

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Fixing America’s Surface Transportation Act” or the
4 “FAST Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

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1 **DIVISION A—SURFACE**
2 **TRANSPORTATION**

3 **SEC. 1001. DEFINITIONS.**

4 In this division, the following definitions apply:

5 (1) DEPARTMENT.—The term “Department”
6 means the Department of Transportation.

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of Transportation.

9 **SEC. 1002. RECONCILIATION OF FUNDS.**

10 The Secretary shall reduce the amount apportioned
11 or allocated for a program, project, or activity under titles
12 I and VI of this Act in fiscal year 2016 by amounts appor-
13 tioned or allocated pursuant to any extension Act of
14 MAP–21, including the amendments made by that exten-
15 sion Act, during the period beginning on October 1, 2015,
16 and ending on the date of enactment of this Act. For pur-
17 poses of making such reductions, funds set aside pursuant
18 to section 133(h) of title 23, United States Code, as
19 amended by this Act, shall be reduced by the amount set
20 aside pursuant to section 213 of such title, as in effect
21 on the day before the date of enactment of this Act.

22 **SEC. 1003. EFFECTIVE DATE.**

23 Except as otherwise provided, this division, including
24 the amendments made by this division, takes effect on Oc-
25 tober 1, 2015.

1 **SEC. 1004. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in this division shall be treated
4 as referring only to the provisions of this division.

5 **TITLE I—FEDERAL-AID**
6 **HIGHWAYS**
7 **Subtitle A—Authorizations and**
8 **Programs**

9 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

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

13 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
14 the national highway performance program under
15 section 119 of title 23, United States Code, the sur-
16 face transportation block grant program under sec-
17 tion 133 of that title, the highway safety improve-
18 ment program under section 148 of that title, the
19 congestion mitigation and air quality improvement
20 program under section 149 of that title, the national
21 highway freight program under section 167 of that
22 title, and to carry out section 134 of that title—

23 (A) \$39,727,500,000 for fiscal year 2016;

24 (B) \$40,547,805,000 for fiscal year 2017;

25 (C) \$41,424,020,075 for fiscal year 2018;

1 (D) \$42,358,903,696 for fiscal year 2019;

2 and

3 (E) \$43,373,294,311 for fiscal year 2020.

4 (2) TRANSPORTATION INFRASTRUCTURE FI-
5 NANCE AND INNOVATION PROGRAM.—For credit as-
6 sistance under the transportation infrastructure fi-
7 nance and innovation program under chapter 6 of
8 title 23, United States Code—

9 (A) \$275,000,000 for fiscal year 2016;

10 (B) \$275,000,000 for fiscal year 2017;

11 (C) \$285,000,000 for fiscal year 2018;

12 (D) \$300,000,000 for fiscal year 2019;

13 and

14 (E) \$300,000,000 for fiscal year 2020.

15 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
16 TATION PROGRAMS.—

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

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

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

23 (iii) \$485,000,000 for fiscal year
24 2018;

1 (iv) \$495,000,000 for fiscal year
2 2019; and

3 (v) \$505,000,000 for fiscal year 2020.

4 (B) FEDERAL LANDS TRANSPORTATION
5 PROGRAM.—

6 (i) IN GENERAL.—For the Federal
7 lands transportation program under sec-
8 tion 203 of title 23, United States Code—

9 (I) \$335,000,000 for fiscal year
10 2016;

11 (II) \$345,000,000 for fiscal year
12 2017;

13 (III) \$355,000,000 for fiscal year
14 2018;

15 (IV) \$365,000,000 for fiscal year
16 2019; and

17 (V) \$375,000,000 for fiscal year
18 2020.

19 (ii) ALLOCATION.—Of the amount
20 made available for a fiscal year under
21 clause (i)—

22 (I) the amount for the National
23 Park Service is—

24 (aa) \$268,000,000 for fiscal
25 year 2016;

1 (bb) \$276,000,000 for fiscal
2 year 2017;

3 (cc) \$284,000,000 for fiscal
4 year 2018;

5 (dd) \$292,000,000 for fiscal
6 year 2019; and

7 (ee) \$300,000,000 for fiscal
8 year 2020.

9 (II) the amount for the United
10 States Fish and Wildlife Service is
11 \$30,000,000 for each of fiscal years
12 2016 through 2020; and

13 (III) the amount for the United
14 States Forest Service is—

15 (aa) \$15,000,000 for fiscal
16 year 2016;

17 (bb) \$16,000,000 for fiscal
18 year 2017;

19 (cc) \$17,000,000 for fiscal
20 year 2018;

21 (dd) \$18,000,000 for fiscal
22 year 2019; and

23 (ee) \$19,000,000 for fiscal
24 year 2020.

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

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

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

6 (iii) \$260,000,000 for fiscal year
7 2018;

8 (iv) \$265,000,000 for fiscal year
9 2019; and

10 (v) \$270,000,000 for fiscal year 2020.

11 (4) TERRITORIAL AND PUERTO RICO HIGHWAY
12 PROGRAM.—For the territorial and Puerto Rico
13 highway program under section 165 of title 23,
14 United States Code, \$200,000,000 for each of fiscal
15 years 2016 through 2020.

16 (5) NATIONALLY SIGNIFICANT FREIGHT AND
17 HIGHWAY PROJECTS.—For nationally significant
18 freight and highway projects under section 117 of
19 title 23, United States Code—

20 (A) \$800,000,000 for fiscal year 2016;

21 (B) \$850,000,000 for fiscal year 2017;

22 (C) \$900,000,000 for fiscal year 2018;

23 (D) \$950,000,000 for fiscal year 2019;

24 and

25 (E) \$1,000,000,000 for fiscal year 2020.

1 (b) DISADVANTAGED BUSINESS ENTERPRISES.—

2 (1) FINDINGS.—Congress finds that—

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

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

14 (C) Congress has received and reviewed
15 testimony and documentation of race and gen-
16 der discrimination from numerous sources, in-
17 cluding congressional hearings and roundtables,
18 scientific reports, reports issued by public and
19 private agencies, news stories, reports of dis-
20 crimination by organizations and individuals,
21 and discrimination lawsuits, which show that
22 race- and gender-neutral efforts alone are insuf-
23 ficient to address the problem;

24 (D) the testimony and documentation de-
25 scribed in subparagraph (C) demonstrate that

1 discrimination across the United States poses a
2 barrier to full and fair participation in surface
3 transportation-related businesses of women
4 business owners and minority business owners
5 and has impacted firm development and many
6 aspects of surface transportation-related busi-
7 ness in the public and private markets; and

8 (E) the testimony and documentation de-
9 scribed in subparagraph (C) provide a strong
10 basis that there is a compelling need for the
11 continuation of the disadvantaged business en-
12 terprise program to address race and gender
13 discrimination in surface transportation-related
14 business.

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

17 (A) SMALL BUSINESS CONCERN.—

18 (i) IN GENERAL.—The term “small
19 business concern” means a small business
20 concern (as the term is used in section 3
21 of the Small Business Act (15 U.S.C.
22 632)).

23 (ii) EXCLUSIONS.—The term “small
24 business concern” does not include any
25 concern or group of concerns controlled by

1 the same socially and economically dis-
2 advantaged individual or individuals that
3 have average annual gross receipts during
4 the preceding 3 fiscal years in excess of
5 \$23,980,000, as adjusted annually by the
6 Secretary for inflation.

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

17 (3) AMOUNTS FOR SMALL BUSINESS CON-
18 CERNS.—Except to the extent that the Secretary de-
19 termines otherwise, not less than 10 percent of the
20 amounts made available for any program under ti-
21 tles I, II, III, and VI of this Act and section 403
22 of title 23, United States Code, shall be expended
23 through small business concerns owned and con-
24 trolled by socially and economically disadvantaged
25 individuals.

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

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

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

10 (i) women;

11 (ii) socially and economically dis-
12 advantaged individuals (other than
13 women); and

14 (iii) individuals who are women and
15 are otherwise socially and economically dis-
16 advantaged individuals.

17 (5) UNIFORM CERTIFICATION.—

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

23 (B) INCLUSIONS.—The minimum uniform
24 criteria established under subparagraph (A)

1 shall include, with respect to a potential small
2 business concern—

3 (i) on-site visits;

4 (ii) personal interviews with personnel;

5 (iii) issuance or inspection of licenses;

6 (iv) analyses of stock ownership;

7 (v) listings of equipment;

8 (vi) analyses of bonding capacity;

9 (vii) listings of work completed;

10 (viii) examination of the resumes of
11 principal owners;

12 (ix) analyses of financial capacity; and

13 (x) analyses of the type of work pre-
14 ferred.

15 (6) REPORTING.—The Secretary shall establish
16 minimum requirements for use by State govern-
17 ments in reporting to the Secretary—

18 (A) information concerning disadvantaged
19 business enterprise awards, commitments, and
20 achievements; and

21 (B) such other information as the Sec-
22 retary determines to be appropriate for the
23 proper monitoring of the disadvantaged busi-
24 ness enterprise program.

1 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
2 ing in this subsection limits the eligibility of an indi-
3 vidual or entity to receive funds made available
4 under titles I, II, III, and VI of this Act and section
5 403 of title 23, United States Code, if the entity or
6 person is prevented, in whole or in part, from com-
7 plying with paragraph (3) because a Federal court
8 issues a final order in which the court finds that a
9 requirement or the implementation of paragraph (3)
10 is unconstitutional.

11 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
12 OF DBE SUBCONTRACTORS.—It is the sense of Con-
13 gress that—

14 (A) the Secretary should take additional
15 steps to ensure that recipients comply with sec-
16 tion 26.29 of title 49, Code of Federal Regula-
17 tions (the disadvantaged business enterprises
18 prompt payment rule), or any corresponding
19 regulation, in awarding federally funded trans-
20 portation contracts under laws and regulations
21 administered by the Secretary; and

22 (B) such additional steps should include
23 increasing the Department's ability to track
24 and keep records of complaints and to make
25 that information publicly available.

1 **SEC. 1102. OBLIGATION CEILING.**

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

6 (1) \$42,361,000,000 for fiscal year 2016;

7 (2) \$43,266,100,000 for fiscal year 2017;

8 (3) \$44,234,212,000 for fiscal year 2018;

9 (4) \$45,268,596,000 for fiscal year 2019; and

10 (5) \$46,365,092,000 for fiscal year 2020.

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

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

14 (2) section 147 of the Surface Transportation
15 Assistance Act of 1978 (23 U.S.C. 144 note; 92
16 Stat. 2714);

17 (3) section 9 of the Federal-Aid Highway Act
18 of 1981 (95 Stat. 1701);

19 (4) subsections (b) and (j) of section 131 of the
20 Surface Transportation Assistance Act of 1982 (96
21 Stat. 2119);

22 (5) subsections (b) and (e) of section 149 of the
23 Surface Transportation and Uniform Relocation As-
24 sistance Act of 1987 (101 Stat. 198);

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

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

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

10 (9) Federal-aid highway programs for which ob-
11 ligation authority was made available under the
12 Transportation Equity Act for the 21st Century
13 (112 Stat. 107) or subsequent Acts for multiple
14 years or to remain available until expended, but only
15 to the extent that the obligation authority has not
16 lapsed or been used;

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

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

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

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

7 (13) section 119 of title 23, United States Code
8 (but, for fiscal years 2016 through 2020, only in an
9 amount equal to \$639,000,000 for each of those fis-
10 cal years).

11 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
12 For each of fiscal years 2016 through 2020, the Sec-
13 retary—

14 (1) shall not distribute obligation authority pro-
15 vided by subsection (a) for the fiscal year for—

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

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

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

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

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

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

9 (3) shall determine the proportion that—

10 (A) the obligation authority provided by
11 subsection (a) for the fiscal year, less the aggre-
12 gate of amounts not distributed under para-
13 graphs (1) and (2) of this subsection; bears to

14 (B) the total of the sums authorized to be
15 appropriated for the Federal-aid highway and
16 highway safety construction programs (other
17 than sums authorized to be appropriated for
18 provisions of law described in paragraphs (1)
19 through (12) of subsection (b) and sums au-
20 thorized to be appropriated for section 119 of
21 title 23, United States Code, equal to the
22 amount referred to in subsection (b)(13) for the
23 fiscal year), less the aggregate of the amounts
24 not distributed under paragraphs (1) and (2) of
25 this subsection;

1 (4) shall distribute the obligation authority pro-
2 vided by subsection (a), less the aggregate amounts
3 not distributed under paragraphs (1) and (2), for
4 each of the programs (other than programs to which
5 paragraph (1) applies) that are allocated by the Sec-
6 retary under this Act and title 23, United States
7 Code, or apportioned by the Secretary under sections
8 202 or 204 of that title, by multiplying—

9 (A) the proportion determined under para-
10 graph (3); by

11 (B) the amounts authorized to be appro-
12 priated for each such program for the fiscal
13 year; and

14 (5) shall distribute the obligation authority pro-
15 vided by subsection (a), less the aggregate amounts
16 not distributed under paragraphs (1) and (2) and
17 the amounts distributed under paragraph (4), for
18 Federal-aid highway and highway safety construc-
19 tion programs that are apportioned by the Secretary
20 under title 23, United States Code (other than the
21 amounts apportioned for the national highway per-
22 formance program in section 119 of title 23, United
23 States Code, that are exempt from the limitation
24 under subsection (b)(13) and the amounts appor-

1 tioned under sections 202 and 204 of that title) in
2 the proportion that—

3 (A) amounts authorized to be appropriated
4 for the programs that are apportioned under
5 title 23, United States Code, to each State for
6 the fiscal year; bears to

7 (B) the total of the amounts authorized to
8 be appropriated for the programs that are ap-
9 portioned under title 23, United States Code, to
10 all States for the fiscal year.

11 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
12 THORITY.—Notwithstanding subsection (c), the Secretary
13 shall, after August 1 of each of fiscal years 2016 through
14 2020—

15 (1) revise a distribution of the obligation au-
16 thority made available under subsection (c) if an
17 amount distributed cannot be obligated during that
18 fiscal year; and

19 (2) redistribute sufficient amounts to those
20 States able to obligate amounts in addition to those
21 previously distributed during that fiscal year, giving
22 priority to those States having large unobligated bal-
23 ances of funds apportioned under sections 144 (as in
24 effect on the day before the date of enactment of

1 MAP-21 (Public Law 112-141)) and 104 of title
2 23, United States Code.

3 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
4 TRANSPORTATION RESEARCH PROGRAMS.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), obligation limitations imposed by sub-
7 section (a) shall apply to contract authority for
8 transportation research programs carried out
9 under—

10 (A) chapter 5 of title 23, United States
11 Code; and

12 (B) title VI of this Act.

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

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

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

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

23 (1) IN GENERAL.—Not later than 30 days after
24 the date of distribution of obligation authority under
25 subsection (e) for each of fiscal years 2016 through

1 2020, the Secretary shall distribute to the States
2 any funds (excluding funds authorized for the pro-
3 gram under section 202 of title 23, United States
4 Code) that—

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

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

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

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

23 **SEC. 1103. DEFINITIONS.**

24 Section 101(a) of title 23, United States Code, is
25 amended—

1 (1) by striking paragraph (29);

2 (2) by redesignating paragraphs (15) through
3 (28) as paragraphs (16) through (29), respectively;
4 and

5 (3) by inserting after paragraph (14) the fol-
6 lowing:

7 “(15) NATIONAL HIGHWAY FREIGHT NET-
8 WORK.—The term ‘National Highway Freight Net-
9 work’ means the National Highway Freight Network
10 established under section 167.”.

11 **SEC. 1104. APPORTIONMENT.**

12 (a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)
13 of title 23, United States Code, is amended to read as
14 follows:

15 “(1) IN GENERAL.—There is authorized to be
16 appropriated from the Highway Trust Fund (other
17 than the Mass Transit Account) to be made avail-
18 able to the Secretary for administrative expenses of
19 the Federal Highway Administration—

20 “(A) \$453,000,000 for fiscal year 2016;

21 “(B) \$459,795,000 for fiscal year 2017;

22 “(C) \$466,691,925 for fiscal year 2018;

23 “(D) \$473,692,304 for fiscal year 2019;

24 and

25 “(E) \$480,797,689 for fiscal year 2020.”.

1 (b) DIVISION AMONG PROGRAMS OF STATE'S SHARE
2 OF BASE APPORTIONMENT.—Section 104(b) of title 23,
3 United States Code, is amended—

4 (1) by striking “(b) DIVISION OF” and all that
5 follows before paragraph (1) and inserting the fol-
6 lowing:

7 “(b) DIVISION AMONG PROGRAMS OF STATE'S
8 SHARE OF BASE APPORTIONMENT.—The Secretary shall
9 distribute the amount of the base apportionment appor-
10 tioned to a State for a fiscal year under subsection (c)
11 among the national highway performance program, the
12 surface transportation block grant program, the highway
13 safety improvement program, the congestion mitigation
14 and air quality improvement program, the national high-
15 way freight program, and to carry out section 134 as fol-
16 lows:”;

17 (2) in paragraphs (1), (2), and (3) by striking
18 “paragraphs (4) and (5)” each place it appears and
19 inserting “paragraphs (4), (5), and (6)”;

20 (3) in paragraph (2)—

21 (A) in the paragraph heading by striking
22 “SURFACE TRANSPORTATION PROGRAM” and
23 inserting “SURFACE TRANSPORTATION BLOCK
24 GRANT PROGRAM”; and

1 (B) by striking “surface transportation
2 program” and inserting “surface transportation
3 block grant program”;

4 (4) in paragraph (4), in the matter preceding
5 subparagraph (A), by striking “the amount deter-
6 mined for the State under subsection (c)” and in-
7 serting “the amount of the base apportionment re-
8 maining for the State under subsection (c) after
9 making the set aside in accordance with paragraph
10 (5)”;

11 (5) by redesignating paragraph (5) as para-
12 graph (6);

13 (6) by inserting after paragraph (4) the fol-
14 lowing:

15 “(5) NATIONAL HIGHWAY FREIGHT PRO-
16 GRAM.—

17 “(A) IN GENERAL.—For the national high-
18 way freight program under section 167, the
19 Secretary shall set aside from the base appor-
20 tionment determined for a State under sub-
21 section (c) an amount determined for the State
22 under subparagraphs (B) and (C).

23 “(B) TOTAL AMOUNT.—The total amount
24 set aside for the national highway freight pro-
25 gram for all States shall be—

1 “(i) \$1,150,000,000 for fiscal year
2 2016;

3 “(ii) \$1,100,000,000 for fiscal year
4 2017;

5 “(iii) \$1,200,000,000 for fiscal year
6 2018;

7 “(iv) \$1,350,000,000 for fiscal year
8 2019; and

9 “(v) \$1,500,000,000 for fiscal year
10 2020.

11 “(C) STATE SHARE.—For each fiscal year,
12 the Secretary shall distribute among the States
13 the total set-aside amount for the national high-
14 way freight program under subparagraph (B)
15 so that each State receives the amount equal to
16 the proportion that—

17 “(i) the total base apportionment de-
18 termined for the State under subsection
19 (c); bears to

20 “(ii) the total base apportionments for
21 all States under subsection (c).

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

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

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

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

15 (7) in paragraph (6) (as so redesignated), in
16 the matter preceding subparagraph (A), by striking
17 “the amount determined for the State under sub-
18 section (c)” and inserting “the amount of the base
19 apportionment remaining for a State under sub-
20 section (c) after making the set aside in accordance
21 with paragraph (5)”.

22 (c) CALCULATION OF STATE AMOUNTS.—Section
23 104(c) of title 23, United States Code, is amended to read
24 as follows:

25 “(c) CALCULATION OF AMOUNTS.—

1 “(1) STATE SHARE.—For each of fiscal years
2 2016 through 2020, the amount for each State shall
3 be determined as follows:

4 “(A) INITIAL AMOUNTS.—The initial
5 amounts for each State shall be determined by
6 multiplying—

7 “(i) each of—

8 “(I) the base apportionment;

9 “(II) supplemental funds re-
10 served under subsection (h)(1) for the
11 national highway performance pro-
12 gram; and

13 “(III) supplemental funds re-
14 served under subsection (h)(2) for the
15 surface transportation block grant
16 program; by

17 “(ii) the share for each State, which
18 shall be equal to the proportion that—

19 “(I) the amount of apporportion-
20 ments that the State received for fis-
21 cal year 2015; bears to

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

1 “(B) ADJUSTMENTS TO AMOUNTS.—The
2 initial amounts resulting from the calculation
3 under subparagraph (A) shall be adjusted to
4 ensure that each State receives an aggregate
5 apportionment equal to at least 95 percent of
6 the estimated tax payments attributable to
7 highway users in the State paid into the High-
8 way Trust Fund (other than the Mass Transit
9 Account) in the most recent fiscal year for
10 which data are available.

11 “(2) STATE APPORTIONMENT.—On October 1
12 of fiscal years 2016 through 2020, the Secretary
13 shall apportion the sums authorized to be appro-
14 priated for expenditure on the national highway per-
15 formance program under section 119, the surface
16 transportation block grant program under section
17 133, the highway safety improvement program
18 under section 148, the congestion mitigation and air
19 quality improvement program under section 149, the
20 national highway freight program under section 167,
21 and to carry out section 134 in accordance with
22 paragraph (1).”.

23 (d) SUPPLEMENTAL FUNDS.—Section 104 of title
24 23, United States Code, is amended by adding at the end
25 the following:

1 “(h) SUPPLEMENTAL FUNDS.—

2 “(1) SUPPLEMENTAL FUNDS FOR NATIONAL
3 HIGHWAY PERFORMANCE PROGRAM.—

4 “(A) AMOUNT.—Before making an appor-
5 tionment for a fiscal year under subsection (c),
6 the Secretary shall reserve for the national
7 highway performance program under section
8 119 for that fiscal year an amount equal to—

9 “(i) \$53,596,122 for fiscal year 2019;

10 and

11 “(ii) \$66,717,816 for fiscal year 2020.

12 “(B) TREATMENT OF FUNDS.—Funds re-
13 served under subparagraph (A) and apportioned
14 to a State under subsection (c) shall be treated
15 as if apportioned under subsection (b)(1), and
16 shall be in addition to amounts apportioned
17 under that subsection.

18 “(2) SUPPLEMENTAL FUNDS FOR SURFACE
19 TRANSPORTATION BLOCK GRANT PROGRAM.—

20 “(A) AMOUNT.—Before making an appor-
21 tionment for a fiscal year under subsection (c),
22 the Secretary shall reserve for the surface
23 transportation block grant program under sec-
24 tion 133 for that fiscal year an amount equal
25 to—

1 “(i) \$835,000,000 for each of fiscal
2 years 2016 and 2017 pursuant to section
3 133(h), plus—

4 “(I) \$55,426,310 for fiscal year
5 2016; and

6 “(II) \$89,289,904 for fiscal year
7 2017; and

8 “(ii) \$850,000,000 for each of fiscal
9 years 2018 through 2020 pursuant to sec-
10 tion 133(h), plus—

11 “(I) \$118,013,536 for fiscal year
12 2018;

13 “(II) \$130,688,367 for fiscal
14 year 2019; and

15 “(III) \$170,053,448 for fiscal
16 year 2020.

17 “(B) TREATMENT OF FUNDS.—Funds re-
18 served under subparagraph (A) and apportioned
19 to a State under subsection (c) shall be treated
20 as if apportioned under subsection (b)(2), and
21 shall be in addition to amounts apportioned
22 under that subsection.

23 “(i) BASE APPORTIONMENT DEFINED.—In this sec-
24 tion, the term ‘base apportionment’ means—

1 “(1) the combined amount authorized for ap-
2 propriation for the national highway performance
3 program under section 119, the surface transpor-
4 tation block grant program under section 133, the
5 highway safety improvement program under section
6 148, the congestion mitigation and air quality im-
7 provement program under section 149, the national
8 highway freight program under section 167, and to
9 carry out section 134; minus

10 “(2) supplemental funds reserved under sub-
11 section (h) for the national highway performance
12 program and the surface transportation block grant
13 program.”.

14 (e) CONFORMING AMENDMENTS.—

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

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

21 (A) in subparagraph (A) in the matter pre-
22 ceding clause (i), by striking “or (5)” and in-
23 serting “(5)(D), or (6)”; and

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

1 (3) Section 135(i) of title 23, United States
2 Code, is amended by striking “section 104(b)(5)”
3 and inserting “paragraphs (5)(D) and (6) of section
4 104(b)”.

5 (4) Section 136(b) of title 23, United States
6 Code, is amended in the first sentence by striking
7 “paragraphs (1) through (5) of section 104(b)” and
8 inserting “paragraphs (1) through (6) of section
9 104(b)”.

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

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

18 **SEC. 1105. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**

19 **WAY PROJECTS.**

20 (a) IN GENERAL.—Title 23, United States Code, is
21 amended by inserting after section 116 the following:

22 **“§ 117. Nationally significant freight and highway**
23 **projects**

24 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—There is established a na-
2 tionally significant freight and highway projects pro-
3 gram to provide financial assistance for projects of
4 national or regional significance.

5 “(2) GOALS.—The goals of the program shall
6 be to—

7 “(A) improve the safety, efficiency, and re-
8 liability of the movement of freight and people;

9 “(B) generate national or regional eco-
10 nomic benefits and an increase in the global
11 economic competitiveness of the United States;

12 “(C) reduce highway congestion and bottle-
13 necks;

14 “(D) improve connectivity between modes
15 of freight transportation;

16 “(E) enhance the resiliency of critical high-
17 way infrastructure and help protect the environ-
18 ment;

19 “(F) improve roadways vital to national
20 energy security; and

21 “(G) address the impact of population
22 growth on the movement of people and freight.

23 “(b) GRANT AUTHORITY.—

24 “(1) IN GENERAL.—In carrying out the pro-
25 gram established in subsection (a), the Secretary

1 may make grants, on a competitive basis, in accord-
2 ance with this section.

3 “(2) GRANT AMOUNT.—Except as otherwise
4 provided, each grant made under this section shall
5 be in an amount that is at least \$25,000,000.

6 “(c) ELIGIBLE APPLICANTS.—

7 “(1) IN GENERAL.—The Secretary may make a
8 grant under this section to the following:

9 “(A) A State or a group of States.

10 “(B) A metropolitan planning organization
11 that serves an urbanized area (as defined by
12 the Bureau of the Census) with a population of
13 more than 200,000 individuals.

14 “(C) A unit of local government or a group
15 of local governments.

16 “(D) A political subdivision of a State or
17 local government.

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

21 “(F) A Federal land management agency
22 that applies jointly with a State or group of
23 States.

24 “(G) A tribal government or a consortium
25 of tribal governments.

1 “(H) A multistate or multijurisdictional
2 group of entities described in this paragraph.

3 “(2) APPLICATIONS.—To be eligible for a grant
4 under this section, an entity specified in paragraph
5 (1) shall submit to the Secretary an application in
6 such form, at such time, and containing such infor-
7 mation as the Secretary determines is appropriate.

8 “(d) ELIGIBLE PROJECTS.—

9 “(1) IN GENERAL.—Except as provided in sub-
10 section (e), the Secretary may make a grant under
11 this section only for a project that—

12 “(A) is—

13 “(i) a highway freight project carried
14 out on the National Highway Freight Net-
15 work established under section 167;

16 “(ii) a highway or bridge project car-
17 ried out on the National Highway System,
18 including—

19 “(I) a project to add capacity to
20 the Interstate System to improve mo-
21 bility; or

22 “(II) a project in a national sce-
23 nic area;

24 “(iii) a freight project that is—

1 “(I) a freight intermodal or
2 freight rail project; or

3 “(II) within the boundaries of a
4 public or private freight rail, water
5 (including ports), or intermodal facil-
6 ity and that is a surface transpor-
7 tation infrastructure project necessary
8 to facilitate direct intermodal inter-
9 change, transfer, or access into or out
10 of the facility; or

11 “(iv) a railway-highway grade crossing
12 or grade separation project; and

13 “(B) has eligible project costs that are rea-
14 sonably anticipated to equal or exceed the lesser
15 of—

16 “(i) \$100,000,000; or

17 “(ii) in the case of a project—

18 “(I) located in 1 State, 30 per-
19 cent of the amount apportioned under
20 this chapter to the State in the most
21 recently completed fiscal year; or

22 “(II) located in more than 1
23 State, 50 percent of the amount ap-
24 portioned under this chapter to the
25 participating State with the largest

1 apportionment under this chapter in
2 the most recently completed fiscal
3 year.

4 “(2) LIMITATION.—

5 “(A) IN GENERAL.—Not more than
6 \$500,000,000 of the amounts made available
7 for grants under this section for fiscal years
8 2016 through 2020, in the aggregate, may be
9 used to make grants for projects described in
10 paragraph (1)(A)(iii) and such a project may
11 only receive a grant under this section if—

12 “(i) the project will make a significant
13 improvement to freight movements on the
14 National Highway Freight Network; and

15 “(ii) the Federal share of the project
16 funds only elements of the project that
17 provide public benefits.

18 “(B) EXCLUSIONS.—The limitation under
19 subparagraph (A)—

20 “(i) shall not apply to a railway-high-
21 way grade crossing or grade separation
22 project; and

23 “(ii) with respect to a multimodal
24 project, shall apply only to the non-high-
25 way portion or portions of the project.

1 “(e) SMALL PROJECTS.—

2 “(1) IN GENERAL.—The Secretary shall reserve
3 10 percent of the amounts made available for grants
4 under this section each fiscal year to make grants
5 for projects described in subsection (d)(1)(A) that do
6 not satisfy the minimum threshold under subsection
7 (d)(1)(B).

8 “(2) GRANT AMOUNT.—Each grant made under
9 this subsection shall be in an amount that is at least
10 \$5,000,000.

11 “(3) PROJECT SELECTION CONSIDERATIONS.—
12 In addition to other applicable requirements, in
13 making grants under this subsection the Secretary
14 shall consider—

15 “(A) the cost effectiveness of the proposed
16 project; and

17 “(B) the effect of the proposed project on
18 mobility in the State and region in which the
19 project is carried out.

20 “(f) ELIGIBLE PROJECT COSTS.—Grant amounts re-
21 ceived for a project under this section may be used for—

22 “(1) development phase activities, including
23 planning, feasibility analysis, revenue forecasting,
24 environmental review, preliminary engineering and

1 design work, and other preconstruction activities;
2 and

3 “(2) construction, reconstruction, rehabilitation,
4 acquisition of real property (including land related
5 to the project and improvements to the land), envi-
6 ronmental mitigation, construction contingencies, ac-
7 quisition of equipment, and operational improve-
8 ments directly related to improving system perform-
9 ance.

10 “(g) PROJECT REQUIREMENTS.—The Secretary may
11 select a project described under this section (other than
12 subsection (e)) for funding under this section only if the
13 Secretary determines that—

14 “(1) the project will generate national or re-
15 gional economic, mobility, or safety benefits;

16 “(2) the project will be cost effective;

17 “(3) the project will contribute to the accom-
18 plishment of 1 or more of the national goals de-
19 scribed under section 150 of this title;

20 “(4) the project is based on the results of pre-
21 liminary engineering;

22 “(5) with respect to related non-Federal finan-
23 cial commitments—

24 “(A) 1 or more stable and dependable
25 sources of funding and financing are available

1 to construct, maintain, and operate the project;
2 and

3 “(B) contingency amounts are available to
4 cover unanticipated cost increases;

5 “(6) the project cannot be easily and efficiently
6 completed without other Federal funding or financial
7 assistance available to the project sponsor; and

8 “(7) the project is reasonably expected to begin
9 construction not later than 18 months after the date
10 of obligation of funds for the project.

11 “(h) ADDITIONAL CONSIDERATIONS.—In making a
12 grant under this section, the Secretary shall consider—

13 “(1) utilization of nontraditional financing, in-
14 novative design and construction techniques, or inno-
15 vative technologies;

16 “(2) utilization of non-Federal contributions;
17 and

18 “(3) contributions to geographic diversity
19 among grant recipients, including the need for a bal-
20 ance between the needs of rural and urban commu-
21 nities.

22 “(i) RURAL AREAS.—

23 “(1) IN GENERAL.—The Secretary shall reserve
24 not less than 25 percent of the amounts made avail-
25 able for grants under this section, including the

1 amounts made available under subsection (e), each
2 fiscal year to make grants for projects located in
3 rural areas.

4 “(2) EXCESS FUNDING.—In any fiscal year in
5 which qualified applications for grants under this
6 subsection will not allow for the amount reserved
7 under paragraph (1) to be fully utilized, the Sec-
8 retary shall use the unutilized amounts to make
9 other grants under this section.

10 “(3) RURAL AREA DEFINED.—In this sub-
11 section, the term ‘rural area’ means an area that is
12 outside an urbanized area with a population of over
13 200,000.

14 “(j) FEDERAL SHARE.—

15 “(1) IN GENERAL.—The Federal share of the
16 cost of a project assisted with a grant under this
17 section may not exceed 60 percent.

18 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
19 eral assistance other than a grant under this section
20 may be used to satisfy the non-Federal share of the
21 cost of a project for which such a grant is made, ex-
22 cept that the total Federal assistance provided for a
23 project receiving a grant under this section may not
24 exceed 80 percent of the total project cost.

1 “(3) FEDERAL LAND MANAGEMENT AGEN-
2 CIES.—Notwithstanding any other provision of law,
3 any Federal funds other than those made available
4 under this title or title 49 may be used to pay the
5 non-Federal share of the cost of a project carried
6 out under this section by a Federal land manage-
7 ment agency, as described under subsection
8 (c)(1)(F).

9 “(k) TREATMENT OF FREIGHT PROJECTS.—Not-
10 withstanding any other provision of law, a freight project
11 carried out under this section shall be treated as if the
12 project is located on a Federal-aid highway.

13 “(l) TIFIA PROGRAM.—At the request of an eligible
14 applicant under this section, the Secretary may use
15 amounts awarded to the entity to pay subsidy and admin-
16 istrative costs necessary to provide the entity Federal
17 credit assistance under chapter 6 with respect to the
18 project for which the grant was awarded.

19 “(m) CONGRESSIONAL NOTIFICATION.—

20 “(1) NOTIFICATION.—

21 “(A) IN GENERAL.—At least 60 days be-
22 fore making a grant for a project under this
23 section, the Secretary shall notify, in writing,
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives and

1 the Committee on Environment and Public
2 Works of the Senate of the proposed grant. The
3 notification shall include an evaluation and jus-
4 tification for the project and the amount of the
5 proposed grant award.

6 “(B) MULTIMODAL PROJECTS.—In addi-
7 tion to the notice required under subparagraph
8 (A), the Secretary shall notify the Committee
9 on Commerce, Science, and Transportation of
10 the Senate before making a grant for a project
11 described in subsection (d)(1)(A)(iii).

12 “(2) CONGRESSIONAL DISAPPROVAL.—The Sec-
13 retary may not make a grant or any other obligation
14 or commitment to fund a project under this section
15 if a joint resolution is enacted disapproving funding
16 for the project before the last day of the 60-day pe-
17 riod described in paragraph (1).

18 “(n) REPORTS.—

19 “(1) ANNUAL REPORT.—The Secretary shall
20 make available on the Web site of the Department
21 of Transportation at the end of each fiscal year an
22 annual report that lists each project for which a
23 grant has been provided under this section during
24 that fiscal year.

25 “(2) COMPTROLLER GENERAL.—

1 “(A) ASSESSMENT.—The Comptroller Gen-
2 eral of the United States shall conduct an as-
3 sessment of the administrative establishment,
4 solicitation, selection, and justification process
5 with respect to the funding of grants under this
6 section.

7 “(B) REPORT.—Not later than 1 year
8 after the initial awarding of grants under this
9 section, the Comptroller General shall submit to
10 the Committee on Environment and Public
11 Works of the Senate, the Committee on Com-
12 merce, Science, and Transportation of the Sen-
13 ate, and the Committee on Transportation and
14 Infrastructure of the House of Representatives
15 a report that describes—

16 “(i) the adequacy and fairness of the
17 process by which each project was selected,
18 if applicable; and

19 “(ii) the justification and criteria used
20 for the selection of each project, if applica-
21 ble.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 1 of title 23, United States Code, is amended by insert-
24 ing after the item relating to section 116 the following:

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

1 (c) REPEAL.—Section 1301 of SAFETEA–LU (23
2 U.S.C. 101 note), and the item relating to that section
3 in the table of contents in section 1(b) of such Act, are
4 repealed.

5 **SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

6 Section 119 of title 23, United States Code, is
7 amended by adding at the end the following:

8 “(h) TIFIA PROGRAM.—Upon Secretarial approval
9 of credit assistance under chapter 6, the Secretary, at the
10 request of a State, may allow the State to use funds ap-
11 portioned under section 104(b)(1) to pay subsidy and ad-
12 ministrative costs necessary to provide an eligible entity
13 Federal credit assistance under chapter 6 with respect to
14 a project eligible for assistance under this section.

15 “(i) ADDITIONAL FUNDING ELIGIBILITY FOR CER-
16 TAIN BRIDGES.—

17 “(1) IN GENERAL.—Funds apportioned to a
18 State to carry out the national highway performance
19 program may be obligated for a project for the re-
20 construction, resurfacing, restoration, rehabilitation,
21 or preservation of a bridge not on the National
22 Highway System, if the bridge is on a Federal-aid
23 highway.

24 “(2) LIMITATION.—A State required to make
25 obligations under subsection (f) shall ensure such re-

1 requirements are satisfied in order to use the flexi-
2 bility under paragraph (1).

3 “(j) CRITICAL INFRASTRUCTURE.—

4 “(1) CRITICAL INFRASTRUCTURE DEFINED.—In
5 this subsection, the term ‘critical infrastructure’
6 means those facilities the incapacity or failure of
7 which would have a debilitating impact on national
8 or regional economic security, national or regional
9 energy security, national or regional public health or
10 safety, or any combination of those matters.

11 “(2) CONSIDERATION.—The asset management
12 plan of a State may include consideration of critical
13 infrastructure from among those facilities in the
14 State that are eligible under subsection (c).

15 “(3) RISK REDUCTION.—A State may use funds
16 apportioned under this section for projects intended
17 to reduce the risk of failure of critical infrastructure
18 in the State.”.

19 **SEC. 1107. EMERGENCY RELIEF FOR FEDERALLY OWNED**
20 **ROADS.**

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

23 (1) in subparagraph (A) by striking “or” at the
24 end;

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

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

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

9 (b) DEFINITIONS.—Section 125(e) of title 23, United
10 States Code, is amended by striking paragraph (1) and
11 inserting the following:

12 “(1) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions apply:

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

19 “(i) is maintained;

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

21 “(iii) can accommodate travel by a
22 standard passenger vehicle, without restric-
23 tive gates or prohibitive signs or regula-
24 tions, other than for general traffic control

1 or restrictions based on size, weight, or
2 class of registration.

3 “(B) STANDARD PASSENGER VEHICLE.—
4 The term ‘standard passenger vehicle’ means a
5 vehicle with 6 inches of clearance from the low-
6 est point of the frame, body, suspension, or dif-
7 ferential to the ground.”.

8 **SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.**

9 Section 130(e)(1) of title 23, United States Code, is
10 amended to read as follows:

11 “(1) IN GENERAL.—

12 “(A) SET ASIDE.—Before making an ap-
13 portionment under section 104(b)(3) for a fiscal
14 year, the Secretary shall set aside, from
15 amounts made available to carry out the high-
16 way safety improvement program under section
17 148 for such fiscal year, for the elimination of
18 hazards and the installation of protective de-
19 vices at railway-highway crossings at least—

20 “(i) \$225,000,000 for fiscal year
21 2016;

22 “(ii) \$230,000,000 for fiscal year
23 2017;

24 “(iii) \$235,000,000 for fiscal year
25 2018;

1 “(iv) \$240,000,000 for fiscal year
2 2019; and

3 “(v) \$245,000,000 for fiscal year
4 2020.

5 “(B) INSTALLATION OF PROTECTIVE DE-
6 VICES.—At least ½ of the funds set aside each
7 fiscal year under subparagraph (A) shall be
8 available for the installation of protective de-
9 vices at railway-highway crossings.

10 “(C) OBLIGATION AVAILABILITY.—Sums
11 set aside each fiscal year under subparagraph
12 (A) shall be available for obligation in the same
13 manner as funds apportioned under section
14 104(b)(1).”.

15 **SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PRO-**
16 **GRAM.**

17 (a) FINDINGS.—Congress finds that—

18 (1) the benefits of the surface transportation
19 block grant program accrue principally to the resi-
20 dents of each State and municipality where the
21 funds are obligated;

22 (2) decisions about how funds should be obli-
23 gated are best determined by the States and munici-
24 palities to respond to unique local circumstances and
25 implement the most efficient solutions; and

1 (3) reforms of the program to promote flexi-
2 bility will enhance State and local control over trans-
3 portation decisions.

4 (b) SURFACE TRANSPORTATION BLOCK GRANT PRO-
5 GRAM.—Section 133 of title 23, United States Code, is
6 amended—

7 (1) by striking subsections (a), (b), (c), and (d)
8 and inserting the following:

9 “(a) ESTABLISHMENT.—The Secretary shall estab-
10 lish a surface transportation block grant program in ac-
11 cordance with this section to provide flexible funding to
12 address State and local transportation needs.

13 “(b) ELIGIBLE PROJECTS.—Funds apportioned to a
14 State under section 104(b)(2) for the surface transpor-
15 tation block grant program may be obligated for the fol-
16 lowing:

17 “(1) Construction of—

18 “(A) highways, bridges, tunnels, including
19 designated routes of the Appalachian develop-
20 ment highway system and local access roads
21 under section 14501 of title 40;

22 “(B) ferry boats and terminal facilities eli-
23 gible for funding under section 129(e);

24 “(C) transit capital projects eligible for as-
25 sistance under chapter 53 of title 49;

1 “(D) infrastructure-based intelligent trans-
2 portation systems capital improvements;

3 “(E) truck parking facilities eligible for
4 funding under section 1401 of MAP-21 (23
5 U.S.C. 137 note); and

6 “(F) border infrastructure projects eligible
7 for funding under section 1303 of SAFETEA-
8 LU (23 U.S.C. 101 note).

9 “(2) Operational improvements and capital and
10 operating costs for traffic monitoring, management,
11 and control facilities and programs.

12 “(3) Environmental measures eligible under
13 sections 119(g), 328, and 329 and transportation
14 control measures listed in section 108(f)(1)(A)
15 (other than clause (xvi) of that section) of the Clean
16 Air Act (42 U.S.C. 7408(f)(1)(A)).

17 “(4) Highway and transit safety infrastructure
18 improvements and programs, including railway-high-
19 way grade crossings.

20 “(5) Fringe and corridor parking facilities and
21 programs in accordance with section 137 and car-
22 pool projects in accordance with section 146.

23 “(6) Recreational trails projects eligible for
24 funding under section 206, pedestrian and bicycle
25 projects in accordance with section 217 (including

1 modifications to comply with accessibility require-
2 ments under the Americans with Disabilities Act of
3 1990 (42 U.S.C. 12101 et seq.), and the safe
4 routes to school program under section 1404 of
5 SAFETEA-LU (23 U.S.C. 402 note).

6 “(7) Planning, design, or construction of boulevards and other roadways largely in the right-of-way
7 of former Interstate System routes or other divided
8 highways.
9

10 “(8) Development and implementation of a
11 State asset management plan for the National High-
12 way System and a performance-based management
13 program for other public roads.

14 “(9) Protection (including painting, scour countermeasures, seismic retrofits, impact protection
15 measures, security countermeasures, and protection
16 against extreme events) for bridges (including approaches to bridges and other elevated structures)
17 and tunnels on public roads, and inspection and
18 evaluation of bridges and tunnels and other highway
19 assets.
20

21 “(10) Surface transportation planning programs, highway and transit research and develop-
22 ment and technology transfer programs, and work-
23
24

1 force development, training, and education under
2 chapter 5 of this title.

3 “(11) Surface transportation infrastructure
4 modifications to facilitate direct intermodal inter-
5 change, transfer, and access into and out of a port
6 terminal.

7 “(12) Projects and strategies designed to sup-
8 port congestion pricing, including electronic toll col-
9 lection and travel demand management strategies
10 and programs.

11 “(13) At the request of a State, and upon Sec-
12 retarial approval of credit assistance under chapter
13 6, subsidy and administrative costs necessary to pro-
14 vide an eligible entity Federal credit assistance
15 under chapter 6 with respect to a project eligible for
16 assistance under this section.

17 “(14) The creation and operation by a State of
18 an office to assist in the design, implementation, and
19 oversight of public-private partnerships eligible to re-
20 ceive funding under this title and chapter 53 of title
21 49, and the payment of a stipend to unsuccessful
22 private bidders to offset their proposal development
23 costs, if necessary to encourage robust competition
24 in public-private partnership procurements.

1 “(15) Any type of project eligible under this
2 section as in effect on the day before the date of en-
3 actment of the FAST Act, including projects de-
4 scribed under section 101(a)(29) as in effect on such
5 day.

6 “(c) LOCATION OF PROJECTS.—A surface transpor-
7 tation block grant project may not be undertaken on a
8 road functionally classified as a local road or a rural minor
9 collector unless the road was on a Federal-aid highway
10 system on January 1, 1991, except—

11 “(1) for a bridge or tunnel project (other than
12 the construction of a new bridge or tunnel at a new
13 location);

14 “(2) for a project described in paragraphs (4)
15 through (11) of subsection (b);

16 “(3) for a project described in section
17 101(a)(29), as in effect on the day before the date
18 of enactment of the FAST Act; and

19 “(4) as approved by the Secretary.

20 “(d) ALLOCATIONS OF APPORTIONED FUNDS TO
21 AREAS BASED ON POPULATION.—

22 “(1) CALCULATION.—Of the funds apportioned
23 to a State under section 104(b)(2) (after the res-
24 ervation of funds under subsection (h))—

1 “(A) the percentage specified in paragraph
2 (6) for a fiscal year shall be obligated under
3 this section, in proportion to their relative
4 shares of the population of the State—

5 “(i) in urbanized areas of the State
6 with an urbanized area population of over
7 200,000;

8 “(ii) in areas of the State other than
9 urban areas with a population greater than
10 5,000; and

11 “(iii) in other areas of the State; and

12 “(B) the remainder may be obligated in
13 any area of the State.

14 “(2) METROPOLITAN AREAS.—Funds attributed
15 to an urbanized area under paragraph (1)(A)(i) may
16 be obligated in the metropolitan area established
17 under section 134 that encompasses the urbanized
18 area.

19 “(3) CONSULTATION WITH REGIONAL TRANS-
20 PORTATION PLANNING ORGANIZATIONS.—For pur-
21 poses of paragraph (1)(A)(iii), before obligating
22 funding attributed to an area with a population
23 greater than 5,000 and less than 200,000, a State
24 shall consult with the regional transportation plan-
25 ning organizations that represent the area, if any.

1 “(4) DISTRIBUTION AMONG URBANIZED AREAS
2 OF OVER 200,000 POPULATION.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), the amount of funds that a
5 State is required to obligate under paragraph
6 (1)(A)(i) shall be obligated in urbanized areas
7 described in paragraph (1)(A)(i) based on the
8 relative population of the areas.

9 “(B) OTHER FACTORS.—The State may
10 obligate the funds described in subparagraph
11 (A) based on other factors if the State and the
12 relevant metropolitan planning organizations
13 jointly apply to the Secretary for the permission
14 to base the obligation on other factors and the
15 Secretary grants the request.

16 “(5) APPLICABILITY OF PLANNING REQUIRE-
17 MENTS.—Programming and expenditure of funds for
18 projects under this section shall be consistent with
19 sections 134 and 135.

20 “(6) PERCENTAGE.—The percentage referred to
21 in paragraph (1)(A) is—

22 “(A) for fiscal year 2016, 51 percent;

23 “(B) for fiscal year 2017, 52 percent;

24 “(C) for fiscal year 2018, 53 percent;

25 “(D) for fiscal year 2019, 54 percent; and

1 “(E) for fiscal year 2020, 55 percent.”;

2 (2) by striking the section heading and insert-
3 ing “**Surface transportation block grant**
4 **program**”;

5 (3) by striking subsection (e);

6 (4) by redesignating subsections (f) through (h)
7 as subsections (e) through (g), respectively;

8 (5) in subsection (e)(1), as redesignated by this
9 subsection—

10 (A) by striking “104(b)(3)” and inserting
11 “104(b)(2)”; and

12 (B) by striking “fiscal years 2011 through
13 2014” and inserting “fiscal years 2016 through
14 2020”;

15 (6) in subsection (g)(1), as redesignated by this
16 subsection, by striking “under subsection
17 (d)(1)(A)(iii) for each of fiscal years 2013 through
18 2014” and inserting “under subsection (d)(1)(A)(ii)
19 for each of fiscal years 2016 through 2020”; and

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

21 “(h) STP SET-ASIDE.—

22 “(1) RESERVATION OF FUNDS.—Of the funds
23 apportioned to a State under section 104(b)(2) for
24 each fiscal year, the Secretary shall reserve an
25 amount such that—

1 “(A) the Secretary reserves a total under
2 this subsection of—

3 “(i) \$835,000,000 for each of fiscal
4 years 2016 and 2017; and

5 “(ii) \$850,000,000 for each of fiscal
6 years 2018 through 2020; and

7 “(B) the State’s share of that total is de-
8 termined by multiplying the amount under sub-
9 paragraph (A) by the ratio that—

10 “(i) the amount apportioned to the
11 State for the transportation enhancements
12 program for fiscal year 2009 under section
13 133(d)(2), as in effect on the day before
14 the date of enactment of MAP–21; bears
15 to

16 “(ii) the total amount of funds appor-
17 tioned to all States for the transportation
18 enhancements program for fiscal year
19 2009.

20 “(2) ALLOCATION WITHIN A STATE.—Funds re-
21 served for a State under paragraph (1) shall be obli-
22 gated within that State in the manner described in
23 subsection (d), except that, for purposes of this
24 paragraph (after funds are made available under
25 paragraph (5))—

1 “(A) for each fiscal year, the percentage
2 referred to in paragraph (1)(A) of that sub-
3 section shall be deemed to be 50 percent; and

4 “(B) the following provisions shall not
5 apply:

6 “(i) Paragraph (3) of subsection (d).

7 “(ii) Subsection (e).

8 “(3) ELIGIBLE PROJECTS.—Funds reserved
9 under this subsection may be obligated for projects
10 or activities described in section 101(a)(29) or 213,
11 as such provisions were in effect on the day before
12 the date of enactment of the FAST Act.

13 “(4) ACCESS TO FUNDS.—

14 “(A) IN GENERAL.—A State or metropoli-
15 tan planning organization required to obligate
16 funds in accordance with paragraph (2) shall
17 develop a competitive process to allow eligible
18 entities to submit projects for funding that
19 achieve the objectives of this subsection. A met-
20 ropolitan planning organization for an area de-
21 scribed in subsection (d)(1)(A)(i) shall select
22 projects under such process in consultation with
23 the relevant State.

24 “(B) ELIGIBLE ENTITY DEFINED.—In this
25 paragraph, the term ‘eligible entity’ means—

1 “(i) a local government;

2 “(ii) a regional transportation author-
3 ity;

4 “(iii) a transit agency;

5 “(iv) a natural resource or public land
6 agency;

7 “(v) a school district, local education
8 agency, or school;

9 “(vi) a tribal government;

10 “(vii) a nonprofit entity responsible
11 for the administration of local transpor-
12 tation safety programs; and

13 “(viii) any other local or regional gov-
14 ernmental entity with responsibility for or
15 oversight of transportation or recreational
16 trails (other than a metropolitan planning
17 organization or a State agency) that the
18 State determines to be eligible, consistent
19 with the goals of this subsection.

20 “(5) CONTINUATION OF CERTAIN REC-
21 REATIONAL TRAILS PROJECTS.—For each fiscal
22 year, a State shall—

23 “(A) obligate an amount of funds reserved
24 under this section equal to the amount of the
25 funds apportioned to the State for fiscal year

1 2009 under section 104(h)(2), as in effect on
2 the day before the date of enactment of MAP-
3 21, for projects relating to recreational trails
4 under section 206;

5 “(B) return 1 percent of those funds to the
6 Secretary for the administration of that pro-
7 gram; and

8 “(C) comply with the provisions of the ad-
9 ministration of the recreational trails program
10 under section 206, including the use of appor-
11 tioned funds described in subsection (d)(3)(A)
12 of that section.

13 “(6) STATE FLEXIBILITY.—

14 “(A) RECREATIONAL TRAILS.—A State
15 may opt out of the recreational trails program
16 under paragraph (5) if the Governor of the
17 State notifies the Secretary not later than 30
18 days prior to apportionments being made for
19 any fiscal year.

20 “(B) LARGE URBANIZED AREAS.—A met-
21 ropolitan planning area may use not to exceed
22 50 percent of the funds reserved under this
23 subsection for an urbanized area described in
24 subsection (d)(1)(A)(i) for any purpose eligible
25 under subsection (b).

1 “(7) ANNUAL REPORTS.—

2 “(A) IN GENERAL.—Each State or metro-
3 politan planning organization responsible for
4 carrying out the requirements of this subsection
5 shall submit to the Secretary an annual report
6 that describes—

7 “(i) the number of project applica-
8 tions received for each fiscal year, includ-
9 ing—

10 “(I) the aggregate cost of the
11 projects for which applications are re-
12 ceived; and

13 “(II) the types of projects to be
14 carried out, expressed as percentages
15 of the total apportionment of the
16 State under this subsection; and

17 “(ii) the number of projects selected
18 for funding for each fiscal year, including
19 the aggregate cost and location of projects
20 selected.

21 “(B) PUBLIC AVAILABILITY.—The Sec-
22 retary shall make available to the public, in a
23 user-friendly format on the Web site of the De-
24 partment of Transportation, a copy of each an-
25 nual report submitted under subparagraph (A).

1 “(i) TREATMENT OF PROJECTS.—Notwithstanding
2 any other provision of law, projects funded under this sec-
3 tion (excluding those carried out under subsection (h)(5))
4 shall be treated as projects on a Federal-aid highway
5 under this chapter.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) SECTION 126.—Section 126(b)(2) of title
8 23, United States Code, is amended—

9 (A) by striking “section 213” and insert-
10 ing “section 133(h)”; and

11 (B) by striking “section 213(c)(1)(B)” and
12 inserting “section 133(h)”.

13 (2) SECTION 213.—Section 213 of title 23,
14 United States Code, is repealed.

15 (3) SECTION 322.—Section 322(h)(3) of title
16 23, United States Code, is amended by striking
17 “surface transportation program” and inserting
18 “surface transportation block grant program”.

19 (4) SECTION 504.—Section 504(a)(4) of title
20 23, United States Code, is amended—

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

23 (B) by striking “surface transportation
24 program” and inserting “surface transportation
25 block grant program”.

1 (5) CHAPTER 1.—Chapter 1 of title 23, United
2 States Code, is amended by striking “surface trans-
3 portation program” each place it appears and insert-
4 ing “surface transportation block grant program”.

5 (6) CHAPTER ANALYSES.—

6 (A) CHAPTER 1.—The analysis for chapter
7 1 of title 23, United States Code, is amended
8 by striking the item relating to section 133 and
9 inserting the following:

“133. Surface transportation block grant program.”.

10 (B) CHAPTER 2.—The item relating to sec-
11 tion 213 in the analysis for chapter 2 of title
12 23, United States Code, is repealed.

13 (7) OTHER REFERENCES.—Any reference in
14 any other law, regulation, document, paper, or other
15 record of the United States to the surface transpor-
16 tation program under section 133 of title 23, United
17 States Code, shall be deemed to be a reference to the
18 surface transportation block grant program under
19 such section.

20 **SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.**

21 Section 143(b) of title 23, United States Code, is
22 amended—

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

1 “(A) IN GENERAL.—From administrative
2 funds made available under section 104(a), the
3 Secretary may deduct such sums as are nec-
4 essary, not to exceed \$4,000,000 for each of fis-
5 cal years 2016 through 2020, to carry out this
6 section.”;

7 (2) in the heading for paragraph (8) by insert-
8 ing “BLOCK GRANT” after “SURFACE TRANSPOR-
9 TATION”; and

10 (3) in paragraph (9) by inserting “, the Com-
11 mittee on Transportation and Infrastructure of the
12 House of Representatives, and the Committee on
13 Environment and Public Works of the Senate” after
14 “the Secretary”.

15 **SEC. 1111. BUNDLING OF BRIDGE PROJECTS.**

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

18 (1) in subsection (c)(2)(A) by striking “the nat-
19 ural condition of the bridge” and inserting “the nat-
20 ural condition of the water”;

21 (2) by redesignating subsection (j) as sub-
22 section (k);

23 (3) by inserting after subsection (i) the fol-
24 lowing:

25 “(j) BUNDLING OF BRIDGE PROJECTS.—

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

4 “(2) ELIGIBLE ENTITY DEFINED.—In this sub-
5 section, the term ‘eligible entity’ means an entity eli-
6 gible to carry out a bridge project under section 119
7 or 133.

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

11 “(A) eligible projects under section 119 or
12 133;

13 “(B) included as a bundled project in a
14 transportation improvement program under sec-
15 tion 134(j) or a statewide transportation im-
16 provement program under section 135, as appli-
17 cable; and

18 “(C) awarded to a single contractor or con-
19 sultant pursuant to a contract for engineering
20 and design or construction between the con-
21 tractor and an eligible entity.

22 “(4) ITEMIZATION.—Notwithstanding any other
23 provision of law (including regulations), a bundling
24 of bridge projects under this subsection may be list-
25 ed as—

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

3 “(B) a single project.

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

7 “(A) the same funding category or sub-
8 category; and

9 “(B) the same Federal share.

10 “(6) ENGINEERING COST REIMBURSEMENT.—
11 The provisions of section 102(b) do not apply to
12 projects carried out under this subsection.”; and

13 (4) in subsection (k)(2), as redesignated by
14 paragraph (2) of this section, by striking
15 “104(b)(3)” and inserting “104(b)(2)”.

16 **SEC. 1112. CONSTRUCTION OF FERRY BOATS AND FERRY**
17 **TERMINAL FACILITIES.**

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

21 (1) in subsection (a), in the subsection heading,
22 by striking “IN GENERAL.—” and inserting “PRO-
23 GRAM.—”; and

24 (2) by striking subsections (d) through (g) and
25 inserting the following:

1 “(d) FORMULA.—Of the amounts allocated under
2 subsection (c)—

3 “(1) 35 percent shall be allocated among eligi-
4 ble entities in the proportion that—

5 “(A) the number of ferry passengers, in-
6 cluding passengers in vehicles, carried by each
7 ferry system in the most recent calendar year
8 for which data is available; bears to

9 “(B) the number of ferry passengers, in-
10 cluding passengers in vehicles, carried by all
11 ferry systems in the most recent calendar year
12 for which data is available;

13 “(2) 35 percent shall be allocated among eligi-
14 ble entities in the proportion that—

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

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

21 “(3) 30 percent shall be allocated among eligi-
22 ble entities in the proportion that—

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

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

4 “(e) REDISTRIBUTION OF UNOBLIGATED
5 AMOUNTS.—The Secretary shall—

6 “(1) withdraw amounts allocated to an eligible
7 entity under subsection (c) that remain unobligated
8 by the end of the third fiscal year following the fiscal
9 year for which the amounts were allocated; and

10 “(2) in the subsequent fiscal year, redistribute
11 the amounts referred to in paragraph (1) in accord-
12 ance with the formula under subsection (d) among
13 eligible entities for which no amounts were with-
14 drawn under paragraph (1).

15 “(f) MINIMUM AMOUNT.—Notwithstanding sub-
16 section (c), a State with an eligible entity that meets the
17 requirements of this section shall receive not less than
18 \$100,000 under this section for a fiscal year.

19 “(g) IMPLEMENTATION.—

20 “(1) DATA COLLECTION.—

21 “(A) NATIONAL FERRY DATABASE.—
22 Amounts made available for a fiscal year under
23 this section shall be allocated using the most re-
24 cent data available, as collected and imputed in
25 accordance with the national ferry database es-

1 tablished under section 1801(e) of SAFETEA-
2 LU (23 U.S.C. 129 note).

3 “(B) ELIGIBILITY FOR FUNDING.—To be
4 eligible to receive funds under subsection (c),
5 data shall have been submitted in the most re-
6 cent collection of data for the national ferry
7 database under section 1801(e) of SAFETEA-
8 LU (23 U.S.C. 129 note) for at least 1 ferry
9 service within the State.

10 “(2) ADJUSTMENTS.—On review of the data
11 submitted under paragraph (1)(B), the Secretary
12 may make adjustments to the data as the Secretary
13 determines necessary to correct misreported or in-
14 consistent data.

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated out of the Highway Trust
17 Fund (other than the Mass Transit Account) to carry out
18 this section \$80,000,000 for each of fiscal years 2016
19 through 2020.

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

23 “(j) APPLICABILITY.—All provisions of this chapter
24 that are applicable to the National Highway System, other
25 than provisions relating to apportionment formula and

1 Federal share, shall apply to funds made available to carry
2 out this section, except as determined by the Secretary
3 to be inconsistent with this section.”.

4 (b) NATIONAL FERRY DATABASE.—Section
5 1801(e)(4) of SAFETEA–LU (23 U.S.C. 129 note) is
6 amended by striking subparagraph (D) and inserting the
7 following:

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

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

14 (1) in paragraph (2), in the first sentence, by
15 inserting “or on a public transit ferry eligible under
16 chapter 53 of title 49” after “Interstate System”;

17 (2) in paragraph (3)—

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

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

21 “(B) Any Federal participation shall not involve
22 the construction or purchase, for private ownership,
23 of a ferry boat, ferry terminal facility, or other eligi-
24 ble project under this section.”;

1 (3) in paragraph (4) by striking “and repair,”
2 and inserting “repair,”; and

3 (4) by striking paragraph (6) and inserting the
4 following:

5 “(6) The ferry service shall be maintained in
6 accordance with section 116.

7 “(7)(A) No ferry boat or ferry terminal with
8 Federal participation under this title may be sold,
9 leased, or otherwise disposed of, except in accord-
10 ance with part 200 of title 2, Code of Federal Regu-
11 lations.

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

15 **SEC. 1113. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

16 (a) IN GENERAL.—Section 148 of title 23, United
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (4)(B)—

20 (i) in the matter preceding clause (i),
21 by striking “includes, but is not limited
22 to,” and inserting “only includes”; and

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

1 “(xxv) Installation of vehicle-to-infra-
2 structure communication equipment.

3 “(xxvi) Pedestrian hybrid beacons.

4 “(xxvii) Roadway improvements that
5 provide separation between pedestrians and
6 motor vehicles, including medians and pe-
7 destrian crossing islands.

8 “(xxviii) A physical infrastructure
9 safety project not described in clauses (i)
10 through (xxvii).”;

11 (B) by striking paragraph (10); and

12 (C) by redesignating paragraphs (11)
13 through (13) as paragraphs (10) through (12),
14 respectively;

15 (2) in subsection (c)(1)(A) by striking “sub-
16 sections (a)(12)” and inserting “subsections
17 (a)(11)”;

18 (3) in subsection (d)(2)(B)(i) by striking “sub-
19 section (a)(12)” and inserting “subsection (a)(11)”;
20 and

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

22 “(k) DATA COLLECTION ON UNPAVED PUBLIC
23 ROADS.—

24 “(1) IN GENERAL.—A State may elect not to
25 collect fundamental data elements for the model in-

1 inventory of roadway elements on public roads that
2 are gravel roads or otherwise unpaved if—

3 “(A) the State does not use funds provided
4 to carry out this section for a project on any
5 such roads until the State completes a collection
6 of the required model inventory of roadway ele-
7 ments for the applicable road segment; and

8 “(B) the State demonstrates that the State
9 consulted with affected Indian tribes before
10 ceasing to collect data with respect to such
11 roads that are included in the National Tribal
12 Transportation Facility Inventory under section
13 202(b)(1) of this title.

14 “(2) RULE OF CONSTRUCTION.—Nothing in
15 this subsection may be construed to allow a State to
16 cease data collection related to serious injuries or fa-
17 talities.”.

18 (b) COMMERCIAL MOTOR VEHICLE SAFETY BEST
19 PRACTICES.—

20 (1) REVIEW.—The Secretary shall conduct a re-
21 view of best practices with respect to the implemen-
22 tation of roadway safety infrastructure improve-
23 ments that—

24 (A) are cost effective; and

1 (B) reduce the number or severity of acci-
2 dents involving commercial motor vehicles.

3 (2) CONSULTATION.—In conducting the review
4 under paragraph (1), the Secretary shall consult
5 with State transportation departments and units of
6 local government.

7 (3) REPORT.—Not later than 1 year after the
8 date of enactment of this Act, the Secretary shall
9 submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the
11 Committee on Environment and Public Works of the
12 Senate a report describing the results of the review
13 conducted under paragraph (1).

14 **SEC. 1114. CONGESTION MITIGATION AND AIR QUALITY IM-**
15 **PROVEMENT PROGRAM.**

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

18 (1) in subsection (b)—

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

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

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

4 (D) in paragraph (7) by striking “or” at
5 the end;

6 (E) in paragraph (8)—

7 (i) in subparagraph (A)(ii)—

8 (I) in the matter preceding sub-
9 clause (I) by inserting “or port-related
10 freight operations” after “construc-
11 tion projects”; and

12 (II) in subclause (II) by inserting
13 “or chapter 53 of title 49” after “this
14 title”; and

15 (ii) in subparagraph (B) by striking
16 the period at the end and inserting “; or”;
17 and

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

19 “(9) if the project or program is for the instal-
20 lation of vehicle-to-infrastructure communication
21 equipment.”;

22 (2) in subsection (c)(2) by inserting “(giving
23 priority to corridors designated under section 151)”
24 after “at any location in the State”;

25 (3) in subsection (d)—

1 (A) by striking paragraph (1)(B) and in-
2 serting the following:

3 “(B) is eligible under the surface transpor-
4 tation block grant program under section 133.”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) in the matter preceding clause

8 (i) by inserting “would otherwise be
9 eligible under subsection (b) if the
10 project were carried out in a non-
11 attainment or maintenance area or”
12 after “may use for any project that”;
13 and

14 (II) in clause (i) by striking
15 “paragraph (l)” and inserting “sub-
16 section (k)(1)”;

17 (ii) in subparagraph (B)(i) by striking
18 “MAP-21t” and inserting “MAP-21”; and

19 (C) in paragraph (3) by inserting “, in a
20 manner consistent with the approach that was
21 in effect on the day before the date of enact-
22 ment of MAP-21,” after “the Secretary shall
23 modify”;

24 (4) in subsection (g)(2)(B) by striking “not
25 later that” and inserting “not later than”;

1 (5) in subsection (k) by adding at the end the
2 following:

3 “(3) PM_{2.5} NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

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

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

17 “(ii) regional motor vehicle emissions
18 are an insignificant contributor to the air
19 quality problem for PM_{2.5} in the non-
20 attainment or maintenance area.

21 “(B) CALCULATION.—If subparagraph (A)
22 applies to a nonattainment or maintenance area
23 in a State, the percentage of the PM_{2.5} set-
24 aside under paragraph (1) shall be reduced for
25 that State proportionately based on the weight-

1 ed population of the area in fine particulate
2 matter nonattainment.

3 “(4) PORT-RELATED EQUIPMENT AND VEHI-
4 CLES.—To meet the requirements under paragraph
5 (1), a State or metropolitan planning organization
6 may elect to obligate funds to the most cost-effective
7 projects to reduce emissions from port-related
8 landside nonroad or on-road equipment that is oper-
9 ated within the boundaries of a PM_{2.5} nonattain-
10 ment or maintenance area.”;

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

14 (7) in subsection (m) by striking “section
15 104(b)(2)” and inserting “section 104(b)(4)”.

16 **SEC. 1115. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
17 **GRAM.**

18 Section 165(a) of title 23, United States Code, is
19 amended—

20 (1) in paragraph (1) by striking
21 “\$150,000,000” and inserting “\$158,000,000”; and

22 (2) in paragraph (2) by striking “\$40,000,000”
23 and inserting “\$42,000,000”.

1 **SEC. 1116. NATIONAL HIGHWAY FREIGHT PROGRAM.**

2 (a) IN GENERAL.—Section 167 of title 23, United
3 States Code, is amended to read as follows:

4 **“§ 167. National highway freight program**

5 “(a) IN GENERAL.—

6 “(1) POLICY.—It is the policy of the United
7 States to improve the condition and performance of
8 the National Highway Freight Network established
9 under this section to ensure that the Network pro-
10 vides the foundation for the United States to com-
11 pete in the global economy and achieve the goals de-
12 scribed in subsection (b).

13 “(2) ESTABLISHMENT.—In support of the goals
14 described in subsection (b), the Administrator of the
15 Federal Highway Administration shall establish a
16 national highway freight program in accordance with
17 this section to improve the efficient movement of
18 freight on the National Highway Freight Network.

19 “(b) GOALS.—The goals of the national highway
20 freight program are—

21 “(1) to invest in infrastructure improvements
22 and to implement operational improvements on the
23 highways of the United States that—

24 “(A) strengthen the contribution of the
25 National Highway Freight Network to the eco-
26 nomic competitiveness of the United States;

1 “(B) reduce congestion and bottlenecks on
2 the National Highway Freight Network;

3 “(C) reduce the cost of freight transpor-
4 tation;

5 “(D) improve the year-round reliability of
6 freight transportation; and

7 “(E) increase productivity, particularly for
8 domestic industries and businesses that create
9 high-value jobs;

10 “(2) to improve the safety, security, efficiency,
11 and resiliency of freight transportation in rural and
12 urban areas;

13 “(3) to improve the state of good repair of the
14 National Highway Freight Network;

15 “(4) to use innovation and advanced technology
16 to improve the safety, efficiency, and reliability of
17 the National Highway Freight Network;

18 “(5) to improve the efficiency and productivity
19 of the National Highway Freight Network;

20 “(6) to improve the flexibility of States to sup-
21 port multi-State corridor planning and the creation
22 of multi-State organizations to increase the ability of
23 States to address highway freight connectivity; and

1 “(7) to reduce the environmental impacts of
2 freight movement on the National Highway Freight
3 Network.

4 “(c) ESTABLISHMENT OF NATIONAL HIGHWAY
5 FREIGHT NETWORK.—

6 “(1) IN GENERAL.—The Administrator shall es-
7 tablish a National Highway Freight Network in ac-
8 cordance with this section to strategically direct
9 Federal resources and policies toward improved per-
10 formance of the Network.

11 “(2) NETWORK COMPONENTS.—The National
12 Highway Freight Network shall consist of—

13 “(A) the primary highway freight system,
14 as designated under subsection (d);

15 “(B) critical rural freight corridors estab-
16 lished under subsection (e);

17 “(C) critical urban freight corridors estab-
18 lished under subsection (f); and

19 “(D) the portions of the Interstate System
20 not designated as part of the primary highway
21 freight system.

22 “(d) DESIGNATION AND REDESIGNATION OF THE
23 PRIMARY HIGHWAY FREIGHT SYSTEM.—

24 “(1) INITIAL DESIGNATION OF PRIMARY HIGH-
25 WAY FREIGHT SYSTEM.—The initial designation of

1 the primary highway freight system shall be the
2 41,518-mile network identified during the designa-
3 tion process for the primary freight network under
4 section 167(d) of this title, as in effect on the day
5 before the date of enactment of the FAST Act.

6 “(2) REDESIGNATION OF PRIMARY HIGHWAY
7 FREIGHT SYSTEM.—

8 “(A) IN GENERAL.—Beginning 5 years
9 after the date of enactment of the FAST Act,
10 and every 5 years thereafter, using the designa-
11 tion factors described in subparagraph (E), the
12 Administrator shall redesignate the primary
13 highway freight system.

14 “(B) REDESIGNATION MILEAGE.—Each re-
15 designation may increase the mileage on the
16 primary highway freight system by not more
17 than 3 percent of the total mileage of the sys-
18 tem.

19 “(C) USE OF MEASURABLE DATA.—In re-
20 designating the primary highway freight sys-
21 tem, to the maximum extent practicable, the
22 Administrator shall use measurable data to as-
23 sess the significance of goods movement, includ-
24 ing consideration of points of origin, destina-

1 tions, and linking components of the United
2 States global and domestic supply chains.

3 “(D) INPUT.—In redesignating the pri-
4 mary highway freight system, the Administrator
5 shall provide an opportunity for State freight
6 advisory committees, as applicable, to submit
7 additional miles for consideration.

8 “(E) FACTORS FOR REDESIGNATION.—In
9 redesignating the primary highway freight sys-
10 tem, the Administrator shall consider—

11 “(i) changes in the origins and des-
12 tinations of freight movement in, to, and
13 from the United States;

14 “(ii) changes in the percentage of an-
15 nual daily truck traffic in the annual aver-
16 age daily traffic on principal arterials;

17 “(iii) changes in the location of key
18 facilities;

19 “(iv) land and water ports of entry;

20 “(v) access to energy exploration, de-
21 velopment, installation, or production
22 areas;

23 “(vi) access to other freight inter-
24 modal facilities, including rail, air, water,
25 and pipelines facilities;

1 “(vii) the total freight tonnage and
2 value moved via highways;

3 “(viii) significant freight bottlenecks,
4 as identified by the Administrator;

5 “(ix) the significance of goods move-
6 ment on principal arterials, including con-
7 sideration of global and domestic supply
8 chains;

9 “(x) critical emerging freight corridors
10 and critical commerce corridors; and

11 “(xi) network connectivity.

12 “(e) CRITICAL RURAL FREIGHT CORRIDORS.—

13 “(1) IN GENERAL.—A State may designate a
14 public road within the borders of the State as a crit-
15 ical rural freight corridor if the public road is not
16 in an urbanized area and—

17 “(A) is a rural principal arterial roadway
18 and has a minimum of 25 percent of the annual
19 average daily traffic of the road measured in
20 passenger vehicle equivalent units from trucks
21 (Federal Highway Administration vehicle class
22 8 to 13);

23 “(B) provides access to energy exploration,
24 development, installation, or production areas;

1 “(C) connects the primary highway freight
2 system, a roadway described in subparagraph
3 (A) or (B), or the Interstate System to facilities
4 that handle more than—

5 “(i) 50,000 20-foot equivalent units
6 per year; or

7 “(ii) 500,000 tons per year of bulk
8 commodities;

9 “(D) provides access to—

10 “(i) a grain elevator;

11 “(ii) an agricultural facility;

12 “(iii) a mining facility;

13 “(iv) a forestry facility; or

14 “(v) an intermodal facility;

15 “(E) connects to an international port of
16 entry;

17 “(F) provides access to significant air, rail,
18 water, or other freight facilities in the State; or

19 “(G) is, in the determination of the State,
20 vital to improving the efficient movement of
21 freight of importance to the economy of the
22 State.

23 “(2) LIMITATION.—A State may designate as
24 critical rural freight corridors a maximum of 150
25 miles of highway or 20 percent of the primary high-

1 way freight system mileage in the State, whichever
2 is greater.

3 “(f) CRITICAL URBAN FREIGHT CORRIDORS.—

4 “(1) URBANIZED AREA WITH POPULATION OF
5 500,000 OR MORE.—In an urbanized area with a pop-
6 ulation of 500,000 or more individuals, the rep-
7 resentative metropolitan planning organization, in
8 consultation with the State, may designate a public
9 road within the borders of that area of the State as
10 a critical urban freight corridor.

11 “(2) URBANIZED AREA WITH A POPULATION
12 LESS THAN 500,000.—In an urbanized area with a
13 population of less than 500,000 individuals, the
14 State, in consultation with the representative metro-
15 politan planning organization, may designate a pub-
16 lic road within the borders of that area of the State
17 as a critical urban freight corridor.

