
11 website of the Department.

12 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall establish and implement a public safety mes-  
16 saging campaign that uses public safety media mes-  
17 sages, posters, digital media messages, and other  
18 media messages distributed to States, State depart-  
19 ments of motor vehicles, schools, and other public  
20 outlets—

21 (A) to highlight the importance of address-  
22 ing the illegal passing of school buses; and

23 (B) to educate students and the public re-  
24 garding the safe loading and unloading of  
25 schools buses.

1           (2) CONSULTATION.—In carrying out para-  
2 graph (1), the Secretary shall consult with—

3                   (A) representatives of the school bus indus-  
4 try from the public and private sectors; and

5                   (B) States.

6           (3) UPDATES.—The Secretary shall periodically  
7 update the materials used in the campaign under  
8 paragraph (1).

9           (c) REVIEW OF TECHNOLOGIES.—

10           (1) IN GENERAL.—Not later than 2 years after  
11 the date of enactment of this Act, the Secretary  
12 shall review and evaluate the effectiveness of various  
13 technologies for enhancing school bus safety, includ-  
14 ing technologies such as—

15                   (A) cameras;

16                   (B) audible warning systems; and

17                   (C) enhanced lighting.

18           (2) INCLUSIONS.—The review under paragraph  
19 (1)—

20                   (A) shall include—

21                           (i) an assessment of—

22                                   (I) the costs of acquiring and op-  
23 erating new equipment;

1 (II) the potential impact of that  
2 equipment on overall school bus rider-  
3 ship; and

4 (III) motion-activated detection  
5 systems capable of—

6 (aa) detecting pedestrians,  
7 cyclists, and other road users lo-  
8 cated near the exterior of the  
9 school bus; and

10 (bb) alerting the operator of  
11 the school bus of those road  
12 users;

13 (ii) an assessment of the impact of  
14 advanced technologies designed to improve  
15 loading zone safety; and

16 (iii) an assessment of the effectiveness  
17 of school bus lighting systems at clearly  
18 communicating to surrounding drivers the  
19 appropriate actions those drivers should  
20 take; and

21 (B) may include—

22 (i) an evaluation of any technological  
23 solutions that may enhance school bus  
24 safety outside the school bus loading zone;  
25 and

1                   (ii) a pilot program to test any tech-  
2                   nologies in school bus service.

3           (3) CONSULTATION.—In carrying out the re-  
4           view under paragraph (1), the Secretary shall con-  
5           sult with—

6                   (A) manufacturers of school buses;

7                   (B) manufacturers of various technologies  
8           that may enhance school bus safety; and

9                   (C) representatives of the school bus indus-  
10          try from the public and private sectors.

11          (4) PUBLICATION.—The Secretary shall make  
12          the findings of the review under paragraph (1) pub-  
13          licly available on the website of the Department.

14          (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

15               (1) IN GENERAL.—Not later than 2 years after  
16               the date of enactment of this Act, the Secretary  
17               shall—

18                   (A) review driver manuals, handbooks, and  
19               other materials in all States to determine  
20               whether and the means by which illegal passing  
21               of school buses is addressed in those driver ma-  
22               terials, including in—

23                           (i) testing for noncommercial driver's  
24               licenses; and

25                           (ii) road tests; and



1 (B) make recommendations on methods by  
2 which States can improve education regarding  
3 the illegal passing of school buses, particularly  
4 for new drivers.

5 (2) CONSULTATION.—In carrying out para-  
6 graph (1), the Secretary shall consult with—

7 (A) representatives of the school bus indus-  
8 try from the public and private sectors;

9 (B) States;

10 (C) State motor vehicle administrators or  
11 senior State executives responsible for driver li-  
12 censing; and

13 (D) other appropriate motor vehicle ex-  
14 perts.

15 (3) PUBLICATION.—The Secretary shall make  
16 the findings of the review under paragraph (1) pub-  
17 licly available on the website of the Department.

18 (e) REVIEW OF OTHER SAFETY ISSUES.—

19 (1) IN GENERAL.—Not later than 2 years after  
20 the date of enactment of this Act, the Secretary  
21 shall research and prepare a report describing any  
22 relationship between the illegal passing of school  
23 buses and other safety issues, including issues such  
24 as—

25 (A) distracted driving;

1 (B) poor visibility, such as morning dark-  
2 ness;

3 (C) illumination and reach of vehicle head-  
4 lights;

5 (D) speed limits; and

6 (E) characteristics associated with school  
7 bus stops, including the characteristics of school  
8 bus stops in rural areas.

9 (2) PUBLICATION.—The Secretary shall make  
10 the report under paragraph (1) publicly available on  
11 the website of the Department.

12 **SEC. 4111. MOTORCYCLIST ADVISORY COUNCIL.**

13 (a) IN GENERAL.—Subchapter III of chapter 3 of  
14 title 49, United States Code, is amended by adding at the  
15 end the following:

16 **“§ 355. Motorcyclist Advisory Council**

17 “(a) ESTABLISHMENT.—Not later than 90 days after  
18 the date of enactment of this section, the Secretary of  
19 Transportation (referred to in this section as the ‘Sec-  
20 retary’) shall establish a council, to be known as the ‘Mo-  
21 torcyclist Advisory Council’ (referred to in this section as  
22 the ‘Council’).

23 “(b) MEMBERSHIP.—

1           “(1) IN GENERAL.—The Council shall be com-  
2           prised of 12 members, to be appointed by the Sec-  
3           retary, of whom—

4                   “(A) 5 shall be representatives of units of  
5           State or local government with expertise relat-  
6           ing to highway engineering and safety issues,  
7           including—

8                           “(i) motorcycle and motorcyclist safe-  
9                           ty;

10                           “(ii) barrier and road design, con-  
11                           struction, and maintenance; or

12                           “(iii) intelligent transportation sys-  
13                           tems;

14                   “(B) 1 shall be a motorcyclist who serves  
15           as a State or local—

16                           “(i) traffic and safety engineer;

17                           “(ii) design engineer; or

18                           “(iii) other transportation department  
19                           official;

20                   “(C) 1 shall be a representative of a na-  
21           tional association of State transportation offi-  
22           cials;

23                   “(D) 1 shall be a representative of a na-  
24           tional motorcyclist association;

1           “(E) 1 shall be a representative of a na-  
2 tional motorcyclist foundation;

3           “(F) 1 shall be a representative of a na-  
4 tional motorcycle manufacturing association;

5           “(G) 1 shall be a roadway safety data ex-  
6 pert with expertise relating to crash testing and  
7 analysis; and

8           “(H) 1 shall be a member of a national  
9 safety organization that represents the traffic  
10 safety systems industry.

11           “(2) TERM.—

12           “(A) IN GENERAL.—Subject to subpara-  
13 graphs (B) and (C), each member shall serve on  
14 the Council for a single term of 2 years.

15           “(B) ADDITIONAL TERM.—If a successor  
16 is not appointed for a member of the Council  
17 before the expiration of the term of service of  
18 the member, the member may serve on the  
19 Council for a second term of not longer than 2  
20 years.

21           “(C) APPOINTMENT OF REPLACEMENTS.—  
22 If a member of the Council resigns before the  
23 expiration of the 2-year term of service of the  
24 member—

1                   “(i) the Secretary may appoint a re-  
2                   placement for the member, who shall serve  
3                   the remaining portion of the term; and

4                   “(ii) the resigning member may con-  
5                   tinue to serve after resignation until the  
6                   date on which a successor is appointed.

7                   “(3) VACANCIES.—A vacancy on the Council  
8                   shall be filled in the manner in which the original  
9                   appointment was made.

10                  “(4) COMPENSATION.—A member of the Coun-  
11                  cil shall serve without compensation.

12                  “(c) DUTIES.—

13                  “(1) ADVISING.—The Council shall advise the  
14                  Secretary, the Administrator of the National High-  
15                  way Traffic Safety Administration, and the Adminis-  
16                  trator of the Federal Highway Administration re-  
17                  garding transportation safety issues of concern to  
18                  motorcyclists, including—

19                          “(A) motorcycle and motorcyclist safety;

20                          “(B) barrier and road design, construction,  
21                          and maintenance practices; and

22                          “(C) the architecture and implementation  
23                          of intelligent transportation system tech-  
24                          nologies.

1           “(2) BIENNIAL REPORT.—Not later than Octo-  
2           ber 31 of the calendar year following the calendar  
3           year in which the Council is established, and not less  
4           frequently than once every 2 years thereafter, the  
5           Council shall submit to the Secretary a report con-  
6           taining recommendations of the Council regarding  
7           the issues described in paragraph (1).

8           “(d) DUTIES OF SECRETARY.—

9           “(1) COUNCIL RECOMMENDATIONS.—

10           “(A) IN GENERAL.—The Secretary shall  
11           determine whether to accept or reject a rec-  
12           ommendation contained in a report of the  
13           Council under subsection (c)(2).

14           “(B) INCLUSION IN REVIEW.—

15           “(i) IN GENERAL.—The Secretary  
16           shall indicate in each review under para-  
17           graph (2) whether the Secretary accepts or  
18           rejects each recommendation of the Coun-  
19           cil covered by the review.

20           “(ii) EXCEPTION.—The Secretary  
21           may indicate in a review under paragraph  
22           (2) that a recommendation of the Council  
23           is under consideration, subject to the con-  
24           dition that a recommendation so under  
25           consideration shall be accepted or rejected

1 by the Secretary in the subsequent review  
2 of the Secretary under paragraph (2).

3 “(2) REVIEW.—

4 “(A) IN GENERAL.—Not later than 60  
5 days after the date on which the Secretary re-  
6 ceives a report from the Council under sub-  
7 section (c)(2), the Secretary shall submit a re-  
8 view describing the response of the Secretary to  
9 the recommendations of the Council contained  
10 in the Council report to—

11 “(i) the Committee on Commerce,  
12 Science, and Transportation of the Senate;

13 “(ii) the Committee on Environment  
14 and Public Works of the Senate;

15 “(iii) the Subcommittee on Transpor-  
16 tation, Housing and Urban Development,  
17 and Related Agencies of the Committee on  
18 Appropriations of the Senate;

19 “(iv) the Committee on Transpor-  
20 tation and Infrastructure of the House of  
21 Representatives; and

22 “(v) the Subcommittee on Transpor-  
23 tation, Housing and Urban Development,  
24 and Related Agencies of the Committee on

1 Appropriations of the House of Represent-  
2 atives.

3 “(B) CONTENTS.—A review of the Sec-  
4 retary under this paragraph shall include a de-  
5 scription of—

6 “(i) each recommendation contained  
7 in the Council report covered by the re-  
8 view; and

9 “(ii)(I) each recommendation of the  
10 Council that was categorized under para-  
11 graph (1)(B)(ii) as being under consider-  
12 ation by the Secretary in the preceding re-  
13 view submitted under this paragraph; and

14 “(II) for each such recommendation,  
15 whether the recommendation—

16 “(aa) is accepted or rejected by  
17 the Secretary; or

18 “(bb) remains under consider-  
19 ation by the Secretary.

20 “(3) ADMINISTRATIVE AND TECHNICAL SUP-  
21 PORT.—The Secretary shall provide to the Council  
22 such administrative support, staff, and technical as-  
23 sistance as the Secretary determines to be necessary  
24 to carry out the duties of the Council under this sec-  
25 tion.



1           “(e) TERMINATION.—The Council shall terminate on  
2 the date that is 6 years after the date on which the Council  
3 is established under subsection (a).”.

4           (b) CLERICAL AMENDMENT.—The analysis for sub-  
5 chapter III of chapter 3 of title 49, United States Code,  
6 is amended by inserting after the item relating to section  
7 354 the following:

“355. Motorcycle Advisory Council.”.

8           (c) CONFORMING AMENDMENTS.—

9                 (1) Section 1426 of the FAST Act (23 U.S.C.  
10 101 note; Public Law 114–94) is repealed.

11                (2) The table of contents for the FAST Act  
12 (Public Law 114–94; 129 Stat. 1313) is amended by  
13 striking the item relating to section 1426.

14 **SEC. 4112. SAFE STREETS AND ROADS FOR ALL GRANT**  
15 **PROGRAM.**

16           (a) DEFINITIONS.—In this section:

17                 (1) COMPREHENSIVE SAFETY ACTION PLAN.—  
18 The term “comprehensive safety action plan” means  
19 a plan aimed at preventing transportation-related fa-  
20 talities and serious injuries in a locality, commonly  
21 referred to as a “Vision Zero” or “Toward Zero  
22 Deaths” plan, that may include—

23                         (A) a goal and timeline for eliminating fa-  
24 talities and serious injuries;

1 (B) an analysis of the location and severity  
2 of vehicle-involved crashes in a locality;

3 (C) an analysis of community input, gath-  
4 ered through public outreach and education;

5 (D) a data-driven approach to identify  
6 projects or strategies to prevent fatalities and  
7 serious injuries in a locality, such as those in-  
8 volving—

9 (i) education and community out-  
10 reach;

11 (ii) effective methods to enforce traffic  
12 laws and regulations;

13 (iii) new vehicle or other transpor-  
14 tation-related technologies; and

15 (iv) roadway planning and design; and

16 (E) mechanisms for evaluating the out-  
17 comes and effectiveness of the comprehensive  
18 safety action plan, including the means by  
19 which that effectiveness will be reported to resi-  
20 dents in a locality.

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

23 (A) a metropolitan planning organization;

24 (B) a political subdivision of a State;

1 (C) a federally recognized Tribal govern-  
2 ment; and

3 (D) a multijurisdictional group of entities  
4 described in any of subparagraphs (A) through  
5 (C).

6 (3) ELIGIBLE PROJECT.—The term “eligible  
7 project” means a project—

8 (A) to develop a comprehensive safety ac-  
9 tion plan;

10 (B) to conduct planning, design, and devel-  
11 opment activities for projects and strategies  
12 identified in a comprehensive safety action plan;  
13 or

14 (C) to carry out projects and strategies  
15 identified in a comprehensive safety action plan.

16 (4) PROGRAM.—The term “program” means  
17 the Safe Streets and Roads for All program estab-  
18 lished under subsection (b).

19 (b) ESTABLISHMENT.—The Secretary shall establish  
20 and carry out a program, to be known as the Safe Streets  
21 and Roads for All program, that supports local initiatives  
22 to prevent death and serious injury on roads and streets,  
23 commonly referred to as “Vision Zero” or “Toward Zero  
24 Deaths” initiatives.

25 (c) GRANTS.—

1           (1) IN GENERAL.—In carrying out the program,  
2           the Secretary may make grants to eligible entities,  
3           on a competitive basis, in accordance with this sec-  
4           tion.

5           (2) LIMITATIONS.—

6           (A) IN GENERAL.—Not more than 15 per-  
7           cent of the funds made available to carry out  
8           the program for a fiscal year may be awarded  
9           to eligible projects in a single State during that  
10          fiscal year.

11          (B) PLANNING GRANTS.—Of the total  
12          amount made available to carry out the pro-  
13          gram for each fiscal year, not less than 40 per-  
14          cent shall be awarded to eligible projects de-  
15          scribed in subsection (a)(3)(A).

16          (d) SELECTION OF ELIGIBLE PROJECTS.—

17           (1) SOLICITATION.—Not later than 180 days  
18           after the date on which amounts are made available  
19           to provide grants under the program for a fiscal  
20           year, the Secretary shall solicit from eligible entities  
21           grant applications for eligible projects in accordance  
22           with this section.

23           (2) APPLICATIONS.—

24           (A) IN GENERAL.—To be eligible to receive  
25           a grant under the program, an eligible entity

1           shall submit to the Secretary an application in  
2           such form and containing such information as  
3           the Secretary considers to be appropriate.

4                   (B) REQUIREMENT.—An application for a  
5           grant under this paragraph shall include mech-  
6           anisms for evaluating the success of applicable  
7           eligible projects and strategies.

8                   (3) CONSIDERATIONS.—In awarding a grant  
9           under the program, the Secretary shall take into  
10          consideration the extent to which an eligible entity,  
11          and each eligible project proposed to be carried out  
12          by the eligible entity, as applicable—

13                   (A) is likely to significantly reduce or  
14           eliminate transportation-related fatalities and  
15           serious injuries involving various road users, in-  
16           cluding pedestrians, bicyclists, public transpor-  
17           tation users, motorists, and commercial opera-  
18           tors, within the timeframe proposed by the eli-  
19           gible entity;

20                   (B) demonstrates engagement with a vari-  
21           ety of public and private stakeholders;

22                   (C) seeks to adopt innovative technologies  
23           or strategies to promote safety;

1           (D) employs low-cost, high-impact strate-  
2           gies that can improve safety over a wider geo-  
3           graphical area;

4           (E) ensures, or will ensure, equitable in-  
5           vestment in the safety needs of underserved  
6           communities in preventing transportation-re-  
7           lated fatalities and injuries;

8           (F) includes evidence-based projects or  
9           strategies; and

10          (G) achieves such other conditions as the  
11          Secretary considers to be necessary.

12          (4) TRANSPARENCY.—

13           (A) IN GENERAL.—The Secretary shall  
14           evaluate, through a methodology that is discern-  
15           ible and transparent to the public, the means  
16           by, and extent to, which each application under  
17           the program addresses any applicable merit cri-  
18           teria established by the Secretary.

19           (B) PUBLICATION.—The methodology  
20           under subparagraph (A) shall be published by  
21           the Secretary as part of the notice of funding  
22           opportunity under the program.

23          (e) FEDERAL SHARE.—The Federal share of the cost  
24          of an eligible project carried out using a grant provided  
25          under the program shall not exceed 80 percent.

1 (f) FUNDING.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—

3 There is authorized to be appropriated to carry out  
4 this section \$200,000,000 for each of fiscal years  
5 2022 through 2026, to remain available for a period  
6 of 3 fiscal years following the fiscal year for which  
7 the amounts are appropriated.

8 (2) ADMINISTRATIVE EXPENSES.—Of the

9 amounts made available to carry out the program  
10 for a fiscal year, the Secretary may retain not more  
11 than 2 percent for the administrative expenses of the  
12 program.

13 (3) AVAILABILITY TO ELIGIBLE ENTITIES.—

14 Amounts made available under a grant under the  
15 program shall remain available for use by the appli-  
16 cable eligible entity until the date that is 5 years  
17 after the date on which the grant is provided.

18 (g) DATA SUBMISSION.—

19 (1) IN GENERAL.—As a condition of receiving a

20 grant under this program, an eligible entity shall  
21 submit to the Secretary, on a regular basis as estab-  
22 lished by the Secretary, data, information, or anal-  
23 yses collected or conducted in accordance with sub-  
24 section (d)(3).

1           (2) FORM.—The data, information, and anal-  
2           yses under paragraph (1) shall be submitted in such  
3           form such manner as may be prescribed by the Sec-  
4           retary.

5           (h) REPORTS.—Not later than 4 years after the date  
6           on which an eligible entity receives a grant under the pro-  
7           gram, the eligible entity shall submit to the Secretary a  
8           report that describes—

9           (1) the costs of each eligible project carried out  
10          using the grant;

11          (2) the outcomes and benefits that each such el-  
12          igible project has generated, as—

13                (A) identified in the grant application of  
14                the eligible entity; and

15                (B) measured by data, to the maximum ex-  
16                tent practicable; and

17          (3) the lessons learned and any recommenda-  
18          tions relating to future projects or strategies to pre-  
19          vent death and serious injury on roads and streets.

20          (i) BEST PRACTICES.—Based on the information  
21          submitted by eligible entities under subsection (g), the  
22          Secretary shall—

23                (1) periodically post on a publicly available  
24                website best practices and lessons learned for pre-  
25                venting transportation-related fatalities and serious



1 injuries pursuant to strategies or interventions im-  
2 plemented under the program; and

3 (2) evaluate and incorporate, as appropriate,  
4 the effectiveness of strategies and interventions im-  
5 plemented under the program for the purpose of en-  
6 riching revisions to the document entitled “Counter-  
7 measures That Work: A Highway Safety Counter-  
8 measure Guide for State Highway Safety Offices,  
9 Ninth Edition” and numbered DOT HS 812 478 (or  
10 any successor document).

11 **SEC. 4113. IMPLEMENTATION OF GAO RECOMMENDATIONS.**

12 (a) NEXT GENERATION 911.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall implement the recommendations of the Comp-  
16 troller General of the United States contained in the  
17 report entitled “Next Generation 911: National 911  
18 Program Could Strengthen Efforts to Assist  
19 States”, numbered GAO–18–252, and dated Janu-  
20 ary 1, 2018, by requiring that the Administrator of  
21 the National Highway Traffic Safety Administra-  
22 tion, in collaboration with the appropriate Federal  
23 agencies, shall determine the roles and responsibil-  
24 ities of the Federal agencies participating in the ini-  
25 tiative entitled “National NG911 Roadmap initia-



1           (2) PERFORMANCE MANAGEMENT PRACTICES.—  
2           The Administrator of the National Highway Traffic  
3           Safety Administration shall use performance man-  
4           agement practices to guide pedestrian and cyclist  
5           safety activities by—

6                   (A) developing performance measures for  
7                   the Administration and program offices respon-  
8                   sible for implementing pedestrian and cyclist  
9                   safety activities to demonstrate the means by  
10                  which those activities contribute to safety goals;  
11                  and

12                   (B) using performance information to  
13                   make any necessary changes to advance pedes-  
14                   trian and cyclist safety efforts.

## 15           **Subtitle B—Vehicle Safety**

### 16   **SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.**

17           There are authorized to be appropriated to the Sec-  
18           retary to carry out chapter 301, and part C of subtitle  
19           VI, of title 49, United States Code—

20                   (1) \$200,294,333 for fiscal year 2022;

21                   (2) \$204,300,219 for fiscal year 2023;

22                   (3) \$208,386,224 for fiscal year 2024;

23                   (4) \$212,553,948 for fiscal year 2025; and

24                   (5) \$216,805,027 for fiscal year 2026.

1 **SEC. 4202. RECALL COMPLETION.**

2 (a) REPORTS ON RECALL CAMPAIGNS.—Section  
3 30118 of title 49, United States Code, is amended by add-  
4 ing at the end the following:

5 “(f) REPORTS ON NOTIFICATION CAMPAIGNS.—

6 “(1) IN GENERAL.—Each manufacturer that is  
7 conducting a campaign under subsection (b) or (c)  
8 or any other provision of law (including regulations)  
9 to notify manufacturers, distributors, owners, pur-  
10 chasers, or dealers of a defect or noncompliance  
11 shall submit to the Administrator of the National  
12 Highway Traffic Safety Administration—

13 “(A) by the applicable date described in  
14 section 573.7(d) of title 49, Code of Federal  
15 Regulations (or a successor regulation), a quar-  
16 terly report describing the campaign for each of  
17 8 consecutive quarters, beginning with the  
18 quarter in which the campaign was initiated;  
19 and

20 “(B) an annual report for each of the 3  
21 years beginning after the date of completion of  
22 the last quarter for which a quarterly report is  
23 submitted under subparagraph (A).

24 “(2) REQUIREMENTS.—Except as otherwise  
25 provided in this subsection, each report under this  
26 subsection shall comply with the requirements of

1 section 573.7 of title 49, Code of Federal Regula-  
2 tions (or a successor regulation).”.

3 (b) RECALL COMPLETION RATES.—Section 30120 of  
4 title 49, United States Code, is amended by adding at the  
5 end the following:

6 “(k) RECALL COMPLETION RATES.—

7 “(1) IN GENERAL.—The Administrator of the  
8 National Highway Traffic Safety Administration  
9 shall publish an annual list of recall completion rates  
10 for each recall campaign for which 8 quarterly re-  
11 ports have been submitted under subsection (f) of  
12 section 30118 as of the date of publication of the  
13 list.

14 “(2) REQUIREMENTS.—The annual list under  
15 paragraph (1) shall include—

16 “(A) for each applicable campaign—

17 “(i) the total number of vehicles sub-  
18 ject to recall; and

19 “(ii) the percentage of vehicles that  
20 have been remedied; and

21 “(B) for each manufacturer submitting an  
22 applicable quarterly report under section  
23 30118(f)—

1                   “(i) the total number of recalls issued  
2                   by the manufacturer during the year cov-  
3                   ered by the list;

4                   “(ii) the estimated number of vehicles  
5                   of the manufacturer subject to recall dur-  
6                   ing the year covered by the list; and

7                   “(iii) the percentage of vehicles that  
8                   have been remedied.”.

9 **SEC. 4203. RECALL ENGAGEMENT.**

10           (a) **RECALL REPAIR.**—Not later than 2 years after  
11 the date of enactment of this Act, the Comptroller General  
12 of the United States shall—

13           (1) conduct a study to determine—

14           (A) the reasons why vehicle owners do not  
15           have repairs performed for vehicles subject to  
16           open recalls; and

17           (B) whether engagement by third parties,  
18           including State and local governments, insur-  
19           ance companies, or other entities, could increase  
20           the rate at which vehicle owners have repairs  
21           performed for vehicles subject to open recalls;  
22           and

23           (2) submit to Congress a report describing the  
24           results of the study under paragraph (1), including

1 any recommendations for increasing the rate of re-  
2 pair for vehicles subject to open recalls.

3 (b) RIDESHARING.—Not later than 18 months after  
4 the date of enactment of this Act, the Comptroller General  
5 shall—

6 (1) conduct a study to determine the number of  
7 passenger motor vehicles in each State that—

8 (A) are used by transportation network  
9 companies for for-hire purposes, such as ride-  
10 sharing; and

11 (B) have 1 or more open recalls; and

12 (2) submit to Congress a report describing the  
13 results of the study under paragraph (1).

14 (c) NHTSA STUDY AND REPORT.—Not later than  
15 3 years after the date of enactment of this Act, the Admin-  
16 istrator of the National Highway Traffic Safety Adminis-  
17 tration shall—

18 (1) conduct a study to determine the ways in  
19 which vehicle recall notices could—

20 (A) more effectively reach vehicle owners;

21 (B) be made easier for all consumers to  
22 understand; and

23 (C) incentivize vehicle owners to complete  
24 the repairs described in the recall notices; and

1           (2) submit to Congress a report describing the  
2           results of the study under paragraph (1), including  
3           any recommendations for—

4                   (A) increasing the rate of repair for vehi-  
5                   cles subject to open recalls; or

6                   (B) any regulatory or statutory legislative  
7                   changes that would facilitate an increased rate  
8                   of repair.

9   **SEC. 4204. MOTOR VEHICLE SEAT BACK SAFETY STAND-**  
10                   **ARDS.**

11           (a) IN GENERAL.—Not later than 2 years after the  
12           date of enactment of this Act, subject to subsection (b),  
13           the Secretary shall issue an advanced notice of proposed  
14           rulemaking to update section 571.207 of title 49, Code  
15           of Federal Regulations.

16           (b) COMPLIANCE DATE.—If the Secretary determines  
17           that a final rule is appropriate consistent with the consid-  
18           erations described in section 30111(b) of title 49, United  
19           States Code, in issuing a final rule pursuant to subsection  
20           (a), the Secretary shall establish a date for required com-  
21           pliance with the final rule of not later than 2 motor vehicle  
22           model years after the model year during which the effec-  
23           tive date of the final rule occurs.

24   **SEC. 4205. AUTOMATIC SHUTOFF.**

25           (a) DEFINITIONS.—In this section:



1           (1) KEY.—The term “key” has the meaning  
2           given the term in section 571.114 of title 49, Code  
3           of Federal Regulations (or a successor regulation).

4           (2) MANUFACTURER.—The term “manufac-  
5           turer” has the meaning given the term in section  
6           30102(a) of title 49, United States Code.

7           (3) MOTOR VEHICLE.—

8           (A) IN GENERAL.—The term “motor vehi-  
9           cle” has the meaning given the term in section  
10          30102(a) of title 49, United States Code.

11          (B) EXCLUSIONS.—The term “motor vehi-  
12          cle” does not include—

13               (i) a motorcycle or trailer (as those  
14               terms are defined in section 571.3 of title  
15               49, Code of Federal Regulations (or a suc-  
16               cessor regulation));

17               (ii) any motor vehicle with a gross ve-  
18               hicle weight rating of more than 10,000  
19               pounds;

20               (iii) a battery electric vehicle; or

21               (iv) a motor vehicle that requires ex-  
22               tended periods with the engine in idle to  
23               operate in service mode or to operate  
24               equipment, such as an emergency vehicle  
25               (including a police vehicle, an ambulance,

1 or a tow vehicle) and a commercial-use ve-  
2 hicle (including a refrigeration vehicle).

3 (b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VE-  
4 HICLES.—

5 (1) FINAL RULE.—

6 (A) IN GENERAL.—Not later than 2 years  
7 after the date of enactment of this Act, the Sec-  
8 retary shall issue a final rule amending section  
9 571.114 of title 49, Code of Federal Regula-  
10 tions, to require manufacturers to install in  
11 each motor vehicle that is equipped with a key-  
12 less ignition device and an internal combustion  
13 engine a device or system to automatically shut-  
14 off the motor vehicle after the motor vehicle has  
15 idled for the period described in subparagraph  
16 (B).

17 (B) DESCRIPTION OF PERIOD.—

18 (i) IN GENERAL.—The period referred  
19 to in subparagraph (A) is the period des-  
20 ignated by the Secretary as necessary to  
21 prevent, to the maximum extent prac-  
22 ticable, carbon monoxide poisoning.

23 (ii) DIFFERENT PERIODS.—The Sec-  
24 retary may designate different periods  
25 under clause (i) for different types of

1 motor vehicles, depending on the rate at  
2 which the motor vehicle emits carbon mon-  
3 oxide, if—

4 (I) the Secretary determines a  
5 different period is necessary for a type  
6 of motor vehicle for purposes of sec-  
7 tion 30111 of title 49, United States  
8 Code; and

9 (II) requiring a different period  
10 for a type of motor vehicle is con-  
11 sistent with the prevention of carbon  
12 monoxide poisoning.

13 (2) DEADLINE.—Unless the Secretary finds  
14 good cause to phase-in or delay implementation, the  
15 rule issued pursuant to paragraph (1) shall take ef-  
16 fect on September 1 of the first calendar year begin-  
17 ning after the date on which the Secretary issues the  
18 rule.

19 **SEC. 4206. PETITIONS BY INTERESTED PERSONS FOR**  
20 **STANDARDS AND ENFORCEMENT.**

21 Section 30162 of title 49, United States Code, is  
22 amended—

23 (1) in subsection (b), by striking “The petition”  
24 and inserting “A petition under this section”;

1           (2) in subsection (c), by striking “the petition”  
2           and inserting “a petition under this section”; and

3           (3) in subsection (d)—

4                 (A) in the third sentence, by striking “If a  
5                 petition” and inserting the following:

6                 “(3) DENIAL.—If a petition under this sec-  
7                 tion”;

8                 (B) in the second sentence , by striking “If  
9                 a petition is granted” and inserting the fol-  
10                 lowing:

11                 “(2) APPROVAL.—If a petition under this sec-  
12                 tion is approved”; and

13                 (C) in the first sentence, by striking “The  
14                 Secretary shall grant or deny a petition” and  
15                 inserting the following:

16                 “(1) IN GENERAL.—The Secretary shall deter-  
17                 mine whether to approve or deny a petition under  
18                 this section by”.

19 **SEC. 4207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.**

20           (a) IN GENERAL.—The Secretary, in coordination  
21 with other relevant Federal departments and agencies, in-  
22 cluding the Secretary of Agriculture, the Secretary of  
23 Education, and the Secretary of Health and Human Serv-  
24 ices, shall conduct a study to review the status of motor

1 vehicle child safety seat accessibility for low-income fami-  
2 lies and underserved populations.

3 (b) ADDRESSING NEEDS.—In conducting the study  
4 under subsection (a), the Secretary shall—

5 (1) examine the impact of Federal funding pro-  
6 vided under section 405 of title 23, United States  
7 Code; and

8 (2) develop a plan for addressing any needs  
9 identified in the study, including by working with so-  
10 cial service providers.

11 **SEC. 4208. CRASH AVOIDANCE TECHNOLOGY.**

12 (a) IN GENERAL.—Subchapter II of chapter 301 of  
13 title 49, United States Code, is amended by adding at the  
14 end the following:

15 **“§ 30129. Crash avoidance technology**

16 “(a) IN GENERAL.—The Secretary of Transportation  
17 shall promulgate a rule—

18 “(1) to establish minimum performance stand-  
19 ards with respect to crash avoidance technology; and

20 “(2) to require that all motor vehicles manufac-  
21 tured for sale in the United States on or after the  
22 compliance date described in subsection (b) shall be  
23 equipped with—

24 “(A) a forward collision warning and auto-  
25 matic emergency braking system that—

1 “(i) alerts the driver if—  
2 “(I) the distance to a vehicle  
3 ahead or an object in the path of travel  
4 ahead is closing too quickly; and  
5 “(II) a collision is imminent; and  
6 “(ii) automatically applies the brakes  
7 if the driver fails to do so; and  
8 “(B) a lane departure warning and lane-  
9 keeping assist system that—  
10 “(i) warns the driver to maintain the  
11 lane of travel; and  
12 “(ii) corrects the course of travel if  
13 the driver fails to do so.

14 “(b) COMPLIANCE DATE.—The Secretary of Trans-  
15 portation shall determine the appropriate effective date,  
16 and any phasing-in of requirements, of the final rule pro-  
17 mulgated pursuant to subsection (a).”.

18 (b) CLERICAL AMENDMENT.—The analysis for sub-  
19 chapter II of chapter 301 of title 49, United States Code,  
20 is amended by adding at the end the following:

“30129. Crash avoidance technology.”.

21 **SEC. 4209. REDUCTION OF DRIVER DISTRACTION.**

22 (a) IN GENERAL.—Not later than 3 years after the  
23 date of enactment of this Act, the Secretary shall conduct  
24 research regarding the installation and use on motor vehi-

1 cles of driver monitoring systems to minimize or elimi-  
2 nate—

- 3 (1) driver distraction;
- 4 (2) driver disengagement;
- 5 (3) automation complacency by drivers; and
- 6 (4) foreseeable misuse of advanced driver-assist  
7 systems.

8 (b) REPORT.—Not later than 180 days after the date  
9 of completion of the research under subsection (a), the  
10 Secretary shall submit to the Committee on Commerce,  
11 Science, and Transportation of the Senate and the Com-  
12 mittee on Energy and Commerce of the House of Rep-  
13 resentatives a detailed report describing the findings of the  
14 research.

15 (c) RULEMAKING.—

16 (1) IN GENERAL.—If, based on the research  
17 completed under subsection (a), the Secretary deter-  
18 mines that—

19 (A) 1 or more additional rulemakings are  
20 necessary to ensure safety, in accordance with  
21 the section 30111 of title 49, United States  
22 Code, the Secretary shall initiate the  
23 rulemakings by not later than 2 years after the  
24 date of submission of the report under sub-  
25 section (b); and

1           (B) an additional rulemaking is not nec-  
2           essary, or an additional rulemaking cannot  
3           meet the applicable requirements and consider-  
4           ations described in subsections (a) and (b) of  
5           section 30111 of title 49, United States Code,  
6           the Secretary shall submit to the Committee on  
7           Commerce, Science, and Transportation of the  
8           Senate and the Committee on Energy and Com-  
9           merce of the House of Representatives a report  
10          describing the reasons for not prescribing addi-  
11          tional Federal motor vehicle safety standards  
12          regarding the research conducted under sub-  
13          section (a).

14          (2) PRIVACY.—A rule issued pursuant to para-  
15          graph (1) shall incorporate appropriate privacy and  
16          data security safeguards, as determined by the Sec-  
17          retary.

18 **SEC. 4210. RULEMAKING REPORT.**

19          (a) DEFINITION OF COVERED RULEMAKING.—In this  
20          section, the term “covered rulemaking” means a regula-  
21          tion or rulemaking that—

22                (1) has not been finalized by the date on which  
23                the relevant notification is submitted under sub-  
24                section (b); and

25                (2) relates to—



1 (A) section 30120A of title 49, United  
2 States Code;

3 (B) section 30166(o) of title 49, United  
4 States Code;

5 (C) section 30172 of title 49, United  
6 States Code;

7 (D) section 32302(c) of title 49, United  
8 States Code;

9 (E) a defect reporting requirement under  
10 section 32302(d) of title 49, United States  
11 Code;

12 (F) subsections (b) and (c) of section  
13 32304A of title 49, United States Code;

14 (G) the tire pressure monitoring standards  
15 required under section 24115 of the FAST Act  
16 (49 U.S.C. 30123 note; Public Law 114–94);

17 (H) the amendment made by section  
18 24402 of the FAST Act (129 Stat. 1720; Pub-  
19 lic Law 114–94) to section 30120(g)(1) of title  
20 49, United States Code;

21 (I) the records retention rule required  
22 under section 24403 of the FAST Act (49  
23 U.S.C. 30117 note; Public Law 114–94);

24 (J) the amendments made by section  
25 24405 of the FAST Act (Public Law 114–94);

1 129 Stat. 1721) to section 30114 of title 49,  
2 United States Code;

3 (K) a defect and noncompliance notifica-  
4 tion required under—

5 (i) section 24104 of the FAST Act  
6 (49 U.S.C. 30119 note; Public Law 114-  
7 94); or

8 (ii) section 31301 of MAP-21 (49  
9 U.S.C. 30166 note; Public Law 112-141);

10 (L) a side impact or frontal impact test  
11 procedure for child restraint systems under sec-  
12 tion 31501 of MAP-21 (49 U.S.C. 30127 note;  
13 Public Law 112-141);

14 (M) an upgrade to child restraint anchor-  
15 age system usability requirements required  
16 under section 31502 of MAP-21 (49 U.S.C.  
17 30127 note; Public Law 112-141);

18 (N) the rear seat belt reminder system re-  
19 quired under section 31503 of MAP-21 (49  
20 U.S.C. 30127 note; Public Law 112-141);

21 (O) a motorcoach rulemaking required  
22 under section 32703 of MAP-21 (49 U.S.C.  
23 31136 note; Public Law 112-141); or

24 (P) any rulemaking required under this  
25 Act.