18 “(3) REQUIREMENTS FOR DESIGNATION.—A
19 designation may be made under paragraph (1) or
20 (2) if the public road—

21 “(A) is in an urbanized area, regardless of
22 population; and

23 “(B)(i) connects an intermodal facility
24 to—

1 “(I) the primary highway freight sys-
2 tem;

3 “(II) the Interstate System; or

4 “(III) an intermodal freight facility;

5 “(ii) is located within a corridor of a route
6 on the primary highway freight system and pro-
7 vides an alternative highway option important
8 to goods movement;

9 “(iii) serves a major freight generator, lo-
10 gistic center, or manufacturing and warehouse
11 industrial land; or

12 “(iv) is important to the movement of
13 freight within the region, as determined by the
14 metropolitan planning organization or the
15 State.

16 “(4) LIMITATION.—For each State, a maximum
17 of 75 miles of highway or 10 percent of the primary
18 highway freight system mileage in the State, which-
19 ever is greater, may be designated as a critical
20 urban freight corridor under paragraphs (1) and (2).

21 “(g) DESIGNATION AND CERTIFICATION.—

22 “(1) DESIGNATION.—States and metropolitan
23 planning organizations may designate corridors
24 under subsections (e) and (f) and submit the des-

1 ignated corridors to the Administrator on a rolling
2 basis.

3 “(2) CERTIFICATION.—Each State or metro-
4 politan planning organization that designates a cor-
5 ridor under subsection (e) or (f) shall certify to the
6 Administrator that the designated corridor meets the
7 requirements of the applicable subsection.

8 “(h) HIGHWAY FREIGHT TRANSPORTATION CONDI-
9 TIONS AND PERFORMANCE REPORTS.—Not later than 2
10 years after the date of enactment of the FAST Act, and
11 biennially thereafter, the Administrator shall prepare and
12 submit to Congress a report that describes the conditions
13 and performance of the National Highway Freight Net-
14 work in the United States.

15 “(i) USE OF APPORTIONED FUNDS.—

16 “(1) IN GENERAL.—A State shall obligate
17 funds apportioned to the State under section
18 104(b)(5) to improve the movement of freight on the
19 National Highway Freight Network.

20 “(2) FORMULA.—The Administrator shall cal-
21 culate for each State the proportion that—

22 “(A) the total mileage in the State des-
23 ignated as part of the primary highway freight
24 system; bears to

1 “(B) the total mileage of the primary high-
2 way freight system in all States.

3 “(3) USE OF FUNDS.—

4 “(A) STATES WITH HIGH PRIMARY HIGH-
5 WAY FREIGHT SYSTEM MILEAGE.—If the pro-
6 portion of a State under paragraph (2) is great-
7 er than or equal to 2 percent, the State may ob-
8 ligate funds apportioned to the State under sec-
9 tion 104(b)(5) for projects on—

10 “(i) the primary highway freight sys-
11 tem;

12 “(ii) critical rural freight corridors;
13 and

14 “(iii) critical urban freight corridors.

15 “(B) STATES WITH LOW PRIMARY HIGH-
16 WAY FREIGHT SYSTEM MILEAGE.—If the pro-
17 portion of a State under paragraph (2) is less
18 than 2 percent, the State may obligate funds
19 apportioned to the State under section
20 104(b)(5) for projects on any component of the
21 National Highway Freight Network.

22 “(4) FREIGHT PLANNING.—Notwithstanding
23 any other provision of law, effective beginning 2
24 years after the date of enactment of the FAST Act,
25 a State may not obligate funds apportioned to the

1 State under section 104(b)(5) unless the State has
2 developed a freight plan in accordance with section
3 70202 of title 49, except that the multimodal compo-
4 nent of the plan may be incomplete before an obliga-
5 tion may be made under this section.

6 “(5) ELIGIBILITY.—

7 “(A) IN GENERAL.—Except as provided in
8 this subsection, for a project to be eligible for
9 funding under this section the project shall—

10 “(i) contribute to the efficient move-
11 ment of freight on the National Highway
12 Freight Network; and

13 “(ii) be identified in a freight invest-
14 ment plan included in a freight plan of the
15 State that is in effect.

16 “(B) OTHER PROJECTS.—For each fiscal
17 year, a State may obligate not more than 10
18 percent of the total apportionment of the State
19 under section 104(b)(5) for freight intermodal
20 or freight rail projects, including projects—

21 “(i) within the boundaries of public or
22 private freight rail or water facilities (in-
23 cluding ports); and

24 “(ii) that provide surface transpor-
25 tation infrastructure necessary to facilitate

1 direct intermodal interchange, transfer,
2 and access into or out of the facility.

3 “(C) ELIGIBLE PROJECTS.—Funds appor-
4 tioned to the State under section 104(b)(5) for
5 the national highway freight program may be
6 obligated to carry out 1 or more of the fol-
7 lowing:

8 “(i) Development phase activities, in-
9 cluding planning, feasibility analysis, rev-
10 enue forecasting, environmental review,
11 preliminary engineering and design work,
12 and other preconstruction activities.

13 “(ii) Construction, reconstruction, re-
14 habilitation, acquisition of real property
15 (including land relating to the project and
16 improvements to land), construction con-
17 tingencies, acquisition of equipment, and
18 operational improvements directly relating
19 to improving system performance.

20 “(iii) Intelligent transportation sys-
21 tems and other technology to improve the
22 flow of freight, including intelligent freight
23 transportation systems.

24 “(iv) Efforts to reduce the environ-
25 mental impacts of freight movement.

1 “(v) Environmental and community
2 mitigation for freight movement.

3 “(vi) Railway-highway grade separa-
4 tion.

5 “(vii) Geometric improvements to
6 interchanges and ramps.

7 “(viii) Truck-only lanes.

8 “(ix) Climbing and runaway truck
9 lanes.

10 “(x) Adding or widening of shoulders.

11 “(xi) Truck parking facilities eligible
12 for funding under section 1401 of MAP-
13 21 (23 U.S.C. 137 note).

14 “(xii) Real-time traffic, truck parking,
15 roadway condition, and multimodal trans-
16 portation information systems.

17 “(xiii) Electronic screening and
18 credentialing systems for vehicles, includ-
19 ing weigh-in-motion truck inspection tech-
20 nologies.

21 “(xiv) Traffic signal optimization, in-
22 cluding synchronized and adaptive signals.

23 “(xv) Work zone management and in-
24 formation systems.

25 “(xvi) Highway ramp metering.

1 “(xvii) Electronic cargo and border se-
2 curity technologies that improve truck
3 freight movement.

4 “(xviii) Intelligent transportation sys-
5 tems that would increase truck freight effi-
6 ciencies inside the boundaries of inter-
7 modal facilities.

8 “(xix) Additional road capacity to ad-
9 dress highway freight bottlenecks.

10 “(xx) Physical separation of passenger
11 vehicles from commercial motor freight.

12 “(xxi) Enhancement of the resiliency
13 of critical highway infrastructure, includ-
14 ing highway infrastructure that supports
15 national energy security, to improve the
16 flow of freight.

17 “(xxii) A highway or bridge project,
18 other than a project described in clauses
19 (i) through (xxi), to improve the flow of
20 freight on the National Highway Freight
21 Network.

22 “(xxiii) Any other surface transpor-
23 tation project to improve the flow of
24 freight into and out of a facility described
25 in subparagraph (B).

1 “(6) OTHER ELIGIBLE COSTS.—In addition to
2 the eligible projects identified in paragraph (5), a
3 State may use funds apportioned under section
4 104(b)(5) for—

5 “(A) carrying out diesel retrofit or alter-
6 native fuel projects under section 149 for class
7 8 vehicles; and

8 “(B) the necessary costs of—

9 “(i) conducting analyses and data col-
10 lection related to the national highway
11 freight program;

12 “(ii) developing and updating per-
13 formance targets to carry out this section;
14 and

15 “(iii) reporting to the Administrator
16 to comply with the freight performance
17 target under section 150.

18 “(7) APPLICABILITY OF PLANNING REQUIRE-
19 MENTS.—Programming and expenditure of funds for
20 projects under this section shall be consistent with
21 the requirements of sections 134 and 135.

22 “(j) STATE PERFORMANCE TARGETS.—If the Ad-
23 ministrators determines that a State has not met or made
24 significant progress toward meeting the performance tar-
25 gets related to freight movement of the State established

1 under section 150(d) by the date that is 2 years after the
2 date of the establishment of the performance targets, the
3 State shall include in the next report submitted under sec-
4 tion 150(e) a description of the actions the State will un-
5 dertake to achieve the targets, including—

6 “(1) an identification of significant freight sys-
7 tem trends, needs, and issues within the State;

8 “(2) a description of the freight policies and
9 strategies that will guide the freight-related trans-
10 portation investments of the State;

11 “(3) an inventory of freight bottlenecks within
12 the State and a description of the ways in which the
13 State is allocating national highway freight program
14 funds to improve those bottlenecks; and

15 “(4) a description of the actions the State will
16 undertake to meet the performance targets of the
17 State.

18 “(k) INTELLIGENT FREIGHT TRANSPORTATION SYS-
19 TEM.—

20 “(1) DEFINITION OF INTELLIGENT FREIGHT
21 TRANSPORTATION SYSTEM.—In this section, the
22 term ‘intelligent freight transportation system’
23 means—

24 “(A) innovative or intelligent technological
25 transportation systems, infrastructure, or facili-

1 ties, including elevated freight transportation
2 facilities—

3 “(i) in proximity to, or within, an ex-
4 isting right of way on a Federal-aid high-
5 way; or

6 “(ii) that connect land ports-of entry
7 to existing Federal-aid highways; or

8 “(B) communications or information proc-
9 essing systems that improve the efficiency, se-
10 curity, or safety of freight movements on the
11 Federal-aid highway system, including to im-
12 prove the conveyance of freight on dedicated in-
13 telligent freight lanes.

14 “(2) OPERATING STANDARDS.—The Adminis-
15 trator shall determine whether there is a need for es-
16 tablishing operating standards for intelligent freight
17 transportation systems.

18 “(1) TREATMENT OF FREIGHT PROJECTS.—Notwith-
19 standing any other provision of law, a freight project car-
20 ried out under this section shall be treated as if the project
21 were on a Federal-aid highway.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 1 of title 23, United States Code, is amended by strik-
24 ing the item relating to section 167 and inserting the fol-
25 lowing:

 “167. National highway freight program.”.

1 (c) REPEALS.—Sections 1116, 1117, and 1118 of
2 MAP-21 (23 U.S.C. 167 note), and the items relating to
3 such sections in the table of contents in section 1(c) of
4 such Act, are repealed.

5 **SEC. 1117. FEDERAL LANDS AND TRIBAL TRANSPORTATION**
6 **PROGRAMS.**

7 (a) TRIBAL DATA COLLECTION.—Section 201(e)(6)
8 of title 23, United States Code, is amended by adding at
9 the end the following:

10 “(C) TRIBAL DATA COLLECTION.—In addi-
11 tion to the data to be collected under subpara-
12 graph (A), not later than 90 days after the last
13 day of each fiscal year, any entity carrying out
14 a project under the tribal transportation pro-
15 gram under section 202 shall submit to the Sec-
16 retary and the Secretary of the Interior, based
17 on obligations and expenditures under the tribal
18 transportation program during the preceding
19 fiscal year, the following data:

20 “(i) The names of projects and activi-
21 ties carried out by the entity under the
22 tribal transportation program during the
23 preceding fiscal year.

24 “(ii) A description of the projects and
25 activities identified under clause (i).

1 “(iii) The current status of the
2 projects and activities identified under
3 clause (i).

4 “(iv) An estimate of the number of
5 jobs created and the number of jobs re-
6 tained by the projects and activities identi-
7 fied under clause (i).”.

8 (b) REPORT ON TRIBAL GOVERNMENT TRANSPOR-
9 TATION SAFETY DATA.—

10 (1) FINDINGS.—Congress finds that—

11 (A) in many States, the Native American
12 population is disproportionately represented in
13 fatalities and crash statistics;

14 (B) improved crash reporting by tribal law
15 enforcement agencies would facilitate safety
16 planning and would enable Indian tribes to
17 apply more successfully for State and Federal
18 funds for safety improvements;

19 (C) the causes of underreporting of crashes
20 on Indian reservations include—

21 (i) tribal law enforcement capacity, in-
22 cluding—

23 (I) staffing shortages and turn-
24 over; and

1 (II) lack of equipment, software,
2 and training; and

3 (ii) lack of standardization in crash
4 reporting forms and protocols; and

5 (D) without more accurate reporting of
6 crashes on Indian reservations, it is difficult or
7 impossible to fully understand the nature of the
8 problem and develop appropriate counter-
9 measures, which may include effective transpor-
10 tation safety planning and programs aimed
11 at—

12 (i) driving under the influence (DUI)
13 prevention;

14 (ii) pedestrian safety;

15 (iii) roadway safety improvements;

16 (iv) seat belt usage; and

17 (v) proper use of child restraints.

18 (2) REPORT TO CONGRESS.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this Act, the Sec-
21 retary, after consultation with the Secretary of
22 Interior, the Secretary of Health and Human
23 Services, the Attorney General, and Indian
24 tribes, shall submit to the Committee on Envi-
25 ronment and Public Works and the Committee

1 on Indian Affairs of the Senate and the Com-
2 mittee on Transportation and Infrastructure
3 and the Committee on Natural Resources of the
4 House of Representatives a report describing
5 the quality of transportation safety data col-
6 lected by States, counties, and Indian tribes for
7 transportation safety systems and the relevance
8 of that data to improving the collection and
9 sharing of data on crashes on Indian reserva-
10 tions.

11 (B) PURPOSES.—The purposes of the re-
12 port are—

13 (i) to improve the collection and shar-
14 ing of data on crashes on Indian reserva-
15 tions; and

16 (ii) to develop data that Indian tribes
17 can use to recover damages to tribal prop-
18 erty caused by motorists.

19 (C) PAPERLESS DATA REPORTING.—In
20 preparing the report, the Secretary shall pro-
21 vide States, counties, and Indian tribes with op-
22 tions and best practices for transition to a
23 paperless transportation safety data reporting
24 system that—

1 (i) improves the collection of crash re-
2 ports;

3 (ii) stores, archives, queries, and
4 shares crash records; and

5 (iii) uses data exclusively—

6 (I) to address traffic safety
7 issues on Indian reservations; and

8 (II) to identify and improve prob-
9 lem areas on public roads on Indian
10 reservations.

11 (D) ADDITIONAL BUDGETARY RE-
12 SOURCES.—The Secretary shall include in the
13 report the identification of Federal transpor-
14 tation funds provided to Indian tribes by agen-
15 cies in addition to the Department and the De-
16 partment of the Interior.

17 (e) STUDY ON BUREAU OF INDIAN AFFAIRS ROAD
18 SAFETY.—Not later than 2 years after the date of enact-
19 ment of this Act, the Secretary, in consultation with the
20 Secretary of Interior, the Attorney General, States, and
21 Indian tribes shall—

22 (1) complete a study that identifies and evalu-
23 ates options for improving safety on public roads on
24 Indian reservations; and

1 (2) submit to the Committee on Environment
2 and Public Works and the Committee on Indian Af-
3 fairs of the Senate and the Committee on Transpor-
4 tation and Infrastructure and the Committee on
5 Natural Resources of the House of Representatives
6 a report describing the results of the study.

7 **SEC. 1118. TRIBAL TRANSPORTATION PROGRAM AMEND-**
8 **MENT.**

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

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

13 (2) in subsection (d)(2) in the matter preceding
14 subparagraph (A) by striking “2 percent” and in-
15 serting “3 percent”.

16 **SEC. 1119. FEDERAL LANDS TRANSPORTATION PROGRAM.**

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

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (B) by striking “oper-
21 ation” and inserting “capital, operations,”; and

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

25 (2) in subsection (b)—

- 1 (A) in paragraph (1)(B)—
- 2 (i) in clause (iv) by striking “and” at
- 3 the end;
- 4 (ii) in clause (v) by striking the period
- 5 at the end and inserting a semicolon; and
- 6 (iii) by adding at the end the fol-
- 7 lowing:
- 8 “(vi) the Bureau of Reclamation; and
- 9 “(vii) independent Federal agencies
- 10 with natural resource and land manage-
- 11 ment responsibilities.”; and
- 12 (B) in paragraph (2)(B)—
- 13 (i) in the matter preceding clause (i)
- 14 by inserting “performance management,
- 15 including” after “support”; and
- 16 (ii) in clause (i)(II) by striking “,
- 17 and” and inserting “; and”; and
- 18 (3) in subsection (c)(2)(B) by adding at the end
- 19 the following:
- 20 “(vi) The Bureau of Reclamation.”.
- 21 **SEC. 1120. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**
- 22 Section 201(e) of title 23, United States Code, is
- 23 amended—
- 24 (1) in paragraph (6)(A)—

1 (A) by redesignating clauses (i) and (ii) as
2 subclauses (I) and (II), respectively (and by
3 moving the subclauses 2 ems to the right);

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

7 “(i) IN GENERAL.—The Secretaries”;

8 (C) by inserting a period after “tribal
9 transportation program”; and

10 (D) by striking “in accordance with” and
11 all that follows through “including—” and in-
12 serting the following:

13 “(ii) REQUIREMENT.—Data collected
14 to implement the tribal transportation pro-
15 gram shall be in accordance with the In-
16 dian Self-Determination and Education
17 Assistance Act (25 U.S.C. 450 et seq.).

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

20 (2) by striking paragraph (7) and inserting the
21 following—

22 “(7) COOPERATIVE RESEARCH AND TECH-
23 NOLOGY DEPLOYMENT.—The Secretary may conduct
24 cooperative research and technology deployment in

1 coordination with Federal land management agen-
2 cies, as determined appropriate by the Secretary.

3 “(8) FUNDING.—

4 “(A) IN GENERAL.—To carry out the ac-
5 tivities described in this subsection for Federal
6 lands transportation facilities, Federal lands ac-
7 cess transportation facilities, and other federally
8 owned roads open to public travel (as that term
9 is defined in section 125(e)), the Secretary shall
10 for each fiscal year combine and use not greater
11 than 5 percent of the funds authorized for pro-
12 grams under sections 203 and 204.

13 “(B) OTHER ACTIVITIES.—In addition to
14 the activities described in subparagraph (A),
15 funds described under that subparagraph may
16 be used for—

17 “(i) bridge inspections on any feder-
18 ally owned bridge even if that bridge is not
19 included on the inventory described under
20 section 203; and

21 “(ii) transportation planning activities
22 carried out by Federal land management
23 agencies eligible for funding under this
24 chapter.”.

1 **SEC. 1121. TRIBAL TRANSPORTATION SELF-GOVERNANCE**
2 **PROGRAM.**

3 (a) IN GENERAL.—Chapter 2 of title 23, United
4 States Code, is amended by inserting after section 206 the
5 following:

6 **“§ 207. Tribal transportation self-governance pro-**
7 **gram**

8 “(a) ESTABLISHMENT.—Subject to the requirements
9 of this section, the Secretary shall establish and carry out
10 a program to be known as the tribal transportation self-
11 governance program. The Secretary may delegate respon-
12 sibilities for administration of the program as the Sec-
13 retary determines appropriate.

14 “(b) ELIGIBILITY.—

15 “(1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), an Indian tribe shall be eligible to partici-
17 pate in the program if the Indian tribe requests partici-
18 pation in the program by resolution or other offi-
19 cial action by the governing body of the Indian tribe,
20 and demonstrates, for the preceding 3 fiscal years,
21 financial stability and financial management capa-
22 bility, and transportation program management ca-
23 pability.

24 “(2) CRITERIA FOR DETERMINING FINANCIAL
25 STABILITY AND FINANCIAL MANAGEMENT CAPAC-
26 ITY.—For the purposes of paragraph (1), evidence

1 that, during the preceding 3 fiscal years, an Indian
2 tribe had no uncorrected significant and material
3 audit exceptions in the required annual audit of the
4 Indian tribe's self-determination contracts or self-
5 governance funding agreements with any Federal
6 agency shall be conclusive evidence of the required
7 financial stability and financial management capa-
8 bility.

9 “(3) CRITERIA FOR DETERMINING TRANSPOR-
10 TATION PROGRAM MANAGEMENT CAPABILITY.—The
11 Secretary shall require an Indian tribe to dem-
12 onstrate transportation program management capa-
13 bility, including the capability to manage and com-
14 plete projects eligible under this title and projects el-
15 ible under chapter 53 of title 49, to gain eligibility
16 for the program.

17 “(c) COMPACTS.—

18 “(1) COMPACT REQUIRED.—Upon the request
19 of an eligible Indian tribe, and subject to the re-
20 quirements of this section, the Secretary shall nego-
21 tiate and enter into a written compact with the In-
22 dian tribe for the purpose of providing for the par-
23 ticipation of the Indian tribe in the program.

24 “(2) CONTENTS.—A compact entered into
25 under paragraph (1) shall set forth the general

1 terms of the government-to-government relationship
2 between the Indian tribe and the United States
3 under the program and other terms that will con-
4 tinue to apply in future fiscal years.

5 “(3) AMENDMENTS.—A compact entered into
6 with an Indian tribe under paragraph (1) may be
7 amended only by mutual agreement of the Indian
8 tribe and the Secretary.

9 “(d) ANNUAL FUNDING AGREEMENTS.—

10 “(1) FUNDING AGREEMENT REQUIRED.—After
11 entering into a compact with an Indian tribe under
12 subsection (c), the Secretary shall negotiate and
13 enter into a written annual funding agreement with
14 the Indian tribe.

15 “(2) CONTENTS.—

16 “(A) IN GENERAL.—

17 “(i) FORMULA FUNDING AND DISCRE-
18 TIONARY GRANTS.—A funding agreement
19 entered into with an Indian tribe shall au-
20 thorize the Indian tribe, as determined by
21 the Indian tribe, to plan, conduct, consoli-
22 date, administer, and receive full tribal
23 share funding, tribal transit formula fund-
24 ing, and funding to tribes from discre-
25 tionary and competitive grants adminis-

1 tered by the Department for all programs,
2 services, functions, and activities (or por-
3 tions thereof) that are made available to
4 Indian tribes to carry out tribal transpor-
5 tation programs and programs, services,
6 functions, and activities (or portions there-
7 of) administered by the Secretary that are
8 otherwise available to Indian tribes.

9 “(ii) TRANSFERS OF STATE FUNDS.—

10 “(I) INCLUSION OF TRANS-
11 FERRED FUNDS IN FUNDING AGREE-
12 MENT.—A funding agreement entered
13 into with an Indian tribe shall include
14 Federal-aid funds apportioned to a
15 State under chapter 1 if the State
16 elects to provide a portion of such
17 funds to the Indian tribe for a project
18 eligible under section 202(a). The pro-
19 visions of this section shall be in addi-
20 tion to the methods for making fund-
21 ing contributions described in section
22 202(a)(9). Nothing in this section
23 shall diminish the authority of the
24 Secretary to provide funds to an In-
25 dian tribe under section 202(a)(9).

1 “(II) METHOD FOR TRANS-
2 FERS.—If a State elects to provide
3 funds described in subclause (I) to an
4 Indian tribe—

5 “(aa) the transfer may occur
6 in accordance with section
7 202(a)(9); or

8 “(bb) the State shall trans-
9 fer the funds back to the Sec-
10 retary and the Secretary shall
11 transfer the funds to the Indian
12 tribe in accordance with this sec-
13 tion.

14 “(III) RESPONSIBILITY FOR
15 TRANSFERRED FUNDS.—Notwith-
16 standing any other provision of law, if
17 a State provides funds described in
18 subclause (I) to an Indian tribe—

19 “(aa) the State shall not be
20 responsible for constructing or
21 maintaining a project carried out
22 using the funds or for admin-
23 istering or supervising the project
24 or funds during the applicable
25 statute of limitations period re-

1 lated to the construction of the
2 project; and

3 “(bb) the Indian tribe shall
4 be responsible for constructing
5 and maintaining a project carried
6 out using the funds and for ad-
7 ministering and supervising the
8 project and funds in accordance
9 with this section during the ap-
10 plicable statute of limitations pe-
11 riod related to the construction of
12 the project.

13 “(B) ADMINISTRATION OF TRIBAL
14 SHARES.—The tribal shares referred to in sub-
15 paragraph (A) shall be provided without regard
16 to the agency or office of the Department with-
17 in which the program, service, function, or ac-
18 tivity (or portion thereof) is performed.

19 “(C) FLEXIBLE AND INNOVATIVE FINANC-
20 ING.—

21 “(i) IN GENERAL.—A funding agree-
22 ment entered into with an Indian tribe
23 under paragraph (1) shall include provi-
24 sions pertaining to flexible and innovative
25 financing if agreed upon by the parties.

1 “(ii) TERMS AND CONDITIONS.—

2 “(I) AUTHORITY TO ISSUE REGU-
3 LATIONS.—The Secretary may issue
4 regulations to establish the terms and
5 conditions relating to the flexible and
6 innovative financing provisions re-
7 ferred to in clause (i).

8 “(II) TERMS AND CONDITIONS IN
9 ABSENCE OF REGULATIONS.—If the
10 Secretary does not issue regulations
11 under subclause (I), the terms and
12 conditions relating to the flexible and
13 innovative financing provisions re-
14 ferred to in clause (i) shall be con-
15 sistent with—

16 “(aa) agreements entered
17 into by the Department under—

18 “(AA) section
19 202(b)(7); and

20 “(BB) section
21 202(d)(5), as in effect be-
22 fore the date of enactment
23 of MAP-21 (Public Law
24 112-141); or

1 “(bb) regulations of the De-
2 partment of the Interior relating
3 to flexible financing contained in
4 part 170 of title 25, Code of
5 Federal Regulations, as in effect
6 on the date of enactment of the
7 FAST Act.

8 “(3) TERMS.—A funding agreement shall set
9 forth—

10 “(A) terms that generally identify the pro-
11 grams, services, functions, and activities (or
12 portions thereof) to be performed or adminis-
13 tered by the Indian tribe; and

14 “(B) for items identified in subparagraph
15 (A)—

16 “(i) the general budget category as-
17 signed;

18 “(ii) the funds to be provided, includ-
19 ing those funds to be provided on a recur-
20 ring basis;

21 “(iii) the time and method of transfer
22 of the funds;

23 “(iv) the responsibilities of the Sec-
24 retary and the Indian tribe; and

1 “(v) any other provision agreed to by
2 the Indian tribe and the Secretary.

3 “(4) SUBSEQUENT FUNDING AGREEMENTS.—

4 “(A) APPLICABILITY OF EXISTING AGREE-
5 MENT.—Absent notification from an Indian
6 tribe that the Indian tribe is withdrawing from
7 or retroceding the operation of 1 or more pro-
8 grams, services, functions, or activities (or por-
9 tions thereof) identified in a funding agreement,
10 or unless otherwise agreed to by the parties,
11 each funding agreement shall remain in full
12 force and effect until a subsequent funding
13 agreement is executed.

14 “(B) EFFECTIVE DATE OF SUBSEQUENT
15 AGREEMENT.—The terms of the subsequent
16 funding agreement shall be retroactive to the
17 end of the term of the preceding funding agree-
18 ment.

19 “(5) CONSENT OF INDIAN TRIBE REQUIRED.—

20 The Secretary shall not revise, amend, or require ad-
21 ditional terms in a new or subsequent funding agree-
22 ment without the consent of the Indian tribe that is
23 subject to the agreement unless such terms are re-
24 quired by Federal law.

25 “(e) GENERAL PROVISIONS.—

1 “(1) REDESIGN AND CONSOLIDATION.—

2 “(A) IN GENERAL.—An Indian tribe, in
3 any manner that the Indian tribe considers to
4 be in the best interest of the Indian community
5 being served, may—

6 “(i) redesign or consolidate programs,
7 services, functions, and activities (or por-
8 tions thereof) included in a funding agree-
9 ment; and

10 “(ii) reallocate or redirect funds for
11 such programs, services, functions, and ac-
12 tivities (or portions thereof), if the funds
13 are—

14 “(I) expended on projects identi-
15 fied in a transportation improvement
16 program approved by the Secretary;
17 and

18 “(II) used in accordance with the
19 requirements in—

20 “(aa) appropriations Acts;

21 “(bb) this title and chapter
22 53 of title 49; and

23 “(cc) any other applicable
24 law.

1 “(B) EXCEPTION.—Notwithstanding sub-
2 paragraph (A), if, pursuant to subsection (d),
3 an Indian tribe receives a discretionary or com-
4 petitive grant from the Secretary or receives
5 State apportioned funds, the Indian tribe shall
6 use the funds for the purpose for which the
7 funds were originally authorized.

8 “(2) RETROCESSION.—

9 “(A) IN GENERAL.—

10 “(i) AUTHORITY OF INDIAN TRIBES.—
11 An Indian tribe may retrocede (fully or
12 partially) to the Secretary programs, serv-
13 ices, functions, or activities (or portions
14 thereof) included in a compact or funding
15 agreement.

16 “(ii) REASSUMPTION OF REMAINING
17 FUNDS.—Following a retrocession de-
18 scribed in clause (i), the Secretary may—

19 “(I) reassume the remaining
20 funding associated with the retroceded
21 programs, functions, services, and ac-
22 tivities (or portions thereof) included
23 in the applicable compact or funding
24 agreement;

1 “(II) out of such remaining
2 funds, transfer funds associated with
3 Department of Interior programs,
4 services, functions, or activities (or
5 portions thereof) to the Secretary of
6 the Interior to carry out transpor-
7 tation services provided by the Sec-
8 retary of the Interior; and

9 “(III) distribute funds not trans-
10 ferred under subclause (II) in accord-
11 ance with applicable law.

12 “(iii) CORRECTION OF PROGRAMS.—If
13 the Secretary makes a finding under sub-
14 section (f)(2)(B) and no funds are avail-
15 able under subsection (f)(2)(A)(ii), the
16 Secretary shall not be required to provide
17 additional funds to complete or correct any
18 programs, functions, services, or activities
19 (or portions thereof).

20 “(B) EFFECTIVE DATE.—Unless the In-
21 dian tribe rescinds a request for retrocession,
22 the retrocession shall become effective within
23 the timeframe specified by the parties in the
24 compact or funding agreement. In the absence

1 of such a specification, the retrocession shall
2 become effective on—

3 “(i) the earlier of—

4 “(I) 1 year after the date of sub-
5 mission of the request; or

6 “(II) the date on which the fund-
7 ing agreement expires; or

8 “(ii) such date as may be mutually
9 agreed upon by the parties and, with re-
10 spect to Department of the Interior pro-
11 grams, functions, services, and activities
12 (or portions thereof), the Secretary of the
13 Interior.

14 “(f) PROVISIONS RELATING TO SECRETARY.—

15 “(1) DECISIONMAKER.—A decision that relates
16 to an appeal of the rejection of a final offer by the
17 Department shall be made either—

18 “(A) by an official of the Department who
19 holds a position at a higher organizational level
20 within the Department than the level of the de-
21 partmental agency in which the decision that is
22 the subject of the appeal was made; or

23 “(B) by an administrative judge.

24 “(2) TERMINATION OF COMPACT OR FUNDING
25 AGREEMENT.—

1 “(A) AUTHORITY TO TERMINATE.—

2 “(i) PROVISION TO BE INCLUDED IN
3 COMPACT OR FUNDING AGREEMENT.—A
4 compact or funding agreement shall in-
5 clude a provision authorizing the Sec-
6 retary, if the Secretary makes a finding de-
7 scribed in subparagraph (B), to—

8 “(I) terminate the compact or
9 funding agreement (or a portion
10 thereof); and

11 “(II) reassume the remaining
12 funding associated with the reassumed
13 programs, functions, services, and ac-
14 tivities included in the compact or
15 funding agreement.

16 “(ii) TRANSFERS OF FUNDS.—Out of
17 any funds reassumed under clause (i)(II),
18 the Secretary may transfer the funds asso-
19 ciated with Department of the Interior
20 programs, functions, services, and activi-
21 ties (or portions thereof) to the Secretary
22 of the Interior to provide continued trans-
23 portation services in accordance with appli-
24 cable law.

1 “(B) FINDINGS RESULTING IN TERMI-
2 NATION.—The finding referred to in subpara-
3 graph (A) is a specific finding of—

4 “(i) imminent jeopardy to a trust
5 asset, natural resources, or public health
6 and safety that is caused by an act or
7 omission of the Indian tribe and that
8 arises out of a failure to carry out the
9 compact or funding agreement, as deter-
10 mined by the Secretary; or

11 “(ii) gross mismanagement with re-
12 spect to funds or programs transferred to
13 the Indian tribe under the compact or
14 funding agreement, as determined by the
15 Secretary in consultation with the Inspec-
16 tor General of the Department, as appro-
17 priate.

18 “(C) PROHIBITION.—The Secretary shall
19 not terminate a compact or funding agreement
20 (or portion thereof) unless—

21 “(i) the Secretary has first provided
22 written notice and a hearing on the record
23 to the Indian tribe that is subject to the
24 compact or funding agreement; and

1 “(ii) the Indian tribe has not taken
2 corrective action to remedy the mis-
3 management of funds or programs or the
4 imminent jeopardy to a trust asset, natural
5 resource, or public health and safety.

6 “(D) EXCEPTION.—

7 “(i) IN GENERAL.—Notwithstanding
8 subparagraph (C), the Secretary, upon
9 written notification to an Indian tribe that
10 is subject to a compact or funding agree-
11 ment, may immediately terminate the com-
12 pact or funding agreement (or portion
13 thereof) if—

14 “(I) the Secretary makes a find-
15 ing of imminent substantial and irrep-
16 arable jeopardy to a trust asset, nat-
17 ural resource, or public health and
18 safety; and

19 “(II) the jeopardy arises out of a
20 failure to carry out the compact or
21 funding agreement.

22 “(ii) HEARINGS.—If the Secretary
23 terminates a compact or funding agree-
24 ment (or portion thereof) under clause (i),
25 the Secretary shall provide the Indian tribe

1 subject to the compact or agreement with
2 a hearing on the record not later than 10
3 days after the date of such termination.

4 “(E) BURDEN OF PROOF.—In any hearing
5 or appeal involving a decision to terminate a
6 compact or funding agreement (or portion
7 thereof) under this paragraph, the Secretary
8 shall have the burden of proof in demonstrating
9 by clear and convincing evidence the validity of
10 the grounds for the termination.

11 “(g) COST PRINCIPLES.—In administering funds re-
12 ceived under this section, an Indian tribe shall apply cost
13 principles under the applicable Office of Management and
14 Budget circular, except as modified by section 106 of the
15 Indian Self-Determination and Education Assistance Act
16 (25 U.S.C. 450j–1), other provisions of law, or by any ex-
17 emptions to applicable Office of Management and Budget
18 circulars subsequently granted by the Office of Manage-
19 ment and Budget. No other audit or accounting standards
20 shall be required by the Secretary. Any claim by the Fed-
21 eral Government against the Indian tribe relating to funds
22 received under a funding agreement based on any audit
23 conducted pursuant to this subsection shall be subject to
24 the provisions of section 106(f) of that Act (25 U.S.C.
25 450j–1(f)).

1 “(h) TRANSFER OF FUNDS.—The Secretary shall
2 provide funds to an Indian tribe under a funding agree-
3 ment in an amount equal to—

4 “(1) the sum of the funding that the Indian
5 tribe would otherwise receive for the program, func-
6 tion, service, or activity in accordance with a funding
7 formula or other allocation method established under
8 this title or chapter 53 of title 49; and

9 “(2) such additional amounts as the Secretary
10 determines equal the amounts that would have been
11 withheld for the costs of the Bureau of Indian Af-
12 fairs for administration of the program or project.

13 “(i) CONSTRUCTION PROGRAMS.—

14 “(1) STANDARDS.—Construction projects car-
15 ried out under programs administered by an Indian
16 tribe with funds transferred to the Indian tribe pur-
17 suant to a funding agreement entered into under
18 this section shall be constructed pursuant to the con-
19 struction program standards set forth in applicable
20 regulations or as specifically approved by the Sec-
21 retary (or the Secretary’s designee).

22 “(2) MONITORING.—Construction programs
23 shall be monitored by the Secretary in accordance
24 with applicable regulations.

25 “(j) FACILITATION.—

1 “(1) SECRETARIAL INTERPRETATION.—Except
2 as otherwise provided by law, the Secretary shall in-
3 terpret all Federal laws, Executive orders, and regu-
4 lations in a manner that will facilitate—

5 “(A) the inclusion of programs, services,
6 functions, and activities (or portions thereof)
7 and funds associated therewith, in compacts
8 and funding agreements; and

9 “(B) the implementation of the compacts
10 and funding agreements.

11 “(2) REGULATION WAIVER.—

12 “(A) IN GENERAL.—An Indian tribe may
13 submit to the Secretary a written request to
14 waive application of a regulation promulgated
15 under this section with respect to a compact or
16 funding agreement. The request shall identify
17 the regulation sought to be waived and the
18 basis for the request.

19 “(B) APPROVALS AND DENIALS.—

20 “(i) IN GENERAL.—Not later than 90
21 days after the date of receipt of a written
22 request under subparagraph (A), the Sec-
23 retary shall approve or deny the request in
24 writing.

1 “(ii) REVIEW.—The Secretary shall
2 review any application by an Indian tribe
3 for a waiver bearing in mind increasing op-
4 portunities for using flexible policy ap-
5 proaches at the Indian tribal level.

6 “(iii) DEEMED APPROVAL.—If the
7 Secretary does not approve or deny a re-
8 quest submitted under subparagraph (A)
9 on or before the last day of the 90-day pe-
10 riod referred to in clause (i), the request
11 shall be deemed approved.

12 “(iv) DENIALS.—If the application for
13 a waiver is not granted, the agency shall
14 provide the applicant with the reasons for
15 the denial as part of the written response
16 required in clause (i).

17 “(v) FINALITY OF DECISIONS.—A de-
18 cision by the Secretary under this subpara-
19 graph shall be final for the Department.

20 “(k) DISCLAIMERS.—

21 “(1) EXISTING AUTHORITY.—Notwithstanding
22 any other provision of law, upon the election of an
23 Indian tribe, the Secretary shall—

1 “(A) maintain current tribal transportation
2 program funding agreements and program
3 agreements; or

4 “(B) enter into new agreements under the
5 authority of section 202(b)(7).

6 “(2) LIMITATION ON STATUTORY CONSTRUC-
7 TION.—Nothing in this section may be construed to
8 impair or diminish the authority of the Secretary
9 under section 202(b)(7).

10 “(1) APPLICABILITY OF INDIAN SELF-DETERMINA-
11 TION AND EDUCATION ASSISTANCE ACT.—Except to the
12 extent in conflict with this section (as determined by the
13 Secretary), the following provisions of the Indian Self-De-
14 termination and Education Assistance Act shall apply to
15 compact and funding agreements (except that any ref-
16 erence to the Secretary of the Interior or the Secretary
17 of Health and Human Services in such provisions shall
18 be treated as a reference to the Secretary of Transpor-
19 tation):

20 “(1) Subsections (a), (b), (d), (g), and (h) of
21 section 506 of such Act (25 U.S.C. 458aaa–5), re-
22 lating to general provisions.

23 “(2) Subsections (b) through (e) and (g) of sec-
24 tion 507 of such Act (25 U.S.C.458aaa–6), relating

1 to provisions relating to the Secretary of Health and
2 Human Services.

3 “(3) Subsections (a), (b), (d), (e), (g), (h), (i),
4 and (k) of section 508 of such Act (25 U.S.C.
5 458aaa–7), relating to transfer of funds.

6 “(4) Section 510 of such Act (25 U.S.C.
7 458aaa-9), relating to Federal procurement laws and
8 regulations.

9 “(5) Section 511 of such Act (25 U.S.C.
10 458aaa–10), relating to civil actions.

11 “(6) Subsections (a)(1), (a)(2), and (c) through
12 (f) of section 512 of such Act (25 U.S.C. 458aaa–
13 11), relating to facilitation, except that subsection
14 (c)(1) of that section shall be applied by substituting
15 ‘transportation facilities and other facilities’ for
16 ‘school buildings, hospitals, and other facilities’.

17 “(7) Subsections (a) and (b) of section 515 of
18 such Act (25 U.S.C. 458aaa–14), relating to dis-
19 claimers.

20 “(8) Subsections (a) and (b) of section 516 of
21 such Act (25 U.S.C. 458aaa–15), relating to appli-
22 cation of title I provisions.

23 “(9) Section 518 of such Act (25 U.S.C.
24 458aaa–17), relating to appeals.

25 “(m) DEFINITIONS.—

1 “(1) IN GENERAL.—In this section, the fol-
2 lowing definitions apply (except as otherwise ex-
3 pressly provided):

4 “(A) COMPACT.—The term ‘compact’
5 means a compact between the Secretary and an
6 Indian tribe entered into under subsection (c).

7 “(B) DEPARTMENT.—The term ‘Depart-
8 ment’ means the Department of Transpor-
9 tation.

10 “(C) ELIGIBLE INDIAN TRIBE.—The term
11 ‘eligible Indian tribe’ means an Indian tribe
12 that is eligible to participate in the program, as
13 determined under subsection (b).

14 “(D) FUNDING AGREEMENT.—The term
15 ‘funding agreement’ means a funding agree-
16 ment between the Secretary and an Indian tribe
17 entered into under subsection (d).

18 “(E) INDIAN TRIBE.—The term ‘Indian
19 tribe’ means any Indian or Alaska Native tribe,
20 band, nation, pueblo, village, or community that
21 is recognized as eligible for the special pro-
22 grams and services provided by the United
23 States to Indians because of their status as In-
24 dians. In any case in which an Indian tribe has
25 authorized another Indian tribe, an intertribal

1 consortium, or a tribal organization to plan for
2 or carry out programs, services, functions, or
3 activities (or portions thereof) on its behalf
4 under this section, the authorized Indian tribe,
5 intertribal consortium, or tribal organization
6 shall have the rights and responsibilities of the
7 authorizing Indian tribe (except as otherwise
8 provided in the authorizing resolution or in this
9 title). In such event, the term ‘Indian tribe’ as
10 used in this section shall include such other au-
11 thorized Indian tribe, intertribal consortium, or
12 tribal organization.

13 “(F) PROGRAM.—The term ‘program’
14 means the tribal transportation self-governance
15 program established under this section.

16 “(G) SECRETARY.—The term ‘Secretary’
17 means the Secretary of Transportation.

18 “(H) TRANSPORTATION PROGRAMS.—The
19 term ‘transportation programs’ means all pro-
20 grams administered or financed by the Depart-
21 ment under this title and chapter 53 of title 49.

22 “(2) APPLICABILITY OF OTHER DEFINITIONS.—
23 In this section, the definitions set forth in sections
24 4 and 505 of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 450b; 458aaa)

1 apply, except as otherwise expressly provided in this
2 section.

3 “(n) REGULATIONS.—

4 “(1) IN GENERAL.—

5 “(A) PROMULGATION.—Not later than 90
6 days after the date of enactment of the FAST
7 Act, the Secretary shall initiate procedures
8 under subchapter III of chapter 5 of title 5 to
9 negotiate and promulgate such regulations as
10 are necessary to carry out this section.

11 “(B) PUBLICATION OF PROPOSED REGULA-
12 TIONS.—Proposed regulations to implement this
13 section shall be published in the Federal Reg-
14 ister by the Secretary not later than 21 months
15 after such date of enactment.

16 “(C) EXPIRATION OF AUTHORITY.—The
17 authority to promulgate regulations under sub-
18 paragraph (A) shall expire 30 months after
19 such date of enactment.

20 “(D) EXTENSION OF DEADLINES.—A
21 deadline set forth in subparagraph (B) or (C)
22 may be extended up to 180 days if the nego-
23 tiated rulemaking committee referred to in
24 paragraph (2) concludes that the committee
25 cannot meet the deadline and the Secretary so

1 notifies the appropriate committees of Con-
2 gress.

3 “(2) COMMITTEE.—

4 “(A) IN GENERAL.—A negotiated rule-
5 making committee established pursuant to sec-
6 tion 565 of title 5 to carry out this subsection
7 shall have as its members only Federal and
8 tribal government representatives, a majority of
9 whom shall be nominated by and be representa-
10 tives of Indian tribes with funding agreements
11 under this title.

12 “(B) REQUIREMENTS.—The committee
13 shall confer with, and accommodate participa-
14 tion by, representatives of Indian tribes, inter-
15 tribal consortia, tribal organizations, and indi-
16 vidual tribal members.

17 “(C) ADAPTATION OF PROCEDURES.—The
18 Secretary shall adapt the negotiated rulemaking
19 procedures to the unique context of self-govern-
20 ance and the government-to-government rela-
21 tionship between the United States and Indian
22 tribes.

23 “(3) EFFECT.—The lack of promulgated regu-
24 lations shall not limit the effect of this section.

1 “(4) EFFECT OF CIRCULARS, POLICIES, MANU-
 2 ALS, GUIDANCE, AND RULES.—Unless expressly
 3 agreed to by the participating Indian tribe in the
 4 compact or funding agreement, the participating In-
 5 dian tribe shall not be subject to any agency cir-
 6 cular, policy, manual, guidance, or rule adopted by
 7 the Department, except regulations promulgated
 8 under this section.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
 10 ter 2 of title 23, United States Code, is amended by insert-
 11 ing after the item relating to section 206 the following:
 “207. Tribal transportation self-governance program.”.

12 **SEC. 1122. STATE FLEXIBILITY FOR NATIONAL HIGHWAY**
 13 **SYSTEM MODIFICATIONS.**

14 (a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—
 15 Not later than 90 days after the date of enactment of this
 16 Act, the Secretary shall issue guidance relating to working
 17 with State departments of transportation that request as-
 18 sistance from the division offices of the Federal Highway
 19 Administration—

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

1 (2) to identify any necessary functional classi-
2 fication changes to rural and urban principal arte-
3 rials.

4 (b) ADMINISTRATIVE ACTIONS.—The Secretary shall
5 direct the division offices of the Federal Highway Admin-
6 istration to work with the applicable State department of
7 transportation that requests assistance under this sec-
8 tion—

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

11 (2) to expeditiously review and facilitate re-
12 quests from States to reclassify roads classified as
13 principal arterials; and

14 (3) in the case of a State that requests the
15 withdrawal of reclassified roads from the National
16 Highway System under section 103(b)(3) of title 23,
17 United States Code, to carry out that withdrawal if
18 the inclusion of the reclassified road in the National
19 Highway System is not consistent with the needs
20 and priorities of the community or region in which
21 the reclassified road is located.

22 (c) NATIONAL HIGHWAY SYSTEM MODIFICATION
23 REGULATIONS.—The Secretary shall—

24 (1) review the National Highway System modi-
25 fication process described in appendix D of part 470

1 of title 23, Code of Federal Regulations (or suc-
2 cessor regulations); and

3 (2) take any action necessary to ensure that a
4 State may submit to the Secretary a request to mod-
5 ify the National Highway System by withdrawing a
6 road from the National Highway System.

7 (d) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, and annually
9 thereafter, the Secretary shall submit to the Committee
10 on Environment and Public Works of the Senate and the
11 Committee on Transportation and Infrastructure of the
12 House of Representatives a report that includes a descrip-
13 tion of—

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

16 (2) the status of each request; and

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

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

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

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

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

6 (2) in clause (ii)—

7 (A) by striking “(ii) enhances” and insert-
8 ing “(ii)(I) enhances”;

9 (B) by striking the period at the end and
10 inserting “; or”; and

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

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

14 **SEC. 1123. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
15 **TRIBAL PROJECTS PROGRAM.**

16 (a) **PURPOSE.**—The Secretary shall establish a na-
17 tionally significant Federal lands and tribal projects pro-
18 gram (referred to in this section as the “program”) to pro-
19 vide funding to construct, reconstruct, or rehabilitate na-
20 tionally significant Federal lands and tribal transportation
21 projects.

22 (b) **ELIGIBLE APPLICANTS.**—

23 (1) **IN GENERAL.**—Except as provided in para-
24 graph (2), entities eligible to receive funds under
25 sections 201, 202, 203, and 204 of title 23, United

1 States Code, may apply for funding under the pro-
2 gram.

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

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

9 (1) on a Federal lands transportation facility, a
10 Federal lands access transportation facility, or a
11 tribal transportation facility (as those terms are de-
12 fined in section 101 of title 23, United States Code),
13 except that such facility is not required to be in-
14 cluded in an inventory described in section 202 or
15 203 of such title;

16 (2) for which completion of activities required
17 under the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.) has been dem-
19 onstrated through—

20 (A) a record of decision with respect to the
21 project;

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

24 (C) a determination that the project is cat-
25 egorically excluded; and

1 (3) having an estimated cost, based on the re-
2 sults of preliminary engineering, equal to or exceed-
3 ing \$25,000,000, with priority consideration given to
4 projects with an estimated cost equal to or exceeding
5 \$50,000,000.

6 (d) ELIGIBLE ACTIVITIES.—

7 (1) IN GENERAL.—Subject to paragraph (2), an
8 eligible applicant receiving funds under the program
9 may only use the funds for construction, reconstruc-
10 tion, and rehabilitation activities.

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

14 (e) APPLICATIONS.—Eligible applicants shall submit
15 to the Secretary an application at such time, in such form,
16 and containing such information as the Secretary may re-
17 quire.

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

21 (1) furthers the goals of the Department, in-
22 cluding state of good repair, economic competitive-
23 ness, quality of life, and safety;

24 (2) improves the condition of critical transpor-
25 tation facilities, including multimodal facilities;

1 (3) needs construction, reconstruction, or reha-
2 bilitation;

3 (4) has costs matched by funds that are not
4 provided under this section, with projects with a
5 greater percentage of other sources of matching
6 funds ranked ahead of lesser matches;

7 (5) is included in or eligible for inclusion in the
8 National Register of Historic Places;

9 (6) uses new technologies and innovations that
10 enhance the efficiency of the project;

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

14 (8) spans 2 or more States; and

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

17 (g) FEDERAL SHARE.—

18 (1) IN GENERAL.—The Federal share of the
19 cost of a project shall be up to 90 percent.

20 (2) NON-FEDERAL SHARE.—Notwithstanding
21 any other provision of law, any Federal funds other
22 than those made available under title 23 or title 49,
23 United States Code, may be used to pay the non-
24 Federal share of the cost of a project carried out
25 under this section.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$100,000,000 for each of fiscal years 2016 through 2020.
4 Such sums shall remain available for a period of 3 fiscal
5 years following the fiscal year for which the amounts are
6 appropriated.

7 **Subtitle B—Planning and**
8 **Performance Management**

9 **SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.**

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

12 (1) in subsection (a)(1)—

13 (A) by striking “people and freight and”
14 and inserting “people and freight,” and

15 (B) by inserting “and take into consider-
16 ation resiliency needs” after “urbanized areas,”;

17 (2) in subsection (c)(2) by striking “and bicycle
18 transportation facilities” and inserting “, bicycle
19 transportation facilities, and intermodal facilities
20 that support intercity transportation, including
21 intercity buses and intercity bus facilities and com-
22 muter vanpool providers”;

23 (3) in subsection (d)—

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

4 (B) by inserting after paragraph (2) the
5 following:

6 “(3) REPRESENTATION.—

7 “(A) IN GENERAL.—Designation or selec-
8 tion of officials or representatives under para-
9 graph (2) shall be determined by the metropoli-
10 tan planning organization according to the by-
11 laws or enabling statute of the organization.

12 “(B) PUBLIC TRANSPORTATION REP-
13 RESENTATIVE.—Subject to the bylaws or ena-
14 bling statute of the metropolitan planning orga-
15 nization, a representative of a provider of public
16 transportation may also serve as a representa-
17 tive of a local municipality.

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

1 (C) in paragraph (5) as so redesignated by
2 striking “paragraph (5)” and inserting “para-
3 graph (6)”;

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

6 (5) in subsection (g)(3)(A) by inserting “tour-
7 ism, natural disaster risk reduction,” after “eco-
8 nomic development,”;

9 (6) in subsection (h)—

10 (A) in paragraph (1)—

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

13 (ii) in subparagraph (H) by striking
14 the period at the end and inserting a semi-
15 colon; and

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

18 “(I) improve the resiliency and reliability
19 of the transportation system and reduce or
20 mitigate stormwater impacts of surface trans-
21 portation; and

22 “(J) enhance travel and tourism.”; and

23 (B) in paragraph (2)(A) by striking “and
24 in section 5301(c) of title 49” and inserting

1 “and the general purposes described in section
2 5301 of title 49”;

3 (7) in subsection (i)—

4 (A) in paragraph (2)—

5 (i) in subparagraph (A)(i) by striking
6 “transit,” and inserting “public transpor-
7 tation facilities, intercity bus facilities,”;

8 (ii) in subparagraph (G)—

9 (I) by striking “and provide” and
10 inserting “, provide”; and

11 (II) by inserting “, and reduce
12 the vulnerability of the existing trans-
13 portation infrastructure to natural
14 disasters” before the period at the
15 end; and

16 (iii) in subparagraph (H) by inserting
17 “including consideration of the role that
18 intercity buses may play in reducing con-
19 gestion, pollution, and energy consumption
20 in a cost-effective manner and strategies
21 and investments that preserve and enhance
22 intercity bus systems, including systems
23 that are privately owned and operated” be-
24 fore the period at the end;

25 (B) in paragraph (6)(A)—

1 (i) by inserting “public ports,” before
2 “freight shippers,”; and

3 (ii) by inserting “(including intercity
4 bus operators, employer-based commuting
5 programs, such as a carpool program, van-
6 pool program, transit benefit program,
7 parking cash-out program, shuttle pro-
8 gram, or telework program)” after “private
9 providers of transportation”; and

10 (C) in paragraph (8) by striking “para-
11 graph (2)(C)” and inserting “paragraph
12 (2)(E)” each place it appears;
13 (8) in subsection (k)(3)—

14 (A) in subparagraph (A) by inserting “(in-
15 cluding intercity bus operators, employer-based
16 commuting programs such as a carpool pro-
17 gram, vanpool program, transit benefit pro-
18 gram, parking cash-out program, shuttle pro-
19 gram, or telework program), job access
20 projects,” after “reduction”; and

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

22 “(C) CONGESTION MANAGEMENT PLAN.—
23 A metropolitan planning organization serving a
24 transportation management area may develop a
25 plan that includes projects and strategies that

1 will be considered in the TIP of such metropoli-
2 tan planning organization. Such plan shall—

3 “(i) develop regional goals to reduce
4 vehicle miles traveled during peak com-
5 muting hours and improve transportation
6 connections between areas with high job
7 concentration and areas with high con-
8 centrations of low-income households;

9 “(ii) identify existing public transpor-
10 tation services, employer-based commuter
11 programs, and other existing transpor-
12 tation services that support access to jobs
13 in the region; and

14 “(iii) identify proposed projects and
15 programs to reduce congestion and in-
16 crease job access opportunities.

17 “(D) PARTICIPATION.—In developing the
18 plan under subparagraph (C), a metropolitan
19 planning organization shall consult with em-
20 ployers, private and nonprofit providers of pub-
21 lic transportation, transportation management
22 organizations, and organizations that provide
23 job access reverse commute projects or job-re-
24 lated services to low-income individuals.”;

25 (9) in subsection (l)—

1 (A) by adding a period at the end of para-
2 graph (1); and

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

6 (10) in subsection (n)(1) by inserting “49”
7 after “chapter 53 of title”;

8 (11) in subsection (p) by striking “Funds set
9 aside under section 104(f)” and inserting “Funds
10 apportioned under paragraphs (5)(D) and (6) of sec-
11 tion 104(b)”;

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

13 “(r) BI-STATE METROPOLITAN PLANNING ORGANI-
14 ZATION.—

15 “(1) DEFINITION OF BI-STATE MPO REGION.—

16 In this subsection, the term ‘Bi-State MPO Region’
17 has the meaning given the term ‘region’ in sub-
18 section (a) of Article II of the Lake Tahoe Regional
19 Planning Compact (Public Law 96–551; 94 Stat.
20 3234).

21 “(2) TREATMENT.—For the purpose of this
22 title, the Bi-State MPO Region shall be treated as—

23 “(A) a metropolitan planning organization;

24 “(B) a transportation management area
25 under subsection (k); and

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

5 “(3) SUBALLOCATED FUNDING.—

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

13 “(i) calculate the population under
14 each of those clauses;

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

20 “(iii) increase the amount under sec-
21 tion 133(d)(1)(A)(i) by the population
22 specified in paragraph (2) of this sub-
23 section for the Bi-State MPO Region in
24 that State.

1 “(B) STBGP SET ASIDE.—In determining
2 the amounts under paragraph (2) of section
3 133(h) that shall be obligated for a fiscal year
4 in the States of California and Nevada, the Sec-
5 retary shall, for the purpose of that subsection,
6 calculate the populations for each of those
7 States in a manner consistent with subpara-
8 graph (A).”.

9 **SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANS-**
10 **PORTATION PLANNING.**

11 Section 135 of title 23, United States Code, is
12 amended—

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

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (G) by striking
22 “and” at the end;

23 (ii) in subparagraph (H) by striking
24 the period at the end and inserting a semi-
25 colon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(I) improve the resiliency and reliability
4 of the transportation system and reduce or
5 mitigate stormwater impacts of surface trans-
6 portation; and

7 “(J) enhance travel and tourism.”; and

8 (B) in paragraph (2)—

9 (i) in subparagraph (A) by striking
10 “and in section 5301(c) of title 49” and
11 inserting “and the general purposes de-
12 scribed in section 5301 of title 49”;

13 (ii) in subparagraph (B)(ii) by strik-
14 ing “urbanized”; and

15 (iii) in subparagraph (C) by striking
16 “urbanized”;

17 (3) in subsection (f)—

18 (A) in paragraph (3)(A)(ii)—

19 (i) by inserting “public ports,” before
20 “freight shippers,”; and

21 (ii) by inserting “(including intercity
22 bus operators, employer-based commuting
23 programs, such as a carpool program, van-
24 pool program, transit benefit program,
25 parking cash-out program, shuttle pro-

1 gram, or telework program)” after “private
2 providers of transportation”; and

3 (B) in paragraph (7), in the matter pre-
4 ceding subparagraph (A), by striking “should”
5 and inserting “shall”; and

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

14 (4) in subsection (g)(3)—

15 (A) by inserting “public ports,” before
16 “freight shippers”; and

17 (B) by inserting “(including intercity bus
18 operators),” after “private providers of trans-
19 portation”.

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

3 **SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CER-**
4 **TAIN HISTORIC SITES.**

5 (a) HIGHWAYS.—Section 138 of title 23, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
9 TAIN HISTORIC SITES.—

10 “(1) IN GENERAL.—The Secretary shall—

11 “(A) align, to the maximum extent prac-
12 ticable, with the requirements of the National
13 Environmental Policy Act of 1969 (42 U.S.C.
14 4321 et seq.) and section 306108 of title 54, in-
15 cluding implementing regulations; and

16 “(B) not later than 90 days after the date
17 of enactment of this subsection, coordinate with
18 the Secretary of the Interior and the Executive
19 Director of the Advisory Council on Historic
20 Preservation (referred to in this subsection as
21 the ‘Council’) to establish procedures to satisfy
22 the requirements described in subparagraph (A)
23 (including regulations).

24 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

1 “(A) IN GENERAL.—If, in an analysis re-
2 quired under the National Environmental Pol-
3 icy Act of 1969 (42 U.S.C. 4321 et seq.), the
4 Secretary determines that there is no feasible or
5 prudent alternative to avoid use of a historic
6 site, the Secretary may—

7 “(i) include the determination of the
8 Secretary in the analysis required under
9 that Act;

10 “(ii) provide a notice of the deter-
11 mination to—

12 “(I) each applicable State his-
13 toric preservation officer and tribal
14 historic preservation officer;

15 “(II) the Council, if the Council
16 is participating in the consultation
17 process under section 306108 of title
18 54; and

19 “(III) the Secretary of the Inte-
20 rior; and

21 “(iii) request from the applicable pres-
22 ervation officer, the Council, and the Sec-
23 retary of the Interior a concurrence that
24 the determination is sufficient to satisfy
25 subsection (a)(1).

1 “(B) CONCURRENCE.—If the applicable
2 preservation officer, the Council, and the Sec-
3 retary of the Interior each provide a concur-
4 rence requested under subparagraph (A)(iii), no
5 further analysis under subsection (a)(1) shall be
6 required.

7 “(C) PUBLICATION.—A notice of a deter-
8 mination, together with each relevant concur-
9 rence to that determination, under subpara-
10 graph (A) shall—

11 “(i) be included in the record of deci-
12 sion or finding of no significant impact of
13 the Secretary; and

14 “(ii) be posted on an appropriate Fed-
15 eral website by not later than 3 days after
16 the date of receipt by the Secretary of all
17 concurrences requested under subpara-
18 graph (A)(iii).

19 “(3) ALIGNING HISTORICAL REVIEWS.—

20 “(A) IN GENERAL.—If the Secretary, the
21 applicable preservation officer, the Council, and
22 the Secretary of the Interior concur that no fea-
23 sible and prudent alternative exists as described
24 in paragraph (2), the Secretary may provide to
25 the applicable preservation officer, the Council,

1 and the Secretary of the Interior notice of the
2 intent of the Secretary to satisfy subsection
3 (a)(2) through the consultation requirements of
4 section 306108 of title 54.

5 “(B) SATISFACTION OF CONDITIONS.—To
6 satisfy subsection (a)(2), each individual de-
7 scribed in paragraph (2)(A)(ii) shall concur in
8 the treatment of the applicable historic site de-
9 scribed in the memorandum of agreement or
10 programmatic agreement developed under sec-
11 tion 306108 of title 54.”.

12 (b) PUBLIC TRANSPORTATION.—Section 303 of title
13 49, United States Code, is amended by adding at the end
14 the following:

15 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
16 TAIN HISTORIC SITES.—

17 “(1) IN GENERAL.—The Secretary shall—

18 “(A) align, to the maximum extent prac-
19 ticable, the requirements of this section with
20 the requirements of the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.)
22 and section 306108 of title 54, including imple-
23 menting regulations; and

24 “(B) not later than 90 days after the date
25 of enactment of this subsection, coordinate with

1 the Secretary of the Interior and the Executive
2 Director of the Advisory Council on Historic
3 Preservation (referred to in this subsection as
4 the ‘Council’) to establish procedures to satisfy
5 the requirements described in subparagraph (A)
6 (including regulations).

7 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

8 “(A) IN GENERAL.—If, in an analysis re-
9 quired under the National Environmental Pol-
10 icy Act of 1969 (42 U.S.C. 4321 et seq.), the
11 Secretary determines that there is no feasible or
12 prudent alternative to avoid use of a historic
13 site, the Secretary may—

14 “(i) include the determination of the
15 Secretary in the analysis required under
16 that Act;

17 “(ii) provide a notice of the deter-
18 mination to—

19 “(I) each applicable State his-
20 toric preservation officer and tribal
21 historic preservation officer;

22 “(II) the Council, if the Council
23 is participating in the consultation
24 process under section 306108 of title
25 54; and

1 “(III) the Secretary of the Inte-
2 rior; and

3 “(iii) request from the applicable pres-
4 ervation officer, the Council, and the Sec-
5 retary of the Interior a concurrence that
6 the determination is sufficient to satisfy
7 subsection (c)(1).

8 “(B) CONCURRENCE.—If the applicable
9 preservation officer, the Council, and the Sec-
10 retary of the Interior each provide a concur-
11 rence requested under subparagraph (A)(iii), no
12 further analysis under subsection (c)(1) shall be
13 required.

14 “(C) PUBLICATION.—A notice of a deter-
15 mination, together with each relevant concur-
16 rence to that determination, under subpara-
17 graph (A) shall—

18 “(i) be included in the record of deci-
19 sion or finding of no significant impact of
20 the Secretary; and

21 “(ii) be posted on an appropriate Fed-
22 eral website by not later than 3 days after
23 the date of receipt by the Secretary of all
24 concurrences requested under subpara-
25 graph (A)(iii).

1 “(3) ALIGNING HISTORICAL REVIEWS.—

2 “(A) IN GENERAL.—If the Secretary, the
3 applicable preservation officer, the Council, and
4 the Secretary of the Interior concur that no fea-
5 sible and prudent alternative exists as described
6 in paragraph (2), the Secretary may provide to
7 the applicable preservation officer, the Council,
8 and the Secretary of the Interior notice of the
9 intent of the Secretary to satisfy subsection
10 (c)(2) through the consultation requirements of
11 section 306108 of title 54.

12 “(B) SATISFACTION OF CONDITIONS.—To
13 satisfy subsection (c)(2), the applicable preser-
14 vation officer, the Council, and the Secretary of
15 the Interior shall concur in the treatment of the
16 applicable historic site described in the memo-
17 randum of agreement or programmatic agree-
18 ment developed under section 306108 of title
19 54.”.

20 **SEC. 1302. CLARIFICATION OF TRANSPORTATION ENVIRON-**
21 **MENTAL AUTHORITIES.**

22 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
23 United States Code, as amended by section 1301, is
24 amended by adding at the end the following:

1 “(d) REFERENCES TO PAST TRANSPORTATION ENVI-
2 RONMENTAL AUTHORITIES.—

3 “(1) SECTION 4(F) REQUIREMENTS.—The re-
4 quirements of this section are commonly referred to
5 as section 4(f) requirements (see section 4(f) of the
6 Department of Transportation Act (Public Law 89–
7 670; 80 Stat. 934) as in effect before the repeal of
8 that section).

9 “(2) SECTION 106 REQUIREMENTS.—The re-
10 quirements of section 306108 of title 54 are com-
11 monly referred to as section 106 requirements (see
12 section 106 of the National Historic Preservation
13 Act of 1966 (Public Law 89–665; 80 Stat. 917) as
14 in effect before the repeal of that section).”.

15 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
16 United States Code, as amended by section 1301, is
17 amended by adding at the end the following:

18 “(f) REFERENCES TO PAST TRANSPORTATION ENVI-
19 RONMENTAL AUTHORITIES.—

20 “(1) SECTION 4(F) REQUIREMENTS.—The re-
21 quirements of this section are commonly referred to
22 as section 4(f) requirements (see section 4(f) of the
23 Department of Transportation Act (Public Law 89–
24 670; 80 Stat. 934) as in effect before the repeal of
25 that section).

1 “(2) SECTION 106 REQUIREMENTS.—The re-
2 quirements of section 306108 of title 54 are com-
3 monly referred to as section 106 requirements (see
4 section 106 of the National Historic Preservation
5 Act of 1966 (Public Law 89–665; 80 Stat. 917) as
6 in effect before the repeal of that section).”.

7 **SEC. 1303. TREATMENT OF CERTAIN BRIDGES UNDER**
8 **PRESERVATION REQUIREMENTS.**

9 (a) PRESERVATION OF PARKLANDS.—Section 138 of
10 title 23, United States Code, as amended by section 1302,
11 is amended by adding at the end the following:

12 “(e) BRIDGE EXEMPTION FROM CONSIDERATION.—
13 A common post-1945 concrete or steel bridge or culvert
14 (as described in 77 Fed. Reg. 68790) that is exempt from
15 individual review under section 306108 of title 54 shall
16 be exempt from consideration under this section.”.

17 (b) POLICY ON LANDS, WILDLIFE AND WATERFOWL
18 REFUGES, AND HISTORIC SITES.—Section 303 of title 49,
19 United States Code, as amended by section 1302, is
20 amended by adding at the end the following:

21 “(g) BRIDGE EXEMPTION FROM CONSIDERATION.—
22 A common post-1945 concrete or steel bridge or culvert
23 (as described in 77 Fed. Reg. 68790) that is exempt from
24 individual review under section 306108 of title 54 shall
25 be exempt from consideration under this section.”.

1 **SEC. 1304. EFFICIENT ENVIRONMENTAL REVIEWS FOR**
2 **PROJECT DECISIONMAKING.**

3 (a) DEFINITIONS.—Section 139(a) of title 23, United
4 States Code, is amended—

5 (1) by striking paragraph (5) and inserting the
6 following:

7 “(5) MULTIMODAL PROJECT.—The term
8 ‘multimodal project’ means a project that requires
9 the approval of more than 1 Department of Trans-
10 portation operating administration or secretarial of-
11 fice.”; and

12 (2) by striking paragraph (6) and inserting the
13 following:

14 “(6) PROJECT.—

15 “(A) IN GENERAL.—The term ‘project’
16 means any highway project, public transpor-
17 tation capital project, or multimodal project
18 that, if implemented as proposed by the project
19 sponsor, would require approval by any oper-
20 ating administration or secretarial office within
21 the Department of Transportation.

22 “(B) CONSIDERATIONS.—In determining
23 whether a project is a project under subpara-
24 graph (A), the Secretary shall take into ac-
25 count, if known, any sources of Federal funding
26 or financing identified by the project sponsor,

1 including any discretionary grant, loan, and
2 loan guarantee programs administered by the
3 Department of Transportation.”.

4 (b) APPLICABILITY.—Section 139(b)(3) of title 23,
5 United States Code, is amended—

6 (1) in subparagraph (A) in the matter pre-
7 ceding clause (i) by striking “initiate a rulemaking
8 to”; and

9 (2) by striking subparagraph (B) and inserting
10 the following:

11 “(B) REQUIREMENTS.—In carrying out
12 subparagraph (A), the Secretary shall ensure
13 that programmatic reviews—

14 “(i) promote transparency, including
15 the transparency of—

16 “(I) the analyses and data used
17 in the environmental reviews;

18 “(II) the treatment of any de-
19 ferred issues raised by agencies or the
20 public; and

21 “(III) the temporal and spatial
22 scales to be used to analyze issues
23 under subclauses (I) and (II);

24 “(ii) use accurate and timely informa-
25 tion, including through establishment of—

1 “(I) criteria for determining the
2 general duration of the usefulness of
3 the review; and

4 “(II) a timeline for updating an
5 out-of-date review;

6 “(iii) describe—

7 “(I) the relationship between any
8 programmatic analysis and future
9 tiered analysis; and

10 “(II) the role of the public in the
11 creation of future tiered analysis;

12 “(iv) are available to other relevant
13 Federal and State agencies, Indian tribes,
14 and the public; and

15 “(v) provide notice and public com-
16 ment opportunities consistent with applica-
17 ble requirements.”.

18 (c) FEDERAL LEAD AGENCY.—Section 139(c) of title
19 23, United States Code, is amended—

20 (1) in paragraph (1)(A) by inserting “, or an
21 operating administration thereof designated by the
22 Secretary,” after “Department of Transportation”;
23 and

24 (2) in paragraph (6)—

1 (A) in subparagraph (A) by striking “and”
2 at the end;

3 (B) in subparagraph (B) by striking the
4 period at the end and inserting “; and”; and

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

6 “(C) to consider and respond to comments
7 received from participating agencies on matters
8 within the special expertise or jurisdiction of
9 those agencies.”.

10 (d) PARTICIPATING AGENCIES.—

11 (1) INVITATION.—Section 139(d)(2) of title 23,
12 United States Code, is amended by striking “The
13 lead agency shall identify, as early as practicable in
14 the environmental review process for a project,” and
15 inserting “Not later than 45 days after the date of
16 publication of a notice of intent to prepare an envi-
17 ronmental impact statement or the initiation of an
18 environmental assessment, the lead agency shall
19 identify”.

20 (2) SINGLE NEPA DOCUMENT.—Section 139(d)
21 of title 23, United States Code, is amended by add-
22 ing at the end the following:

23 “(8) SINGLE NEPA DOCUMENT.—

24 “(A) IN GENERAL.—Except as inconsistent
25 with paragraph (7), to the maximum extent

1 practicable and consistent with Federal law, all
2 Federal permits and reviews for a project shall
3 rely on a single environment document prepared
4 under the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.) under the lead-
6 ership of the lead agency.

7 “(B) USE OF DOCUMENT.—

8 “(i) IN GENERAL.—To the maximum
9 extent practicable, the lead agency shall
10 develop an environmental document suffi-
11 cient to satisfy the requirements for any
12 Federal approval or other Federal action
13 required for the project, including permits
14 issued by other Federal agencies.

15 “(ii) COOPERATION OF PARTICI-
16 PATING AGENCIES.—Other participating
17 agencies shall cooperate with the lead
18 agency and provide timely information to
19 help the lead agency carry out this sub-
20 paragraph.

21 “(C) TREATMENT AS PARTICIPATING AND
22 COOPERATING AGENCIES.—A Federal agency
23 required to make an approval or take an action
24 for a project, as described in subparagraph (B),
25 shall work with the lead agency for the project

1 to ensure that the agency making the approval
2 or taking the action is treated as being both a
3 participating and cooperating agency for the
4 project.

5 “(9) PARTICIPATING AGENCY RESPONSIBIL-
6 ITIES.—An agency participating in the environ-
7 mental review process under this section shall—

8 “(A) provide comments, responses, studies,
9 or methodologies on those areas within the spe-
10 cial expertise or jurisdiction of the agency; and

11 “(B) use the process to address any envi-
12 ronmental issues of concern to the agency.”.

13 (e) PROJECT INITIATION.—Section 139(e) of title 23,
14 United States Code, is amended—

15 (1) in paragraph (1) by inserting “(including
16 any additional information that the project sponsor
17 considers to be important to initiate the process for
18 the proposed project)” after “general location of the
19 proposed project”; and

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

21 “(3) REVIEW OF APPLICATION.—Not later than
22 45 days after the date on which the Secretary re-
23 ceives notification under paragraph (1), the Sec-
24 retary shall provide to the project sponsor a written
25 response that, as applicable—

1 “(A) describes the determination of the
2 Secretary—

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

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

11 “(B) requests additional information, and
12 provides to the project sponsor an accounting
13 regarding what documentation is necessary to
14 initiate the environmental review process.

15 “(4) REQUEST TO DESIGNATE A LEAD AGEN-
16 CY.—

17 “(A) IN GENERAL.—Any project sponsor
18 may submit to the Secretary a request to des-
19 ignate the operating administration or secre-
20 tarial office within the Department of Trans-
21 portation with the expertise on the proposed
22 project to serve as the Federal lead agency for
23 the project.

24 “(B) SECRETARIAL ACTION.—

1 “(i) IN GENERAL.—If the Secretary
2 receives a request under subparagraph (A),
3 the Secretary shall respond to the request
4 not later than 45 days after the date of re-
5 ceipt.

6 “(ii) REQUIREMENTS.—The response
7 under clause (i) shall—

8 “(I) approve the request;

9 “(II) deny the request, with an
10 explanation of the reasons for the de-
11 nial; or

12 “(III) require the submission of
13 additional information.

14 “(iii) ADDITIONAL INFORMATION.—If
15 additional information is submitted in ac-
16 cordance with clause (ii)(III), the Sec-
17 retary shall respond to the submission not
18 later than 45 days after the date of re-
19 ceipt.

20 “(5) ENVIRONMENTAL CHECKLIST.—

21 “(A) DEVELOPMENT.—The lead agency
22 for a project, in consultation with participating
23 agencies, shall develop, as appropriate, a check-
24 list to help project sponsors identify potential

1 natural, cultural, and historic resources in the
2 area of the project.

3 “(B) PURPOSE.—The purposes of the
4 checklist are—

5 “(i) to identify agencies and organiza-
6 tions that can provide information about
7 natural, cultural, and historic resources;

8 “(ii) to develop the information need-
9 ed to determine the range of alternatives;
10 and

11 “(iii) to improve interagency collabo-
12 ration to help expedite the permitting proc-
13 ess for the lead agency and participating
14 agencies.”.

15 (f) PURPOSE AND NEED.—Section 139(f) of title 23,
16 United States Code, is amended—

17 (1) in the subsection heading by inserting “;
18 ALTERNATIVES ANALYSIS” after “NEED”; and

19 (2) in paragraph (4)—

20 (A) by striking subparagraph (A) and in-
21 serting the following:

22 “(A) PARTICIPATION.—

23 “(i) IN GENERAL.—As early as prac-
24 ticable during the environmental review
25 process, the lead agency shall provide an

1 opportunity for involvement by partici-
2 pating agencies and the public in deter-
3 mining the range of alternatives to be con-
4 sidered for a project.