1 (b) NOTIFICATION.—Not later than 180 days after  
2 the date of enactment of this Act, and not less frequently  
3 than biannually thereafter until the applicable covered  
4 rulemaking is complete, the Secretary shall submit to the  
5 Committee on Commerce, Science, and Transportation of  
6 the Senate and the Committee on Energy and Commerce  
7 of the House of Representatives a written notification that  
8 includes, with respect to each covered rulemaking—

9 (1) for a covered rulemaking with a statutory  
10 deadline for completion—

11 (A) an explanation of why the deadline was  
12 not met; and

13 (B) an expected date of completion of the  
14 covered rulemaking; and

15 (2) for a covered rulemaking without a statu-  
16 tory deadline for completion, an expected date of  
17 completion of the covered rulemaking.

18 (c) ADDITIONAL CONTENTS.—A notification under  
19 subsection (b) shall include, for each applicable covered  
20 rulemaking—

21 (1) an updated timeline;

22 (2) a list of factors causing delays in the com-  
23 pletion of the covered rulemaking; and

24 (3) any other details associated with the status  
25 of the covered rulemaking.

1 **SEC. 4211. GLOBAL HARMONIZATION.**

2 The Secretary shall cooperate, to the maximum ex-  
3 tent practicable, with foreign governments, nongovern-  
4 mental stakeholder groups, the motor vehicle industry,  
5 and consumer groups with respect to global harmonization  
6 of vehicle regulations as a means for improving motor ve-  
7 hicle safety.

8 **SEC. 4212. HEADLAMPS.**

9 (a) DEFINITIONS.—In this section:

10 (1) ADAPTIVE DRIVING BEAM HEADLAMP.—The  
11 term “adaptive driving beam headlamp” means a  
12 headlamp (as defined in Standard 108) that meets  
13 the performance requirements specified in SAE  
14 International Standard J3069, published on June  
15 30, 2016.

16 (2) STANDARD 108.—The term “Standard 108”  
17 means Federal Motor Vehicle Safety Standard Num-  
18 ber 108, contained in section 571.108 of title 49,  
19 Code of Federal Regulations (as in effect on the  
20 date of enactment of this Act).

21 (b) RULEMAKING.—Not later than 2 years after the  
22 date of enactment of this Act, the Secretary shall issue  
23 a final rule amending Standard 108—

24 (1) to include performance-based standards for  
25 vehicle headlamp systems—

1 (A) to ensure that headlights are correctly  
2 aimed on the road; and

3 (B) requiring those systems to be tested  
4 on-vehicle to account for headlight height and  
5 lighting performance; and

6 (2) to allow for the use on vehicles of adaptive  
7 driving beam headlamp systems.

8 (c) PERIODIC REVIEW.—Nothing in this section pre-  
9 cludes the Secretary from—

10 (1) reviewing Standard 108, as amended pursu-  
11 ant to subsection (b); and

12 (2) revising Standard 108 to reflect an updated  
13 version of SAE International Standard J3069, as  
14 the Secretary determines to be—

15 (A) appropriate; and

16 (B) in accordance with section 30111 of  
17 title 49, United States Code.

18 **SEC. 4213. NEW CAR ASSESSMENT PROGRAM.**

19 (a) UPDATES.—Not later than 1 year after the date  
20 of enactment of this Act, the Secretary shall finalize the  
21 proceeding for which comments were requested in the no-  
22 tice entitled “New Car Assessment Program” (80 Fed.  
23 Reg. 78522 (December 16, 2015)) to update the pas-  
24 senger motor vehicle information required under section  
25 32302(a) of title 49, United States Code.

1 (b) INFORMATION PROGRAM.—Section 32302 of title  
2 49, United States Code, is amended—

3 (1) in subsection (a), in the matter preceding  
4 paragraph (1), by inserting “(referred to in this sec-  
5 tion as the ‘Secretary’)” after “of Transportation”;  
6 and

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

8 “(e) ADVANCED CRASH-AVOIDANCE TECH-  
9 NOLOGIES.—

10 “(1) NOTICE.—Not later than 1 year after the  
11 date of enactment of this subsection, the Secretary  
12 shall publish a notice, for purposes of public review  
13 and comment, to establish, distinct from crash-  
14 worthiness information, a means for providing to  
15 consumers information relating to advanced crash-  
16 avoidance technologies, in accordance with sub-  
17 section (a).

18 “(2) INCLUSIONS.—The notice under paragraph  
19 (1) shall include—

20 “(A) an appropriate methodology for—

21 “(i) determining which advanced  
22 crash-avoidance technologies shall be in-  
23 cluded in the information;

24 “(ii) developing performance test cri-  
25 teria for use by manufacturers in evalu-

1           ating advanced crash avoidance tech-  
2           nologies;

3           “(iii) determining a distinct rating in-  
4           volving each advanced crash-avoidance  
5           technology to be included; and

6           “(iv) updating overall vehicle ratings  
7           to incorporate advanced crash-avoidance  
8           technology ratings; and

9           “(B) such other information and analyses  
10          as the Secretary determines to be necessary to  
11          implement the rating of advanced crash-avoid-  
12          ance technologies.

13          “(3) REPORT.—Not later than 18 months after  
14          the date of enactment of this subsection, the Sec-  
15          retary shall submit to the Committee on Commerce,  
16          Science, and Transportation of the Senate and the  
17          Committee on Energy and Commerce of the House  
18          of Representatives a report that describes a plan for  
19          implementing an advanced crash-avoidance tech-  
20          nology information and rating system, in accordance  
21          with subsection (a).

22          “(f) VULNERABLE ROAD USER SAFETY.—

23                 “(1) NOTICE.—Not later than 1 year after the  
24                 date of enactment of this subsection, the Secretary  
25                 shall publish a notice, for purposes of public review

1 and comment, to establish a means for providing to  
2 consumers information relating to pedestrian, bicy-  
3 clist, or other vulnerable road user safety tech-  
4 nologies, in accordance with subsection (a).

5 “(2) INCLUSIONS.—The notice under paragraph  
6 (1) shall include—

7 “(A) an appropriate methodology for—

8 “(i) determining which technologies  
9 shall be included in the information;

10 “(ii) developing performance test cri-  
11 teria for use by manufacturers in evalu-  
12 ating the extent to which automated pedes-  
13 trian safety systems in light vehicles at-  
14 tempt to prevent and mitigate, to the best  
15 extent possible, pedestrian injury;

16 “(iii) determining a distinct rating in-  
17 volving each technology to be included; and

18 “(iv) updating overall vehicle ratings  
19 to incorporate vulnerable road user safety  
20 technology ratings; and

21 “(B) such other information and analyses  
22 as the Secretary determines to be necessary to  
23 implement the rating of vulnerable road user  
24 safety technologies.



1           “(3) REPORT.—Not later than 18 months after  
2           the date of enactment of this subsection, the Sec-  
3           retary shall submit to the Committee on Commerce,  
4           Science, and Transportation of the Senate and the  
5           Committee on Energy and Commerce of the House  
6           of Representatives a report that describes a plan for  
7           implementing an information and rating system for  
8           vulnerable road user safety technologies, in accord-  
9           ance with subsection (a).”.

10          (c) ROADMAP.—

11           (1) IN GENERAL.—Chapter 323 of title 49,  
12          United States Code, is amended by adding at the  
13          end the following:

14          **“§ 32310. New Car Assessment Program roadmap**

15           “(a) ESTABLISHMENT.—Not later than 1 year after  
16          the date of enactment of this section, and not less fre-  
17          quently than once every 4 years thereafter, the Secretary  
18          of Transportation (referred to in this section as the ‘Sec-  
19          retary’) shall establish a roadmap for the implementation  
20          of the New Car Assessment Program of the National  
21          Highway Traffic Safety Administration.

22           “(b) REQUIREMENTS.—A roadmap under subsection  
23          (a) shall—

24           “(1) cover a term of 10 years, consisting of—

1           “(A) a mid-term component covering the  
2           initial 5 years of the term; and

3           “(B) a long-term component covering the  
4           final 5 years of the term; and

5           “(2) be in accordance with—

6           “(A) section 306 of title 5;

7           “(B) section 1115 of title 31;

8           “(C) section 24401 of the FAST Act (49  
9           U.S.C. 105 note; Public Law 114–94); and

10           “(D) any other relevant plans of the Na-  
11           tional Highway Traffic Safety Administration.

12           “(c) CONTENTS.—A roadmap under subsection (a)  
13 shall include—

14           “(1) a plan for any changes to the New Car As-  
15           sessment Program of the National Highway Traffic  
16           Safety Administration, including—

17           “(A) descriptions of actions to be carried  
18           out to update the passenger motor vehicle infor-  
19           mation developed under section 32302(a), in-  
20           cluding the development of test procedures, test  
21           devices, test fixtures, and safety performance  
22           metrics, which shall, as applicable, incor-  
23           porate—

24           “(i) objective criteria for evaluating  
25           safety technologies; and

1                   “(ii) reasonable time periods for com-  
2                   pliance with new or updated tests;

3                   “(B) key milestones, including the antici-  
4                   pated start of an action, completion of an ac-  
5                   tion, and effective date of an update; and

6                   “(C) descriptions of the means by which  
7                   an update will improve the passenger motor ve-  
8                   hicle information developed under section  
9                   32302(a);

10                  “(2) an identification and prioritization of safe-  
11                  ty opportunities and technologies—

12                   “(A) with respect to the mid-term compo-  
13                   nent of the roadmap under subsection  
14                   (b)(1)(A)—

15                   “(i) that are practicable; and

16                   “(ii) for which objective rating tests,  
17                   evaluation criteria, and other consumer  
18                   data exist for a market-based, consumer  
19                   information approach; and

20                   “(B) with respect to the long-term compo-  
21                   nent of the roadmap under subsection  
22                   (b)(1)(B), exist or are in development;

23                  “(3) an identification of—

24                   “(A) any safety opportunity or technology  
25                   that—

1                   “(i) is identified through the activities  
2                   carried out pursuant to subsection (d) or  
3                   (e); and

4                   “(ii) is not included in the roadmap  
5                   under paragraph (2);

6                   “(B) the reasons why such a safety oppor-  
7                   tunity or technology is not included in the road-  
8                   map; and

9                   “(C) any developments or information that  
10                  would be necessary for the Secretary to con-  
11                  sider including such a safety opportunity or  
12                  technology in a future roadmap; and

13                  “(4) consideration of the benefits of consistency  
14                  with other rating systems used—

15                         “(A) within the United States; and

16                         “(B) internationally.

17                  “(d) CONSIDERATIONS.—Before finalizing a roadmap  
18                  under this section, the Secretary shall—

19                         “(1) make the roadmap available for public  
20                         comment;

21                         “(2) review any public comments received under  
22                         paragraph (1); and

23                         “(3) incorporate in the roadmap under this sec-  
24                         tion those comments, as the Secretary determines to  
25                         be appropriate.

1       “(e) STAKEHOLDER ENGAGEMENT.—Not less fre-  
2       quently than annually, the Secretary shall engage stake-  
3       holders that represent a diversity of technical backgrounds  
4       and viewpoints—

5               “(1) to identify—

6                       “(A) safety opportunities or technologies in  
7                       development that could be included in future  
8                       roadmaps; and

9                       “(B) opportunities to benefit from collabo-  
10                      ration or harmonization with third-party safety  
11                      rating programs;

12               “(2) to assist with long-term planning;

13               “(3) to provide an interim update of the status  
14               and development of the following roadmap to be es-  
15               tablished under subsection (a); and

16               “(4) to collect feedback or other information  
17               that the Secretary determines to be relevant to en-  
18               hancing the New Car Assessment Program of the  
19               National Highway Traffic Safety Administration.”.

20               (2) CLERICAL AMENDMENT.—The analysis for  
21               chapter 323 of title 49, United States Code, is  
22               amended by adding at the end the following:

“32310. New Car Assessment Program roadmap.”.

23 **SEC. 4214. HOOD AND BUMPER STANDARDS.**

24       (a) NOTICE.—Not later than 2 years after the date  
25       of enactment of this Act, the Secretary shall issue a notice,

1 for purposes of public review and comment, regarding po-  
2 tential updates to hood and bumper standards for motor  
3 vehicles (as defined in section 30102(a) of title 49, United  
4 States Code).

5 (b) INCLUSIONS.—The notice under subsection (a)  
6 shall include information relating to—

7 (1) the incorporation or consideration of ad-  
8 vanced crash avoidance technology in existing motor  
9 vehicle standards;

10 (2) the incorporation or consideration of stand-  
11 ards or technologies to reduce the number of injuries  
12 and fatalities suffered by pedestrians, bicyclists, or  
13 other vulnerable road users;

14 (3) the development of performance test criteria  
15 for use by manufacturers in evaluating advanced  
16 crash avoidance technology, including technology re-  
17 lating to vulnerable road user safety;

18 (4) potential harmonization with global stand-  
19 ards, including United Nations Economic Commis-  
20 sion for Europe Regulation Number 42; and

21 (5) such other information and analyses as the  
22 Secretary determines to be necessary.

23 (c) REPORT.—Not later than 2 years after the date  
24 of enactment of this Act, the Secretary shall submit to  
25 the Committee on Commerce, Science, and Transportation

1 of the Senate and the Committee on Energy and Com-  
2 merce of the House of Representatives a report that de-  
3 scribes—

4 (1) the current status of hood and bumper  
5 standards;

6 (2) relevant advanced crash avoidance tech-  
7 nology;

8 (3) actions needed to be carried out to develop  
9 performance test criteria; and

10 (4) if applicable, a plan for incorporating ad-  
11 vanced crash avoidance technology, including tech-  
12 nology relating to vulnerable road user safety, in ex-  
13 isting standards.

14 **SEC. 4215. EMERGENCY MEDICAL SERVICES AND 9-1-1.**

15 Section 158(a) of the National Telecommunications  
16 and Information Administration Organization Act (47  
17 U.S.C. 942(a)) is amended by striking paragraph (4).

18 **SEC. 4216. EARLY WARNING REPORTING.**

19 (a) IN GENERAL.—Section 30166(m)(3) of title 49,  
20 United States Code, is amended by adding at the end the  
21 following:

22 “(D) SETTLEMENTS.—Notwithstanding  
23 any order entered in a civil action restricting  
24 the disclosure of information, a manufacturer of  
25 a motor vehicle or motor vehicle equipment

1 shall comply with the requirements of this sub-  
2 section and any regulations promulgated pursu-  
3 ant to this subsection.”.

4 (b) STUDY AND REPORT.—Not later than 18 months  
5 after the date of enactment of this Act, the Administrator  
6 of the National Highway Traffic Safety Administration  
7 shall—

8 (1) conduct a study—

9 (A) to evaluate the early warning reporting  
10 data submitted under section 30166(m) of title  
11 49, United States Code (including regulations);  
12 and

13 (B) to identify improvements, if any, that  
14 would enhance the use by the National High-  
15 way Traffic Administration of early warning re-  
16 porting data to enhance safety; and

17 (2) submit to the Committee on the Committee  
18 on Commerce, Science, and Transportation of the  
19 Senate and the Committee on Energy and Com-  
20 merce of the House of Representatives a report de-  
21 scribing the results of the study under paragraph  
22 (1), including any recommendations for regulatory  
23 or legislative action.



1 **SEC. 4217. IMPROVED VEHICLE SAFETY DATABASES.**

2 Not later than 3 years after the date of enactment  
3 of this Act, after consultation with frequent users of pub-  
4 licly available databases, the Secretary shall improve pub-  
5 lic accessibility to information relating to the publicly ac-  
6 cessible vehicle safety databases of the National Highway  
7 Traffic Safety Administration by revising the publicly ac-  
8 cessible vehicle safety databases—

9 (1) to improve organization and functionality,  
10 including design features such as drop-down menus;

11 (2) to allow data from applicable publicly acces-  
12 sible vehicle safety databases to be searched, sorted,  
13 aggregated, and downloaded in a manner that—

14 (A) is consistent with the public interest;

15 and

16 (B) facilitates easy use by consumers;

17 (3) to provide greater consistency in presen-  
18 tation of vehicle safety issues;

19 (4) to improve searchability regarding specific  
20 vehicles and issues, which may include the standard-  
21 ization of commonly used search terms; and

22 (5) to ensure nonconfidential documents and  
23 materials relating to information created or obtained  
24 by the National Highway Traffic Safety Administra-  
25 tion are made publicly available in a manner that  
26 is—

1 (A) timely; and

2 (B) searchable in databases by any ele-  
3 ment that the Secretary determines to be in the  
4 public interest.

5 **SEC. 4218. NATIONAL DRIVER REGISTER ADVISORY COM-  
6 MITTEE REPEAL.**

7 (a) **IN GENERAL.**—Section 30306 of title 49, United  
8 States Code, is repealed.

9 (b) **CLERICAL AMENDMENT.**—The analysis for chap-  
10 ter 303 of title 49, United States Code, is amended by  
11 striking the item relating to section 30306.

12 **SEC. 4219. RESEARCH ON CONNECTED VEHICLE TECH-  
13 NOLOGY.**

14 The Administrator of the National Highway Traffic  
15 Safety Administration, in collaboration with the head of  
16 the Intelligent Transportation Systems Joint Program Of-  
17 fice and the Administrator of the Federal Highway Ad-  
18 ministration, shall—

19 (1) not later than 180 days after the date of  
20 enactment of this Act, expand vehicle-to-pedestrian  
21 research efforts to ensure that bicyclists and other  
22 vulnerable road users will be incorporated into the  
23 safe deployment of connected vehicle systems; and

24 (2) not later than 2 years after the date of en-  
25 actment of this Act, submit to Congress and make

1 publicly available a report describing the findings of  
2 the research efforts described in paragraph (1).

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); and

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).