5 “(ii) COMMENTS OF PARTICIPATING
6 AGENCIES.—To the maximum extent prac-
7 ticable and consistent with applicable law,
8 each participating agency receiving an op-
9 portunity for involvement under clause (i)
10 shall limit the comments of the agency to
11 subject matter areas within the special ex-
12 pertise or jurisdiction of the agency.

13 “(iii) EFFECT OF NONPARTICIPATION.—A participating agency that de-
14 clines to participate in the development of
15 the purpose and need and range of alter-
16 natives for a project shall be required to
17 comply with the schedule developed under
18 subsection (g)(1)(B).”;

19
20 (B) in subparagraph (B)—

21 (i) by striking “Following participa-
22 tion under paragraph (1)” and inserting
23 the following:

1 “(i) DETERMINATION.—Following
2 participation under subparagraph (A)”;
3 and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(ii) USE.—To the maximum extent
7 practicable and consistent with Federal
8 law, the range of alternatives determined
9 for a project under clause (i) shall be used
10 for all Federal environmental reviews and
11 permit processes required for the project
12 unless the alternatives must be modified—

13 “(I) to address significant new
14 information or circumstances, and the
15 lead agency and participating agencies
16 agree that the alternatives must be
17 modified to address the new informa-
18 tion or circumstances; or

19 “(II) for the lead agency or a
20 participating agency to fulfill the re-
21 sponsibilities of the agency under the
22 National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.) in a
24 timely manner.”; and

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

1 “(E) REDUCTION OF DUPLICATION.—

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

6 “(I) the evaluation of alternatives
7 under the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321
9 et seq.); and

10 “(II) the evaluation of alter-
11 natives in the metropolitan transpor-
12 tation planning process under section
13 134 or an environmental review proc-
14 ess carried out under State law (re-
15 ferred to in this subparagraph as a
16 ‘State environmental review process’).

17 “(ii) CONSIDERATION OF ALTER-
18 NATIVES.—The lead agency may eliminate
19 from detailed consideration an alternative
20 proposed in an environmental impact state-
21 ment regarding a project if, as determined
22 by the lead agency—

23 “(I) the alternative was consid-
24 ered in a metropolitan planning proc-
25 ess or a State environmental review

1 process by a metropolitan planning or-
2 ganization or a State or local trans-
3 portation agency, as applicable;

4 “(II) the lead agency provided
5 guidance to the metropolitan planning
6 organization or State or local trans-
7 portation agency, as applicable, re-
8 garding analysis of alternatives in the
9 metropolitan planning process or
10 State environmental review process,
11 including guidance on the require-
12 ments of the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4321
14 et seq.) and any other Federal law
15 necessary for approval of the project;

16 “(III) the applicable metropolitan
17 planning process or State environ-
18 mental review process included an op-
19 portunity for public review and com-
20 ment;

21 “(IV) the applicable metropolitan
22 planning organization or State or
23 local transportation agency rejected
24 the alternative after considering pub-
25 lic comments;

1 “(V) the Federal lead agency
2 independently reviewed the alternative
3 evaluation approved by the applicable
4 metropolitan planning organization or
5 State or local transportation agency;
6 and

7 “(VI) the Federal lead agency
8 determined—

9 “(aa) in consultation with
10 Federal participating or cooper-
11 ating agencies, that the alter-
12 native to be eliminated from con-
13 sideration is not necessary for
14 compliance with the National En-
15 vironmental Policy Act of 1969
16 (42 U.S.C. 4321 et seq.); or

17 “(bb) with the concurrence
18 of Federal agencies with jurisdic-
19 tion over a permit or approval re-
20 quired for a project, that the al-
21 ternative to be eliminated from
22 consideration is not necessary for
23 any permit or approval under any
24 other Federal law.”.

25 (g) COORDINATION AND SCHEDULING.—

1 (1) COORDINATION PLAN.—Section 139(g)(1)
2 of title 23, United States Code, is amended—

3 (A) in subparagraph (A) by striking “The
4 lead agency” and inserting “Not later than 90
5 days after the date of publication of a notice of
6 intent to prepare an environmental impact
7 statement or the initiation of an environmental
8 assessment, the lead agency”; and

9 (B) in subparagraph (B)(i) by striking
10 “may establish as part of the coordination
11 plan” and inserting “shall establish as part of
12 such coordination plan”.

13 (2) DEADLINES FOR DECISIONS UNDER OTHER
14 LAWS.—Section 139(g)(3) of title 23, United States
15 Code, is amended in the matter preceding subpara-
16 graph (A) by inserting “and publish on the Inter-
17 net” after “House of Representatives”.

18 (h) ISSUE IDENTIFICATION AND RESOLUTION.—

19 (1) ISSUE RESOLUTION.—Section 139(h) of
20 title 23, United States Code, is amended—

21 (A) by redesignating paragraphs (4)
22 through (7) as paragraphs (5) through (8), re-
23 spectively; and

24 (B) by inserting after paragraph (3) the
25 following:

1 “(4) ISSUE RESOLUTION.—Any issue resolved
2 by the lead agency with the concurrence of partici-
3 pating agencies may not be reconsidered unless sig-
4 nificant new information or circumstances arise.”.

5 (2) FAILURE TO ASSURE.—Section
6 139(h)(5)(C) of title 23, United States Code (as re-
7 designated by paragraph (1)(A)), is amended by
8 striking “paragraph (5) and” and inserting “para-
9 graph (6)”.

10 (3) FINANCIAL PENALTY PROVISIONS.—Section
11 139(h)(7)(B) of title 23, United States Code (as re-
12 designated by paragraph (1)(A)), is amended—

13 (A) in clause (i)(I) by striking “under sec-
14 tion 106(i) is required” and inserting “is re-
15 quired under subsection (h) or (i) of section
16 106”; and

17 (B) by striking clause (ii) and inserting the
18 following:

19 “(ii) DESCRIPTION OF DATE.—The
20 date referred to in clause (i) is—

21 “(I) the date that is 30 days
22 after the date for rendering a decision
23 as described in the project schedule
24 established pursuant to subsection
25 (g)(1)(B);

1 “(II) if no schedule exists, the
2 later of—

3 “(aa) the date that is 180
4 days after the date on which an
5 application for the permit, li-
6 cense, or approval is complete;
7 and

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

15 “(III) a modified date in accord-
16 ance with subsection (g)(1)(D).”.

17 (i) ASSISTANCE TO AFFECTED STATE AND FEDERAL
18 AGENCIES.—

19 (1) IN GENERAL.—Section 139(j) of title 23,
20 United States Code, is amended by striking para-
21 graph (1) and inserting the following:

22 “(1) IN GENERAL.—

23 “(A) AUTHORITY TO PROVIDE FUNDS.—

24 The Secretary may allow a public entity receiv-
25 ing financial assistance from the Department of

1 Transportation under this title or chapter 53 of
2 title 49 to provide funds to Federal agencies
3 (including the Department), State agencies, and
4 Indian tribes participating in the environmental
5 review process for the project or program.

6 “(B) USE OF FUNDS.—Funds referred to
7 in subparagraph (A) may be provided only to
8 support activities that directly and meaningfully
9 contribute to expediting and improving permit-
10 ting and review processes, including planning,
11 approval, and consultation processes for the
12 project or program.”.

13 (2) ACTIVITIES ELIGIBLE FOR FUNDING.—Sec-
14 tion 139(j)(2) of title 23, United States Code, is
15 amended by inserting “activities directly related to
16 the environmental review process,” before “dedicated
17 staffing,”.

18 (3) AGREEMENT.—Section 139(j) of title 23,
19 United States Code, is amended by striking para-
20 graph (6) and inserting the following:

21 “(6) AGREEMENT.—Prior to providing funds
22 approved by the Secretary for dedicated staffing at
23 an affected agency under paragraphs (1) and (2),
24 the affected agency and the requesting public entity
25 shall enter into an agreement that establishes the

1 projects and priorities to be addressed by the use of
2 the funds.”.

3 (j) ACCELERATED DECISIONMAKING; IMPROVING
4 TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

5 (1) IN GENERAL.—Section 139 of title 23,
6 United States Code, is amended by adding at the
7 end the following:

8 “(n) ACCELERATED DECISIONMAKING IN ENVIRON-
9 MENTAL REVIEWS.—

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

21 “(A) cite the sources, authorities, and rea-
22 sons that support the position of the agency;
23 and

1 “(B) if appropriate, indicate the cir-
2 cumstances that would trigger agency re-
3 appraisal or further response.

4 “(2) SINGLE DOCUMENT.—To the maximum
5 extent practicable, the lead agency shall expedi-
6 tiously develop a single document that consists of a
7 final environmental impact statement and a record
8 of decision, unless—

9 “(A) the final environmental impact state-
10 ment makes substantial changes to the pro-
11 posed action that are relevant to environmental
12 or safety concerns; or

13 “(B) there is a significant new cir-
14 cumstance or information relevant to environ-
15 mental concerns that bears on the proposed ac-
16 tion or the impacts of the proposed action.

17 “(o) IMPROVING TRANSPARENCY IN ENVIRON-
18 MENTAL REVIEWS.—

19 “(1) IN GENERAL.—Not later than 18 months
20 after the date of enactment of this subsection, the
21 Secretary shall—

22 “(A) use the searchable Internet website
23 maintained under section 41003(b) of the
24 FAST Act—

1 “(i) to make publicly available the sta-
2 tus and progress of projects requiring an
3 environmental assessment or an environ-
4 mental impact statement with respect to
5 compliance with applicable requirements of
6 the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) and any
8 other Federal, State, or local approval re-
9 quired for those projects; and

10 “(ii) to make publicly available the
11 names of participating agencies not partici-
12 pating in the development of a project pur-
13 pose and need and range of alternatives
14 under subsection (f); and

15 “(B) issue reporting standards to meet the
16 requirements of subparagraph (A).

17 “(2) FEDERAL, STATE, AND LOCAL AGENCY
18 PARTICIPATION.—

19 “(A) FEDERAL AGENCIES.—A Federal
20 agency participating in the environmental re-
21 view or permitting process for a project shall
22 provide to the Secretary information regarding
23 the status and progress of the approval of the
24 project for publication on the Internet website
25 referred to in paragraph (1)(A), consistent with

1 the standards established under paragraph
2 (1)(B).

3 “(B) STATE AND LOCAL AGENCIES.—The
4 Secretary shall encourage State and local agen-
5 cies participating in the environmental review
6 permitting process for a project to provide in-
7 formation regarding the status and progress of
8 the approval of the project for publication on
9 the Internet website referred to in paragraph
10 (1)(A).

11 “(3) STATES WITH DELEGATED AUTHORITY.—
12 A State with delegated authority for responsibilities
13 under the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.) pursuant to section
15 327 shall be responsible for supplying to the Sec-
16 retary project development and compliance status
17 for all applicable projects.”.

18 (2) CONFORMING AMENDMENT.—Section 1319
19 of MAP-21 (42 U.S.C. 4332a), and the item relat-
20 ing to that section in the table of contents contained
21 in section 1(c) of that Act, are repealed.

22 (k) IMPLEMENTATION OF PROGRAMMATIC COMPLI-
23 ANCE.—

24 (1) RULEMAKING.—Not later than 1 year after
25 the date of enactment of this Act, the Secretary

1 shall complete a rulemaking to implement the provi-
2 sions of section 139(b)(3) of title 23, United States
3 Code, as amended by this section.

4 (2) CONSULTATION.—Before initiating the rule-
5 making under paragraph (1), the Secretary shall
6 consult with relevant Federal agencies, relevant
7 State resource agencies, State departments of trans-
8 portation, Indian tribes, and the public on the ap-
9 propriate use and scope of the programmatic ap-
10 proaches.

11 (3) REQUIREMENTS.—In carrying out this sub-
12 section, the Secretary shall ensure that the rule-
13 making meets the requirements of section
14 139(b)(3)(B) of title 23, United States Code, as
15 amended by this section.

16 (4) COMMENT PERIOD.—The Secretary shall—
17 (A) allow not fewer than 60 days for public
18 notice and comment on the proposed rule; and
19 (B) address any comments received under
20 this subsection.

21 **SEC. 1305. INTEGRATION OF PLANNING AND ENVIRON-**
22 **MENTAL REVIEW.**

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

1 **“§ 168. Integration of planning and environmental re-**
2 **view**

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

5 “(1) ENVIRONMENTAL REVIEW PROCESS.—The
6 term ‘environmental review process’ has the meaning
7 given the term in section 139(a).

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

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

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

20 “(5) PROJECT SPONSOR.—The term ‘project
21 sponsor’ has the meaning given the term in section
22 139(a).

23 “(6) RELEVANT AGENCY.—The term ‘relevant
24 agency’ means the agency with authority under sub-
25 paragraph (A) or (B) of subsection (b)(1).

1 “(b) ADOPTION OR INCORPORATION BY REFERENCE
2 OF PLANNING PRODUCTS FOR USE IN NEPA PRO-
3 CEEDINGS.—

4 “(1) IN GENERAL.—Subject to subsection (d)
5 and to the maximum extent practicable and appro-
6 priate, the following agencies may adopt or incor-
7 porate by reference and use a planning product in
8 proceedings relating to any class of action in the en-
9 vironmental review process of the project:

10 “(A) The lead agency for a project, with
11 respect to an environmental impact statement,
12 environmental assessment, categorical exclusion,
13 or other document prepared under the National
14 Environmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.).

16 “(B) The cooperating agency with respon-
17 sibility under Federal law, with respect to the
18 process for and completion of any environ-
19 mental permit, approval, review, or study re-
20 quired for a project under any Federal law
21 other than the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.), if con-
23 sistent with that law.

24 “(2) IDENTIFICATION.—If the relevant agency
25 makes a determination to adopt or incorporate by

1 reference and use a planning product, the relevant
2 agency shall identify the agencies that participated
3 in the development of the planning products.

4 “(3) ADOPTION OR INCORPORATION BY REF-
5 ERENCE OF PLANNING PRODUCTS.—The relevant
6 agency may—

7 “(A) adopt or incorporate by reference an
8 entire planning product under paragraph (1); or

9 “(B) select portions of a planning project
10 under paragraph (1) for adoption or incorpora-
11 tion by reference.

12 “(4) TIMING.—A determination under para-
13 graph (1) with respect to the adoption or incorpora-
14 tion by reference of a planning product may—

15 “(A) be made at the time the relevant
16 agencies decide the appropriate scope of envi-
17 ronmental review for the project; or

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

20 “(c) APPLICABILITY.—

21 “(1) PLANNING DECISIONS.—The relevant
22 agency in the environmental review process may
23 adopt or incorporate by reference decisions from a
24 planning product, including—

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

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

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

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

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

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

18 “(G) an identification of programmatic
19 level mitigation for potential impacts of a
20 project, including a programmatic mitigation
21 plan developed in accordance with section 169,
22 that the relevant agency determines are more
23 effectively addressed on a national or regional
24 scale, including—

1 “(i) measures to avoid, minimize, and
2 mitigate impacts at a national or regional
3 scale of proposed transportation invest-
4 ments on environmental resources, includ-
5 ing regional ecosystem and water re-
6 sources; and

7 “(ii) potential mitigation activities, lo-
8 cations, and investments.

9 “(2) PLANNING ANALYSES.—The relevant agen-
10 cy in the environmental review process may adopt or
11 incorporate by reference analyses from a planning
12 product, including—

13 “(A) travel demands;

14 “(B) regional development and growth;

15 “(C) local land use, growth management,
16 and development;

17 “(D) population and employment;

18 “(E) natural and built environmental con-
19 ditions;

20 “(F) environmental resources and environ-
21 mentally sensitive areas;

22 “(G) potential environmental effects, in-
23 cluding the identification of resources of con-
24 cern and potential direct, indirect, and cumu-
25 lative effects on those resources; and

1 “(H) mitigation needs for a proposed
2 project, or for programmatic level mitigation,
3 for potential effects that the lead agency deter-
4 mines are most effectively addressed at a re-
5 gional or national program level.

6 “(d) CONDITIONS.—The relevant agency in the envi-
7 ronmental review process may adopt or incorporate by ref-
8 erence a planning product under this section if the rel-
9 evant agency determines, with the concurrence of the lead
10 agency and, if the planning product is necessary for a co-
11 operating agency to issue a permit, review, or approval
12 for the project, with the concurrence of the cooperating
13 agency, that the following conditions have been met:

14 “(1) The planning product was developed
15 through a planning process conducted pursuant to
16 applicable Federal law.

17 “(2) The planning product was developed in
18 consultation with appropriate Federal and State re-
19 source agencies and Indian tribes.

20 “(3) The planning process included broad mul-
21 tidisciplinary consideration of systems-level or cor-
22 ridor-wide transportation needs and potential effects,
23 including effects on the human and natural environ-
24 ment.

1 “(4) The planning process included public no-
2 tice that the planning products produced in the plan-
3 ning process may be adopted during a subsequent
4 environmental review process in accordance with this
5 section.

6 “(5) During the environmental review process,
7 the relevant agency has—

8 “(A) made the planning documents avail-
9 able for public review and comment by members
10 of the general public and Federal, State, local,
11 and tribal governments that may have an inter-
12 est in the proposed project;

13 “(B) provided notice of the intention of the
14 relevant agency to adopt or incorporate by ref-
15 erence the planning product; and

16 “(C) considered any resulting comments.

17 “(6) There is no significant new information or
18 new circumstance that has a reasonable likelihood of
19 affecting the continued validity or appropriateness of
20 the planning product.

21 “(7) The planning product has a rational basis
22 and is based on reliable and reasonably current data
23 and reasonable and scientifically acceptable meth-
24 odologies.

1 “(8) The planning product is documented in
2 sufficient detail to support the decision or the re-
3 sults of the analysis and to meet requirements for
4 use of the information in the environmental review
5 process.

6 “(9) The planning product is appropriate for
7 adoption or incorporation by reference and use in
8 the environmental review process for the project and
9 is incorporated in accordance with, and is sufficient
10 to meet the requirements of, the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
12 and section 1502.21 of title 40, Code of Federal
13 Regulations (as in effect on the date of enactment
14 of the FAST Act).

15 “(10) The planning product was approved with-
16 in the 5-year period ending on the date on which the
17 information is adopted or incorporated by reference.

18 “(e) EFFECT OF ADOPTION OR INCORPORATION BY
19 REFERENCE.—Any planning product adopted or incor-
20 porated by reference by the relevant agency in accordance
21 with this section may be—

22 “(1) incorporated directly into an environmental
23 review process document or other environmental doc-
24 ument; and

1 “(2) relied on and used by other Federal agen-
2 cies in carrying out reviews of the project.

3 “(f) RULES OF CONSTRUCTION.—

4 “(1) IN GENERAL.—This section does not make
5 the environmental review process applicable to the
6 transportation planning process conducted under
7 this title and chapter 53 of title 49.

8 “(2) TRANSPORTATION PLANNING ACTIVI-
9 TIES.—Initiation of the environmental review proc-
10 ess as a part of, or concurrently with, transportation
11 planning activities does not subject transportation
12 plans and programs to the environmental review
13 process.

14 “(3) PLANNING PRODUCTS.—This section does
15 not affect the use of planning products in the envi-
16 ronmental review process pursuant to other authori-
17 ties under any other provision of law or restrict the
18 initiation of the environmental review process during
19 planning.”.

20 **SEC. 1306. DEVELOPMENT OF PROGRAMMATIC MITIGATION**
21 **PLANS.**

22 Section 169(f) of title 23, United States Code, is
23 amended—

24 (1) by striking “may use” and inserting “shall
25 give substantial weight to”; and

1 (2) by inserting “or other Federal environ-
2 mental law” before the period at the end.

3 **SEC. 1307. TECHNICAL ASSISTANCE FOR STATES.**

4 Section 326 of title 23, United States Code, is
5 amended—

6 (1) in subsection (c)—

7 (A) by redesignating paragraphs (2)
8 through (4) as paragraphs (3) through (5), re-
9 spectively; and

10 (B) by inserting after paragraph (1) the
11 following:

12 “(2) ASSISTANCE TO STATES.—On request of a
13 Governor of a State, the Secretary shall provide to
14 the State technical assistance, training, or other
15 support relating to—

16 “(A) assuming responsibility under sub-
17 section (a);

18 “(B) developing a memorandum of under-
19 standing under this subsection; or

20 “(C) addressing a responsibility in need of
21 corrective action under subsection (d)(1)(B).”;

22 and

23 (2) in subsection (d), by striking paragraph (1)
24 and inserting the following:

1 “(1) TERMINATION BY SECRETARY.—The Sec-
2 retary may terminate the participation of any State
3 in the program if—

4 “(A) the Secretary determines that the
5 State is not adequately carrying out the respon-
6 sibilities assigned to the State;

7 “(B) the Secretary provides to the State—

8 “(i) a notification of the determina-
9 tion of noncompliance;

10 “(ii) a period of not less than 120
11 days to take such corrective action as the
12 Secretary determines to be necessary to
13 comply with the applicable agreement; and

14 “(iii) on request of the Governor of
15 the State, a detailed description of each re-
16 sponsibility in need of corrective action re-
17 garding an inadequacy identified under
18 subparagraph (A); and

19 “(C) the State, after the notification and
20 period described in clauses (i) and (ii) of sub-
21 paragraph (B), fails to take satisfactory correc-
22 tive action, as determined by the Secretary.”.

1 **SEC. 1308. SURFACE TRANSPORTATION PROJECT DELIV-**
2 **ERY PROGRAM.**

3 Section 327 of title 23, United States Code, is
4 amended—

5 (1) in subsection (a)(2)(B)(iii) by striking “(42
6 U.S.C. 13 4321 et seq.)” and inserting “(42 U.S.C.
7 4321 et seq.)”;

8 (2) in subsection (c)(4) by inserting “reason-
9 ably” before “considers necessary”;

10 (3) in subsection (e) by inserting “and without
11 further approval of” after “in lieu of”;

12 (4) in subsection (g)—

13 (A) by striking paragraph (1) and insert-
14 ing the following:

15 “(1) IN GENERAL.—To ensure compliance by a
16 State with any agreement of the State under sub-
17 section (c) (including compliance by the State with
18 all Federal laws for which responsibility is assumed
19 under subsection (a)(2)), for each State partici-
20 pating in the program under this section, the Sec-
21 retary shall—

22 “(A) not later than 180 days after the date
23 of execution of the agreement, meet with the
24 State to review implementation of the agree-
25 ment and discuss plans for the first annual
26 audit;

1 “(B) conduct annual audits during each of
2 the first 4 years of State participation; and

3 “(C) ensure that the time period for com-
4 pleting an annual audit, from initiation to com-
5 pletion (including public comment and re-
6 sponses to those comments), does not exceed
7 180 days.”; and

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

9 “(3) AUDIT TEAM.—

10 “(A) IN GENERAL.—An audit conducted
11 under paragraph (1) shall be carried out by an
12 audit team determined by the Secretary, in con-
13 sultation with the State, in accordance with
14 subparagraph (B).

15 “(B) CONSULTATION.—Consultation with
16 the State under subparagraph (A) shall include
17 a reasonable opportunity for the State to review
18 and provide comments on the proposed mem-
19 bers of the audit team.”;

20 (5) in subsection (j) by striking paragraph (1)
21 and inserting the following:

22 “(1) TERMINATION BY SECRETARY.—The Sec-
23 retary may terminate the participation of any State
24 in the program if—

1 “(A) the Secretary determines that the
2 State is not adequately carrying out the respon-
3 sibilities assigned to the State;

4 “(B) the Secretary provides to the State—
5 “(i) a notification of the determina-
6 tion of noncompliance;

7 “(ii) a period of not less than 120
8 days to take such corrective action as the
9 Secretary determines to be necessary to
10 comply with the applicable agreement; and

11 “(iii) on request of the Governor of
12 the State, a detailed description of each re-
13 sponsibility in need of corrective action re-
14 garding an inadequacy identified under
15 subparagraph (A); and

16 “(C) the State, after the notification and
17 period provided under subparagraph (B), fails
18 to take satisfactory corrective action, as deter-
19 mined by the Secretary.”; and

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

21 “(k) CAPACITY BUILDING.—The Secretary, in co-
22 operation with representatives of State officials, may carry
23 out education, training, peer-exchange, and other initia-
24 tives as appropriate—

1 “(1) to assist States in developing the capacity
2 to participate in the assignment program under this
3 section; and

4 “(2) to promote information sharing and col-
5 laboration among States that are participating in
6 the assignment program under this section.

7 “(1) RELATIONSHIP TO LOCALLY ADMINISTERED
8 PROJECTS.—A State granted authority under this section
9 may, as appropriate and at the request of a local govern-
10 ment—

11 “(1) exercise such authority on behalf of the
12 local government for a locally administered project;
13 or

14 “(2) provide guidance and training on consoli-
15 dating and minimizing the documentation and envi-
16 ronmental analyses necessary for sponsors of a lo-
17 cally administered project to comply with the Na-
18 tional Environmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.) and any comparable requirements
20 under State law.”.

21 **SEC. 1309. PROGRAM FOR ELIMINATING DUPLICATION OF**
22 **ENVIRONMENTAL REVIEWS.**

23 (a) PURPOSE.—The purpose of this section is to
24 eliminate duplication of environmental reviews and ap-

1 provals under State laws and the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 (b) IN GENERAL.—Chapter 3 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 330. Program for eliminating duplication of envi-
7 ronmental reviews**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish a pilot program to authorize States that have
11 assumed responsibilities of the Secretary under sec-
12 tion 327 and are approved to participate in the pro-
13 gram under this section to conduct environmental
14 reviews and make approvals for projects under State
15 environmental laws and regulations instead of the
16 National Environmental Policy Act of 1969 (42
17 U.S.C. 4321 et seq.), consistent with the require-
18 ments of this section.

19 “(2) PARTICIPATING STATES.—The Secretary
20 may select not more than 5 States to participate in
21 the program.

22 “(3) ALTERNATIVE ENVIRONMENTAL REVIEW
23 AND APPROVAL PROCEDURES DEFINED.—In this
24 section, the term ‘alternative environmental review
25 and approval procedures’ means—

1 “(A) substitution of 1 or more State envi-
2 ronmental laws for—

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

5 “(ii) any provisions of section 139 es-
6 tablishing procedures for the implementa-
7 tion of the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 et seq.) that
9 are under the authority of the Secretary,
10 as the Secretary, in consultation with the
11 State, considers appropriate; and

12 “(iii) related regulations and Execu-
13 tive orders; and

14 “(B) substitution of 1 or more State envi-
15 ronmental regulations for—

16 “(i) the National Environmental Pol-
17 icy Act of 1969 (42 U.S.C. 4321 et seq.);

18 “(ii) any provisions of section 139 es-
19 tablishing procedures for the implementa-
20 tion of the National Environmental Policy
21 Act of 1969 (42 U.S.C. 4321 et seq.) that
22 are under the authority of the Secretary,
23 as the Secretary, in consultation with the
24 State, considers appropriate; and

1 “(iii) related regulations and Execu-
2 tive orders.

3 “(b) APPLICATION.—To be eligible to participate in
4 the program, a State shall submit to the Secretary an ap-
5 plication containing such information as the Secretary
6 may require, including—

7 “(1) a full and complete description of the pro-
8 posed alternative environmental review and approval
9 procedures of the State, including—

10 “(A) the procedures the State uses to en-
11 gage the public and consider alternatives to the
12 proposed action; and

13 “(B) the extent to which the State con-
14 siders environmental consequences or impacts
15 on resources potentially impacted by the pro-
16 posed action (such as air, water, or species);

17 “(2) each Federal requirement described in sub-
18 section (a)(3) that the State is seeking to substitute;

19 “(3) each State law or regulation that the State
20 intends to substitute for such Federal requirement;

21 “(4) an explanation of the basis for concluding
22 that the State law or regulation is at least as strin-
23 gent as the Federal requirement described in sub-
24 section (a)(3);

1 “(5) a description of the projects or classes of
2 projects for which the State anticipates exercising
3 the authority that may be granted under the pro-
4 gram;

5 “(6) verification that the State has the financial
6 resources necessary to carry out the authority that
7 may be granted under the program;

8 “(7) evidence of having sought, received, and
9 addressed comments on the proposed application
10 from the public; and

11 “(8) any such additional information as the
12 Secretary, or, with respect to section (d)(1)(A), the
13 Secretary in consultation with the Chair, may re-
14 quire.

15 “(c) REVIEW OF APPLICATION.—In accordance with
16 subsection (d), the Secretary shall—

17 “(1) review and accept public comments on an
18 application submitted under subsection (b);

19 “(2) approve or disapprove the application not
20 later than 120 days after the date of receipt of an
21 application that the Secretary determines is com-
22 plete; and

23 “(3) transmit to the State notice of the ap-
24 proval or disapproval, together with a statement of
25 the reasons for the approval or disapproval.

1 “(d) APPROVAL OF APPLICATION.—

2 “(1) IN GENERAL.—The Secretary shall ap-
3 prove an application submitted under subsection (b)
4 only if—

5 “(A) the Secretary, with the concurrence
6 of the Chair and after considering any public
7 comments received pursuant to subsection (c),
8 determines that the laws and regulations of the
9 State described in the application are at least
10 as stringent as the Federal requirements de-
11 scribed in subsection (a)(3);

12 “(B) the Secretary, after considering any
13 public comments received pursuant to sub-
14 section (c), determines that the State has the
15 capacity, including financial and personnel, to
16 assume the responsibility;

17 “(C) the State has executed an agreement
18 with the Secretary in accordance with section
19 327; and

20 “(D) the State has executed an agreement
21 with the Secretary under this section that—

22 “(i) has been executed by the Gov-
23 ernor or the top-ranking transportation of-
24 ficial in the State who is charged with re-
25 sponsibility for highway construction;

1 “(ii) is in such form as the Secretary
2 may prescribe;

3 “(iii) provides that the State—

4 “(I) agrees to assume the respon-
5 sibilities, as identified by the Sec-
6 retary, under this section;

7 “(II) expressly consents, on be-
8 half of the State, to accept the juris-
9 diction of the Federal courts under
10 subsection (e)(1) for the compliance,
11 discharge, and enforcement of any re-
12 sponsibility under this section;

13 “(III) certifies that State laws
14 (including regulations) are in effect
15 that—

16 “(aa) authorize the State to
17 take the actions necessary to
18 carry out the responsibilities
19 being assumed; and

20 “(bb) are comparable to sec-
21 tion 552 of title 5, including pro-
22 viding that any decision regard-
23 ing the public availability of a
24 document under those State laws

1 is reviewable by a court of com-
2 petent jurisdiction; and

3 “(IV) agrees to maintain the fi-
4 nancial resources necessary to carry
5 out the responsibilities being assumed;

6 “(iv) requires the State to provide to
7 the Secretary any information the Sec-
8 retary reasonably considers necessary to
9 ensure that the State is adequately car-
10 rying out the responsibilities assigned to
11 the State;

12 “(v) has a term of not more than 5
13 years; and

14 “(vi) is renewable.

15 “(2) EXCLUSION.—The National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
17 shall not apply to a decision by the Secretary to ap-
18 prove or disapprove an application submitted under
19 this section.

20 “(e) JUDICIAL REVIEW.—

21 “(1) IN GENERAL.—The United States district
22 courts shall have exclusive jurisdiction over any civil
23 action against a State relating to the failure of the
24 State—

1 “(A) to meet the requirements of this sec-
2 tion; or

3 “(B) to follow the alternative environ-
4 mental review and approval procedures ap-
5 proved pursuant to this section.

6 “(2) LIMITATION ON REVIEW.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, a claim seeking judicial
9 review of a permit, license, or approval issued
10 by a State under this section shall be barred
11 unless the claim is filed not later than 2 years
12 after the date of publication in the Federal
13 Register by the Secretary of a notice that the
14 permit, license, or approval is final pursuant to
15 the law under which the action is taken.

16 “(B) DEADLINES.—

17 “(i) NOTIFICATION.—The State shall
18 notify the Secretary of the final action of
19 the State not later than 10 days after the
20 final action is taken.

21 “(ii) PUBLICATION.—The Secretary
22 shall publish the notice of final action in
23 the Federal Register not later than 30
24 days after the date of receipt of the notice
25 under clause (i).

1 “(C) SAVINGS PROVISION.—Nothing in
2 this subsection creates a right to judicial review
3 or places any limit on filing a claim that a per-
4 son has violated the terms of a permit, license,
5 or approval.

6 “(3) NEW INFORMATION.—

7 “(A) IN GENERAL.—A State shall consider
8 new information received after the close of a
9 comment period if the information satisfies the
10 requirements for a supplemental environmental
11 impact statement under section 771.130 of title
12 23, Code of Federal Regulations (or successor
13 regulations).

14 “(B) TREATMENT OF FINAL AGENCY AC-
15 TION.—

16 “(i) IN GENERAL.—The final agency
17 action that follows preparation of a supple-
18 mental environmental impact statement, if
19 required, shall be considered a separate
20 final agency action, and the deadline for
21 filing a claim for judicial review of the ac-
22 tion shall be 2 years after the date of pub-
23 lication in the Federal Register by the Sec-
24 retary of a notice announcing such action.

25 “(ii) DEADLINES.—

1 “(I) NOTIFICATION.—The State
2 shall notify the Secretary of the final
3 action of the State not later than 10
4 days after the final action is taken.

5 “(II) PUBLICATION.—The Sec-
6 retary shall publish the notice of final
7 action in the Federal Register not
8 later than 30 days after the date of
9 receipt of the notice under subclause
10 (I).

11 “(f) ELECTION.—A State participating in the pro-
12 grams under this section and section 327, at the discretion
13 of the State, may elect to apply the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in-
15 stead of the alternative environmental review and approval
16 procedures of the State.

17 “(g) ADOPTION OR INCORPORATION BY REFERENCE
18 OF DOCUMENTS.—To the maximum extent practicable
19 and consistent with Federal law, other Federal agencies
20 with authority over a project subject to this section shall
21 adopt or incorporate by reference documents produced by
22 a participating State under this section to satisfy the re-
23 quirements of the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.).

1 “(h) RELATIONSHIP TO LOCALLY ADMINISTERED
2 PROJECTS.—

3 “(1) IN GENERAL.—A State with an approved
4 program under this section, at the request of a local
5 government, may exercise authority under that pro-
6 gram on behalf of up to 25 local governments for lo-
7 cally administered projects.

8 “(2) SCOPE.—For up to 25 local governments
9 selected by a State with an approved program under
10 this section, the State shall be responsible for ensur-
11 ing that any environmental review, consultation, or
12 other action required under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
14 or the State program, or both, meets the require-
15 ments of such Act or program.

16 “(i) REVIEW AND TERMINATION.—

17 “(1) IN GENERAL.—A State program approved
18 under this section shall at all times be in accordance
19 with the requirements of this section.

20 “(2) REVIEW.—The Secretary shall review each
21 State program approved under this section not less
22 than once every 5 years.

23 “(3) PUBLIC NOTICE AND COMMENT.—In con-
24 ducting the review process under paragraph (2), the

1 Secretary shall provide notice and an opportunity for
2 public comment.

3 “(4) WITHDRAWAL OF APPROVAL.—If the Sec-
4 retary, in consultation with the Chair, determines at
5 any time that a State is not administering a State
6 program approved under this section in accordance
7 with the requirements of this section, the Secretary
8 shall so notify the State, and if appropriate correc-
9 tive action is not taken within a reasonable time, not
10 to exceed 90 days, the Secretary shall withdraw ap-
11 proval of the State program.

12 “(5) EXTENSIONS AND TERMINATIONS.—At the
13 conclusion of the review process under paragraph
14 (2), the Secretary may extend for an additional 5-
15 year period or terminate the authority of a State
16 under this section to substitute the laws and regula-
17 tions of the State for the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 “(j) REPORT TO CONGRESS.—Not later than 2 years
20 after the date of enactment of this section, and annually
21 thereafter, the Secretary shall submit to the Committee
22 on Transportation and Infrastructure of the House of
23 Representatives and the Committee on Environment and
24 Public Works of the Senate a report that describes the
25 administration of the program, including—

1 “(1) the number of States participating in the
2 program;

3 “(2) the number and types of projects for which
4 each State participating in the program has used al-
5 ternative environmental review and approval proce-
6 dures;

7 “(3) a description and assessment of whether
8 implementation of the program has resulted in more
9 efficient review of projects; and

10 “(4) any recommendations for modifications to
11 the program.

12 “(k) SUNSET.—The program shall terminate 12
13 years after the date of enactment of this section.

14 “(l) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) CHAIR.—The term ‘Chair’ means the
17 Chair of the Council on Environmental Quality.

18 “(2) MULTIMODAL PROJECT.—The term
19 ‘multimodal project’ has the meaning given that
20 term in section 139(a).

21 “(3) PROGRAM.—The term ‘program’ means
22 the pilot program established under this section.

23 “(4) PROJECT.—The term ‘project’ means—

1 “(A) a project requiring approval under
2 this title, chapter 53 of subtitle III of title 49,
3 or subtitle V of title 49; and

4 “(B) a multimodal project.”.

5 (c) RULEMAKING.—

6 (1) IN GENERAL.—Not later than 270 days
7 after the date of enactment of this Act, the Sec-
8 retary, in consultation with the Chair of the Council
9 on Environmental Quality, shall promulgate regula-
10 tions to implement the requirements of section 330
11 of title 23, United States Code, as added by this sec-
12 tion.

13 (2) DETERMINATION OF STRINGENCY.—As part
14 of the rulemaking required under this subsection,
15 the Chair shall—

16 (A) establish the criteria necessary to de-
17 termine that a State law or regulation is at
18 least as stringent as a Federal requirement de-
19 scribed in section 330(a)(3) of title 23, United
20 States Code; and

21 (B) ensure that the criteria, at a min-
22 imum—

23 (i) provide for protection of the envi-
24 ronment;

1 (ii) provide opportunity for public par-
2 ticipation and comment, including access
3 to the documentation necessary to review
4 the potential impact of a project; and

5 (iii) ensure a consistent review of
6 projects that would otherwise have been
7 covered under the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321 et
9 seq.).

10 (d) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 3 of title 23, United States Code, is amended by add-
12 ing at the end the following:

“330. Program for eliminating duplication of environmental reviews.”.

13 **SEC. 1310. APPLICATION OF CATEGORICAL EXCLUSIONS**
14 **FOR MULTIMODAL PROJECTS.**

15 Section 304 of title 49, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “operating authority
20 that” and inserting “operating administra-
21 tion or secretarial office that has expertise
22 but”; and

23 (ii) by inserting “proposed
24 multimodal” after “with respect to a”; and

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) LEAD AUTHORITY.—The term ‘lead au-
4 thority’ means a Department of Transportation op-
5 erating administration or secretarial office that has
6 the lead responsibility for compliance with the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.) with respect to a proposed multimodal
9 project.”;

10 (2) in subsection (b) by inserting “or title 23”
11 after “under this title”;

12 (3) by striking subsection (c) and inserting the
13 following:

14 “(c) APPLICATION OF CATEGORICAL EXCLUSIONS
15 FOR MULTIMODAL PROJECTS.—In considering the envi-
16 ronmental impacts of a proposed multimodal project, a
17 lead authority may apply categorical exclusions designated
18 under the National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.) in implementing regulations or proce-
20 dures of a cooperating authority for a proposed
21 multimodal project, subject to the conditions that—

22 “(1) the lead authority makes a determination,
23 with the concurrence of the cooperating authority—

24 “(A) on the applicability of a categorical
25 exclusion to a proposed multimodal project; and

1 “(B) that the project satisfies the condi-
2 tions for a categorical exclusion under the Na-
3 tional Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.) and this section;

5 “(2) the lead authority follows the imple-
6 menting regulations of the cooperating authority or
7 procedures under that Act; and

8 “(3) the lead authority determines that—

9 “(A) the proposed multimodal project does
10 not individually or cumulatively have a signifi-
11 cant impact on the environment; and

12 “(B) extraordinary circumstances do not
13 exist that merit additional analysis and docu-
14 mentation in an environmental impact state-
15 ment or environmental assessment required
16 under that Act.”; and

17 (4) by striking subsection (d) and inserting the
18 following:

19 “(d) COOPERATING AUTHORITY EXPERTISE.—A co-
20 operating authority shall provide expertise to the lead au-
21 thority on aspects of the multimodal project in which the
22 cooperating authority has expertise.”.

1 **SEC. 1311. ACCELERATED DECISIONMAKING IN ENVIRON-**
2 **MENTAL REVIEWS.**

3 (a) IN GENERAL.—Title 49, United States Code, is
4 amended by inserting after section 304 the following:

5 **“§ 304a. Accelerated decisionmaking in environ-**
6 **mental reviews**

7 “(a) IN GENERAL.—In preparing a final environ-
8 mental impact statement under the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if
10 the lead agency modifies the statement in response to com-
11 ments that are minor and are confined to factual correc-
12 tions or explanations of why the comments do not warrant
13 additional agency response, the lead agency may write on
14 errata sheets attached to the statement, instead of rewrit-
15 ing the draft statement, subject to the condition that the
16 errata sheets—

17 “(1) cite the sources, authorities, and reasons
18 that support the position of the agency; and

19 “(2) if appropriate, indicate the circumstances
20 that would trigger agency reappraisal or further re-
21 sponse.

22 “(b) SINGLE DOCUMENT.—To the maximum extent
23 practicable, the lead agency shall expeditiously develop a
24 single document that consists of a final environmental im-
25 pact statement and a record of decision, unless—

1 “(1) the final environmental impact statement
2 makes substantial changes to the proposed action
3 that are relevant to environmental or safety con-
4 cerns; or

5 “(2) there is a significant new circumstance or
6 information relevant to environmental concerns that
7 bears on the proposed action or the impacts of the
8 proposed action.

9 “(c) ADOPTION AND INCORPORATION BY REFERENCE
10 OF DOCUMENTS.—

11 “(1) AVOIDING DUPLICATION.—To prevent du-
12 plication of analyses and support expeditious and ef-
13 ficient decisions, the operating administrations of
14 the Department of Transportation shall use adoption
15 and incorporation by reference in accordance with
16 this subsection.

17 “(2) ADOPTION OF DOCUMENTS OF OTHER OP-
18 ERATING ADMINISTRATIONS.—An operating adminis-
19 tration or a secretarial office within the Department
20 of Transportation may adopt a draft environmental
21 impact statement, an environmental assessment, or
22 a final environmental impact statement of another
23 operating administration for the use of the adopting
24 operating administration when preparing an environ-
25 mental assessment or final environmental impact

1 statement for a project without recirculating the
2 document for public review, if—

3 “(A) the adopting operating administration
4 certifies that the proposed action is substan-
5 tially the same as the project considered in the
6 document to be adopted;

7 “(B) the other operating administration
8 concurs with such decision; and

9 “(C) such actions are consistent with the
10 requirements of the National Environmental
11 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 “(3) INCORPORATION BY REFERENCE.—An op-
13 erating administration or secretarial office within
14 the Department of Transportation may incorporate
15 by reference all or portions of a draft environmental
16 impact statement, an environmental assessment, or
17 a final environmental impact statement for the use
18 of the adopting operating administration when pre-
19 paring an environmental assessment or final envi-
20 ronmental impact statement for a project if—

21 “(A) the incorporated material is cited in
22 the environmental assessment or final environ-
23 mental impact statement and the contents of
24 the incorporated material are briefly described;

1 “(B) the incorporated material is reason-
2 ably available for inspection by potentially inter-
3 ested persons within the time allowed for review
4 and comment; and

5 “(C) the incorporated material does not in-
6 clude proprietary data that is not available for
7 review and comment.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 3 of title 49, United States Code, is amended by
10 inserting after the item relating to section 304 the fol-
11 lowing:

 “304a. Accelerated decisionmaking in environmental reviews.”.

12 **SEC. 1312. IMPROVING STATE AND FEDERAL AGENCY EN-**
13 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

14 (a) IN GENERAL.—Title 49, United States Code, is
15 amended by inserting after section 306 the following:

16 **“§ 307. Improving State and Federal agency engage-**
17 **ment in environmental reviews**

18 “(a) IN GENERAL.—

19 “(1) REQUESTS TO PROVIDE FUNDS.—A public
20 entity receiving financial assistance from the De-
21 partment of Transportation for 1 or more projects,
22 or for a program of projects, for a public purpose
23 may request that the Secretary allow the public enti-
24 ty to provide funds to Federal agencies, including
25 the Department, State agencies, and Indian tribes

1 participating in the environmental planning and re-
2 view process for the project, projects, or program.

3 “(2) USE OF FUNDS.—The funds may be pro-
4 vided only to support activities that directly and
5 meaningfully contribute to expediting and improving
6 permitting and review processes, including planning,
7 approval, and consultation processes for the project,
8 projects, or program.

9 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
10 ties for which funds may be provided under subsection (a)
11 include transportation planning activities that precede the
12 initiation of the environmental review process, activities
13 directly related to the environmental review process, dedi-
14 cated staffing, training of agency personnel, information
15 gathering and mapping, and development of programmatic
16 agreements.

17 “(c) AMOUNTS.—A request under subsection (a) may
18 be approved only for the additional amounts that the Sec-
19 retary determines are necessary for the Federal agencies,
20 State agencies, or Indian tribes participating in the envi-
21 ronmental review process to timely conduct the review.

22 “(d) AGREEMENTS.—Prior to providing funds ap-
23 proved by the Secretary for dedicated staffing at an af-
24 fected Federal agency under subsection (a), the affected
25 Federal agency and the requesting public entity shall enter

1 into an agreement that establishes a process to identify
2 projects or priorities to be addressed by the use of the
3 funds.

4 “(e) GUIDANCE.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this section, the Sec-
7 retary shall issue guidance to implement this section.

8 “(2) FACTORS.—As part of the guidance issued
9 under paragraph (1), the Secretary shall ensure—

10 “(A) to the maximum extent practicable,
11 that expediting and improving the process of
12 environmental review and permitting through
13 the use of funds accepted and expended under
14 this section does not adversely affect the
15 timeline for review and permitting by Federal
16 agencies, State agencies, or Indian tribes of
17 other entities that have not contributed funds
18 under this section;

19 “(B) that the use of funds accepted under
20 this section will not impact impartial decision-
21 making with respect to environmental reviews
22 or permits, either substantively or procedurally;
23 and

24 “(C) that the Secretary maintains, and
25 makes publicly available, including on the Inter-

1 net, a list of projects or programs for which
2 such review or permits have been carried out
3 using funds authorized under this section.

4 “(f) EXISTING AUTHORITY.—Nothing in this section
5 may be construed to conflict with section 139(j) of title
6 23.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
8 chapter 3 of title 49, United States Code, is amended by
9 inserting after the item relating to section 306 the fol-
10 lowing:

“307. Improving State and Federal agency engagement in environmental re-
views.”.

11 **SEC. 1313. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.**

12 (a) IN GENERAL.—Title 49, United States Code, is
13 amended by inserting after section 309 the following:

14 **“§ 310. Aligning Federal environmental reviews**

15 “(a) COORDINATED AND CONCURRENT ENVIRON-
16 MENTAL REVIEWS.—Not later than 1 year after the date
17 of enactment of this section, the Department of Transpor-
18 tation, in coordination with the heads of Federal agencies
19 likely to have substantive review or approval responsibil-
20 ities under Federal law, shall develop a coordinated and
21 concurrent environmental review and permitting process
22 for transportation projects when initiating an environ-
23 mental impact statement under the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (in
2 this section referred to as ‘NEPA’).

3 “(b) CONTENTS.—The coordinated and concurrent
4 environmental review and permitting process developed
5 under subsection (a) shall—

6 “(1) ensure that the Department of Transpor-
7 tation and agencies of jurisdiction possess sufficient
8 information early in the review process to determine
9 a statement of a transportation project’s purpose
10 and need and range of alternatives for analysis that
11 the lead agency and agencies of jurisdiction will rely
12 on for concurrent environmental reviews and permit-
13 ting decisions required for the proposed project;

14 “(2) achieve early concurrence or issue resolu-
15 tion during the NEPA scoping process on the De-
16 partment of Transportation’s statement of a
17 project’s purpose and need, and during development
18 of the environmental impact statement on the range
19 of alternatives for analysis, that the lead agency and
20 agencies of jurisdiction will rely on for concurrent
21 environmental reviews and permitting decisions re-
22 quired for the proposed project absent circumstances
23 that require reconsideration in order to meet an
24 agency of jurisdiction’s obligations under a statute
25 or Executive order; and

1 “(3) achieve concurrence or issue resolution in
2 an expedited manner if circumstances arise that re-
3 quire a reconsideration of the purpose and need or
4 range of alternatives considered during any Federal
5 agency’s environmental or permitting review in order
6 to meet an agency of jurisdiction’s obligations under
7 a statute or Executive order.

8 “(c) ENVIRONMENTAL CHECKLIST.—

9 “(1) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this section, the Sec-
11 retary of Transportation and Federal agencies of ju-
12 risdiction likely to have substantive review or ap-
13 proval responsibilities on transportation projects
14 shall jointly develop a checklist to help project spon-
15 sors identify potential natural, cultural, and historic
16 resources in the area of a proposed project.

17 “(2) PURPOSE.—The purpose of the checklist
18 shall be to—

19 “(A) identify agencies of jurisdiction and
20 cooperating agencies;

21 “(B) develop the information needed for
22 the purpose and need and alternatives for anal-
23 ysis; and

1 “(C) improve interagency collaboration to
2 help expedite the permitting process for the
3 lead agency and agencies of jurisdiction.

4 “(d) INTERAGENCY COLLABORATION.—

5 “(1) IN GENERAL.—Consistent with Federal en-
6 vironmental statutes, the Secretary of Transpor-
7 tation shall facilitate annual interagency collabora-
8 tion sessions at the appropriate jurisdictional level to
9 coordinate business plans and facilitate coordination
10 of workload planning and workforce management.

11 “(2) PURPOSE OF COLLABORATION SES-
12 SIONS.—The interagency collaboration sessions shall
13 ensure that agency staff is—

14 “(A) fully engaged;

15 “(B) utilizing the flexibility of existing reg-
16 ulations, policies, and guidance; and

17 “(C) identifying additional actions to facili-
18 tate high quality, efficient, and targeted envi-
19 ronmental reviews and permitting decisions.

20 “(3) FOCUS OF COLLABORATION SESSIONS.—

21 The interagency collaboration sessions, and the
22 interagency collaborations generated by the sessions,
23 shall focus on methods to—

1 “(A) work with State and local transpor-
2 tation entities to improve project planning,
3 siting, and application quality; and

4 “(B) consult and coordinate with relevant
5 stakeholders and Federal, tribal, State, and
6 local representatives early in permitting proc-
7 esses.

8 “(4) CONSULTATION.—The interagency collabo-
9 ration sessions shall include a consultation with
10 groups or individuals representing State, tribal, and
11 local governments that are engaged in the infra-
12 structure permitting process.

13 “(e) PERFORMANCE MEASUREMENT.—Not later than
14 1 year after the date of enactment of this section, the Sec-
15 retary of Transportation, in coordination with relevant
16 Federal agencies, shall establish a program to measure
17 and report on progress toward aligning Federal reviews
18 and reducing permitting and project delivery time as out-
19 lined in this section.

20 “(f) REPORTS.—

21 “(1) REPORT TO CONGRESS.—Not later than 2
22 years after the date of enactment of this section and
23 biennially thereafter, the Secretary of Transpor-
24 tation shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives a report that de-
3 scribes—

4 “(A) progress in aligning Federal environ-
5 mental reviews under this section; and

6 “(B) the impact this section has had on
7 accelerating the environmental review and per-
8 mitting process.

9 “(2) INSPECTOR GENERAL REPORT.—Not later
10 than 3 years after the date of enactment of this sec-
11 tion, the Inspector General of the Department of
12 Transportation shall submit to the Committee on
13 Commerce, Science, and Transportation of the Sen-
14 ate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report
16 that describes—

17 “(A) progress in aligning Federal environ-
18 mental reviews under this section; and

19 “(B) the impact this section has had on
20 accelerating the environmental review and per-
21 mitting process.

22 “(g) SAVINGS PROVISION.—This section shall not
23 apply to any project subject to section 139 of title 23.”.

24 (b) CONFORMING AMENDMENT.—The analysis for
25 chapter 3 of title 49, United States Code, is amended by

1 inserting after the item relating to section 309 the fol-
2 lowing:

“310. Aligning Federal environmental reviews.”.

3 **SEC. 1314. CATEGORICAL EXCLUSION FOR PROJECTS OF**
4 **LIMITED FEDERAL ASSISTANCE.**

5 (a) **ADJUSTMENT FOR INFLATION.**—Section 1317 of
6 MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is
7 amended—

8 (1) in paragraph (1)(A) by inserting “(as ad-
9 justed annually by the Secretary to reflect any in-
10 creases in the Consumer Price Index prepared by
11 the Department of Labor)” after “\$5,000,000”; and

12 (2) in paragraph (1)(B) by inserting “(as ad-
13 justed annually by the Secretary to reflect any in-
14 creases in the Consumer Price Index prepared by
15 the Department of Labor)” after “\$30,000,000”.

16 (b) **RETROACTIVE APPLICATION.**—The first adjust-
17 ment made pursuant to the amendments made by sub-
18 section (a) shall—

19 (1) be carried out not later than 60 days after
20 the date of enactment of this Act; and

21 (2) reflect the increase in the Consumer Price
22 Index since July 1, 2012.

1 **SEC. 1315. PROGRAMMATIC AGREEMENT TEMPLATE.**

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

5 “(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

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

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

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

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

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

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

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

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

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

18 **SEC. 1316. ASSUMPTION OF AUTHORITIES.**

19 (a) IN GENERAL.—The Secretary shall use the au-
20 thority under section 106(c) of title 23, United States
21 Code, to the maximum extent practicable, to allow a State
22 to assume the responsibilities of the Secretary for project
23 design, plans, specifications, estimates, contract awards,
24 and inspection of projects, on both a project-specific and
25 programmatic basis.

1 (b) SUBMISSION OF RECOMMENDATIONS.—Not later
2 than 18 months after the date of enactment of this Act,
3 the Secretary, in cooperation with the States, shall submit
4 to the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee on
6 Environment and Public Works of the Senate rec-
7 ommendations for legislation to permit the assumption of
8 additional authorities by States, including with respect to
9 real estate acquisition and project design.

10 **SEC. 1317. MODERNIZATION OF THE ENVIRONMENTAL RE-**
11 **VIEW PROCESS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary shall examine
14 ways to modernize, simplify, and improve the implementa-
15 tion of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) by the Department.

17 (b) INCLUSIONS.—In carrying out subsection (a), the
18 Secretary shall consider—

19 (1) the use of technology in the process, such
20 as—

21 (A) searchable databases;

22 (B) geographic information system map-
23 ping tools;

1 (C) integration of those tools with fiscal
2 management systems to provide more detailed
3 data; and

4 (D) other innovative technologies;

5 (2) ways to prioritize use of programmatic envi-
6 ronmental impact statements;

7 (3) methods to encourage cooperating agencies
8 to present analyses in a concise format; and

9 (4) any other improvements that can be made
10 to modernize process implementation.

11 (c) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on Envi-
15 ronment and Public Works of the Senate a report describ-
16 ing the results of the review carried out under subsection
17 (a).

18 **SEC. 1318. ASSESSMENT OF PROGRESS ON ACCELERATING**
19 **PROJECT DELIVERY.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, the Comptroller General
22 of the United States shall assess the progress made under
23 this Act, MAP-21 (Public Law 112-141), and
24 SAFETEA-LU (Public Law 109-59), including the
25 amendments made by those Acts, to accelerate the delivery

1 of Federal-aid highway and highway safety construction
2 projects and public transportation capital projects by
3 streamlining the environmental review and permitting
4 process.

5 (b) CONTENTS.—The assessment required under sub-
6 section (a) shall evaluate—

7 (1) how often the various streamlining provi-
8 sions have been used;

9 (2) which of the streamlining provisions have
10 had the greatest impact on streamlining the environ-
11 mental review and permitting process;

12 (3) what, if any, impact streamlining of the
13 process has had on environmental protection;

14 (4) how, and the extent to which, streamlining
15 provisions have improved and accelerated the process
16 for permitting under the Federal Water Pollution
17 Control Act (33 U.S.C. 1251 et seq.), the Endan-
18 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
19 and other applicable Federal laws;

20 (5) what impact actions by the Council on En-
21 vironmental Quality have had on accelerating Fed-
22 eral-aid highway and highway safety construction
23 projects and public transportation capital projects;

24 (6) the number and percentage of projects that
25 proceed under a traditional environmental assess-

1 ment or environmental impact statement, and the
2 number and percentage of projects that proceed
3 under categorical exclusions;

4 (7) the extent to which the environmental re-
5 view and permitting process remains a significant
6 source of project delay and the sources of delays;
7 and

8 (8) the costs of conducting environmental re-
9 views and issuing permits or licenses for a project,
10 including the cost of contractors and dedicated agen-
11 cy staff.

12 (c) RECOMMENDATIONS.—The assessment required
13 under subsection (a) shall include recommendations with
14 respect to—

15 (1) additional opportunities for streamlining the
16 environmental review process, including regulatory
17 or statutory changes to accelerate the processes of
18 Federal agencies (other than the Department) with
19 responsibility for reviewing Federal-aid highway and
20 highway safety construction projects and public
21 transportation capital projects without negatively
22 impacting the environment; and

23 (2) best practices of other Federal agencies that
24 should be considered for adoption by the Depart-
25 ment.

1 (d) REPORT TO CONGRESS.—The Comptroller Gen-
2 eral of the United States shall submit to the Committee
3 on Transportation and Infrastructure of the House of
4 Representatives and the Committee on Environment and
5 Public Works of the Senate a report containing the assess-
6 ment and recommendations required under this section.

7 **Subtitle D—Miscellaneous**

8 **SEC. 1401. PROHIBITION ON THE USE OF FUNDS FOR AUTO-** 9 **MATED TRAFFIC ENFORCEMENT.**

10 (a) PROHIBITION.—Except as provided in subsection
11 (b), for fiscal years 2016 through 2020, funds apportioned
12 to a State under section 104(b)(3) of title 23, United
13 States Code, may not be used to purchase, operate, or
14 maintain an automated traffic enforcement system.

15 (b) EXCEPTION.—Subsection (a) does not apply to an
16 automated traffic enforcement system located in a school
17 zone.

18 (c) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM
19 DEFINED.—In this section, the term “automated traffic
20 enforcement system” means any camera that captures an
21 image of a vehicle for the purposes of traffic law enforce-
22 ment.

1 **SEC. 1402. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
2 **COUNTABILITY.**

3 (a) IN GENERAL.—Section 104 of title 23, United
4 States Code, is amended by striking subsection (g) and
5 inserting the following:

6 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
7 ACCOUNTABILITY REPORTS.—

8 “(1) COMPILATION OF DATA.—Not later than
9 180 days after the date of enactment of the FAST
10 Act, the Secretary shall compile data in accordance
11 with this subsection on the use of Federal-aid high-
12 way funds made available under this title.

13 “(2) REQUIREMENTS.—The Secretary shall en-
14 sure that the reports required under this subsection
15 are made available in a user-friendly manner on the
16 public Internet website of the Department of Trans-
17 portation and can be searched and downloaded by
18 users of the website.

19 “(3) CONTENTS OF REPORTS.—

20 “(A) APPORTIONED AND ALLOCATED PRO-
21 GRAMS.—On a semiannual basis, the Secretary
22 shall make available a report on funding appor-
23 tioned and allocated to the States under this
24 title that describes—

1 “(i) the amount of funding obligated
2 by each State, year-to-date, for the current
3 fiscal year;

4 “(ii) the amount of funds remaining
5 available for obligation by each State;

6 “(iii) changes in the obligated, unex-
7 pended balance for each State, year-to-
8 date, during the current fiscal year, includ-
9 ing the obligated, unexpended balance at
10 the end of the preceding fiscal year and
11 current fiscal year expenditures;

12 “(iv) the amount and program cat-
13 egory of unobligated funding, year-to-date,
14 available for expenditure at the discretion
15 of the Secretary;

16 “(v) the rates of obligation on and off
17 the National Highway System, year-to-
18 date, for the current fiscal year of funds
19 apportioned, allocated, or set aside under
20 this section, according to—

21 “(I) program;

22 “(II) funding category or sub-
23 category;

24 “(III) type of improvement;

25 “(IV) State; and

1 “(V) sub-State geographical area,
2 including urbanized and rural areas,
3 on the basis of the population of each
4 such area; and

5 “(vi) the amount of funds transferred
6 by each State, year-to-date, for the current
7 fiscal year between programs under section
8 126.

9 “(B) PROJECT DATA.—On an annual
10 basis, the Secretary shall make available a re-
11 port that provides, for any project funded under
12 this title (excluding projects for which funds are
13 transferred to agencies other than the Federal
14 Highway Administration) with an estimated
15 total cost as of the start of construction greater
16 than \$25,000,000, and to the maximum extent
17 practicable, other projects funded under this
18 title, project data describing—

19 “(i) the specific location of the
20 project;

21 “(ii) the total cost of the project;

22 “(iii) the amount of Federal funding
23 obligated for the project;

1 “(iv) the program or programs from
2 which Federal funds have been obligated
3 for the project;

4 “(v) the type of improvement being
5 made, such as categorizing the project
6 as—

7 “(I) a road reconstruction
8 project;

9 “(II) a new road construction
10 project;

11 “(III) a new bridge construction
12 project;

13 “(IV) a bridge rehabilitation
14 project; or

15 “(V) a bridge replacement
16 project;

17 “(vi) the ownership of the highway or
18 bridge;

19 “(vii) whether the project is located in
20 an area of the State with a population of—

21 “(I) less than 5,000 individuals;

22 “(II) 5,000 or more individuals
23 but less than 50,000 individuals;

24 “(III) 50,000 or more individuals
25 but less than 200,000 individuals; or

1 “(IV) 200,000 or more individ-
2 uals; and

3 “(viii) available information on the es-
4 timated cost of the project as of the start
5 of project construction, or the revised cost
6 estimate based on a description of revisions
7 to the scope of work or other factors af-
8 fecting project cost other than cost over-
9 runs.”.

10 (b) CONFORMING AMENDMENT.—Section 1503 of
11 MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is
12 amended by striking subsection (c).

13 **SEC. 1403. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
14 **FUND.**

15 (a) IN GENERAL.—Chapter 1 of title 23, United
16 States Code, is amended by inserting after section 104 the
17 following:

18 **“§ 105. Additional deposits into Highway Trust Fund**

19 “(a) IN GENERAL.—If monies are deposited into the
20 Highway Account or Mass Transit Account pursuant to
21 a law enacted subsequent to the date of enactment of the
22 FAST Act, the Secretary shall make available additional
23 amounts of contract authority under subsections (b) and
24 (c).

1 “(b) AMOUNT OF ADJUSTMENT.—If monies are de-
2 posited into the Highway Account or the Mass Transit Ac-
3 count as described in subsection (a), on October 1 of the
4 fiscal year following the deposit of such monies, the Sec-
5 retary shall—

6 “(1) make available for programs authorized
7 from such account for such fiscal year a total
8 amount equal to—

9 “(A) the amount otherwise authorized to
10 be appropriated for such programs for such fis-
11 cal year; plus

12 “(B) an amount equal to such monies de-
13 posited into such account during the previous
14 fiscal year as described in subsection (a); and

15 “(2) distribute the additional amount under
16 paragraph (1)(B) to each of such programs in ac-
17 cordance with subsection (c).

18 “(c) DISTRIBUTION OF ADJUSTMENT AMONG PRO-
19 GRAMS.—

20 “(1) IN GENERAL.—In making an adjustment
21 for programs authorized to be appropriated from the
22 Highway Account or the Mass Transit Account for
23 a fiscal year under subsection (b), the Secretary
24 shall—

25 “(A) determine the ratio that—

1 “(i) the amount authorized to be ap-
2 propriated for a program from the account
3 for the fiscal year; bears to

4 “(ii) the total amount authorized to
5 be appropriated for such fiscal year for all
6 programs under such account;

7 “(B) multiply the ratio determined under
8 subparagraph (A) by the amount of the adjust-
9 ment determined under subsection (b)(1)(B);
10 and

11 “(C) adjust the amount that the Secretary
12 would otherwise have allocated for the program
13 for such fiscal year by the amount calculated
14 under subparagraph (B).

15 “(2) FORMULA PROGRAMS.—For a program for
16 which funds are distributed by formula, the Sec-
17 retary shall add the adjustment to the amount au-
18 thorized for the program but for this section and
19 make available the adjusted program amount for
20 such program in accordance with such formula.

21 “(3) AVAILABILITY FOR OBLIGATION.—Ad-
22 justed amounts under this subsection shall be avail-
23 able for obligation and administered in the same
24 manner as other amounts made available for the
25 program for which the amount is adjusted.

1 “(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM
2 AND COVERED ADMINISTRATIVE EXPENSES.—The Sec-
3 retary shall exclude the emergency relief program under
4 section 125 and covered administrative expenses from an
5 adjustment of funding under subsection (e)(1).

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated from the appropriate ac-
8 count or accounts of the Highway Trust Fund an amount
9 equal to the amount of an adjustment for a fiscal year
10 under subsection (b) for any of fiscal years 2017 through
11 2020.

12 “(f) REVISION TO OBLIGATION LIMITATIONS.—

13 “(1) IN GENERAL.—If the Secretary makes an
14 adjustment under subsection (b) for a fiscal year to
15 an amount subject to a limitation on obligations im-
16 posed by section 1102 or 3018 of the FAST Act—

17 “(A) such limitation on obligations for
18 such fiscal year shall be revised by an amount
19 equal to such adjustment; and

20 “(B) the Secretary shall distribute such
21 limitation on obligations, as revised under sub-
22 paragraph (A), in accordance with such sec-
23 tions.

1 “(2) EXCLUSION OF COVERED ADMINISTRATIVE
2 EXPENSES.—The Secretary shall exclude covered ad-
3 ministrative expenses from—

4 “(A) any calculation relating to a revision
5 of a limitation on obligations under paragraph
6 (1)(A); and

7 “(B) any distribution of a revised limita-
8 tion on obligations under paragraph (1)(B).

9 “(g) DEFINITIONS.—In this section, the following
10 definitions apply:

11 “(1) COVERED ADMINISTRATIVE EXPENSES.—
12 The term ‘covered administrative expenses’ means
13 the administrative expenses of—

14 “(A) the Federal Highway Administration,
15 as authorized under section 104(a);

16 “(B) the National Highway Traffic Safety
17 Administration, as authorized under section
18 4001(a)(6) of the FAST Act; and

19 “(C) the Federal Motor Carrier Safety Ad-
20 ministration, as authorized under section 31110
21 of title 49.

22 “(2) HIGHWAY ACCOUNT.—The term ‘Highway
23 Account’ means the portion of the Highway Trust
24 Fund that is not the Mass Transit Account.

1 “(3) MASS TRANSIT ACCOUNT.—The term
2 ‘Mass Transit Account’ means the Mass Transit Ac-
3 count of the Highway Trust Fund established under
4 section 9503(e)(1) of the Internal Revenue Code of
5 1986.”.

6 (b) CLERICAL AMENDMENT.—The analysis for such
7 chapter is amended by inserting after the item relating
8 to section 104 the following:

 “105. Additional deposits into Highway Trust Fund.”.

9 **SEC. 1404. DESIGN STANDARDS.**

10 (a) IN GENERAL.—Section 109 of title 23, United
11 States Code, is amended—

12 (1) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-
15 graph (A) by striking “may take into ac-
16 count” and inserting “shall consider”;

17 (ii) in subparagraph (B) by striking
18 “and” at the end;

19 (iii) by redesignating subparagraph
20 (C) as subparagraph (D); and

21 (iv) by inserting after subparagraph
22 (B) the following:

23 “(C) cost savings by utilizing flexibility
24 that exists in current design guidance and regu-
25 lations; and”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (C) by striking

3 “and” at the end;

4 (ii) by redesignating subparagraph

5 (D) as subparagraph (F); and

6 (iii) by inserting after subparagraph

7 (C) the following:

8 “(D) the publication entitled ‘Highway

9 Safety Manual’ of the American Association of

10 State Highway and Transportation Officials;

11 “(E) the publication entitled ‘Urban Street

12 Design Guide’ of the National Association of

13 City Transportation Officials; and”;

14 (2) in subsection (f) by inserting “pedestrian

15 walkways,” after “bikeways,”.

16 (b) DESIGN STANDARD FLEXIBILITY.—Notwith-

17 standing section 109(o) of title 23, United States Code,

18 a State may allow a local jurisdiction to use a roadway

19 design publication that is different from the roadway de-

20 sign publication used by the State in which the local juris-

21 diction is located for the design of a project on a roadway

22 under the ownership of the local jurisdiction (other than

23 a highway on the Interstate System) if—

24 (1) the local jurisdiction is a direct recipient of

25 Federal funds for the project;

- 1 (2) the roadway design publication—
2 (A) is recognized by the Federal Highway
3 Administration; and
4 (B) is adopted by the local jurisdiction;
5 and
6 (3) the design complies with all other applicable
7 Federal laws.

8 **SEC. 1405. JUSTIFICATION REPORTS FOR ACCESS POINTS**
9 **ON THE INTERSTATE SYSTEM.**

10 Section 111(e) of title 23, United States Code, is
11 amended by inserting “(including new or modified free-
12 way-to-crossroad interchanges inside a transportation
13 management area)” after “the Interstate System”.

14 **SEC. 1406. PERFORMANCE PERIOD ADJUSTMENT.**

15 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
16 GRAM.—Section 119 of title 23, United States Code, is
17 amended—

- 18 (1) in subsection (e)(7), by striking “for 2 con-
19 secutive reports submitted under this paragraph
20 shall include in the next report submitted” and in-
21 serting “shall include as part of the performance
22 target report under section 150(e)”; and
23 (2) in subsection (f)(1)(A) in the matter pre-
24 ceding clause (i) by striking “If, during 2 consecu-
25 tive reporting periods, the condition of the Interstate

1 System, excluding bridges on the Interstate System,
2 in a State falls” and inserting “If a State reports
3 that the condition of the Interstate System, exclud-
4 ing bridges on the Interstate System, has fallen”.

5 (b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—
6 Section 148(i) of title 23, United States Code, is amend-
7 ed—

8 (1) in the matter preceding paragraph (1), by
9 striking “performance targets of the State estab-
10 lished under section 150(d) by the date that is 2
11 years after the date of the establishment of the per-
12 formance targets” and inserting “safety performance
13 targets of the State established under section
14 150(d)”;

15 (2) in paragraphs (1) and (2), by inserting
16 “safety” before “performance targets” each place it
17 appears.

18 **SEC. 1407. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.**

19 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
20 GRAM.—Section 119(d)(2)(L) of title 23, United States
21 Code, is amended by inserting “, including the installation
22 of vehicle-to-infrastructure communication equipment”
23 after “capital improvements”.

24 (b) SURFACE TRANSPORTATION BLOCK GRANT PRO-
25 GRAM.—Section 133(b)(1)(D) of title 23, United States

1 Code, is amended by inserting “, including the installation
2 of vehicle-to-infrastructure communication equipment”
3 after “capital improvements”.

4 **SEC. 1408. FEDERAL SHARE PAYABLE.**

5 (a) INNOVATIVE PROJECT DELIVERY METHODS.—
6 Section 120(c)(3) of title 23, United States Code, is
7 amended—

8 (1) in subparagraph (A)(ii)—

9 (A) by inserting “engineering or design ap-
10 proaches,” after “technologies,”; and

11 (B) by inserting “or project delivery” after
12 “or contracting”;

13 (2) in subparagraph (B)—

14 (A) in clause (iii) by inserting “and alter-
15 native bidding” before the semicolon at the end;

16 (B) in clause (iv) by striking “or” at the
17 end;

18 (C) by redesignating clause (v) as clause
19 (vi); and

20 (D) by inserting after clause (iv) the fol-
21 lowing:

22 “(v) innovative pavement materials
23 that have a demonstrated life cycle of 75
24 or more years, are manufactured with re-
25 duced greenhouse gas emissions, and re-

1 duce construction-related congestion by
2 rapidly curing; or”; and

3 (b) **EMERGENCY RELIEF.**—Section 120(e)(2) of title
4 23, United States Code, is amended by striking “Federal
5 land access transportation facilities” and inserting “other
6 Federally owned roads that are open to public travel”.

7 **SEC. 1409. MILK PRODUCTS.**

8 Section 127(a) of title 23, United States Code, is
9 amended by adding at the end the following:

10 “(13) **MILK PRODUCTS.**—A vehicle carrying
11 fluid milk products shall be considered a load that
12 cannot be easily dismantled or divided.”.

13 **SEC. 1410. INTERSTATE WEIGHT LIMITS.**

14 Section 127 of title 23, United States Code, is
15 amended by adding at the end the following:

16 “(m) **COVERED HEAVY-DUTY TOW AND RECOVERY**
17 **VEHICLES.**—

18 “(1) **IN GENERAL.**—The vehicle weight limita-
19 tions set forth in this section do not apply to a cov-
20 ered heavy-duty tow and recovery vehicle.

21 “(2) **COVERED HEAVY-DUTY TOW AND RECOV-**
22 **ERY VEHICLE DEFINED.**—In this subsection, the
23 term ‘covered heavy-duty tow and recovery vehicle’
24 means a vehicle that—

1 “(A) is transporting a disabled vehicle
2 from the place where the vehicle became dis-
3 abled to the nearest appropriate repair facility;
4 and

5 “(B) has a gross vehicle weight that is
6 equal to or exceeds the gross vehicle weight of
7 the disabled vehicle being transported.

8 “(n) OPERATION OF VEHICLES ON CERTAIN HIGH-
9 WAYS IN THE STATE OF TEXAS.—If any segment in the
10 State of Texas of United States Route 59, United States
11 Route 77, United States Route 281, United States Route
12 84, Texas State Highway 44, or another roadway is des-
13 ignated as Interstate Route 69, a vehicle that could oper-
14 ate legally on that segment before the date of the designa-
15 tion may continue to operate on that segment, without re-
16 gard to any requirement under this section.

17 “(o) CERTAIN LOGGING VEHICLES IN THE STATE OF
18 WISCONSIN.—

19 “(1) IN GENERAL.—The Secretary shall waive,
20 with respect to a covered logging vehicle, the appli-
21 cation of any vehicle weight limit established under
22 this section.

23 “(2) COVERED LOGGING VEHICLE DEFINED.—
24 In this subsection, the term ‘covered logging vehicle’
25 means a vehicle that—

1 “(A) is transporting raw or unfinished for-
2 est products, including logs, pulpwood, biomass,
3 or wood chips;

4 “(B) has a gross vehicle weight of not
5 more than 98,000 pounds;

6 “(C) has not less than 6 axles; and

7 “(D) is operating on a segment of Inter-
8 state Route 39 in the State of Wisconsin from
9 mile marker 175.8 to mile marker 189.

10 “(p) OPERATION OF CERTAIN SPECIALIZED VEHI-
11 CLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKAN-
12 SAS.—If any segment of United States Route 63 between
13 the exits for highways 14 and 75 in the State of Arkansas
14 is designated as part of the Interstate System, the single
15 axle weight, tandem axle weight, gross vehicle weight, and
16 bridge formula limits under subsection (a) and the width
17 limitation under section 31113(a) of title 49 shall not
18 apply to that segment with respect to the operation of any
19 vehicle that could operate legally on that segment before
20 the date of the designation.

21 “(q) CERTAIN LOGGING VEHICLES IN THE STATE OF
22 MINNESOTA.—

23 “(1) IN GENERAL.—The Secretary shall waive,
24 with respect to a covered logging vehicle, the appli-

1 cation of any vehicle weight limit established under
2 this section.

3 “(2) COVERED LOGGING VEHICLE DEFINED.—

4 In this subsection, the term ‘covered logging vehicle’
5 means a vehicle that—

6 “(A) is transporting raw or unfinished for-
7 est products, including logs, pulpwood, biomass,
8 or wood chips;

9 “(B) has a gross vehicle weight of not
10 more than 99,000 pounds;

11 “(C) has not less than 6 axles; and

12 “(D) is operating on a segment of Inter-
13 state Route 35 in the State of Minnesota from
14 mile marker 235.4 to mile marker 259.552.