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)—

## 450

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           ance, education, training, funding, and examples of  
2           intelligent transportation systems or smart commu-  
3           nity transportation programs implemented by States  
4           and local communities, available from—

5                   (A) the Department;

6                   (B) other Federal agencies; and

7                   (C) non-Federal sources;

8                   (2) existing reports or databases with the re-  
9                   sults of intelligent transportation system or smart  
10                  community transportation programs;

11                  (3) any best practices developed or lessons  
12                  learned from intelligent transportation system or  
13                  smart community transportation programs; and

14                  (4) such other resources as the Secretary deter-  
15                  mines to be appropriate.

16           (d) DEADLINE.—The Secretary shall establish the re-  
17           source center by the date that is 1 year after the date  
18           of enactment of this Act.

19           (e) UPDATES.—The Secretary shall ensure that the  
20           resource center is updated on a regular basis.

21   **SEC. 5003. FEDERAL SUPPORT FOR LOCAL DECISION-**  
22                   **MAKING.**

23           (a) LOCAL OUTREACH.—To determine the data anal-  
24           ysis tools needed to assist local communities in making  
25           infrastructure decisions, the Director of the Bureau of

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:



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 improved 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 im-  
7 proved access to jobs, education, or  
8 various 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 recipient  
18 eligible entities in meeting the goals described  
19 in the SMART grant application of the eligible  
20 entity, including an assessment or measurement  
21 of the realized improvements or benefits result-  
22 ing 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;

474

- 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;

475

1 (oo) the intelligent transpor-  
2 tation systems and technologies  
3 industry;

4 (pp) organized labor;

5 (qq) the trucking industry;

6 (rr) Tribal governments; and

7 (ss) the property develop-  
8 ment industry; and

9 (II) may include a representative  
10 of any other non-Federal stakeholder  
11 that the Secretaries consider to be ap-  
12 propriate.

13 (ii) REQUIREMENT.—The stake-  
14 holders selected under clause (i) shall, in  
15 the aggregate—

16 (I) consist of individuals with a  
17 balance of backgrounds, experiences,  
18 and viewpoints; and

19 (II) include individuals that rep-  
20 resent geographically diverse regions  
21 of the United States, including indi-  
22 viduals representing the perspectives  
23 of rural, urban, and suburban areas.

24 (3) MEETINGS.—

1 (A) IN GENERAL.—The working group  
2 shall meet not less frequently than once every  
3 120 days.

4 (B) REMOTE PARTICIPATION.—A member  
5 of the working group may participate in a meet-  
6 ing of the working group via teleconference or  
7 similar means.

8 (4) COORDINATION.—In carrying out the duties  
9 of the working group, the working group shall co-  
10 ordinate and consult with any existing Federal inter-  
11 agency working groups on fleet conversion or other  
12 similar matters relating to electric vehicles.

13 (c) REPORTS AND STRATEGY ON ELECTRIC VEHICLE  
14 ADOPTION.—

15 (1) WORKING GROUP REPORTS.—The working  
16 group shall complete by each of the deadlines de-  
17 scribed in paragraph (2) a report describing the sta-  
18 tus of electric vehicle adoption including—

19 (A) a description of the barriers and op-  
20 portunities to scaling up electric vehicle adop-  
21 tion throughout the United States, including  
22 recommendations for issues relating to—

23 (i) consumer behavior;

24 (ii) charging infrastructure needs, in-  
25 cluding standardization and cybersecurity;

1 (iii) manufacturing and battery costs,  
2 including the raw material shortages for  
3 batteries and electric motor magnets;

4 (iv) the adoption of electric vehicles  
5 for low- and moderate-income individuals  
6 and underserved communities, including  
7 charging infrastructure access and vehicle  
8 purchase financing;

9 (v) business models for charging per-  
10 sonal electric vehicles outside the home, in-  
11 cluding wired and wireless charging;

12 (vi) charging infrastructure permit-  
13 ting and regulatory issues;

14 (vii) the connections between housing  
15 and transportation costs and emissions;

16 (viii) freight transportation, including  
17 local, port and drayage, regional, and long-  
18 haul trucking;

19 (ix) intercity passenger travel;

20 (x) the process by which governments  
21 collect a user fee for the contribution of  
22 electric vehicles to funding roadway im-  
23 provements;

24 (xi) State- and local-level policies, in-  
25 centives, and zoning efforts;

1 (xii) the installation of highway cor-  
2 ridor signage;

3 (xiii) secondary markets and recycling  
4 for batteries;

5 (xiv) grid capacity and integration;

6 (xv) energy storage; and

7 (xvi) specific regional or local issues  
8 that may not appear to apply throughout  
9 the United States, but may hamper nation-  
10 wide adoption or coordination of electric  
11 vehicles;

12 (B) examples of successful public and pri-  
13 vate models and demonstration projects that  
14 encourage electric vehicle adoption;

15 (C) an analysis of current efforts to over-  
16 come the barriers described in subparagraph  
17 (A);

18 (D) an analysis of the estimated costs and  
19 benefits of any recommendations of the working  
20 group; and

21 (E) any other topics, as determined by the  
22 working group.

23 (2) DEADLINES.—A report under paragraph  
24 (1) shall be submitted to the Secretaries, the Com-  
25 mittees on Commerce, Science, and Transportation

1 and Appropriations of the Senate and the Commit-  
2 tees on Transportation and Infrastructure and Ap-  
3 propriations of the House of Representatives—

4 (A) in the case of the first report, by not  
5 later than 18 months after the date on which  
6 the working group is established under sub-  
7 section (b)(1);

8 (B) in the case of the second report, by not  
9 later than 2 years after the date on which the  
10 first report is required to be submitted under  
11 subparagraph (A); and

12 (C) in the case of the third report, by not  
13 later than 2 years after the date on which the  
14 second report is required to be submitted under  
15 subparagraph (B).

16 (3) STRATEGY.—

17 (A) IN GENERAL.—Based on the reports  
18 submitted by the working group under para-  
19 graph (1), the Secretaries shall jointly develop,  
20 maintain, and update a strategy that describes  
21 the means by which the Federal Government,  
22 States, units of local government, and industry  
23 can—

24 (i) establish quantitative targets for  
25 transportation electrification;

1 (ii) overcome the barriers described in  
2 paragraph (1)(A);

3 (iii) identify areas of opportunity in  
4 research and development to improve bat-  
5 tery manufacturing, mineral mining, recy-  
6 cling costs, material recovery, fire risks,  
7 and battery performance for electric vehi-  
8 cles;

9 (iv) enhance Federal interagency co-  
10 ordination to promote electric vehicle adop-  
11 tion;

12 (v) prepare the workforce for the  
13 adoption of electric vehicles, including  
14 through collaboration with labor unions,  
15 educational institutions, and relevant man-  
16 ufacturers;

17 (vi) expand electric vehicle and charg-  
18 ing infrastructure;

19 (vii) expand knowledge of the benefits  
20 of electric vehicles among the general pub-  
21 lic;

22 (viii) maintain the global competitive-  
23 ness of the United States in the electric ve-  
24 hicle and charging infrastructure markets;



1 (ix) provide clarity in regulations to  
2 improve national uniformity with respect to  
3 electric vehicles; and

4 (x) ensure the sustainable integration  
5 of electric vehicles into the national electric  
6 grid.

7 (B) NOTICE AND COMMENT.—In carrying  
8 out subparagraph (A), the Secretaries shall pro-  
9 vide public notice and opportunity for comment  
10 on the strategy described in that subparagraph.

11 (4) INFORMATION.—

12 (A) IN GENERAL.—The Secretaries may  
13 enter into an agreement with the Transpor-  
14 tation Research Board of the National Acad-  
15 emies of Sciences, Engineering, and Medicine to  
16 provide, track, or report data, information, or  
17 research to assist the working group in carrying  
18 out paragraph (1).

19 (B) USE OF EXISTING INFORMATION.—In  
20 developing a report under paragraph (1) or a  
21 strategy under paragraph (3), the Secretaries  
22 and the working group shall take into consider-  
23 ation existing Federal, State, local, private sec-  
24 tor, and academic data and information relating  
25 to electric vehicles and, to the maximum extent

1           practicable, coordinate with the entities that  
2           publish that information—

- 3                   (i) to prevent duplication of efforts by  
4                   the Federal Government; and  
5                   (ii) to leverage existing information  
6                   and complementary efforts.

7           (d) COORDINATION.—To the maximum extent prac-  
8           ticable, the Secretaries and the working group shall carry  
9           out this section using all available existing resources,  
10          websites, and databases of Federal agencies, such as—

- 11                   (1) the Alternative Fuels Data Center;  
12                   (2) the Energy Efficient Mobility Systems pro-  
13                   gram; and  
14                   (3) the Clean Cities Coalition Network.

15   **SEC. 5007. RISK AND SYSTEM RESILIENCE.**

16          (a) IN GENERAL.—The Secretary, in consultation  
17          with appropriate Federal, State, and local agencies, shall  
18          develop a process for quantifying annual risk in order to  
19          increase system resilience with respect to the surface  
20          transportation system of the United States by meas-  
21          uring—

- 22                   (1) resilience to threat probabilities by type of  
23                   hazard and geographical location;  
24                   (2) resilience to asset vulnerabilities with re-  
25                   spect to each applicable threat; and

1           (3) anticipated consequences from each applica-  
2           ble threat to each asset.

3           (b) USE BY STATE, REGIONAL, TRIBAL, AND LOCAL  
4 ENTITIES.—

5           (1) IN GENERAL.—The Secretary shall provide  
6           the process developed under subsection (a) to State  
7           departments of transportation, metropolitan plan-  
8           ning organizations, Indian Tribes, local govern-  
9           ments, and other relevant entities.

10          (2) GUIDANCE AND TECHNICAL ASSISTANCE.—  
11          The Secretary shall provide to the entities described  
12          in paragraph (1) guidance and technical assistance  
13          on the use of the process referred to in that para-  
14          graph.

15          (c) RESEARCH.—

16          (1) IN GENERAL.—The Secretary shall—

17                (A) identify and support fundamental re-  
18                search to develop a framework and quantitative  
19                models to support compilation of information  
20                for risk-based analysis of transportation assets  
21                by standardizing the basis for quantifying an-  
22                nual risk and increasing system resilience; and

23                (B) build on existing resilience research,  
24                including studies conducted by—

1 (i) the Transportation Research  
2 Board of the National Academies of  
3 Sciences, Engineering, and Medicine; and

4 (ii) the National Institute of Stand-  
5 ards and Technology.

6 (2) USE OF EXISTING FACILITIES.—In carrying  
7 out paragraph (1), the Secretary shall use existing  
8 research facilities available to the Secretary, includ-  
9 ing the Turner–Fairbank Highway Research Center  
10 and University Transportation Centers established  
11 under section 5505 of title 49, United States Code.

12 **SEC. 5008. COORDINATION ON EMERGING TRANSPOR-**  
13 **TATION TECHNOLOGY.**

14 (a) IN GENERAL.—Subchapter I of chapter 3 of title  
15 49, United States Code, is amended by adding at the end  
16 the following:

17 **“§ 313. Nontraditional and Emerging Transportation**  
18 **Technology Council**

19 “(a) ESTABLISHMENT.—Not later than 180 days  
20 after the date of enactment of this section, the Secretary  
21 of Transportation (referred to in this section as the ‘Sec-  
22 retary’) shall establish a council, to be known as the ‘Non-  
23 traditional and Emerging Transportation Technology  
24 Council’ (referred to in this section as the ‘Council’), to

1 address coordination on emerging technology issues across  
2 all modes of transportation.

3 “(b) MEMBERSHIP.—

4 “(1) IN GENERAL.—The Council shall be com-  
5 posed of—

6 “(A) the Secretary, who shall serve as an  
7 ex officio member of the Council;

8 “(B) the Deputy Secretary of Transpor-  
9 tation;

10 “(C) the Under Secretary of Transpor-  
11 tation for Policy;

12 “(D) the Assistant Secretary for Research  
13 and Technology of the Department of Trans-  
14 portation;

15 “(E) the Assistant Secretary for Budget  
16 and Programs of the Department of Transpor-  
17 tation;

18 “(F) the General Counsel of the Depart-  
19 ment of Transportation;

20 “(G) the Chief Information Officer of the  
21 Department of Transportation;

22 “(H) the Administrator of the Federal  
23 Aviation Administration;

24 “(I) the Administrator of the Federal  
25 Highway Administration;

1           “(J) the Administrator of the Federal  
2 Motor Carrier Safety Administration;

3           “(K) the Administrator of the Federal  
4 Railroad Administration;

5           “(L) the Administrator of the Federal  
6 Transit Administration;

7           “(M) the Administrator of the Maritime  
8 Administration;

9           “(N) the Administrator of the National  
10 Highway Traffic Safety Administration;

11           “(O) the Administrator of the Pipeline and  
12 Hazardous Materials Safety Administration;

13 and

14           “(P) any other official of the Department  
15 of Transportation, as determined by the Sec-  
16 retary.

17           “(2) CHAIR AND VICE CHAIR.—

18           “(A) CHAIR.—The Deputy Secretary of  
19 Transportation (or a designee) shall serve as  
20 Chair of the Council.

21           “(B) VICE CHAIR.—The Under Secretary  
22 of Transportation for Policy (or a designee)  
23 shall serve as Vice Chair of the Council.

24           “(c) DUTIES.—The Council shall—

1           “(1) identify and resolve jurisdictional and reg-  
2           ulatory gaps or inconsistencies associated with non-  
3           traditional and emerging transportation tech-  
4           nologies, modes, or projects pending or brought be-  
5           fore the Department of Transportation to reduce, to  
6           the maximum extent practicable, impediments to the  
7           prompt and safe deployment of new and innovative  
8           transportation technology, including with respect  
9           to—

10                   “(A) safety oversight;

11                   “(B) environmental review; and

12                   “(C) funding and financing issues;

13           “(2) coordinate the response of the Department  
14           of Transportation to nontraditional and emerging  
15           transportation technology projects;

16           “(3) engage with stakeholders in nontraditional  
17           and emerging transportation technology projects;  
18           and

19           “(4) develop and establish Department of  
20           Transportation-wide processes, solutions, and best  
21           practices for identifying and managing nontradi-  
22           tional and emerging transportation technology  
23           projects.

24           “(d) BEST PRACTICES.—Not later than 1 year after  
25           the date of enactment of this section, the Council shall—

1           “(1) publish initial guidelines to achieve the  
2 purposes described in subsection (c)(4); and

3           “(2) promote each modal administration within  
4 the Department of Transportation to further test  
5 and support the advancement of nontraditional and  
6 emerging transportation technologies not specifically  
7 considered by the Council.

8           “(e) SUPPORT.—The Office of the Secretary shall  
9 provide support for the Council.

10          “(f) MEETINGS.—The Council shall meet not less fre-  
11 quently than 4 times per year, at the call of the Chair.

12          “(g) LEAD MODAL ADMINISTRATION.—For each  
13 nontraditional or emerging transportation technology,  
14 mode, or project associated with a jurisdictional or regu-  
15 latory gap or inconsistency identified under subsection  
16 (c)(1), the Chair of the Council shall—

17           “(1) designate a lead modal administration of  
18 the Department of Transportation for review of the  
19 technology, mode, or project; and

20           “(2) arrange for the detailing of staff between  
21 modal administrations or offices of the Department  
22 of Transportation as needed to maximize the sharing  
23 of experience and expertise.

24          “(h) TRANSPARENCY.—Not later than 1 year after  
25 the date of establishment of the Council, and not less fre-



1 quently than annually thereafter until December 31, 2026,  
2 the Council shall post on a publicly accessible website a  
3 report describing the activities of the Council during the  
4 preceding calendar year.”.

5 (b) CLERICAL AMENDMENT.—The analysis for sub-  
6 chapter I of chapter 3 of title 49, United States Code,  
7 is amended by adding at the end the following:

“313. Nontraditional and Emerging Transportation Technology Council.”.

8 **SEC. 5009. INTERAGENCY INFRASTRUCTURE PERMITTING**  
9 **IMPROVEMENT CENTER.**

10 (a) IN GENERAL.—Section 102 of title 49, United  
11 States Code, is amended—

12 (1) in subsection (a), by inserting “(referred to  
13 in this section as the ‘Department’)” after “Trans-  
14 portation”;

15 (2) in subsection (b), in the first sentence, by  
16 inserting “(referred to in this section as the ‘Sec-  
17 retary’)” after “Transportation”;

18 (3) in subsection (f)(1), by striking “of Trans-  
19 portation” each place it appears;

20 (4) by redesignating subsection (h) as sub-  
21 section (i); and

22 (5) by inserting after subsection (g) the fol-  
23 lowing:

24 “(h) INTERAGENCY INFRASTRUCTURE PERMITTING  
25 IMPROVEMENT CENTER.—

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

2 “(A) CENTER.—The term ‘Center’ means  
3 the Interagency Infrastructure Permitting Im-  
4 provement Center established by paragraph (2).

5 “(B) PROJECT.—The term ‘project’ means  
6 a project authorized or funded under—

7 “(i) this title; or

8 “(ii) title 14, 23, 46, or 51.

9 “(2) ESTABLISHMENT.—There is established  
10 within the Office of the Secretary a center, to be  
11 known as the ‘Interagency Infrastructure Permitting  
12 Improvement Center’.

13 “(3) PURPOSES.—The purposes of the Center  
14 shall be—

15 “(A) to implement reforms to improve  
16 interagency coordination and expedite projects  
17 relating to the permitting and environmental re-  
18 view of major transportation infrastructure  
19 projects, including—

20 “(i) developing and deploying informa-  
21 tion technology tools to track project  
22 schedules and metrics; and

23 “(ii) improving the transparency and  
24 accountability of the permitting process;

1                   “(B)(i) to identify appropriate methods to  
2 assess environmental impacts; and

3                   “(ii) to develop innovative methods for  
4 reasonable mitigation;

5                   “(C) to reduce uncertainty and delays with  
6 respect to environmental reviews and permit-  
7 ting; and

8                   “(D) to reduce costs and risks to taxpayers  
9 in project delivery.

10                  “(4) EXECUTIVE DIRECTOR.—The Center shall  
11 be headed by an Executive Director, who shall—

12                   “(A) report to the Under Secretary of  
13 Transportation for Policy;

14                   “(B) be responsible for the management  
15 and oversight of the daily activities, decisions,  
16 operations, and personnel of the Center; and

17                   “(C) carry out such additional duties as  
18 the Secretary may prescribe.

19                  “(5) DUTIES.—The Center shall carry out the  
20 following duties:

21                   “(A) Coordinate and support implementa-  
22 tion of priority reform actions for Federal agen-  
23 cy permitting and reviews.

24                   “(B) Support modernization efforts at the  
25 operating administrations within the Depart-

1           ment and interagency pilot programs relating to  
2           innovative approaches to the permitting and re-  
3           view of transportation infrastructure projects.

4           “(C) Provide technical assistance and  
5           training to Department staff on policy changes,  
6           innovative approaches to project delivery, and  
7           other topics, as appropriate.

8           “(D) Identify, develop, and track metrics  
9           for timeliness of permit reviews, permit deci-  
10          sions, and project outcomes.

11          “(E) Administer and expand the use of on-  
12          line transparency tools providing for—

13               “(i) tracking and reporting of metrics;

14               “(ii) development and posting of  
15               schedules for permit reviews and permit  
16               decisions;

17               “(iii) the sharing of best practices re-  
18               lating to efficient project permitting and  
19               reviews; and

20               “(iv) the visual display of relevant  
21               geospatial data to support the permitting  
22               process.

23          “(F) Submit to the Secretary reports de-  
24          scribing progress made toward achieving—

1                   “(i) greater efficiency in permitting  
2                   decisions and review of infrastructure  
3                   projects; and

4                   “(ii) better outcomes for communities  
5                   and the environment.

6                   “(6) INNOVATIVE BEST PRACTICES.—

7                   “(A) IN GENERAL.—The Center shall work  
8                   with the operating administrations within the  
9                   Department, eligible entities, and other public  
10                  and private interests to develop and promote  
11                  best practices for innovative project delivery.

12                  “(B) ACTIVITIES.—The Center shall sup-  
13                  port the Department and operating administra-  
14                  tions in conducting environmental reviews and  
15                  permitting, together with project sponsor tech-  
16                  nical assistance activities, by—

17                         “(i) carrying out activities that are  
18                         appropriate and consistent with the goals  
19                         and policies of the Department to improve  
20                         the delivery timelines for projects;

21                         “(ii) serving as the Department liai-  
22                         son to—

23                                 “(I) the Council on Environ-  
24                                 mental Quality; and



1 with respect to policy changes and in-  
2 novative approaches to the delivery of  
3 projects; and

4 “(III) identifying, developing,  
5 and tracking metrics for permit re-  
6 views and decisions by Federal agen-  
7 cies for projects under the National  
8 Environmental Policy Act of 1969 (42  
9 U.S.C. 4321 et seq.).

10 “(C) NEPA COMPLIANCE ASSISTANCE.—

11 “(i) IN GENERAL.—Subject to clause  
12 (ii), at the request of an entity that is car-  
13 rying out a project, the Center, in coordi-  
14 nation with the appropriate operating ad-  
15 ministrations within the Department, shall  
16 provide technical assistance relating to  
17 compliance with the applicable require-  
18 ments of the National Environmental Pol-  
19 icy Act of 1969 (42 U.S.C. 4321 et seq.)  
20 and applicable Federal authorizations.

21 “(ii) ASSISTANCE FROM THE BU-  
22 REAU.—For projects carried out under the  
23 programs described in section 116(d)(1)  
24 for which the Bureau administers the ap-  
25 plication process, the Bureau, on request

1 of the entity carrying out the project, shall  
2 provide the technical assistance described  
3 in clause (i).”.

4 (b) CONFORMING AMENDMENT.—Section 116(f)(2)  
5 of title 49, United States Code, is amended—

6 (1) by striking subparagraph (A); and

7 (2) by redesignating subparagraphs (B)  
8 through (D) and subparagraphs (A) through (C), re-  
9 spectively.

10 **SEC. 5010. RURAL OPPORTUNITIES TO USE TRANSPOR-**  
11 **TATION FOR ECONOMIC SUCCESS INITIATIVE.**

12 (a) DEFINITIONS.—In this section:

13 (1) BUILD AMERICA BUREAU.—The term  
14 “Build America Bureau” means the National Sur-  
15 face Transportation and Innovative Finance Bureau  
16 established under section 116 of title 49, United  
17 States Code.

18 (2) ROUTES COUNCIL.—The term “ROUTES  
19 Council” means the Rural Opportunities to Use  
20 Transportation for Economic Success Council estab-  
21 lished by subsection (c)(1).

22 (3) ROUTES OFFICE.—The term “ROUTES  
23 Office” means the Rural Opportunities to Use  
24 Transportation for Economic Success Office estab-  
25 lished by subsection (b)(1).



1 (b) ROUTES OFFICE.—

2 (1) IN GENERAL.—The Secretary shall establish  
3 within the Department the Rural Opportunities to  
4 Use Transportation for Economic Success Office—

5 (A) to improve analysis of projects from  
6 rural areas, federally recognized Indian Tribes,  
7 and historically disadvantaged communities in  
8 rural or Tribal areas applying for Department  
9 discretionary grants, including ensuring that  
10 project costs, local resources, and the larger  
11 benefits to the people and the economy of the  
12 United States are appropriately considered; and

13 (B) to provide rural communities, federally  
14 recognized Indian Tribes, and historically dis-  
15 advantaged communities in rural or Tribal  
16 areas with technical assistance for meeting the  
17 transportation infrastructure investment needs  
18 of the United States in a financially sustainable  
19 manner.

20 (2) OBJECTIVES.—The ROUTES Office shall—

21 (A) collect input from knowledgeable enti-  
22 ties and the public on—

23 (i) the benefits of rural and Tribal  
24 transportation projects;

1 (ii) the technical and financial assist-  
2 ance required for constructing and oper-  
3 ating rural and Tribal transportation in-  
4 frastructure and services; and

5 (iii) barriers and opportunities to  
6 funding rural and Tribal transportation  
7 projects;

8 (iv) unique transportation barriers  
9 and challenges facing historically disadvan-  
10 taged communities in rural and Tribal  
11 areas; and

12 (v) unique environmental transpor-  
13 tation issues for rural and Tribal commu-  
14 nities;

15 (B) evaluate data on rural and Tribal  
16 transportation challenges and determining  
17 methods to align the discretionary funding and  
18 financing opportunities of the Department with  
19 the needs of those communities for meeting na-  
20 tional transportation goals; and

21 (C) educate rural communities and Tribal  
22 communities about applicable Department dis-  
23 cretionary grants, develop effective methods to  
24 evaluate projects in those communities in dis-

1 cretionary grant programs, and communicate  
2 those methods through program guidance.

3 (c) ROUTES COUNCIL.—

4 (1) IN GENERAL.—The Secretary shall establish  
5 a Rural Opportunities to Use Transportation for  
6 Economic Success Council—

7 (A) to organize, guide, and lead the  
8 ROUTES Office; and

9 (B) to coordinate rural-related and Tribal-  
10 related funding programs and assistance among  
11 the modal administrations.

12 (2) MEMBERSHIP.—

13 (A) IN GENERAL.—The ROUTES Council  
14 shall be composed of the following officers of  
15 the Department, or their designees:

16 (i) The Under Secretary of Transpor-  
17 tation for Policy.

18 (ii) The General Counsel.

19 (iii) The Chief Financial Officer and  
20 Assistant Secretary for Budget and Pro-  
21 grams.

22 (iv) The Assistant Secretary for Re-  
23 search and Technology.

24 (v) The Assistant Secretary for  
25 Multimodal Freight.

500

1 (vi) The Administrators of—

2 (I) the Federal Aviation Adminis-  
3 tration;

4 (II) the Federal Highway Admin-  
5 istration;

6 (III) the Federal Railroad Ad-  
7 ministration; and

8 (IV) the Federal Transit Admin-  
9 istration.

10 (vii) The Executive Director of the  
11 Build America Bureau.

12 (viii) The Assistant Secretary of Gov-  
13 ernment Affairs.

14 (B) CHAIR.—The Under Secretary of  
15 Transportation for Policy shall be the Chair of  
16 the ROUTES Council.

17 (C) ADDITIONAL MEMBERS.—The Sec-  
18 retary or the Chair of the ROUTES Council  
19 may designate additional members to serve on  
20 the ROUTES Council.

21 (3) ADDITIONAL MODAL INPUT.—To address  
22 issues related to safety and transport of rural and  
23 Tribal commodities, the ROUTES Council shall con-  
24 sult with the Administrators (or their designees)  
25 of—

## 501

1 (A) the Maritime Administration;

2 (B) the Great Lakes St. Lawrence Seaway  
3 Development Corporation; and

4 (C) the National Highway Traffic Safety  
5 Administration.

6 (4) DUTIES.—Members of the ROUTES Coun-  
7 cil shall—

8 (A) participate in all meetings and relevant  
9 ROUTES Council activities and be prepared to  
10 share information relevant to rural and Tribal  
11 transportation infrastructure projects and  
12 issues;

13 (B) provide guidance and leadership on  
14 rural and Tribal transportation infrastructure  
15 issues and represent the work of the ROUTES  
16 Council and the Department on those issues to  
17 external stakeholders; and

18 (C) recommend initiatives to the Chair of  
19 the ROUTES Council to consider, establish,  
20 and staff any resulting activities or working  
21 groups.

22 (5) MEETINGS.—The ROUTES Council shall  
23 meet bimonthly.

24 (6) WORK PRODUCTS AND DELIVERABLES.—  
25 The ROUTES Council may develop work products

1 or deliverables to meet the goals of the ROUTES  
2 Council, including—

3 (A) an annual report to Congress describ-  
4 ing ROUTES Council activities for the past  
5 year and expected activities for the coming  
6 year;

7 (B) any recommendations to enhance the  
8 effectiveness of Department discretionary grant  
9 programs regarding rural and Tribal infrastruc-  
10 ture issues; and

11 (C) other guides and reports for relevant  
12 groups and the public.

13 **SEC. 5011. ADVANCED TRANSPORTATION TECHNOLOGIES**  
14 **DEPLOYMENT PROGRAM.**

15 Section 503 of title 23, United States Code, is  
16 amended—

17 (1) in subsection (a)(2), by striking “under sec-  
18 tion 508” and inserting “under section 6503 of title  
19 49”; and

20 (2) in subsection (c)(4)—

21 (A) in subparagraph (A), by striking “and  
22 congestion management”;

23 (B) in subparagraph (B)—

1 (i) by redesignating clauses (i)  
2 through (viii) as clauses (vii) through (xiv),  
3 respectively;

4 (ii) by inserting before clause (vii) (as  
5 so redesignated) the following:

6 “(i) improve the mobility of people  
7 and goods;

8 “(ii) reduce congestion;

9 “(iii) promote safety;

10 “(iv) improve the durability and ex-  
11 tend the life of transportation infrastruc-  
12 ture;

13 “(v) preserve the environment;

14 “(vi) preserve the existing transpor-  
15 tation system;”; and

16 (iii) in clause (xiv) (as so redesi-  
17 gnated), by inserting “vehicle-to-pedes-  
18 trian,” after “vehicle-to-infrastructure,”;

19 (C) in subparagraph (C)(ii)—

20 (i) in subclause (I), by striking “and  
21 congestion management”;

22 (ii) by striking subclause (II);

23 (iii) by redesignating subclauses (III)  
24 through (V) as subclauses (II) through  
25 (IV), respectively; and

1 (iv) in subclause (II) (as so redesignig-  
2 nated), by striking “efficiency and reduce  
3 traffic congestion”;

4 (D) in subparagraph (E)—

5 (i) in the matter preceding clause (i),  
6 by striking “and congestion management”;

7 (ii) in clause (viii), by striking “or” at  
8 the end;

9 (iii) in clause (ix), by striking the pe-  
10 riod at the end and inserting “; or”; and

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

13 “(x) advanced transportation tech-  
14 nologies, in accordance with the research  
15 areas described in section 6503 of title  
16 49.”;

17 (E) in subparagraph (I)(i), by striking  
18 “2016 through 2020” and inserting “2022  
19 through 2026”; and

20 (F) in subparagraph (N)—

21 (i) in the matter preceding clause (i),  
22 by striking “, the following definitions  
23 apply”;

24 (ii) by striking clause (ii) and insert-  
25 ing the following:



1                   “(ii) ADVANCED TRANSPORTATION  
2                   TECHNOLOGY.—The term ‘advanced trans-  
3                   portation technology’ means any tech-  
4                   nology that improves the efficiency, dura-  
5                   bility, sustainability, safety, or state of  
6                   good repair of a surface transportation  
7                   system.”; and

8                   (iii) in clause (iii), in the matter pre-  
9                   ceding subclause (I), by striking “a any”  
10                  and inserting “any”.

11 **SEC. 5012. SAFETY DATA INITIATIVE.**

12           (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
13 tion, the term “eligible entity” means—

- 14                   (1) a State;  
15                   (2) a unit of local government;  
16                   (3) a transit agency or authority;  
17                   (4) a metropolitan planning organization;  
18                   (5) any other subdivision of a State or local  
19           government;  
20                   (6) an institution of higher education; and  
21                   (7) a multi-State or multijurisdictional group.

22           (b) SAFETY DATA INITIATIVE.—

- 23                   (1) ESTABLISHMENT.—The Secretary shall es-  
24           tablish an initiative, to be known as the “Safety  
25           Data Initiative”, to promote the use of data integra-

1       tion, data visualization, and advanced analytics for  
2       surface transportation safety through the develop-  
3       ment of innovative practices and products for use by  
4       Federal, State, and local entities.

5               (2) ACTIVITIES.—

6                       (A) APPLIED RESEARCH.—

7                               (i) IN GENERAL.—The Secretary shall  
8                               support and carry out applied research to  
9                               develop practices and products that will en-  
10                              courage the integration and use of tradi-  
11                              tional and new sources of safety data and  
12                              safety information to improve policy and  
13                              decisionmaking at the Federal, State, and  
14                              local government levels.

15                             (ii) METHODOLOGY.—In carrying out  
16                             clause (i), the Secretary may—

17                                       (I) carry out demonstration pro-  
18                                       grams;

19                                       (II) award grants and provide in-  
20                                       centives to eligible entities;

21                                       (III) enter into partnerships  
22                                       with—

23   (aa) eligible entities;

24   (bb) private sector entities;

25   and

1 (cc) National Laboratories;

2 and

3 (IV) use any other tools, strate-  
4 gies, or methods that will result in the  
5 effective use of data and information  
6 for safety purposes.

7 (B) TOOLS AND PRACTICES.—In carrying  
8 out subparagraph (A), the Secretary, to the  
9 maximum extent practicable, shall—

10 (i) develop safety analysis tools for  
11 State and local governments, with a par-  
12 ticular focus on State and local govern-  
13 ments with limited capacity to perform  
14 safety analysis;

15 (ii)(I) identify innovative State and  
16 local government practices;

17 (II) incubate those practices for fur-  
18 ther development; and

19 (III) replicate those practices nation-  
20 wide; and

21 (iii) transfer to State and local gov-  
22 ernments the results of the applied re-  
23 search carried out under that subpara-  
24 graph.

25 (C) DATA SHARING.—

1 (i) IN GENERAL.—To inform the cre-  
2 ation of information useful for safety pol-  
3 icy and decisionmaking, the Secretary  
4 shall—

5 (I) encourage the sharing of data  
6 between and among Federal, State,  
7 and local transportation agencies; and

8 (II) leverage data from private  
9 sector entities.

10 (ii) GOALS.—The goals of the data-  
11 sharing activities under clause (i) shall in-  
12 clude—

13 (I) the creation of data eco-  
14 systems to reduce barriers to the effi-  
15 cient integration and analysis of rel-  
16 evant datasets for use by safety pro-  
17 fessionals; and

18 (II) the establishment of proce-  
19 dures adequate to ensure sufficient se-  
20 curity, privacy, and confidentiality as  
21 needed to promote the sharing of sen-  
22 sitive or proprietary data.

23 (iii) MANAGEMENT OF DATA ECO-  
24 SYSTEMS.—A data ecosystem described in  
25 clause (ii)(I) may be managed by—

1 (I) the Director of the Bureau of  
2 Transportation Statistics;

3 (II) 1 or more trusted third par-  
4 ties, as determined by the Secretary;  
5 or

6 (III) 1 or more other entities or  
7 partnerships capable of securing,  
8 managing, and analyzing sensitive or  
9 proprietary data.

10 (3) PLAN.—

11 (A) IN GENERAL.—The Safety Data Initia-  
12 tive shall be carried out pursuant to a plan to  
13 be jointly established by—

14 (i) the Under Secretary of Transpor-  
15 tation for Policy;

16 (ii) the Chief Information Officer of  
17 the Department;

18 (iii) the Administrator of the National  
19 Highway Traffic Safety Administration;

20 (iv) the Administrator of the Federal  
21 Highway Administration;

22 (v) the Administrator of the Federal  
23 Motor Carrier Safety Administration;

24 (vi) the Administrator of the Federal  
25 Transit Administration; and

1 (vii) the Administrator of the Federal  
2 Railroad Administration.

3 (B) REQUIREMENT.—The plan established  
4 under subparagraph (A) shall include details re-  
5 garding the means by which tools and innova-  
6 tions developed by projects carried out under  
7 the Safety Data Initiative will be transferred to  
8 the appropriate program of the Department for  
9 further implementation.

10 (C) DEADLINE.—Not later than 1 year  
11 after the date of enactment of this Act, the Sec-  
12 retary shall direct the officials described in  
13 clauses (i) through (vii) of subparagraph (A) to  
14 establish, by a date determined by the Sec-  
15 retary, the plan referred to in that subpara-  
16 graph.

17 **SEC. 5013. ADVANCED TRANSPORTATION RESEARCH.**

18 (a) IN GENERAL.—Chapter 1 of title 49, United  
19 States Code (as amended by section 1101(a)), is amended  
20 by adding at the end the following:

21 **“§ 119. Advanced Research Projects Agency–Infra-  
22 structure**

23 “(a) DEFINITIONS.—In this section:

1           “(1) ARPA–I.— The term ‘ARPA–I’ means the  
2           Advanced Research Projects Agency–Infrastructure  
3           established by subsection (b).

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

6           “(3) DIRECTOR.—The term ‘Director’ means  
7           the Director of ARPA–I appointed under subsection  
8           (d).

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

11                   “(A) a unit of State or local government;

12                   “(B) an institution of higher education;

13                   “(C) a commercial entity;

14                   “(D) a research foundation;

15                   “(E) a trade or industry research collabo-  
16          rative;

17                   “(F) a federally funded research and devel-  
18          opment center;

19                   “(G) a research facility owned or funded  
20          by the Department;

21                   “(H) a collaborative that includes relevant  
22          international entities; and

23                   “(I) a consortia of 2 or more entities de-  
24          scribed in any of subparagraphs (A) through  
25          (H).

1 “(5) INFRASTRUCTURE.—

2 “(A) IN GENERAL.—The term ‘infrastruc-  
3 ture’ means any transportation method or facil-  
4 ity that facilitates the transit of goods or people  
5 within the United States (including territories).

6 “(B) INCLUSIONS.—The term ‘infrastruc-  
7 ture’ includes—

8 “(i) roads;

9 “(ii) highways;

10 “(iii) bridges;

11 “(iv) airports;

12 “(v) rail lines;

13 “(vi) harbors; and

14 “(vii) pipelines.