15 “(r) EMERGENCY VEHICLES.—

16 “(1) IN GENERAL.—Notwithstanding subsection
17 (a), a State shall not enforce against an emergency
18 vehicle a vehicle weight limit (up to a maximum
19 gross vehicle weight of 86,000 pounds) of less
20 than—

21 “(A) 24,000 pounds on a single steering
22 axle;

23 “(B) 33,500 pounds on a single drive axle;

24 “(C) 62,000 pounds on a tandem axle; or

1 “(D) 52,000 pounds on a tandem rear
2 drive steer axle.

3 “(2) EMERGENCY VEHICLE DEFINED.—In this
4 subsection, the term ‘emergency vehicle’ means a ve-
5 hicle designed to be used under emergency condi-
6 tions—

7 “(A) to transport personnel and equip-
8 ment; and

9 “(B) to support the suppression of fires
10 and mitigation of other hazardous situations.

11 “(s) NATURAL GAS VEHICLES.—A vehicle, if oper-
12 ated by an engine fueled primarily by natural gas, may
13 exceed any vehicle weight limit (up to a maximum gross
14 vehicle weight of 82,000 pounds) under this section by an
15 amount that is equal to the difference between—

16 “(1) the weight of the vehicle attributable to
17 the natural gas tank and fueling system carried by
18 that vehicle; and

19 “(2) the weight of a comparable diesel tank and
20 fueling system.”.

21 **SEC. 1411. TOLLING; HOV FACILITIES; INTERSTATE RECON-**
22 **STRUCTION AND REHABILITATION.**

23 (a) TOLLING.—Section 129(a) of title 23, United
24 States Code, is amended—

1 (1) in paragraph (3)(A), in the matter pre-
2 ceding clause (i)—

3 (A) by striking “shall use” and inserting
4 “shall ensure that”; and

5 (B) by inserting “are used” before “only
6 for”;

7 (2) by striking paragraph (4) and redesignating
8 paragraphs (5) through (9) as paragraphs (4)
9 through (8), respectively; and

10 (3) in subparagraph (B) of paragraph (4) (as
11 so redesignated) by striking “Federal-aid system”
12 and inserting “Federal-aid highways”;

13 (4) by inserting after paragraph (8) (as so re-
14 designated)—

15 “(9) EQUAL ACCESS FOR OVER-THE-ROAD
16 BUSES.—An over-the-road bus that serves the public
17 shall be provided access to a toll facility under the
18 same rates, terms, and conditions as public trans-
19 portation buses.”; and

20 (5) in paragraph (10)—

21 (A) by redesignating subparagraphs (C)
22 and (D) as subparagraphs (D) and (E), respec-
23 tively; and

24 (B) by inserting after subparagraph (B)
25 the following:

1 “(C) OVER-THE-ROAD BUS.—The term
2 ‘over-the-road bus’ has the meaning given the
3 term in section 301 of the Americans with Dis-
4 abilities Act of 1990 (42 U.S.C. 12181).”.

5 (b) HOV FACILITIES.—Section 166 of title 23,
6 United States Code, is amended—

7 (1) by striking “the agency” each place it ap-
8 pears and inserting “the authority”;

9 (2) in subsection (a)(1)—

10 (A) by striking the paragraph heading and
11 inserting “**AUTHORITY OF PUBLIC AU-**
12 **THORITIES**”; and

13 (B) by striking “State agency” and insert-
14 ing “public authority”;

15 (3) in subsection (b)—

16 (A) by striking “State agency” each place
17 it appears and inserting “public authority”;

18 (B) in paragraph (3)—

19 (i) in subparagraph (A) by striking
20 “and” at the end;

21 (ii) in subparagraph (B) by striking
22 the period at the end and inserting “;
23 and”; and

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

1 “(C) provides equal access under the same
2 rates, terms, and conditions for all public trans-
3 portation vehicles and over-the-road buses serv-
4 ing the public.”;

5 (C) in paragraph (4)(C)—

6 (i) in clause (i) by striking “and” at
7 the end;

8 (ii) in clause (ii) by striking the pe-
9 riod at the end and inserting “; and”; and

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

12 “(iii) ensure that over-the-road buses
13 serving the public are provided access to
14 the facility under the same rates, terms,
15 and conditions as public transportation
16 buses.”; and

17 (D) in paragraph (5)—

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

20 “(A) SPECIAL RULE.—Before September
21 30, 2025, if a public authority establishes pro-
22 cedures for enforcing the restrictions on the use
23 of a HOV facility by vehicles described in
24 clauses (i) and (ii), the public authority may
25 allow the use of the HOV facility by—

1 “(i) alternative fuel vehicles; and

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

5 (ii) in subparagraph (B) by striking
6 “2017” and inserting “2019”;

7 (4) in subsection (c)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) IN GENERAL.—Notwithstanding section
11 301, tolls may be charged under paragraphs (4) and
12 (5) of subsection (b), subject to the requirements of
13 section 129.”; and

14 (B) by striking paragraph (2) and redesignig-
15 nating paragraph (3) as paragraph (2);

16 (5) in subsection (d)—

17 (A) by striking “State agency” each place
18 it appears and inserting “public authority”;

19 (B) in paragraph (1)—

20 (i) by striking subparagraphs (D) and
21 (E); and

22 (ii) by inserting after subparagraph
23 (C) the following:

24 “(D) MAINTENANCE OF OPERATING PER-
25 FORMANCE.—

1 “(i) SUBMISSION OF PLAN.—Not later
2 than 180 days after the date on which a
3 facility is degraded under paragraph (2),
4 the public authority with jurisdiction over
5 the facility shall submit to the Secretary
6 for approval a plan that details the actions
7 the public authority will take to make sig-
8 nificant progress toward bringing the facil-
9 ity into compliance with the minimum av-
10 erage operating speed performance stand-
11 ard through changes to the operation of
12 the facility, including—

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

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

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

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

23 “(ii) NOTICE OF APPROVAL OR DIS-
24 APPROVAL.—Not later than 60 days after
25 the date of receipt of a plan under clause

1 (i), the Secretary shall provide to the pub-
2 lic authority a written notice indicating
3 whether the Secretary has approved or dis-
4 approved the plan based on a determina-
5 tion of whether the implementation of the
6 plan will make significant progress toward
7 bringing the HOV facility into compliance
8 with the minimum average operating speed
9 performance standard.

10 “(iii) ANNUAL PROGRESS UPDATES.—
11 Until the date on which the Secretary de-
12 termines that the public authority has
13 brought the HOV facility into compliance
14 with this subsection, the public authority
15 shall submit annual updates that de-
16 scribe—

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

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

21 “(E) COMPLIANCE.—If the public author-
22 ity fails to bring a facility into compliance
23 under subparagraph (D), the Secretary shall
24 subject the public authority to appropriate pro-
25 gram sanctions under section 1.36 of title 23,

1 Code of Federal Regulations (or successor regu-
2 lations), until the performance is no longer de-
3 graded.

4 “(F) WAIVER.—

5 “(i) IN GENERAL.—Upon the request
6 of a public authority, the Secretary may
7 waive the compliance requirements of sub-
8 paragraph (E), if the Secretary determines
9 that—

10 “(I) the waiver is in the best in-
11 terest of the traveling public;

12 “(II) the public authority is
13 meeting the conditions under subpara-
14 graph (D); and

15 “(III) the public authority has
16 made a good faith effort to improve
17 the performance of the facility.

18 “(ii) CONDITION.—The Secretary may
19 require, as a condition of providing a waiv-
20 er under this subparagraph, that a public
21 authority take additional actions, as deter-
22 mined by the Secretary, to maximize the
23 operating speed performance of the facility,
24 even if such performance is below the level
25 set under paragraph (2).”;

1 (6) in subsection (f)—

2 (A) in paragraph (1), in the matter pre-
3 ceding subparagraph (A), by inserting “solely”
4 before “operating”;

5 (B) in paragraph (4)(B)(iii) by striking
6 “State agency” and inserting “public author-
7 ity”;

8 (C) by striking paragraph (5);

9 (D) by redesignating paragraph (4) as
10 paragraph (6); and

11 (E) by inserting after paragraph (3) the
12 following:

13 “(4) OVER-THE-ROAD BUS.—The term ‘over-
14 the-road bus’ has the meaning given the term in sec-
15 tion 301 of the Americans with Disabilities Act of
16 1990 (42 U.S.C. 12181).

17 “(5) PUBLIC AUTHORITY.—The term ‘public
18 authority’ as used with respect to a HOV facility,
19 means a State, interstate compact of States, public
20 entity designated by a State, or local government
21 having jurisdiction over the operation of the facil-
22 ity.”; and

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

24 “(g) CONSULTATION OF MPO.—If a HOV facility
25 charging tolls under paragraph (4) or (5) of subsection

1 (b) is on the Interstate System and located in a metropoli-
2 tan planning area established in accordance with section
3 134, the public authority shall consult with the metropoli-
4 tan planning organization for the area concerning the
5 placement and amount of tolls on the facility.”.

6 (c) INTERSTATE SYSTEM RECONSTRUCTION AND RE-
7 HABILITATION PILOT PROGRAM.—Section 1216(b) of the
8 Transportation Equity Act for the 21st Century (Public
9 Law 105–178) is amended—

10 (1) in paragraph (4)—

11 (A) in subparagraph (D) by striking “and”
12 at the end;

13 (B) in subparagraph (E) by striking the
14 period and inserting “; and”; and

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

16 “(F) the State has the authority required
17 for the project to proceed.”;

18 (2) by redesignating paragraphs (6) through
19 (8) as paragraphs (8) through (10), respectively;
20 and

21 (3) by inserting after paragraph (5) the fol-
22 lowing:

23 “(6) REQUIREMENTS FOR PROJECT COMPLE-
24 TION.—

1 “(A) GENERAL TERM FOR EXPIRATION OF
2 PROVISIONAL APPLICATION.—An application
3 provisionally approved by the Secretary under
4 this subsection shall expire 3 years after the
5 date on which the application was provisionally
6 approved if the State has not—

7 “(i) submitted a complete application
8 to the Secretary that fully satisfies the eli-
9 gibility criteria under paragraph (3) and
10 the selection criteria under paragraph (4);

11 “(ii) completed the environmental re-
12 view and permitting process under the Na-
13 tional Environmental Policy Act of 1969
14 (42 U.S.C. 4321 et seq.) for the pilot
15 project; and

16 “(iii) executed a toll agreement with
17 the Secretary.

18 “(B) EXCEPTIONS TO EXPIRATION.—Not-
19 withstanding subparagraph (A), the Secretary
20 may extend the provisional approval for not
21 more than 1 additional year if the State dem-
22 onstrates material progress toward implementa-
23 tion of the project as evidenced by—

24 “(i) substantial progress in completing
25 the environmental review and permitting

1 process for the pilot project under the Na-
2 tional Environmental Policy Act of 1969
3 (42 U.S.C. 4321 et seq.);

4 “(ii) funding and financing commit-
5 ments for the pilot project;

6 “(iii) expressions of support for the
7 pilot project from State and local govern-
8 ments, community interests, and the pub-
9 lic; and

10 “(iv) submission of a facility manage-
11 ment plan pursuant to paragraph (3)(D).

12 “(C) CONDITIONS FOR PREVIOUSLY PROVI-
13 SIONALLY APPROVED APPLICATIONS.—A State
14 with a provisionally approved application for a
15 pilot project as of the date of enactment of the
16 FAST Act shall have 1 year after that date of
17 enactment to meet the requirements of subpara-
18 graph (A) or receive an extension from the Sec-
19 retary under subparagraph (B), or the applica-
20 tion will expire.

21 “(7) DEFINITION.—In this subsection, the term
22 ‘provisional approval’ or ‘provisionally approved’
23 means the approval by the Secretary of a partial ap-
24 plication under this subsection, including the res-
25 ervation of a slot in the pilot program.”.

1 (d) APPROVAL OF APPLICATIONS.—The Secretary
2 may approve an application submitted under section
3 1604(c) of SAFETEA-LU (Public Law 109–59; 119
4 Stat. 1253) if the application, or any part of the applica-
5 tion, was submitted before the deadline specified in section
6 1604(c)(8) of that Act.

7 **SEC. 1412. PROJECTS FOR PUBLIC SAFETY RELATING TO**
8 **IDLING TRAINS.**

9 Section 130(a) of title 23, United States Code, is
10 amended by striking “and the relocation of highways to
11 eliminate grade crossings” and inserting “the relocation
12 of highways to eliminate grade crossings, and projects at
13 grade crossings to eliminate hazards posed by blocked
14 grade crossings due to idling trains”.

15 **SEC. 1413. NATIONAL ELECTRIC VEHICLE CHARGING AND**
16 **HYDROGEN, PROPANE, AND NATURAL GAS**
17 **FUELING CORRIDORS.**

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

21 **“§ 151. National electric vehicle charging and hydro-**
22 **gen, propane, and natural gas fueling cor-**
23 **ridors**

24 “(a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of the FAST Act, the Secretary shall

1 designate national electric vehicle charging and hydrogen,
2 propane, and natural gas fueling corridors that identify
3 the near- and long-term need for, and location of, electric
4 vehicle charging infrastructure, hydrogen fueling infra-
5 structure, propane fueling infrastructure, and natural gas
6 fueling infrastructure at strategic locations along major
7 national highways to improve the mobility of passenger
8 and commercial vehicles that employ electric, hydrogen
9 fuel cell, propane, and natural gas fueling technologies
10 across the United States.

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

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

15 “(2) incorporate existing electric vehicle charg-
16 ing, hydrogen fueling, propane fueling, and natural
17 gas fueling corridors designated by a State or group
18 of States; and

19 “(3) consider the demand for, and location of,
20 existing electric vehicle charging stations, hydrogen
21 fueling stations, propane fueling stations, and nat-
22 ural gas fueling infrastructure.

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

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

2 “(2) State and local officials;

3 “(3) representatives of—

4 “(A) energy utilities;

5 “(B) the electric, fuel cell electric, propane,
6 and natural gas vehicle industries;

7 “(C) the freight and shipping industry;

8 “(D) clean technology firms;

9 “(E) the hospitality industry;

10 “(F) the restaurant industry;

11 “(G) highway rest stop vendors; and

12 “(H) industrial gas and hydrogen manu-
13 facturers; and

14 “(4) such other stakeholders as the Secretary
15 determines to be necessary.

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

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

23 “(1) identifies electric vehicle charging infra-
24 structure, hydrogen fueling infrastructure, propane
25 fueling infrastructure, and natural gas fueling infra-

1 structure and standardization needs for electricity
2 providers, industrial gas providers, natural gas pro-
3 viders, infrastructure providers, vehicle manufactur-
4 ers, electricity purchasers, and natural gas pur-
5 chasers; and

6 “(2) establishes an aspirational goal of achiev-
7 ing strategic deployment of electric vehicle charging
8 infrastructure, hydrogen fueling infrastructure, pro-
9 pane fueling infrastructure, and natural gas fueling
10 infrastructure in those corridors by the end of fiscal
11 year 2020.”.

12 (b) CONFORMING AMENDMENT.—The analysis for
13 chapter 1 of title 23, United States Code, is amended by
14 inserting after the item relating to section 150 the fol-
15 lowing:

“151. National electric vehicle charging and hydrogen, propane, and natural gas
fueling corridors.”.

16 (c) OPERATION OF BATTERY RECHARGING STATIONS
17 IN PARKING AREAS USED BY FEDERAL EMPLOYEES.—

18 (1) AUTHORIZATION.—

19 (A) IN GENERAL.—The Administrator of
20 General Services may install, construct, operate,
21 and maintain on a reimbursable basis a battery
22 recharging station (or allow, on a reimbursable
23 basis, the use of a 120-volt electrical receptacle
24 for battery recharging) in a parking area that

1 is in the custody, control, or administrative ju-
2 risdiction of the General Services Administra-
3 tion for the use of only privately owned vehicles
4 of employees of the General Services Adminis-
5 tration, tenant Federal agencies, and others
6 who are authorized to park in such area to the
7 extent such use by only privately owned vehicles
8 does not interfere with or impede access to the
9 equipment by Federal fleet vehicles.

10 (B) AREAS UNDER OTHER FEDERAL AGEN-
11 CIES.—The Administrator of General Services
12 (on the request of a Federal agency) or the
13 head of a Federal agency may install, construct,
14 operate, and maintain on a reimbursable basis
15 a battery recharging station (or allow, on a re-
16 imburseable basis, the use of a 120-volt electrical
17 receptacle for battery recharging) in a parking
18 area that is in the custody, control, or adminis-
19 trative jurisdiction of the requesting Federal
20 agency, to the extent such use by only privately
21 owned vehicles does not interfere with or im-
22 pede access to the equipment by Federal fleet
23 vehicles.

24 (C) USE OF VENDORS.—The Adminis-
25 trator of General Services, with respect to sub-

1 paragraph (A) or (B), or the head of a Federal
2 agency, with respect to subparagraph (B), may
3 carry out such subparagraph through a con-
4 tract with a vendor, under such terms and con-
5 ditions (including terms relating to the alloca-
6 tion between the Federal agency and the vendor
7 of the costs of carrying out the contract) as the
8 Administrator or the head of the Federal agen-
9 cy, as the case may be, and the vendor may
10 agree to.

11 (2) IMPOSITION OF FEES TO COVER COSTS.—

12 (A) FEES.—The Administrator of General
13 Services or the head of the Federal agency
14 under paragraph (1)(B) shall charge fees to the
15 individuals who use the battery recharging sta-
16 tion in such amount as is necessary to ensure
17 that the respective agency recovers all of the
18 costs such agency incurs in installing, con-
19 structing, operating, and maintaining the sta-
20 tion.

21 (B) DEPOSIT AND AVAILABILITY OF
22 FEES.—Any fees collected by the Administrator
23 of General Services or the Federal agency, as
24 the case may be, under this paragraph shall
25 be—

1 (i) deposited monthly in the Treasury
2 to the credit of the respective agency's ap-
3 propriations account for the operations of
4 the building where the battery recharging
5 station is located; and

6 (ii) available for obligation without
7 further appropriation during—

8 (I) the fiscal year collected; and

9 (II) the fiscal year following the
10 fiscal year collected.

11 (3) NO EFFECT ON EXISTING PROGRAMS FOR
12 HOUSE AND SENATE.—Nothing in this subsection af-
13 fects the installation, construction, operation, or
14 maintenance of battery recharging stations by the
15 Architect of the Capitol—

16 (A) under Public Law 112–170 (2 U.S.C.
17 2171), relating to employees of the House of
18 Representatives and individuals authorized to
19 park in any parking area under the jurisdiction
20 of the House of Representatives on the Capitol
21 Grounds; or

22 (B) under Public Law 112–167 (2 U.S.C.
23 2170), relating to employees of the Senate and
24 individuals authorized to park in any parking

1 area under the jurisdiction of the Senate on the
2 Capitol Grounds.

3 (4) NO EFFECT ON SIMILAR AUTHORITIES.—

4 Nothing in this subsection—

5 (A) repeals or limits any existing authori-
6 ties of a Federal agency to install, construct,
7 operate, or maintain battery recharging sta-
8 tions; or

9 (B) requires a Federal agency to seek re-
10 imbursement for the costs of installing or con-
11 structing a battery recharging station—

12 (i) that has been installed or con-
13 structed prior to the date of enactment of
14 this Act;

15 (ii) that is installed or constructed for
16 Federal fleet vehicles, but that receives in-
17 cidental use to recharge privately owned
18 vehicles; or

19 (iii) that is otherwise installed or con-
20 structed pursuant to appropriations for
21 that purpose.

22 (5) ANNUAL REPORT TO CONGRESS.—Not later
23 than 2 years after the date of enactment of this Act,
24 and annually thereafter for 10 years, the Adminis-
25 trator of General Services shall submit to the Com-

1 mittee on Transportation and Infrastructure of the
2 House of Representatives and the Committee on En-
3 vironment and Public Works of the Senate a report
4 describing—

5 (A) the number of battery recharging sta-
6 tions installed by the Administrator on the Ad-
7 ministrator’s own initiative under this sub-
8 section;

9 (B) requests from other Federal agencies
10 to install battery recharging stations; and

11 (C) the status and disposition of requests
12 from other Federal agencies.

13 (6) FEDERAL AGENCY DEFINED.—In this sub-
14 section, the term “Federal agency” has the meaning
15 given the term “Executive agency” in section 105 of
16 title 5, United States Code, and includes—

17 (A) the United States Postal Service;

18 (B) the Executive Office of the President;

19 (C) the military departments (as defined in
20 section 102 of title 5, United States Code); and

21 (D) the judicial branch.

22 (7) EFFECTIVE DATE.—This subsection shall
23 apply with respect to fiscal year 2016 and each suc-
24 ceeding fiscal year.

1 **SEC. 1414. REPEAT OFFENDER CRITERIA.**

2 Section 164(a) of title 23, United States Code, is
3 amended—

4 (1) by redesignating paragraphs (1) through
5 (4) as paragraphs (2) through (5), respectively;

6 (2) by inserting before paragraph (2), as redesi-
7 gnated, the following:

8 “(1) 24-7 SOBRIETY PROGRAM.—The term ‘24-
9 7 sobriety program’ has the meaning given the term
10 in section 405(d)(7)(A).”;

11 (3) in paragraph (5), as redesignated—

12 (A) in the matter preceding subparagraph
13 (A), by inserting “or combination of laws or
14 programs” after “State law”;

15 (B) by amending subparagraph (A) to read
16 as follows:

17 “(A) receive, for a period of not less than
18 1 year—

19 “(i) a suspension of all driving privi-
20 leges;

21 “(ii) a restriction on driving privileges
22 that limits the individual to operating only
23 motor vehicles with an ignition interlock
24 device installed, unless a special exception
25 applies;

1 “(iii) a restriction on driving privi-
2 leges that limits the individual to operating
3 motor vehicles only if participating in, and
4 complying with, a 24-7 sobriety program;
5 or

6 “(iv) any combination of clauses (i)
7 through (iii);”;
8 (C) by striking subparagraph (B);
9 (D) by redesignating subparagraphs (C)
10 and (D) as subparagraphs (B) and (C), respec-
11 tively; and

12 (E) in subparagraph (C), as redesign-
13 ated—

14 (i) in clause (i)(II) by inserting before
15 the semicolon the following: “(unless the
16 State certifies that the general practice is
17 that such an individual will be incarcer-
18 ated)”;

19 (ii) in clause (ii)(II) by inserting be-
20 fore the period at the end the following:
21 “(unless the State certifies that the gen-
22 eral practice is that such an individual will
23 receive 10 days of incarceration)”;

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

1 “(6) SPECIAL EXCEPTION.—The term ‘special
2 exception’ means an exception under a State alcohol-
3 ignition interlock law for the following cir-
4 cumstances:

5 “(A) The individual is required to operate
6 an employer’s motor vehicle in the course and
7 scope of employment and the business entity
8 that owns the vehicle is not owned or controlled
9 by the individual.

10 “(B) The individual is certified by a med-
11 ical doctor as being unable to provide a deep
12 lung breath sample for analysis by an ignition
13 interlock device.”.

14 **SEC. 1415. ADMINISTRATIVE PROVISIONS TO ENCOURAGE**
15 **POLLINATOR HABITAT AND FORAGE ON**
16 **TRANSPORTATION RIGHTS-OF-WAY.**

17 (a) IN GENERAL.—Section 319 of title 23, United
18 States Code, is amended—

19 (1) in subsection (a) by inserting “(including
20 the enhancement of habitat and forage for polli-
21 nators)” before “adjacent”; and

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

23 “(c) ENCOURAGEMENT OF POLLINATOR HABITAT
24 AND FORAGE DEVELOPMENT AND PROTECTION ON
25 TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any

1 program administered by the Secretary under this title,
2 the Secretary shall, in conjunction with willing States, as
3 appropriate—

4 “(1) encourage integrated vegetation manage-
5 ment practices on roadsides and other transportation
6 rights-of-way, including reduced mowing; and

7 “(2) encourage the development of habitat and
8 forage for Monarch butterflies, other native polli-
9 nators, and honey bees through plantings of native
10 forbs and grasses, including noninvasive, native
11 milkweed species that can serve as migratory way
12 stations for butterflies and facilitate migrations of
13 other pollinators.”.

14 (b) PROVISION OF HABITAT, FORAGE, AND MIGRA-
15 TORY WAY STATIONS FOR MONARCH BUTTERFLIES,
16 OTHER NATIVE POLLINATORS, AND HONEY BEES.—Sec-
17 tion 329(a)(1) of title 23, United States Code, is amended
18 by inserting “provision of habitat, forage, and migratory
19 way stations for Monarch butterflies, other native polli-
20 nators, and honey bees,” before “and aesthetic enhance-
21 ment”.

22 **SEC. 1416. HIGH PRIORITY CORRIDORS ON NATIONAL**
23 **HIGHWAY SYSTEM.**

24 (a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS
25 ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of

1 the Intermodal Surface Transportation Efficiency Act of
2 1991 (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213)
3 is amended—

4 (1) by striking paragraph (13) and inserting
5 the following:

6 “(13) Raleigh-Norfolk Corridor from Raleigh,
7 North Carolina, through Rocky Mount, Williamston,
8 and Elizabeth City, North Carolina, to Norfolk, Vir-
9 ginia.”;

10 (2) in paragraph (18)(D)—

11 (A) in clause (ii) by striking “and” at the
12 end;

13 (B) in clause (iii) by striking the period at
14 the end and inserting “; and”; and

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

16 “(iv) include Texas State Highway 44
17 from United States Route 59 at Freer,
18 Texas, to Texas State Highway 358.”;

19 (3) by striking paragraph (68) and inserting
20 the following:

21 “(68) The Washoe County Corridor and the
22 Intermountain West Corridor, which shall generally
23 follow—

24 “(A) for the Washoe County Corridor,
25 along Interstate Route 580/United States Route

1 95/United States Route 95A from Reno, Ne-
2 vada, to Las Vegas, Nevada; and

3 “(B) for the Intermountain West Corridor,
4 from the vicinity of Las Vegas, Nevada, north
5 along United States Route 95 terminating at
6 Interstate Route 80.”; and

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

8 “(81) United States Route 117/Interstate
9 Route 795 from United States Route 70 in Golds-
10 boro, Wayne County, North Carolina, to Interstate
11 Route 40 west of Faison, Sampson County, North
12 Carolina.

13 “(82) United States Route 70 from its intersec-
14 tion with Interstate Route 40 in Garner, Wake
15 County, North Carolina, to the Port at Morehead
16 City, Carteret County, North Carolina.

17 “(83) The Sonoran Corridor along State Route
18 410 connecting Interstate Route 19 and Interstate
19 Route 10 south of the Tucson International Airport.

20 “(84) The Central Texas Corridor commencing
21 at the logical terminus of Interstate Route 10, gen-
22 erally following portions of United States Route 190
23 eastward, passing in the vicinity Fort Hood, Killeen,
24 Belton, Temple, Bryan, College Station, Huntsville,
25 Livingston, and Woodville, to the logical terminus of

1 Texas Highway 63 at the Sabine River Bridge at
2 Burrs Crossing.

3 “(85) Interstate Route 81 in New York from its
4 intersection with Interstate Route 86 to the United
5 States-Canadian border.

6 “(86) Interstate Route 70 from Denver, Colo-
7 rado, to Salt Lake City, Utah.

8 “(87) The Oregon 99W Newberg-Dundee By-
9 pass Route between Newberg, Oregon, and Dayton,
10 Oregon.

11 “(88) Interstate Route 205 in Oregon from its
12 intersection with Interstate Route 5 to the Columbia
13 River.”.

14 (b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON
15 INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the
16 Intermodal Surface Transportation Efficiency Act of 1991
17 (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213) is amend-
18 ed in the first sentence—

19 (1) by inserting “subsection (c)(13),” after
20 “subsection (c)(9),”;

21 (2) by striking “subsections (c)(18)” and all
22 that follows through “subsection (c)(36)” and insert-
23 ing “subsection (c)(18), subsection (c)(20), subpara-
24 graphs (A) and (B)(i) of subsection (c)(26), sub-
25 section (c)(36)”;

1 (3) by striking “and subsection (c)(57)” and in-
2 serting “subsection (c)(57), subsection (c)(68)(B),
3 subsection (c)(81), subsection (c)(82), and sub-
4 section (c)(83)”.

5 (c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the
6 Intermodal Surface Transportation Efficiency Act of 1991
7 (109 Stat. 598; 126 Stat. 427) is amended by striking
8 the final sentence and inserting the following: “The routes
9 referred to in subparagraphs (A) and (B)(i) of subsection
10 (c)(26) and in subsection (c)(68)(B) are designated as
11 Interstate Route I–11. The route referred to in subsection
12 (c)(84) is designated as Interstate Route I–14.”.

13 (d) FUTURE INTERSTATE DESIGNATION.—Section
14 119(a) of the SAFETEA–LU Technical Corrections Act
15 of 2008 (122 Stat. 1608) is amended by striking “and,
16 as a future Interstate Route 66 Spur, the Natcher Park-
17 way in Owensboro, Kentucky” and inserting “between
18 Henderson, Kentucky, and Owensboro, Kentucky, and, as
19 a future Interstate Route 65 and 66 Spur, the William
20 H. Natcher Parkway between Bowling Green, Kentucky,
21 and Owensboro, Kentucky”.

22 **SEC. 1417. WORK ZONE AND GUARD RAIL SAFETY TRAIN-**
23 **ING.**

24 (a) IN GENERAL.—Section 1409 of SAFETEA–LU
25 (23 U.S.C. 401 note) is amended—

1 (1) by striking the section heading and insert-
2 ing “**WORK ZONE AND GUARD RAIL SAFETY**
3 **TRAINING**”; and

4 (2) in subsection (b) by adding at the end the
5 following:

6 “(4) Development, updating, and delivery of
7 training courses on guard rail installation, mainte-
8 nance, and inspection.”.

9 (b) **CLERICAL AMENDMENT.**—The table of contents
10 in section 1(b) of such Act is amended by striking the
11 item relating to section 1409 and inserting the following:
“Sec. 1409. Work zone and guard rail safety training.”.

12 **SEC. 1418. CONSOLIDATION OF PROGRAMS.**

13 Section 1519(a) of MAP–21 (126 Stat. 574) is
14 amended by striking “From administrative funds” and all
15 that follows through “shall be made available” and insert-
16 ing “For each of fiscal years 2016 through 2020, before
17 making an apportionment under section 104(b)(3) of title
18 23, United States Code, the Secretary shall set aside, from
19 amounts made available to carry out the highway safety
20 improvement program under section 148 of such title for
21 the fiscal year, \$3,500,000”.

22 **SEC. 1419. ELIMINATION OR MODIFICATION OF CERTAIN**
23 **REPORTING REQUIREMENTS.**

24 (a) **FUNDAMENTAL PROPERTIES OF ASPHALTS RE-**
25 **PORT.**—Section 6016(e) of the Intermodal Surface Trans-

1 portation Efficiency Act of 1991 (105 Stat. 2183) is re-
2 pealed.

3 (b) EXPRESS LANES DEMONSTRATION PROGRAM RE-
4 PORTS.—Section 1604(b)(7)(B) of SAFETEA-LU (23
5 U.S.C. 129 note) is repealed.

6 **SEC. 1420. FLEXIBILITY FOR PROJECTS.**

7 (a) AUTHORITY.—With respect to projects eligible for
8 funding under title 23, United States Code, subject to sub-
9 section (b) and on request by a State, the Secretary may—

10 (1) exercise all existing flexibilities under and
11 exceptions to—

12 (A) the requirements of title 23, United
13 States Code; and

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

16 (2) otherwise provide additional flexibility or ex-
17 pedited processing with respect to the requirements
18 described in paragraph (1).

19 (b) MAINTAINING PROTECTIONS.—Nothing in this
20 section—

21 (1) waives the requirements of section 113 or
22 138 of title 23, United States Code;

23 (2) supersedes, amends, or modifies—

1 (A) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) or any other
3 Federal environmental law; or

4 (B) any requirement of title 23 or title 49,
5 United States Code; or

6 (3) affects the responsibility of any Federal of-
7 ficer to comply with or enforce any law or require-
8 ment described in this subsection.

9 **SEC. 1421. PRODUCTIVE AND TIMELY EXPENDITURE OF**
10 **FUNDS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary shall develop
13 guidance that encourages the use of programmatic ap-
14 proaches to project delivery, expedited and prudent pro-
15 curement techniques, and other best practices to facilitate
16 productive, effective, and timely expenditure of funds for
17 projects eligible for funding under title 23, United States
18 Code.

19 (b) IMPLEMENTATION.—The Secretary shall work
20 with States to ensure that any guidance developed under
21 subsection (a) is consistently implemented by States and
22 the Federal Highway Administration to—

23 (1) avoid unnecessary delays in completing
24 projects;

25 (2) minimize cost overruns; and

1 (3) ensure the effective use of Federal funding.

2 **SEC. 1422. STUDY ON PERFORMANCE OF BRIDGES.**

3 (a) IN GENERAL.—Subject to subsection (c), the Ad-
4 ministrator of the Federal Highway Administration (re-
5 ferred to in this section as the “Administrator”) shall
6 commission the Transportation Research Board of the Na-
7 tional Academy of Sciences to conduct a study on the per-
8 formance of bridges that received funding under the inno-
9 vative bridge research and construction program (referred
10 to in this section as the “program”) under section 503(b)
11 of title 23, United States Code (as in effect on the day
12 before the date of enactment of SAFETEA-LU (Public
13 Law 109–59; 119 Stat. 1144)) in meeting the goals of
14 that program, which included—

15 (1) the development of new, cost-effective inno-
16 vative material highway bridge applications;

17 (2) the reduction of maintenance costs and
18 lifecycle costs of bridges, including the costs of new
19 construction, replacement, or rehabilitation of defi-
20 cient bridges;

21 (3) the development of construction techniques
22 to increase safety and reduce construction time and
23 traffic congestion;

1 (4) the development of engineering design cri-
2 teria for innovative products and materials for use
3 in highway bridges and structures;

4 (5) the development of cost-effective and inno-
5 vative techniques to separate vehicle and pedestrian
6 traffic from railroad traffic;

7 (6) the development of highway bridges and
8 structures that will withstand natural disasters, in-
9 cluding alternative processes for the seismic retrofit
10 of bridges; and

11 (7) the development of new nondestructive
12 bridge evaluation technologies and techniques.

13 (b) CONTENTS.—The study commissioned under sub-
14 section (a) shall include—

15 (1) an analysis of the performance of bridges
16 that received funding under the program in meeting
17 the goals described in paragraphs (1) through (7) of
18 subsection (a);

19 (2) an analysis of the utility, compared to con-
20 ventional materials and technologies, of each of the
21 innovative materials and technologies used in
22 projects for bridges under the program in meeting
23 the needs of the United States in 2015 and in the
24 future for a sustainable and low lifecycle cost trans-
25 portation system;

1 (3) recommendations to Congress on how the
2 installed and lifecycle costs of bridges could be re-
3 duced through the use of innovative materials and
4 technologies, including, as appropriate, any changes
5 in the design and construction of bridges needed to
6 maximize the cost reductions; and

7 (4) a summary of any additional research that
8 may be needed to further evaluate innovative ap-
9 proaches to reducing the installed and lifecycle costs
10 of highway bridges.

11 (c) PUBLIC COMMENT.—Before commissioning the
12 study under subsection (a), the Administrator shall pro-
13 vide an opportunity for public comment on the study pro-
14 posal.

15 (d) DATA FROM STATES.—Each State that received
16 funds under the program shall provide to the Transpor-
17 tation Research Board any relevant data needed to carry
18 out the study commissioned under subsection (a).

19 (e) DEADLINE.—The Administrator shall submit to
20 Congress the study commissioned under subsection (a) not
21 later than 3 years after the date of enactment of this Act.

22 **SEC. 1423. RELINQUISHMENT OF PARK-AND-RIDE LOT FA-**
23 **CILITIES.**

24 A State transportation agency may relinquish park-
25 and-ride lot facilities or portions of park-and-ride lot facili-

1 ties to a local government agency for highway purposes
2 if authorized to do so under State law if the agreement
3 providing for the relinquishment provides that—

4 (1) rights-of-way on the Interstate System will
5 remain available for future highway improvements;
6 and

7 (2) modifications to the facilities that could im-
8 pair the highway or interfere with the free and safe
9 flow of traffic are subject to the approval of the Sec-
10 retary.

11 **SEC. 1424. PILOT PROGRAM.**

12 (a) IN GENERAL.—The Administrator of the Federal
13 Highway Administration (referred to in this section as the
14 “Administrator”) may establish a pilot program that al-
15 lows a State to utilize innovative approaches to maintain
16 the right-of-way of Federal-aid highways within the State.

17 (b) LIMITATION.—A pilot program established under
18 subsection (a) shall—

19 (1) terminate after not more than 4 years;

20 (2) include not more than 5 States; and

21 (3) be subject to guidelines published by the
22 Administrator.

23 (c) REPORT.—If the Administrator establishes a pilot
24 program under subsection (a), the Administrator shall,
25 not more than 1 year after the completion of the pilot pro-

1 gram, submit to the Committee on Transportation and In-
2 frastructure of the House of Representatives and the Com-
3 mittee on Environment and Public Works of the Senate
4 a report on the results of the pilot program.

5 (d) SAVINGS PROVISION.—Nothing in this section
6 may be construed to affect the requirements of section 111
7 of title 23, United States Code.

8 **SEC. 1425. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**
9 **RELIGIOUS SERVICE SIGNS.**

10 Notwithstanding section 131 of title 23, United
11 States Code, and part 750 of title 23, Code of Federal
12 Regulations (or successor regulations), if a State notifies
13 the Federal Highway Administration, the State may allow
14 the maintenance of a sign of a service club, charitable as-
15 sociation, or religious service organization—

16 (1) that exists on the date of enactment of this
17 Act (or was removed in the 3-year period ending on
18 such date of enactment); and

19 (2) the area of which is less than or equal to
20 32 square feet.

21 **SEC. 1426. MOTORCYCLIST ADVISORY COUNCIL.**

22 The Secretary, acting through the Administrator of
23 the Federal Highway Administration, shall appoint a Mo-
24 torcyclist Advisory Council to coordinate with and advise

1 the Administrator on infrastructure issues of concern to
2 motorecyclists, including—

3 (1) barrier design;

4 (2) road design, construction, and maintenance
5 practices; and

6 (3) the architecture and implementation of in-
7 telligent transportation system technologies.

8 **SEC. 1427. HIGHWAY WORK ZONES.**

9 It is the sense of Congress that the Federal Highway
10 Administration should—

11 (1) do all within its power to protect workers in
12 highway work zones; and

13 (2) move rapidly to finalize regulations, as di-
14 rected in section 1405 of MAP-21 (126 Stat. 560),
15 to protect the lives and safety of construction work-
16 ers in highway work zones from vehicle intrusions.

17 **SEC. 1428. USE OF DURABLE, RESILIENT, AND SUSTAIN-**
18 **ABLE MATERIALS AND PRACTICES.**

19 To the extent practicable, the Secretary shall encour-
20 age the use of durable, resilient, and sustainable materials
21 and practices, including the use of geosynthetic materials
22 and other innovative technologies, in carrying out the ac-
23 tivities of the Federal Highway Administration.

1 **SEC. 1429. IDENTIFICATION OF ROADSIDE HIGHWAY SAFE-**
2 **TY HARDWARE DEVICES.**

3 (a) STUDY.—The Secretary shall conduct a study on
4 methods for identifying roadside highway safety hardware
5 devices to improve the data collected on the devices, as
6 necessary for in-service evaluation of the devices.

7 (b) CONTENTS.—In conducting the study under sub-
8 section (a), the Secretary shall evaluate identification
9 methods based on the ability of the method—

10 (1) to convey information on the devices, in-
11 cluding manufacturing date, factory of origin, prod-
12 uct brand, and model;

13 (2) to withstand roadside conditions; and

14 (3) to connect to State and regional inventories
15 of similar devices.

16 (c) IDENTIFICATION METHODS.—The identification
17 methods to be studied under this section include stamped
18 serial numbers, radio-frequency identification, and such
19 other methods as the Secretary determines appropriate.

20 (d) REPORT TO CONGRESS.—Not later than January
21 1, 2018, the Secretary shall submit to Congress a report
22 on the results of the study under subsection (a).

23 **SEC. 1430. USE OF MODELING AND SIMULATION TECH-**
24 **NOLOGY.**

25 It is the sense of Congress that the Department
26 should utilize, to the fullest and most economically feasible

1 extent practicable, modeling and simulation technology to
2 analyze highway and public transportation projects au-
3 thorized by this Act to ensure that these projects—

4 (1) will increase transportation capacity and
5 safety, alleviate congestion, and reduce travel time
6 and environmental impacts; and

7 (2) are as cost effective as practicable.

8 **SEC. 1431. NATIONAL ADVISORY COMMITTEE ON TRAVEL**
9 **AND TOURISM INFRASTRUCTURE.**

10 (a) FINDINGS.—Congress finds that—

11 (1) 1 out of every 9 jobs in the United States
12 depends on travel and tourism, and the industry
13 supports 15,000,000 jobs in the United States;

14 (2) the travel and tourism industry employs in-
15 dividuals in all 50 States, the District of Columbia,
16 and all of the territories of the United States;

17 (3) international travel to the United States is
18 the single largest export industry in the United
19 States, generating a trade surplus balance of ap-
20 proximately \$74,000,000,000;

21 (4) travel and tourism provide significant eco-
22 nomic benefits to the United States by generating
23 nearly \$2,100,000,000,000 in annual economic out-
24 put; and

1 (5) the United States intermodal transportation
2 network facilitates the large-scale movement of busi-
3 ness and leisure travelers, and is the most important
4 asset of the travel industry.

5 (b) ESTABLISHMENT.—Not later than 180 days after
6 the date of enactment of this Act, the Secretary shall es-
7 tablish an advisory committee to be known as the National
8 Advisory Committee on Travel and Tourism Infrastruc-
9 ture (referred to in this section as the “Committee”) to
10 provide information, advice, and recommendations to the
11 Secretary on matters relating to the role of intermodal
12 transportation in facilitating mobility related to travel and
13 tourism activities.

14 (c) MEMBERSHIP.—The Committee shall—

15 (1) be composed of members appointed by the
16 Secretary for terms of not more than 3 years; and

17 (2) include a representative cross-section of
18 public and private sector stakeholders involved in the
19 travel and tourism industry, including representa-
20 tives of—

21 (A) the travel and tourism industry, prod-
22 uct and service providers, and travel and tour-
23 ism-related associations;

24 (B) travel, tourism, and destination mar-
25 keting organizations;

1 (C) the travel and tourism-related work-
2 force;

3 (D) State tourism offices;

4 (E) State departments of transportation;

5 (F) regional and metropolitan planning or-
6 ganizations; and

7 (G) local governments.

8 (d) ROLE OF COMMITTEE.—The Committee shall—

9 (1) advise the Secretary on current and emerg-
10 ing priorities, issues, projects, and funding needs re-
11 lated to the use of the intermodal transportation
12 network of the United States to facilitate travel and
13 tourism;

14 (2) serve as a forum for discussion for travel
15 and tourism stakeholders on transportation issues
16 affecting interstate and interregional mobility of pas-
17 sengers;

18 (3) promote the sharing of information between
19 the private and public sectors on transportation
20 issues impacting travel and tourism;

21 (4) gather information, develop technical advice,
22 and make recommendations to the Secretary on poli-
23 cies that improve the condition and performance of
24 an integrated national transportation system that—

25 (A) is safe, economical, and efficient; and

1 (B) maximizes the benefits to the United
2 States generated through the travel and tour-
3 ism industry;

4 (5) identify critical transportation facilities and
5 corridors that facilitate and support the interstate
6 and interregional transportation of passengers for
7 tourism, commercial, and recreational activities;

8 (6) provide for development of measures of con-
9 dition, safety, and performance for transportation
10 related to travel and tourism;

11 (7) provide for development of transportation
12 investment, data, and planning tools to assist Fed-
13 eral, State, and local officials in making investment
14 decisions relating to transportation projects that im-
15 prove travel and tourism; and

16 (8) address other issues of transportation policy
17 and programs impacting the movement of travelers
18 for tourism and recreational purposes, including by
19 making legislative recommendations.

20 (e) NATIONAL TRAVEL AND TOURISM INFRASTRUC-
21 TURE STRATEGIC PLAN.—Not later than 3 years after the
22 date of enactment of this Act, the Secretary, in consulta-
23 tion with the Committee, State departments of transpor-
24 tation, and other appropriate public and private transpor-
25 tation stakeholders, shall develop and post on the public

1 Internet website of the Department a national travel and
2 tourism infrastructure strategic plan that includes—

3 (1) an assessment of the condition and perform-
4 ance of the national transportation network;

5 (2) an identification of the issues on the na-
6 tional transportation network that create significant
7 congestion problems and barriers to long-haul pas-
8 senger travel and tourism,

9 (3) forecasts of long-haul passenger travel and
10 tourism volumes for the 20-year period beginning in
11 the year during which the plan is issued;

12 (4) an identification of the major transportation
13 facilities and corridors for current and forecasted
14 long-haul travel and tourism volumes, the identifica-
15 tion of which shall be revised, as appropriate, in sub-
16 sequent plans;

17 (5) an assessment of statutory, regulatory,
18 technological, institutional, financial, and other bar-
19 riers to improved long-haul passenger travel per-
20 formance (including opportunities for overcoming
21 the barriers);

22 (6) best practices for improving the perform-
23 ance of the national transportation network; and

1 (7) strategies to improve intermodal
2 connectivity for long-haul passenger travel and tour-
3 ism.

4 **SEC. 1432. EMERGENCY EXEMPTIONS.**

5 (a) IN GENERAL.—Any road, highway, railway,
6 bridge, or transit facility that is damaged by an emergency
7 that is declared by the Governor of the State, with the
8 concurrence of the Secretary of Homeland Security, or de-
9 clared as an emergency by the President pursuant to the
10 Robert T. Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5121 et seq.), and that is in operation
12 or under construction on the date on which the emergency
13 occurs may be reconstructed in the same location with the
14 same capacity, dimensions, and design as before the emer-
15 gency subject to the exemptions and expedited procedures
16 under subsection (b).

17 (b) EXEMPTIONS AND EXPEDITED PROCEDURES.—

18 (1) ALTERNATIVE ARRANGEMENTS.—Alter-
19 native arrangements for an emergency under section
20 1506.11 of title 40, Code of Federal Regulations (as
21 in effect on the date of enactment of this Act) shall
22 apply to reconstruction under subsection (a), and
23 the reconstruction shall be considered necessary to
24 control the immediate impacts of the emergency.

1 (2) STORMWATER DISCHARGE PERMITS.—A
2 general permit for stormwater discharges from con-
3 struction activities, if available, issued by the Ad-
4 ministrator of the Environmental Protection Agency
5 or the director of a State program under section
6 402(p) of the Federal Water Pollution Control Act
7 (33 U.S.C. 1342(p)), as applicable, shall apply to re-
8 construction under subsection (a), on submission of
9 a notice of intent to be subject to the permit.

10 (3) EMERGENCY PROCEDURES.—The emer-
11 gency procedures for issuing permits in accordance
12 with section 325.2(e)(4) of title 33, Code of Federal
13 Regulations (as in effect on the date of enactment
14 of this Act) shall apply to reconstruction under sub-
15 section (a), and the reconstruction shall be consid-
16 ered an emergency under that regulation.

17 (4) NATIONAL HISTORIC PRESERVATION ACT
18 EXEMPTION.—Reconstruction under subsection (a)
19 is eligible for an exemption from the requirements of
20 the National Historic Preservation Act of 1966 pur-
21 suant to part 78 of title 36, Code of Federal Regula-
22 tions (as in effect on the date of enactment of this
23 Act).

24 (5) ENDANGERED SPECIES ACT EXEMPTION.—
25 An exemption from the requirements of the Endan-

1 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
2 pursuant to section 7(p) of that Act (16 U.S.C.
3 1536(p)) shall apply to reconstruction under sub-
4 section (a) and, if the President makes the deter-
5 mination required under section 7(p) of that Act,
6 the determinations required under subsections (g)
7 and (h) of that section shall be deemed to be made.

8 (6) EXPEDITED CONSULTATION UNDER ENDAN-
9 GERED SPECIES ACT.—Expedited consultation pur-
10 suant to section 402.05 of title 50, Code of Federal
11 Regulations (as in effect on the date of enactment
12 of this Act) shall apply to reconstruction under sub-
13 section (a).

14 (7) OTHER EXEMPTIONS.—Any reconstruction
15 that is exempt under paragraph (5) shall also be ex-
16 empt from requirements under—

17 (A) the Migratory Bird Treaty Act (16
18 U.S.C. 703 et seq.);

19 (B) the Wild and Scenic Rivers Act (16
20 U.S.C. 1271 et seq.); and

21 (C) the Fish and Wildlife Coordination Act
22 (16 U.S.C. 661 et seq.).

1 **SEC. 1433. REPORT ON HIGHWAY TRUST FUND ADMINIS-**
2 **TRATIVE EXPENDITURES.**

3 (a) INITIAL REPORT.—Not later than 150 days after
4 the date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 describing the administrative expenses of the Federal
7 Highway Administration funded from the Highway Trust
8 Fund during the 3 most recent fiscal years.

9 (b) UPDATES.—Not later than 5 years after the date
10 on which the report is submitted under subsection (a) and
11 every 5 years thereafter, the Comptroller General shall
12 submit to Congress a report that updates the information
13 provided in the report under that subsection for the pre-
14 ceding 5-year period.

15 (c) INCLUSIONS.—Each report submitted under sub-
16 section (a) or (b) shall include a description of—

17 (1) the types of administrative expenses of pro-
18 grams and offices funded by the Highway Trust
19 Fund;

20 (2) the tracking and monitoring of administra-
21 tive expenses;

22 (3) the controls in place to ensure that funding
23 for administrative expenses is used as efficiently as
24 practicable; and

25 (4) the flexibility of the Department to reallo-
26 cate amounts from the Highway Trust Fund be-

1 tween full-time equivalent employees and other func-
2 tions.

3 **SEC. 1434. AVAILABILITY OF REPORTS.**

4 (a) IN GENERAL.—The Secretary shall make avail-
5 able to the public on the website of the Department any
6 report required to be submitted by the Secretary to Con-
7 gress after the date of enactment of this Act.

8 (b) DEADLINE.—Each report described in subsection
9 (a) shall be made available on the website not later than
10 30 days after the report is submitted to Congress.

11 **SEC. 1435. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
12 **TEM.**

13 Section 1528 of MAP–21 (40 U.S.C. 14501 note;
14 Public Law 112–141) is amended—

15 (1) by striking “2021” each place it appears
16 and inserting “2050”; and

17 (2) by striking “shall be 100 percent” each
18 place it appears and inserting “shall be up to 100
19 percent, as determined by the State”.

20 **SEC. 1436. APPALACHIAN REGIONAL DEVELOPMENT PRO-**
21 **GRAM.**

22 (a) HIGH-SPEED BROADBAND DEVELOPMENT INI-
23 TIATIVE.—

1 (1) IN GENERAL.—Subchapter I of chapter 145
2 of subtitle IV of title 40, United States Code, is
3 amended by adding at the end the following:

4 **“§ 14509. High-speed broadband deployment initia-**
5 **tive**

6 “(a) IN GENERAL.—The Appalachian Regional Com-
7 mission may provide technical assistance, make grants,
8 enter into contracts, or otherwise provide amounts to indi-
9 viduals or entities in the Appalachian region for projects
10 and activities—

11 “(1) to increase affordable access to broadband
12 networks throughout the Appalachian region;

13 “(2) to conduct research, analysis, and training
14 to increase broadband adoption efforts in the Appa-
15 lachian region;

16 “(3) to provide technology assets, including
17 computers, smartboards, and video projectors to
18 educational systems throughout the Appalachian re-
19 gion;

20 “(4) to increase distance learning opportunities
21 throughout the Appalachian region;

22 “(5) to increase the use of telehealth tech-
23 nologies in the Appalachian region; and

24 “(6) to promote e-commerce applications in the
25 Appalachian region.

1 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
2 cost of any activity eligible for a grant under this sec-
3 tion—

4 “(1) not more than 50 percent may be provided
5 from amounts appropriated to carry out this section;
6 and

7 “(2) notwithstanding paragraph (1)—

8 “(A) in the case of a project to be carried
9 out in a county for which a distressed county
10 designation is in effect under section 14526,
11 not more than 80 percent may be provided from
12 amounts appropriated to carry out this section;
13 and

14 “(B) in the case of a project to be carried
15 out in a county for which an at-risk designation
16 is in effect under section 14526, not more than
17 70 percent may be provided from amounts ap-
18 propriated to carry out this section.

19 “(c) SOURCES OF ASSISTANCE.—Subject to sub-
20 section (b), a grant provided under this section may be
21 provided from amounts made available to carry out this
22 section in combination with amounts made available—

23 “(1) under any other Federal program; or

24 “(2) from any other source.

1 “(d) FEDERAL SHARE.—Notwithstanding any provi-
2 sion of law limiting the Federal share under any other
3 Federal program, amounts made available to carry out
4 this section may be used to increase that Federal share,
5 as the Appalachian Regional Commission determines to be
6 appropriate.”.

7 (2) CONFORMING AMENDMENT.—The analysis
8 for chapter 145 of title 40, United States Code, is
9 amended by inserting after the item relating to sec-
10 tion 14508 the following:

“14509. High-speed broadband deployment initiative.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
12 14703 of title 40, United States Code, is amended—

13 (1) in subsection (a)(5), by striking “fiscal year
14 2012” and inserting “each of fiscal years 2012
15 through 2020”;

16 (2) by redesignating subsections (c) and (d) as
17 subsections (d) and (e), respectively; and

18 (3) by inserting after subsection (b) the fol-
19 lowing:

20 “(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIA-
21 TIVE.—Of the amounts made available under subsection
22 (a), \$10,000,000 may be used to carry out section 14509
23 for each of fiscal years 2016 through 2020.”.

1 (c) TERMINATION.—Section 14704 of title 40, United
2 States Code, is amended by striking “2012” and inserting
3 “2020”.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section take effect on October 1, 2015.

6 **SEC. 1437. BORDER STATE INFRASTRUCTURE.**

7 (a) IN GENERAL.—After consultation with relevant
8 transportation planning organizations, the Governor of a
9 State that shares a land border with Canada or Mexico
10 may designate for each fiscal year not more than 5 percent
11 of the funds made available to the State under section
12 133(d)(1)(B) of title 23, United States Code, for border
13 infrastructure projects eligible under section 1303 of
14 SAFETEA–LU (23 U.S.C. 101 note; 119 Stat. 1207).

15 (b) USE OF FUNDS.—Funds designated under this
16 section shall be available under the requirements of section
17 1303 of SAFETEA–LU (23 U.S.C. 101 note; 119 Stat.
18 1207).

19 (c) CERTIFICATION.—Before making a designation
20 under subsection (a), the Governor shall certify that the
21 designation is consistent with transportation planning re-
22 quirements under title 23, United States Code.

23 (d) NOTIFICATION.—Not later than 30 days after
24 making a designation under subsection (a), the Governor
25 shall submit to the relevant transportation planning orga-

1 nizations within the border region a written notification
2 of any suballocated or distributed amount of funds avail-
3 able for obligation by jurisdiction.

4 (e) LIMITATION.—This section applies only to funds
5 apportioned to a State after the date of enactment of this
6 Act.

7 (f) DEADLINE FOR DESIGNATION.—A designation
8 under subsection (a) shall—

9 (1) be submitted to the Secretary not later than
10 30 days before the first day of the fiscal year for
11 which the designation is being made; and

12 (2) remain in effect for the funds designated
13 under subsection (a) for a fiscal year until the Gov-
14 ernor of the State notifies the Secretary of the ter-
15 mination of the designation.

16 (g) UNOBLIGATED FUNDS AFTER TERMINATION.—
17 Effective beginning on the date of a termination under
18 subsection (f)(2), all remaining unobligated funds that
19 were designated under subsection (a) for the fiscal year
20 for which the designation is being terminated shall be
21 made available to the State for the purposes described in
22 section 133(d)(1)(B) of title 23, United States Code.

23 **SEC. 1438. ADJUSTMENTS.**

24 (a) IN GENERAL.—On July 1, 2020, of the unobli-
25 gated balances of funds apportioned among the States

1 under chapter 1 of title 23, United States Code, a total
2 of \$7,569,000,000 is permanently rescinded.

3 (b) EXCLUSIONS FROM RESCISSION.—The rescission
4 under subsection (a) shall not apply to funds distributed
5 in accordance with—

6 (1) sections 104(b)(3) and 130(f) of title 23,
7 United States Code;

8 (2) section 133(d)(1)(A) of such title;

9 (3) the first sentence of section 133(d)(3)(A) of
10 such title, as in effect on the day before the date of
11 enactment of MAP–21 (Public Law 112–141);

12 (4) sections 133(d)(1) and 163 of such title, as
13 in effect on the day before the date of enactment of
14 SAFETEA–LU (Public Law 109–59); and

15 (5) section 104(b)(5) of such title, as in effect
16 on the day before the date of enactment of MAP–
17 21 (Public Law 112–141).

18 (c) DISTRIBUTION AMONG STATES.—The amount to
19 be rescinded under this section from a State shall be deter-
20 mined by multiplying the total amount of the rescission
21 in subsection (a) by the ratio that—

22 (1) the unobligated balances subject to the re-
23 scission as of September 30, 2019, for the State;
24 bears to

1 (2) the unobligated balances subject to the re-
2 scission as of September 30, 2019, for all States.

3 (d) DISTRIBUTION WITHIN EACH STATE.—The
4 amount to be rescinded under this section from each pro-
5 gram to which the rescission applies within a State shall
6 be determined by multiplying the required rescission
7 amount calculated under subsection (c) for such State by
8 the ratio that—

9 (1) the unobligated balance as of September 30,
10 2019, for such program in such State; bears to

11 (2) the unobligated balances as of September
12 30, 2019, for all programs to which the rescission
13 applies in such State.

14 **SEC. 1439. ELIMINATION OF BARRIERS TO IMPROVE AT-**
15 **RISK BRIDGES.**

16 (a) TEMPORARY AUTHORIZATION.—

17 (1) IN GENERAL.—Until the Secretary of the
18 Interior takes the action described in subsection (b),
19 the take of nesting swallows to facilitate a construc-
20 tion project on a bridge eligible for funding under
21 title 23, United States Code, with any component
22 condition rating of 3 or less (as defined by the Na-
23 tional Bridge Inventory General Condition Guidance
24 issued by the Federal Highway Administration) is

1 authorized under the Migratory Bird Treaty Act (16
2 U.S.C. 703 et seq.) between April 1 and August 31.

3 (2) MEASURES TO MINIMIZE IMPACTS.—

4 (A) NOTIFICATION BEFORE TAKING.—

5 Prior to the taking of nesting swallows author-
6 ized under paragraph (1), any person taking
7 that action shall submit to the Secretary of the
8 Interior a document that contains—

9 (i) the name of the person acting
10 under the authority of paragraph (1) to
11 take nesting swallows;

12 (ii) a list of practicable measures that
13 will be undertaken to minimize or mitigate
14 significant adverse impacts on the popu-
15 lation of that species;

16 (iii) the time period during which ac-
17 tivities will be carried out that will result
18 in the taking of that species; and

19 (iv) an estimate of the number of
20 birds, by species, to be taken in the pro-
21 posed action.

22 (B) NOTIFICATION AFTER TAKING.—Not
23 later than 60 days after the taking of nesting
24 swallows authorized under paragraph (1), any
25 person taking that action shall submit to the

1 Secretary of the Interior a document that con-
2 tains the number of birds, by species, taken in
3 the action.

4 (b) AUTHORIZATION OF TAKE.—

5 (1) IN GENERAL.—The Secretary of the Inte-
6 rior, in consultation with the Secretary, shall pro-
7 mulgate a regulation under the authority of section
8 3 of the Migratory Bird Treaty Act (16 U.S.C. 704)
9 authorizing the take of nesting swallows to facilitate
10 bridge repair, maintenance, or construction—

11 (A) without individual permit require-
12 ments; and

13 (B) under terms and conditions determined
14 to be consistent with treaties relating to migra-
15 tory birds that protect swallow species occur-
16 ring in the United States.

17 (2) TERMINATION.—On the effective date of a
18 final rule under this subsection by the Secretary of
19 the Interior, subsection (a) shall have no force or ef-
20 fect.

21 (c) SUSPENSION OR WITHDRAWAL OF TAKE AU-
22 THORIZATION.—If the Secretary of the Interior, in con-
23 sultation with the Secretary, determines that taking of
24 nesting swallows carried out under the authority provided
25 in subsection (a)(1) is having a significant adverse impact

1 on swallow populations, the Secretary of the Interior may
2 suspend that authority through publication in the Federal
3 Register.

4 **SEC. 1440. AT-RISK PROJECT PREAGREEMENT AUTHORITY.**

5 (a) DEFINITION OF PRELIMINARY ENGINEERING.—

6 In this section, the term “preliminary engineering” means
7 allowable preconstruction project development and engi-
8 neering costs.

9 (b) AT-RISK PROJECT PREAGREEMENT AUTHOR-
10 ITY.—A recipient or subrecipient of Federal-aid funds
11 under title 23, United States Code, may—

12 (1) incur preliminary engineering costs for an
13 eligible project under title 23, United States Code,
14 before receiving project authorization from the
15 State, in the case of a subrecipient, and the Sec-
16 retary to proceed with the project; and

17 (2) request reimbursement of applicable Federal
18 funds after the project authorization is received.

19 (c) ELIGIBILITY.—The Secretary may reimburse pre-
20 liminary engineering costs incurred by a recipient or sub-
21 recipient under subsection (b)—

22 (1) if the costs meet all applicable requirements
23 under title 23, United States Code, at the time the
24 costs are incurred and the Secretary concurs that
25 the requirements have been met;

1 (2) in the case of a project located within a des-
2 ignated nonattainment or maintenance area for air
3 quality, if the conformity requirements of the Clean
4 Air Act (42 U.S.C. 7401 et seq.) have been met; and

5 (3) if the costs would have been allowable if in-
6 curred after the date of the project authorization by
7 the Department.

8 (d) AT-RISK.—A recipient or subrecipient that elects
9 to use the authority provided under this section shall—

10 (1) assume all risk for preliminary engineering
11 costs incurred prior to project authorization; and

12 (2) be responsible for ensuring and dem-
13 onstrating to the Secretary that all applicable cost
14 eligibility conditions are met after the authorization
15 is received.

16 (e) RESTRICTIONS.—Nothing in this section—

17 (1) allows a recipient or subrecipient to use the
18 authority under this section to advance a project be-
19 yond preliminary engineering prior to the completion
20 of the environmental review process;

21 (2) waives the applicability of Federal require-
22 ments to a project other than the reimbursement of
23 preliminary engineering costs incurred prior to an
24 authorization to proceed in accordance with this sec-
25 tion; or

1 (3) guarantees Federal funding of the project
2 or the eligibility of the project for future Federal-aid
3 highway funding.

4 **SEC. 1441. REGIONAL INFRASTRUCTURE ACCELERATOR**
5 **DEMONSTRATION PROGRAM.**

6 (a) IN GENERAL.—The Secretary shall establish a re-
7 gional infrastructure demonstration program (referred to
8 in this section as the “program”) to assist entities in de-
9 veloping improved infrastructure priorities and financing
10 strategies for the accelerated development of a project that
11 is eligible for funding under the TIFIA program under
12 chapter 6 of title 23, United States Code.

13 (b) DESIGNATION OF REGIONAL INFRASTRUCTURE
14 ACCELERATORS.—In carrying out the program, the Sec-
15 retary may designate regional infrastructure accelerators
16 that will—

- 17 (1) serve a defined geographic area; and
18 (2) act as a resource in the geographic area to
19 qualified entities in accordance with this section.

20 (c) APPLICATION.—To be eligible for a designation
21 under subsection (b), a proposed regional infrastructure
22 accelerator shall submit to the Secretary a proposal at
23 such time, in such manner, and containing such informa-
24 tion as the Secretary may require.

1 (d) CRITERIA.—In evaluating a proposal submitted
2 under subsection (c), the Secretary shall consider—

3 (1) the need for geographic diversity among re-
4 gional infrastructure accelerators; and

5 (2) the ability of the proposal to promote in-
6 vestment in covered infrastructure projects, which
7 shall include a plan—

8 (A) to evaluate and promote innovative fi-
9 nancing methods for local projects, including
10 the use of the TIFIA program under chapter 6
11 of title 23, United States Code;

12 (B) to build capacity of State, local, and
13 tribal governments to evaluate and structure
14 projects involving the investment of private cap-
15 ital;

16 (C) to provide technical assistance and in-
17 formation on best practices with respect to fi-
18 nancing the projects;

19 (D) to increase transparency with respect
20 to infrastructure project analysis and using in-
21 novative financing for public infrastructure
22 projects;

23 (E) to deploy predevelopment capital pro-
24 grams designed to facilitate the creation of a

1 pipeline of infrastructure projects available for
2 investment;

3 (F) to bundle smaller-scale and rural
4 projects into larger proposals that may be more
5 attractive for investment; and

6 (G) to reduce transaction costs for public
7 project sponsors.

8 (e) ANNUAL REPORT.—Not less frequently than once
9 each year, the Secretary shall submit to Congress a report
10 that describes the findings and effectiveness of the pro-
11 gram.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out the program
14 \$12,000,000, of which the Secretary shall use—

15 (1) \$11,750,000 for initial grants to regional
16 infrastructure accelerators under subsection (b); and

17 (2) \$250,000 for administrative costs of car-
18 rying out the program.

19 **SEC. 1442. SAFETY FOR USERS.**

20 (a) IN GENERAL.—The Secretary shall encourage
21 each State and metropolitan planning organization to
22 adopt standards for the design of Federal surface trans-
23 portation projects that provide for the safe and adequate
24 accommodation (as determined by the State) of all users
25 of the surface transportation network, including motorized

1 and nonmotorized users, in all phases of project planning,
2 development, and operation.

3 (b) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Secretary shall make avail-
5 able to the public a report cataloging examples of State
6 law or State transportation policy that provide for the safe
7 and adequate accommodation of all users of the surface
8 transportation network, in all phases of project planning,
9 development, and operation.

10 (c) BEST PRACTICES.—Based on the report under
11 subsection (b), the Secretary shall identify and dissemi-
12 nate examples of best practices where States have adopted
13 measures that have successfully provided for the safe and
14 adequate accommodation of all users of the surface trans-
15 portation network in all phases of project planning, devel-
16 opment, and operation.

17 **SEC. 1443. SENSE OF CONGRESS.**

18 It is the sense of Congress that the engineering in-
19 dustry of the United States continues to provide critical
20 technical expertise, innovation, and local knowledge to
21 Federal and State agencies in order to efficiently deliver
22 surface transportation projects to the public, and Congress
23 recognizes the valuable contributions made by the engi-
24 neering industry of the United States and urges the Sec-
25 retary to reinforce those partnerships by encouraging

1 State and local agencies to take full advantage of engi-
2 neering industry capabilities to strengthen project per-
3 formance, improve domestic competitiveness, and create
4 jobs.

5 **SEC. 1444. EVERY DAY COUNTS INITIATIVE.**

6 (a) IN GENERAL.—It is in the national interest for
7 the Department, State departments of transportation, and
8 all other recipients of Federal transportation funds—

9 (1) to identify, accelerate, and deploy innova-
10 tion aimed at shortening project delivery, enhancing
11 the safety of the roadways of the United States, and
12 protecting the environment;

13 (2) to ensure that the planning, design, engi-
14 neering, construction, and financing of transpor-
15 tation projects is done in an efficient and effective
16 manner;

17 (3) to promote the rapid deployment of proven
18 solutions that provide greater accountability for pub-
19 lic investments and encourage greater private sector
20 involvement; and

21 (4) to create a culture of innovation within the
22 highway community.

23 (b) EVERY DAY COUNTS INITIATIVE.—To advance
24 the policy described in subsection (a), the Administrator
25 of the Federal Highway Administration shall continue the

1 Every Day Counts initiative to work with States, local
2 transportation agencies, and industry stakeholders to
3 identify and deploy proven innovative practices and prod-
4 ucts that—

- 5 (1) accelerate innovation deployment;
- 6 (2) shorten the project delivery process;
- 7 (3) improve environmental sustainability;
- 8 (4) enhance roadway safety; and
- 9 (5) reduce congestion.

10 (c) INNOVATION DEPLOYMENT.—

11 (1) IN GENERAL.—At least every 2 years, the
12 Administrator shall work collaboratively with stake-
13 holders to identify a new collection of innovations,
14 best practices, and data to be deployed to highway
15 stakeholders through case studies, webinars, and
16 demonstration projects.

17 (2) REQUIREMENTS.—In identifying a collection
18 described in paragraph (1), the Secretary shall take
19 into account market readiness, impacts, benefits,
20 and ease of adoption of the innovation or practice.

21 (d) PUBLICATION.—Each collection identified under
22 subsection (c) shall be published by the Administrator on
23 a publicly available Web site.

1 **SEC. 1445. WATER INFRASTRUCTURE FINANCE AND INNO-**
2 **VATION.**

3 Section 5028(a) of the Water Resources Reform and
4 Development Act of 2014 (33 U.S.C. 3907(a)) is amend-
5 ed—

6 (1) by striking paragraph (5); and

7 (2) by redesignating paragraphs (6) and (7) as
8 paragraphs (5) and (6), respectively.

9 **SEC. 1446. TECHNICAL CORRECTIONS.**

10 (a) TITLE 23.—Title 23, United States Code, is
11 amended as follows:

12 (1) Section 119(d)(1)(A) is amended by strik-
13 ing “mobility,” and inserting “congestion reduction,
14 system reliability,”.

15 (2) Section 126(b)(1) is amended by striking
16 “133(d)” and inserting “133(d)(1)(A)”.

17 (3) Section 127(a)(3) is amended by striking
18 “118(b)(2) of this title” and inserting “118(b)”.

19 (4) Section 150(b)(5) is amended by striking
20 “national freight network” and inserting “National
21 Highway Freight Network”.

22 (5) Section 150(c)(3)(B) is amended by striking
23 the semicolon at the end and inserting a period.

24 (6) Section 150(e)(4) is amended by striking
25 “National Freight Strategic Plan” and inserting
26 “national freight strategic plan”.

1 (7) Section 153(h)(2) is amended by striking
2 “paragraphs (1) through (3)” and inserting “para-
3 graphs (1), (2), and (4)”.

4 (8) Section 154(c) is amended—

5 (A) in paragraph (1) by striking “para-
6 graphs (1), (3), and (4)” and inserting “para-
7 graphs (1), (2), and (4)”;

8 (B) in paragraph (3)(A) by striking
9 “transferred” and inserting “reserved”; and

10 (C) in paragraph (5)—

11 (i) in the matter preceding subpara-
12 graph (A) by inserting “or released” after
13 “transferred”; and

14 (ii) in subparagraph (A) by striking
15 “under section 104(b)(l)” and inserting
16 “under section 104(b)(1)”.

17 (9) Section 163(f)(2) is amended by striking
18 “118(b)(2)” and inserting “118(b)”.

19 (10) Section 164(b) is amended—

20 (A) in paragraph (3)(A) by striking
21 “transferred” and inserting “reserved”; and

22 (B) in paragraph (5) by inserting “or re-
23 leased” after “transferred”.

24 (11) Section 165(c)(7) is amended by striking
25 “paragraphs (2), (4), (7), (8), (14), and (19) of sec-

1 tion 133(b)” and inserting “paragraphs (1) through
2 (4) of section 133(c) and section 133(b)(12)”.

3 (12) Section 202(b)(3) is amended—

4 (A) in subparagraph (A)(i), in the matter
5 preceding subclause (I), by inserting “(a)(6),”
6 after “subsections”; and

7 (B) in subparagraph (C)(ii)(IV), by strik-
8 ing “(III).]” and inserting “(III).”.

9 (13) Section 217(a) is amended by striking
10 “104(b)(3)” and inserting “104(b)(4)”.

11 (14) Section 515 is amended by striking “this
12 chapter” each place it appears and inserting “sec-
13 tions 512 through 518”.

14 (b) TITLE 49.—Section 6302(b)(3)(B)(vi)(III) of
15 title 49, United States Code, is amended by striking
16 “6310” and inserting “6309”.

17 (c) SAFETEA-LU.—Section 4407 of SAFETEA-
18 LU (Public Law 109-59; 119 Stat. 1777) is amended by
19 striking “hereby enacted into law” and inserting “grant-
20 ed”.

21 (d) MAP-21.—Effective as of July 6, 2012, and as
22 if included therein as enacted, MAP-21 (Public Law 112-
23 141) is amended as follows:

24 (1) Section 1109(a)(2) (126 Stat. 444) is
25 amended by striking “fourth” and inserting “fifth”.

1 (2) Section 1203 (126 Stat. 524) is amended—

2 (A) in subsection (a) by striking “Section
3 150 of title 23, United States Code, is amended
4 to read as follows” and inserting “Title 23,
5 United States Code, is amended by inserting
6 after section 149 the following”; and

7 (B) in subsection (b) by striking “by strik-
8 ing the item relating to section 150 and insert-
9 ing” and inserting “by inserting after the item
10 relating to section 149”.

11 (3) Section 1313(a)(1) (126 Stat. 545) is
12 amended to read as follows:

13 “(1) in the section heading by striking ‘**pilot**’;
14 and”.

15 (4) Section 1314(b) (126 Stat. 549) is amend-
16 ed—

17 (A) by inserting “chapter 3 of” after
18 “analysis for”; and

19 (B) by inserting a period at the end of the
20 matter proposed to be inserted.

21 (5) Section 1519(c) (126 Stat. 575) is amend-
22 ed—

23 (A) by striking paragraph (3);

1 (B) by redesignating paragraphs (4)
2 through (12) as paragraphs (3) through (11),
3 respectively;

4 (C) in paragraph (7), as redesignated by
5 subparagraph (B)—

6 (i) by striking the period at the end of
7 the matter proposed to be struck; and

8 (ii) by adding a period at the end; and

9 (D) in paragraph (8)(A)(i)(I), as redesi-
10 gnated by subparagraph (B), by striking “than
11 rail” in the matter proposed to be struck and
12 inserting “than on rail”.

13 (e) TRANSPORTATION RESEARCH AND INNOVATIVE
14 TECHNOLOGY ACT OF 2012.—Section 51001(a)(1) of the
15 Transportation Research and Innovative Technology Act
16 of 2012 (126 Stat. 864) is amended by striking “sections
17 503(b), 503(d), and 509” and inserting “section 503(b)”.

18 **TITLE II—INNOVATIVE PROJECT** 19 **FINANCE**

20 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE** 21 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

22 (a) DEFINITIONS.—Section 601(a) of title 23, United
23 States Code, is amended—

24 (1) in the matter preceding paragraph (1)—

1 (A) by striking “In this chapter, the” and
2 inserting “The”; and

3 (B) by inserting “to sections 601 through
4 609” after “apply”;

5 (2) in paragraph (2)—

6 (A) in subparagraph (B) by striking “and”
7 at the end;

8 (B) in subparagraph (C) by striking the
9 period at the end and inserting “; and”; and

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

11 “(D) capitalizing a rural projects fund.”;

12 (3) in paragraph (3) by striking “this chapter”
13 and inserting “the TIFIA program”;

14 (4) in paragraph (10)—

15 (A) by striking “(10) MASTER CREDIT
16 AGREEMENT.—” and all that follows before
17 subparagraph (A) and inserting the following:

18 “(10) MASTER CREDIT AGREEMENT.—The term
19 ‘master credit agreement’ means a conditional agree-
20 ment to extend credit assistance for a program of re-
21 lated projects secured by a common security pledge
22 covered under section 602(b)(2)(A) or for a single
23 project covered under section 602(b)(2)(B) that does
24 not provide for a current obligation of Federal
25 funds, and that would—”;

1 (B) in subparagraph (A) by striking “sub-
2 ject to the availability of future funds being
3 made available to carry out this chapter;” and
4 inserting “subject to—

5 “(i) the availability of future funds
6 being made available to carry out the
7 TIFIA program; and

8 “(ii) the satisfaction of all of the con-
9 ditions for the provision of credit assist-
10 ance under the TIFIA program, including
11 section 603(b)(1);”; and

12 (C) in subparagraph (D)—

13 (i) by redesignating clauses (ii) and
14 (iii) as clauses (iii) and (iv), respectively;

15 (ii) by inserting after clause (i) the
16 following:

17 “(ii) receiving an investment grade
18 rating from a rating agency;”;

19 (iii) in clause (iii) (as so redesignated)
20 by striking “in section 602(c)” and insert-
21 ing “under the TIFIA program, including
22 sections 602(c) and 603(b)(1);”; and

23 (iv) in clause (iv) (as so redesignated)
24 by striking “this chapter” and inserting
25 “the TIFIA program”;

1 (5) in paragraph (12)—

2 (A) in subparagraph (C) by striking “and”
3 at the end;

4 (B) in subparagraph (D)(iv) by striking
5 the period at the end and inserting a semicolon;
6 and

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

8 “(E) a project to improve or construct
9 public infrastructure that is located within
10 walking distance of, and accessible to, a fixed
11 guideway transit facility, passenger rail station,
12 intercity bus station, or intermodal facility, in-
13 cluding a transportation, public utility, or cap-
14 ital project described in section 5302(3)(G)(v)
15 of title 49, and related infrastructure; and

16 “(F) the capitalization of a rural projects
17 fund.”;

18 (6) in paragraph (15) by striking “means” and
19 all that follows through the period at the end and
20 inserting “means a surface transportation infra-
21 structure project located in an area that is outside
22 of an urbanized area with a population greater than
23 150,000 individuals, as determined by the Bureau of
24 the Census.”;

1 (7) by redesignating paragraphs (16), (17),
2 (18), (19), and (20) as paragraphs (17), (18), (20),
3 (21), and (22), respectively;

4 (8) by inserting after paragraph (15) the fol-
5 lowing:

6 “(16) RURAL PROJECTS FUND.—The term
7 ‘rural projects fund’ means a fund—

8 “(A) established by a State infrastructure
9 bank in accordance with section 610(d)(4);

10 “(B) capitalized with the proceeds of a se-
11 cured loan made to the bank in accordance with
12 sections 602 and 603; and

13 “(C) for the purpose of making loans to
14 sponsors of rural infrastructure projects in ac-
15 cordance with section 610.”;

16 (9) by inserting after paragraph (18) (as so re-
17 designated) the following:

18 “(19) STATE INFRASTRUCTURE BANK.—The
19 term ‘State infrastructure bank’ means an infra-
20 structure bank established under section 610.”; and

21 (10) in paragraph (22) (as so redesignated), by
22 inserting “established under sections 602 through
23 609” after “Department”.

1 (b) DETERMINATION OF ELIGIBILITY AND PROJECT
2 SELECTION.—Section 602 of title 23, United States Code,
3 is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) in the matter pre-
6 ceding subparagraph (A), by striking “this
7 chapter” and inserting “the TIFIA program”;

8 (B) in paragraph (2)(A) by striking “this
9 chapter” and inserting “the TIFIA program”;

10 (C) in paragraph (3) by striking “this
11 chapter” and inserting “the TIFIA program”;

12 (D) in paragraph (5)—

13 (i) by striking the paragraph heading
14 and inserting “ELIGIBLE PROJECT COST
15 PARAMETERS.—”;

16 (ii) in subparagraph (A)—

17 (I) in the matter preceding clause
18 (i), by striking “subparagraph (B), to
19 be eligible for assistance under this
20 chapter, a project” and inserting
21 “subparagraph (B), a project under
22 the TIFIA program”;

23 (II) by striking clause (i) and in-
24 serting the following:

25 “(i) \$50,000,000; and”; and

1 (III) in clause (ii) by striking
2 “assistance”; and
3 (iii) in subparagraph (B)—

4 (I) by striking the subparagraph
5 designation and heading and all that
6 follows through “In the case” and in-
7 serting the following:

8 “(B) EXCEPTIONS.—

9 “(i) INTELLIGENT TRANSPORTATION
10 SYSTEMS.—In the case”; and

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

13 “(ii) TRANSIT-ORIENTED DEVELOP-
14 MENT PROJECTS.—In the case of a project
15 described in section 601(a)(12)(E), eligible
16 project costs shall be reasonably antici-
17 pated to equal or exceed \$10,000,000.

18 “(iii) RURAL PROJECTS.—In the case
19 of a rural infrastructure project or a
20 project capitalizing a rural projects fund,
21 eligible project costs shall be reasonably
22 anticipated to equal or exceed
23 \$10,000,000, but not to exceed
24 \$100,000,000.

1 “(iv) LOCAL INFRASTRUCTURE
2 PROJECTS.—Eligible project costs shall be
3 reasonably anticipated to equal or exceed
4 \$10,000,000 in the case of a project or
5 program of projects—

6 “(I) in which the applicant is a
7 local government, public authority, or
8 instrumentality of local government;

9 “(II) located on a facility owned
10 by a local government; or

11 “(III) for which the Secretary de-
12 termines that a local government is
13 substantially involved in the develop-
14 ment of the project.”;

15 (E) in paragraph (9), in the matter pre-
16 ceding subparagraph (A), by striking “this
17 chapter” and inserting “the TIFLA program”;
18 and

19 (F) in paragraph (10)—

20 (i) by striking “To be eligible” and in-
21 serting the following:

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), to be eligible”;

1 (ii) by striking “this chapter” each
2 place it appears and inserting “the TIFLA
3 program”;

4 (iii) by striking “not later than” and
5 inserting “no later than”; and

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

8 “(B) RURAL PROJECTS FUND.—In the
9 case of a project capitalizing a rural projects
10 fund, the State infrastructure bank shall dem-
11 onstrate, not later than 2 years after the date
12 on which a secured loan is obligated for the
13 project under the TIFLA program, that the
14 bank has executed a loan agreement with a bor-
15 rower for a rural infrastructure project in ac-
16 cordance with section 610. After the demonstra-
17 tion is made, the bank may draw upon the se-
18 cured loan. At the end of the 2-year period, to
19 the extent the bank has not used the loan com-
20 mitment, the Secretary may extend the term of
21 the loan or withdraw the loan commitment.”;

22 (2) in subsection (b) by striking paragraph (2)
23 and inserting the following:

24 “(2) MASTER CREDIT AGREEMENTS.—

1 “(A) PROGRAM OF RELATED PROJECTS.—
2 The Secretary may enter into a master credit
3 agreement for a program of related projects se-
4 cured by a common security pledge on terms
5 acceptable to the Secretary.

6 “(B) ADEQUATE FUNDING NOT AVAIL-
7 ABLE.—If the Secretary fully obligates funding
8 to eligible projects for a fiscal year and ade-
9 quate funding is not available to fund a credit
10 instrument, a project sponsor of an eligible
11 project may elect to enter into a master credit
12 agreement and wait to execute a credit instru-
13 ment until the fiscal year for which additional
14 funds are available to receive credit assist-
15 ance.”;

16 (3) in subsection (c)(1), in the matter preceding
17 subparagraph (A), by striking “this chapter” and in-
18 serting “the TIFIA program”; and

19 (4) in subsection (e) by striking “this chapter”
20 and inserting “the TIFIA program”.

21 (c) SECURED LOAN TERMS AND LIMITATIONS.—Sec-
22 tion 603 of title 23, United States Code, is amended—

23 (1) in subsection (a) by striking paragraph (2)
24 and inserting the following:

1 “(2) LIMITATION ON REFINANCING OF INTERIM
2 CONSTRUCTION FINANCING.—A loan under para-
3 graph (1) shall not refinance interim construction fi-
4 nancing under paragraph (1)(B)—

5 “(A) if the maturity of such interim con-
6 struction financing is later than 1 year after
7 the substantial completion of the project; and

8 “(B) later than 1 year after the date of
9 substantial completion of the project.”;

10 (2) in subsection (b)—

11 (A) in paragraph (2)—

12 (i) by striking “The amount of” and
13 inserting the following:

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the amount of”; and

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

18 “(B) RURAL PROJECTS FUND.—In the
19 case of a project capitalizing a rural projects
20 fund, the maximum amount of a secured loan
21 made to a State infrastructure bank shall be
22 determined in accordance with section
23 602(a)(5)(B)(iii).”;

24 (B) in paragraph (3)(A)(i)—

1 (i) in subclause (III) by striking “or”
2 at the end;

3 (ii) in subclause (IV) by striking
4 “and” at the end and inserting “or”; and

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

7 “(V) in the case of a secured
8 loan for a project capitalizing a rural
9 projects fund, any other dedicated
10 revenue sources available to a State
11 infrastructure bank, including repay-
12 ments from loans made by the bank
13 for rural infrastructure projects;
14 and”;

15 (C) in paragraph (4)(B)—

16 (i) in clause (i) by striking “under
17 this chapter” and inserting “or a rural
18 projects fund under the TIFIA program”;
19 and

20 (ii) in clause (ii) by inserting “and
21 rural project funds” after “rural infra-
22 structure projects”;

23 (D) in paragraph (5)—

1 (i) by redesignating subparagraphs
2 (A) and (B) as clauses (i) and (ii), respec-
3 tively, and indenting appropriately;

4 (ii) in the matter preceding clause (i)
5 (as so redesignated) by striking “The
6 final” and inserting the following:

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), the final”; and

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

11 “(B) RURAL PROJECTS FUND.—In the
12 case of a project capitalizing a rural projects
13 fund, the final maturity date of the secured
14 loan shall not exceed 35 years after the date on
15 which the secured loan is obligated.”;

16 (E) in paragraph (8) by striking “this
17 chapter” and inserting “the TIFLA program”;
18 and

19 (F) in paragraph (9)—

20 (i) by striking “The total Federal as-
21 sistance provided on a project receiving a
22 loan under this chapter” and inserting the
23 following:

1 “(A) IN GENERAL.—The total Federal as-
2 sistance provided for a project receiving a loan
3 under the TIFIA program”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) RURAL PROJECTS FUND.—A project
7 capitalizing a rural projects fund shall satisfy
8 subparagraph (A) through compliance with the
9 Federal share requirement described in section
10 610(e)(3)(B).”; and

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

12 “(f) STREAMLINED APPLICATION PROCESS.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of the FAST Act, the
15 Secretary shall make available an expedited applica-
16 tion process or processes available at the request of
17 entities seeking secured loans under the TIFIA pro-
18 gram that use a set or sets of conventional terms es-
19 tablished pursuant to this section.

20 “(2) TERMS.—In establishing the streamlined
21 application process required by this subsection, the
22 Secretary may include terms commonly included in
23 prior credit agreements and allow for an expedited
24 application period, including—

1 “(A) the secured loan is in an amount of
2 not greater than \$100,000,000;

3 “(B) the secured loan is secured and pay-
4 able from pledged revenues not affected by
5 project performance, such as a tax-backed rev-
6 enue pledge, tax increment financing, or a sys-
7 tem-backed pledge of project revenues; and

8 “(C) repayment of the loan commences not
9 later than 5 years after disbursement.”.

10 (d) PROGRAM ADMINISTRATION.—Section 605 of
11 title 23, United States Code, is amended—

12 (1) by striking “this chapter” each place it ap-
13 pears and inserting “the TIFIA program”; and

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

15 “(f) ASSISTANCE TO SMALL PROJECTS.—

16 “(1) RESERVATION OF FUNDS.—Of the funds
17 made available to carry out the TIFIA program for
18 each fiscal year, and after the set aside under sec-
19 tion 608(a)(5), not less than \$2,000,000 shall be
20 made available for the Secretary to use in lieu of
21 fees collected under subsection (b) for projects under
22 the TIFIA program having eligible project costs that
23 are reasonably anticipated not to equal or exceed
24 \$75,000,000.

1 “(2) RELEASE OF FUNDS.—Any funds not used
2 under paragraph (1) in a fiscal year shall be made
3 available on October 1 of the following fiscal year to
4 provide credit assistance to any project under the
5 TIFIA program.”.

6 (e) STATE AND LOCAL PERMITS.—Section 606 of
7 title 23, United States Code, is amended in the matter
8 preceding paragraph (1) by striking “this chapter” and
9 inserting “the TIFIA program”.

10 (f) REGULATIONS.—Section 607 of title 23, United
11 States Code, is amended by striking “this chapter” and
12 inserting “the TIFIA program”.

13 (g) FUNDING.—Section 608 of title 23, United States
14 Code, is amended—

15 (1) by striking “this chapter” each place it ap-
16 pears and inserting “the TIFIA program”; and

17 (2) in subsection (a)—

18 (A) in paragraph (2) by inserting “of”
19 after “504(f)”;

20 (B) in paragraph (3)—

21 (i) in subparagraph (A), by inserting
22 “or rural projects funds” after “rural in-
23 frastructure projects”; and

1 (ii) in subparagraph (B), by inserting
2 “or rural projects funds” after “rural in-
3 frastructure projects”;

4 (C) by striking paragraphs (4) and (6) and
5 redesignating paragraph (5) as paragraph (4);
6 and

7 (D) by inserting at the end the following:

8 “(5) ADMINISTRATIVE COSTS.—Of the amounts
9 made available to carry out the TIFIA program, the
10 Secretary may use not more than \$6,875,000 for fis-
11 cal year 2016, \$7,081,000 for fiscal year 2017,
12 \$7,559,000 for fiscal year 2018, \$8,195,000 for fis-
13 cal year 2019, and \$8,441,000 for fiscal year 2020
14 for the administration of the TIFIA program.”.

15 (h) REPORTS TO CONGRESS.—Section 609 of title 23,
16 United States Code, is amended by striking “this chapter
17 (other than section 610)” each place it appears and insert-
18 ing “the TIFIA program”.

19 (i) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-
20 tion 610 of title 23, United States Code, is amended—

21 (1) in subsection (a) by adding at the end the
22 following:

23 “(11) RURAL INFRASTRUCTURE PROJECT.—
24 The term ‘rural infrastructure project’ has the
25 meaning given the term in section 601.

1 “(12) RURAL PROJECTS FUND.—The term
2 ‘rural projects fund’ has the meaning given the term
3 in section 601.”;

4 (2) in subsection (d)—

5 (A) in paragraph (1)(A) by striking “each
6 of fiscal years” and all that follows through the
7 end of subparagraph (A) and inserting “each of
8 fiscal years 2016 through 2020 under each of
9 paragraphs (1), (2), and (5) of section 104(b);
10 and”;

11 (B) in paragraph (2) by striking “fiscal
12 years 2005 through 2009” and inserting “fiscal
13 years 2016 through 2020”;

14 (C) in paragraph (3) by striking “fiscal
15 years 2005 through 2009” and inserting “fiscal
16 years 2016 through 2020”;

17 (D) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7), re-
19 spectively;

20 (E) by inserting after paragraph (3) the
21 following:

22 “(4) RURAL PROJECTS FUND.—Subject to sub-
23 section (j), the Secretary may permit a State enter-
24 ing into a cooperative agreement under this section
25 to establish a State infrastructure bank to deposit

1 into the rural projects fund of the bank the proceeds
2 of a secured loan made to the bank in accordance
3 with sections 602 and 603.”; and

4 (F) in paragraph (6) (as so redesignated)
5 by striking “section 133(d)(3)” and inserting
6 “section 133(d)(1)(A)(i)”;

7 (3) by striking subsection (e) and inserting the
8 following:

9 “(e) FORMS OF ASSISTANCE FROM STATE INFRA-
10 STRUCTURE BANKS.—

11 “(1) IN GENERAL.—A State infrastructure
12 bank established under this section may—

13 “(A) with funds deposited into the highway
14 account, transit account, or rail account of the
15 bank, make loans or provide other forms of
16 credit assistance to a public or private entity to
17 carry out a project eligible for assistance under
18 this section; and

19 “(B) with funds deposited into the rural
20 projects fund, make loans to a public or private
21 entity to carry out a rural infrastructure
22 project.

23 “(2) SUBORDINATION OF LOAN.—The amount
24 of a loan or other form of credit assistance provided
25 for a project described in paragraph (1) may be sub-

1 ordinated to any other debt financing for the
2 project.

3 “(3) MAXIMUM AMOUNT OF ASSISTANCE.—A
4 State infrastructure bank established under this sec-
5 tion may—

6 “(A) with funds deposited into the highway
7 account, transit account, or rail account of the
8 bank, make loans or provide other forms of
9 credit assistance to a public or private entity in
10 an amount up to 100 percent of the cost of car-
11 rying out a project eligible for assistance under
12 this section; and

13 “(B) with funds deposited into the rural
14 projects fund, make loans to a public or private
15 entity in an amount not to exceed 80 percent
16 of the cost of carrying out a rural infrastruc-
17 ture project.

18 “(4) INITIAL ASSISTANCE.—Initial assistance
19 provided with respect to a project from Federal
20 funds deposited into a State infrastructure bank
21 under this section may not be made in the form of
22 a grant.”;

23 (4) in subsection (g)—

1 (A) in paragraph (1) by striking “each ac-
2 count” and inserting “the highway account, the
3 transit account, and the rail account”; and

4 (B) in paragraph (4) by inserting “, except
5 that any loan funded from the rural projects
6 fund of the bank shall bear interest at or below
7 the interest rate charged for the TIFIA loan
8 provided to the bank under section 603” after
9 “feasible”; and

10 (5) in subsection (k) by striking “fiscal years
11 2005 through 2009” and inserting “fiscal years
12 2016 through 2020”.

13 **SEC. 2002. AVAILABILITY PAYMENT CONCESSION MODEL.**

14 (a) PAYMENT TO STATES FOR CONSTRUCTION.—Sec-
15 tion 121(a) of title 23, United States Code, is amended
16 by inserting “(including payments made pursuant to a
17 long-term concession agreement, such as availability pay-
18 ments)” after “a project”.

19 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
20 106(b)(1) of title 23, United States Code, is amended by
21 inserting “(including payments made pursuant to a long-
22 term concession agreement, such as availability pay-
23 ments)” after “construction of the project”.

1 **TITLE III—PUBLIC**
2 **TRANSPORTATION**

3 **SEC. 3001. SHORT TITLE.**

4 This title may be cited as the “Federal Public Trans-
5 portation Act of 2015”.

6 **SEC. 3002. DEFINITIONS.**

7 Section 5302 of title 49, United States Code, is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (C) by inserting
11 “functional” before “landscaping and”; and

12 (B) in subparagraph (E) by striking “bicy-
13 cle storage facilities and installing equipment”
14 and inserting “bicycle storage shelters and
15 parking facilities and the installation of equip-
16 ment”;

17 (2) in paragraph (3)—

18 (A) by striking subparagraph (F) and in-
19 serting the following:

20 “(F) leasing equipment or a facility for use
21 in public transportation;”;

22 (B) in subparagraph (G)—

23 (i) in clause (iv) by adding “and” at
24 the end;

1 (ii) in clause (v) by striking “and” at
2 the end; and

3 (iii) by striking clause (vi);

4 (C) by striking subparagraph (I) and in-
5 serting the following:

6 “(I) the provision of nonfixed route para-
7 transit transportation services in accordance
8 with section 223 of the Americans with Disabil-
9 ities Act of 1990 (42 U.S.C. 12143), but only
10 for grant recipients that are in compliance with
11 applicable requirements of that Act, including
12 both fixed route and demand responsive service,
13 and only for amounts—

14 “(i) not to exceed 10 percent of such
15 recipient’s annual formula apportionment
16 under sections 5307 and 5311; or

17 “(ii) not to exceed 20 percent of such
18 recipient’s annual formula apportionment
19 under sections 5307 and 5311, if, con-
20 sistent with guidance issued by the Sec-
21 retary, the recipient demonstrates that the
22 recipient meets at least 2 of the following
23 requirements:

1 “(I) Provides an active fixed
2 route travel training program that is
3 available for riders with disabilities.

4 “(II) Provides that all fixed route
5 and paratransit operators participate
6 in a passenger safety, disability
7 awareness, and sensitivity training
8 class on at least a biennial basis.

9 “(III) Has memoranda of under-
10 standing in place with employers and
11 the American Job Center to increase
12 access to employment opportunities
13 for people with disabilities.”;

14 (D) in subparagraph (K) by striking “or”
15 at the end;

16 (E) in subparagraph (L) by striking the
17 period at the end and inserting a semicolon;
18 and

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

20 “(M) associated transit improvements; or

21 “(N) technological changes or innovations
22 to modify low or no emission vehicles (as de-
23 fined in section 5339(c)) or facilities.”; and

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

1 “(24) VALUE CAPTURE.—The term ‘value cap-
2 ture’ means recovering the increased property value
3 to property located near public transportation result-
4 ing from investments in public transportation.”.

5 **SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPOR-**
6 **TATION PLANNING.**

7 (a) IN GENERAL.—Section 5303 of title 49, United
8 States Code, is amended—

9 (1) in subsection (a)(1) by inserting “resilient”
10 after “development of”;

11 (2) in subsection (c)(2) by striking “and bicycle
12 transportation facilities” and inserting “, bicycle
13 transportation facilities, and intermodal facilities
14 that support intercity transportation, including
15 intercity buses and intercity bus facilities and com-
16 muter vanpool providers”;

17 (3) in subsection (d)—

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

21 (B) by inserting after paragraph (2) the
22 following:

23 “(3) REPRESENTATION.—

24 “(A) IN GENERAL.—Designation or selec-
25 tion of officials or representatives under para-

1 graph (2) shall be determined by the metropoli-
2 tan planning organization according to the by-
3 laws or enabling statute of the organization.

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

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

16 (C) in paragraph (5), as so redesignated,
17 by striking “paragraph (5)” and inserting
18 “paragraph (6)”;

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

21 (5) in subsection (g)(3)(A) by inserting “tour-
22 ism, natural disaster risk reduction,” after “eco-
23 nomic development,”;

24 (6) in subsection (h)(1)—

1 (A) in subparagraph (G) by striking “and”
2 at the end;

3 (B) in subparagraph (H) by striking the
4 period at the end and inserting “; and”; and

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

6 “(I) improve the resiliency and reliability
7 of the transportation system.”;

8 (7) in subsection (i)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A)(i) by striking
11 “transit” and inserting “public transpor-
12 tation facilities, intercity bus facilities”;

13 (ii) in subparagraph (G)—

14 (I) by striking “and provide” and
15 inserting “, provide”; and

16 (II) by inserting before the pe-
17 riod at the end the following: “, and
18 reduce the vulnerability of the existing
19 transportation infrastructure to nat-
20 ural disasters”; and

21 (iii) in subparagraph (H) by inserting
22 before the period at the end the following:
23 “, including consideration of the role that
24 intercity buses may play in reducing con-
25 gestion, pollution, and energy consumption

1 in a cost-effective manner and strategies
2 and investments that preserve and enhance
3 intercity bus systems, including systems
4 that are privately owned and operated”;

5 (B) in paragraph (6)(A)—

6 (i) by inserting “public ports,” before
7 “freight shippers,”; and

8 (ii) by inserting “(including intercity
9 bus operators, employer-based commuting
10 programs, such as a carpool program, van-
11 pool program, transit benefit program,
12 parking cash-out program, shuttle pro-
13 gram, or telework program)” after “private
14 providers of transportation”; and

15 (C) in paragraph (8) by striking “para-
16 graph (2)(C)” each place it appears and insert-
17 ing “paragraph (2)(E)”;

18 (8) in subsection (k)(3)—

19 (A) in subparagraph (A) by inserting “(in-
20 cluding intercity bus operators, employer-based
21 commuting programs, such as a carpool pro-
22 gram, vanpool program, transit benefit pro-
23 gram, parking cash-out program, shuttle pro-
24 gram, or telework program), job access
25 projects,” after “reduction”; and

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

2 “(C) CONGESTION MANAGEMENT PLAN.—

3 A metropolitan planning organization serving a
4 transportation management area may develop a
5 plan that includes projects and strategies that
6 will be considered in the TIP of such metropoli-
7 tan planning organization. Such plan shall—

8 “(i) develop regional goals to reduce
9 vehicle miles traveled during peak com-
10 muting hours and improve transportation
11 connections between areas with high job
12 concentration and areas with high con-
13 centrations of low-income households;

14 “(ii) identify existing public transpor-
15 tation services, employer-based commuter
16 programs, and other existing transpor-
17 tation services that support access to jobs
18 in the region; and

19 “(iii) identify proposed projects and
20 programs to reduce congestion and in-
21 crease job access opportunities.

22 “(D) PARTICIPATION.—In developing the
23 plan under subparagraph (C), a metropolitan
24 planning organization shall consult with em-
25 ployers, private and non-profit providers of pub-

1 lic transportation, transportation management
2 organizations, and organizations that provide
3 job access reverse commute projects or job-re-
4 lated services to low-income individuals.”;

5 (9) in subsection (l)—

6 (A) by adding a period at the end of para-
7 graph (1); and

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

11 (10) in subsection (p) by striking “Funds set
12 aside under section 104(f)” and inserting “Funds
13 apportioned under section 104(b)(5)”;

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

15 “(r) BI-STATE METROPOLITAN PLANNING ORGANI-
16 ZATION.—

17 “(1) DEFINITION OF BI-STATE MPO REGION.—

18 In this subsection, the term ‘Bi-State Metropolitan
19 Planning Organization’ has the meaning given the
20 term ‘region’ in subsection (a) of Article II of the
21 Lake Tahoe Regional Planning Compact (Public
22 Law 96–551; 94 Stat. 3234).

23 “(2) TREATMENT.—For the purpose of this
24 title, the Bi-State Metropolitan Planning Organiza-
25 tion shall be treated as—

1 “(A) a metropolitan planning organization;

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

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

8 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
9 TATION PLANNING.—Section 5304 of title 49, United
10 States Code, is amended—

11 (1) in subsection (a)(2) by striking “and bicycle
12 transportation facilities” and inserting “, bicycle
13 transportation facilities, and intermodal facilities
14 that support intercity transportation, including
15 intercity buses and intercity bus facilities and com-
16 muter vanpool providers”;

17 (2) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (G) by striking
20 “and” at the end;

21 (ii) in subparagraph (H) by striking
22 the period at the end and inserting “;
23 and”; and

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

1 “(I) improve the resiliency and reliability
2 of the transportation system.”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (B)(ii) by striking
5 “urbanized”; and

6 (ii) in subparagraph (C) by striking
7 “urbanized”; and

8 (3) in subsection (f)(3)(A)(ii)—

9 (A) by inserting “public ports,” before
10 “freight shippers,”; and

11 (B) by inserting “(including intercity bus
12 operators, employer-based commuting pro-
13 grams, such as a carpool program, vanpool pro-
14 gram, transit benefit program, parking cash-out
15 program, shuttle program, or telework pro-
16 gram)” after “private providers of transpor-
17 tation”.

18 **SEC. 3004. URBANIZED AREA FORMULA GRANTS.**

19 Section 5307 of title 49, United States Code, is
20 amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2) by inserting “or de-
23 mand response service, excluding ADA com-
24plementary paratransit service,” before “dur-
25ing” each place it appears; and

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

2 “(3) EXCEPTION TO THE SPECIAL RULE.—Not-
3 withstanding paragraph (2), if a public transpor-
4 tation system described in such paragraph executes
5 a written agreement with 1 or more other public
6 transportation systems within the urbanized area to
7 allocate funds for the purposes described in the
8 paragraph by a method other than by measuring ve-
9 hicle revenue hours, each public transportation sys-
10 tem that is a party to the written agreement may
11 follow the terms of the written agreement without
12 regard to measured vehicle revenue hours referred to
13 in the paragraph.”; and

14 (2) in subsection (c)(1)—

15 (A) in subparagraph (C), by inserting “in
16 accordance with the recipient’s transit asset
17 management plan” after “equipment and facili-
18 ties”; and

19 (B) in subparagraph (K), by striking
20 “Census—” and all that follows through clause
21 (ii) and inserting the following: “Census, will
22 submit an annual report listing projects carried
23 out in the preceding fiscal year under this sec-
24 tion for associated transit improvements as de-
25 fined in section 5302; and”.

1 **SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT**
2 **GRANTS.**

3 (a) IN GENERAL.—Section 5309 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (3), by striking “and
7 weekend days”;

8 (B) in paragraph (6)—

9 (i) in subparagraph (A) by inserting
10 “, small start projects,” after “new fixed
11 guideway capital projects”; and

12 (ii) by striking subparagraph (B) and
13 inserting the following:

14 “(B) 2 or more projects that are any com-
15 bination of new fixed guideway capital projects,
16 small start projects, and core capacity improve-
17 ment projects.”; and

18 (C) in paragraph (7)—

19 (i) in subparagraph (A), by striking
20 “\$75,000,000” and inserting
21 “\$100,000,000”; and

22 (ii) in subparagraph (B), by striking
23 “\$250,000,000” and inserting
24 “\$300,000,000”;

25 (2) in subsection (d)—

1 (A) in paragraph (1)(B) by striking “,
2 policies and land use patterns that promote
3 public transportation,”; and

4 (B) in paragraph (2)(A)—

5 (i) in clause (iii) by adding “and”
6 after the semicolon;

7 (ii) by striking clause (iv); and

8 (iii) by redesignating clause (v) as
9 clause (iv);

10 (3) in subsection (g)(2)(A)(i) by striking “the
11 policies and land use patterns that support public
12 transportation,”;

13 (4) in subsection (h)(6)—

14 (A) by striking “In carrying out” and in-
15 serting the following:

16 “(A) IN GENERAL.—In carrying out”; and

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

18 “(B) OPTIONAL EARLY RATING.—At the
19 request of the project sponsor, the Secretary
20 shall evaluate and rate the project in accord-
21 ance with paragraphs (4) and (5) and subpara-
22 graph (A) of this paragraph upon completion of
23 the analysis required under the National Envi-
24 ronmental Policy Act of 1969 (42 U.S.C. 4321
25 et seq.).”;

1 (5) in subsection (i)—

2 (A) in paragraph (1) by striking “sub-
3 section (d) or (e)” and inserting “subsection
4 (d), (e), or (h)”;

5 (B) in paragraph (2)—

6 (i) in the matter preceding subpara-
7 graph (A) by inserting “new fixed guide-
8 way capital project or core capacity im-
9 provement” after “federally funded”;

10 (ii) by striking subparagraph (D) and
11 inserting the following:

12 “(D) the program of interrelated projects,
13 when evaluated as a whole—

14 “(i) meets the requirements of sub-
15 section (d)(2), subsection (e)(2), or para-
16 graphs (3) and (4) of subsection (h), as
17 applicable, if the program is comprised en-
18 tirely of—

19 “(I) new fixed guideway capital
20 projects;

21 “(II) core capacity improvement
22 projects; or

23 “(III) small start projects; or

24 “(ii) meets the requirements of sub-
25 section (d)(2) if the program is comprised

1 of any combination of new fixed guideway
2 capital projects, small start projects, and
3 core capacity improvement projects;” and

4 (iii) in subparagraph (F), by inserting
5 “or subsection (h)(5), as applicable” after
6 “subsection (f)”; and

7 (C) by striking paragraph (3)(A) and in-
8 serting the following:

9 “(A) PROJECT ADVANCEMENT.—A project
10 receiving a grant under this section that is part
11 of a program of interrelated projects may not
12 advance—

13 “(i) in the case of a small start
14 project, from the project development
15 phase to the construction phase unless the
16 Secretary determines that the program of
17 interrelated projects meets the applicable
18 requirements of this section and there is a
19 reasonable likelihood that the program will
20 continue to meet such requirements; or

21 “(ii) in the case of a new fixed guide-
22 way capital project or a core capacity im-
23 provement project, from the project devel-
24 opment phase to the engineering phase, or
25 from the engineering phase to the con-

1 struction phase, unless the Secretary deter-
2 mines that the program of interrelated
3 projects meets the applicable requirements
4 of this section and there is a reasonable
5 likelihood that the program will continue to
6 meet such requirements.”;

7 (6) in subsection (l)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) IN GENERAL.—

11 “(A) ESTIMATION OF NET CAPITAL
12 PROJECT COST.—Based on engineering studies,
13 studies of economic feasibility, and information
14 on the expected use of equipment or facilities,
15 the Secretary shall estimate the net capital
16 project cost.

17 “(B) GRANTS.—

18 “(i) GRANT FOR NEW FIXED GUIDE-
19 WAY CAPITAL PROJECT.—A grant for a
20 new fixed guideway capital project shall
21 not exceed 80 percent of the net capital
22 project cost.

23 “(ii) FULL FUNDING GRANT AGREE-
24 MENT FOR NEW FIXED GUIDEWAY CAPITAL
25 PROJECT.—A full funding grant agreement

1 for a new fixed guideway capital project
2 shall not include a share of more than 60
3 percent from the funds made available
4 under this section.

5 “(iii) GRANT FOR CORE CAPACITY IM-
6 PROVEMENT PROJECT.—A grant for a core
7 capacity improvement project shall not ex-
8 ceed 80 percent of the net capital project
9 cost of the incremental cost to increase the
10 capacity in the corridor

11 “(iv) GRANT FOR SMALL START
12 PROJECT.—. A grant for a small start
13 project shall not exceed 80 percent of the
14 net capital project costs.”; and

15 (B) by striking paragraph (4) and insert-
16 ing the following:

17 “(4) REMAINING COSTS.—The remainder of the
18 net capital project costs shall be provided—

19 “(A) in cash from non-Government
20 sources;

21 “(B) from revenues from the sale of adver-
22 tising and concessions; or

23 “(C) from an undistributed cash surplus, a
24 replacement or depreciation cash fund or re-
25 serve, or new capital.”;

1 (7) by striking subsection (n) and inserting the
2 following:

3 “(n) AVAILABILITY OF AMOUNTS.—

4 “(1) IN GENERAL.—An amount made available
5 or appropriated for a new fixed guideway capital
6 project or core capacity improvement project shall
7 remain available to that project for 4 fiscal years, in-
8 cluding the fiscal year in which the amount is made
9 available or appropriated. Any amounts that are un-
10 obligated to the project at the end of the 4-fiscal-
11 year period may be used by the Secretary for any
12 purpose under this section.

13 “(2) USE OF DEOBLIGATED AMOUNTS.—An
14 amount available under this section that is
15 deobligated may be used for any purpose under this
16 section.”; and

17 (8) by adding at the end the following:

18 “(p) SPECIAL RULE.—For the purposes of calcu-
19 lating the cost effectiveness of a project described in sub-
20 section (d) or (e), the Secretary shall not reduce or elimi-
21 nate the capital costs of art and non-functional land-
22 scaping elements from the annualized capital cost calcula-
23 tion.

24 “(q) JOINT PUBLIC TRANSPORTATION AND INTER-
25 CITY PASSENGER RAIL PROJECTS.—

1 “(1) IN GENERAL.—The Secretary may make
2 grants for new fixed guideway capital projects and
3 core capacity improvement projects that provide both
4 public transportation and intercity passenger rail
5 service.

6 “(2) ELIGIBLE COSTS.—Eligible costs for a
7 project under this subsection shall be limited to the
8 net capital costs of the public transportation costs
9 attributable to the project based on projected use of
10 the new segment or expanded capacity of the project
11 corridor, not including project elements designed to
12 achieve or maintain a state of good repair, as deter-
13 mined by the Secretary under paragraph (4).

14 “(3) PROJECT JUSTIFICATION AND LOCAL FI-
15 NANCIAL COMMITMENT.—A project under this sub-
16 section shall be evaluated for project justification
17 and local financial commitment under subsections
18 (d), (e), (f), and (h), as applicable to the project,
19 based on—

20 “(A) the net capital costs of the public
21 transportation costs attributable to the project
22 as determined under paragraph (4); and

23 “(B) the share of funds dedicated to the
24 project from sources other than this section in-

1 cluded in the unified finance plan for the
2 project.

3 “(4) CALCULATION OF NET CAPITAL PROJECT
4 COST.—The Secretary shall estimate the net capital
5 costs of a project under this subsection based on—

6 “(A) engineering studies;

7 “(B) studies of economic feasibility;

8 “(C) the expected use of equipment or fa-
9 cilities; and

10 “(D) the public transportation costs attrib-
11 utable to the project.

12 “(5) GOVERNMENT SHARE OF NET CAPITAL
13 PROJECT COST.—

14 “(A) GOVERNMENT SHARE.—The Govern-
15 ment share shall not exceed 80 percent of the
16 net capital cost attributable to the public trans-
17 portation costs of a project under this sub-
18 section as determined under paragraph (4).

19 “(B) NON-GOVERNMENT SHARE.—The re-
20 mainder of the net capital cost attributable to
21 the public transportation costs of a project
22 under this subsection shall be provided from an
23 undistributed cash surplus, a replacement or
24 depreciation cash fund or reserve, or new cap-
25 ital.”.

1 (b) EXPEDITED PROJECT DELIVERY FOR CAPITAL
2 INVESTMENT GRANTS PILOT PROGRAM.—

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

5 (A) APPLICANT.—The term “applicant”
6 means a State or local governmental authority
7 that applies for a grant under this subsection.

8 (B) CAPITAL PROJECT; FIXED GUIDEWAY;
9 LOCAL GOVERNMENTAL AUTHORITY; PUBLIC
10 TRANSPORTATION; STATE; STATE OF GOOD RE-
11 PAIR.—The terms “capital project”, “fixed
12 guideway”, “local governmental authority”,
13 “public transportation”, “State”, and “state of
14 good repair” have the meanings given those
15 terms in section 5302 of title 49, United States
16 Code.

17 (C) CORE CAPACITY IMPROVEMENT
18 PROJECT.—The term “core capacity improve-
19 ment project”—

20 (i) means a substantial corridor-based
21 capital investment in an existing fixed
22 guideway system that increases the capac-
23 ity of a corridor by not less than 10 per-
24 cent; and

1 (ii) may include project elements de-
2 signed to aid the existing fixed guideway
3 system in making substantial progress to-
4 wards achieving a state of good repair.

5 (D) CORRIDOR-BASED BUS RAPID TRANSIT
6 PROJECT.—The term “corridor-based bus rapid
7 transit project” means a small start project uti-
8 lizing buses in which the project represents a
9 substantial investment in a defined corridor as
10 demonstrated by features that emulate the serv-
11 ices provided by rail fixed guideway public
12 transportation systems—

13 (i) including—

14 (I) defined stations;

15 (II) traffic signal priority for
16 public transportation vehicles;

17 (III) short headway bidirectional
18 services for a substantial part of
19 weekdays; and

20 (IV) any other features the Sec-
21 retary may determine support a long-
22 term corridor investment; and

23 (ii) the majority of which does not op-
24 erate in a separated right-of-way dedicated

1 for public transportation use during peak
2 periods.

3 (E) ELIGIBLE PROJECT.—The term “eligi-
4 ble project” means a new fixed guideway capital
5 project, a small start project, or a core capacity
6 improvement project that has not entered into
7 a full funding grant agreement with the Federal
8 Transit Administration before the date of en-
9 actment of this Act.

10 (F) FIXED GUIDEWAY BUS RAPID TRANSIT
11 PROJECT.—The term “fixed guideway bus rapid
12 transit project” means a bus capital project—

13 (i) in which the majority of the
14 project operates in a separated right-of-
15 way dedicated for public transportation use
16 during peak periods;

17 (ii) that represents a substantial in-
18 vestment in a single route in a defined cor-
19 ridor or subarea; and

20 (iii) that includes features that emu-
21 late the services provided by rail fixed
22 guideway public transportation systems, in-
23 cluding—

24 (I) defined stations;

1 (II) traffic signal priority for
2 public transportation vehicles;

3 (III) short headway bidirectional
4 services for a substantial part of
5 weekdays and weekend days; and

6 (IV) any other features the Sec-
7 retary may determine are necessary to
8 produce high-quality public transpor-
9 tation services that emulate the serv-
10 ices provided by rail fixed guideway
11 public transportation systems.

12 (G) NEW FIXED GUIDEWAY CAPITAL
13 PROJECT.—The term “new fixed guideway cap-
14 ital project” means—

15 (i) a fixed guideway capital project
16 that is a minimum operable segment or ex-
17 tension to an existing fixed guideway sys-
18 tem; or

19 (ii) a fixed guideway bus rapid transit
20 project that is a minimum operable seg-
21 ment or an extension to an existing bus
22 rapid transit system.

23 (H) RECIPIENT.—The term “recipient”
24 means a recipient of funding under chapter 53
25 of title 49, United States Code.

1 (I) SMALL START PROJECT.—The term
2 “small start project” means a new fixed guide-
3 way capital project, a fixed guideway bus rapid
4 transit project, or a corridor-based bus rapid
5 transit project for which—

6 (i) the Federal assistance provided or
7 to be provided under this subsection is less
8 than \$75,000,000; and

9 (ii) the total estimated net capital cost
10 is less than \$300,000,000.

11 (2) GENERAL AUTHORITY.—The Secretary may
12 make grants under this subsection to States and
13 local governmental authorities to assist in financ-
14 ing—

15 (A) new fixed guideway capital projects or
16 small start projects, including the acquisition of
17 real property, the initial acquisition of rolling
18 stock for the system, the acquisition of rights-
19 of-way, and relocation, for projects in the ad-
20 vanced stages of planning and design; and

21 (B) core capacity improvement projects, in-
22 cluding the acquisition of real property, the ac-
23 quisition of rights-of-way, double tracking, sig-
24 nalization improvements, electrification, expand-
25 ing system platforms, acquisition of rolling

1 stock associated with corridor improvements in-
2 creasing capacity, construction of infill stations,
3 and such other capacity improvement projects
4 as the Secretary determines are appropriate to
5 increase the capacity of an existing fixed guide-
6 way system corridor by not less than 10 per-
7 cent. Core capacity improvement projects do
8 not include elements to improve general station
9 facilities or parking, or acquisition of rolling
10 stock alone.

11 (3) GRANT REQUIREMENTS.—

12 (A) IN GENERAL.—The Secretary may
13 make not more than 8 grants under this sub-
14 section for eligible projects if the Secretary de-
15 termines that—

16 (i) the eligible project is part of an
17 approved transportation plan required
18 under sections 5303 and 5304 of title 49,
19 United States Code;

20 (ii) the applicant has, or will have—

21 (I) the legal, financial, and tech-
22 nical capacity to carry out the eligible
23 project, including the safety and secu-
24 rity aspects of the eligible project;

1 (II) satisfactory continuing con-
2 trol over the use of the equipment or
3 facilities;

4 (III) the technical and financial
5 capacity to maintain new and existing
6 equipment and facilities; and

7 (IV) advisors providing guidance
8 to the applicant on the terms and
9 structure of the project that are inde-
10 pendent from investors in the project;

11 (iii) the eligible project is supported,
12 or will be supported, in part, through a
13 public-private partnership, provided such
14 support is determined by local policies, cri-
15 teria, and decisionmaking under section
16 5306(a) of title 49, United States Code;

17 (iv) the eligible project is justified
18 based on findings presented by the project
19 sponsor to the Secretary, including—

20 (I) mobility improvements attrib-
21 utable to the project;

22 (II) environmental benefits asso-
23 ciated with the project;

24 (III) congestion relief associated
25 with the project;

1 (IV) economic development ef-
2 fects derived as a result of the project;
3 and

4 (V) estimated ridership projec-
5 tions;

6 (v) the eligible project is supported by
7 an acceptable degree of local financial com-
8 mitment (including evidence of stable and
9 dependable financing sources); and

10 (vi) the eligible project will be oper-
11 ated and maintained by employees of an
12 existing provider of fixed guideway or bus
13 rapid transit public transportation in the
14 service area of the project, or if none ex-
15 ists, by employees of an existing public
16 transportation provider in the service area.

17 (B) CERTIFICATION.—An applicant that
18 has submitted the certifications required under
19 subparagraphs (A), (B), (C), and (H) of section
20 5307(c)(1) of title 49, United States Code, shall
21 be deemed to have provided sufficient informa-
22 tion upon which the Secretary may make the
23 determinations required under this paragraph.

24 (C) TECHNICAL CAPACITY.—The Secretary
25 shall use an expedited technical capacity review

1 process for applicants that have recently and
2 successfully completed not less than 1 new fixed
3 guideway capital project, small start project, or
4 core capacity improvement project, if—

5 (i) the applicant achieved budget,
6 cost, and ridership outcomes for the
7 project that are consistent with or better
8 than projections; and

9 (ii) the applicant demonstrates that
10 the applicant continues to have the staff
11 expertise and other resources necessary to
12 implement a new project.

13 (D) FINANCIAL COMMITMENT.—

14 (i) REQUIREMENTS.—In determining
15 whether an eligible project is supported by
16 an acceptable degree of local financial com-
17 mitment and shows evidence of stable and
18 dependable financing sources for purposes
19 of subparagraph (A)(v), the Secretary shall
20 require that—

21 (I) each proposed source of cap-
22 ital and operating financing is stable,
23 reliable, and available within the pro-
24 posed eligible project timetable; and

1 (II) resources are available to re-
2 capitalize, maintain, and operate the
3 overall existing and proposed public
4 transportation system, including es-
5 sential feeder bus and other services
6 necessary, without degradation to the
7 existing level of public transportation
8 services.

9 (ii) CONSIDERATIONS.—In assessing
10 the stability, reliability, and availability of
11 proposed sources of financing under clause
12 (i), the Secretary shall consider—

13 (I) the reliability of the fore-
14 casting methods used to estimate
15 costs and revenues made by the appli-
16 cant and the contractors to the appli-
17 cant;

18 (II) existing grant commitments;

19 (III) the degree to which financ-
20 ing sources are dedicated to the pro-
21 posed eligible project;

22 (IV) any debt obligation that ex-
23 ists or is proposed by the applicant,
24 for the proposed eligible project or

1 other public transportation purpose;
2 and

3 (V) private contributions to the
4 eligible project, including cost-effective
5 project delivery, management or
6 transfer of project risks, expedited
7 project schedule, financial partnering,
8 and other public-private partnership
9 strategies.

10 (E) LABOR STANDARDS.—The require-
11 ments under section 5333 of title 49, United
12 States Code, shall apply to each recipient of a
13 grant under this subsection.

14 (4) PROJECT ADVANCEMENT.—An applicant
15 that desires a grant under this subsection and meets
16 the requirements of paragraph (3) shall submit to
17 the Secretary, and the Secretary shall approve for
18 advancement, a grant request that contains—

19 (A) identification of an eligible project;

20 (B) a schedule and finance plan for the
21 construction and operation of the eligible
22 project;

23 (C) an analysis of the efficiencies of the
24 proposed eligible project development and deliv-
25 ery methods and innovative financing arrange-

1 ment for the eligible project, including any doc-
2 uments related to the—

3 (i) public-private partnership required
4 under paragraph (3)(A)(iii); and

5 (ii) project justification required
6 under paragraph (3)(A)(iv); and

7 (D) a certification that the existing public
8 transportation system of the applicant or, in the
9 event that the applicant does not operate a pub-
10 lic transportation system, the public transpor-
11 tation system to which the proposed project will
12 be attached, is in a state of good repair.

13 (5) WRITTEN NOTICE FROM THE SECRETARY.—

14 (A) IN GENERAL.—Not later than 120
15 days after the date on which the Secretary re-
16 ceives a grant request of an applicant under
17 paragraph (4), the Secretary shall provide writ-
18 ten notice to the applicant—

19 (i) of approval of the grant request; or

20 (ii) if the grant request does not meet
21 the requirements under paragraph (4), of
22 disapproval of the grant request, including
23 a detailed explanation of the reasons for
24 the disapproval.

1 (B) CONCURRENT NOTICE.—The Secretary
2 shall provide concurrent notice of an approval
3 or disapproval of a grant request under sub-
4 paragraph (A) to the Committee on Banking,
5 Housing, and Urban Affairs of the Senate and
6 the Committee on Transportation and Infra-
7 structure of the House of Representatives.

8 (6) WAIVER.—The Secretary may grant a waiv-
9 er to an applicant that does not comply with para-
10 graph (4)(D) if—

11 (A) the eligible project meets the definition
12 of a core capacity improvement project; and

13 (B) the Secretary certifies that the eligible
14 project will allow the applicant to make sub-
15 stantial progress in achieving a state of good
16 repair.

17 (7) SELECTION CRITERIA.—The Secretary may
18 enter into a full funding grant agreement with an
19 applicant under this subsection for an eligible
20 project for which an application has been submitted
21 and approved for advancement by the Secretary
22 under paragraph (4), only if the applicant has com-
23 pleted the planning and activities required under the
24 National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.).

1 (8) LETTERS OF INTENT AND FULL FUNDING
2 GRANT AGREEMENTS.—

3 (A) LETTERS OF INTENT.—

4 (i) AMOUNTS INTENDED TO BE OBLI-
5 GATED.—The Secretary may issue a letter
6 of intent to an applicant announcing an in-
7 tention to obligate, for an eligible project
8 under this subsection, an amount from fu-
9 ture available budget authority specified in
10 law that is not more than the amount stip-
11 ulated as the financial participation of the
12 Secretary in the eligible project. When a
13 letter is issued for an eligible project under
14 this subsection, the amount shall be suffi-
15 cient to complete at least an operable seg-
16 ment.

17 (ii) TREATMENT.—The issuance of a
18 letter under clause (i) is deemed not to be
19 an obligation under section 1108(c), 1501,
20 or 1502(a) of title 31, United States Code,
21 or an administrative commitment.

22 (B) FULL FUNDING GRANT AGREE-
23 MENTS.—

24 (i) IN GENERAL.—Except as provided
25 in clause (v), an eligible project shall be

1 carried out under this subsection through
2 a full funding grant agreement.

3 (ii) CRITERIA.—The Secretary shall
4 enter into a full funding grant agreement,
5 based on the requirements of this subpara-
6 graph, with each applicant receiving assist-
7 ance for an eligible project that has re-
8 ceived a written notice of approval under
9 paragraph (5)(A)(i).

10 (iii) TERMS.—A full funding grant
11 agreement shall—

12 (I) establish the terms of partici-
13 pation by the Federal Government in
14 the eligible project;

15 (II) establish the maximum
16 amount of Federal financial assistance
17 for the eligible project;

18 (III) include the period of time
19 for completing construction of the eli-
20 gible project, consistent with the
21 terms of the public-private partner-
22 ship agreement, even if that period ex-
23 tends beyond the period of an author-
24 ization; and

1 (IV) make timely and efficient
2 management of the eligible project
3 easier according to the law of the
4 United States.

5 (iv) SPECIAL FINANCIAL RULES.—

6 (I) IN GENERAL.—A full funding
7 grant agreement under this subpara-
8 graph obligates an amount of avail-
9 able budget authority specified in law
10 and may include a commitment, con-
11 tingent on amounts to be specified in
12 law in advance for commitments
13 under this subparagraph, to obligate
14 an additional amount from future
15 available budget authority specified in
16 law.

17 (II) STATEMENT OF CONTINGENT
18 COMMITMENT.—A full funding grant
19 agreement shall state that the contin-
20 gent commitment is not an obligation
21 of the Federal Government.

22 (III) INTEREST AND OTHER FI-
23 NANCING COSTS.—Interest and other
24 financing costs of efficiently carrying
25 out a part of the eligible project with-

1 in a reasonable time are a cost of car-
2 rying out the eligible project under a
3 full funding grant agreement, except
4 that eligible costs may not be more
5 than the cost of the most favorable fi-
6 nancing terms reasonably available for
7 the eligible project at the time of bor-
8 rowing. The applicant shall certify, in
9 a way satisfactory to the Secretary,
10 that the applicant has shown reason-
11 able diligence in seeking the most fa-
12 vorable financing terms.

13 (IV) COMPLETION OF OPERABLE
14 SEGMENT.—The amount stipulated in
15 an agreement under this subpara-
16 graph for a new fixed guideway cap-
17 ital project, core capacity improve-
18 ment project, or small start project
19 shall be sufficient to complete at least
20 an operable segment.

21 (v) EXCEPTION.—

22 (I) IN GENERAL.—The Secretary,
23 to the maximum extent practicable,
24 shall provide Federal assistance under
25 this subsection for a small start

1 project in a single grant. If the Sec-
2 retary cannot provide such a single
3 grant, the Secretary may execute an
4 expedited grant agreement in order to
5 include a commitment on the part of
6 the Secretary to provide funding for
7 the project in future fiscal years.

8 (II) TERMS OF EXPEDITED
9 GRANT AGREEMENTS.—In executing
10 an expedited grant agreement under
11 this clause, the Secretary may include
12 in the agreement terms similar to
13 those established under clause (iii).

14 (C) LIMITATION ON AMOUNTS.—

15 (i) IN GENERAL.—The Secretary may
16 enter into full funding grant agreements
17 under this paragraph for eligible projects
18 that contain contingent commitments to
19 incur obligations in such amounts as the
20 Secretary determines are appropriate.

21 (ii) APPROPRIATION REQUIRED.—An
22 obligation may be made under this para-
23 graph only when amounts are appropriated
24 for obligation.

25 (D) NOTIFICATION TO CONGRESS.—

1 (i) IN GENERAL.—Not later than 30
2 days before the date on which the Sec-
3 retary issues a letter of intent or enters
4 into a full funding grant agreement for an
5 eligible project under this paragraph, the
6 Secretary shall notify, in writing, the Com-
7 mittee on Banking, Housing, and Urban
8 Affairs and the Committee on Appropria-
9 tions of the Senate and the Committee on
10 Transportation and Infrastructure and the
11 Committee on Appropriations of the House
12 of Representatives of the proposed letter of
13 intent or full funding grant agreement.

14 (ii) CONTENTS.—The written notifica-
15 tion under clause (i) shall include a copy of
16 the proposed letter of intent or full funding
17 grant agreement for the eligible project.

18 (9) GOVERNMENT SHARE OF NET CAPITAL
19 PROJECT COST.—

20 (A) IN GENERAL.—A grant for an eligible
21 project shall not exceed 25 percent of the net
22 capital project cost.

23 (B) REMAINDER OF NET CAPITAL
24 PROJECT COST.—The remainder of the net cap-
25 ital project cost shall be provided from an un-

1 distributed cash surplus, a replacement or de-
2preciation cash fund or reserve, or new capital.

3 (C) LIMITATION ON STATUTORY CON-
4STRUCTION.—Nothing in this subsection shall
5be construed as authorizing the Secretary to re-
6quire a non-Federal financial commitment for a
7project that is more than 75 percent of the net
8capital project cost.

9 (D) SPECIAL RULE FOR ROLLING STOCK
10COSTS.—In addition to amounts allowed pursu-
11ant to subparagraph (A), a planned extension
12to a fixed guideway system may include the cost
13of rolling stock previously purchased if the ap-
14plicant satisfies the Secretary that only
15amounts other than amounts provided by the
16Federal Government were used and that the
17purchase was made for use on the extension. A
18refund or reduction of the remainder may be
19made only if a refund of a proportional amount
20of the grant of the Federal Government is made
21at the same time.

22 (E) FAILURE TO CARRY OUT PROJECT.—If
23an applicant does not carry out an eligible
24project for reasons within the control of the ap-
25plicant, the applicant shall repay all Federal

1 funds awarded for the eligible project from all
2 Federal funding sources, for all eligible project
3 activities, facilities, and equipment, plus reason-
4 able interest and penalty charges allowable by
5 law.

6 (F) CREDITING OF FUNDS RECEIVED.—
7 Any funds received by the Federal Government
8 under this paragraph, other than interest and
9 penalty charges, shall be credited to the appro-
10 priation account from which the funds were
11 originally derived.

12 (10) AVAILABILITY OF AMOUNTS.—

13 (A) IN GENERAL.—An amount made avail-
14 able for an eligible project shall remain avail-
15 able to that eligible project for 4 fiscal years,
16 including the fiscal year in which the amount is
17 made available. Any amounts that are unobli-
18 gated to the eligible project at the end of the
19 4-fiscal-year period may be used by the Sec-
20 retary for any purpose under this subsection.

21 (B) USE OF DEOBLIGATED AMOUNTS.—An
22 amount available under this subsection that is
23 deobligated may be used for any purpose under
24 this subsection.

1 (11) ANNUAL REPORT ON EXPEDITED PROJECT
2 DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not
3 later than the first Monday in February of each
4 year, the Secretary shall submit to the Committee
5 on Banking, Housing, and Urban Affairs and the
6 Committee on Appropriations of the Senate and the
7 Committee on Transportation and Infrastructure
8 and the Committee on Appropriations of the House
9 of Representatives a report that includes a proposed
10 amount to be available to finance grants for antici-
11 pated projects under this subsection.

12 (12) BEFORE AND AFTER STUDY AND RE-
13 PORT.—

14 (A) STUDY REQUIRED.—Each recipient
15 shall conduct a study that—

16 (i) describes and analyzes the impacts
17 of the eligible project on public transpor-
18 tation services and public transportation
19 ridership;

20 (ii) describes and analyzes the consist-
21 ency of predicted and actual benefits and
22 costs of the innovative project development
23 and delivery methods or innovative financ-
24 ing for the eligible project; and

1 (iii) identifies reasons for any dif-
2 ferences between predicted and actual out-
3 comes for the eligible project.

4 (B) SUBMISSION OF REPORT.—Not later
5 than 2 years after an eligible project that is se-
6 lected under this subsection begins revenue op-
7 erations, the recipient shall submit to the Sec-
8 retary a report on the results of the study con-
9 ducted under subparagraph (A).

10 (13) RULE OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed to—

12 (A) require the privatization of the oper-
13 ation or maintenance of any project for which
14 an applicant seeks funding under this sub-
15 section;

16 (B) revise the determinations by local poli-
17 cies, criteria, and decisionmaking under section
18 5306(a) of title 49, United States Code;

19 (C) alter the requirements for locally devel-
20 oped, coordinated, and implemented transpor-
21 tation plans under sections 5303 and 5304 of
22 title 49, United States Code; or

23 (D) alter the eligibilities or priorities for
24 assistance under this subsection or section 5309
25 of title 49, United States Code.

1 **SEC. 3006. ENHANCED MOBILITY OF SENIORS AND INDIVID-**
2 **UALS WITH DISABILITIES.**

3 (a) IN GENERAL.—Section 5310 of title 49, United
4 States Code, is amended—

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

7 “(1) RECIPIENT.—The term ‘recipient’
8 means—

9 “(A) a designated recipient or a State that
10 receives a grant under this section directly; or

11 “(B) a State or local governmental entity
12 that operates a public transportation service.”;

13 and

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

15 “(i) BEST PRACTICES.—The Secretary shall collect
16 from, review, and disseminate to public transportation
17 agencies—

18 “(1) innovative practices;

19 “(2) program models;

20 “(3) new service delivery options;

21 “(4) findings from activities under subsection
22 (h); and

23 “(5) transit cooperative research program re-
24 ports.”.

25 (b) PILOT PROGRAM FOR INNOVATIVE COORDINATED
26 ACCESS AND MOBILITY.—

1 (1) DEFINITIONS.—In this subsection—

2 (A) the term “eligible project” has the
3 meaning given the term “capital project” in
4 section 5302 of title 49, United States Code;
5 and

6 (B) the term “eligible recipient” means a
7 recipient or subrecipient, as those terms are de-
8 fined in section 5310 of title 49, United States
9 Code.

10 (2) GENERAL AUTHORITY.—The Secretary may
11 make grants under this subsection to eligible recipi-
12 ents to assist in financing innovative projects for the
13 transportation disadvantaged that improve the co-
14 ordination of transportation services and non-
15 emergency medical transportation services, includ-
16 ing—

17 (A) the deployment of coordination tech-
18 nology;

19 (B) projects that create or increase access
20 to community One-Call/One-Click Centers; and

21 (C) such other projects as determined ap-
22 propriate by the Secretary.

23 (3) APPLICATION.—An eligible recipient shall
24 submit to the Secretary an application that, at a
25 minimum, contains—

1 (A) a detailed description of the eligible
2 project;

3 (B) an identification of all eligible project
4 partners and their specific role in the eligible
5 project, including—

6 (i) private entities engaged in the co-
7 ordination of nonemergency medical trans-
8 portation services for the transportation
9 disadvantaged; or

10 (ii) nonprofit entities engaged in the
11 coordination of nonemergency medical
12 transportation services for the transpor-
13 tation disadvantaged;

14 (C) a description of how the eligible project
15 would—

16 (i) improve local coordination or ac-
17 cess to coordinated transportation services;

18 (ii) reduce duplication of service, if
19 applicable; and

20 (iii) provide innovative solutions in the
21 State or community; and

22 (D) specific performance measures the eli-
23 gible project will use to quantify actual out-
24 comes against expected outcomes.

1 (4) REPORT.—The Secretary shall make pub-
2 licly available an annual report on the pilot program
3 carried out under this subsection for each fiscal
4 year, not later than December 31 of the calendar
5 year in which that fiscal year ends. The report shall
6 include a detailed description of the activities carried
7 out under the pilot program, and an evaluation of
8 the program, including an evaluation of the perform-
9 ance measures described in paragraph (3)(D).

10 (5) GOVERNMENT SHARE OF COSTS.—

11 (A) IN GENERAL.—The Government share
12 of the cost of an eligible project carried out
13 under this subsection shall not exceed 80 per-
14 cent.

15 (B) NON-GOVERNMENT SHARE.—The non-
16 Government share of the cost of an eligible
17 project carried out under this subsection may
18 be derived from in-kind contributions.

19 (6) RULE OF CONSTRUCTION.—For purposes of
20 this subsection, nonemergency medical transpor-
21 tation services shall be limited to services eligible
22 under Federal programs other than programs au-
23 thorized under chapter 53 of title 49, United States
24 Code.

25 (c) COORDINATED MOBILITY.—

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

3 (A) ALLOCATED COST MODEL.—The term
4 “allocated cost model” means a method of de-
5 termining the cost of trips by allocating the cost
6 to each trip purpose served by a transportation
7 provider in a manner that is proportional to the
8 level of transportation service that the transpor-
9 tation provider delivers for each trip purpose, to
10 the extent permitted by applicable Federal laws.

11 (B) COUNCIL.—The term “Council” means
12 the Interagency Transportation Coordinating
13 Council on Access and Mobility established
14 under Executive Order No. 13330 (49 U.S.C.
15 101 note).

16 (2) STRATEGIC PLAN.—Not later than 1 year
17 after the date of enactment of this Act, the Council
18 shall publish a strategic plan for the Council that—

19 (A) outlines the role and responsibilities of
20 each Federal agency with respect to local trans-
21 portation coordination, including nonemergency
22 medical transportation;

23 (B) identifies a strategy to strengthen
24 interagency collaboration;

1 (C) addresses any outstanding rec-
2 ommendations made by the Council in the 2005
3 Report to the President relating to the imple-
4 mentation of Executive Order No. 13330, in-
5 cluding—

6 (i) a cost-sharing policy endorsed by
7 the Council; and

8 (ii) recommendations to increase par-
9 ticipation by recipients of Federal grants
10 in locally developed, coordinated planning
11 processes;

12 (D) to the extent feasible, addresses rec-
13 ommendations by the Comptroller General con-
14 cerning local coordination of transportation
15 services;

16 (E) examines and proposes changes to
17 Federal regulations that will eliminate Federal
18 barriers to local transportation coordination, in-
19 cluding non-emergency medical transportation;
20 and

21 (F) recommends to Congress changes to
22 Federal laws, including chapter 7 of title 42,
23 United States Code, that will eliminate Federal
24 barriers to local transportation coordination, in-
25 cluding nonemergency medical transportation.

1 (3) DEVELOPMENT OF COST-SHARING POLICY
2 IN COMPLIANCE WITH APPLICABLE FEDERAL
3 LAWS.—In establishing the cost-sharing policy re-
4 quired under paragraph (2), the Council may con-
5 sider, to the extent practicable—

6 (A) the development of recommended
7 strategies for grantees of programs funded by
8 members of the Council, including strategies for
9 grantees of programs that fund nonemergency
10 medical transportation, to use the cost-sharing
11 policy in a manner that does not violate applica-
12 ble Federal laws; and

13 (B) incorporation of an allocated cost
14 model to facilitate local coordination efforts
15 that comply with applicable requirements of
16 programs funded by members of the Council,
17 such as—

18 (i) eligibility requirements;
19 (ii) service delivery requirements; and
20 (iii) reimbursement requirements.

21 (4) REPORT.—The Council shall, concurrently
22 with submission to the President of a report con-
23 taining final recommendations of the Council, trans-
24 mit such report to the Committee on Transportation
25 and Infrastructure of the House of Representatives

1 and the Committee on Banking, Housing, and
2 Urban Affairs of the Senate.

3 **SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.**

4 (a) IN GENERAL.—Section 5311 of title 49, United
5 States Code, is amended—

6 (1) in subsection (c)(1), by striking subpara-
7 graphs (A) and (B) and inserting the following:

8 “(A) \$5,000,000 for each fiscal year shall
9 be distributed on a competitive basis by the
10 Secretary.

11 “(B) \$30,000,000 for each fiscal year shall
12 be apportioned as formula grants, as provided
13 in subsection (j).”;

14 (2) in subsection (g)(3)—

15 (A) by redesignating subparagraphs (A)
16 through (D) as subparagraphs (C) through (F),
17 respectively;

18 (B) by inserting before subparagraph (C)
19 (as so redesignated) the following:

20 “(A) may be provided in cash from non-
21 Government sources;

22 “(B) may be provided from revenues from
23 the sale of advertising and concessions;”;

24 (C) in subparagraph (F) (as so redesign-
25 ated) by inserting “, including all operating

1 and capital costs of such service whether or not
2 offset by revenue from such service,” after “the
3 costs of a private operator for the unsubsidized
4 segment of intercity bus service”; and

5 (3) in subsection (j)(1)—

6 (A) in subparagraph (A)(iii), by striking
7 “(as defined by the Bureau of the Census)” and
8 inserting “(American Indian Areas, Alaska Na-
9 tive Areas, and Hawaiian Home Lands, as de-
10 fined by the Bureau of the Census)”; and

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

12 “(E) ALLOCATION BETWEEN MULTIPLE
13 INDIAN TRIBES.—If more than 1 Indian tribe
14 provides public transportation service on tribal
15 lands in a single Tribal Statistical Area, and
16 the Indian tribes do not determine how to allo-
17 cate the funds apportioned under clause (iii) of
18 subparagraph (A) between the Indian tribes,
19 the Secretary shall allocate the funds so that
20 each Indian tribe shall receive an amount equal
21 to the total amount apportioned under such
22 clause (iii) multiplied by the ratio of the num-
23 ber of annual unlinked passenger trips provided
24 by each Indian tribe, as reported to the Na-
25 tional Transit Database, to the total unlinked

1 passenger trips provided by all Indian tribes in
2 the Tribal Statistical Area.”.

3 (b) CONFORMING AMENDMENTS.—Section 5311 of
4 such title is further amended—

5 (1) in subsection (b) by striking
6 “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;

7 (2) in subsection (c)—

8 (A) in paragraph (1), in the matter pre-
9 ceding subparagraph (A), by striking
10 “5338(a)(2)(E)” and inserting
11 “5338(a)(2)(F)”;

12 (B) in paragraph (2)(C), by striking
13 “5338(a)(2)(E)” and inserting
14 “5338(a)(2)(F)”;

15 (C) in paragraph (3)(A), by striking
16 “5338(a)(2)(E)” and inserting
17 “5338(a)(2)(F)”.

18 **SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.**

19 (a) CONSOLIDATION OF PROGRAMS.—Section 5312
20 of title 49, United States Code, is amended—

21 (1) by striking the section designation and
22 heading and inserting the following:

23 **“§ 5312. Public transportation innovation”;**

24 (2) by redesignating subsections (a) through (f)
25 as subsections (b) through (g), respectively;

1 (3) by inserting before subsection (b) (as so re-
2 designated) the following:

3 “(a) IN GENERAL.—The Secretary shall provide as-
4 sistance for projects and activities to advance innovative
5 public transportation research and development in accord-
6 ance with the requirements of this section.”;

7 (4) in subsection (e) (as so redesignated)—

8 (A) in paragraph (3)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “demonstration,
11 deployment, or evaluation” before “project
12 that”;

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

15 (iii) in subparagraph (B), by striking
16 the period at the end and inserting “; or”;
17 and

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

20 “(C) the deployment of low or no emission
21 vehicles, zero emission vehicles, or associated
22 advanced technology.”; and

23 (B) by striking paragraph (5) and insert-
24 ing the following:

1 “(5) PROHIBITION.—The Secretary may not
2 make grants under this subsection for the dem-
3 onstration, deployment, or evaluation of a vehicle
4 that is in revenue service unless the Secretary deter-
5 mines that the project makes significant techno-
6 logical advancements in the vehicle.

7 “(6) DEFINITIONS.—In this subsection—

8 “(A) the term ‘direct carbon emissions’
9 means the quantity of direct greenhouse gas
10 emissions from a vehicle, as determined by the
11 Administrator of the Environmental Protection
12 Agency;

13 “(B) the term ‘low or no emission vehicle’
14 means—

15 “(i) a passenger vehicle used to pro-
16 vide public transportation that the Sec-
17 retary determines sufficiently reduces en-
18 ergy consumption or harmful emissions, in-
19 cluding direct carbon emissions, when com-
20 pared to a comparable standard vehicle; or

21 “(ii) a zero emission vehicle used to
22 provide public transportation; and

23 “(C) the term ‘zero emission vehicle’
24 means a low or no emission vehicle that pro-
25 duces no carbon or particulate matter.”;

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

2 “(h) LOW OR NO EMISSION VEHICLE COMPONENT
3 ASSESSMENT.—

4 “(1) DEFINITIONS.—In this subsection—

5 “(A) the term ‘covered institution of higher
6 education’ means an institution of higher edu-
7 cation with which the Secretary enters into a
8 contract or cooperative agreement, or to which
9 the Secretary makes a grant, under paragraph
10 (2)(B) to operate a facility selected under para-
11 graph (2)(A);

12 “(B) the terms ‘direct carbon emissions’
13 and ‘low or no emission vehicle’ have the mean-
14 ings given those terms in subsection (e)(6);

15 “(C) the term ‘institution of higher edu-
16 cation’ has the meaning given the term in sec-
17 tion 102 of the Higher Education Act of 1965
18 (20 U.S.C. 1002); and

19 “(D) the term ‘low or no emission vehicle
20 component’ means an item that is separately in-
21 stalled in and removable from a low or no emis-
22 sion vehicle.

23 “(2) ASSESSING LOW OR NO EMISSION VEHICLE
24 COMPONENTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 competitively select at least one facility to con-
3 duct testing, evaluation, and analysis of low or
4 no emission vehicle components intended for
5 use in low or no emission vehicles.

6 “(B) OPERATION AND MAINTENANCE.—

7 “(i) IN GENERAL.—The Secretary
8 shall enter into a contract or cooperative
9 agreement with, or make a grant to, at
10 least one institution of higher education to
11 operate and maintain a facility selected
12 under subparagraph (A).

13 “(ii) REQUIREMENTS.—An institution
14 of higher education described in clause (i)
15 shall have—

16 “(I) capacity to carry out trans-
17 portation-related advanced component
18 and vehicle evaluation;

19 “(II) laboratories capable of test-
20 ing and evaluation; and

21 “(III) direct access to or a part-
22 nership with a testing facility capable
23 of emulating real-world circumstances
24 in order to test low or no emission ve-

1 hicle components installed on the in-
2 tended vehicle.

3 “(C) FEES.—A covered institution of high-
4 er education shall establish and collect fees,
5 which shall be approved by the Secretary, for
6 the assessment of low or no emission vehicle
7 components at the applicable facility selected
8 under subparagraph (A).

9 “(D) AVAILABILITY OF AMOUNTS TO PAY
10 FOR ASSESSMENT.—The Secretary shall enter
11 into a contract or cooperative agreement with,
12 or make a grant to an institution of higher edu-
13 cation under which—

14 “(i) the Secretary shall pay 50 per-
15 cent of the cost of assessing a low or no
16 emission vehicle component at the applica-
17 ble facility selected under subparagraph
18 (A) from amounts made available to carry
19 out this section; and

20 “(ii) the remaining 50 percent of such
21 cost shall be paid from amounts recovered
22 through the fees established and collected
23 pursuant to subparagraph (C).

24 “(E) VOLUNTARY TESTING.—A manufac-
25 turer of a low or no emission vehicle component

1 is not required to assess the low or no emission
2 vehicle component at a facility selected under
3 subparagraph (A).

4 “(F) COMPLIANCE WITH SECTION 5318.—
5 Notwithstanding whether a low or no emission
6 vehicle component is assessed at a facility se-
7 lected under subparagraph (A), each new bus
8 model shall comply with the requirements under
9 section 5318.

10 “(G) SEPARATE FACILITY.—A facility se-
11 lected under subparagraph (A) shall be separate
12 and distinct from the facility operated and
13 maintained under section 5318.

14 “(3) LOW OR NO EMISSION VEHICLE COMPO-
15 NENT PERFORMANCE REPORTS.—Not later than 2
16 years after the date of enactment of the Federal
17 Public Transportation Act of 2015, and annually
18 thereafter, the Secretary shall issue a report on low
19 or no emission vehicle component assessments con-
20 ducted at each facility selected under paragraph
21 (2)(A), which shall include information related to
22 the maintainability, reliability, performance, struc-
23 tural integrity, efficiency, and noise of those low or
24 no emission vehicle components.

1 “(4) PUBLIC AVAILABILITY OF ASSESS-
2 MENTS.—Each assessment conducted at a facility
3 selected under paragraph (2)(A) shall be made pub-
4 licly available, including to affected industries.

5 “(5) RULE OF CONSTRUCTION.—Nothing in
6 this subsection shall be construed to require—

7 “(A) a low or no emission vehicle compo-
8 nent to be tested at a facility selected under
9 paragraph (2)(A); or

10 “(B) the development or disclosure of a
11 privately funded component assessment.”.

12 (6) in subsection (f) (as so redesignated)—

13 (A) by striking “(f)” and all that follows
14 before paragraph (1) and inserting the fol-
15 lowing:

16 “(g) ANNUAL REPORT ON RESEARCH.—Not later
17 than the first Monday in February of each year, the Sec-
18 retary shall make available to the public on the Web site
19 of the Department of Transportation, a report that in-
20 cludes—”; and

21 (B) in paragraph (1) by adding “and” at
22 the end;

23 (C) in paragraph (2) by striking “; and”
24 and inserting a period; and

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

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

2 “(i) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

3 “(1) IN GENERAL.—The amounts made avail-
4 able under section 5338(a)(2)(G)(ii) are available for
5 a public transportation cooperative research pro-
6 gram.

7 “(2) INDEPENDENT GOVERNING BOARD.—

8 “(A) ESTABLISHMENT.—The Secretary
9 shall establish an independent governing board
10 for the program under this subsection.

11 “(B) RECOMMENDATIONS.—The board
12 shall recommend public transportation research,
13 development, and technology transfer activities
14 the Secretary considers appropriate.

15 “(3) FEDERAL ASSISTANCE.—The Secretary
16 may make grants to, and enter into cooperative
17 agreements with, the National Academy of Sciences
18 to carry out activities under this subsection that the
19 Secretary considers appropriate.

20 “(4) GOVERNMENT SHARE OF COSTS.—If there
21 would be a clear and direct financial benefit to an
22 entity under a grant or contract financed under this
23 subsection, the Secretary shall establish a Govern-
24 ment share consistent with that benefit.

1 “(5) LIMITATION ON APPLICABILITY.—Sub-
2 sections (f) and (g) shall not apply to activities car-
3 ried out under this subsection.”.