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

17 “(b) ESTABLISHMENT.—There is established within  
18 the Department an agency, to be known as the ‘Advanced  
19 Research Projects Agency–Infrastructure’, to support the  
20 development of science and technology solutions—

21 “(1) to overcome long-term challenges; and

22 “(2) to advance the state of the art for United  
23 States transportation infrastructure.

24 “(c) GOALS.—



1           “(1) IN GENERAL.—The goals of ARPA–I shall  
2           be—

3                   “(A) to advance the transportation infra-  
4                   structure of the United States by developing in-  
5                   novative science and technology solutions that—

6                           “(i) lower the long-term costs of infra-  
7                           structure development, including costs of  
8                           planning, construction, and maintenance;

9                           “(ii) reduce the lifecycle impacts of  
10                          transportation infrastructure on the envi-  
11                          ronment, including through the reduction  
12                          of greenhouse gas emissions;

13                          “(iii) contribute significantly to im-  
14                          proving the safe, secure, and efficient  
15                          movement of goods and people; and

16                          “(iv) promote the resilience of infra-  
17                          structure from physical and cyber threats;  
18                          and

19                          “(B) to ensure that the United States is a  
20                          global leader in developing and deploying ad-  
21                          vanced transportation infrastructure tech-  
22                          nologies and materials.

23           “(2) RESEARCH PROJECTS.—ARPA–I shall  
24           achieve the goals described in paragraph (1) pro-

1       viding assistance under this section for infrastruc-  
2       ture research projects that—

3               “(A) advance novel, early-stage research  
4               with practicable application to transportation  
5               infrastructure;

6               “(B) translate techniques, processes, and  
7               technologies, from the conceptual phase to pro-  
8               totype, testing, or demonstration;

9               “(C) develop advanced manufacturing  
10              processes and technologies for the domestic  
11              manufacturing of novel transportation-related  
12              technologies; and

13              “(D) accelerate transformational techno-  
14              logical advances in areas in which industry enti-  
15              ties are unlikely to carry out projects due to  
16              technical and financial uncertainty.

17       “(d) DIRECTOR.—

18               “(1) APPOINTMENT.—ARPA-I shall be headed  
19              by a Director, who shall be appointed by the Presi-  
20              dent, by and with the advice and consent of the Sen-  
21              ate.

22               “(2) QUALIFICATIONS.—The Director shall be  
23              an individual who, by reason of professional back-  
24              ground and experience, is especially qualified to ad-  
25              vise the Secretary regarding, and manage research

1 programs addressing, matters relating to the devel-  
2 opment of science and technology solutions to ad-  
3 vance United States transportation infrastructure.

4 “(3) RELATIONSHIP TO SECRETARY.—The Di-  
5 rector shall—

6 “(A) be located within the Office of the As-  
7 sistant Secretary for Research and Technology;  
8 and

9 “(B) report to the Secretary.

10 “(4) RELATIONSHIP TO OTHER PROGRAMS.—  
11 No other program within the Department shall re-  
12 port to the Director.

13 “(5) RESPONSIBILITIES.—The responsibilities  
14 of the Director shall include—

15 “(A) approving new programs within  
16 ARPA–I;

17 “(B) developing funding criteria, and as-  
18 sessed the success of programs, to achieve the  
19 goals described in subsection (c)(1) through the  
20 establishment of technical milestones;

21 “(C) administering available funding by  
22 providing to eligible entities assistance to  
23 achieve the goals described in subsection (c)(1);

1           “(D) terminating programs carried out  
2           under this section that are not achieving the  
3           goals of the programs; and

4           “(E) establishing a process through which  
5           eligible entities can submit to ARPA–I unsolic-  
6           ited research proposals for assistance under this  
7           section in accordance with subsection (f).

8           “(e) PERSONNEL.—

9           “(1) IN GENERAL.—The Director shall establish  
10          and maintain within ARPA–I a staff with sufficient  
11          qualifications and expertise to enable ARPA–I to  
12          carry out the responsibilities under this section, in  
13          conjunction with other operations of the Depart-  
14          ment.

15          “(2) PROGRAM DIRECTORS.—

16                 “(A) IN GENERAL.—The Director shall  
17                 designate employees to serve as program direc-  
18                 tors for ARPA–I.

19                 “(B) RESPONSIBILITIES.—Each program  
20                 director shall be responsible for—

21                         “(i) establishing research and develop-  
22                         ment goals for the applicable program, in-  
23                         cluding by convening workshops and con-  
24                         ferring with outside experts;

1                   “(ii) publicizing the goals of the appli-  
2 cable program;

3                   “(iii) soliciting applications for spe-  
4 cific areas of particular promise, especially  
5 in areas that the private sector or the Fed-  
6 eral Government are not likely to carry out  
7 absent assistance from ARPA-I;

8                   “(iv) establishing research collabora-  
9 tions for carrying out the applicable pro-  
10 gram;

11                   “(v) selecting on the basis of merit  
12 each project to be supported under the ap-  
13 plicable program, taking into consider-  
14 ation—

15                   “(I) the novelty and scientific  
16 and technical merit of proposed  
17 projects;

18                   “(II) the demonstrated capabili-  
19 ties of eligible entities to successfully  
20 carry out proposed projects;

21                   “(III) the extent to which an eli-  
22 gible entity took into consideration fu-  
23 ture commercial applications of a pro-  
24 posed project, including the feasibility

1 of partnering with 1 or more commer-  
2 cial entities; and

3 “(IV) such other criteria as the  
4 Director may establish;

5 “(vi) identifying innovative cost-shar-  
6 ing arrangements for projects carried out  
7 or funded by ARPA-I;

8 “(vii) monitoring the progress of  
9 projects supported under the applicable  
10 program;

11 “(viii) identifying mechanisms for  
12 commercial application of successful tech-  
13 nology development projects, including  
14 through establishment of partnerships be-  
15 tween eligible entities and commercial enti-  
16 ties; and

17 “(ix) as applicable, recommending—

18 “(I) program restructuring; or

19 “(II) termination of applicable  
20 research partnerships or projects.

21 “(C) TERM OF SERVICE.—A program di-  
22 rector—

23 “(i) shall serve for a term of 3 years;

24 and



1           “(B) PRIVATE RECRUITING FIRMS.—The  
2           Director may enter into a contract with a pri-  
3           vate recruiting firm for the hiring of qualified  
4           technical staff to carry out this section.

5           “(C) ADDITIONAL STAFF.—The Director  
6           may use all authorities available to the Sec-  
7           retary to hire administrative, financial, and  
8           clerical staff, as the Director determines to be  
9           necessary to carry out this section.

10          “(f) RESEARCH PROPOSALS.—

11           “(1) IN GENERAL.—To be eligible to receive as-  
12           sistance from ARPA-I, an eligible entity may submit  
13           to the Director an unsolicited research proposal at  
14           such time, in such manner, and containing such in-  
15           formation as the Director may require, including a  
16           description of—

17           “(A) the extent of current and prior efforts  
18           with respect to the project proposed to be car-  
19           ried out using the assistance, if applicable; and

20           “(B) any current or prior investments in  
21           the technology area for which funding is re-  
22           quested, including as described in subsection  
23           (c)(2)(D).

24          “(2) REVIEW.—The Director—



1           “(A) shall review each unsolicited research  
2 proposal submitted under paragraph (1), taking  
3 into consideration—

4                   “(i) the novelty and scientific and  
5 technical merit of the research proposal;

6                   “(ii) the demonstrated capabilities of  
7 the applicant to successfully carry out the  
8 research proposal;

9                   “(iii) the extent to which the applicant  
10 took into consideration future commercial  
11 applications of the proposed research  
12 project, including the feasibility of  
13 partnering with 1 or more commercial enti-  
14 ties; and

15                   “(iv) such other criteria as the Direc-  
16 tor may establish;

17           “(B) may approve a research proposal if  
18 the Director determines that the research is in  
19 accordance with—

20                   “(i) the goals described in subsection  
21 (c)(1); or

22                   “(ii) an applicable transportation re-  
23 search and development strategic plan de-  
24 veloped under section 6503; and

1           “(C)(i) if funding is denied for the re-  
2           search proposal, shall provide to the eligible en-  
3           tity that submitted the proposal a written no-  
4           tice of the denial that, as applicable—

5                   “(I) explains why the research pro-  
6                   posal was not selected, including whether  
7                   the research proposal fails to cover an area  
8                   of need; and

9                   “(II) recommends that the research  
10                  proposal be submitted to another research  
11                  program; or

12                 “(ii) if the research proposal is approved  
13                 for funding, shall provide to the eligible entity  
14                 that submitted the proposal—

15                         “(I) a written notice of the approval;  
16                         and

17                         “(II) assistance in accordance with  
18                         subsection (g) for the proposed research.

19           “(g) FORMS OF ASSISTANCE.—On approval of a re-  
20           search proposal of an eligible entity under subsection  
21           (f)(2)(B), the Director may provide to the eligible entity  
22           assistance in the form of—

23                         “(1) a grant;

24                         “(2) a contract;

25                         “(3) a cooperative agreement;

1           “(4) a cash prize; or

2           “(5) another, similar form of funding.

3           “(h) REPORTS AND ROADMAPS.—

4           “(1) ANNUAL REPORTS.—For each fiscal year,  
5           the Director shall provide to the Secretary, for inclu-  
6           sion in the budget request submitted by the Sec-  
7           retary to the President under section 1108 of title  
8           31 for the fiscal year, a report that, with respect to  
9           the preceding fiscal year, describes—

10                   “(A) the projects that received assistance  
11                   from ARPA–I, including—

12                           “(i) each such project that was funded  
13                           as a result of an unsolicited research pro-  
14                           posal; and

15                           “(ii) each such project that examines  
16                           topics or technologies closely related to  
17                           other activities funded by the Department,  
18                           including an analysis of whether the Direc-  
19                           tor achieved compliance with subsection  
20                           (i)(1) in supporting the project; and

21                   “(B) the instances of, and reasons for, the  
22                   provision of assistance under this section for  
23                   any projects being carried out by industry enti-  
24                   ties.

1           “(2) STRATEGIC VISION ROADMAP.—Not later  
2 than October 1, 2022, and not less frequently than  
3 once every 4 years thereafter, the Director shall sub-  
4 mit to the relevant authorizing and appropriations  
5 committees of Congress a roadmap describing the  
6 strategic vision that ARPA–I will use to guide the  
7 selection of future projects for technology investment  
8 during the 4 fiscal-year period beginning on the date  
9 of submission of the report.

10          “(i) COORDINATION AND NONDUPLICATION.—To the  
11 maximum extent practicable, the Director shall ensure  
12 that—

13           “(1) the activities of ARPA–I are coordinated  
14 with, and do not duplicate the efforts of, programs  
15 and laboratories within—

16                   “(A) the Department; and

17                   “(B) other relevant research agencies; and

18           “(2) no funding is provided by ARPA–I for a  
19 project, unless the eligible entity proposing the  
20 project—

21                   “(A) demonstrates sufficient attempts to  
22 secure private financing; or

23                   “(B) indicates that the project is not inde-  
24 pendently commercially viable.

1           “(j) FEDERAL DEMONSTRATION OF TECH-  
2 NOLOGIES.—The Director shall seek opportunities to part-  
3 ner with purchasing and procurement programs of Federal  
4 agencies to demonstrate technologies resulting from activi-  
5 ties funded through ARPA–I.

6           “(k) PARTNERSHIPS.—The Director shall seek op-  
7 portunities to enter into contracts or partnerships with mi-  
8 nority-serving institutions (as described in any of para-  
9 graphs (1) through (7) of section 371(a) of the Higher  
10 Education Act of 1965 (20 U.S.C. 1067q(a)))—

11                   “(1) to accomplish the goals of ARPA–I;

12                   “(2) to develop institutional capacity in ad-  
13 vanced transportation infrastructure technologies  
14 and materials;

15                   “(3) to engage underserved populations in de-  
16 veloping, demonstrating, and deploying those tech-  
17 nologies and materials; and

18                   “(4) to otherwise address the needs of ARPA–  
19 I.

20           “(l) UNIVERSITY TRANSPORTATION CENTERS.—The  
21 Director may—

22                   “(1) partner with university transportation cen-  
23 ters under section 5505 to accomplish the goals, and  
24 address the needs, of ARPA–I; and

1           “(2) sponsor and select for funding, in accord-  
2           ance with section 5505, competitively selected uni-  
3           versity transportation center grants, in addition to  
4           the assistance provided under section 5505, to ad-  
5           dress targeted technology and material goals of  
6           ARPA-I.

7           “(m) ADVICE.—

8           “(1) ADVISORY COMMITTEES.—The Director  
9           may seek advice regarding any aspect of ARPA-I  
10          from—

11           “(A) an existing advisory committee, of-  
12          fice, or other group within the Department; and

13           “(B) a new advisory committee organized  
14          to support the programs of ARPA-I by pro-  
15          viding advice and assistance regarding—

16           “(i) specific program tasks; or

17           “(ii) the overall direction of ARPA-I.

18          “(2) ADDITIONAL SOURCES.—In carrying out  
19          this section, the Director may seek advice and review  
20          from—

21           “(A) the President’s Council of Advisors  
22          on Science and Technology;

23           “(B) the Advanced Research Projects  
24          Agency–Energy; and

1           “(C) any professional or scientific organi-  
2           zation with expertise relating to specific proc-  
3           esses or technologies under development by  
4           ARPA–I.

5           “(n) EVALUATION.—

6           “(1) IN GENERAL.—Not later than December  
7           27, 2024, the Secretary may enter into an arrange-  
8           ment with the National Academy of Sciences under  
9           which the National Academy shall conduct an eval-  
10          uation of the achievement by ARPA–I of the goals  
11          described in subsection (e)(1).

12          “(2) INCLUSIONS.—The evaluation under para-  
13          graph (1) may include—

14               “(A) a recommendation regarding whether  
15               ARPA–I should be continued;

16               “(B) a recommendation regarding whether  
17               ARPA–I, or the Department generally, should  
18               continue to allow entities to submit unsolicited  
19               research proposals; and

20               “(C) a description of—

21                       “(i) the lessons learned from the oper-  
22                       ation of ARPA–I; and

23                       “(ii) the manner in which those les-  
24                       sons may apply to the operation of other  
25                       programs of the Department.

1           “(3) AVAILABILITY.—On completion of the  
2 evaluation under paragraph (1), the evaluation shall  
3 be made available to—

4                   “(A) Congress; and

5                   “(B) the public.

6           “(o) PROTECTION OF INFORMATION.—

7           “(1) IN GENERAL.—Each type of information  
8 described in paragraph (2) that is collected by  
9 ARPA–I from eligible entities shall be considered to  
10 be—

11                   “(A) commercial and financial information  
12 obtained from a person;

13                   “(B) privileged or confidential; and

14                   “(C) not subject to disclosure under sec-  
15 tion 552(b)(4) of title 5.

16           “(2) DESCRIPTION OF TYPES OF INFORMA-  
17 TION.—The types of information referred to in para-  
18 graph (1) are—

19                   “(A) information relating to plans for com-  
20 mercialization of technologies developed using  
21 assistance provided under this section, including  
22 business plans, technology-to-market plans,  
23 market studies, and cost and performance mod-  
24 els;



1           “(B) information relating to investments  
2           provided to an eligible entity from a third party  
3           (such as a venture capital firm, a hedge fund,  
4           and a private equity firm), including any per-  
5           centage of ownership of an eligible entity pro-  
6           vided in return for such an investment;

7           “(C) information relating to additional fi-  
8           nancial support that the eligible entity—

9                   “(i) plans to invest, or has invested,  
10                  in the technology developed using assist-  
11                  ance provided under this section; or

12                   “(ii) is seeking from a third party;

13                  and

14           “(D) information relating to revenue from  
15           the licensing or sale of a new product or service  
16           resulting from research conducted using assist-  
17           ance provided under this section.

18           “(p) EFFECT ON EXISTING AUTHORITIES.—The au-  
19           thority provided by this section—

20                   “(1) shall be in addition to any existing author-  
21                  ity provided to the Secretary; and

22                   “(2) shall not supersede or modify any other  
23                  existing authority.

24           “(q) FUNDING.—

1           “(1) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to the Sec-  
3           retary such sums as are necessary to carry out this  
4           section.

5           “(2) SEPARATE BUDGET AND APPROPRIA-  
6           TION.—

7           “(A) BUDGET REQUEST.—The budget re-  
8           quest for ARPA–I shall be separate from the  
9           budget request of the remainder of the Depart-  
10          ment.

11          “(B) APPROPRIATIONS.—The funding ap-  
12          propriated for ARPA–I shall be separate and  
13          distinct from the funding appropriated for the  
14          remainder of the Department.

15          “(3) ALLOCATION.—Of the amounts made  
16          available for a fiscal year under paragraph (1)—

17                 “(A) not less than 5 percent shall be used  
18                 for technology transfer and outreach activi-  
19                 ties—

20                         “(i) in accordance with the goal de-  
21                         scribed in subsection (c)(2)(D); and

22                         “(ii) within the responsibilities of the  
23                         program directors described in subsection  
24                         (e)(2)(B)(viii); and

1           “(B) none may be used for the construc-  
2           tion of any new building or facility during the  
3           5-year period beginning on the date of enact-  
4           ment of the Surface Transportation Investment  
5           Act of 2021.”.

6           (b) CLERICAL AMENDMENT.—The analysis for chap-  
7           ter 1 of title 49, United States Code (as amended by sec-  
8           tion 1101(b)), is amended by adding at the end the fol-  
9           lowing:

          “119. Advanced Research Projects Agency–Infrastructure.”.

10 **SEC. 5014. OPEN RESEARCH INITIATIVE.**

11           (a) IN GENERAL.—Subchapter I of chapter 55 of title  
12           49, United States Code, is amended by adding at the end  
13           the following:

14 **“§ 5506. Advanced transportation research initiative**

15           “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
16           tion, the term ‘eligible entity’ means—

17                   “(1) a State agency;

18                   “(2) a local government agency;

19                   “(3) an institution of higher education (as de-  
20           fined in section 102 of the Higher Education Act of  
21           1965 (20 U.S.C. 1002)), including a university  
22           transportation center established under section  
23           5505;

24                   “(4) a nonprofit organization, including a non-  
25           profit research organization; and

1           “(5) a private sector organization working in  
2           collaboration with an entity described in any of  
3           paragraphs (1) through (4).

4           “(b) PILOT PROGRAM.—The Secretary of Transpor-  
5           tation (referred to in this section as the ‘Secretary’) shall  
6           establish an advanced transportation research pilot pro-  
7           gram under which the Secretary—

8           “(1) shall establish a process for eligible entities  
9           to submit to the Secretary unsolicited research pro-  
10          posals; and

11          “(2) may enter into arrangements with 1 or  
12          more eligible entities to fund research proposed  
13          under paragraph (1), in accordance with this sec-  
14          tion.