4 (b) CONFORMING AMENDMENTS.—Section 5312 of
5 such title (as amended by subsection (a) of this section)
6 is further amended—

7 (1) in subsection (c)(1) by striking “subsection
8 (a)(2)” and inserting “subsection (b)(2)”;

9 (2) in subsection (d)—

10 (A) in paragraph (1) by striking “sub-
11 section (a)(2)” and inserting “subsection
12 (b)(2)”;

13 (B) in paragraph (2)(A) by striking “sub-
14 section (b)” and inserting “subsection (c)”;

15 (3) in subsection (e)(2) in each of subpara-
16 graphs (A) and (B) by striking “subsection (a)(2)”
17 and inserting “subsection (b)(2)”;

18 (4) in subsection (f)(2) by striking “subsection
19 (d)(4)” and inserting “subsection (e)(4)”.

20 (c) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 53 of such title is amended by striking the item relat-
22 ing to section 5312 and inserting the following:

“5312. Public transportation innovation.”.

1 **SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
2 **VELOPMENT.**

3 (a) IN GENERAL.—Section 5314 of title 49, United
4 States Code, is amended to read as follows:

5 **“§ 5314. Technical assistance and workforce develop-**
6 **ment**

7 “(a) TECHNICAL ASSISTANCE AND STANDARDS.—

8 “(1) TECHNICAL ASSISTANCE AND STANDARDS
9 DEVELOPMENT.—

10 “(A) IN GENERAL.—The Secretary may
11 make grants and enter into contracts, coopera-
12 tive agreements, and other agreements (includ-
13 ing agreements with departments, agencies, and
14 instrumentalities of the Government) to carry
15 out activities that the Secretary determines will
16 assist recipients of assistance under this chap-
17 ter to—

18 “(i) more effectively and efficiently
19 provide public transportation service;

20 “(ii) administer funds received under
21 this chapter in compliance with Federal
22 law; and

23 “(iii) improve public transportation.

24 “(B) ELIGIBLE ACTIVITIES.—The activi-
25 ties carried out under subparagraph (A) may
26 include—

1 “(i) technical assistance; and

2 “(ii) the development of voluntary and
3 consensus-based standards and best prac-
4 tices by the public transportation industry,
5 including standards and best practices for
6 safety, fare collection, intelligent transpor-
7 tation systems, accessibility, procurement,
8 security, asset management to maintain a
9 state of good repair, operations, mainte-
10 nance, vehicle propulsion, communications,
11 and vehicle electronics.

12 “(2) TECHNICAL ASSISTANCE.—The Secretary,
13 through a competitive bid process, may enter into
14 contracts, cooperative agreements, and other agree-
15 ments with national nonprofit organizations that
16 have the appropriate demonstrated capacity to pro-
17 vide public-transportation-related technical assist-
18 ance under this subsection. The Secretary may enter
19 into such contracts, cooperative agreements, and
20 other agreements to assist providers of public trans-
21 portation to—

22 “(A) comply with the Americans with Dis-
23 abilities Act of 1990 (42 U.S.C. 12101 et seq.)
24 through technical assistance, demonstration

1 programs, research, public education, and other
2 activities related to complying with such Act;

3 “(B) comply with human services transpor-
4 tation coordination requirements and to en-
5 hance the coordination of Federal resources for
6 human services transportation with those of the
7 Department of Transportation through tech-
8 nical assistance, training, and support services
9 related to complying with such requirements;

10 “(C) meet the transportation needs of el-
11 derly individuals;

12 “(D) increase transit ridership in coordina-
13 tion with metropolitan planning organizations
14 and other entities through development around
15 public transportation stations through technical
16 assistance and the development of tools, guid-
17 ance, and analysis related to market-based de-
18 velopment around transit stations;

19 “(E) address transportation equity with re-
20 gard to the effect that transportation planning,
21 investment, and operations have for low-income
22 and minority individuals;

23 “(F) facilitate best practices to promote
24 bus driver safety;

1 “(G) meet the requirements of sections
2 5323(j) and 5323(m);

3 “(H) assist with the development and de-
4 ployment of low or no emission vehicles (as de-
5 fined in section 5339(c)(1)) or low or no emis-
6 sion vehicle components (as defined in section
7 5312(h)(1)); and

8 “(I) any other technical assistance activity
9 that the Secretary determines is necessary to
10 advance the interests of public transportation.

11 “(3) ANNUAL REPORT ON TECHNICAL ASSIST-
12 ANCE.—Not later than the first Monday in February
13 of each year, the Secretary shall submit to the Com-
14 mittee on Banking, Housing, and Urban Affairs and
15 the Committee on Appropriations of the Senate and
16 the Committee on Transportation and Infrastruc-
17 ture, the Committee on Science, Space, and Tech-
18 nology, and the Committee on Appropriations of the
19 House of Representatives a report that includes—

20 “(A) a description of each project that re-
21 ceived assistance under this subsection during
22 the preceding fiscal year;

23 “(B) an evaluation of the activities carried
24 out by each organization that received assist-

1 ance under this subsection during the preceding
2 fiscal year;

3 “(C) a proposal for allocations of amounts
4 for assistance under this subsection for the sub-
5 sequent fiscal year; and

6 “(D) measurable outcomes and impacts of
7 the programs funded under subsections (b) and
8 (c).

9 “(4) GOVERNMENT SHARE OF COSTS.—

10 “(A) IN GENERAL.—The Government
11 share of the cost of an activity carried out
12 using a grant under this subsection may not ex-
13 ceed 80 percent.

14 “(B) NON-GOVERNMENT SHARE.—The
15 non-Government share of the cost of an activity
16 carried out using a grant under this subsection
17 may be derived from in-kind contributions.

18 “(b) HUMAN RESOURCES AND TRAINING.—

19 “(1) IN GENERAL.—The Secretary may under-
20 take, or make grants and contracts for, programs
21 that address human resource needs as they apply to
22 public transportation activities. A program may in-
23 clude—

24 “(A) an employment training program;

1 “(B) an outreach program to increase em-
2 ployment for veterans, females, individuals with
3 a disability, minorities (including American In-
4 dians or Alaska Natives, Asian, Black or Afri-
5 can Americans, native Hawaiians or other Pa-
6 cific Islanders, and Hispanics) in public trans-
7 portation activities;

8 “(C) research on public transportation per-
9 sonnel and training needs;

10 “(D) training and assistance for veteran
11 and minority business opportunities; and

12 “(E) consensus-based national training
13 standards and certifications in partnership with
14 industry stakeholders.

15 “(2) INNOVATIVE PUBLIC TRANSPORTATION
16 FRONTLINE WORKFORCE DEVELOPMENT PRO-
17 GRAM.—

18 “(A) IN GENERAL.—The Secretary shall
19 establish a competitive grant program to assist
20 the development of innovative activities eligible
21 for assistance under paragraph (1).

22 “(B) ELIGIBLE PROGRAMS.—A program
23 eligible for assistance under paragraph (1)
24 shall—

1 “(i) develop apprenticeships, on-the-
2 job training, and instructional training for
3 public transportation maintenance and op-
4 erations occupations;

5 “(ii) build local, regional, and state-
6 wide public transportation training part-
7 nerships with local public transportation
8 operators, labor union organizations, work-
9 force development boards, and State work-
10 force agencies to identify and address
11 workforce skill gaps;

12 “(iii) improve safety, security, and
13 emergency preparedness in local public
14 transportation systems through improved
15 safety culture and workforce communica-
16 tion with first responders and the riding
17 public; and

18 “(iv) address current or projected
19 workforce shortages by developing partner-
20 ships with high schools, community col-
21 leges, and other community organizations.

22 “(C) SELECTION OF RECIPIENTS.—To the
23 maximum extent feasible, the Secretary shall
24 select recipients that—

25 “(i) are geographically diverse;

1 “(ii) address the workforce and
2 human resources needs of large public
3 transportation providers;

4 “(iii) address the workforce and
5 human resources needs of small public
6 transportation providers;

7 “(iv) address the workforce and
8 human resources needs of urban public
9 transportation providers;

10 “(v) address the workforce and
11 human resources needs of rural public
12 transportation providers;

13 “(vi) advance training related to
14 maintenance of low or no emission vehicles
15 and facilities used in public transportation;

16 “(vii) target areas with high rates of
17 unemployment;

18 “(viii) advance opportunities for mi-
19 norities, women, veterans, individuals with
20 disabilities, low-income populations, and
21 other underserved populations; and

22 “(ix) address in-demand industry sec-
23 tor or occupation, as such term is defined
24 in section 3 of the Workforce Innovation
25 and Opportunity Act (29 U.S.C. 3102).

1 “(D) PROGRAM OUTCOMES.—A recipient
2 of assistance under this subsection shall dem-
3 onstrate outcomes for any program that in-
4 cludes skills training, on-the-job training, and
5 work-based learning, including—

6 “(i) the impact on reducing public
7 transportation workforce shortages in the
8 area served;

9 “(ii) the diversity of training partici-
10 pants;

11 “(iii) the number of participants ob-
12 taining certifications or credentials re-
13 quired for specific types of employment;

14 “(iv) employment outcomes, including
15 job placement, job retention, and wages,
16 using performance metrics established in
17 consultation with the Secretary and the
18 Secretary of Labor and consistent with
19 metrics used by programs under the Work-
20 force Innovation and Opportunity Act (29
21 U.S.C. 3101 et seq.); and

22 “(v) to the extent practical, evidence
23 that the program did not preclude workers
24 who are participating in skills training, on-
25 the-job training, and work-based learning

1 from being referred to, or hired on,
2 projects funded under this chapter without
3 regard to the length of time of their par-
4 ticipation in the program.

5 “(E) REPORT TO CONGRESS.—The Sec-
6 retary shall make publicly available a report on
7 the Frontline Workforce Development Program
8 for each fiscal year, not later than December 31
9 of the calendar year in which that fiscal year
10 ends. The report shall include a detailed de-
11 scription of activities carried out under this
12 paragraph, an evaluation of the program, and
13 policy recommendations to improve program ef-
14 fectiveness.

15 “(3) GOVERNMENT’S SHARE OF COSTS.—The
16 Government share of the cost of a project carried
17 out using a grant under paragraph (1) or (2) shall
18 be 50 percent.

19 “(4) AVAILABILITY OF AMOUNTS.—Not more
20 than 0.5 percent of amounts made available to a re-
21 cipient under sections 5307, 5337, and 5339 is
22 available for expenditures by the recipient, with the
23 approval of the Secretary, to pay not more than 80
24 percent of the cost of eligible activities under this
25 subsection.

1 “(c) NATIONAL TRANSIT INSTITUTE.—

2 “(1) ESTABLISHMENT.—The Secretary shall es-
3 tablish a national transit institute and award grants
4 to a public 4-year degree-granting institution of
5 higher education, as defined in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)),
7 in order to carry out the duties of the institute.

8 “(2) DUTIES.—

9 “(A) IN GENERAL.—In cooperation with
10 the Federal Transit Administration, State
11 transportation departments, public transpor-
12 tation authorities, and national and inter-
13 national entities, the institute established under
14 paragraph (1) shall develop and conduct train-
15 ing and educational programs for Federal,
16 State, and local transportation employees,
17 United States citizens, and foreign nationals
18 engaged or to be engaged in Government-aid
19 public transportation work.

20 “(B) TRAINING AND EDUCATIONAL PRO-
21 GRAMS.—The training and educational pro-
22 grams developed under subparagraph (A) may
23 include courses in recent developments, tech-
24 niques, and procedures related to—

- 1 “(i) intermodal and public transpor-
- 2 tation planning;
- 3 “(ii) management;
- 4 “(iii) environmental factors;
- 5 “(iv) acquisition and joint use rights-
- 6 of-way;
- 7 “(v) engineering and architectural de-
- 8 sign;
- 9 “(vi) procurement strategies for public
- 10 transportation systems;
- 11 “(vii) turnkey approaches to deliv-
- 12 ering public transportation systems;
- 13 “(viii) new technologies;
- 14 “(ix) emission reduction technologies;
- 15 “(x) ways to make public transpor-
- 16 tation accessible to individuals with disabil-
- 17 ities;
- 18 “(xi) construction, construction man-
- 19 agement, insurance, and risk management;
- 20 “(xii) maintenance;
- 21 “(xiii) contract administration;
- 22 “(xiv) inspection;
- 23 “(xv) innovative finance;
- 24 “(xvi) workplace safety; and
- 25 “(xvii) public transportation security.

1 “(3) PROVISION FOR EDUCATION AND TRAIN-
2 ING.—Education and training of Government, State,
3 and local transportation employees under this sub-
4 section shall be provided—

5 “(A) by the Secretary at no cost to the
6 States and local governments for subjects that
7 are a Government program responsibility; or

8 “(B) when the education and training are
9 paid under paragraph (4), by the State, with
10 the approval of the Secretary, through grants
11 and contracts with public and private agencies,
12 other institutions, individuals, and the institute.

13 “(4) AVAILABILITY OF AMOUNTS.—

14 “(A) IN GENERAL.—Not more than 0.5
15 percent of amounts made available to a recipi-
16 ent under sections 5307, 5337, and 5339 is
17 available for expenditures by the recipient, with
18 the approval of the Secretary, to pay not more
19 than 80 percent of the cost of eligible activities
20 under this subsection.

21 “(B) EXISTING PROGRAMS.—A recipient
22 may use amounts made available under sub-
23 paragraph (A) to carry out existing local edu-
24 cation and training programs for public trans-
25 portation employees supported by the Secretary,

1 the Department of Labor, or the Department of
2 Education.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 53 of such title is amended by striking the item relat-
5 ing to section 5314 and inserting the following:

“5314. Technical assistance and workforce development.”.

6 **SEC. 3010. PRIVATE SECTOR PARTICIPATION.**

7 (a) IN GENERAL.—Section 5315 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to alter—

12 “(1) the eligibilities, requirements, or priorities
13 for assistance provided under this chapter; or

14 “(2) the requirements of section 5306(a).”.

15 (b) MAP-21 TECHNICAL CORRECTION.—Section
16 20013(d) of MAP-21 (Public Law 112-141; 126 Stat.
17 694) is amended by striking “5307(c)” and inserting
18 “5307(b)”.

19 **SEC. 3011. GENERAL PROVISIONS.**

20 Section 5323 of title 49, United States Code, is
21 amended—

22 (1) in subsection (h)—

23 (A) in paragraph (1), by striking “or” at
24 the end;

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by inserting after paragraph (1) the
4 following:

5 “(2) pay incremental costs of incorporating art
6 or non-functional landscaping into facilities, includ-
7 ing the costs of an artist on the design team; or”;
8 (2) in subsection (j)—

9 (A) in paragraph (2), by striking subpara-
10 graph (C) and inserting the following:

11 “(C) when procuring rolling stock (includ-
12 ing train control, communication, traction
13 power equipment, and rolling stock prototypes)
14 under this chapter—

15 “(i) the cost of components and sub-
16 components produced in the United
17 States—

18 “(I) for fiscal years 2016 and
19 2017, is more than 60 percent of the
20 cost of all components of the rolling
21 stock;

22 “(II) for fiscal years 2018 and
23 2019, is more than 65 percent of the
24 cost of all components of the rolling
25 stock; and

1 “(III) for fiscal year 2020 and
2 each fiscal year thereafter, is more
3 than 70 percent of the cost of all com-
4 ponents of the rolling stock; and

5 “(ii) final assembly of the rolling
6 stock has occurred in the United States;
7 or”;

8 (B) by redesignating paragraphs (5)
9 through (9) as paragraphs (7) through (11), re-
10 spectively;

11 (C) by inserting after paragraph (4) the
12 following:

13 “(5) ROLLING STOCK FRAMES OR CAR
14 SHELLS.—In carrying out paragraph (2)(C) in the
15 case of a rolling stock procurement receiving assist-
16 ance under this chapter in which the average cost of
17 a rolling stock vehicle in the procurement is more
18 than \$300,000, if rolling stock frames or car shells
19 are not produced in the United States, the Secretary
20 shall include in the calculation of the domestic con-
21 tent of the rolling stock the cost of steel or iron that
22 is produced in the United States and used in the
23 rolling stock frames or car shells.

24 “(6) CERTIFICATION OF DOMESTIC SUPPLY
25 AND DISCLOSURE.—

1 “(A) CERTIFICATION OF DOMESTIC SUP-
2 PLY.—If the Secretary denies an application for
3 a waiver under paragraph (2), the Secretary
4 shall provide to the applicant a written certifi-
5 cation that—

6 “(i) the steel, iron, or manufactured
7 goods, as applicable, (referred to in this
8 subparagraph as the ‘item’) is produced in
9 the United States in a sufficient and rea-
10 sonably available amount;

11 “(ii) the item produced in the United
12 States is of a satisfactory quality; and

13 “(iii) includes a list of known manu-
14 facturers in the United States from which
15 the item can be obtained.

16 “(B) DISCLOSURE.—The Secretary shall
17 disclose the waiver denial and the written cer-
18 tification to the public in an easily identifiable
19 location on the website of the Department of
20 Transportation.”;

21 (D) in paragraph (8), as so redesignated,
22 by striking “Federal Public Transportation Act
23 of 2012” and inserting “Federal Public Trans-
24 portation Act of 2015”; and

1 (E) by inserting after paragraph (11), as
2 so redesignated, the following:

3 “(12) STEEL AND IRON.—For purposes of this
4 subsection, steel and iron meeting the requirements
5 of section 661.5(b) of title 49, Code of Federal Reg-
6 ulations may be considered produced in the United
7 States.

8 “(13) DEFINITION OF SMALL PURCHASE.—For
9 purposes of determining whether a purchase quali-
10 fies for a general public interest waiver under para-
11 graph (2)(A) of this subsection, including under any
12 regulation promulgated under that paragraph, the
13 term ‘small purchase’ means a purchase of not more
14 than \$150,000.”;

15 (3) in subsection (q)(1), by striking the second
16 sentence; and

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

18 “(s) VALUE CAPTURE REVENUE ELIGIBLE FOR
19 LOCAL SHARE.—Notwithstanding any other provision of
20 law, a recipient of assistance under this chapter may use
21 the revenue generated from value capture financing mech-
22 anisms as local matching funds for capital projects and
23 operating costs eligible under this chapter.

24 “(t) SPECIAL CONDITION ON CHARTER BUS TRANS-
25 PORTATION SERVICE.—If, in a fiscal year, the Secretary

1 is prohibited by law from enforcing regulations related to
2 charter bus service under part 604 of title 49, Code of
3 Federal Regulations, for any transit agency that during
4 fiscal year 2008 was both initially granted a 60-day period
5 to come into compliance with such part 604, and then was
6 subsequently granted an exception from such part—

7 “(1) the transit agency shall be precluded from
8 receiving its allocation of urbanized area formula
9 grant funds for such fiscal year; and

10 “(2) any amounts withheld pursuant to para-
11 graph (1) shall be added to the amount that the
12 Secretary may apportion under section 5336 in the
13 following fiscal year.”.

14 **SEC. 3012. PROJECT MANAGEMENT OVERSIGHT.**

15 Section 5327 of title 49, United States Code, is
16 amended—

17 (1) in subsection (c) by striking “section
18 5338(i)” and inserting section “5338(f)” ; and

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by striking “section 5338(i)” and
22 inserting section 5338(f); and

23 (ii) by striking “and” at the end; and

24 (B) by striking paragraph (2) and insert-
25 ing the following:

1 “(2) a requirement that oversight—

2 “(A) begin during the project development
3 phase of a project, unless the Secretary finds it
4 more appropriate to begin the oversight during
5 another phase of the project, to maximize the
6 transportation benefits and cost savings associ-
7 ated with project management oversight; and

8 “(B) be limited to quarterly reviews of
9 compliance by the recipient with the project
10 management plan approved under subsection
11 (b) unless the Secretary finds that the recipient
12 requires more frequent oversight because the
13 recipient has failed to meet the requirements of
14 such plan and the project may be at risk of
15 going over budget or becoming behind schedule;
16 and

17 “(3) a process for recipients that the Secretary
18 has found require more frequent oversight to return
19 to quarterly reviews for purposes of paragraph
20 (2)(B).”.

21 **SEC. 3013. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

22 Section 5329 of title 49, United States Code, is
23 amended—

24 (1) in subsection (b)(2)—

1 (A) in subparagraph (C) by striking “and”
2 at the end;

3 (B) by redesignating subparagraph (D) as
4 subparagraph (E); and

5 (C) by inserting after subparagraph (C)
6 the following:

7 “(D) minimum safety standards to ensure
8 the safe operation of public transportation sys-
9 tems that—

10 “(i) are not related to performance
11 standards for public transportation vehicles
12 developed under subparagraph (C); and

13 “(ii) to the extent practicable, take
14 into consideration—

15 “(I) relevant recommendations of
16 the National Transportation Safety
17 Board;

18 “(II) best practices standards de-
19 veloped by the public transportation
20 industry;

21 “(III) any minimum safety
22 standards or performance criteria
23 being implemented across the public
24 transportation industry;

1 “(IV) relevant recommendations
2 from the report under section 3020 of
3 the Federal Public Transportation Act
4 of 2015; and

5 “(V) any additional information
6 that the Secretary determines nec-
7 essary and appropriate; and”;

8 (2) in subsection (e)—

9 (A) by redesignating paragraphs (8) and
10 (9) as paragraphs (9) and (10), respectively;
11 and

12 (B) by inserting after paragraph (7) the
13 following:

14 “(8) FEDERAL SAFETY MANAGEMENT.—

15 “(A) IN GENERAL.—If the Secretary deter-
16 mines that a State safety oversight program is
17 not being carried out in accordance with this
18 section, has become inadequate to ensure the
19 enforcement of Federal safety regulation, or is
20 incapable of providing adequate safety oversight
21 consistent with the prevention of substantial
22 risk of death, or personal injury, the Secretary
23 shall administer the State safety oversight pro-
24 gram until the eligible State develops a State

1 safety oversight program certified by the Sec-
2 retary in accordance with this subsection.

3 “(B) TEMPORARY FEDERAL OVERSIGHT.—
4 In making a determination under subparagraph
5 (A), the Secretary shall—

6 “(i) transmit to the eligible State and
7 affected recipient or recipients, a written
8 explanation of the determination or subse-
9 quent finding, including any intention to
10 withhold funding under this section, the
11 amount of funds proposed to be withheld,
12 and if applicable, a formal notice of a with-
13 drawal of State safety oversight program
14 approval; and

15 “(ii) require the State to submit a
16 State safety oversight program or modi-
17 fication for certification by the Secretary
18 that meets the requirements of this sub-
19 section.

20 “(C) FAILURE TO CORRECT.—If the Sec-
21 retary determines in accordance with subpara-
22 graph (A), that a State safety oversight pro-
23 gram or modification required pursuant to sub-
24 paragraph (B)(ii), submitted by a State is not
25 sufficient, the Secretary may—

1 “(i) withhold funds available under
2 paragraph (6) in an amount determined by
3 the Secretary;

4 “(ii) beginning 1 year after the date
5 of the determination, withhold not more
6 than 5 percent of the amount required to
7 be appropriated for use in a State or an
8 urbanized area in the State under section
9 5307, until the State safety oversight pro-
10 gram or modification has been certified;
11 and

12 “(iii) use any other authorities au-
13 thorized under this chapter considered nec-
14 essary and appropriate.

15 “(D) ADMINISTRATIVE AND OVERSIGHT
16 ACTIVITIES.—To carry out administrative and
17 oversight activities authorized by this para-
18 graph, the Secretary may use grant funds ap-
19 portioned to an eligible State, under paragraph
20 (6), to develop or carry out a State safety over-
21 sight program.”;

22 (3) in subsection (f)(2), by inserting “or the
23 public transportation industry generally” after “re-
24 cipients”;

25 (4) in subsection (g)(1)—

1 (A) in the matter preceding subparagraph
2 (A) by striking “an eligible State, as defined in
3 subsection (e),” and inserting “a recipient”;

4 (B) in subparagraph (C) by striking “and”
5 at the end;

6 (C) in subparagraph (D) by striking the
7 period at the end and inserting “; and”; and

8 (D) by adding at the end the following:

9 “(E) withholding not more than 25 percent
10 of financial assistance under section 5307.”;

11 (5) in subsection (g)(2)(A)—

12 (A) by inserting after “funds” the fol-
13 lowing: “or withhold funds”; and

14 (B) by inserting “or (1)(E)” after “para-
15 graph (1)(D)”;

16 (6) by striking subsection (h) and inserting the
17 following:

18 “(h) RESTRICTIONS AND PROHIBITIONS.—

19 “(1) RESTRICTIONS AND PROHIBITIONS.—The
20 Secretary shall issue restrictions and prohibitions by
21 whatever means are determined necessary and ap-
22 propriate, without regard to section 5334(c), if,
23 through testing, inspection, investigation, audit, or
24 research carried out under this chapter, the Sec-
25 retary determines that an unsafe condition or prac-

1 tice, or a combination of unsafe conditions and prac-
2 tices, exist such that there is a substantial risk of
3 death or personal injury.

4 “(2) NOTICE.—The notice of restriction or pro-
5 hibition shall describe the condition or practice, the
6 subsequent risk and the standards and procedures
7 required to address the restriction or prohibition.

8 “(3) CONTINUED AUTHORITY.—Nothing in this
9 subsection shall be construed as limiting the Sec-
10 retary’s authority to maintain a restriction or prohi-
11 bition for as long as is necessary to ensure that the
12 risk has been substantially addressed.”.

13 **SEC. 3014. APPORTIONMENTS.**

14 Section 5336 of title 49, United States Code, is
15 amended—

16 (1) in subsection (a) in the matter preceding
17 paragraph (1) by striking “subsection (h)(4)” and
18 inserting “subsection (h)(5)”;

19 (2) in subsection (b)(2)(E) by striking “22.27
20 percent” and inserting “27 percent”; and

21 (3) in subsection (h)—

22 (A) by striking paragraph (1) and insert-
23 ing the following:

24 “(1) \$30,000,000 shall be set aside each fiscal
25 year to carry out section 5307(h);” and

1 (B) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) of amounts not apportioned under para-
4 graphs (1) and (2)—

5 “(A) for fiscal years 2016 through 2018,
6 1.5 percent shall be apportioned to urbanized
7 areas with populations of less than 200,000 in
8 accordance with subsection (i); and

9 “(B) for fiscal years 2019 and 2020, 2
10 percent shall be apportioned to urbanized areas
11 with populations of less than 200,000 in ac-
12 cordance with subsection (i);”.

13 **SEC. 3015. STATE OF GOOD REPAIR GRANTS.**

14 (a) IN GENERAL.—Section 5337 of title 49, United
15 States Code, is amended—

16 (1) in subsection (c)(2)(B), by inserting “the
17 provisions of” before “section 5336(b)(1)”;

18 (2) in subsection (d)—

19 (A) in paragraph (2) by inserting “vehicle”
20 after “motorbus”; and

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

22 “(5) USE OF FUNDS.—Amounts apportioned
23 under this subsection may be used for any project
24 that is an eligible project under subsection (b)(1).”;
25 and

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

2 “(e) GOVERNMENT SHARE OF COSTS.—

3 “(1) CAPITAL PROJECTS.—A grant for a capital
4 project under this section shall be for 80 percent of
5 the net project cost of the project. The recipient may
6 provide additional local matching amounts.

7 “(2) REMAINING COSTS.—The remainder of the
8 net project cost shall be provided—

9 “(A) in cash from non-Government
10 sources;

11 “(B) from revenues derived from the sale
12 of advertising and concessions; or

13 “(C) from an undistributed cash surplus, a
14 replacement or depreciation cash fund or re-
15 serve, or new capital.”.

16 (b) CONFORMING AMENDMENTS.—Section 5337 of
17 such title is further amended—

18 (1) in subsection (c)(1) by striking
19 “5338(a)(2)(I)” and inserting “5338(a)(2)(K)”; and

20 (2) in subsection (d)(2) by striking
21 “5338(a)(2)(I)” and inserting “5338(a)(2)(K)”.

22 **SEC. 3016. AUTHORIZATIONS.**

23 Section 5338 of title 49, United States Code, is
24 amended to read as follows:

1 **“SEC. 5338. AUTHORIZATIONS.**

2 “(a) GRANTS.—

3 “(1) IN GENERAL.—There shall be available
4 from the Mass Transit Account of the Highway
5 Trust Fund to carry out sections 5305, 5307, 5310,
6 5311, 5312, 5314, 5318, 5335, 5337, 5339, and
7 5340, section 20005(b) of the Federal Public Trans-
8 portation Act of 2012, and sections 3006(b) of the
9 Federal Public Transportation Act of 2015—

10 “(A) \$9,347,604,639 for fiscal year 2016;

11 “(B) \$9,534,706,043 for fiscal year 2017;

12 “(C) \$9,733,353,407 for fiscal year 2018;

13 “(D) \$9,939,380,030 for fiscal year 2019;

14 and

15 “(E) \$10,150,348,462 for fiscal year 2020.

16 “(2) ALLOCATION OF FUNDS.—Of the amounts
17 made available under paragraph (1)—

18 “(A) \$130,732,000 for fiscal year 2016,

19 \$133,398,933 for fiscal year 2017,

20 \$136,200,310 for fiscal year 2018,

21 \$139,087,757 for fiscal year 2019, and

22 \$142,036,417 for fiscal year 2020, shall be

23 available to carry out section 5305;

24 “(B) \$10,000,000 for each of fiscal years

25 2016 through 2020 shall be available to carry

1 out section 20005(b) of the Federal Public
2 Transportation Act of 2012;

3 “(C) \$4,538,905,700 for fiscal year 2016,
4 \$4,629,683,814 for fiscal year 2017,
5 \$4,726,907,174 for fiscal year 2018,
6 \$4,827,117,606 for fiscal year 2019, and
7 \$4,929,452,499 for fiscal year 2020 shall be al-
8 located in accordance with section 5336 to pro-
9 vide financial assistance for urbanized areas
10 under section 5307;

11 “(D) \$262,949,400 for fiscal year 2016,
12 \$268,208,388 for fiscal year 2017,
13 \$273,840,764 for fiscal year 2018,
14 \$279,646,188 for fiscal year 2019, and
15 \$285,574,688 for fiscal year 2020 shall be
16 available to provide financial assistance for
17 services for the enhanced mobility of seniors
18 and individuals with disabilities under section
19 5310;

20 “(E) \$2,000,000 for fiscal year 2016,
21 \$3,000,000 for fiscal year 2017, \$3,250,000 for
22 fiscal year 2018, \$3,500,000 for fiscal year
23 2019 and \$3,500,000 for fiscal year 2020 shall
24 be available for the pilot program for innovative
25 coordinated access and mobility under section

1 3006(b) of the Federal Public Transportation
2 Act of 2015;

3 “(F) \$619,956,000 for fiscal year 2016,
4 \$632,355,120 for fiscal year 2017,
5 \$645,634,578 for fiscal year 2018,
6 \$659,322,031 for fiscal year 2019, and
7 \$673,299,658 for fiscal year 2020 shall be
8 available to provide financial assistance for
9 rural areas under section 5311, of which not
10 less than—

11 “(i) \$35,000,000 for each of fiscal
12 years 2016 through 2020 shall be available
13 to carry out section 5311(c)(1); and

14 “(ii) \$20,000,000 for each of fiscal
15 years 2016 through 2020 shall be available
16 to carry out section 5311(c)(2);

17 “(G) \$28,000,000 for each of fiscal years
18 2016 through 2020 shall be available to carry
19 out section 5312, of which—

20 “(i) \$3,000,000 for each of fiscal
21 years 2016 through 2020 shall be available
22 to carry out section 5312(h); and

23 “(ii) \$5,000,000 for each of fiscal
24 years 2016 through 2020 shall be available
25 to carry out section 5312(i);

1 “(H) \$9,000,000 for each of fiscal years
2 2016 through 2020 shall be available to carry
3 out section 5314; of which \$5,000,000 shall be
4 available for the national transit institute under
5 section 5314(e);

6 “(I) \$3,000,000 for each of fiscal years
7 2016 through 2020 shall be available for bus
8 testing under section 5318;

9 “(J) \$4,000,000 for each of fiscal years
10 2016 through 2020 shall be available to carry
11 out section 5335;

12 “(K) \$2,507,000,000 for fiscal year 2016,
13 \$2,549,670,000 for fiscal year 2017,
14 \$2,593,703,558 for fiscal year 2018,
15 \$2,638,366,859 for fiscal year 2019, and
16 \$2,683,798,369 for fiscal year 2020 shall be
17 available to carry out section 5337;

18 “(L) \$427,800,000 for fiscal year 2016,
19 \$436,356,000 for fiscal year 2017,
20 \$445,519,476 for fiscal year 2018,
21 \$454,964,489 for fiscal year 2019, and
22 \$464,609,736 for fiscal year 2020 shall be
23 available for the bus and buses facilities pro-
24 gram under section 5339(a);

1 “(M) \$268,000,000 for fiscal year 2016,
2 \$283,600,000 for fiscal year 2017,
3 \$301,514,000 for fiscal year 2018,
4 \$322,059,980 for fiscal year 2019, and
5 \$344,044,179 for fiscal year 2020 shall be
6 available for buses and bus facilities competitive
7 grants under section 5339(b) and no or low
8 emission grants under section 5339(c), of which
9 \$55,000,000 for each of fiscal years 2016
10 through 2020 shall be available to carry out
11 section 5339(e); and

12 “(N) \$536,261,539 for fiscal year 2016,
13 \$544,433,788 for fiscal year 2017,
14 \$552,783,547 for fiscal year 2018,
15 \$561,315,120 for fiscal year 2019 and
16 \$570,032,917 for fiscal year 2020, to carry out
17 section 5340 to provide financial assistance for
18 urbanized areas under section 5307 and rural
19 areas under section 5311, of which—

20 “(i) \$272,297,083 for fiscal year
21 2016, \$279,129,510 for fiscal year 2017,
22 \$286,132,747 for fiscal year 2018,
23 \$293,311,066 for fiscal year 2019,
24 \$300,668,843 for fiscal year 2020 shall be

1 for growing States under section 5340(c);
2 and

3 “(ii) \$263,964,457 for fiscal year
4 2016, \$265,304,279 for fiscal year 2017,
5 \$266,650,800 for fiscal year 2018,
6 \$268,004,054 for fiscal year 2019,
7 \$269,364,074 for fiscal year 2020 shall be
8 for high density States under section
9 5340(d).

10 “(b) RESEARCH, DEVELOPMENT, DEMONSTRATION,
11 AND DEPLOYMENT PROGRAM.—There are authorized to
12 be appropriated to carry out section 5312, other than sub-
13 sections (h) and (i) of that section, \$20,000,000 for each
14 of fiscal years 2016 through 2020.

15 “(c) TECHNICAL ASSISTANCE AND TRAINING.—
16 There are authorized to be appropriated to carry out sec-
17 tion 5314, \$5,000,000 for each of fiscal years 2016
18 through 2020.

19 “(d) CAPITAL INVESTMENT GRANTS.—There are au-
20 thorized to be appropriated to carry out section 5309 of
21 this title and section 3005(b) of the Federal Public Trans-
22 portation Act of 2015, \$2,301,785,760 for each of fiscal
23 years 2016 through 2020.

24 “(e) ADMINISTRATION.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out section 5334,
3 \$115,016,543 for each of fiscal years 2016 through
4 2020.

5 “(2) SECTION 5329.—Of the amounts author-
6 ized to be appropriated under paragraph (1), not
7 less than \$5,000,000 for each of fiscal years 2016
8 through 2020 shall be available to carry out section
9 5329.

10 “(3) SECTION 5326.—Of the amounts made
11 available under paragraph (2), not less than
12 \$2,000,000 for each of fiscal years 2016 through
13 2020 shall be available to carry out section 5326.

14 “(f) OVERSIGHT.—

15 “(1) IN GENERAL.—Of the amounts made
16 available to carry out this chapter for a fiscal year,
17 the Secretary may use not more than the following
18 amounts for the activities described in paragraph
19 (2):

20 “(A) 0.5 percent of amounts made avail-
21 able to carry out section 5305.

22 “(B) 0.75 percent of amounts made avail-
23 able to carry out section 5307.

24 “(C) 1 percent of amounts made available
25 to carry out section 5309.

1 “(D) 1 percent of amounts made available
2 to carry out section 601 of the Passenger Rail
3 Investment and Improvement Act of 2008
4 (Public Law 110-432; 126 Stat. 4968).

5 “(E) 0.5 percent of amounts made avail-
6 able to carry out section 5310.

7 “(F) 0.5 percent of amounts made avail-
8 able to carry out section 5311.

9 “(G) 1 percent of amounts made available
10 to carry out section 5337, of which not less
11 than 0.25 percent of amounts made available
12 for this subparagraph shall be available to carry
13 out section 5329.

14 “(H) 0.75 percent of amounts made avail-
15 able to carry out section 5339.

16 “(2) ACTIVITIES.—The activities described in
17 this paragraph are as follows:

18 “(A) Activities to oversee the construction
19 of a major capital project.

20 “(B) Activities to review and audit the
21 safety and security, procurement, management,
22 and financial compliance of a recipient or sub-
23 recipient of funds under this chapter.

24 “(C) Activities to provide technical assist-
25 ance generally, and to provide technical assist-

1 ance to correct deficiencies identified in compli-
2 ance reviews and audits carried out under this
3 section.

4 “(3) GOVERNMENT SHARE OF COSTS.—The
5 Government shall pay the entire cost of carrying out
6 a contract under this subsection.

7 “(4) AVAILABILITY OF CERTAIN FUNDS.—
8 Funds made available under paragraph (1)(C) shall
9 be made available to the Secretary before allocating
10 the funds appropriated to carry out any project
11 under a full funding grant agreement.

12 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

13 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
14 FUND.—A grant or contract that is approved by the
15 Secretary and financed with amounts made available
16 from the Mass Transit Account of the Highway
17 Trust Fund pursuant to this section is a contractual
18 obligation of the Government to pay the Government
19 share of the cost of the project.

20 “(2) GRANTS FINANCED FROM GENERAL
21 FUND.—A grant or contract that is approved by the
22 Secretary and financed with amounts appropriated
23 in advance from the General Fund of the Treasury
24 pursuant to this section is a contractual obligation
25 of the Government to pay the Government share of

1 the cost of the project only to the extent that
2 amounts are appropriated for such purpose by an
3 Act of Congress.

4 “(h) AVAILABILITY OF AMOUNTS.—Amounts made
5 available by or appropriated under this section shall re-
6 main available until expended.”.

7 **SEC. 3017. GRANTS FOR BUSES AND BUS FACILITIES.**

8 (a) IN GENERAL.—Section 5339 of title 49, United
9 States Code, is amended to read as follows:

10 **“§ 5339. Grants for buses and bus facilities**

11 “(a) FORMULA GRANTS.—

12 “(1) DEFINITIONS.—In this subsection—

13 “(A) the term ‘low or no emission vehicle’
14 has the meaning given that term in subsection
15 (c)(1);

16 “(B) the term ‘State’ means a State of the
17 United States; and

18 “(C) the term ‘territory’ means the Dis-
19 trict of Columbia, Puerto Rico, the Northern
20 Mariana Islands, Guam, American Samoa, and
21 the United States Virgin Islands.

22 “(2) GENERAL AUTHORITY.—The Secretary
23 may make grants under this subsection to assist eli-
24 gible recipients described in paragraph (4)(A) in fi-
25 nancing capital projects—

1 “(A) to replace, rehabilitate, and purchase
2 buses and related equipment, including techno-
3 logical changes or innovations to modify low or
4 no emission vehicles or facilities; and

5 “(B) to construct bus-related facilities.

6 “(3) GRANT REQUIREMENTS.—The require-
7 ments of—

8 “(A) section 5307 shall apply to recipients
9 of grants made in urbanized areas under this
10 subsection; and

11 “(B) section 5311 shall apply to recipients
12 of grants made in rural areas under this sub-
13 section.

14 “(4) ELIGIBLE RECIPIENTS.—

15 “(A) RECIPIENTS.—Eligible recipients
16 under this subsection are—

17 “(i) designated recipients that allocate
18 funds to fixed route bus operators; or

19 “(ii) State or local governmental enti-
20 ties that operate fixed route bus service.

21 “(B) SUBRECIPIENTS.—A recipient that
22 receives a grant under this subsection may allo-
23 cate amounts of the grant to subrecipients that
24 are public agencies or private nonprofit organi-
25 zations engaged in public transportation.

1 “(5) DISTRIBUTION OF GRANT FUNDS.—Funds
2 allocated under section 5338(a)(2)(L) shall be dis-
3 tributed as follows:

4 “(A) NATIONAL DISTRIBUTION.—
5 \$90,500,000 for each of fiscal years 2016
6 through 2020 shall be allocated to all States
7 and territories, with each State receiving
8 \$1,750,000 for each such fiscal year and each
9 territory receiving \$500,000 for each such fiscal
10 year.

11 “(B) DISTRIBUTION USING POPULATION
12 AND SERVICE FACTORS.—The remainder of the
13 funds not otherwise distributed under subpara-
14 graph (A) shall be allocated pursuant to the
15 formula set forth in section 5336 other than
16 subsection (b).

17 “(6) TRANSFERS OF APPORTIONMENTS.—

18 “(A) TRANSFER FLEXIBILITY FOR NA-
19 TIONAL DISTRIBUTION FUNDS.—The Governor
20 of a State may transfer any part of the State’s
21 apportionment under paragraph (5)(A) to sup-
22 plement amounts apportioned to the State
23 under section 5311(e) or amounts apportioned
24 to urbanized areas under subsections (a) and
25 (c) of section 5336.

1 “(B) TRANSFER FLEXIBILITY FOR POPU-
2 LATION AND SERVICE FACTORS FUNDS.—The
3 Governor of a State may expend in an urban-
4 ized area with a population of less than
5 200,000 any amounts apportioned under para-
6 graph (5)(B) that are not allocated to des-
7 ignated recipients in urbanized areas with a
8 population of 200,000 or more.

9 “(7) GOVERNMENT SHARE OF COSTS.—

10 “(A) CAPITAL PROJECTS.—A grant for a
11 capital project under this subsection shall be for
12 80 percent of the net capital costs of the
13 project. A recipient of a grant under this sub-
14 section may provide additional local matching
15 amounts.

16 “(B) REMAINING COSTS.—The remainder
17 of the net project cost shall be provided—

18 “(i) in cash from non-Government
19 sources other than revenues from providing
20 public transportation services;

21 “(ii) from revenues derived from the
22 sale of advertising and concessions;

23 “(iii) from an undistributed cash sur-
24 plus, a replacement or depreciation cash
25 fund or reserve, or new capital;

1 “(iv) from amounts received under a
2 service agreement with a State or local so-
3 cial service agency or private social service
4 organization; or

5 “(v) from revenues generated from
6 value capture financing mechanisms.

7 “(8) PERIOD OF AVAILABILITY TO RECIPI-
8 ENTS.—Amounts made available under this sub-
9 section may be obligated by a recipient for 3 fiscal
10 years after the fiscal year in which the amount is
11 apportioned. Not later than 30 days after the end of
12 the 3-fiscal-year period described in the preceding
13 sentence, any amount that is not obligated on the
14 last day of such period shall be added to the amount
15 that may be apportioned under this subsection in the
16 next fiscal year.

17 “(9) PILOT PROGRAM FOR COST-EFFECTIVE
18 CAPITAL INVESTMENT.—

19 “(A) IN GENERAL.—For each of fiscal
20 years 2016 through 2020, the Secretary shall
21 carry out a pilot program under which an eligi-
22 ble recipient (as described in paragraph (4)) in
23 an urbanized area with population of not less
24 than 200,000 and not more than 999,999 may

1 elect to participate in a State pool in accord-
2 ance with this paragraph.

3 “(B) PURPOSE OF STATE POOLS.—The
4 purpose of a State pool shall be to allow for
5 transfers of formula grant funds made available
6 under this subsection among the designated re-
7 cipients participating in the State pool in a
8 manner that supports the transit asset manage-
9 ment plans of the designated recipients under
10 section 5326.

11 “(C) REQUESTS FOR PARTICIPATION.—A
12 State, and eligible recipients in the State de-
13 scribed in subparagraph (A), may submit to the
14 Secretary a request for participation in the pro-
15 gram under procedures to be established by the
16 Secretary. An eligible recipient for a multistate
17 area may participate in only 1 State pool.

18 “(D) ALLOCATIONS TO PARTICIPATING
19 STATES.—For each fiscal year, the Secretary
20 shall allocate to each State participating in the
21 program the total amount of funds that other-
22 wise would be allocated to the urbanized areas
23 of the eligible recipients participating in the
24 State’s pool for that fiscal year pursuant to the
25 formulas referred to in paragraph (5).

1 “(E) ALLOCATIONS TO ELIGIBLE RECIPI-
2 ENTS IN STATE POOLS.—A State shall dis-
3 tribute the amount that is allocated to the State
4 for a fiscal year under subparagraph (D)
5 among the eligible recipients participating in
6 the State’s pool in a manner that supports the
7 transit asset management plans of the recipi-
8 ents under section 5326.

9 “(F) ALLOCATION PLANS.—A State par-
10 ticipating in the program shall develop an allo-
11 cation plan for the period of fiscal years 2016
12 through 2020 to ensure that an eligible recipi-
13 ent participating in the State’s pool receives
14 under the program an amount of funds that
15 equals the amount of funds that would have
16 otherwise been available to the eligible recipient
17 for that period pursuant to the formulas re-
18 ferred to in paragraph (5).

19 “(G) GRANTS.—The Secretary shall make
20 grants under this subsection for a fiscal year to
21 an eligible recipient participating in a State
22 pool following notification by the State of the
23 allocation amount determined under subpara-
24 graph (E).

1 “(b) BUSES AND BUS FACILITIES COMPETITIVE
2 GRANTS.—

3 “(1) IN GENERAL.—The Secretary may make
4 grants under this subsection to eligible recipients (as
5 described in subsection (a)(4)) to assist in the fi-
6 nancing of buses and bus facilities capital projects,
7 including—

8 “(A) replacing, rehabilitating, purchasing,
9 or leasing buses or related equipment; and

10 “(B) rehabilitating, purchasing, con-
11 structing, or leasing bus-related facilities.

12 “(2) GRANT CONSIDERATIONS.—In making
13 grants under this subsection, the Secretary shall
14 consider the age and condition of buses, bus fleets,
15 related equipment, and bus-related facilities.

16 “(3) STATEWIDE APPLICATIONS.—A State may
17 submit a statewide application on behalf of a public
18 agency or private nonprofit organization engaged in
19 public transportation in rural areas or other areas
20 for which the State allocates funds. The submission
21 of a statewide application shall not preclude the sub-
22 mission and consideration of any application under
23 this subsection from other eligible recipients (as de-
24 scribed in subsection (a)(4)) in an urbanized area in
25 a State.

1 “(4) REQUIREMENTS FOR THE SECRETARY.—

2 The Secretary shall—

3 “(A) disclose all metrics and evaluation
4 procedures to be used in considering grant ap-
5 plications under this subsection upon issuance
6 of the notice of funding availability in the Fed-
7 eral Register; and

8 “(B) publish a summary of final scores for
9 selected projects, metrics, and other evaluations
10 used in awarding grants under this subsection
11 in the Federal Register.

12 “(5) RURAL PROJECTS.—Not less than 10 per-
13 cent of the amounts made available under this sub-
14 section in a fiscal year shall be distributed to
15 projects in rural areas.

16 “(6) GRANT REQUIREMENTS.—

17 “(A) IN GENERAL.—A grant under this
18 subsection shall be subject to the requirements
19 of—

20 “(i) section 5307 for eligible recipients
21 of grants made in urbanized areas; and

22 “(ii) section 5311 for eligible recipi-
23 ents of grants made in rural areas.

24 “(B) GOVERNMENT SHARE OF COSTS.—

25 The Government share of the cost of an eligible

1 project carried out under this subsection shall
2 not exceed 80 percent.

3 “(7) AVAILABILITY OF FUNDS.—Any amounts
4 made available to carry out this subsection—

5 “(A) shall remain available for 3 fiscal
6 years after the fiscal year for which the amount
7 is made available; and

8 “(B) that remain unobligated at the end of
9 the period described in subparagraph (A) shall
10 be added to the amount made available to an el-
11 igible project in the following fiscal year.

12 “(8) LIMITATION.—Of the amounts made avail-
13 able under this subsection, not more than 10 percent
14 may be awarded to a single grantee.

15 “(c) LOW OR NO EMISSION GRANTS.—

16 “(1) DEFINITIONS.—In this subsection—

17 “(A) the term ‘direct carbon emissions’
18 means the quantity of direct greenhouse gas
19 emissions from a vehicle, as determined by the
20 Administrator of the Environmental Protection
21 Agency;

22 “(B) the term ‘eligible project’ means a
23 project or program of projects in an eligible
24 area for—

1 “(i) acquiring low or no emission vehi-
2 cles;

3 “(ii) leasing low or no emission vehi-
4 cles;

5 “(iii) acquiring low or no emission ve-
6 hicles with a leased power source;

7 “(iv) constructing facilities and re-
8 lated equipment for low or no emission ve-
9 hicles;

10 “(v) leasing facilities and related
11 equipment for low or no emission vehicles;

12 “(vi) constructing new public trans-
13 portation facilities to accommodate low or
14 no emission vehicles; or

15 “(vii) rehabilitating or improving ex-
16 isting public transportation facilities to ac-
17 commodate low or no emission vehicles;

18 “(C) the term ‘leased power source’ means
19 a removable power source, as defined in sub-
20 section (c)(3) of section 3019 of the Federal
21 Public Transportation Act of 2015 that is made
22 available through a capital lease under such
23 section;

1 “(D) the term ‘low or no emission bus’
2 means a bus that is a low or no emission vehi-
3 cle;

4 “(E) the term ‘low or no emission vehicle’
5 means—

6 “(i) a passenger vehicle used to pro-
7 vide public transportation that the Sec-
8 retary determines sufficiently reduces en-
9 ergy consumption or harmful emissions, in-
10 cluding direct carbon emissions, when com-
11 pared to a comparable standard vehicle; or

12 “(ii) a zero emission vehicle used to
13 provide public transportation;

14 “(F) the term ‘recipient’ means a des-
15 ignated recipient, a local governmental author-
16 ity, or a State that receives a grant under this
17 subsection for an eligible project; and

18 “(G) the term ‘zero emission vehicle’
19 means a low or no emission vehicle that pro-
20 duces no carbon or particulate matter.

21 “(2) GENERAL AUTHORITY.—The Secretary
22 may make grants to recipients to finance eligible
23 projects under this subsection.

24 “(3) GRANT REQUIREMENTS.—

1 “(A) IN GENERAL.—A grant under this
2 subsection shall be subject to the requirements
3 of section 5307.

4 “(B) GOVERNMENT SHARE OF COSTS FOR
5 CERTAIN PROJECTS.—Section 5323(i) applies to
6 eligible projects carried out under this sub-
7 section, unless the recipient requests a lower
8 grant percentage.

9 “(C) COMBINATION OF FUNDING
10 SOURCES.—

11 “(i) COMBINATION PERMITTED.—An
12 eligible project carried out under this sub-
13 section may receive funding under section
14 5307 or any other provision of law.

15 “(ii) GOVERNMENT SHARE.—Nothing
16 in this subparagraph shall be construed to
17 alter the Government share required under
18 paragraph (7), section 5307, or any other
19 provision of law.

20 “(4) COMPETITIVE PROCESS.—The Secretary
21 shall—

22 “(A) not later than 30 days after the date
23 on which amounts are made available for obli-
24 gation under this subsection for a full fiscal

1 year, solicit grant applications for eligible
2 projects on a competitive basis; and

3 “(B) award a grant under this subsection
4 based on the solicitation under subparagraph
5 (A) not later than the earlier of—

6 “(i) 75 days after the date on which
7 the solicitation expires; or

8 “(ii) the end of the fiscal year in
9 which the Secretary solicited the grant ap-
10 plications.

11 “(5) CONSIDERATION.—In awarding grants
12 under this subsection, the Secretary shall only con-
13 sider eligible projects relating to the acquisition or
14 leasing of low or no emission buses or bus facilities
15 that—

16 “(A) make greater reductions in energy
17 consumption and harmful emissions, including
18 direct carbon emissions, than comparable stand-
19 ard buses or other low or no emission buses;
20 and

21 “(B) are part of a long-term integrated
22 fleet management plan for the recipient.

23 “(6) AVAILABILITY OF FUNDS.—Any amounts
24 made available to carry out this subsection—

1 “(A) shall remain available to an eligible
2 project for 3 fiscal years after the fiscal year
3 for which the amount is made available; and

4 “(B) that remain unobligated at the end of
5 the period described in subparagraph (A) shall
6 be added to the amount made available to an el-
7 igible project in the following fiscal year.

8 “(7) GOVERNMENT SHARE OF COSTS.—

9 “(A) IN GENERAL.—The Federal share of
10 the cost of an eligible project carried out under
11 this subsection shall not exceed 80 percent.

12 “(B) NON-FEDERAL SHARE.—The non-
13 Federal share of the cost of an eligible project
14 carried out under this subsection may be de-
15 rived from in-kind contributions.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The analysis for chapter 53 of title 49, United States
18 Code, is amended by striking the item relating to section
19 5339 and inserting the following:

“5339. Grants for buses and bus facilities.”.

20 **SEC. 3018. OBLIGATION CEILING.**

21 Notwithstanding any other provision of law, the total
22 of all obligations from amounts made available from the
23 Mass Transit Account of the Highway Trust Fund by sub-
24 section (a) of section 5338 of title 49, United States Code,

1 and section 3028 of the Federal Public Transportation
2 Act of 2015 shall not exceed—

3 (1) \$9,347,604,639 in fiscal year 2016;

4 (2) \$9,733,706,043 in fiscal year 2017;

5 (3) \$9,733,353,407 in fiscal year 2018;

6 (4) \$9,939,380,030 in fiscal year 2019; and

7 (5) \$10,150,348,462 in fiscal year 2020.

8 **SEC. 3019. INNOVATIVE PROCUREMENT.**

9 (a) DEFINITION.—In this section, the term “grantee”
10 means a recipient or subrecipient of assistance under
11 chapter 53 of title 49, United States Code.

12 (b) COOPERATIVE PROCUREMENT.—

13 (1) DEFINITIONS; GENERAL RULES.—

14 (A) DEFINITIONS.—In this subsection—

15 (i) the term “cooperative procurement
16 contract” means a contract—

17 (I) entered into between a State
18 government or eligible nonprofit entity
19 and 1 or more vendors; and

20 (II) under which the vendors
21 agree to provide an option to purchase
22 rolling stock and related equipment to
23 multiple participants;

24 (ii) the term “eligible nonprofit enti-
25 ty” means—

1 (I) a nonprofit cooperative pur-
2 chasing organization that is not a
3 grantee; or

4 (II) a consortium of entities de-
5 scribed in subclause (I);

6 (iii) the terms “lead nonprofit entity”
7 and “lead procurement agency” mean an
8 eligible nonprofit entity or a State govern-
9 ment, respectively, that acts in an adminis-
10 trative capacity on behalf of each partici-
11 pant in a cooperative procurement con-
12 tract;

13 (iv) the term “participant” means a
14 grantee that participates in a cooperative
15 procurement contract; and

16 (v) the term “participate” means to
17 purchase rolling stock and related equip-
18 ment under a cooperative procurement con-
19 tract using assistance provided under
20 chapter 53 of title 49, United States Code.

21 (B) GENERAL RULES.—

22 (i) PROCUREMENT NOT LIMITED TO
23 INTRASTATE PARTICIPANTS.—A grantee
24 may participate in a cooperative procure-
25 ment contract without regard to whether

1 the grantee is located in the same State as
2 the parties to the contract.

3 (ii) VOLUNTARY PARTICIPATION.—
4 Participation by grantees in a cooperative
5 procurement contract shall be voluntary.

6 (iii) CONTRACT TERMS.—The lead
7 procurement agency or lead nonprofit enti-
8 ty for a cooperative procurement contract
9 shall develop the terms of the contract.

10 (iv) DURATION.—A cooperative pro-
11 curement contract—

12 (I) subject to subclauses (II) and
13 (III), may be for an initial term of not
14 more than 2 years;

15 (II) may include not more than 3
16 optional extensions for terms of not
17 more than 1 year each; and

18 (III) may be in effect for a total
19 period of not more than 5 years, in-
20 cluding each extension authorized
21 under subclause (II).

22 (v) ADMINISTRATIVE EXPENSES.—A
23 lead procurement agency or lead nonprofit
24 entity, as applicable, that enters into a co-
25 operative procurement contract—

1 (I) may charge the participants
2 in the contract for the cost of admin-
3 istering, planning, and providing tech-
4 nical assistance for the contract in an
5 amount that is not more than 1 per-
6 cent of the total value of the contract;
7 and

8 (II) with respect to the cost de-
9 scribed in subclause (I), may incor-
10 porate the cost into the price of the
11 contract or directly charge the partici-
12 pants for the cost, but not both.

13 (2) STATE COOPERATIVE PROCUREMENT
14 SCHEDULES.—

15 (A) AUTHORITY.—A State government
16 may enter into a cooperative procurement con-
17 tract with 1 or more vendors if—

18 (i) the vendors agree to provide an op-
19 tion to purchase rolling stock and related
20 equipment to the State government and
21 any other participant; and

22 (ii) the State government acts
23 throughout the term of the contract as the
24 lead procurement agency.

1 (B) APPLICABILITY OF POLICIES AND PRO-
2 CEDURES.—In procuring rolling stock and re-
3 lated equipment under a cooperative procure-
4 ment contract under this subsection, a State
5 government shall comply with the policies and
6 procedures that apply to procurement by the
7 State government when using non-Federal
8 funds, to the extent that the policies and proce-
9 dures are in conformance with applicable Fed-
10 eral law.

11 (3) PILOT PROGRAM FOR NONPROFIT COOPERA-
12 TIVE PROCUREMENTS.—

13 (A) ESTABLISHMENT.—The Secretary
14 shall establish and carry out a pilot program to
15 demonstrate the effectiveness of cooperative
16 procurement contracts administered by eligible
17 nonprofit entities.

18 (B) DESIGNATION.—In carrying out the
19 program under this paragraph, the Secretary
20 shall designate not less than 3 eligible nonprofit
21 entities to enter into a cooperative procurement
22 contract under which the eligible nonprofit enti-
23 ty acts throughout the term of the contract as
24 the lead nonprofit entity.

1 (C) NOTICE OF INTENT TO PARTICI-
2 PATE.—At a time determined appropriate by
3 the lead nonprofit entity, each participant in a
4 cooperative procurement contract under this
5 paragraph shall submit to the lead nonprofit
6 entity a nonbinding notice of intent to partici-
7 pate.

8 (4) JOINT PROCUREMENT CLEARINGHOUSE.—

9 (A) IN GENERAL.—The Secretary shall es-
10 tablish a clearinghouse for the purpose of allow-
11 ing grantees to aggregate planned rolling stock
12 purchases and identify joint procurement par-
13 ticipants.

14 (B) NONPROFIT CONSULTATION.—In es-
15 tablishing the clearinghouse under subpara-
16 graph (A), the Secretary may consult with non-
17 profit entities with expertise in public transpor-
18 tation or procurement, and other stakeholders
19 as the Secretary determines appropriate.

20 (C) INFORMATION ON PROCUREMENTS.—
21 The clearinghouse may include information on
22 bus size, engine type, floor type, and any other
23 attributes necessary to identify joint procure-
24 ment participants.

25 (D) LIMITATIONS.—

1 (i) ACCESS.—The clearinghouse shall
2 only be accessible to the Federal Transit
3 Administration, a nonprofit entity coordi-
4 nating for such clearinghouse with the Sec-
5 retary, and grantees.

6 (ii) PARTICIPATION.—No grantee
7 shall be required to submit procurement
8 information to the database.

9 (c) LEASING ARRANGEMENTS.—

10 (1) CAPITAL LEASE DEFINED.—

11 (A) IN GENERAL.—In this subsection, the
12 term “capital lease” means any agreement
13 under which a grantee acquires the right to use
14 rolling stock or related equipment for a speci-
15 fied period of time, in exchange for a periodic
16 payment.

17 (B) MAINTENANCE.—A capital lease may
18 require that the lessor provide maintenance of
19 the rolling stock or related equipment covered
20 by the lease.

21 (2) PROGRAM TO SUPPORT INNOVATIVE LEAS-
22 ING ARRANGEMENTS.—

23 (A) AUTHORITY.—A grantee may use as-
24 sistance provided under chapter 53 of title 49,

1 United States Code, to enter into a capital lease
2 if—

3 (i) the rolling stock or related equip-
4 ment covered under the lease is eligible for
5 capital assistance under such chapter; and

6 (ii) there is or will be no Federal in-
7 terest in the rolling stock or related equip-
8 ment covered under the lease as of the
9 date on which the lease takes effect.

10 (B) GRANTEE REQUIREMENTS.—A grantee
11 that enters into a capital lease shall—

12 (i) maintain an inventory of the roll-
13 ing stock or related equipment acquired
14 under the lease; and

15 (ii) maintain on the accounting
16 records of the grantee the liability of the
17 grantee under the lease.

18 (C) ELIGIBLE LEASE COSTS.—The costs
19 for which a grantee may use assistance under
20 chapter 53 of title 49, United States Code, with
21 respect to a capital lease, include—

22 (i) the cost of the rolling stock or re-
23 lated equipment;

1 (ii) associated financing costs, includ-
2 ing interest, legal fees, and financial advi-
3 sor fees;

4 (iii) ancillary costs such as delivery
5 and installation charges; and

6 (iv) maintenance costs.

7 (D) TERMS.—A grantee shall negotiate the
8 terms of any lease agreement that the grantee
9 enters into.

10 (E) APPLICABILITY OF PROCUREMENT RE-
11 QUIREMENTS.—

12 (i) LEASE REQUIREMENTS.—Part 639
13 of title 49, Code of Federal Regulations, or
14 any successor regulation, and imple-
15 menting guidance applicable to leasing
16 shall not apply to a capital lease.

17 (ii) BUY AMERICA.—The requirements
18 under section 5323(j) of title 49, United
19 States Code, shall apply to a capital lease.

20 (3) CAPITAL LEASING OF CERTAIN ZERO EMIS-
21 SION VEHICLE COMPONENTS.—

22 (A) DEFINITIONS.—In this paragraph—

23 (i) the term “removable power
24 source”—

1 (I) means a power source that is
2 separately installed in, and removable
3 from, a zero emission vehicle; and

4 (II) may include a battery, a fuel
5 cell, an ultra-capacitor, or other ad-
6 vanced power source used in a zero
7 emission vehicle; and

8 (ii) the term “zero emission vehicle”
9 has the meaning given the term in section
10 5339(c) of title 49, United States Code.

11 (B) LEASED POWER SOURCES.—Notwith-
12 standing any other provision of law, for pur-
13 poses of this subsection, the cost of a removable
14 power source that is necessary for the operation
15 of a zero emission vehicle shall not be treated
16 as part of the cost of the vehicle if the remov-
17 able power source is acquired using a capital
18 lease.

19 (C) ELIGIBLE CAPITAL LEASE.—A grantee
20 may acquire a removable power source by itself
21 through a capital lease.

22 (D) PROCUREMENT REGULATIONS.—For
23 purposes of this section, a removable power
24 source shall be subject to section 200.88 of title
25 2, Code of Federal Regulations.

1 (4) REPORTING REQUIREMENT.—Not later than
2 3 years after the date on which a grantee enters into
3 a capital lease under this subsection, the grantee
4 shall submit to the Secretary a report that con-
5 tains—

6 (A) an evaluation of the overall costs and
7 benefits of leasing rolling stock; and

8 (B) a comparison of the expected short-
9 term and long-term maintenance costs of leas-
10 ing versus buying rolling stock.

11 (5) REPORT.—The Secretary shall make pub-
12 licly available an annual report on this subsection
13 for each fiscal year, not later than December 31 of
14 the calendar year in which that fiscal year ends. The
15 report shall include a detailed description of the ac-
16 tivities carried out under this subsection, and eval-
17 uation of the program including the evaluation of
18 the data reported in paragraph (4).

19 (d) BUY AMERICA.—The requirements of section
20 5323(j) of title 49, United States Code, shall apply to all
21 procurements under this section.

22 **SEC. 3020. REVIEW OF PUBLIC TRANSPORTATION SAFETY**
23 **STANDARDS.**

24 (a) REVIEW REQUIRED.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary
3 shall begin a review of the safety standards and pro-
4 tocols used in public transportation systems in the
5 United States that examines the efficacy of existing
6 standards and protocols.

7 (2) CONTENTS OF REVIEW.—In conducting the
8 review under this paragraph, the Secretary shall re-
9 view—

10 (A) minimum safety performance stand-
11 ards developed by the public transportation in-
12 dustry;

13 (B) safety performance standards, prac-
14 tices, or protocols in use by rail fixed guideway
15 public transportation systems, including—

16 (i) written emergency plans and pro-
17 cedures for passenger evacuations;

18 (ii) training programs to ensure public
19 transportation personnel compliance and
20 readiness in emergency situations;

21 (iii) coordination plans approved by
22 recipients with local emergency responders
23 having jurisdiction over a rail fixed guide-
24 way public transportation system, includ-
25 ing—

1 (I) emergency preparedness
2 training, drills, and familiarization
3 programs for the first responders; and

4 (II) the scheduling of regular
5 field exercises to ensure appropriate
6 response and effective radio and pub-
7 lic safety communications;

8 (iv) maintenance, testing, and inspec-
9 tion programs to ensure the proper func-
10 tioning of—

11 (I) tunnel, station, and vehicle
12 ventilation systems;

13 (II) signal and train control sys-
14 tems, track, mechanical systems, and
15 other infrastructure; and

16 (III) other systems as necessary;

17 (v) certification requirements for train
18 and bus operators and control center em-
19 ployees;

20 (vi) consensus-based standards, prac-
21 tices, or protocols available to the public
22 transportation industry; and

23 (vii) any other standards, practices, or
24 protocols the Secretary determines appro-
25 priate; and

1 (C) rail and bus safety standards, prac-
2 tices, or protocols in use by public transpor-
3 tation systems, regarding—

4 (i) rail and bus design and the
5 workstation of rail and bus operators, as it
6 relates to—

7 (I) the reduction of blindspots
8 that contribute to accidents involving
9 pedestrians; and

10 (II) protecting rail and bus oper-
11 ators from the risk of assault;

12 (ii) scheduling fixed route rail and bus
13 service with adequate time and access for
14 operators to use restroom facilities;

15 (iii) fatigue management; and

16 (iv) crash avoidance and worthiness.

17 (b) EVALUATION.—After conducting the review
18 under subsection (a), the Secretary shall, in consultation
19 with representatives of the public transportation industry,
20 evaluate the need to establish additional Federal minimum
21 public transportation safety standards.

22 (c) REPORT.—After completing the review and eval-
23 uation required under subsections (a) and (b), and not
24 later than 1 year after the date of enactment of this Act,

1 the Secretary shall make available on a publicly accessible
2 Web site, a report that includes—

3 (1) findings based on the review conducted
4 under subsection (a);

5 (2) the outcome of the evaluation conducted
6 under subsection (b);

7 (3) a comprehensive set of recommendations to
8 improve the safety of the public transportation in-
9 dustry, including recommendations for statutory
10 changes if applicable; and

11 (4) actions that the Secretary will take to ad-
12 dress the recommendations provided under para-
13 graph (3), including, if necessary, the authorities
14 under section 5329(b)(2)(D) of title 49, United
15 States Code.

16 **SEC. 3021. STUDY ON EVIDENTIARY PROTECTION FOR PUB-**
17 **LIC TRANSPORTATION SAFETY PROGRAM IN-**
18 **FORMATION.**

19 (a) **STUDY.**—The Secretary shall enter into an agree-
20 ment with the Transportation Research Board of the Na-
21 tional Academies of Sciences, Engineering, and Medicine,
22 to conduct a study to evaluate whether it is in the public
23 interest, including public safety and the legal rights of per-
24 sons injured in public transportation accidents, to with-
25 hold from discovery or admission into evidence in a Fed-

1 eral or State court proceeding any plan, report, data, or
2 other information or portion thereof, submitted to, devel-
3 oped, produced, collected, or obtained by the Secretary or
4 the Secretary's representative for purposes of complying
5 with the requirements under section 5329 of title 49,
6 United States Code, including information related to a re-
7 cipient's safety plan, safety risks, and mitigation meas-
8 ures.

9 (b) COORDINATION.—In conducting the study under
10 subsection (a), the Transportation Research Board shall
11 coordinate with the legal research entities of the National
12 Academies of Sciences, Engineering, and Medicine, includ-
13 ing the Committee on Law and Justice and the Committee
14 on Science, Technology, and Law, and include members
15 of those committees on the research committee established
16 for the purposes of this section

17 (c) INPUT.—In conducting the study under sub-
18 section (a), the relevant entities of the National Academies
19 of Sciences, Engineering, and Medicine shall solicit input
20 from the public transportation recipients, public transpor-
21 tation nonprofit employee labor organizations, and im-
22 pacted members of the general public.

23 (d) REPORT.—Not later than 18 months after the
24 date of enactment of this Act, the National Academies of
25 Sciences, Engineering, and Medicine shall issue a report,

1 with the findings of the study under subsection (a), includ-
2 ing any recommendations on statutory changes regarding
3 evidentiary protections that will increase public transpor-
4 tation safety.

5 **SEC. 3022. IMPROVED PUBLIC TRANSPORTATION SAFETY**
6 **MEASURES.**

7 (a) **REQUIREMENTS.**—Not later than 90 days after
8 publication of the report required in section 3020, the Sec-
9 retary shall issue a notice of proposed rulemaking on pro-
10 tecting public transportation operators from the risk of
11 assault.

12 (b) **CONSIDERATION.**—In the proposed rulemaking,
13 the Secretary shall consider—

14 (1) different safety needs of drivers of different
15 modes;

16 (2) differences in operating environments;

17 (3) the use of technology to mitigate driver as-
18 sault risks;

19 (4) existing experience, from both agencies and
20 operators that already are using or testing driver as-
21 sault mitigation infrastructure; and

22 (5) the impact of the rule on future rolling
23 stock procurements and vehicles currently in revenue
24 service.

1 (c) SAVINGS CLAUSE.—Nothing in this section may
2 be construed as prohibiting the Secretary from issuing dif-
3 ferent comprehensive worker protections, including stand-
4 ards for mitigating assaults.

5 **SEC. 3023. PARATRANSIT SYSTEM UNDER FTA APPROVED**
6 **COORDINATED PLAN.**

7 Notwithstanding the provisions of section 37.131(c)
8 of title 49, Code of Federal Regulations, any paratransit
9 system currently coordinating complementary paratransit
10 service for more than 40 fixed route agencies shall be per-
11 mitted to continue using an existing tiered, distance-based
12 coordinated paratransit fare system, if the fare for the ex-
13 isting tiered, distance-based coordinated paratransit fare
14 system is not increased by a greater percentage than any
15 increase to the fixed route fare for the largest transit
16 agency in the complementary paratransit service area.

17 **SEC. 3024. REPORT ON POTENTIAL OF INTERNET OF**
18 **THINGS.**

19 (a) REPORT.—Not later than 180 days after the date
20 of enactment of this Act, the Secretary shall submit to
21 Congress a report on the potential of the Internet of
22 Things to improve transportation services in rural, subur-
23 ban, and urban areas.

24 (b) CONTENTS.—The report required under sub-
25 section (a) shall include—

1 (1) a survey of the communities, cities, and
2 States that are using innovative transportation sys-
3 tems to meet the needs of ageing populations;

4 (2) best practices to protect privacy and secu-
5 rity, as determined as a result of such survey; and

6 (3) recommendations with respect to the poten-
7 tial of the Internet of Things to assist local, State,
8 and Federal planners to develop more efficient and
9 accurate projections of the transportation needs of
10 rural, suburban, and urban communities.

11 **SEC. 3025. REPORT ON PARKING SAFETY.**

12 (a) STUDY.—The Secretary shall conduct a study on
13 the safety of certain transportation facilities and locations,
14 focusing on any property damage, injuries, deaths, and
15 other incidents that occur or originate at locations in-
16 tended to encourage public use of alternative transpor-
17 tation, including—

18 (1) carpool lots;

19 (2) mass transit lots;

20 (3) local, State, or regional rail stations;

21 (4) rest stops;

22 (5) college or university lots;

23 (6) bike paths or walking trails; and

24 (7) any other locations that the Secretary con-
25 siders appropriate.

1 (b) REPORT.—Not later than 8 months after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives and the Committee on
5 Banking, Housing, and Urban Affairs of the Senate a re-
6 port on the results of the study.

7 (c) RECOMMENDATIONS.—The Secretary shall in-
8 clude in the report recommendations to Congress on the
9 best ways to use innovative technologies to increase safety
10 and ensure a better response by transit security and local,
11 State, and Federal law enforcement to address threats to
12 public safety.

13 **SEC. 3026. APPOINTMENT OF DIRECTORS OF WASHINGTON**
14 **METROPOLITAN AREA TRANSIT AUTHORITY.**

15 (a) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) COMPACT.—The term “Compact” means
18 the Washington Metropolitan Area Transit Author-
19 ity Compact (Public Law 89–774; 80 Stat. 1324).

20 (2) FEDERAL DIRECTOR.—The term “Federal
21 Director” means—

22 (A) a voting member of the Board of Di-
23 rectors of the Transit Authority who represents
24 the Federal Government; and

1 (B) a nonvoting member of the Board of
2 Directors of the Transit Authority who serves
3 as an alternate for a member described in sub-
4 paragraph (A).

5 (3) TRANSIT AUTHORITY.—The term “Transit
6 Authority” means the Washington Metropolitan
7 Area Transit Authority established under Article III
8 of the Compact.

9 (b) APPOINTMENT BY SECRETARY OF TRANSPOR-
10 TATION.—

11 (1) IN GENERAL.—For any appointment made
12 on or after the date of enactment of this Act, the
13 Secretary of Transportation shall have sole authority
14 to appoint Federal Directors to the Board of Direc-
15 tors of the Transit Authority.

16 (2) AMENDMENT TO COMPACT.—The signatory
17 parties to the Compact shall amend the Compact as
18 necessary in accordance with paragraph (1).

19 **SEC. 3027. EFFECTIVENESS OF PUBLIC TRANSPORTATION**
20 **CHANGES AND FUNDING.**

21 Not later than 18 months after the date of enactment
22 of this Act, the Comptroller General shall examine and
23 evaluate the impact of the changes that MAP–21 had on
24 public transportation, including—

1 (1) the ability and effectiveness of public trans-
2 portation agencies to provide public transportation
3 to low-income workers in accessing jobs and being
4 able to use reverse commute services;

5 (2) whether services to low-income riders de-
6 clined after MAP-21 was implemented; and

7 (3) if guidance provided by the Federal Transit
8 Administration encouraged public transportation
9 agencies to maintain and support services to low-in-
10 come riders to allow them to access jobs, medical
11 services, and other life necessities.

12 **SEC. 3028. AUTHORIZATION OF GRANTS FOR POSITIVE**
13 **TRAIN CONTROL.**

14 (a) **IN GENERAL.**—There shall be available from the
15 Mass Transit Account of the Highway Trust Fund to
16 carry out this section \$199,000,000 for fiscal year 2017
17 to assist in financing the installation of positive train con-
18 trol systems required under section 20157 of title 49,
19 United States Code.

20 (b) **USES.**—The amounts made available under sub-
21 section (a) of this section shall be awarded by the Sec-
22 retary on a competitive basis, and grant funds awarded
23 under this section shall not exceed 80 percent of the total
24 cost of a project.

1 (c) CREDIT ASSISTANCE.—At the request of an eligi-
2 ble applicant under this section, the Secretary may use
3 amounts awarded to the entity to pay the subsidy and ad-
4 ministrative costs necessary to provide the entity Federal
5 credit assistance under sections 502 through 504 of the
6 Railroad Revitalization and Regulatory Reform Act of
7 1976 (45 U.S.C. 801 et seq.), with respect to the project
8 for which the grant was awarded.

9 (d) ELIGIBLE RECIPIENTS.—The amounts made
10 available under subsection (a) of this section may be used
11 only to assist a recipient of funds under chapter 53 of
12 title 49, United States Code.