15          “(c) ELIGIBLE RESEARCH.—The Secretary may  
16          enter into an arrangement with an eligible entity under  
17          this section to fund research that addresses—

18          “(1) a research need identified by—

19                  “(A) the Secretary; or

20                  “(B) the Administrator of a modal admin-  
21                  istration of the Department of Transportation;

22                  or

23          “(2) an issue that the Secretary determines to  
24          be important.

25          “(d) PROJECT REVIEW.—The Secretary shall—

1           “(1) review each research proposal submitted  
2 under the pilot program established under sub-  
3 section (b); and

4           “(2)(A) if funding is denied for the research  
5 proposal—

6           “(i) provide to the eligible entity that sub-  
7 mitted the proposal a written notice of the de-  
8 nial that, as applicable—

9           “(I) explains why the research pro-  
10 posal was not selected, including whether  
11 the research proposal fails to cover an area  
12 of need; and

13           “(II) recommends that the research  
14 proposal be submitted to another research  
15 program; and

16           “(ii) if the Secretary recommends that the  
17 research proposal be submitted to another re-  
18 search program under clause (i)(II), provide  
19 guidance and direction to—

20           “(I) the eligible entity; and

21           “(II) the proposed research program  
22 office; or

23           “(B) if the research proposal is selected for  
24 funding—

1                   “(i) provide to the eligible entity that  
2                   submitted the proposal a written notice of  
3                   the selection; and

4                   “(ii) seek to enter into an arrange-  
5                   ment with the eligible entity to provide  
6                   funding for the proposed research.

7                   “(e) COORDINATION.—

8                   “(1) IN GENERAL.—To the maximum extent  
9                   practicable, the Secretary shall ensure that the ac-  
10                  tivities carried out under subsection (c) are coordi-  
11                  nated with, and do not duplicate the efforts of, pro-  
12                  grams of the Department of Transportation and  
13                  other Federal agencies.

14                  “(2) INTRAAGENCY COORDINATION.—The Sec-  
15                  retary shall coordinate the research carried out  
16                  under this section with—

17                   “(A) the research, education, and tech-  
18                   nology transfer activities carried out by grant  
19                   recipients under section 5505; and

20                   “(B) the research, development, dem-  
21                   onstration, and commercial application activities  
22                   of other relevant programs of the Department  
23                   of Transportation, including all modal adminis-  
24                   trations of the Department.

1           “(3) INTERAGENCY COLLABORATION.—The  
2           Secretary shall coordinate, as appropriate, regarding  
3           fundamental research with the potential for applica-  
4           tion in the transportation sector with—

5                   “(A) the Director of the Office of Science  
6                   and Technology Policy;

7                   “(B) the Director of the National Science  
8                   Foundation;

9                   “(C) the Secretary of Energy;

10                  “(D) the Director of the National Institute  
11                  of Standards and Technology;

12                  “(E) the Secretary of Homeland Security;

13                  “(F) the Administrator of the National  
14                  Oceanic and Atmospheric Administration;

15                  “(G) the Secretary of Defense; and

16                  “(H) the heads of other appropriate Fed-  
17                  eral agencies, as determined by the Secretary.

18           “(f) REVIEW, EVALUATION, AND REPORT.—Not less  
19           frequently than biennially, in accordance with the plan de-  
20           veloped under section 6503, the Secretary shall—

21                   “(1) review and evaluate the pilot program es-  
22                   tablished under subsection (b), including the re-  
23                   search carried out under that pilot program; and

1           “(2) make public on a website of the Depart-  
2           ment of Transportation a report describing the re-  
3           view and evaluation under paragraph (1).

4           “(g) FEDERAL SHARE.—

5           “(1) IN GENERAL.—The Federal share of the  
6           cost of an activity carried out under this section  
7           shall not exceed 80 percent.

8           “(2) NON-FEDERAL SHARE.—All costs directly  
9           incurred by the non-Federal partners (including per-  
10          sonnel, travel, facility, and hardware development  
11          costs) shall be credited toward the non-Federal  
12          share of the cost of an activity carried out under  
13          this section.

14          “(h) LIMITATION ON CERTAIN EXPENSES.—Of any  
15          amounts made available to carry out this section for a fis-  
16          cal year, the Secretary may use not more than 1.5 percent  
17          for coordination, evaluation, and oversight activities under  
18          this section.

19          “(i) AUTHORIZATION OF APPROPRIATIONS.—Of the  
20          funds made available to carry out the university transpor-  
21          tation centers program under section 5505, \$50,000,000  
22          shall be available to carry out this section for each of fiscal  
23          years 2022 through 2026.”.



1 (b) CLERICAL AMENDMENT.—The analysis for sub-  
2 chapter I of chapter 55 of title 49, United States Code,  
3 is amended by adding at the end the following:

“5506. Advanced transportation research initiative.”.

4 **SEC. 5015. TRANSPORTATION RESEARCH AND DEVELOP-**  
5 **MENT 5-YEAR STRATEGIC PLAN.**

6 Section 6503 of title 49, United States Code, is  
7 amended—

8 (1) in subsection (a), by striking “The Sec-  
9 retary” and inserting “Not later than 180 days after  
10 the date of publication of the Department of Trans-  
11 portation Strategic Plan and not less frequently  
12 than once every 5 years thereafter, the Secretary”;

13 (2) in subsection (b), in the matter preceding  
14 paragraph (1), by striking “The strategic” and in-  
15 serting “Each strategic”;

16 (3) in subsection (c)—

17 (A) in the matter preceding paragraph (1),  
18 by striking “The strategic” and inserting  
19 “Each strategic”; and

20 (B) in paragraph (1)—

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

23 (ii) in subparagraph (F), by adding  
24 “and” after the semicolon at the end; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(G) reducing transportation cybersecurity  
4 risks;”;

5 (4) in subsection (d)—

6 (A) in the matter preceding paragraph (1),  
7 by striking “the strategic” and inserting “each  
8 strategic”; and

9 (B) in paragraph (4), by striking “2016”  
10 and inserting “2021, and not less frequently  
11 than once every 5 years thereafter”; and

12 (5) by striking subsection (e).

13 **SEC. 5016. RESEARCH PLANNING MODIFICATIONS.**

14 (a) ANNUAL MODAL RESEARCH PLANS.—Section  
15 6501 of title 49, United States Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking paragraph (1) and insert-  
18 ing the following:

19 “(1) IN GENERAL.—Not later than June 1 of  
20 each year, the head of each modal administration  
21 and joint program office of the Department of  
22 Transportation shall prepare and submit to the As-  
23 sistant Secretary for Research and Technology of  
24 the Department of Transportation (referred to in  
25 this chapter as the ‘Assistant Secretary’)—

1           “(A) a comprehensive annual modal re-  
2 search plan for the following fiscal year; and

3           “(B) a detailed outlook for the fiscal year  
4 thereafter.”;

5           (B) in paragraph (2), by inserting “pre-  
6 pared or” before “submitted”;

7           (C) by redesignating paragraph (2) as  
8 paragraph (3); and

9           (D) by inserting after paragraph (1) the  
10 following:

11           “(2) REQUIREMENTS.—Each plan under para-  
12 graph (1) shall include—

13           “(A) a general description of the strategic  
14 goals of the Department that are addressed by  
15 the research programs being carried out by the  
16 Assistant Secretary or modal administration, as  
17 applicable;

18           “(B) a description of each proposed re-  
19 search program, as described in the budget re-  
20 quest submitted by the Secretary of Transpor-  
21 tation to the President under section 1108 of  
22 title 31 for the following fiscal year, including—

23           “(i) the major objectives of the pro-  
24 gram; and

1                   “(ii) the requested amount of funding  
2                   for each program and area;

3                   “(C) a list of activities the Assistant Sec-  
4                   retary or modal administration plans to carry  
5                   out under the research programs described in  
6                   subparagraph (B);

7                   “(D) an assessment of the potential impact  
8                   of the research programs described in subpara-  
9                   graph (B), including—

10                   “(i) potential outputs, outcomes, and  
11                   impacts on technologies and practices used  
12                   by entities subject to the jurisdiction of the  
13                   modal administration;

14                   “(ii) potential effects on applicable  
15                   regulations of the modal administration,  
16                   including the modification or moderniza-  
17                   tion of those regulations;

18                   “(iii) potential economic or societal  
19                   impacts; and

20                   “(iv) progress made toward achieving  
21                   strategic goals of—

22                   “(I) the applicable modal admin-  
23                   istration; or

24                   “(II) the Department of Trans-  
25                   portation;



1 (B) by redesignating paragraphs (2) and  
2 (3) as paragraphs (3) and (4), respectively; and  
3 (C) by inserting after paragraph (1) the  
4 following:

5 “(2) CRITERIA.—In conducting a review under  
6 paragraph (1)(A), the Assistant Secretary shall, with  
7 respect to the modal research plan that is the sub-  
8 ject of the review—

9 “(A) take into consideration whether—

10 “(i) the plan contains research objec-  
11 tives that are consistent with the strategic  
12 research and policy objectives of the De-  
13 partment of Transportation included in the  
14 strategic plan required under section 6503;  
15 and

16 “(ii) the research programs described  
17 in the plan have the potential to benefit  
18 the safety, mobility, and efficiency of the  
19 United States transportation system;

20 “(B) identify and evaluate any potential  
21 opportunities for collaboration between or  
22 among modal administrations with respect to  
23 particular research programs described in the  
24 plan;

1           “(C) identify and evaluate whether other  
2 modal administrations may be better suited to  
3 carry out the research programs described in  
4 the plan;

5           “(D) assess whether any projects described  
6 in the plan are—

7                   “(i) duplicative across modal adminis-  
8 trations; or

9                   “(ii) unnecessary; and

10           “(E) take into consideration such other  
11 criteria as the Assistant Secretary determines  
12 to be necessary.”; and

13           (D) by adding at the end the following:

14           “(5) SAVINGS CLAUSE.—Nothing in this sub-  
15 section limits the ability of the head of a modal ad-  
16 ministration to comply with applicable law.”; and

17           (3) in subsection (c), in the matter preceding  
18 paragraph (1), by striking “subsection (b)(3)” and  
19 inserting “subsection (b)(4).

20           (b) CONSOLIDATED RESEARCH DATABASE.—Section  
21 6502(a) of title 49, United States Code, is amended by  
22 striking the subsection designation and heading and all  
23 that follows through subparagraph (B) of paragraph (2)  
24 and inserting the following:

25           “(a) RESEARCH ABSTRACT DATABASE.—

1           “(1) SUBMISSION.—Not later than September 1  
2 of each year, the head of each modal administration  
3 and joint program office of the Department of  
4 Transportation shall submit to the Assistant Sec-  
5 retary, for review and public posting, a description  
6 of each proposed research project to be carried out  
7 during the following fiscal year, including—

8                   “(A) proposed funding for any new  
9 projects; and

10                   “(B) proposed additional funding for any  
11 existing projects.

12           “(2) PUBLICATION.—Not less frequently than  
13 annually, after receiving the descriptions under para-  
14 graph (1), the Assistant Secretary shall publish on  
15 a public website a comprehensive database including  
16 a description of all research projects conducted by  
17 the Department of Transportation, including re-  
18 search funded through university transportation cen-  
19 ters under section 5505.

20           “(3) CONTENTS.—The database published  
21 under paragraph (2) shall—

22                   “(A) be delimited by research project; and

23                   “(B) include a description of, with respect  
24 to each research project—

25                           “(i) research objectives;



1 “(ii) the progress made with respect  
2 to the project, including whether the  
3 project is ongoing or complete;

4 “(iii) any outcomes of the project, in-  
5 cluding potential implications for policy,  
6 regulations, or guidance issued by a modal  
7 administration or the Department of  
8 Transportation;

9 “(iv) any findings of the project;

10 “(v) the amount of funds allocated for  
11 the project; and

12 “(vi) such other information as the  
13 Assistant Secretary determines to be nec-  
14 essary to address Departmental priorities  
15 and statutory mandates;”.

16 **SEC. 5017. INCORPORATION OF DEPARTMENT OF TRANS-**  
17 **PORTATION RESEARCH.**

18 (a) IN GENERAL.—Chapter 65 of title 49, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing:

21 **“§ 6504. Incorporation of Department of Transpor-**  
22 **tation research**

23 “(a) REVIEW.—Not later than December 31, 2021,  
24 and not less frequently than once every 5 years thereafter,

1 in concurrence with the applicable strategic plan under  
2 section 6503, the Secretary of Transportation shall—

3 “(1) conduct a review of research conducted by  
4 the Department of Transportation; and

5 “(2) to the maximum extent practicable and ap-  
6 propriate, identify modifications to laws, regulations,  
7 guidance, and other policy documents to incorporate  
8 any innovations resulting from the research de-  
9 scribed in paragraph (1) that have the potential to  
10 improve the safety or efficiency of the United States  
11 transportation system.

12 “(b) REQUIREMENTS.—In conducting a review under  
13 subsection (a), the Secretary of Transportation shall—

14 “(1) identify any innovative practices, mate-  
15 rials, or technologies that have demonstrable benefits  
16 to the transportation system;

17 “(2) determine whether the practices, materials,  
18 or technologies described in paragraph (1) require  
19 any statutory or regulatory modifications for adop-  
20 tion; and

21 “(3)(A) if modifications are determined to be  
22 required under paragraph (2), develop—

23 “(i) a proposal for those modifications; and

24 “(ii) a description of the manner in which  
25 any such regulatory modifications would be—

1                   “(I) incorporated into the Unified  
2                   Regulatory Agenda; or

3                   “(II) adopted into existing regulations  
4                   as soon as practicable; or

5                   “(B) if modifications are determined not to be  
6                   required under paragraph (2), develop a description  
7                   of the means by which the practices, materials, or  
8                   technologies described in paragraph (1) will other-  
9                   wise be incorporated into Department of Transpor-  
10                  tation or modal administration policy or guidance,  
11                  including as part of the Technology Transfer Pro-  
12                  gram of the Office of the Assistant Secretary for Re-  
13                  search and Technology.

14                  “(c) REPORT.—On completion of each review under  
15                  subsection (a), the Secretary of Transportation shall sub-  
16                  mit to the appropriate committees of Congress a report  
17                  describing, with respect to the period covered by the re-  
18                  port—

19                         “(1) each new practice, material, or technology  
20                         identified under subsection (b)(1); and

21                         “(2) any statutory or regulatory modification  
22                         for the adoption of such a practice, material, or  
23                         technology that—

24                                 “(A) is determined to be required under  
25                                 subsection (b)(2); or

1                   “(B) was otherwise made during that pe-  
2                   riod.”.

3           (b) CLERICAL AMENDMENT.—The analysis for chap-  
4   ter 65 of title 49, United States Code, is amended by add-  
5   ing at the end the following:

          “6504. Incorporation of Department of Transportation research.”.

6   **SEC. 5018. UNIVERSITY TRANSPORTATION CENTERS PRO-**  
7                   **GRAM.**

8           Section 5505 of title 49, United States Code, is  
9   amended—

10           (1) in subsection (a)—

11                   (A) in paragraph (1), by inserting “of  
12                   Transportation, acting through the Assistant  
13                   Secretary for Research and Technology (re-  
14                   ferred to in this section as the ‘Secretary’),”  
15                   after “The Secretary”; and

16                   (B) in paragraph (2)—

17                           (i) in subparagraph (B), by inserting  
18                           “multimodal” after “critical”; and

19                           (ii) in subparagraph (C), by inserting  
20                           “with respect to the matters described in  
21                           subparagraphs (A) through (G) of section  
22                           6503(c)(1)” after “transportation leaders”;

23           (2) in subsection (b)—

24                   (A) in paragraph (2)(A), by striking “for  
25                   each of the transportation centers described

1 under paragraphs (2), (3), and (4) of sub-  
2 section (c)” and inserting “as a lead institution  
3 under this section, except as provided in sub-  
4 paragraph (B)”;

5 (B) in paragraph (4)—

6 (i) in subparagraph (A), by striking  
7 “identified in chapter 65” and inserting  
8 “described in subparagraphs (A) through  
9 (G) of section 6503(c)(1)”;

10 (ii) in subparagraph (B), in the mat-  
11 ter preceding clause (i), by striking “the  
12 Assistant Secretary” and all that follows  
13 through “modal administrations” and in-  
14 serting “the heads of the modal adminis-  
15 trations of the Department of Transpor-  
16 tation,”;

17 (C) in paragraph (5)(B), in the matter  
18 preceding clause (i), by striking “submit” and  
19 all that follows through “of the Senate” and in-  
20 serting “make available to the public on a  
21 website of the Department of Transportation”;

22 (3) in subsection (c)(3)(E)—

23 (A) by inserting “, including the cybersecu-  
24 rity implications of technologies relating to con-  
25 nected vehicles, connected infrastructure, and

1 autonomous vehicles” after “autonomous vehi-  
2 cles”; and

3 (B) by striking “The Secretary” and in-  
4 serting the following:

5 “(i) IN GENERAL.—A regional univer-  
6 sity transportation center receiving a grant  
7 under this paragraph shall carry out re-  
8 search focusing on 1 or more of the mat-  
9 ters described in subparagraphs (A)  
10 through (G) of section 6503(c)(1).

11 “(ii) FOCUSED OBJECTIVES.—The  
12 Secretary”; and

13 (4) in subsection (d)—

14 (A) in paragraph (2)—

15 (i) in the paragraph heading, by strik-  
16 ing “ANNUAL REVIEW” and inserting “RE-  
17 VIEW”;

18 (ii) in the matter preceding subpara-  
19 graph (A), by striking “annually” and in-  
20 serting “biennially”; and

21 (iii) in subparagraph (B), by striking  
22 “submit” and all that follows through “of  
23 the Senate” and inserting “make available  
24 to the public on a website of the Depart-  
25 ment of Transportation”; and

1 (B) in paragraph (3), by striking “2016  
2 through 2020” and inserting “2022 through  
3 2026”.

4 **SEC. 5019. NATIONAL TRAVEL AND TOURISM INFRASTRUC-**  
5 **TURE STRATEGIC PLAN.**

6 Section 1431(e) of the FAST Act (49 U.S.C. 301  
7 note; Public Law 114–94) is amended—

8 (1) by redesignating paragraphs (1) through  
9 (7) as subparagraphs (A) through (G), respectively,  
10 and indenting appropriately;

11 (2) in the matter preceding subparagraph (A)  
12 (as so redesignated)—

13 (A) by striking “Not later than 3 years  
14 after the date of enactment of this Act” and in-  
15 sserting “Not later than 180 days after the date  
16 of enactment of the Surface Transportation In-  
17 vestment Act of 2021”; and

18 (B) by striking “plan that includes” and  
19 inserting the following: “plan—

20 “(1) to develop an immediate-term and long-  
21 term strategy, including policy recommendations  
22 across all modes of transportation, for the Depart-  
23 ment and other agencies to use infrastructure invest-  
24 ments to revive the travel and tourism industry and  
25 the overall travel and tourism economy in the wake

1 of the Coronavirus Disease 2019 (COVID–19) pan-  
2 demic; and

3 “(2) that includes”; and

4 (3) in paragraph (2) (as so redesignated)—

5 (A) in subparagraph (A) (as so redesign-  
6 nated), by inserting “, including consideration  
7 of the impacts of the COVID–19 pandemic”  
8 after “network”;

9 (B) in subparagraph (D) (as so redesign-  
10 nated), by inserting “of regional significance”  
11 after “corridors”;

12 (C) in subparagraph (F) (as so redesign-  
13 nated), by striking “and” at the end;

14 (D) in subparagraph (G) (as so redesign-  
15 nated), by striking the period at the end and in-  
16 serting “; and”; and

17 (E) by adding at the end the following:

18 “(H) an identification of possible infra-  
19 structure investments that create recovery op-  
20 portunities for small, underserved, minority,  
21 and rural businesses in the travel and tourism  
22 industry, including efforts to preserve and pro-  
23 tect the scenic, but often less-traveled, roads  
24 that promote tourism and economic develop-  
25 ment throughout the United States.”.



1 **SEC. 5020. LOCAL HIRING PREFERENCE FOR CONSTRUC-**  
2 **TION JOBS.**

3 (a) AUTHORIZATION.—

4 (1) IN GENERAL.—A recipient or subrecipient  
5 of a grant provided by the Secretary under title 23  
6 or 49, United States Code, may implement a local  
7 or other geographical or economic hiring preference  
8 relating to the use of labor for construction of a  
9 project funded by the grant, including prehire agree-  
10 ments, subject to any applicable State and local  
11 laws, policies, and procedures.

12 (2) TREATMENT.—The use of a local or other  
13 geographical or economic hiring preference pursuant  
14 to paragraph (1) in any bid for a contract for the  
15 construction of a project funded by a grant de-  
16 scribed in paragraph (1) shall not be considered to  
17 unduly limit competition.

18 (b) WORKFORCE DIVERSITY REPORT.—Not later  
19 than 1 year after the date of enactment of this Act, the  
20 Secretary shall submit to Congress a report describing  
21 methods—

22 (1) to ensure preapprenticeship programs are  
23 established and implemented to meet the needs of  
24 employers in transportation and transportation in-  
25 frastructure construction industries, including with  
26 respect to the formal connection of the

1 preapprenticeship programs to registered apprentice-  
2 ship programs;

3 (2) to address barriers to employment (within  
4 the meaning of the Workforce Innovation and Op-  
5 portunity Act (29 U.S.C. 3101 et seq.)) in transpor-  
6 tation and transportation infrastructure construction  
7 industries for—

8 (A) individuals who are former offenders  
9 (as defined in section 3 of the Workforce Inno-  
10 vation and Opportunity Act (29 U.S.C. 3102));

11 (B) individuals with a disability (as defined  
12 in section 3 of the Americans with Disabilities  
13 Act of 1990 (42 U.S.C. 12102)); and

14 (C) individuals that represent populations  
15 that are traditionally underrepresented in the  
16 workforce; and

17 (3) encourage a recipient or subrecipient imple-  
18 menting a local or other geographical or economic  
19 hiring preference pursuant to subsection (a)(1) to  
20 establish, in coordination with nonprofit organiza-  
21 tions that represent employees, outreach and sup-  
22 port programs that increase diversity within the  
23 workforce, including expanded participation from in-  
24 dividuals described in subparagraphs (A) through  
25 (C) of paragraph (2).

1 (c) MODEL PLAN.—Not later than 1 year after the  
2 date of submission of the report under subsection (b), the  
3 Secretary shall establish, and publish on the website of  
4 the Department, a model plan for use by States, units of  
5 local government, and private sector entities to address  
6 the issues described in that subsection.

7 **SEC. 5021. TRANSPORTATION WORKFORCE DEVELOPMENT.**

8 (a) ASSESSMENT.—The Secretary shall enter into an  
9 arrangement with the National Academy of Sciences  
10 under which the National Academy shall develop and sub-  
11 mit to the Secretary a workforce needs assessment that—

12 (1) addresses—

13 (A) the education and recruitment of tech-  
14 nical workers for the intelligent transportation  
15 technologies and systems industry;

16 (B) the development of a workforce skilled  
17 in various types of intelligent transportation  
18 technologies, components, infrastructure, and  
19 equipment, including with respect to—

20 (i) installation;

21 (ii) maintenance;

22 (iii) manufacturing;

23 (iv) operations, including data anal-  
24 ysis and review; and

25 (v) cybersecurity; and

1 (C) barriers to employment in the intel-  
2 ligent transportation technologies and systems  
3 industry for—

4 (i) individuals who are former offend-  
5 ers (as defined in section 3 of the Work-  
6 force Innovation and Opportunity Act (29  
7 U.S.C. 3102));

8 (ii) individuals with a disability (as  
9 defined in section 3 of the Americans with  
10 Disabilities Act of 1990 (42 U.S.C.  
11 12102)); and

12 (iii) individuals that represent popu-  
13 lations that are traditionally underrep-  
14 resented in the workforce; and

15 (2) includes recommendations relating to the  
16 issues described in paragraph (1).

17 (b) WORKING GROUP.—

18 (1) ESTABLISHMENT.—The Secretary shall es-  
19 tablish a working group, to be composed of—

20 (A) the Secretary of Energy;

21 (B) the Secretary of Labor; and

22 (C) the heads of such other Federal agen-  
23 cies as the Secretary determines to be nec-  
24 essary.

25 (2) IMPLEMENTATION PLAN.—

1 (A) IN GENERAL.—The working group es-  
2 tablished under paragraph (1) shall develop an  
3 intelligent transportation technologies and sys-  
4 tems industry workforce development implanta-  
5 tion plan.

6 (B) REQUIREMENTS.—The implementation  
7 plan under subparagraph (A) shall address any  
8 issues and recommendations included in the  
9 needs assessment under subsection (a), taking  
10 into consideration a whole-of-government ap-  
11 proach with respect to—

12 (i) using registered apprenticeship and  
13 preapprenticeship programs; and

14 (ii) re-skilling workers who may be in-  
15 terested in working within the intelligent  
16 transportation technologies and systems in-  
17 dustry.

18 (3) SUBMISSION TO CONGRESS.—Not later than  
19 1 year after the date of receipt of the needs assess-  
20 ment under subsection (a), the Secretary shall sub-  
21 mit to Congress the implementation plan developed  
22 under paragraph (2).

23 (c) TRANSPORTATION WORKFORCE OUTREACH PRO-  
24 GRAM.—

1           (1) IN GENERAL.—Subchapter I of chapter 55  
2           of title 49, United States Code (as amended by sec-  
3           tion 5014(a)), is amended by adding at the end the  
4           following:

5    **“§ 5507. Transportation workforce outreach program**

6           “(a) IN GENERAL.—The Secretary of Transportation  
7           (referred to in this section as the ‘Secretary’) shall estab-  
8           lish and administer a transportation workforce outreach  
9           program, under which the Secretary shall carry out a se-  
10          ries of public service announcement campaigns during  
11          each of fiscal years 2022 through 2026.

12          “(b) PURPOSES.—The purpose of the campaigns car-  
13          ried out under the program under this section shall be—

14                 “(1) to increase awareness of career opportuni-  
15                 ties in the transportation sector, including aviation  
16                 pilots, safety inspectors, mechanics and technicians,  
17                 air traffic controllers, flight attendants, truck and  
18                 bus drivers, engineers, transit workers, railroad  
19                 workers, and other transportation professionals; and

20                 “(2) to target awareness of professional oppor-  
21                 tunities in the transportation sector to diverse seg-  
22                 ments of the population, including with respect to  
23                 race, sex, ethnicity, ability (including physical and  
24                 mental ability), and socioeconomic status.

1           “(c) ADVERTISING.—The Secretary may use, or au-  
2 thorize the use of, amounts made available to carry out  
3 the program under this section for the development, pro-  
4 duction, and use of broadcast, digital, and print media ad-  
5 vertising and outreach in carrying out a campaign under  
6 this section.

7           “(d) FUNDING.—The Secretary may use to carry out  
8 this section any amounts otherwise made available to the  
9 Secretary, not to exceed \$5,000,000, for each of fiscal  
10 years 2022 through 2026.”.

11           (2) CLERICAL AMENDMENT.—The analysis for  
12 subchapter I of chapter 55 of title 49, United States  
13 Code (as amended by section 5014(b)), is amended  
14 by adding at the end the following:

“5507. Transportation workforce outreach program.”.

15 **SEC. 5022. INTERMODAL TRANSPORTATION ADVISORY**  
16 **BOARD REPEAL.**

17           (a) IN GENERAL.—Section 5502 of title 49, United  
18 States Code, is repealed.

19           (b) CLERICAL AMENDMENT.—The analysis for sub-  
20 chapter I of chapter 55 of title 49, United States Code,  
21 is amended by striking the item relating to section 5502.

22 **SEC. 5023. GAO CYBERSECURITY RECOMMENDATIONS.**

23           (a) CYBERSECURITY RISK MANAGEMENT.—Not later  
24 than 3 years after the date of enactment of this Act, the  
25 Secretary shall implement the recommendation for the De-

1 partment made by the Comptroller General of the United  
2 States in the report entitled “Cybersecurity: Agencies  
3 Need to Fully Establish Risk Management Programs and  
4 Address Challenges”, numbered GAO–19–384, and dated  
5 July 2019—

6 (1) by developing a cybersecurity risk manage-  
7 ment strategy for the systems and information of  
8 the Department;

9 (2) by updating policies to address an organiza-  
10 tion-wide risk assessment; and

11 (3) by updating the processes for coordination  
12 between cybersecurity risk management functions  
13 and enterprise risk management functions.

14 (b) WORK ROLES.—Not later than 3 years after the  
15 date of enactment of this Act, the Secretary shall imple-  
16 ment the recommendation of the Comptroller General of  
17 the United States in the report entitled “Cybersecurity  
18 Workforce: Agencies Need to Accurately Categorize Posi-  
19 tions to Effectively Identify Critical Staffing Needs”,  
20 numbered GAO–19–144, and dated March 2019, by—

21 (1) reviewing positions in the Department; and

22 (2) assigning appropriate work roles in accord-  
23 ance with the National Initiative for Cybersecurity  
24 Education Cybersecurity Workforce Framework.

25 (c) GAO REVIEW.—



1           (1) REPORT.—Not later than 18 months 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 approach of  
8 the Department to managing cybersecurity for the  
9 systems and information of the Department.

10           (2) CONTENTS.—The report under paragraph  
11 (1) shall include an evaluation of—

12                   (A) the roles, responsibilities, and report-  
13 ing relationships of the senior officials of the  
14 Department with respect to cybersecurity at the  
15 components of the Department;

16                   (B) the extent to which officials of the De-  
17 partment—

18                           (i) establish requirements for, share  
19 information with, provide resources to, and  
20 monitor the performance of managers with  
21 respect to cybersecurity within the compo-  
22 nents of the Department; and

23                           (ii) hold managers accountable for cy-  
24 bersecurity within the components of the  
25 Department; and

1 (C) other aspects of cybersecurity, as the  
2 Comptroller General of the United States deter-  
3 mines to be appropriate.

4 **SEC. 5024. VOLPE OVERSIGHT.**

5 (a) **FINANCIAL MANAGEMENT.**—Not later than 1  
6 year after the date of enactment of this Act, the Secretary  
7 shall implement the recommendations of the Inspector  
8 General of the Department included in the report entitled  
9 “DOT Needs to Strengthen Its Oversight of IAAs With  
10 Volpe” and dated September 30, 2019, to improve plan-  
11 ning, financial management, and the sharing of perform-  
12 ance information with respect to intraagency agreements  
13 with the John A. Volpe National Transportation Systems  
14 Center (referred to in this section as the “Volpe Center”).

15 (b) **GAO REVIEW.**—

16 (1) **IN GENERAL.**—Not later than 2 years after  
17 the date of enactment of this Act, the Comptroller  
18 General of the United States shall submit to the  
19 Committee on Commerce, Science, and Transporta-  
20 tion of the Senate and the Committee on Trans-  
21 portation and Infrastructure of the House of Rep-  
22 resentatives a report that examines the surface  
23 transportation activities at the Volpe Center.

24 (2) **CONTENTS.**—The report under paragraph

25 (1) shall include an evaluation of—

1 (A) the amount of Department funding  
2 provided to the Volpe Center, as compared to  
3 other Federal and non-Federal research part-  
4 ners;

5 (B) the process used by the Department to  
6 determine whether to work with the Volpe Cen-  
7 ter, as compared to any other Federal or non-  
8 Federal research partner; and

9 (C) the extent to which the Department is  
10 collaborating with the Volpe Center to address  
11 research needs relating to emerging issues.

## 12 **TITLE VI—HAZARDOUS** 13 **MATERIALS**

### 14 **SEC. 6001. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 5128 of title 49, United States Code, is  
16 amended to read as follows:

#### 17 **“§ 5128. Authorization of appropriations**

18 “(a) IN GENERAL.—There are authorized to be ap-  
19 propriated to the Secretary to carry out this chapter (ex-  
20 cept section 5107(e), 5108(g)(2), 5113, 5115, 5116, and  
21 5119)—

22 “(1) \$67,000,000 for fiscal year 2022;

23 “(2) \$68,000,000 for fiscal year 2023;

24 “(3) \$69,000,000 for fiscal year 2024;

25 “(4) \$70,000,000 for fiscal year 2025; and

1           “(5) \$71,000,000 for fiscal year 2026.

2           “(b) HAZARDOUS MATERIALS EMERGENCY PRE-  
3 PAREDNESS FUND.—From the Hazardous Materials Pre-  
4 paredness Fund established under section 5116(h), the  
5 Secretary may expend, for each of fiscal years 2022  
6 through 2026—

7           “(1) \$39,050,000 to carry out section 5116(a);

8           “(2) \$150,000 to carry out section 5116(e);

9           “(3) \$625,000 to publish and distribute the  
10 Emergency Response Guidebook under section  
11 5116(h)(3); and

12           “(4) \$1,000,000 to carry out section 5116(i).

13           “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—  
14 From the Hazardous Materials Emergency Preparedness  
15 Fund established pursuant to section 5116(h), the Sec-  
16 retary may expend \$5,000,000 for each of fiscal years  
17 2022 through 2026 to carry out section 5107(e).

18           “(d) COMMUNITY SAFETY GRANTS.—Of the amounts  
19 made available under subsection (a) to carry out this chap-  
20 ter, the Secretary shall withhold \$4,000,000 for each of  
21 fiscal years 2022 through 2026 to carry out section  
22 5107(i).

23           “(e) CREDITS TO APPROPRIATIONS.—

24           “(1) EXPENSES.—In addition to amounts oth-  
25 erwise made available to carry out this chapter, the

1 Secretary may credit amounts received from a State,  
2 Indian tribe, or other public authority or private en-  
3 tity for expenses the Secretary incurs in providing  
4 training to the State, Indian tribe, authority or enti-  
5 ty.

6 “(2) AVAILABILITY OF AMOUNTS.—Amounts  
7 made available under this section shall remain avail-  
8 able until expended.”.

9 **SEC. 6002. ASSISTANCE FOR LOCAL EMERGENCY RE-**  
10 **SPONSE TRAINING GRANT PROGRAM.**

11 Section 5116 of title 49, United States Code, is  
12 amended—

13 (1) in subsection (j), in the second sentence of  
14 the matter preceding paragraph (1), by striking  
15 “subsection (i)” and inserting “subsections (i) and  
16 (j)”;

17 (2) by redesignating subsection (j) as sub-  
18 section (k); and

19 (3) by inserting after subsection (i) the fol-  
20 lowing:

21 “(j) ALERT GRANT PROGRAM.—

22 “(1) ASSISTANCE FOR LOCAL EMERGENCY RE-  
23 SPONSE TRAINING.—The Secretary shall establish a  
24 grant program to make grants to eligible entities de-  
25 scribed in paragraph (2)—

1           “(A) to develop a hazardous materials re-  
2           sponse training curriculum for emergency re-  
3           sponders, including response activities for the  
4           transportation of crude oil, ethanol, and other  
5           flammable liquids by rail, consistent with the  
6           standards of the National Fire Protection Asso-  
7           ciation; and

8           “(B) to make the training described in  
9           subparagraph (A) available in an electronic for-  
10          mat.

11          “(2) ELIGIBLE ENTITIES.—An eligible entity  
12          referred to in paragraph (1) is a nonprofit organiza-  
13          tion that—

14                 “(A) represents first responders or public  
15                 official responsible for coordinating disaster re-  
16                 sponse; and

17                 “(B) is able to provide direct or web-based  
18                 training to individuals responsible for respond-  
19                 ing to accidents and incidents involving haz-  
20                 ardous materials.

21          “(3) FUNDING.—

22                 “(A) IN GENERAL.—To carry out the  
23                 grant program under paragraph (1), the Sec-  
24                 retary may use, for each fiscal year, any  
25                 amounts recovered during such fiscal year from

1 grants awarded under this section during a  
2 prior fiscal year.

3 “(B) OTHER HAZARDOUS MATERIAL  
4 TRAINING ACTIVITIES.—For each fiscal year,  
5 after providing grants under paragraph (1), if  
6 funds remain available, the Secretary may use  
7 the amounts described in subparagraph (A)—

8 “(i) to make grants under—

9 “(I) subsection (a)(1)(C);

10 “(II) subsection (i); and

11 “(III) section 5107(e);

12 “(ii) to conduct monitoring and pro-  
13 vide technical assistance under subsection  
14 (e);

15 “(iii) to publish and distribute the  
16 emergency response guide referred to in  
17 subsection (h)(3); and

18 “(iv) to pay administrative costs in  
19 accordance with subsection (h)(4).

20 “(C) OBLIGATION LIMITATION.—Notwith-  
21 standing any other provision of law, for each  
22 fiscal year, amounts described in subparagraph  
23 (A) shall not be included in the obligation limi-  
24 tation for the Hazardous Materials Emergency





1                   (E) in paragraph (3), as redesignated, by  
2                   striking “paragraph (3)” and inserting “para-  
3                   graph (2)”;  
4                   (2) in subsection (b)—  
5                   (A) by striking paragraphs (1) and (4);  
6                   and  
7                   (B) by redesignating paragraphs (2), (3),  
8                   (5), (6), and (7) as paragraphs (1), (2), (3),  
9                   (4), and (5), respectively; and  
10                  (3) in subsection (c), by striking “, as described  
11                  in subsection (a)(1)(B),”.