13 (e) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
14 retary may withhold up to 1 percent from the amounts
15 made available under subsection (a) of this section for the
16 costs of project management oversight of grants author-
17 ized under that subsection.

18 (f) SAVINGS CLAUSE.—Nothing in this section may
19 be construed as authorizing the amounts appropriated
20 under subsection (a) to be used for any purpose other than
21 financing the installation of positive train control systems.

22 (g) GRANTS FINANCED FROM HIGHWAY TRUST
23 FUND.—A grant that is approved by the Secretary and
24 financed with amounts made available from the Mass
25 Transit Account of the Highway Trust Fund under this

1 section is a contractual obligation of the Government to
2 pay the Government share of the cost of the project.

3 (h) AVAILABILITY OF AMOUNTS.—Notwithstanding
4 subsection (j), amounts made available under this section
5 shall remain available until expended.

6 (i) OBLIGATION LIMITATION.—Funds made available
7 under this section shall be subject to obligation limit of
8 section 3018 of the Federal Public Transportation Act of
9 2015.

10 (j) SUNSET.—The Secretary of Transportation shall
11 provide the grants, direct loans, and loan guarantees
12 under subsections (b) and (c) by September 30, 2018.

13 **SEC. 3029. AMENDMENT TO TITLE 5.**

14 (a) IN GENERAL.—Section 5313 of title 5, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “Federal Transit Administrator.”.

18 (b) CONFORMING AMENDMENT.—Section 5314 of
19 title 5, United States Code, is amended by striking “Fed-
20 eral Transit Administrator.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the first day of the first
23 pay period beginning on or after the first day of the first
24 fiscal year beginning after the date of enactment of this
25 Act.

1 **SEC. 3030. TECHNICAL AND CONFORMING CHANGES.**

2 (a) REPEAL.—Section 20008(b) of MAP-21 (49
3 U.S.C. 5309 note) is repealed.

4 (b) REPEAL SECTION 5313.—Section 5313 of title
5 49, United States Code, and the item relating to that sec-
6 tion in the analysis for chapter 53 of such title, are re-
7 pealed.

8 (c) REPEAL OF SECTION 5319.—Section 5319 of title
9 49, United States Code, and the item relating to that sec-
10 tion in the analysis for chapter 53 of such title, are re-
11 pealed.

12 (d) REPEAL OF SECTION 5322.—Section 5322 of
13 title 49, United States Code, and the item relating to that
14 section in the analysis for chapter 53 of such title, are
15 repealed.

16 (e) SECTION 5325.—Section 5325 of title 49, United
17 States Code is amended—

18 (1) in subsection (e)(2), by striking “at least
19 two”; and

20 (2) in subsection (h), by striking “Federal Pub-
21 lic Transportation Act of 2012” and inserting “Fed-
22 eral Public Transportation Act of 2015”.

23 (f) SECTION 5340.—Section 5340 of title 49, United
24 States Code, is amended—

25 (1) by striking subsection (b); and

26 (2) by inserting the following:

1 “(b) ALLOCATION.—The Secretary shall apportion
2 the amounts made available under section 5338(b)(2)(N)
3 in accordance with subsection (c) and subsection (d).”.

4 (g) CHAPTER 105 OF TITLE 49, UNITED STATES
5 CODE.—Section 10501(c) of title 49, United States Code,
6 is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A)(i), by striking
9 “section 5302(a)” and inserting “section
10 5302”; and

11 (B) in subparagraph (B)—

12 (i) by striking “mass transportation”
13 and inserting “public transportation”; and

14 (ii) by striking “section 5302(a)” and
15 inserting “section 5302”; and

16 (2) in paragraph (2)(A), by striking “mass
17 transportation” and inserting “public transpor-
18 tation”.

19 **TITLE IV—HIGHWAY TRAFFIC** 20 **SAFETY**

21 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

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

1 (1) HIGHWAY SAFETY PROGRAMS.—For car-
2 rying out section 402 of title 23, United States
3 Code—

4 (A) \$243,500,000 for fiscal year 2016;

5 (B) \$252,300,000 for fiscal year 2017;

6 (C) \$261,200,000 for fiscal year 2018;

7 (D) \$270,400,000 for fiscal year 2019;

8 and

9 (E) \$279,800,000 for fiscal year 2020.

10 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
11 OPMENT.—For carrying out section 403 of title 23,
12 United States Code—

13 (A) \$137,800,000 for fiscal year 2016;

14 (B) \$140,700,000 for fiscal year 2017;

15 (C) \$143,700,000 for fiscal year 2018;

16 (D) \$146,700,000 for fiscal year 2019;

17 and

18 (E) \$149,800,000 for fiscal year 2020.

19 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
20 For carrying out section 405 of title 23, United
21 States Code—

22 (A) \$274,700,000 for fiscal year 2016;

23 (B) \$277,500,000 for fiscal year 2017;

24 (C) \$280,200,000 for fiscal year 2018;

1 (D) \$283,000,000 for fiscal year 2019;

2 and

3 (E) \$285,900,000 for fiscal year 2020.

4 (4) NATIONAL DRIVER REGISTER.—For the Na-
5 tional Highway Traffic Safety Administration to
6 carry out chapter 303 of title 49, United States
7 Code—

8 (A) \$5,100,000 for fiscal year 2016;

9 (B) \$5,200,000 for fiscal year 2017;

10 (C) \$5,300,000 for fiscal year 2018;

11 (D) \$5,400,000 for fiscal year 2019; and

12 (E) \$5,500,000 for fiscal year 2020.

13 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
14 GRAM.—For carrying out section 404 of title 23,
15 United States Code—

16 (A) \$29,300,000 for fiscal year 2016;

17 (B) \$29,500,000 for fiscal year 2017;

18 (C) \$29,900,000 for fiscal year 2018;

19 (D) \$30,200,000 for fiscal year 2019; and

20 (E) \$30,500,000 for fiscal year 2020.

21 (6) ADMINISTRATIVE EXPENSES.—For adminis-
22 trative and related operating expenses of the Na-
23 tional Highway Traffic Safety Administration in car-
24 rying out chapter 4 of title 23, United States Code,
25 and this title—

- 1 (A) \$25,832,000 for fiscal year 2016;
2 (B) \$26,072,000 for fiscal year 2017;
3 (C) \$26,329,000 for fiscal year 2018;
4 (D) \$26,608,000 for fiscal year 2019; and
5 (E) \$26,817,000 for fiscal year 2020.

6 (b) PROHIBITION ON OTHER USES.—Except as oth-
7 erwise provided in chapter 4 of title 23, United States
8 Code, and chapter 303 of title 49, United States Code,
9 the amounts made available from the Highway Trust
10 Fund (other than the Mass Transit Account) for a pro-
11 gram under such chapters—

12 (1) shall only be used to carry out such pro-
13 gram; and

14 (2) may not be used by States or local govern-
15 ments for construction purposes.

16 (c) APPLICABILITY OF TITLE 23.—Except as other-
17 wise provided in chapter 4 of title 23, United States Code,
18 and chapter 303 of title 49, United States Code, amounts
19 made available under subsection (a) for fiscal years 2016
20 through 2020 shall be available for obligation in the same
21 manner as if such funds were apportioned under chapter
22 1 of title 23, United States Code.

23 (d) REGULATORY AUTHORITY.—Grants awarded
24 under this title shall be carried out in accordance with reg-
25 ulations issued by the Secretary.

1 (e) STATE MATCHING REQUIREMENTS.—If a grant
2 awarded under chapter 4 of title 23, United States Code,
3 requires a State to share in the cost, the aggregate of all
4 expenditures for highway safety activities made during a
5 fiscal year by the State and its political subdivisions (ex-
6 clusive of Federal funds) for carrying out the grant (other
7 than planning and administration) shall be available for
8 the purpose of crediting the State during such fiscal year
9 for the non-Federal share of the cost of any other project
10 carried out under chapter 4 of title 23, United States Code
11 (other than planning or administration), without regard
12 to whether such expenditures were made in connection
13 with such project.

14 (f) GRANT APPLICATION AND DEADLINE.—To re-
15 ceive a grant under chapter 4 of title 23, United States
16 Code, a State shall submit an application, and the Sec-
17 retary shall establish a single deadline for such applica-
18 tions to enable the award of grants early in the next fiscal
19 year.

20 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

21 Section 402 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a)(2)(A)—

24 (A) in clause (vi) by striking “and” at the
25 end;

1 (B) in clause (vii) by inserting “and” after
2 the semicolon; and

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

4 “(viii) to increase driver awareness of
5 commercial motor vehicles to prevent
6 crashes and reduce injuries and fatali-
7 ties;”;

8 (2) in subsection (c)(4), by adding at the end
9 the following:

10 “(C) SURVEY.—A State in which an auto-
11 mated traffic enforcement system is installed
12 shall expend funds apportioned to that State
13 under this section to conduct a biennial survey
14 that the Secretary shall make publicly available
15 through the Internet Web site of the Depart-
16 ment of Transportation that includes—

17 “(i) a list of automated traffic en-
18 forcement systems in the State;

19 “(ii) adequate data to measure the
20 transparency, accountability, and safety at-
21 tributes of each automated traffic enforce-
22 ment system; and

23 “(iii) a comparison of each automated
24 traffic enforcement system with—

1 “(I) Speed Enforcement Camera
2 Systems Operational Guidelines (DOT
3 HS 810 916, March 2008); and

4 “(II) Red Light Camera Systems
5 Operational Guidelines (FHWA-SA-
6 05-002, January 2005).”;

7 (3) by striking subsection (g) and inserting the
8 following:

9 “(g) RESTRICTION.—Nothing in this section may be
10 construed to authorize the appropriation or expenditure
11 of funds for highway construction, maintenance, or design
12 (other than design of safety features of highways to be
13 incorporated into guidelines).”;

14 (4) in subsection (k)—

15 (A) by redesignating paragraphs (3)
16 through (5) as paragraphs (4) through (6), re-
17 spectively;

18 (B) by inserting after paragraph (2) the
19 following:

20 “(3) ELECTRONIC SUBMISSION.—The Sec-
21 retary, in coordination with the Governors Highway
22 Safety Association, shall develop procedures to allow
23 States to submit highway safety plans under this
24 subsection, including any attachments to the plans,
25 in electronic form.”; and

1 (C) in paragraph (6)(A), as so redesignated,
2 nated, by striking “60 days” and inserting “45
3 days”; and

4 (5) in subsection (m)(2)(B)—

5 (A) in clause (vii) by striking “and” at the
6 end;

7 (B) in clause (viii) by striking the period
8 at the end and inserting a semicolon; and

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

10 “(ix) increase driver awareness of
11 commercial motor vehicles to prevent
12 crashes and reduce injuries and fatalities;
13 and

14 “(x) support for school-based driver’s
15 education classes to improve teen knowl-
16 edge about—

17 “(I) safe driving practices; and

18 “(II) State graduated driving li-
19 cense requirements, including behind-
20 the-wheel training required to meet
21 those requirements.”.

22 **SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
23 **MENT.**

24 Section 403 of title 23, United States Code, is
25 amended—

1 (1) in subsection (h)—

2 (A) in paragraph (1) by striking “may”
3 and inserting “shall”;

4 (B) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) FUNDING.—The Secretary shall obligate
7 from funds made available to carry out this section
8 for the period covering fiscal years 2017 through
9 2020 not more than \$21,248,000 to conduct the re-
10 search described in paragraph (1).”;

11 (C) in paragraph (3) by striking “If the
12 Administrator utilizes the authority under para-
13 graph (1), the” and inserting “The”; and

14 (D) in paragraph (4) by striking “If the
15 Administrator conducts the research authorized
16 under paragraph (1), the” and inserting “The”;
17 and

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

19 “(i) LIMITATION ON DRUG AND ALCOHOL SURVEY
20 DATA.—The Secretary shall establish procedures and
21 guidelines to ensure that any person participating in a
22 program or activity that collects data on drug or alcohol
23 use by drivers of motor vehicles and is carried out under
24 this section is informed that the program or activity is
25 voluntary.

1 “(j) FEDERAL SHARE.—The Federal share of the
2 cost of any project or activity carried out under this sec-
3 tion may be not more than 100 percent.”.

4 **SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

5 (a) IN GENERAL.—Section 404 of title 23, United
6 States Code, is amended to read as follows:

7 **“§ 404. High-visibility enforcement program**

8 “(a) IN GENERAL.—The Secretary shall establish
9 and administer a program under which not less than 3
10 campaigns will be carried out in each of fiscal years 2016
11 through 2020.

12 “(b) PURPOSE.—The purpose of each campaign car-
13 ried out under this section shall be to achieve outcomes
14 related to not less than 1 of the following objectives:

15 “(1) Reduce alcohol-impaired or drug-impaired
16 operation of motor vehicles.

17 “(2) Increase use of seatbelts by occupants of
18 motor vehicles.

19 “(c) ADVERTISING.—The Secretary may use, or au-
20 thorize the use of, funds available to carry out this section
21 to pay for the development, production, and use of broad-
22 cast and print media advertising and Internet-based out-
23 reach in carrying out campaigns under this section. In al-
24 locating such funds, consideration shall be given to adver-
25 tising directed at non-English speaking populations, in-

1 cluding those who listen to, read, or watch nontraditional
2 media.

3 “(d) COORDINATION WITH STATES.—The Secretary
4 shall coordinate with States in carrying out the campaigns
5 under this section, including advertising funded under
6 subsection (c), with consideration given to—

7 “(1) relying on States to provide law enforce-
8 ment resources for the campaigns out of funding
9 made available under sections 402 and 405; and

10 “(2) providing, out of National Highway Traffic
11 Safety Administration resources, most of the means
12 necessary for national advertising and education ef-
13 forts associated with the campaigns.

14 “(e) USE OF FUNDS.—Funds made available to carry
15 out this section may be used only for activities described
16 in subsection (c).

17 “(f) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) CAMPAIGN.—The term ‘campaign’ means
20 a high-visibility traffic safety law enforcement cam-
21 paign.

22 “(2) STATE.—The term ‘State’ has the mean-
23 ing given that term in section 401.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 4 of title 23, United States Code, is amended by strik-

1 ing the item relating to section 404 and inserting the fol-
2 lowing:

“404. High-visibility enforcement program.”.

3 **SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.**

4 (a) GENERAL AUTHORITY.—Section 405(a) of title
5 23, United States Code, is amended to read as follows:

6 “(a) GENERAL AUTHORITY.—Subject to the require-
7 ments of this section, the Secretary shall manage pro-
8 grams to address national priorities for reducing highway
9 deaths and injuries. Funds shall be allocated according to
10 the following:

11 “(1) OCCUPANT PROTECTION.—In each fiscal
12 year, 13 percent of the funds provided under this
13 section shall be allocated among States that adopt
14 and implement effective occupant protection pro-
15 grams to reduce highway deaths and injuries result-
16 ing from individuals riding unrestrained or improv-
17 erly restrained in motor vehicles (as described in
18 subsection (b)).

19 “(2) STATE TRAFFIC SAFETY INFORMATION
20 SYSTEM IMPROVEMENTS.—In each fiscal year, 14.5
21 percent of the funds provided under this section
22 shall be allocated among States that meet require-
23 ments with respect to State traffic safety informa-
24 tion system improvements (as described in sub-
25 section (c)).

1 “(3) IMPAIRED DRIVING COUNTERMEASURES.—
2 In each fiscal year, 52.5 percent of the funds pro-
3 vided under this section shall be allocated among
4 States that meet requirements with respect to im-
5 paired driving countermeasures (as described in sub-
6 section (d)).

7 “(4) DISTRACTED DRIVING.—In each fiscal
8 year, 8.5 percent of the funds provided under this
9 section shall be allocated among States that adopt
10 and implement effective laws to reduce distracted
11 driving (as described in subsection (e)).

12 “(5) MOTORCYCLIST SAFETY.—In each fiscal
13 year, 1.5 percent of the funds provided under this
14 section shall be allocated among States that imple-
15 ment motorcyclist safety programs (as described in
16 subsection (f)).

17 “(6) STATE GRADUATED DRIVER LICENSING
18 LAWS.—In each fiscal year, 5 percent of the funds
19 provided under this section shall be allocated among
20 States that adopt and implement graduated driver
21 licensing laws (as described in subsection (g)).

22 “(7) NONMOTORIZED SAFETY.—In each fiscal
23 year, 5 percent of the funds provided under this sec-
24 tion shall be allocated among States that meet re-

1 requirements with respect to nonmotorized safety (as
2 described in subsection (h)).

3 “(8) TRANSFERS.—Notwithstanding para-
4 graphs (1) through (7), the Secretary shall reallo-
5 cate, before the last day of any fiscal year, any
6 amounts remaining available to carry out any of the
7 activities described in subsections (b) through (h) to
8 increase the amount made available under section
9 402, in order to ensure, to the maximum extent pos-
10 sible, that all such amounts are obligated during
11 such fiscal year.

12 “(9) MAINTENANCE OF EFFORT.—

13 “(A) CERTIFICATION.—As part of the
14 grant application required in section
15 402(k)(3)(F), a State receiving a grant in any
16 fiscal year under subsection (b), (c), or (d) of
17 this section shall provide certification that the
18 lead State agency responsible for programs de-
19 scribed in any of those subsections is maintain-
20 ing aggregate expenditures at or above the av-
21 erage level of such expenditures in the 2 fiscal
22 years prior to the date of enactment of the
23 FAST Act.

24 “(B) WAIVER.—Upon the request of a
25 State, the Secretary may waive or modify the

1 requirements under subparagraph (A) for not
2 more than 1 fiscal year if the Secretary deter-
3 mines that such a waiver would be equitable
4 due to exceptional or uncontrollable cir-
5 cumstances.

6 “(10) POLITICAL SUBDIVISIONS.—A State may
7 provide the funds awarded under this section to a
8 political subdivision of the State or an Indian tribal
9 government.”.

10 (b) HIGH SEATBELT USE RATE.—Section
11 405(b)(4)(B) of title 23, United States Code, is amended
12 by striking “75 percent” and inserting “100 percent”.

13 (c) IMPAIRED DRIVING COUNTERMEASURES.—Sec-
14 tion 405(d) of title 23, United States Code, is amended—

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

17 “(4) USE OF GRANT AMOUNTS.—

18 “(A) REQUIRED PROGRAMS.—High-range
19 States shall use grant funds for—

20 “(i) high-visibility enforcement efforts;

21 and

22 “(ii) any of the activities described in
23 subparagraph (B) if—

24 “(I) the activity is described in
25 the statewide plan; and

1 “(II) the Secretary approves the
2 use of funding for such activity.

3 “(B) AUTHORIZED PROGRAMS.—Medium-
4 range and low-range States may use grant
5 funds for—

6 “(i) any of the purposes described in
7 subparagraph (A);

8 “(ii) hiring a full-time or part-time
9 impaired driving coordinator of the State’s
10 activities to address the enforcement and
11 adjudication of laws regarding driving
12 while impaired by alcohol, drugs, or the
13 combination of alcohol and drugs;

14 “(iii) court support of high-visibility
15 enforcement efforts, training and education
16 of criminal justice professionals (including
17 law enforcement, prosecutors, judges, and
18 probation officers) to assist such profes-
19 sionals in handling impaired driving cases,
20 hiring traffic safety resource prosecutors,
21 hiring judicial outreach liaisons, and estab-
22 lishing driving while intoxicated courts;

23 “(iv) alcohol ignition interlock pro-
24 grams;

1 “(v) improving blood-alcohol con-
2 centration testing and reporting;

3 “(vi) paid and earned media in sup-
4 port of high-visibility enforcement efforts,
5 conducting standardized field sobriety
6 training, advanced roadside impaired driv-
7 ing evaluation training, and drug recogni-
8 tion expert training for law enforcement,
9 and equipment and related expenditures
10 used in connection with impaired driving
11 enforcement in accordance with criteria es-
12 tablished by the National Highway Traffic
13 Safety Administration;

14 “(vii) training on the use of alcohol
15 and drug screening and brief intervention;

16 “(viii) training for and implementa-
17 tion of impaired driving assessment pro-
18 grams or other tools designed to increase
19 the probability of identifying the recidivism
20 risk of a person convicted of driving under
21 the influence of alcohol, drugs, or a com-
22 bination of alcohol and drugs and to deter-
23 mine the most effective mental health or
24 substance abuse treatment or sanction that
25 will reduce such risk;

1 “(ix) developing impaired driving in-
2 formation systems; and

3 “(x) costs associated with a 24-7 so-
4 briety program.

5 “(C) OTHER PROGRAMS.—Low-range
6 States may use grant funds for any expenditure
7 designed to reduce impaired driving based on
8 problem identification and may use not more
9 than 50 percent of funds made available under
10 this subsection for any project or activity eligi-
11 ble for funding under section 402. Medium-
12 range and high-range States may use funds for
13 any expenditure designed to reduce impaired
14 driving based on problem identification upon
15 approval by the Secretary.”;

16 (2) in paragraph (6)—

17 (A) by amending the paragraph heading to
18 read as follows: “ADDITIONAL GRANTS.—”;

19 (B) in subparagraph (A) by amending the
20 subparagraph heading to read as follows:
21 “GRANTS TO STATES WITH ALCOHOL-IGNITION
22 INTERLOCK LAWS.—”;

23 (C) by redesignating subparagraphs (B)
24 through (D) as subparagraphs (C) through (E),
25 respectively;

1 (D) by inserting after subparagraph (A),
2 the following:

3 “(B) GRANTS TO STATES WITH 24-7 SOBRI-
4 ETY PROGRAMS.—The Secretary shall make a
5 separate grant under this subsection to each
6 State that—

7 “(i) adopts and is enforcing a law
8 that requires all individuals convicted of
9 driving under the influence of alcohol or of
10 driving while intoxicated to receive a re-
11 striction on driving privileges; and

12 “(ii) provides a 24-7 sobriety pro-
13 gram.”;

14 (E) in subparagraph (C), as redesignated,
15 by inserting “and subparagraph (B)” after
16 “subparagraph (A)”;

17 (F) in subparagraph (D), as redesignated,
18 by inserting “and subparagraph (B)” after
19 “subparagraph (A)”;

20 (G) by amending subparagraph (E), as re-
21 designating, to read as follows:

22 “(E) FUNDING.—

23 “(i) FUNDING FOR GRANTS TO
24 STATES WITH ALCOHOL-IGNITION INTER-
25 LOCK LAWS.—Not more than 12 percent of

1 the amounts made available to carry out
2 this subsection in a fiscal year shall be
3 made available by the Secretary for mak-
4 ing grants under subparagraph (A).

5 “(ii) FUNDING FOR GRANTS TO
6 STATES WITH 24-7 SOBRIETY PROGRAMS.—
7 Not more than 3 percent of the amounts
8 made available to carry out this subsection
9 in a fiscal year shall be made available by
10 the Secretary for making grants under
11 subparagraph (B).”; and

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

13 “(F) EXCEPTIONS.—A State alcohol-igni-
14 tion interlock law under subparagraph (A) may
15 include exceptions for the following cir-
16 cumstances:

17 “(i) The individual is required to op-
18 erate an employer’s motor vehicle in the
19 course and scope of employment and the
20 business entity that owns the vehicle is not
21 owned or controlled by the individual.

22 “(ii) The individual is certified by a
23 medical doctor as being unable to provide
24 a deep lung breath sample for analysis by
25 an ignition interlock device.

1 “(iii) A State-certified ignition inter-
2 lock provider is not available within 100
3 miles of the individual’s residence.”; and

4 (3) in paragraph (7)—

5 (A) in subparagraph (A)—

6 (i) in the matter preceding clause

7 (i)—

8 (I) by striking “or a State agen-
9 cy” and inserting “or an agency with
10 jurisdiction”; and

11 (II) by inserting “bond,” before
12 “sentence”;

13 (ii) in clause (i) by striking “who
14 plead guilty or” and inserting “who was
15 arrested for, plead guilty to, or”; and

16 (iii) in clause (ii)(I) by inserting “at a
17 testing location” after “per day”; and

18 (B) in subparagraph (D) by striking the
19 second period at the end.

20 (d) DISTRACTED DRIVING GRANTS.—Section 405(e)
21 of title 23, United States Code, is amended to read as
22 follows:

23 “(e) DISTRACTED DRIVING GRANTS.—

24 “(1) IN GENERAL.—The Secretary shall award
25 a grant under this subsection to any State that in-

1 includes distracted driving awareness as part of the
2 State's driver's license examination, and enacts and
3 enforces a law that meets the requirements set forth
4 in paragraphs (2) and (3).

5 “(2) PROHIBITION ON TEXTING WHILE DRIV-
6 ING.—A State law meets the requirements set forth
7 in this paragraph if the law—

8 “(A) prohibits a driver from texting
9 through a personal wireless communications de-
10 vice while driving;

11 “(B) makes violation of the law a primary
12 offense;

13 “(C) establishes a minimum fine for a vio-
14 lation of the law; and

15 “(D) does not provide for an exemption
16 that specifically allows a driver to text through
17 a personal wireless communication device while
18 stopped in traffic.

19 “(3) PROHIBITION ON YOUTH CELL PHONE USE
20 WHILE DRIVING OR STOPPED IN TRAFFIC.—A State
21 law meets the requirements set forth in this para-
22 graph if the law—

23 “(A) prohibits a driver from using a per-
24 sonal wireless communications device while driv-
25 ing if the driver is—

1 “(i) younger than 18 years of age; or

2 “(ii) in the learner’s permit or inter-
3 mediate license stage set forth in sub-
4 section (g)(2)(B);

5 “(B) makes violation of the law a primary
6 offense;

7 “(C) establishes a minimum fine for a vio-
8 lation of the law; and

9 “(D) does not provide for an exemption
10 that specifically allows a driver to text through
11 a personal wireless communication device while
12 stopped in traffic.

13 “(4) PERMITTED EXCEPTIONS.—A law that
14 meets the requirements set forth in paragraph (2) or
15 (3) may provide exceptions for—

16 “(A) a driver who uses a personal wireless
17 communications device to contact emergency
18 services;

19 “(B) emergency services personnel who use
20 a personal wireless communications device
21 while—

22 “(i) operating an emergency services
23 vehicle; and

1 “(ii) engaged in the performance of
2 their duties as emergency services per-
3 sonnel;

4 “(C) an individual employed as a commer-
5 cial motor vehicle driver or a school bus driver
6 who uses a personal wireless communications
7 device within the scope of such individual’s em-
8 ployment if such use is permitted under the
9 regulations promulgated pursuant to section
10 31136 of title 49; and

11 “(D) any additional exceptions determined
12 by the Secretary through a rulemaking process.

13 “(5) USE OF GRANT FUNDS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), amounts received by a State
16 under this subsection shall be used—

17 “(i) to educate the public through ad-
18 vertising containing information about the
19 dangers of texting or using a cell phone
20 while driving;

21 “(ii) for traffic signs that notify driv-
22 ers about the distracted driving law of the
23 State; or

1 “(iii) for law enforcement costs re-
2 lated to the enforcement of the distracted
3 driving law.

4 “(B) FLEXIBILITY.—

5 “(i) Not more than 50 percent of
6 amounts received by a State under
7 this subsection may be used for any
8 eligible project or activity under sec-
9 tion 402.

10 “(ii) Not more than 75 percent
11 of amounts received by a State under
12 this subsection may be used for any
13 eligible project or activity under sec-
14 tion 402 if the State has conformed
15 its distracted driving data to the most
16 recent Model Minimum Uniform
17 Crash Criteria published by the Sec-
18 retary.

19 “(6) ADDITIONAL DISTRACTED DRIVING
20 GRANTS.—

21 “(A) IN GENERAL.—Notwithstanding para-
22 graph (1), for each of fiscal years 2017 and
23 2018, the Secretary shall use up to 25 percent
24 of the amounts available for grants under this
25 subsection to award grants to any State that—

1 “(i) in fiscal year 2017—
2 “(I) certifies that it has enacted
3 a basic text messaging statute that—
4 “(aa) is applicable to drivers
5 of all ages; and
6 “(bb) makes violation of the
7 basic text messaging statute a
8 primary offense or secondary en-
9 forcement action as allowed by
10 State statute; and
11 “(II) is otherwise ineligible for a
12 grant under this subsection; and
13 “(ii) in fiscal year 2018—
14 “(I) certifies that it has enacted
15 a basic text messaging statute that—
16 “(aa) is applicable to drivers
17 of all ages; and
18 “(bb) makes violation of the
19 basic text messaging statute a
20 primary offense;
21 “(II) imposes fines for violations;
22 “(III) has a statute that pro-
23 hibits drivers who are younger than
24 18 years of age from using a personal

1 wireless communications device while
2 driving; and

3 “(IV) is otherwise ineligible for a
4 grant under this subsection.

5 “(B) USE OF GRANT FUNDS.—

6 “(i) IN GENERAL.—Notwithstanding
7 paragraph (5) and subject to clauses (ii)
8 and (iii) of this subparagraph, amounts re-
9 ceived by a State under subparagraph (A)
10 may be used for activities related to the
11 enforcement of distracted driving laws, in-
12 cluding for public information and aware-
13 ness purposes.

14 “(ii) FISCAL YEAR 2017.—In fiscal
15 year 2017, up to 15 percent of the
16 amounts received by a State under sub-
17 paragraph (A) may be used for any eligible
18 project or activity under section 402.

19 “(iii) FISCAL YEAR 2018.—In fiscal
20 year 2018, up to 25 percent of the
21 amounts received by a State under sub-
22 paragraph (A) may be used for any eligible
23 project or activity under section 402.

24 “(7) ALLOCATION TO SUPPORT STATE DIS-
25 TRACTED DRIVING LAWS.—Of the amounts available

1 under this subsection in a fiscal year for distracted
2 driving grants, the Secretary may expend not more
3 than \$5,000,000 for the development and placement
4 of broadcast media to reduce distracted driving of
5 motor vehicles.

6 “(8) GRANT AMOUNT.—The allocation of grant
7 funds to a State under this subsection for a fiscal
8 year shall be in proportion to the State’s apportion-
9 ment under section 402 for fiscal year 2009.

10 “(9) DEFINITIONS.—In this subsection, the fol-
11 lowing definitions apply:

12 “(A) DRIVING.—The term ‘driving’—

13 “(i) means operating a motor vehicle
14 on a public road; and

15 “(ii) does not include operating a
16 motor vehicle when the vehicle has pulled
17 over to the side of, or off, an active road-
18 way and has stopped in a location where it
19 can safely remain stationary.

20 “(B) PERSONAL WIRELESS COMMUNICA-
21 TIONS DEVICE.—The term ‘personal wireless
22 communications device’—

23 “(i) means a device through which
24 personal wireless services (as defined in
25 section 332(c)(7)(C)(i) of the Communica-

1 tions Act of 1934 (47 U.S.C.
2 332(e)(7)(C)(i)) are transmitted; and

3 “(ii) does not include a global naviga-
4 tion satellite system receiver used for posi-
5 tioning, emergency notification, or naviga-
6 tion purposes.

7 “(C) PRIMARY OFFENSE.—The term ‘pri-
8 mary offense’ means an offense for which a law
9 enforcement officer may stop a vehicle solely for
10 the purpose of issuing a citation in the absence
11 of evidence of another offense.

12 “(D) PUBLIC ROAD.—The term ‘public
13 road’ has the meaning given such term in sec-
14 tion 402(e).

15 “(E) TEXTING.—The term ‘texting’ means
16 reading from or manually entering data into a
17 personal wireless communications device, in-
18 cluding doing so for the purpose of SMS
19 texting, emailing, instant messaging, or engag-
20 ing in any other form of electronic data re-
21 trieval or electronic data communication.”.

22 (e) MOTORCYCLIST SAFETY.—Section 405(f) of title
23 23, United States Code, is amended—

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

1 “(2) 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 State’s appor­tion-
4 ment under section 402 for fiscal year 2009, except
5 that the amount of a grant awarded to a State for
6 a fiscal year may not exceed 25 percent of the
7 amount apportioned to the State under such section
8 for fiscal year 2009.”;

9 (2) in paragraph (4) by adding at the end the
10 following:

11 “(C) FLEXIBILITY.—Not more than 50
12 percent of grant funds received by a State
13 under this subsection may be used for any eligi-
14 ble project or activity under section 402 if the
15 State is in the lowest 25 percent of all States
16 for motorcycle deaths per 10,000 motorcycle
17 registrations based on the most recent data that
18 conforms with criteria established by the Sec-
19 retary.”; and

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

21 “(6) SHARE-THE-ROAD MODEL LANGUAGE.—
22 Not later than 1 year after the date of enactment
23 of this paragraph, the Secretary shall update and
24 provide to the States model language, for use in
25 traffic safety education courses, driver’s manuals,

1 and other driver training materials, that provides in-
2 struction for drivers of motor vehicles on the impor-
3 tance of sharing the road safely with motorcycleists.”.

4 (f) MINIMUM REQUIREMENTS FOR STATE GRAD-
5 UATED DRIVER LICENSING INCENTIVE GRANT PRO-
6 GRAM.—Section 405(g) of title 23, United States Code,
7 is amended—

8 (1) in paragraph (2)—

9 (A) in subparagraph (A) by striking “21”
10 and inserting “18”; and

11 (B) by amending subparagraph (B) to read
12 as follows:

13 “(B) LICENSING PROCESS.—A State is in
14 compliance with the 2-stage licensing process
15 described in this subparagraph if the State’s
16 driver’s license laws include—

17 “(i) a learner’s permit stage that—

18 “(I) is at least 6 months in dura-
19 tion;

20 “(II) contains a prohibition on
21 the driver using a personal wireless
22 communications device (as defined in
23 subsection (e)) while driving except
24 under an exception permitted under
25 paragraph (4) of that subsection, and

1 makes a violation of the prohibition a
2 primary offense;

3 “(III) requires applicants to suc-
4 cessfully pass a vision and knowledge
5 assessment prior to receiving a learn-
6 er’s permit;

7 “(IV) requires that the driver be
8 accompanied and supervised at all
9 times while the driver is operating a
10 motor vehicle by a licensed driver who
11 is at least 21 years of age or is a
12 State-certified driving instructor;

13 “(V) has a requirement that the
14 driver—

15 “(aa) complete a State-
16 tified driver education or training
17 course; or

18 “(bb) obtain at least 50
19 hours of behind-the-wheel train-
20 ing, with at least 10 hours at
21 night, with a licensed driver; and

22 “(VI) remains in effect until the
23 driver—

1 “(aa) reaches 16 years of
2 age and enters the intermediate
3 stage; or

4 “(bb) reaches 18 years of
5 age;

6 “(ii) an intermediate stage that—

7 “(I) commences immediately
8 after the expiration of the learner’s
9 permit stage and successful comple-
10 tion of a driving skills assessment;

11 “(II) is at least 6 months in du-
12 ration;

13 “(III) prohibits the driver from
14 using a personal wireless communica-
15 tions device (as defined in subsection
16 (e)) while driving except under an ex-
17 ception permitted under paragraph
18 (4) of that subsection, and makes a
19 violation of the prohibition a primary
20 offense;

21 “(IV) for the first 6 months of
22 the intermediate stage, restricts driv-
23 ing at night between the hours of
24 10:00 p.m. and 5:00 a.m. when not
25 supervised by a licensed driver 21

1 years of age or older, excluding trans-
2 portation to work, school, religious ac-
3 tivities, or emergencies;

4 “(V) prohibits the driver from
5 operating a motor vehicle with more
6 than 1 nonfamilial passenger younger
7 than 21 years of age unless a licensed
8 driver who is at least 21 years of age
9 is in the motor vehicle; and

10 “(VI) remains in effect until the
11 driver reaches 17 years of age; and

12 “(iii) learner’s permit and inter-
13 mediate stages that each require, in addi-
14 tion to any other penalties imposed by
15 State law, that the granting of an unre-
16 stricted driver’s license be automatically
17 delayed for any individual who, during the
18 learner’s permit or intermediate stage, is
19 convicted of a driving-related offense dur-
20 ing the first 6 months, including—

21 “(I) driving while intoxicated;

22 “(II) misrepresentation of the in-
23 dividual’s age;

24 “(III) reckless driving;

1 “(IV) driving without wearing a
2 seat belt;

3 “(V) speeding; or

4 “(VI) any other driving-related
5 offense, as determined by the Sec-
6 retary.”; and

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

8 “(6) SPECIAL RULE.—Notwithstanding para-
9 graph (5), up to 100 percent of grant funds received
10 by a State under this subsection may be used for
11 any eligible project or activity under section 402, if
12 the State is in the lowest 25 percent of all States
13 for the number of drivers under age 18 involved in
14 fatal crashes in the State per the total number of
15 drivers under age 18 in the State based on the most
16 recent data that conforms with criteria established
17 by the Secretary.”.

18 (g) NONMOTORIZED SAFETY.—Section 405 of title
19 23, United States Code, is amended by adding at the end
20 the following:

21 “(h) NONMOTORIZED SAFETY.—

22 “(1) GENERAL AUTHORITY.—Subject to the re-
23 quirements under this subsection, the Secretary shall
24 award grants to States for the purpose of decreasing

1 pedestrian and bicycle fatalities and injuries that re-
2 sult from crashes involving a motor vehicle.

3 “(2) FEDERAL SHARE.—The Federal share of
4 the cost of a project carried out by a State using
5 amounts from a grant awarded under this subsection
6 may not exceed 80 percent.

7 “(3) ELIGIBILITY.—A State shall receive a
8 grant under this subsection in a fiscal year if the an-
9 nual combined pedestrian and bicycle fatalities in
10 the State exceed 15 percent of the total annual
11 crash fatalities in the State, based on the most re-
12 cently reported final data from the Fatality Analysis
13 Reporting System.

14 “(4) USE OF GRANT AMOUNTS.—Grant funds
15 received by a State under this subsection may be
16 used for—

17 “(A) training of law enforcement officials
18 on State laws applicable to pedestrian and bicy-
19 cle safety;

20 “(B) enforcement mobilizations and cam-
21 paigns designed to enforce State traffic laws
22 applicable to pedestrian and bicycle safety; and

23 “(C) public education and awareness pro-
24 grams designed to inform motorists, pedes-

1 trians, and bicyclists of State traffic laws appli-
2 cable to pedestrian and bicycle safety.

3 “(5) GRANT AMOUNT.—The allocation of grant
4 funds to a State under this subsection for a fiscal
5 year shall be in proportion to the State’s apportion-
6 ment under section 402 for fiscal year 2009.”.

7 **SEC. 4006. TRACKING PROCESS.**

8 Section 412 of title 23, United States Code, is
9 amended by adding at the end the following:

10 “(f) TRACKING PROCESS.—The Secretary shall de-
11 velop a process to identify and mitigate possible systemic
12 issues across States and regional offices by reviewing over-
13 sight findings and recommended actions identified in tri-
14 ennial State management reviews.”.

15 **SEC. 4007. STOP MOTORCYCLE CHECKPOINT FUNDING.**

16 Notwithstanding section 153 of title 23, United
17 States Code, the Secretary may not provide a grant or
18 any funds to a State, county, town, township, Indian tribe,
19 municipality, or other local government that may be used
20 for any program—

21 (1) to check helmet usage; or

22 (2) to create checkpoints that specifically target
23 motorcycle operators or motorcycle passengers.

1 **SEC. 4008. MARIJUANA-IMPAIRED DRIVING.**

2 (a) STUDY.—The Secretary, in consultation with the
3 heads of other Federal agencies as appropriate, shall con-
4 duct a study on marijuana-impaired driving.

5 (b) ISSUES TO BE EXAMINED.—In conducting the
6 study, the Secretary shall examine, at a minimum, the fol-
7 lowing:

8 (1) Methods to detect marijuana-impaired driv-
9 ing, including devices capable of measuring mari-
10 juana levels in motor vehicle operators.

11 (2) A review of impairment standard research
12 for driving under the influence of marijuana.

13 (3) Methods to differentiate the cause of a driv-
14 ing impairment between alcohol and marijuana.

15 (4) State-based policies on marijuana-impaired
16 driving.

17 (5) The role and extent of marijuana impair-
18 ment in motor vehicle accidents.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary, in
22 cooperation with other Federal agencies as appro-
23 priate, shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-
25 atives and the Committee on Commerce, Science,

1 and Transportation of the Senate a report on the re-
2 sults of the study.

3 (2) CONTENTS.—The report shall include, at a
4 minimum, the following:

5 (A) FINDINGS.—The findings of the Sec-
6 retary based on the study, including, at a min-
7 imum, the following:

8 (i) An assessment of methodologies
9 and technologies for measuring driver im-
10 pairment resulting from the use of mari-
11 juana, including the use of marijuana in
12 combination with alcohol.

13 (ii) A description and assessment of
14 the role of marijuana as a causal factor in
15 traffic crashes and the extent of the prob-
16 lem of marijuana-impaired driving.

17 (iii) A description and assessment of
18 current State laws relating to marijuana-
19 impaired driving.

20 (iv) A determination whether an im-
21 pairment standard for drivers under the
22 influence of marijuana is feasible and could
23 reduce vehicle accidents and save lives.

1 (B) RECOMMENDATIONS.—The rec-
2 ommendations of the Secretary based on the
3 study, including, at a minimum, the following:

4 (i) Effective and efficient methods for
5 training law enforcement personnel, includ-
6 ing drug recognition experts, to detect or
7 measure the level of impairment of a motor
8 vehicle operator who is under the influence
9 of marijuana by the use of technology or
10 otherwise.

11 (ii) If feasible, an impairment stand-
12 ard for driving under the influence of
13 marijuana.

14 (iii) Methodologies for increased data
15 collection regarding the prevalence and ef-
16 fects of marijuana-impaired driving.

17 (d) MARIJUANA DEFINED.—In this section, the term
18 “marijuana” includes all substances containing
19 tetrahydrocannabinol.

20 **SEC. 4009. INCREASING PUBLIC AWARENESS OF THE DAN-**
21 **TERS OF DRUG-IMPAIRED DRIVING.**

22 (a) ADDITIONAL ACTIONS.—The Administrator of
23 the National Highway Traffic Safety Administration, in
24 consultation with the White House Office of National
25 Drug Control Policy, the Secretary of Health and Human

1 Services, State highway safety offices, and other interested
2 parties, as determined by the Administrator, shall identify
3 and carry out additional actions that should be undertaken
4 by the Administration to assist States in their efforts to
5 increase public awareness of the dangers of drug-impaired
6 driving, including the dangers of driving while under the
7 influence of heroin or prescription opioids.

8 (b) REPORT.—Not later than 60 days after the date
9 of enactment of this Act, the Administrator shall submit
10 to the Committee on Commerce, Science, and Transpor-
11 tation of the Senate and the Committee on Transportation
12 and Infrastructure of the House of Representatives a re-
13 port that describes the additional actions undertaken by
14 the Administration pursuant to subsection (a).

15 **SEC. 4010. NATIONAL PRIORITY SAFETY PROGRAM GRANT**

16 **ELIGIBILITY.**

17 Not later than 60 days after the date on which the
18 Secretary awards grants under section 405 of title 23,
19 United States Code, the Secretary shall make available on
20 a publicly available Internet Web site of the Department
21 of Transportation—

22 (1) an identification of—

23 (A) the States that were awarded grants
24 under such section;

1 (B) the States that applied and were not
2 awarded grants under such section; and

3 (C) the States that did not apply for a
4 grant under such section; and

5 (2) a list of deficiencies that made a State ineli-
6 gible for a grant under such section for each State
7 under paragraph (1)(B).

8 **SEC. 4011. DATA COLLECTION.**

9 Section 1906 of SAFETEA-LU (23 U.S.C. 402
10 note) is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “(A) has enacted” and all
13 that follows through “(B) is maintaining” and
14 inserting “is maintaining”; and

15 (B) by striking “and any passengers”;

16 (2) by striking subsection (b) and inserting the
17 following:

18 “(b) USE OF GRANT FUNDS.—A grant received by
19 a State under subsection (a) shall be used by the State
20 for the costs of—

21 “(1) collecting and maintaining data on traffic
22 stops; and

23 “(2) evaluating the results of the data.”;

1 (3) by striking subsection (c) and redesignating
2 subsections (d) and (e) as subsections (c) and (d),
3 respectively;

4 (4) in subsection (c)(2), as so redesignated, by
5 striking “A State” and inserting “On or after Octo-
6 ber 1, 2015, a State”; and

7 (5) in subsection (d), as so redesignated—

8 (A) in the subsection heading by striking
9 “AUTHORIZATION OF APPROPRIATIONS” and
10 inserting “FUNDING”;

11 (B) by striking paragraph (1) and insert-
12 ing the following:

13 “(1) IN GENERAL.—From funds made available
14 under section 403 of title 23, United States Code,
15 the Secretary shall set aside \$7,500,000 for each of
16 fiscal years 2017 through 2020 to carry out this sec-
17 tion.”;

18 (C) in paragraph (2)—

19 (i) by striking “authorized by” and in-
20 serting “made available under”; and

21 (ii) by striking “percent,” and all that
22 follows through the period at the end and
23 inserting “percent.”; and

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

1 “(3) OTHER USES.—The Secretary may reallo-
2 cate, before the last day of any fiscal year, amounts
3 remaining available under paragraph (1) to increase
4 the amounts made available to carry out any of
5 other activities authorized under section 403 of title
6 23, United States Code, in order to ensure, to the
7 maximum extent possible, that all such amounts are
8 obligated during such fiscal year.”.

9 **SEC. 4012. STUDY ON THE NATIONAL ROADSIDE SURVEY OF**
10 **ALCOHOL AND DRUG USE BY DRIVERS.**

11 Not later than 180 days after the date on which the
12 Comptroller General of the United States reviews and re-
13 ports on the overall value of the National Roadside Survey
14 to researchers and other public safety stakeholders, the
15 differences between a National Roadside Survey site and
16 typical law enforcement checkpoints, and the effectiveness
17 of the National Roadside Survey methodology at pro-
18 tecting the privacy of the driving public, as requested by
19 the Committee on Appropriations of the Senate on June
20 5, 2014 (Senate Report 113–182), the Secretary shall re-
21 port to Congress on the National Highway Traffic Safety
22 Administration’s progress toward reviewing that report
23 and implementing any recommendations made in that re-
24 port.

1 **SEC. 4013. BARRIERS TO DATA COLLECTION REPORT.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator of the National Highway
4 Traffic Safety Administration shall submit a report to the
5 Committee on Commerce, Science, and Transportation of
6 the Senate and the Committee on Transportation and In-
7 frastructure of the House of Representatives that—

8 (1) identifies any legal and technical barriers to
9 capturing adequate data on the prevalence of the use
10 of wireless communications devices while driving;
11 and

12 (2) provides recommendations on how to ad-
13 dress such barriers.

14 **SEC. 4014. TECHNICAL CORRECTIONS.**

15 Title 23, United States Code, is amended as follows:

16 (1) Section 402 is amended—

17 (A) in subsection (b)(1)—

18 (i) in subparagraph (C) by striking
19 “paragraph (3)” and inserting “paragraph
20 (2)”; and

21 (ii) in subparagraph (E)—

22 (I) by striking “in which” and in-
23 serting “for which”; and

24 (II) by striking “under sub-
25 section (f)” and inserting “under sub-
26 section (k)”; and

1 (B) in subsection (k)(5), as redesignated
2 by this Act, by striking “under paragraph
3 (2)(A)” and inserting “under paragraph
4 (3)(A)”.

5 (2) Section 403(e) is amended by striking
6 “chapter 301” and inserting “chapter 301 of title
7 49”.

8 (3) Section 405 is amended—

9 (A) in subsection (d)—

10 (i) in paragraph (5) by striking
11 “under section 402(e)” and inserting
12 “under section 402”; and

13 (ii) in paragraph (6)(D), as redesign-
14 nated by this Act, by striking “on the basis
15 of the apportionment formula set forth in
16 section 402(c)” and inserting “in propor-
17 tion to the State’s apportionment under
18 section 402 for fiscal year 2009”; and

19 (B) in subsection (f)(4)(A)(iv)—

20 (i) by striking “such as the” and in-
21 serting “including”; and

22 (ii) by striking “developed under sub-
23 section (g)”.

1 **SEC. 4015. EFFECTIVE DATE FOR CERTAIN PROGRAMS.**

2 Notwithstanding any other provision of this Act, ex-
3 cept for the technical corrections in section 4014, the
4 amendments made by this Act to sections 164, 402, and
5 405 of title 23, United States Code, shall be effective on
6 October 1, 2016.

7 **TITLE V—MOTOR CARRIER**
8 **SAFETY**

9 **Subtitle A—Motor Carrier Safety**
10 **Grant Consolidation**

11 **SEC. 5101. GRANTS TO STATES.**

12 (a) MOTOR CARRIER SAFETY ASSISTANCE PRO-
13 GRAM.—Section 31102 of title 49, United States Code, is
14 amended to read as follows:

15 **“§ 31102. Motor carrier safety assistance program**

16 “(a) IN GENERAL.—The Secretary of Transportation
17 shall administer a motor carrier safety assistance program
18 funded under section 31104.

19 “(b) GOAL.—The goal of the program is to ensure
20 that the Secretary, States, local governments, other polit-
21 ical jurisdictions, federally recognized Indian tribes, and
22 other persons work in partnership to establish programs
23 to improve motor carrier, commercial motor vehicle, and
24 driver safety to support a safe and efficient surface trans-
25 portation system by—

1 “(1) making targeted investments to promote
2 safe commercial motor vehicle transportation, includ-
3 ing the transportation of passengers and hazardous
4 materials;

5 “(2) investing in activities likely to generate
6 maximum reductions in the number and severity of
7 commercial motor vehicle crashes and in fatalities
8 resulting from such crashes;

9 “(3) adopting and enforcing effective motor car-
10 rier, commercial motor vehicle, and driver safety reg-
11 ulations and practices consistent with Federal re-
12 quirements; and

13 “(4) assessing and improving statewide per-
14 formance by setting program goals and meeting per-
15 formance standards, measures, and benchmarks.

16 “(c) STATE PLANS.—

17 “(1) IN GENERAL.—In carrying out the pro-
18 gram, the Secretary shall prescribe procedures for a
19 State to submit a multiple-year plan, and annual up-
20 dates thereto, under which the State agrees to as-
21 sume responsibility for improving motor carrier safe-
22 ty by adopting and enforcing State regulations,
23 standards, and orders that are compatible with the
24 regulations, standards, and orders of the Federal

1 Government on commercial motor vehicle safety and
2 hazardous materials transportation safety.

3 “(2) CONTENTS.—The Secretary shall approve
4 a State plan if the Secretary determines that the
5 plan is adequate to comply with the requirements of
6 this section, and the plan—

7 “(A) implements performance-based activi-
8 ties, including deployment and maintenance of
9 technology to enhance the efficiency and effec-
10 tiveness of commercial motor vehicle safety pro-
11 grams;

12 “(B) designates a lead State commercial
13 motor vehicle safety agency responsible for ad-
14 ministering the plan throughout the State;

15 “(C) contains satisfactory assurances that
16 the lead State commercial motor vehicle safety
17 agency has or will have the legal authority, re-
18 sources, and qualified personnel necessary to
19 enforce the regulations, standards, and orders;

20 “(D) contains satisfactory assurances that
21 the State will devote adequate resources to the
22 administration of the plan and enforcement of
23 the regulations, standards, and orders;

24 “(E) provides a right of entry (or other
25 method a State may use that the Secretary de-

1 termines is adequate to obtain necessary infor-
2 mation) and inspection to carry out the plan;

3 “(F) provides that all reports required
4 under this section be available to the Secretary
5 on request;

6 “(G) provides that the lead State commer-
7 cial motor vehicle safety agency will adopt the
8 reporting requirements and use the forms for
9 recordkeeping, inspections, and investigations
10 that the Secretary prescribes;

11 “(H) requires all registrants of commercial
12 motor vehicles to demonstrate knowledge of ap-
13 plicable safety regulations, standards, and or-
14 ders of the Federal Government and the State;

15 “(I) provides that the State will grant
16 maximum reciprocity for inspections conducted
17 under the North American Inspection Stand-
18 ards through the use of a nationally accepted
19 system that allows ready identification of pre-
20 viously inspected commercial motor vehicles;

21 “(J) ensures that activities described in
22 subsection (h), if financed through grants to
23 the State made under this section, will not di-
24 minish the effectiveness of the development and
25 implementation of the programs to improve

1 motor carrier, commercial motor vehicle, and
2 driver safety as described in subsection (b);

3 “(K) ensures that the lead State commer-
4 cial motor vehicle safety agency will coordinate
5 the plan, data collection, and information sys-
6 tems with the State highway safety improve-
7 ment program required under section 148(c) of
8 title 23;

9 “(L) ensures participation in appropriate
10 Federal Motor Carrier Safety Administration
11 information technology and data systems and
12 other information systems by all appropriate ju-
13 risdictions receiving motor carrier safety assist-
14 ance program funding;

15 “(M) ensures that information is ex-
16 changed among the States in a timely manner;

17 “(N) provides satisfactory assurances that
18 the State will undertake efforts that will em-
19 phasize and improve enforcement of State and
20 local traffic safety laws and regulations related
21 to commercial motor vehicle safety;

22 “(O) provides satisfactory assurances that
23 the State will address national priorities and
24 performance goals, including—

1 “(i) activities aimed at removing im-
2 paired commercial motor vehicle drivers
3 from the highways of the United States
4 through adequate enforcement of regula-
5 tions on the use of alcohol and controlled
6 substances and by ensuring ready roadside
7 access to alcohol detection and measuring
8 equipment;

9 “(ii) activities aimed at providing an
10 appropriate level of training to State motor
11 carrier safety assistance program officers
12 and employees on recognizing drivers im-
13 paired by alcohol or controlled substances;
14 and

15 “(iii) when conducted with an appro-
16 priate commercial motor vehicle inspection,
17 criminal interdiction activities, and appro-
18 priate strategies for carrying out those
19 interdiction activities, including interdic-
20 tion activities that affect the transpor-
21 tation of controlled substances (as defined
22 in section 102 of the Comprehensive Drug
23 Abuse Prevention and Control Act of 1970
24 (21 U.S.C. 802) and listed in part 1308 of
25 title 21, Code of Federal Regulations, as

1 updated and republished from time to
2 time) by any occupant of a commercial
3 motor vehicle;

4 “(P) provides that the State has estab-
5 lished and dedicated sufficient resources to a
6 program to ensure that—

7 “(i) the State collects and reports to
8 the Secretary accurate, complete, and
9 timely motor carrier safety data; and

10 “(ii) the State participates in a na-
11 tional motor carrier safety data correction
12 system prescribed by the Secretary;

13 “(Q) ensures that the State will cooperate
14 in the enforcement of financial responsibility re-
15 quirements under sections 13906, 31138, and
16 31139 and regulations issued under those sec-
17 tions;

18 “(R) ensures consistent, effective, and rea-
19 sonable sanctions;

20 “(S) ensures that roadside inspections will
21 be conducted at locations that are adequate to
22 protect the safety of drivers and enforcement
23 personnel;

24 “(T) provides that the State will include in
25 the training manuals for the licensing examina-

1 tion to drive noncommercial motor vehicles and
2 commercial motor vehicles information on best
3 practices for driving safely in the vicinity of
4 noncommercial and commercial motor vehicles;

5 “(U) provides that the State will enforce
6 the registration requirements of sections 13902
7 and 31134 by prohibiting the operation of any
8 vehicle discovered to be operated by a motor
9 carrier without a registration issued under
10 those sections or to be operated beyond the
11 scope of the motor carrier’s registration;

12 “(V) provides that the State will conduct
13 comprehensive and highly visible traffic enforce-
14 ment and commercial motor vehicle safety in-
15 spection programs in high-risk locations and
16 corridors;

17 “(W) except in the case of an imminent
18 hazard or obvious safety hazard, ensures that
19 an inspection of a vehicle transporting pas-
20 sengers for a motor carrier of passengers is
21 conducted at a bus station, terminal, border
22 crossing, maintenance facility, destination, or
23 other location where a motor carrier may make
24 a planned stop (excluding a weigh station);

1 “(X) ensures that the State will transmit
2 to its roadside inspectors notice of each Federal
3 exemption granted under section 31315(b) of
4 this title and sections 390.23 and 390.25 of
5 title 49, Code of Federal Regulations, and pro-
6 vided to the State by the Secretary, including
7 the name of the person that received the exemp-
8 tion and any terms and conditions that apply to
9 the exemption;

10 “(Y) except as provided in subsection (d),
11 provides that the State—

12 “(i) will conduct safety audits of
13 interstate and, at the State’s discretion,
14 intrastate new entrant motor carriers
15 under section 31144(g); and

16 “(ii) if the State authorizes a third
17 party to conduct safety audits under sec-
18 tion 31144(g) on its behalf, the State
19 verifies the quality of the work conducted
20 and remains solely responsible for the
21 management and oversight of the activi-
22 ties;

23 “(Z) provides that the State agrees to fully
24 participate in the performance and registration
25 information systems management under section

1 31106(b) not later than October 1, 2020, by
2 complying with the conditions for participation
3 under paragraph (3) of that section, or dem-
4 onstrates to the Secretary an alternative ap-
5 proach for identifying and immobilizing a motor
6 carrier with serious safety deficiencies in a
7 manner that provides an equivalent level of
8 safety;

9 “(AA) in the case of a State that shares a
10 land border with another country, provides that
11 the State—

12 “(i) will conduct a border commercial
13 motor vehicle safety program focusing on
14 international commerce that includes en-
15 forcement and related projects; or

16 “(ii) will forfeit all funds calculated by
17 the Secretary based on border-related ac-
18 tivities if the State declines to conduct the
19 program described in clause (i) in its plan;
20 and

21 “(BB) in the case of a State that meets
22 the other requirements of this section and
23 agrees to comply with the requirements estab-
24 lished in subsection (1)(3), provides that the
25 State may fund operation and maintenance

1 costs associated with innovative technology de-
2 ployment under subsection (l)(3) with motor
3 carrier safety assistance program funds author-
4 ized under section 31104(a)(1).

5 “(3) PUBLICATION.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the Secretary shall publish each ap-
8 proved State multiple-year plan, and each an-
9 nual update thereto, on a publically accessible
10 Internet Web site of the Department of Trans-
11 portation not later than 30 days after the date
12 the Secretary approves the plan or update.

13 “(B) LIMITATION.—Before publishing an
14 approved State multiple-year plan or annual up-
15 date under subparagraph (A), the Secretary
16 shall redact any information identified by the
17 State that, if disclosed—

18 “(i) would reasonably be expected to
19 interfere with enforcement proceedings; or

20 “(ii) would reveal enforcement tech-
21 niques or procedures that would reasonably
22 be expected to risk circumvention of the
23 law.

24 “(d) EXCLUSION OF U.S. TERRITORIES.—The re-
25 quirement that a State conduct safety audits of new en-

1 trant motor carriers under subsection (c)(2)(Y) does not
2 apply to a territory of the United States unless required
3 by the Secretary.

4 “(e) INTRASTATE COMPATIBILITY.—The Secretary
5 shall prescribe regulations specifying tolerance guidelines
6 and standards for ensuring compatibility of intrastate
7 commercial motor vehicle safety laws, including regula-
8 tions, with Federal motor carrier safety regulations to be
9 enforced under subsections (b) and (c). To the extent
10 practicable, the guidelines and standards shall allow for
11 maximum flexibility while ensuring a degree of uniformity
12 that will not diminish motor vehicle safety.

13 “(f) MAINTENANCE OF EFFORT.—

14 “(1) BASELINE.—Except as provided under
15 paragraphs (2) and (3) and in accordance with sec-
16 tion 5107 of the FAST Act, a State plan under sub-
17 section (c) shall provide that the total expenditure of
18 amounts of the lead State commercial motor vehicle
19 safety agency responsible for administering the plan
20 will be maintained at a level each fiscal year that is
21 at least equal to—

22 “(A) the average level of that expenditure
23 for fiscal years 2004 and 2005; or

24 “(B) the level of that expenditure for the
25 year in which the Secretary implements a new

1 allocation formula under section 5106 of the
2 FAST Act.

3 “(2) ADJUSTED BASELINE AFTER FISCAL YEAR
4 2017.—At the request of a State, the Secretary may
5 evaluate additional documentation related to the
6 maintenance of effort and may make reasonable ad-
7 justments to the maintenance of effort baseline after
8 the year in which the Secretary implements a new
9 allocation formula under section 5106 of the FAST
10 Act, and this adjusted baseline will replace the main-
11 tenance of effort requirement under paragraph (1).

12 “(3) WAIVERS.—At the request of a State, the
13 Secretary may waive or modify the requirements of
14 this subsection for a total of 1 fiscal year if the Sec-
15 retary determines that the waiver or modification is
16 reasonable, based on circumstances described by the
17 State, to ensure the continuation of commercial
18 motor vehicle enforcement activities in the State.

19 “(4) LEVEL OF STATE EXPENDITURES.—In es-
20 timating the average level of a State’s expenditures
21 under paragraph (1), the Secretary—

22 “(A) may allow the State to exclude State
23 expenditures for federally sponsored demonstra-
24 tion and pilot programs and strike forces;

1 “(B) may allow the State to exclude ex-
2 penditures for activities related to border en-
3 forcement and new entrant safety audits; and

4 “(C) shall require the State to exclude
5 State matching amounts used to receive Federal
6 financing under section 31104.

7 “(g) USE OF UNIFIED CARRIER REGISTRATION FEES
8 AGREEMENT.—Amounts generated under section 14504a
9 and received by a State and used for motor carrier safety
10 purposes may be included as part of the State’s match
11 required under section 31104 or maintenance of effort re-
12 quired by subsection (f).

13 “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—
14 When approved as part of a State’s plan under subsection
15 (c), the State may use motor carrier safety assistance pro-
16 gram funds received under this section—

17 “(1) if the activities are carried out in conjunc-
18 tion with an appropriate inspection of a commercial
19 motor vehicle to enforce Federal or State commercial
20 motor vehicle safety regulations, for—

21 “(A) enforcement of commercial motor ve-
22 hicle size and weight limitations at locations,
23 excluding fixed-weight facilities, such as near
24 steep grades or mountainous terrains, where
25 the weight of a commercial motor vehicle can

1 significantly affect the safe operation of the ve-
2 hicle, or at ports where intermodal shipping
3 containers enter and leave the United States;
4 and

5 “(B) detection of and enforcement actions
6 taken as a result of criminal activity, including
7 the trafficking of human beings, in a commer-
8 cial motor vehicle or by any occupant, including
9 the operator, of the commercial motor vehicle;
10 and

11 “(2) for documented enforcement of State traf-
12 fic laws and regulations designed to promote the
13 safe operation of commercial motor vehicles, includ-
14 ing documented enforcement of such laws and regu-
15 lations relating to noncommercial motor vehicles
16 when necessary to promote the safe operation of
17 commercial motor vehicles, if—

18 “(A) the number of motor carrier safety
19 activities, including roadside safety inspections,
20 conducted in the State is maintained at a level
21 at least equal to the average level of such activi-
22 ties conducted in the State in fiscal years 2004
23 and 2005; and

24 “(B) the State does not use more than 10
25 percent of the basic amount the State receives

1 under a grant awarded under section
2 31104(a)(1) for enforcement activities relating
3 to noncommercial motor vehicles necessary to
4 promote the safe operation of commercial motor
5 vehicles unless the Secretary determines that a
6 higher percentage will result in significant in-
7 creases in commercial motor vehicle safety.

8 “(i) EVALUATION OF PLANS AND AWARD OF
9 GRANTS.—

10 “(1) AWARDS.—The Secretary shall establish
11 criteria for the application, evaluation, and approval
12 of State plans under this section. Subject to sub-
13 section (j), the Secretary may allocate the amounts
14 made available under section 31104(a)(1) among the
15 States.

16 “(2) OPPORTUNITY TO CURE.—If the Secretary
17 disapproves a plan under this section, the Secretary
18 shall give the State a written explanation of the rea-
19 sons for disapproval and allow the State to modify
20 and resubmit the plan for approval.

21 “(j) ALLOCATION OF FUNDS.—

22 “(1) IN GENERAL.—The Secretary, by regula-
23 tion, shall prescribe allocation criteria for funds
24 made available under section 31104(a)(1).

1 “(2) ANNUAL ALLOCATIONS.—On October 1 of
2 each fiscal year, or as soon as practicable thereafter,
3 and after making a deduction under section
4 31104(c), the Secretary shall allocate amounts made
5 available under section 31104(a)(1) to carry out this
6 section for the fiscal year among the States with
7 plans approved under this section in accordance with
8 the criteria prescribed under paragraph (1).

9 “(3) ELECTIVE ADJUSTMENTS.—Subject to the
10 availability of funding and notwithstanding fluctua-
11 tions in the data elements used by the Secretary to
12 calculate the annual allocation amounts, after the
13 creation of a new allocation formula under section
14 5106 of the FAST Act, the Secretary may not make
15 elective adjustments to the allocation formula that
16 decrease a State’s Federal funding levels by more
17 than 3 percent in a fiscal year. The 3 percent limit
18 shall not apply to the withholding provisions of sub-
19 section (k).

20 “(k) PLAN MONITORING.—

21 “(1) IN GENERAL.—On the basis of reports
22 submitted by the lead State agency responsible for
23 administering a State plan approved under this sec-
24 tion and an investigation by the Secretary, the Sec-

1 retary shall periodically evaluate State implementa-
2 tion of and compliance with the State plan.

3 “(2) WITHHOLDING OF FUNDS.—

4 “(A) DISAPPROVAL.—If, after notice and
5 an opportunity to be heard, the Secretary finds
6 that a State plan previously approved under
7 this section is not being followed or has become
8 inadequate to ensure enforcement of State reg-
9 ulations, standards, or orders described in sub-
10 section (c)(1), or the State is otherwise not in
11 compliance with the requirements of this sec-
12 tion, the Secretary may withdraw approval of
13 the State plan and notify the State. Upon the
14 receipt of such notice, the State plan shall no
15 longer be in effect and the Secretary shall with-
16 hold all funding to the State under this section.

17 “(B) NONCOMPLIANCE WITHHOLDING.—In
18 lieu of withdrawing approval of a State plan
19 under subparagraph (A), the Secretary may,
20 after providing notice to the State and an op-
21 portunity to be heard, withhold funding from
22 the State to which the State would otherwise be
23 entitled under this section for the period of the
24 State’s noncompliance. In exercising this op-
25 tion, the Secretary may withhold—

1 “(i) up to 5 percent of funds during
2 the fiscal year that the Secretary notifies
3 the State of its noncompliance;

4 “(ii) up to 10 percent of funds for the
5 first full fiscal year of noncompliance;

6 “(iii) up to 25 percent of funds for
7 the second full fiscal year of noncompli-
8 ance; and

9 “(iv) not more than 50 percent of
10 funds for the third and any subsequent full
11 fiscal year of noncompliance.

12 “(3) JUDICIAL REVIEW.—A State adversely af-
13 fected by a determination under paragraph (2) may
14 seek judicial review under chapter 7 of title 5. Not-
15 withstanding the disapproval of a State plan under
16 paragraph (2)(A) or the withholding of funds under
17 paragraph (2)(B), the State may retain jurisdiction
18 in an administrative or a judicial proceeding that
19 commenced before the notice of disapproval or with-
20 holding if the issues involved are not related directly
21 to the reasons for the disapproval or withholding.

22 “(1) HIGH PRIORITY PROGRAM.—

23 “(1) IN GENERAL.—The Secretary shall admin-
24 ister a high priority program funded under section

1 31104(a)(2) for the purposes described in para-
2 graphs (2) and (3).

3 “(2) ACTIVITIES RELATED TO MOTOR CARRIER
4 SAFETY.—The Secretary may make discretionary
5 grants to and enter into cooperative agreements with
6 States, local governments, federally recognized In-
7 dian tribes, other political jurisdictions as necessary,
8 and any person to carry out high priority activities
9 and projects that augment motor carrier safety ac-
10 tivities and projects planned in accordance with sub-
11 sections (b) and (c), including activities and projects
12 that—

13 “(A) increase public awareness and edu-
14 cation on commercial motor vehicle safety;

15 “(B) target unsafe driving of commercial
16 motor vehicles and noncommercial motor vehi-
17 cles in areas identified as high risk crash cor-
18 ridors;

19 “(C) improve the safe and secure move-
20 ment of hazardous materials;

21 “(D) improve safe transportation of goods
22 and persons in foreign commerce;

23 “(E) demonstrate new technologies to im-
24 prove commercial motor vehicle safety;

1 “(F) support participation in performance
2 and registration information systems manage-
3 ment under section 31106(b)—

4 “(i) for entities not responsible for
5 submitting the plan under subsection (c);
6 or

7 “(ii) for entities responsible for sub-
8 mitting the plan under subsection (c)—

9 “(I) before October 1, 2020, to
10 achieve compliance with the require-
11 ments of participation; and

12 “(II) beginning on October 1,
13 2020, or once compliance is achieved,
14 whichever is sooner, for special initia-
15 tives or projects that exceed routine
16 operations required for participation;

17 “(G) conduct safety data improvement
18 projects—

19 “(i) that complete or exceed the re-
20 quirements under subsection (c)(2)(P) for
21 entities not responsible for submitting the
22 plan under subsection (c); or

23 “(ii) that exceed the requirements
24 under subsection (c)(2)(P) for entities re-

1 sponsible for submitting the plan under
2 subsection (c); and

3 “(H) otherwise improve commercial motor
4 vehicle safety and compliance with commercial
5 motor vehicle safety regulations.

6 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
7 GRANT PROGRAM.—

8 “(A) IN GENERAL.—The Secretary shall
9 establish an innovative technology deployment
10 grant program to make discretionary grants to
11 eligible States for the innovative technology de-
12 ployment of commercial motor vehicle informa-
13 tion systems and networks.

14 “(B) PURPOSES.—The purposes of the
15 program shall be—

16 “(i) to advance the technological capa-
17 bility and promote the deployment of intel-
18 ligent transportation system applications
19 for commercial motor vehicle operations,
20 including commercial motor vehicle, com-
21 mercial driver, and carrier-specific infor-
22 mation systems and networks; and

23 “(ii) to support and maintain com-
24 mercial motor vehicle information systems
25 and networks—

1 “(I) to link Federal motor carrier
2 safety information systems with State
3 commercial motor vehicle systems;

4 “(II) to improve the safety and
5 productivity of commercial motor vehi-
6 cles and drivers; and

7 “(III) to reduce costs associated
8 with commercial motor vehicle oper-
9 ations and Federal and State commer-
10 cial motor vehicle regulatory require-
11 ments.

12 “(C) ELIGIBILITY.—To be eligible for a
13 grant under this paragraph, a State shall—

14 “(i) have a commercial motor vehicle
15 information systems and networks program
16 plan approved by the Secretary that de-
17 scribes the various systems and networks
18 at the State level that need to be refined,
19 revised, upgraded, or built to accomplish
20 deployment of commercial motor vehicle in-
21 formation systems and networks capabili-
22 ties;

23 “(ii) certify to the Secretary that its
24 commercial motor vehicle information sys-
25 tems and networks deployment activities,

1 including hardware procurement, software
2 and system development, and infrastruc-
3 ture modifications—

4 “(I) are consistent with the na-
5 tional intelligent transportation sys-
6 tems and commercial motor vehicle in-
7 formation systems and networks ar-
8 chitectures and available standards;
9 and

10 “(II) promote interoperability
11 and efficiency to the extent prac-
12 ticable; and

13 “(iii) agree to execute interoperability
14 tests developed by the Federal Motor Car-
15 rier Safety Administration to verify that
16 its systems conform with the national intel-
17 ligent transportation systems architecture,
18 applicable standards, and protocols for
19 commercial motor vehicle information sys-
20 tems and networks.

21 “(D) USE OF FUNDS.—Grant funds re-
22 ceived under this paragraph may be used—

23 “(i) for deployment activities and ac-
24 tivities to develop new and innovative ad-
25 vanced technology solutions that support

1 commercial motor vehicle information sys-
2 tems and networks;

3 “(ii) for planning activities, including
4 the development or updating of program or
5 top level design plans in order to become
6 eligible or maintain eligibility under sub-
7 paragraph (C); and

8 “(iii) for the operation and mainte-
9 nance costs associated with innovative
10 technology.

11 “(E) SECRETARY AUTHORIZATION.—The
12 Secretary is authorized to award a State fund-
13 ing for the operation and maintenance costs as-
14 sociated with innovative technology deployment
15 with funds made available under sections
16 31104(a)(1) and 31104(a)(2).”.

17 (b) COMMERCIAL MOTOR VEHICLE OPERATORS
18 GRANT PROGRAM.—Section 31103 of title 49, United
19 States Code, is amended to read as follows:

20 **“§ 31103. Commercial motor vehicle operators grant**
21 **program**

22 “(a) IN GENERAL.—The Secretary shall administer
23 a commercial motor vehicle operators grant program fund-
24 ed under section 31104.

1 “(b) PURPOSE.—The purpose of the grant program
2 is to train individuals in the safe operation of commercial
3 motor vehicles (as defined in section 31301).

4 “(c) VETERANS.—In administering grants under this
5 section, the Secretary shall award priority to grant appli-
6 cations for programs to train former members of the
7 armed forces (as defined in section 101 of title 10) in the
8 safe operation of such vehicles.”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
10 31104 of title 49, United States Code, as amended by this
11 Act, is further amended on the effective date set forth in
12 subsection (f) to read as follows:

13 **“§ 31104. Authorization of appropriations**

14 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
15 lowing sums are authorized to be appropriated from the
16 Highway Trust Fund (other than the Mass Transit Ac-
17 count):

18 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
19 GRAM.—Subject to paragraph (2) and subsection (c),
20 to carry out section 31102 (except subsection (l))—

21 “(A) \$292,600,000 for fiscal year 2017;

22 “(B) \$298,900,000 for fiscal year 2018;

23 “(C) \$304,300,000 for fiscal year 2019;

24 and

25 “(D) \$308,700,000 for fiscal year 2020.

1 “(2) HIGH PRIORITY ACTIVITIES PROGRAM.—
2 Subject to subsection (c), to carry out section
3 31102(1)—

4 “(A) \$42,200,000 for fiscal year 2017;

5 “(B) \$43,100,000 for fiscal year 2018;

6 “(C) \$44,000,000 for fiscal year 2019; and

7 “(D) \$44,900,000 for fiscal year 2020.

8 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
9 GRANT PROGRAM.—To carry out section 31103—

10 “(A) \$1,000,000 for fiscal year 2017;

11 “(B) \$1,000,000 for fiscal year 2018;

12 “(C) \$1,000,000 for fiscal year 2019; and

13 “(D) \$1,000,000 for fiscal year 2020.

14 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
15 IMPLEMENTATION PROGRAM.—Subject to subsection
16 (c), to carry out section 31313—

17 “(A) \$31,200,000 for fiscal year 2017;

18 “(B) \$31,800,000 for fiscal year 2018;

19 “(C) \$32,500,000 for fiscal year 2019; and

20 “(D) \$33,200,000 for fiscal year 2020.

21 “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-
22 ENTS FOR GOVERNMENT SHARE OF COSTS.—

23 “(1) IN GENERAL.—Amounts made available
24 under subsection (a) shall be used to reimburse fi-

1 nancial assistance recipients proportionally for the
2 Federal Government's share of the costs incurred.

3 “(2) REIMBURSEMENT AMOUNTS.—The Sec-
4 retary shall reimburse a recipient, in accordance
5 with a financial assistance agreement made under
6 section 31102, 31103, or 31313, an amount that is
7 at least 85 percent of the costs incurred by the re-
8 cipient in a fiscal year in developing and imple-
9 menting programs under such sections. The Sec-
10 retary shall pay the recipient an amount not more
11 than the Federal Government share of the total
12 costs approved by the Federal Government in the fi-
13 nancial assistance agreement. The Secretary shall
14 include a recipient's in-kind contributions in deter-
15 mining the reimbursement.

16 “(3) VOUCHERS.—Each recipient shall submit
17 vouchers at least quarterly for costs the recipient in-
18 curs in developing and implementing programs
19 under sections 31102, 31103, and 31313.

20 “(c) DEDUCTIONS FOR PARTNER TRAINING AND
21 PROGRAM SUPPORT.—On October 1 of each fiscal year,
22 or as soon after that date as practicable, the Secretary
23 may deduct from amounts made available under para-
24 graphs (1), (2), and (4) of subsection (a) for that fiscal
25 year not more than 1.50 percent of those amounts for

1 partner training and program support in that fiscal year.
2 The Secretary shall use at least 75 percent of those de-
3 ducted amounts to train non-Federal Government employ-
4 ees and to develop related training materials in carrying
5 out such programs.

6 “(d) GRANTS AND COOPERATIVE AGREEMENTS AS
7 CONTRACTUAL OBLIGATIONS.—The approval of a finan-
8 cial assistance agreement by the Secretary under section
9 31102, 31103, or 31313 is a contractual obligation of the
10 Federal Government for payment of the Federal Govern-
11 ment’s share of costs in carrying out the provisions of the
12 grant or cooperative agreement.

13 “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-
14 tablish criteria for eligible activities to be funded with fi-
15 nancial assistance agreements under this section and pub-
16 lish those criteria in a notice of funding availability before
17 the financial assistance program application period.

18 “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-
19 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-
20 TURES.—The period of availability for a recipient to ex-
21 pend funds under a grant or cooperative agreement au-
22 thorized under subsection (a) is as follows:

23 “(1) For grants made for carrying out section
24 31102, other than section 31102(l), for the fiscal

1 year in which the Secretary approves the financial
2 assistance agreement and for the next fiscal year.

3 “(2) For grants made or cooperative agree-
4 ments entered into for carrying out section
5 31102(1)(2), for the fiscal year in which the Sec-
6 retary approves the financial assistance agreement
7 and for the next 2 fiscal years.

8 “(3) For grants made for carrying out section
9 31102(1)(3), for the fiscal year in which the Sec-
10 retary approves the financial assistance agreement
11 and for the next 4 fiscal years.

12 “(4) For grants made for carrying out section
13 31103, for the fiscal year in which the Secretary ap-
14 proves the financial assistance agreement and for
15 the next fiscal year.

16 “(5) For grants made or cooperative agree-
17 ments entered into for carrying out section 31313,
18 for the fiscal year in which the Secretary approves
19 the financial assistance agreement and for the next
20 4 fiscal years.

21 “(g) CONTRACT AUTHORITY; INITIAL DATE OF
22 AVAILABILITY.—Amounts authorized from the Highway
23 Trust Fund (other than the Mass Transit Account) by this
24 section shall be available for obligation on the date of their

1 apportionment or allocation or on October 1 of the fiscal
2 year for which they are authorized, whichever occurs first.

3 “(h) AVAILABILITY OF FUNDING.—Amounts made
4 available under this section shall remain available until ex-
5 pended.

6 “(i) REALLOCATION.—Amounts not expended by a
7 recipient during the period of availability shall be released
8 back to the Secretary for reallocation for any purpose
9 under section 31102, 31103, or 31313 or this section to
10 ensure, to the maximum extent possible, that all such
11 amounts are obligated.”.

12 (d) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 311 of title 49, United States Code, is amended by
14 striking the items relating to sections 31102, 31103, and
15 31104 and inserting the following:

“31102. Motor carrier safety assistance program.

“31103. Commercial motor vehicle operators grant program.

“31104. Authorization of appropriations.”.

16 (e) CONFORMING AMENDMENTS.—

17 (1) SAFETY FITNESS OF OWNERS AND OPER-
18 ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-
19 tion 31144(g) of title 49, United States Code, is
20 amended by striking paragraph (5).

21 (2) INFORMATION SYSTEMS; PERFORMANCE
22 AND REGISTRATION INFORMATION PROGRAM.—Sec-
23 tion 31106(b) of title 49, United States Code, is
24 amended by striking paragraph (4).

1 (3) BORDER ENFORCEMENT GRANTS.—Section
2 31107 of title 49, United States Code, and the item
3 relating to that section in the analysis for chapter
4 311 of that title, are repealed.

5 (4) PERFORMANCE AND REGISTRATION INFOR-
6 MATION SYSTEM MANAGEMENT.—Section 31109 of
7 title 49, United States Code, and the item relating
8 to that section in the analysis for chapter 311 of
9 that title, are repealed.

10 (5) COMMERCIAL VEHICLE INFORMATION SYS-
11 TEMS AND NETWORKS DEPLOYMENT.—Section 4126
12 of SAFETEA–LU (49 U.S.C. 31106 note), and the
13 item relating to that section in the table of contents
14 contained in section 1(b) of that Act, are repealed.

15 (6) SAFETY DATA IMPROVEMENT PROGRAM.—
16 Section 4128 of SAFETEA–LU (49 U.S.C. 31100
17 note), and the item relating to that section in the
18 table of contents contained in section 1(b) of that
19 Act, are repealed.

20 (7) GRANT PROGRAM FOR COMMERCIAL MOTOR
21 VEHICLE OPERATORS.—Section 4134 of SAFETEA–
22 LU (49 U.S.C. 31301 note), and the item relating
23 to that section in the table of contents contained in
24 section 1(b) of that Act, are repealed.

1 (8) MAINTENANCE OF EFFORT AS CONDITION
2 ON GRANTS TO STATES.—Section 103(c) of the
3 Motor Carrier Safety Improvement Act of 1999 (49
4 U.S.C. 31102 note) is repealed.

5 (9) STATE COMPLIANCE WITH CDL REQUIRE-
6 MENTS.—Section 103(e) of the Motor Carrier Safety
7 Improvement Act of 1999 (49 U.S.C. 31102 note) is
8 repealed.

9 (10) BORDER STAFFING STANDARDS.—Section
10 218(d) of the Motor Carrier Safety Improvement
11 Act of 1999 (49 U.S.C. 31133 note) is amended—

12 (A) in paragraph (1) by striking “section
13 31104(f)(2)(B) of title 49, United States Code”
14 and inserting “section 31104(a)(1) of title 49,
15 United States Code”; and

16 (B) by striking paragraph (3).

17 (11) WINTER HOME HEATING OIL DELIVERY
18 STATE FLEXIBILITY PROGRAM.—Section 346 of the
19 National Highway System Designation Act of 1995
20 (49 U.S.C. 31166 note), and the item relating to
21 that section in the table of contents in section 1(b)
22 of that Act, are repealed.

23 (f) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on October 1, 2016.

1 (g) TRANSITION.—Notwithstanding the amendments
2 made by this section, the Secretary shall carry out sections
3 31102, 31103, and 31104 of title 49, United States Code,
4 and any sections repealed under subsection (e), as nec-
5 essary, as those sections were in effect on the day before
6 October 1, 2016, with respect to applications for grants,
7 cooperative agreements, or contracts under those sections
8 submitted before October 1, 2016.

9 **SEC. 5102. PERFORMANCE AND REGISTRATION INFORMA-**
10 **TION SYSTEMS MANAGEMENT.**

11 Section 31106(b) of title 49, United States Code, is
12 amended in the subsection heading by striking “PRO-
13 GRAM” and inserting “SYSTEMS MANAGEMENT”.

14 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—Subchapter I of chapter 311 of
16 title 49, United States Code, is amended by adding at the
17 end the following:

18 **“§ 31110. Authorization of appropriations**

19 “(a) ADMINISTRATIVE EXPENSES.—There is author-
20 ized to be appropriated from the Highway Trust Fund
21 (other than the Mass Transit Account) for the Secretary
22 of Transportation to pay administrative expenses of the
23 Federal Motor Carrier Safety Administration—

24 “(1) \$267,400,000 for fiscal year 2016;

25 “(2) \$277,200,000 for fiscal year 2017;

1 “(3) \$283,000,000 for fiscal year 2018;

2 “(4) \$284,000,000 for fiscal year 2019; and

3 “(5) \$288,000,000 for fiscal year 2020.

4 “(b) USE OF FUNDS.—The funds authorized by this
5 section shall be used for—

6 “(1) personnel costs;

7 “(2) administrative infrastructure;

8 “(3) rent;

9 “(4) information technology;

10 “(5) programs for research and technology, in-
11 formation management, regulatory development, and
12 the administration of performance and registration
13 information systems management under section
14 31106(b);

15 “(6) programs for outreach and education
16 under subsection (c);

17 “(7) other operating expenses;

18 “(8) conducting safety reviews of new opera-
19 tors; and

20 “(9) such other expenses as may from time to
21 time become necessary to implement statutory man-
22 dates of the Federal Motor Carrier Safety Adminis-
23 tration not funded from other sources.

24 “(c) OUTREACH AND EDUCATION PROGRAM.—

1 “(1) IN GENERAL.—The Secretary may con-
2 duct, through any combination of grants, contracts,
3 cooperative agreements, and other activities, an in-
4 ternal and external outreach and education program
5 to be administered by the Administrator of the Fed-
6 eral Motor Carrier Safety Administration.

7 “(2) FEDERAL SHARE.—The Federal share of
8 an outreach and education project for which a grant,
9 contract, or cooperative agreement is made under
10 this subsection may be up to 100 percent of the cost
11 of the project.

12 “(3) FUNDING.—From amounts made available
13 under subsection (a), the Secretary shall make avail-
14 able not more than \$4,000,000 each fiscal year to
15 carry out this subsection.

16 “(d) CONTRACT AUTHORITY; INITIAL DATE OF
17 AVAILABILITY.—Amounts authorized from the Highway
18 Trust Fund (other than the Mass Transit Account) by this
19 section shall be available for obligation on the date of their
20 apportionment or allocation or on October 1 of the fiscal
21 year for which they are authorized, whichever occurs first.

22 “(e) FUNDING AVAILABILITY.—Amounts made avail-
23 able under this section shall remain available until ex-
24 pendent.

1 “(f) CONTRACTUAL OBLIGATION.—The approval of
2 funds by the Secretary under this section is a contractual
3 obligation of the Federal Government for payment of the
4 Federal Government’s share of costs.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 311 of title 49, United States Code, is amended by
7 adding at the end of the items relating to subchapter I
8 the following:

“31110. Authorization of appropriations.”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) ADMINISTRATIVE EXPENSES; AUTHORIZA-
11 TION OF APPROPRIATIONS.—Section 31104 of title
12 49, United States Code, is amended—

13 (A) by striking subsection (i); and

14 (B) by redesignating subsections (j) and
15 (k) as subsections (i) and (j), respectively.

16 (2) USE OF AMOUNTS MADE AVAILABLE UNDER
17 SUBSECTION (i).—Section 4116(d) of SAFETEA-
18 LU (49 U.S.C. 31104 note) is amended by striking
19 “section 31104(i)” and inserting “section 31110”.

20 (3) INTERNATIONAL COOPERATION.—Section
21 31161 of title 49, United States Code, is amended
22 by striking “section 31104(i)” and inserting “section
23 31110”.

24 (4) SAFETEA-LU; OUTREACH AND EDU-
25 CATION.—Section 4127 of SAFETEA-LU (119

1 Stat. 1741; Public Law 109–59), and the item relat-
2 ing to that section in the table of contents contained
3 in section 1(b) of that Act, are repealed.

4 **SEC. 5104. COMMERCIAL DRIVER'S LICENSE PROGRAM IM-**
5 **PLEMENTATION.**

6 (a) IN GENERAL.—Section 31313 of title 49, United
7 States Code, is amended to read as follows:

8 **“§ 31313. Commercial driver's license program imple-**
9 **mentation financial assistance program**

10 **“(a) FINANCIAL ASSISTANCE PROGRAM.—**

11 **“(1) IN GENERAL.—**The Secretary of Transpor-
12 tation shall administer a financial assistance pro-
13 gram for commercial driver's license program imple-
14 mentation for the purposes described in paragraphs
15 (2) and (3).

16 **“(2) STATE COMMERCIAL DRIVER'S LICENSE**
17 **PROGRAM IMPLEMENTATION GRANTS.—**In carrying
18 out the program, the Secretary may make a grant
19 to a State agency in a fiscal year—

20 **“(A)** to assist the State in complying with
21 the requirements of section 31311; and

22 **“(B)** in the case of a State that is making
23 a good faith effort toward substantial compli-
24 ance with the requirements of section 31311, to
25 improve the State's implementation of its com-

1 commercial driver’s license program, including ex-
2 penses—

3 “(i) for computer hardware and soft-
4 ware;

5 “(ii) for publications, testing, per-
6 sonnel, training, and quality control;

7 “(iii) for commercial driver’s license
8 program coordinators; and

9 “(iv) to implement or maintain a sys-
10 tem to notify an employer of an operator
11 of a commercial motor vehicle of the sus-
12 pension or revocation of the operator’s
13 commercial driver’s license consistent with
14 the standards developed under section
15 32303(b) of the Commercial Motor Vehicle
16 Safety Enhancement Act of 2012 (49
17 U.S.C. 31304 note).

18 “(3) PRIORITY ACTIVITIES.—The Secretary
19 may make a grant to or enter into a cooperative
20 agreement with a State agency, local government, or
21 any person in a fiscal year for research, development
22 and testing, demonstration projects, public edu-
23 cation, and other special activities and projects relat-
24 ing to commercial drivers licensing and motor vehicle
25 safety that—

1 “(A) benefit all jurisdictions of the United
2 States;

3 “(B) address national safety concerns and
4 circumstances;

5 “(C) address emerging issues relating to
6 commercial driver’s license improvements;

7 “(D) support innovative ideas and solu-
8 tions to commercial driver’s license program
9 issues; or

10 “(E) address other commercial driver’s li-
11 cense issues, as determined by the Secretary.

12 “(b) PROHIBITIONS.—A recipient may not use finan-
13 cial assistance funds awarded under this section to rent,
14 lease, or buy land or buildings.

15 “(c) REPORT.—The Secretary shall issue an annual
16 report on the activities carried out under this section.

17 “(d) APPORTIONMENT.—All amounts made available
18 to carry out this section for a fiscal year shall be appor-
19 tioned to a recipient described in subsection (a)(3) accord-
20 ing to criteria prescribed by the Secretary.

21 “(e) FUNDING.—For fiscal years beginning after
22 September 30, 2016, this section shall be funded under
23 section 31104.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 313 of title 49, United States Code, is amended by

1 striking the item relating to section 31313 and inserting
2 the following:

“31313. Commercial driver’s license program implementation financial assistance program.”.

3 **SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
4 **TY PROGRAMS FOR FISCAL YEAR 2016.**

5 (a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
6 GRANT EXTENSION.—Section 31104(a) of title 49, United
7 States Code, is amended by striking paragraphs (10) and
8 (11) and inserting the following:

9 “(10) \$218,000,000 for fiscal year 2015; and

10 “(11) \$218,000,000 for fiscal year 2016.”.

11 (b) EXTENSION OF GRANT PROGRAMS.—Section
12 4101(c) of SAFETEA–LU (119 Stat. 1715; Public Law
13 109–59) is amended to read as follows:

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—The
15 following sums are authorized to be appropriated from the
16 Highway Trust Fund (other than the Mass Transit Ac-
17 count):

18 “(1) COMMERCIAL DRIVER’S LICENSE PROGRAM
19 IMPROVEMENT GRANTS.—For carrying out the com-
20 mercial driver’s license program improvement grants
21 program under section 31313 of title 49, United
22 States Code, \$30,000,000 for fiscal year 2016.

1 “(2) BORDER ENFORCEMENT GRANTS.—For
2 border enforcement grants under section 31107 of
3 that title \$32,000,000 for fiscal year 2016.

4 “(3) PERFORMANCE AND REGISTRATION INFOR-
5 MATION SYSTEMS MANAGEMENT GRANT PROGRAM.—
6 For the performance and registration information
7 systems management grant program under section
8 31109 of that title \$5,000,000 for fiscal year 2016.

9 “(4) COMMERCIAL VEHICLE INFORMATION SYS-
10 TEMS AND NETWORKS DEPLOYMENT.—For carrying
11 out the commercial vehicle information systems and
12 networks deployment program under section 4126 of
13 this Act \$25,000,000 for fiscal year 2016.

14 “(5) SAFETY DATA IMPROVEMENT GRANTS.—
15 For safety data improvement grants under section
16 4128 of this Act \$3,000,000 for fiscal year 2016.”.

17 (c) HIGH-PRIORITY ACTIVITIES.—Section
18 31104(j)(2) of title 49, United States Code, as redesign-
19 nated by this subtitle, is amended by striking “2015” the
20 first place it appears and all that follows through “for
21 States,” and inserting “2016 for States,”.

22 (d) NEW ENTRANT AUDITS.—Section
23 31144(g)(5)(B) of title 49, United States Code, is amend-
24 ed to read as follows:

1 “(B) SET ASIDE.—The Secretary shall set
2 aside from amounts made available under sec-
3 tion 31104(a) up to \$32,000,000 for fiscal year
4 2016 for audits of new entrant motor carriers
5 conducted under this paragraph.”.

6 (e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
7 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
8 (49 U.S.C. 31301 note) is amended to read as follows:
9 “(c) FUNDING.—From amounts made available
10 under section 31110 of title 49, United States Code, the
11 Secretary shall make available, \$1,000,000 for fiscal year
12 2016 to carry out this section.”.

13 (f) COMMERCIAL VEHICLE INFORMATION SYSTEMS
14 AND NETWORKS DEPLOYMENT.—

15 (1) IN GENERAL.—Section 4126 of SAFETEA-
16 LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public
17 Law 109–59) is amended—

18 (A) in subsection (c)—

19 (i) in paragraph (2) by adding at the
20 end the following: “Funds deobligated by
21 the Secretary from previous year grants
22 shall not be counted toward the
23 \$2,500,000 maximum aggregate amount
24 for core deployment.”; and

1 (ii) in paragraph (3) by adding at the
2 end the following: “Funds may also be
3 used for planning activities, including the
4 development or updating of program or top
5 level design plans.”; and

6 (B) in subsection (d)(4) by adding at the
7 end the following: “Funds may also be used for
8 planning activities, including the development
9 or updating of program or top level design
10 plans.”.

11 (2) INNOVATIVE TECHNOLOGY DEPLOYMENT
12 PROGRAM.—For fiscal year 2016, the commercial ve-
13 hicle information systems and networks deployment
14 program under section 4126 of SAFETEA-LU (119
15 Stat. 1738; Public Law 109–59) may also be re-
16 ferred to as the innovative technology deployment
17 program.

18 **SEC. 5106. MOTOR CARRIER SAFETY ASSISTANCE PRO-**
19 **GRAM ALLOCATION.**

20 (a) WORKING GROUP.—

21 (1) ESTABLISHMENT.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary shall establish a motor carrier safety assist-
24 ance program formula working group (in this section
25 referred to as the “working group”).

1 (2) MEMBERSHIP.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), the working group shall consist of
4 representatives of the following:

5 (i) The Federal Motor Carrier Safety
6 Administration.

7 (ii) The lead State commercial motor
8 vehicle safety agencies responsible for ad-
9 ministering the plan required by section
10 31102 of title 49, United States Code.

11 (iii) An organization representing
12 State agencies responsible for enforcing a
13 program for inspection of commercial
14 motor vehicles.

15 (iv) Such other persons as the Sec-
16 retary considers necessary.

17 (B) COMPOSITION.—Representatives of
18 State commercial motor vehicle safety agencies
19 shall comprise at least 51 percent of the mem-
20 bership.

21 (3) NEW ALLOCATION FORMULA.—The working
22 group shall analyze requirements and factors for the
23 establishment of a new allocation formula for the
24 motor carrier safety assistance program under sec-
25 tion 31102 of title 49, United States Code.

1 (4) RECOMMENDATION.—Not later than 1 year
2 after the date the working group is established
3 under paragraph (1), the working group shall make
4 a recommendation to the Secretary regarding a new
5 allocation formula for the motor carrier safety as-
6 sistance program.

7 (5) EXEMPTION.—The Federal Advisory Com-
8 mittee Act (5 U.S.C. App.) shall not apply to the
9 working group established under this subsection.

10 (6) PUBLICATION.—The Administrator of the
11 Federal Motor Carrier Safety Administration shall
12 publish on a publicly accessible Internet Web site of
13 the Federal Motor Carrier Safety Administration—

14 (A) detailed summaries of the meetings of
15 the working group; and

16 (B) the final recommendation of the work-
17 ing group provided to the Secretary.

18 (b) NOTICE OF PROPOSED RULEMAKING.—After re-
19 ceiving the recommendation of the working group under
20 subsection (a)(4), the Secretary shall publish in the Fed-
21 eral Register a notice seeking public comment on the es-
22 tablishment of a new allocation formula for the motor car-
23 rier safety assistance program.

24 (c) BASIS FOR FORMULA.—The Secretary shall en-
25 sure that the new allocation formula for the motor carrier

1 safety assistance program is based on factors that reflect,
2 at a minimum—

3 (1) the relative needs of the States to comply
4 with section 31102 of title 49, United States Code;

5 (2) the relative administrative capacities of and
6 challenges faced by States in complying with that
7 section;

8 (3) the average of each State's new entrant
9 motor carrier inventory for the 3-year period prior
10 to the date of enactment of this Act;

11 (4) the number of international border inspec-
12 tion facilities and border crossings by commercial ve-
13 hicles in each State; and

14 (5) any other factors the Secretary considers
15 appropriate.

16 (d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF
17 NEW ALLOCATION FORMULA.—

18 (1) INTERIM FORMULA.—Prior to the develop-
19 ment of the new allocation formula for the motor
20 carrier safety assistance program, the Secretary may
21 calculate the interim funding amounts for that pro-
22 gram in fiscal year 2017 (and later fiscal years, as
23 necessary) under section 31104(a)(1) of title 49,
24 United States Code, as amended by this subtitle, by
25 using the following methodology:

1 (A) The Secretary shall calculate the fund-
2 ing amount to a State using the allocation for-
3 mula the Secretary used to award motor carrier
4 safety assistance program funding in fiscal year
5 2016 under section 31102 of title 49, United
6 States Code.

7 (B) The Secretary shall average the fund-
8 ing awarded or other equitable amounts to a
9 State in fiscal years 2013, 2014, and 2015
10 for—

11 (i) border enforcement grants under
12 section 31107 of title 49, United States
13 Code; and

14 (ii) new entrant audit grants under
15 section 31144(g)(5) of that title.

16 (C) The Secretary shall add the amounts
17 calculated in subparagraphs (A) and (B).

18 (2) ADJUSTMENTS.—Subject to the availability
19 of funding and notwithstanding fluctuations in the
20 data elements used by the Secretary, the initial
21 amounts resulting from the calculation described in
22 paragraph (1) shall be adjusted to ensure that, for
23 each State, the amount shall not be less than 97
24 percent of the average amount of funding received or

1 other equitable amounts in fiscal years 2013, 2014,
2 and 2015 for—

3 (A) motor carrier safety assistance pro-
4 gram funds awarded to the State under section
5 31102 of title 49, United States Code;

6 (B) border enforcement grants awarded to
7 the State under section 31107 of title 49,
8 United States Code; and

9 (C) new entrant audit grants awarded to
10 the State under section 31144(g)(5) of title 49,
11 United States Code.

12 (3) IMMEDIATE RELIEF.—On the date of enact-
13 ment of this Act, and for the 3 fiscal years following
14 the implementation of the new allocation formula,
15 the Secretary shall terminate the withholding of
16 motor carrier safety assistance program funds from
17 a State if the State was subject to the withholding
18 of such funds for matters of noncompliance imme-
19 diately prior to the date of enactment of this Act.

20 (4) FUTURE WITHHOLDINGS.—Beginning on
21 the date that the new allocation formula for the
22 motor carrier safety assistance program is imple-
23 mented, the Secretary shall impose all future
24 withholdings in accordance with section 31102(k) of

1 title 49, United States Code, as amended by this
2 subtitle.

3 (e) **TERMINATION OF WORKING GROUP.**—The work-
4 ing group established under subsection (a) shall terminate
5 on the date of the implementation of the new allocation
6 formula for the motor carrier safety assistance program.

7 **SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.**

8 (a) **BEFORE NEW ALLOCATION FORMULA.**—

9 (1) **FISCAL YEAR 2017.**—If a new allocation for-
10 mula for the motor carrier safety assistance program
11 has not been established under this subtitle for fiscal
12 year 2017, the Secretary shall calculate for fiscal
13 year 2017 the maintenance of effort baseline re-
14 quired under section 31102(f) of title 49, United
15 States Code, as amended by this subtitle, by aver-
16 aging the expenditures for fiscal years 2004 and
17 2005 required by section 31102(b)(4) of title 49,
18 United States Code, as that section was in effect on
19 the day before the date of enactment of this Act.

20 (2) **SUBSEQUENT FISCAL YEARS.**—The Sec-
21 retary may use the methodology for calculating the
22 maintenance of effort baseline specified in paragraph
23 (1) for fiscal year 2018 and subsequent fiscal years
24 if a new allocation formula for the motor carrier

1 safety assistance program has not been established
2 for that fiscal year.

3 (b) BEGINNING WITH NEW ALLOCATION FORMA-
4 TION.—

5 (1) IN GENERAL.—Subject to paragraphs (2)
6 and (3)(B), beginning on the date that a new alloca-
7 tion formula for the motor carrier safety assistance
8 program is established under this subtitle, upon the
9 request of a State, the Secretary may waive or mod-
10 ify the baseline maintenance of effort required of the
11 State by section 31102(f) of title 49, United States
12 Code, as amended by this subtitle, for the purpose
13 of establishing a new baseline maintenance of effort
14 if the Secretary determines that a waiver or modi-
15 fication—

16 (A) is equitable due to reasonable cir-
17 cumstances;

18 (B) will ensure the continuation of com-
19 mercial motor vehicle enforcement activities in
20 the State; and

21 (C) is necessary to ensure that the total
22 amount of State maintenance of effort and
23 matching expenditures required under sections
24 31102 and 31104 of title 49, United States
25 Code, as amended by this subtitle, does not ex-

1 ceed a sum greater than the average of the
2 total amount of State maintenance of effort and
3 matching expenditures required under those
4 sections for the 3 fiscal years prior to the date
5 of enactment of this Act.

6 (2) ADJUSTMENT METHODOLOGY.—If re-
7 quested by a State, the Secretary may modify the
8 maintenance of effort baseline referred to in para-
9 graph (1) for the State according to the following
10 methodology:

11 (A) The Secretary shall establish the main-
12 tenance of effort baseline for the State using
13 the average baseline of fiscal years 2004 and
14 2005, as required by section 31102(b)(4) of
15 title 49, United States Code, as that section
16 was in effect on the day before the date of en-
17 actment of this Act.

18 (B) The Secretary shall calculate the aver-
19 age required match by a lead State commercial
20 motor vehicle safety agency for fiscal years
21 2013, 2014, and 2015 for motor carrier safety
22 assistance grants established at 20 percent by
23 section 31103 of title 49, United States Code,
24 as that section was in effect on the day before
25 the date of enactment of this Act.

1 (C) The Secretary shall calculate the esti-
2 mated match required under section 31104(b)
3 of title 49, United States Code, as amended by
4 this subtitle.

5 (D) The Secretary shall subtract the
6 amount in subparagraph (B) from the amount
7 in subparagraph (C) and—

8 (i) if the number is greater than 0,
9 the Secretary shall subtract the number
10 from the amount in subparagraph (A); or

11 (ii) if the number is not greater than
12 0, the Secretary shall calculate the mainte-
13 nance of effort using the methodology in
14 subparagraph (A).

15 (3) MAINTENANCE OF EFFORT AMOUNT.—

16 (A) IN GENERAL.—The Secretary shall use
17 the amount calculated under paragraph (2) as
18 the baseline maintenance of effort required
19 under section 31102(f) of title 49, United
20 States Code, as amended by this subtitle.

21 (B) DEADLINE.—If a State does not re-
22 quest a waiver or modification under this sub-
23 section before September 30 during the first
24 fiscal year that the Secretary implements a new
25 allocation formula for the motor carrier safety

1 assistance program under this subtitle, the Sec-
2 retary shall calculate the maintenance of effort
3 using the methodology described in paragraph
4 (2)(A).

5 (4) MAINTENANCE OF EFFORT DESCRIBED.—

6 The maintenance of effort calculated under this sec-
7 tion is the amount required under section 31102(f)
8 of title 49, United States Code, as amended by this
9 subtitle.

10 (c) TERMINATION OF EFFECTIVENESS.—The author-
11 ity of the Secretary under this section shall terminate ef-
12 fective on the date that a new maintenance of effort base-
13 line is calculated based on a new allocation formula for
14 the motor carrier safety assistance program implemented
15 under section 31102 of title 49, United States Code.

16 **Subtitle B—Federal Motor Carrier** 17 **Safety Administration Reform**

18 **PART I—REGULATORY REFORM**

19 **SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.**

20 Section 13906(e) of title 49, United States Code, is
21 amended by inserting “or suspend” after “revoke”.

22 **SEC. 5202. REGULATIONS.**

23 Section 31136 of title 49, United States Code, is
24 amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g) and transferring such subsection to ap-
3 pear at the end of section 31315 of such title; and

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

5 “(f) REGULATORY IMPACT ANALYSIS.—

6 “(1) IN GENERAL.—Within each regulatory im-
7 pact analysis of a proposed or final major rule
8 issued by the Federal Motor Carrier Safety Adminis-
9 tration, the Secretary shall, whenever practicable—

10 “(A) consider the effects of the proposed
11 or final rule on different segments of the motor
12 carrier industry; and

13 “(B) formulate estimates and findings
14 based on the best available science.

15 “(2) SCOPE.—To the extent feasible and appro-
16 priate, and consistent with law, an analysis de-
17 scribed in paragraph (1) shall—

18 “(A) use data that is representative of
19 commercial motor vehicle operators or motor
20 carriers, or both, that will be impacted by the
21 proposed or final rule; and

22 “(B) consider the effects on commercial
23 truck and bus carriers of various sizes and
24 types.

25 “(g) PUBLIC PARTICIPATION.—

1 “(1) IN GENERAL.—If a proposed rule under
2 this part is likely to lead to the promulgation of a
3 major rule, the Secretary, before publishing such
4 proposed rule, shall—

5 “(A) issue an advance notice of proposed
6 rulemaking; or

7 “(B) proceed with a negotiated rule-
8 making.

9 “(2) REQUIREMENTS.—Each advance notice of
10 proposed rulemaking issued under paragraph (1)
11 shall—

12 “(A) identify the need for a potential regu-
13 latory action;

14 “(B) identify and request public comment
15 on the best available science or technical infor-
16 mation relevant to analyzing potential regu-
17 latory alternatives;

18 “(C) request public comment on the avail-
19 able data and costs with respect to regulatory
20 alternatives reasonably likely to be considered
21 as part of the rulemaking; and

22 “(D) request public comment on available
23 alternatives to regulation.

24 “(3) WAIVER.—This subsection does not apply
25 to a proposed rule if the Secretary, for good cause,

1 finds (and incorporates the finding and a brief state-
2 ment of reasons for such finding in the proposed or
3 final rule) that an advance notice of proposed rule-
4 making is impracticable, unnecessary, or contrary to
5 the public interest.

6 “(h) **RULE OF CONSTRUCTION.**—Nothing in sub-
7 section (f) or (g) may be construed to limit the contents
8 of an advance notice of proposed rulemaking.”.

9 **SEC. 5203. GUIDANCE.**

10 (a) **IN GENERAL.**—

11 (1) **DATE OF ISSUANCE AND POINT OF CON-**
12 **TACT.**—Each guidance document issued by the Fed-
13 eral Motor Carrier Safety Administration shall have
14 a date of issuance or a date of revision, as applica-
15 ble, and shall include the name and contact informa-
16 tion of a point of contact at the Administration who
17 can respond to questions regarding the guidance.

18 (2) **PUBLIC ACCESSIBILITY.**—

19 (A) **IN GENERAL.**—Each guidance docu-
20 ment issued or revised by the Federal Motor
21 Carrier Safety Administration shall be pub-
22 lished on a publicly accessible Internet Web site
23 of the Department on the date of issuance or
24 revision.

1 (B) REDACTION.—The Administrator of
2 the Federal Motor Carrier Safety Administra-
3 tion may redact from a guidance document pub-
4 lished under subparagraph (A) any information
5 that would reveal investigative techniques that
6 would compromise Administration enforcement
7 efforts.

8 (3) INCORPORATION INTO REGULATIONS.—Not
9 later than 5 years after the date on which a guid-
10 ance document is published under paragraph (2) or
11 during an applicable review under subsection (c),
12 whichever is earlier, the Secretary shall revise regu-
13 lations to incorporate the guidance document to the
14 extent practicable.

15 (4) REISSUANCE.—If a guidance document is
16 not incorporated into regulations in accordance with
17 paragraph (3), the Administrator shall—

18 (A) reissue an updated version of the guid-
19 ance document; and

20 (B) review and reissue an updated version
21 of the guidance document every 5 years until
22 the date on which the guidance document is re-
23 moved or incorporated into applicable regula-
24 tions.

1 (b) INITIAL REVIEW.—Not later than 1 year after the
2 date of enactment of this Act, the Administrator shall re-
3 view all guidance documents issued by the Federal Motor
4 Carrier Safety Administration and in effect on such date
5 of enactment to ensure that such documents are current,
6 are readily accessible to the public, and meet the stand-
7 ards specified in subparagraphs (A), (B), and (C) of sub-
8 section (c)(1).

9 (c) REGULAR REVIEW.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 not less than once every 5 years, the Administrator
12 shall conduct a comprehensive review of the guid-
13 ance documents issued by the Federal Motor Carrier
14 Safety Administration to determine whether such
15 documents are—

16 (A) consistent and clear;

17 (B) uniformly and consistently enforced;

18 and

19 (C) still necessary.

20 (2) NOTICE AND COMMENT.—Prior to begin-
21 ning a review under paragraph (1), the Adminis-
22 trator shall publish in the Federal Register a notice
23 and request for comment that solicits input from
24 stakeholders on which guidance documents should be
25 updated or eliminated.

1 (3) REPORT.—

2 (A) IN GENERAL.—Not later than 60 days
3 after the date on which a review under para-
4 graph (1) is completed, the Administrator shall
5 publish on a publicly accessible Internet Web
6 site of the Department a report detailing the
7 review and a full inventory of the guidance doc-
8 uments of the Administration.

9 (B) CONTENTS.—A report under subpara-
10 graph (A) shall include a summary of the re-
11 sponse of the Administration to comments re-
12 ceived under paragraph (2).

13 (d) GUIDANCE DOCUMENT DEFINED.—In this sec-
14 tion, the term “guidance document” means a document
15 issued by the Federal Motor Carrier Safety Administra-
16 tion that—

17 (1) provides an interpretation of a regulation of
18 the Administration; or

19 (2) includes an enforcement policy of the Ad-
20 ministration available to the public.

21 **SEC. 5204. PETITIONS.**

22 (a) IN GENERAL.—The Administrator of the Federal
23 Motor Carrier Safety Administration shall—

24 (1) publish on a publicly accessible Internet
25 Web site of the Department a summary of all peti-

1 tions for regulatory action submitted to the Adminis-
2 tration;

3 (2) prioritize the petitions submitted based on
4 the likelihood of safety improvements resulting from
5 the regulatory action requested;

6 (3) not later than 180 days after the date a
7 summary of a petition is published under paragraph
8 (1), formally respond to such petition by indicating
9 whether the Administrator will accept, deny, or fur-
10 further review the petition;

11 (4) prioritize responses to petitions consistent
12 with a petition's potential to reduce crashes, improve
13 enforcement, and reduce unnecessary burdens; and

14 (5) not later than 60 days after the date of re-
15 ceipt of a petition, publish on a publicly accessible
16 Internet Web site of the Department an updated in-
17 ventory of the petitions described in paragraph (1),
18 including any applicable disposition information for
19 those petitions.

20 (b) TREATMENT OF MULTIPLE PETITIONS.—The
21 Administrator may treat multiple similar petitions as a
22 single petition for the purposes of subsection (a).

23 (c) PETITION DEFINED.—In this section, the term
24 “petition” means a request for—

25 (1) a new regulation;

1 (2) a regulatory interpretation or clarification;

2 or

3 (3) a determination by the Administrator that

4 a regulation should be modified or eliminated be-

5 cause it is—

6 (A) no longer—

7 (i) consistent and clear;

8 (ii) current with the operational reali-

9 ties of the motor carrier industry; or

10 (iii) uniformly enforced;

11 (B) ineffective; or

12 (C) overly burdensome.

13 **SEC. 5205. INSPECTOR STANDARDS.**

14 Not later than 90 days after the date of enactment

15 of this Act, the Administrator of the Federal Motor Car-

16 rier Safety Administration shall revise the regulations

17 under part 385 of title 49, Code of Federal Regulations,

18 as necessary, to incorporate by reference the certification

19 standards for roadside inspectors issued by the Commer-

20 cial Vehicle Safety Alliance.

21 **SEC. 5206. APPLICATIONS.**

22 (a) REVIEW PROCESS.—Section 31315(b) of title 49,

23 United States Code, is amended—

24 (1) in paragraph (1)—

1 (A) in the first sentence by striking “para-
2 graph (3)” and inserting “this subsection”; and

3 (B) by striking the second sentence;

4 (2) by redesignating paragraphs (2) through
5 (7) as paragraphs (4) through (9), respectively; and

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) LENGTH OF EXEMPTION AND RENEWAL.—

9 An exemption may be granted under paragraph (1)
10 for no longer than 5 years and may be renewed,
11 upon request, for subsequent 5-year periods if the
12 Secretary continues to make the finding under para-
13 graph (1).

14 “(3) OPPORTUNITY FOR RESUBMISSION.—If the
15 Secretary denies an application under paragraph (1)
16 and the applicant can reasonably address the reason
17 for the denial, the Secretary may allow the applicant
18 to resubmit the application.”.

19 (b) ADMINISTRATIVE EXEMPTIONS.—

20 (1) IN GENERAL.—The Secretary shall make
21 permanent the following limited exemptions:

22 (A) Perishable construction products, as
23 published in the Federal Register on April 2,
24 2015 (80 Fed. Reg. 17819).

1 (B) Transport of commercial bee hives, as
2 published in the Federal Register on June 19,
3 2015 (80 Fed. Reg. 35425).

4 (C) Safe transport of livestock, as pub-
5 lished in the Federal Register on June 12, 2015
6 (80 Fed. Reg. 33584).

7 (2) ADDITIONAL ADMINISTRATIVE EXEMP-
8 TIONS.—Any exemption from any provision of the
9 regulations under part 395 of title 49, Code of Fed-
10 eral Regulations, that is in effect on the date of en-
11 actment of this Act—

12 (A) except as otherwise provided in section
13 31315(b) of title 49, shall be valid for a period
14 of 5 years from the date such exemption was
15 granted; and

16 (B) may be subject to renewal under sec-
17 tion 31315(b)(2) of title 49, United States
18 Code.

19 **PART II—COMPLIANCE, SAFETY,**
20 **ACCOUNTABILITY REFORM**

21 **SEC. 5221. CORRELATION STUDY.**

22 (a) IN GENERAL.—The Administrator of the Federal
23 Motor Carrier Safety Administration (referred to in this
24 part as the “Administrator”) shall commission the Na-

1 tional Research Council of the National Academies to con-
2 duct a study of—

3 (1) the Compliance, Safety, Accountability pro-
4 gram of the Federal Motor Carrier Safety Adminis-
5 tration (referred to in this part as the “CSA pro-
6 gram”); and

7 (2) the Safety Measurement System utilized by
8 the CSA program (referred to in this part as the
9 “SMS”).

10 (b) SCOPE OF STUDY.—In carrying out the study
11 commissioned pursuant to subsection (a), the National Re-
12 search Council—

13 (1) shall analyze—

14 (A) the accuracy with which the Behavior
15 Analysis and Safety Improvement Categories
16 (referred to in this part as “BASIC”)—

17 (i) identify high risk carriers; and

18 (ii) predict or are correlated with fu-
19 ture crash risk, crash severity, or other
20 safety indicators for motor carriers, includ-
21 ing the highest risk carriers;

22 (B) the methodology used to calculate
23 BASIC percentiles and identify carriers for en-
24 forcement, including the weights assigned to
25 particular violations and the tie between crash

1 risk and specific regulatory violations, with re-
2 spect to accurately identifying and predicting
3 future crash risk for motor carriers;

4 (C) the relative value of inspection infor-
5 mation and roadside enforcement data;

6 (D) any data collection gaps or data suffi-
7 ciency problems that may exist and the impact
8 of those gaps and problems on the efficacy of
9 the CSA program;

10 (E) the accuracy of safety data, including
11 the use of crash data from crashes in which a
12 motor carrier was free from fault;

13 (F) whether BASIC percentiles for motor
14 carriers of passengers should be calculated sep-
15 arately from motor carriers of freight;

16 (G) the differences in the rates at which
17 safety violations are reported to the Federal
18 Motor Carrier Safety Administration for inclu-
19 sion in the SMS by various enforcement au-
20 thorities, including States, territories, and Fed-
21 eral inspectors; and

22 (H) how members of the public use the
23 SMS and what effect making the SMS informa-
24 tion public has had on reducing crashes and

1 eliminating unsafe motor carriers from the in-
2 dustry; and

3 (2) shall consider—

4 (A) whether the SMS provides comparable
5 precision and confidence, through SMS alerts
6 and percentiles, for the relative crash risk of in-
7 dividual large and small motor carriers;

8 (B) whether alternatives to the SMS would
9 identify high risk carriers more accurately; and

10 (C) the recommendations and findings of
11 the Comptroller General of the United States
12 and the Inspector General of the Department,
13 and independent review team reports, issued be-
14 fore the date of enactment of this Act.

15 (c) REPORT.—Not later than 18 months after the
16 date of enactment of this Act, the Administrator shall—

17 (1) submit a report containing the results of
18 the study commissioned pursuant to subsection (a)
19 to—

20 (A) the Committee on Commerce, Science,
21 and Transportation of the Senate;

22 (B) the Committee on Transportation and
23 Infrastructure of the House of Representatives;
24 and

1 (C) the Inspector General of the Depart-
2 ment; and

3 (2) publish the report on a publicly accessible
4 Internet Web site of the Department.

5 (d) CORRECTIVE ACTION PLAN.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the Administrator submits the report under
8 subsection (c), if that report identifies a deficiency
9 or opportunity for improvement in the CSA program
10 or in any element of the SMS, the Administrator
11 shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the
13 Committee on Transportation and Infrastructure of
14 the House of Representatives a corrective action
15 plan that—

16 (A) responds to the deficiencies or opportu-
17 nities identified by the report;

18 (B) identifies how the Federal Motor Car-
19 rier Safety Administration will address such de-
20 ficiencies or opportunities; and

21 (C) provides an estimate of the cost, in-
22 cluding with respect to changes in staffing, en-
23 forcement, and data collection, necessary to ad-
24 dress such deficiencies or opportunities.

1 (2) PROGRAM REFORMS.—The corrective action
2 plan submitted under paragraph (1) shall include an
3 implementation plan that—

4 (A) includes benchmarks;

5 (B) includes programmatic reforms, revi-
6 sions to regulations, or proposals for legislation;
7 and

8 (C) shall be considered in any rulemaking
9 by the Department that relates to the CSA pro-
10 gram, including the SMS or data analysis under
11 the SMS.

12 (e) INSPECTOR GENERAL REVIEW.—Not later than
13 120 days after the Administrator submits a corrective ac-
14 tion plan under subsection (d), the Inspector General of
15 the Department shall—

16 (1) review the extent to which such plan ad-
17 dresses—

18 (A) recommendations contained in the re-
19 port submitted under subsection (c); and

20 (B) relevant recommendations issued by
21 the Comptroller General or the Inspector Gen-
22 eral before the date of enactment of this Act;
23 and

24 (2) submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives a report on the re-
3 sponsiveness of the corrective action plan to the rec-
4 ommendations described in paragraph (1).

5 **SEC. 5222. BEYOND COMPLIANCE.**

6 (a) IN GENERAL.—Not later than 18 months after
7 the date of enactment of this Act, the Administrator shall
8 allow recognition, including credit or an improved SMS
9 percentile, for a motor carrier that—

- 10 (1) installs advanced safety equipment;
- 11 (2) uses enhanced driver fitness measures;
- 12 (3) adopts fleet safety management tools, tech-
13 nologies, and programs; or
- 14 (4) satisfies other standards determined appro-
15 priate by the Administrator.

16 (b) IMPLEMENTATION.—The Administrator shall
17 carry out subsection (a) by—

- 18 (1) incorporating a methodology into the CSA
19 program; or
- 20 (2) establishing a safety BASIC in the SMS.

21 (c) PROCESS.—

22 (1) IN GENERAL.—The Administrator, after
23 providing notice and an opportunity for comment,
24 shall develop a process for identifying and reviewing
25 advanced safety equipment, enhanced driver fitness

1 measures, fleet safety management tools, tech-
2 nologies, and programs, and other standards for use
3 by motor carriers to receive recognition, including
4 credit or an improved SMS percentile, for purposes
5 of subsection (a).

6 (2) CONTENTS.—A process developed under
7 paragraph (1) shall—

8 (A) provide for a petition process for re-
9 viewing advanced safety equipment, enhanced
10 driver fitness measures, fleet safety manage-
11 ment tools, technologies, and programs, and
12 other standards; and

13 (B) seek input and participation from in-
14 dustry stakeholders, including commercial
15 motor vehicle drivers, technology manufactur-
16 ers, vehicle manufacturers, motor carriers, law
17 enforcement, safety advocates, and the Motor
18 Carrier Safety Advisory Committee.

19 (d) QUALIFICATION.—The Administrator, after pro-
20 viding notice and an opportunity for comment, shall de-
21 velop technical or other performance standards with re-
22 spect to advanced safety equipment, enhanced driver fit-
23 ness measures, fleet safety management tools, tech-
24 nologies, and programs, and other standards for purposes
25 of subsection (a).

1 (e) MONITORING.—The Administrator may authorize
2 qualified entities to monitor motor carriers that receive
3 recognition, including credit or an improved SMS per-
4 centile, under this section through a no-cost contract
5 structure.

6 (f) DISSEMINATION OF INFORMATION.—The Admin-
7 istrator shall maintain on a publicly accessible Internet
8 Web site of the Department information on—

9 (1) the advanced safety equipment, enhanced
10 driver fitness measures, fleet safety management
11 tools, technologies, and programs, and other stand-
12 ards eligible for recognition, including credit or an
13 improved SMS percentile;

14 (2) any petitions for review of advanced safety
15 equipment, enhanced driver fitness measures, fleet
16 safety management tools, technologies, and pro-
17 grams, and other standards; and

18 (3) any relevant statistics relating to the use of
19 advanced safety equipment, enhanced driver fitness
20 measures, fleet safety management tools, tech-
21 nologies, and programs, and other standards.

22 (g) REPORT.—Not later than 3 years after the date
23 of enactment of this Act, the Administrator shall submit
24 to the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on the—

3 (1) number of motor carriers receiving recogni-
4 tion, including credit or an improved SMS per-
5 centile, under this section; and

6 (2) safety performance of such carriers.

7 **SEC. 5223. DATA CERTIFICATION.**

8 (a) IN GENERAL.—On and after the date that is 1
9 day after the date of enactment of this Act, no information
10 regarding analysis of violations, crashes in which a deter-
11 mination is made that the motor carrier or the commercial
12 motor vehicle driver is not at fault, alerts, or the relative
13 percentile for each BASIC developed under the CSA pro-
14 gram may be made available to the general public until
15 the Inspector General of the Department certifies that—

16 (1) the report required under section 5221(c)
17 has been submitted in accordance with that section;

18 (2) any deficiencies identified in the report re-
19 quired under section 5221(c) have been addressed;

20 (3) if applicable, the corrective action plan
21 under section 5221(d) has been implemented;

22 (4) the Administrator of the Federal Motor
23 Carrier Safety Administration has fully implemented
24 or satisfactorily addressed the issues raised in the
25 report titled “Modifying the Compliance, Safety, Ac-

1 countability Program Would Improve the Ability to
2 Identify High Risk Carriers” of the Government Ac-
3 countability Office and dated February 2014 (GAO-
4 14-114); and

5 (5) the Secretary has initiated modification of
6 the CSA program in accordance with section 5222.

7 (b) LIMITATION ON THE USE OF CSA ANALYSIS.—
8 Information regarding alerts and the relative percentile for
9 each BASIC developed under the CSA program may not
10 be used for safety fitness determinations until the Inspec-
11 tor General of the Department makes the certification
12 under subsection (a).

13 (c) CONTINUED PUBLIC AVAILABILITY OF DATA.—
14 Notwithstanding any other provision of this section, in-
15 spection and violation information submitted to the Fed-
16 eral Motor Carrier Safety Administration by commercial
17 motor vehicle inspectors and qualified law enforcement of-
18 ficials, out-of-service rates, and absolute measures shall
19 remain available to the public.

20 (d) EXCEPTIONS.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of this section—

23 (A) the Federal Motor Carrier Safety Ad-
24 ministration and State and local commercial
25 motor vehicle enforcement agencies may use the

1 information referred to in subsection (a) for
2 purposes of investigation and enforcement
3 prioritization;

4 (B) a motor carrier and a commercial
5 motor vehicle driver may access information re-
6 ferred to in subsection (a) that relates directly
7 to the motor carrier or driver, respectively; and

8 (C) a data analysis of motorcoach opera-
9 tors may be provided online with a notation in-
10 dicating that the ratings or alerts listed are not
11 intended to imply any Federal safety rating of
12 the carrier.

13 (2) NOTATION.—The notation described in
14 paragraph (1)(C) shall include the following: “Read-
15 ers should not draw conclusions about a carrier’s
16 overall safety condition simply based on the data dis-
17 played in this system. Unless a motor carrier has re-
18 ceived an UNSATISFACTORY safety rating under
19 part 385 of title 49, Code of Federal Regulations, or
20 has otherwise been ordered to discontinue operations
21 by the Federal Motor Carrier Safety Administration,
22 it is authorized to operate on the Nation’s road-
23 ways.”.

24 (3) RULE OF CONSTRUCTION.—Nothing in this
25 section may be construed to restrict the official use

1 by State enforcement agencies of the data collected
2 by State enforcement personnel.

3 **SEC. 5224. DATA IMPROVEMENT.**

4 (a) **FUNCTIONAL SPECIFICATIONS.**—The Adminis-
5 trator shall develop functional specifications to ensure the
6 consistent and accurate input of data into systems and
7 databases relating to the CSA program.

8 (b) **FUNCTIONALITY.**—The functional specifications
9 developed pursuant to subsection (a)—

10 (1) shall provide for the hardcoding and smart
11 logic functionality for roadside inspection data col-
12 lection systems and databases; and

13 (2) shall be made available to public and private
14 sector developers.

15 (c) **EFFECTIVE DATA MANAGEMENT.**—The Adminis-
16 trator shall ensure that internal systems and databases
17 accept and effectively manage data using uniform stand-
18 ards.

19 (d) **CONSULTATION WITH THE STATES.**—Before im-
20 plementing the functional specifications developed pursu-
21 ant to subsection (a) or the standards described in sub-
22 section (c), the Administrator shall seek input from the
23 State agencies responsible for enforcing section 31102 of
24 title 49, United States Code.

1 **SEC. 5225. ACCIDENT REVIEW.**

2 (a) IN GENERAL.—Not later than 1 year after a cer-
3 tification under section 5223, the Secretary shall task the
4 Motor Carrier Safety Advisory Committee with reviewing
5 the treatment of preventable crashes under the SMS.

6 (b) DUTIES.—Not later than 6 months after being
7 tasked under subsection (a), the Motor Carrier Safety Ad-
8 visory Committee shall make recommendations to the Sec-
9 retary on a process to allow motor carriers and drivers
10 to request that the Administrator make a determination
11 with respect to the preventability of a crash, if such a
12 process has not yet been established by the Secretary.

13 (c) REPORT.—The Secretary shall—

14 (1) review and consider the recommendations
15 provided by the Motor Carrier Safety Advisory Com-
16 mittee; and

17 (2) report to Congress on how the Secretary in-
18 tends to address the treatment of preventable crash-
19 es.

20 (d) PREVENTABLE DEFINED.—In this section, the
21 term “preventable” has the meaning given that term in
22 Appendix B of part 385 of title 49, Code of Federal Regu-
23 lations, as in effect on the date of enactment of this Act.

1 **Subtitle C—Commercial Motor**
2 **Vehicle Safety**

3 **SEC. 5301. WINDSHIELD TECHNOLOGY.**

4 (a) **IN GENERAL.**—Not later than 180 days after the
5 date of enactment of this Act, the Secretary shall revise
6 the regulations in section 393.60(e) of title 49, Code of
7 Federal Regulations (relating to the prohibition on ob-
8 structions to the driver’s field of view) to exempt from that
9 section the voluntary mounting on a windshield of vehicle
10 safety technology likely to achieve a level of safety that
11 is equivalent to or greater than the level of safety that
12 would be achieved absent the exemption.

13 (b) **VEHICLE SAFETY TECHNOLOGY DEFINED.**—In
14 this section, the term “vehicle safety technology” includes
15 a fleet-related incident management system, performance
16 or behavior management system, speed management sys-
17 tem, lane departure warning system, forward collision
18 warning or mitigation system, and active cruise control
19 system and any other technology that the Secretary con-
20 siderers applicable.

21 (c) **RULE OF CONSTRUCTION.**—For purposes of this
22 section, any windshield mounted technology with a short
23 term exemption under part 381 of title 49, Code of Fed-
24 eral Regulations, on the date of enactment of this Act,
25 shall be considered likely to achieve a level of safety that

1 is equivalent to or greater than the level of safety that
2 would be achieved absent an exemption under subsection
3 (a).

4 **SEC. 5302. PRIORITIZING STATUTORY RULEMAKINGS.**

5 The Administrator of the Federal Motor Carrier
6 Safety Administration shall prioritize the completion of
7 each outstanding rulemaking required by statute before
8 beginning any other rulemaking, unless the Secretary de-
9 termines that there is a significant need for such other
10 rulemaking and notifies Congress of such determination.

11 **SEC. 5303. SAFETY REPORTING SYSTEM.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Comptroller General
14 of the United States shall submit to the Committee on
15 Commerce, Science, and Transportation of the Senate and
16 the Committee on Transportation and Infrastructure of
17 the House of Representatives a report on the cost and fea-
18 sibility of establishing a self-reporting system for commer-
19 cial motor vehicle drivers or motor carriers with respect
20 to en route equipment failures.

21 (b) CONTENTS.—The report required under sub-
22 section (a) shall include—

23 (1) an analysis of—

1 (A) alternatives for the reporting of equip-
2 ment failures in real time, including an Internet
3 Web site or telephone hotline;

4 (B) the ability of a commercial motor vehi-
5 cle driver or a motor carrier to provide to the
6 Federal Motor Carrier Safety Administration
7 proof of repair of a self-reported equipment fail-
8 ure;

9 (C) the ability of the Federal Motor Car-
10 rier Safety Administration to ensure that self-
11 reported equipment failures proven to be re-
12 paired are not used in the calculation of Behav-
13 ior Analysis and Safety Improvement Category
14 scores;

15 (D) the ability of roadside inspectors to ac-
16 cess self-reported equipment failures;

17 (E) the cost to establish and administer a
18 self-reporting system;

19 (F) the ability for a self-reporting system
20 to track individual commercial motor vehicles
21 through unique identifiers; and

22 (G) whether a self-reporting system would
23 yield demonstrable safety benefits;

1 (2) an identification of any regulatory or statu-
2 tory impediments to the implementation of a self-re-
3 porting system; and

4 (3) recommendations on implementing a self-re-
5 porting system.

6 **SEC. 5304. NEW ENTRANT SAFETY REVIEW PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall conduct an
8 assessment of the new operator safety review program
9 under section 31144(g) of title 49, United States Code,
10 including the program’s effectiveness in reducing crashes,
11 fatalities, and injuries involving commercial motor vehicles
12 and improving commercial motor vehicle safety.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary shall publish on
15 a publicly accessible Internet Web site of the Department
16 and submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives a report on the results of the assessment con-
20 ducted under subsection (a), including any recommenda-
21 tions for improving the effectiveness of the program (in-
22 cluding recommendations for legislative changes).

23 **SEC. 5305. HIGH RISK CARRIER REVIEWS.**

24 (a) IN GENERAL.—The Secretary shall ensure that
25 a review is completed on each motor carrier that dem-

1 onstrates through performance data that it poses the high-
2 est safety risk. At a minimum, a review shall be conducted
3 whenever a motor carrier is among the highest risk car-
4 riers for 4 consecutive months.

5 (b) REPORT.—The Secretary shall post on a public
6 Web site a report on the actions the Secretary has taken
7 to comply with this section, including the number of high
8 risk carriers identified and the high risk carriers reviewed.

9 (c) CONFORMING AMENDMENT.—Section 4138 of
10 SAFETEA-LU (49 U.S.C. 31144 note), and the item re-
11 lating to that section in the table of contents in section
12 1(b) of that Act, are repealed.

13 **SEC. 5306. POST-ACCIDENT REPORT REVIEW.**

14 (a) IN GENERAL.—Not later than 120 days after the
15 date of enactment of this Act, the Secretary shall convene
16 a working group—

17 (1) to review the data elements of post-accident
18 reports, for tow-away accidents involving commercial
19 motor vehicles, that are reported to the Federal Gov-
20 ernment; and

21 (2) to report to the Secretary its findings and
22 any recommendations, including best practices for
23 State post-accident reports to achieve the data ele-
24 ments described in subsection (c).

1 (b) COMPOSITION.—Not less than 51 percent of the
2 working group should be composed of individuals rep-
3 resenting the States or State law enforcement officials.
4 The remaining members of the working group shall rep-
5 resent industry, labor, safety advocates, and other inter-
6 ested parties.

7 (c) CONSIDERATIONS.—The working group shall con-
8 sider requiring additional data elements, including—

9 (1) the primary cause of the accident, if the pri-
10 mary cause can be determined; and

11 (2) the physical characteristics of the commer-
12 cial motor vehicle and any other vehicle involved in
13 the accident, including—

14 (A) the vehicle configuration;

15 (B) the gross vehicle weight, if the weight
16 can be readily determined;

17 (C) the number of axles; and

18 (D) the distance between axles, if the dis-
19 tance can be readily determined.

20 (d) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary shall—

22 (1) review the findings of the working group;

23 (2) identify the best practices for State post-ac-
24 cident reports that are reported to the Federal Gov-
25 ernment, including identifying the data elements

1 that should be collected following a tow-away com-
2 mercial motor vehicle accident; and

3 (3) recommend to the States the adoption of
4 new data elements to be collected following report-
5 able commercial motor vehicle accidents.

6 (e) TERMINATION.—The working group shall termi-
7 nate not more than 180 days after the date on which the
8 Secretary makes recommendations under subsection
9 (d)(3).

10 **SEC. 5307. IMPLEMENTING SAFETY REQUIREMENTS.**

11 (a) IN GENERAL.—For each rulemaking described in
12 subsection (c), not later than 30 days after the date of
13 enactment of this Act and every 180 days thereafter until
14 the rulemaking is complete, the Secretary shall submit to
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on Com-
17 merce, Science, and Transportation of the Senate a writ-
18 ten notification that includes—

19 (1) for a rulemaking with a statutory dead-
20 line—

21 (A) an explanation of why the deadline was
22 not met; and

23 (B) an expected date of completion of the
24 rulemaking; and

1 (2) for a rulemaking without a statutory dead-
2 line, an expected date of completion of the rule-
3 making.

4 (b) **ADDITIONAL CONTENTS.**—A notification sub-
5 mitted under subsection (a) shall include—

6 (1) an updated rulemaking timeline;

7 (2) a list of factors causing delays in the com-
8 pletion of the rulemaking; and

9 (3) any other details associated with the status
10 of the rulemaking.

11 (c) **RULEMAKINGS.**—The Secretary shall submit a
12 written notification under subsection (a) for each of the
13 following rulemakings:

14 (1) The rulemaking required under section
15 31306a(a)(1) of title 49, United States Code.

16 (2) The rulemaking required under section
17 31137(a) of title 49, United States Code.

18 (3) The rulemaking required under section
19 31305(c) of title 49, United States Code.

20 (4) The rulemaking required under section
21 31601 of division C of MAP–21 (49 U.S.C. 30111
22 note).

23 (5) A rulemaking concerning motor carrier safe-
24 ty fitness determinations.

1 (6) A rulemaking concerning commercial motor
2 vehicle safety required by an Act of Congress en-
3 acted on or after August 1, 2005, and incomplete
4 for more than 2 years.

5 **Subtitle D—Commercial Motor** 6 **Vehicle Drivers**

7 **SEC. 5401. OPPORTUNITIES FOR VETERANS.**

8 (a) STANDARDS FOR TRAINING AND TESTING OF
9 VETERAN OPERATORS.—Section 31305 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 “(d) STANDARDS FOR TRAINING AND TESTING OF
13 VETERAN OPERATORS.—

14 “(1) IN GENERAL.—Not later than December
15 31, 2016, the Secretary shall modify the regulations
16 prescribed under subsections (a) and (c) to—

17 “(A) exempt a covered individual from all
18 or a portion of a driving test if the covered indi-
19 vidual had experience in the armed forces or re-
20 serve components driving vehicles similar to a
21 commercial motor vehicle;

22 “(B) ensure that a covered individual may
23 apply for an exemption under subparagraph (A)
24 during, at least, the 1-year period beginning on
25 the date on which such individual separates

1 from service in the armed forces or reserve
2 components; and

3 “(C) credit the training and knowledge a
4 covered individual received in the armed forces
5 or reserve components driving vehicles similar
6 to a commercial motor vehicle for purposes of
7 satisfying minimum standards for training and
8 knowledge.

9 “(2) DEFINITIONS.—In this subsection, the fol-
10 lowing definitions apply:

11 “(A) ARMED FORCES.—The term ‘armed
12 forces’ has the meaning given that term in sec-
13 tion 101(a) of title 10.

14 “(B) COVERED INDIVIDUAL.—The term
15 ‘covered individual’ means an individual over
16 the age of 21 years who is—

17 “(i) a former member of the armed
18 forces; or

19 “(ii) a former member of the reserve
20 components.

21 “(C) RESERVE COMPONENTS.—The term
22 ‘reserve components’ means—

23 “(i) the Army National Guard of the
24 United States;

25 “(ii) the Army Reserve;

1 “(iii) the Navy Reserve;
2 “(iv) the Marine Corps Reserve;
3 “(v) the Air National Guard of the
4 United States;
5 “(vi) the Air Force Reserve; and
6 “(vii) the Coast Guard Reserve.”.

7 (b) IMPLEMENTATION OF ADMINISTRATIVE REC-
8 OMMENDATIONS.—Not later than 1 year after the date of
9 enactment of this Act, the Secretary, in consultation with
10 the Secretary of Defense, shall implement the rec-
11 ommendations contained in the report submitted under
12 section 32308 of MAP–21 (49 U.S.C. 31301 note) that
13 are not implemented as a result of the amendment in sub-
14 section (a).

15 (c) IMPLEMENTATION OF THE MILITARY COMMER-
16 CIAL DRIVER’S LICENSE ACT.—Not later than December
17 31, 2015, the Secretary shall issue final regulations to im-
18 plement the exemption to the domicile requirement under
19 section 31311(a)(12)(C) of title 49, United States Code.

20 (d) CONFORMING AMENDMENT.—Section
21 31311(a)(12)(C)(ii) of title 49, United States Code, is
22 amended to read as follows:

23 “(ii) is an active duty member of—
24 “(I) the armed forces (as that term is
25 defined in section 101(a) of title 10); or

1 “(II) the reserve components (as that
2 term is defined in section 31305(d)(2) of
3 this title); and”.

4 **SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.**

5 (a) IN GENERAL.—Section 31306 of title 49, United
6 States Code, is amended—

7 (1) in subsection (b)(1)—

8 (A) by redesignating subparagraph (B) as
9 subparagraph (C);

10 (B) in subparagraph (A) by striking “The
11 regulations shall permit such motor carriers to
12 conduct preemployment testing of such employ-
13 ees for the use of alcohol.”; and

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) The regulations prescribed under subparagraph
17 (A) shall permit motor carriers—

18 “(i) to conduct preemployment testing of com-
19 mercial motor vehicle operators for the use of alco-
20 hol; and

21 “(ii) to use hair testing as an acceptable alter-
22 native to urine testing—

23 “(I) in conducting preemployment testing
24 for the use of a controlled substance; and

1 “(II) in conducting random testing for the
2 use of a controlled substance if the operator
3 was subject to hair testing for preemployment
4 testing.”;

5 (2) in subsection (b)(2)—

6 (A) in subparagraph (A) by striking “and”
7 at the end;

8 (B) in subparagraph (B) by striking the
9 period at the end and inserting “; and”; and

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

11 “(C) shall provide an exemption from hair test-
12 ing for commercial motor vehicle operators with es-
13 tablished religious beliefs that prohibit the cutting or
14 removal of hair.”; and

15 (3) in subsection (c)(2)—

16 (A) in the matter preceding subparagraph
17 (A) by inserting “for urine testing, and tech-
18 nical guidelines for hair testing,” before “in-
19 cluding mandatory guidelines”;

20 (B) in subparagraph (B) by striking “and”
21 at the end;

22 (C) in subparagraph (C) by inserting
23 “and” after the semicolon; and

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

1 “(D) laboratory protocols and cut-off levels
2 for hair testing to detect the use of a controlled
3 substance;”.

4 (b) GUIDELINES.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary of Health and
6 Human Services shall issue scientific and technical guide-
7 lines for hair testing as a method of detecting the use of
8 a controlled substance for purposes of section 31306 of
9 title 49, United States Code.

10 **SEC. 5403. MEDICAL CERTIFICATION OF VETERANS FOR**
11 **COMMERCIAL DRIVER’S LICENSES.**

12 (a) IN GENERAL.—In the case of a physician-ap-
13 proved veteran operator, the qualified physician of such
14 operator may, subject to the requirements of subsection
15 (b), perform a medical examination and provide a medical
16 certificate for purposes of compliance with the require-
17 ments of section 31149 of title 49, United States Code.

18 (b) CERTIFICATION.—The certification described
19 under subsection (a) shall include—

20 (1) assurances that the physician performing
21 the medical examination meets the requirements of
22 a qualified physician under this section; and

23 (2) certification that the physical condition of
24 the operator is adequate to enable such operator to
25 operate a commercial motor vehicle safely.

1 (c) NATIONAL REGISTRY OF MEDICAL EXAM-
2 INERS.—The Secretary, in consultation with the Secretary
3 of Veterans Affairs, shall develop a process for qualified
4 physicians to perform a medical examination and provide
5 a medical certificate under subsection (a) and include such
6 physicians on the national registry of medical examiners
7 established under section 31149(d) of title 49, United
8 States Code.

9 (d) DEFINITIONS.—In this section, the following defi-
10 nitions apply:

11 (1) PHYSICIAN-APPROVED VETERAN OPER-
12 ATOR.—The term “physician-approved veteran oper-
13 ator” means an operator of a commercial motor ve-
14 hicle who—

15 (A) is a veteran who is enrolled in the
16 health care system established under section
17 1705(a) of title 38, United States Code; and

18 (B) is required to have a current valid
19 medical certificate pursuant to section 31149 of
20 title 49, United States Code.

21 (2) QUALIFIED PHYSICIAN.—The term “quali-
22 fied physician” means a physician who—

23 (A) is employed in the Department of Vet-
24 erans Affairs;

1 (B) is familiar with the standards for, and
2 physical requirements of, an operator certified
3 pursuant to section 31149 of title 49, United
4 States Code; and

5 (C) has never, with respect to such section,
6 been found to have acted fraudulently, including
7 by fraudulently awarding a medical certificate.

8 (3) VETERAN.—The term “veteran” has the
9 meaning given the term in section 101 of title 38,
10 United States Code.

11 (e) STATUTORY CONSTRUCTION.—Nothing in this
12 section shall be construed to change any statutory penalty
13 associated with fraud or abuse.

14 **SEC. 5404. COMMERCIAL DRIVER PILOT PROGRAM.**

15 (a) IN GENERAL.—The Secretary shall establish a
16 pilot program under section 31315(c) of title 49, United
17 States Code, to study the feasibility, benefits, and safety
18 impacts of allowing a covered driver to operate a commer-
19 cial motor vehicle in interstate commerce.

20 (b) DATA COLLECTION.—The Secretary shall collect
21 and analyze data relating to accidents in which—

22 (1) a covered driver participating in the pilot
23 program is involved; and

1 (2) a driver under the age of 21 operating a
2 commercial motor vehicle in intrastate commerce is
3 involved.

4 (c) LIMITATIONS.—A driver participating in the pilot
5 program may not—

6 (1) transport—

7 (A) passengers; or

8 (B) hazardous cargo; or

9 (2) operate a vehicle in special configuration.

10 (d) WORKING GROUP.—

11 (1) ESTABLISHMENT.—The Secretary shall con-
12 duct, monitor, and evaluate the pilot program in
13 consultation with a working group to be established
14 by the Secretary consisting of representatives of the
15 armed forces, industry, drivers, safety advocacy or-
16 ganizations, and State licensing and enforcement of-
17 ficials.

18 (2) DUTIES.—The working group shall review
19 the data collected under subsection (b) and provide
20 recommendations to the Secretary on the feasibility,
21 benefits, and safety impacts of allowing a covered
22 driver to operate a commercial motor vehicle in
23 interstate commerce.

24 (e) REPORT.—Not later than 1 year after the date
25 on which the pilot program is concluded, the Secretary

1 shall submit to Congress a report describing the findings
2 of the pilot program and the recommendations of the
3 working group.

4 (f) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) ACCIDENT.—The term “accident” has the
7 meaning given that term in section 390.5 of title 49,
8 Code of Federal Regulations, as in effect on the date
9 of enactment of this Act.

10 (2) ARMED FORCES.—The term “armed forces”
11 has the meaning given that term in section 101(a)
12 of title 10, United States Code.

13 (3) COMMERCIAL MOTOR VEHICLE.—The term
14 “commercial motor vehicle” has the meaning given
15 that term in section 31301 of title 49, United States
16 Code.

17 (4) COVERED DRIVER.—The term “covered
18 driver” means an individual who is—

19 (A) between the ages of 18 and 21;

20 (B) a member or former member of the—

21 (i) armed forces; or

22 (ii) reserve components (as defined in

23 section 31305(d)(2) of title 49, United

24 States Code, as added by this Act); and

1 (C) qualified in a Military Occupational
2 Specialty to operate a commercial motor vehicle
3 or similar vehicle.

4 **Subtitle E—General Provisions**

5 **SEC. 5501. DELAYS IN GOODS MOVEMENT.**

6 (a) REPORT.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, the Inspector
9 General of the Department shall submit to the Com-
10 mittee on Transportation and Infrastructure of the
11 House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Sen-
13 ate a report on the average length of time that oper-
14 ators of commercial motor vehicles are delayed be-
15 fore the loading and unloading of such vehicles and
16 at other points in the pick-up and delivery process.

17 (2) CONTENTS.—The report under paragraph
18 (1) shall include—

19 (A) an assessment of how delays impact—

20 (i) the economy;

21 (ii) the efficiency of the transportation
22 system;

23 (iii) motor carrier safety, including
24 the extent to which delays result in viola-

1 tions of motor carrier safety regulations;
2 and
3 (iv) the livelihood of motor carrier
4 drivers; and
5 (B) recommendations on how delays could
6 be mitigated.

7 (b) COLLECTION OF DATA.—Not later than 2 years
8 after the date of enactment of this Act, the Secretary shall
9 establish by regulation a process to collect data on delays
10 experienced by operators of commercial motor vehicles be-
11 fore the loading and unloading of such vehicles and at
12 other points in the pick-up and delivery process.

13 **SEC. 5502. EMERGENCY ROUTE WORKING GROUP.**

14 (a) IN GENERAL.—

15 (1) ESTABLISHMENT.—Not later than 1 year
16 after the date of enactment of this Act, the Sec-
17 retary shall establish a working group to determine
18 best practices for expeditious State approval of spe-
19 cial permits for vehicles involved in emergency re-
20 sponse and recovery.

21 (2) MEMBERS.—The working group shall in-
22 clude representatives from—

23 (A) State highway transportation depart-
24 ments or agencies;

1 (B) relevant modal agencies within the De-
2 partment;

3 (C) emergency response or recovery ex-
4 perts;

5 (D) relevant safety groups; and

6 (E) entities affected by special permit re-
7 strictions during emergency response and recov-
8 ery efforts.

9 (b) CONSIDERATIONS.—In determining best practices
10 under subsection (a), the working group shall consider
11 whether—

12 (1) impediments currently exist that prevent ex-
13 peditious State approval of special permits for vehi-
14 cles involved in emergency response and recovery;

15 (2) it is possible to pre-identify and establish
16 emergency routes between States through which in-
17 frastructure repair materials could be delivered fol-
18 lowing a natural disaster or emergency;

19 (3) a State could pre-designate an emergency
20 route identified under paragraph (2) as a certified
21 emergency route if a motor vehicle that exceeds the
22 otherwise applicable Federal and State truck length
23 or width limits may safely operate along such route
24 during periods of declared emergency and recovery
25 from such periods; and

1 (4) an online map could be created to identify
2 each pre-designated emergency route under para-
3 graph (3), including information on specific limita-
4 tions, obligations, and notification requirements
5 along that route.

6 (c) REPORT.—

7 (1) SUBMISSION.—Not later than 1 year after
8 the date of enactment of this Act, the working group
9 shall submit to the Secretary a report on its findings
10 under this section and any recommendations for the
11 implementation of best practices for expeditious
12 State approval of special permits for vehicles in-
13 volved in emergency response and recovery.

14 (2) PUBLICATION.—Not later than 30 days
15 after the date the Secretary receives the report
16 under paragraph (1), the Secretary shall publish the
17 report on a publicly accessible Internet Web site of
18 the Department.

19 (d) NOTIFICATION.—Not later than 6 months after
20 the date the Secretary receives the report under subsection
21 (c)(1), the Secretary shall notify the Committee on Trans-
22 portation and Infrastructure of the House of Representa-
23 tives and the Committee on Commerce, Science, and
24 Transportation of the Senate on the actions the Secretary

1 and the States have taken to implement the recommenda-
2 tions included in the report.

3 (e) TERMINATION.—The working group shall termi-
4 nate 1 year after the date the Secretary receives the report
5 under subsection (c)(1).

6 **SEC. 5503. HOUSEHOLD GOODS CONSUMER PROTECTION**
7 **WORKING GROUP.**

8 (a) WORKING GROUP.—The Secretary shall establish
9 a working group for the purpose of developing rec-
10 ommendations on how to best convey to consumers rel-
11 evant information with respect to the Federal laws con-
12 cerning the interstate transportation of household goods
13 by motor carrier.

14 (b) MEMBERSHIP.—The Secretary shall ensure that
15 the working group is comprised of individuals with exper-
16 tise in consumer affairs, educators with expertise in how
17 people learn most effectively, and representatives of the
18 household goods moving industry.

19 (c) RECOMMENDATIONS.—

20 (1) CONTENTS.—The recommendations devel-
21 oped by the working group shall include rec-
22 ommendations on—

23 (A) condensing publication ESA 03005 of
24 the Federal Motor Carrier Safety Administra-

1 tion into a format that is more easily used by
2 consumers;

3 (B) using state-of-the-art education tech-
4 niques and technologies, including optimizing
5 the use of the Internet as an educational tool;
6 and

7 (C) reducing and simplifying the paper-
8 work required of motor carriers and shippers in
9 interstate transportation.

10 (2) DEADLINE.—Not later than 1 year after
11 the date of enactment of this Act—

12 (A) the working group shall make the rec-
13 ommendations described in paragraph (1); and

14 (B) the Secretary shall publish the rec-
15 ommendations on a publicly accessible Internet
16 Web site of the Department.

17 (d) REPORT.—Not later than 1 year after the date
18 on which the working group makes its recommendations
19 under subsection (c)(2), the Secretary shall issue a report
20 to Congress on the implementation of such recommenda-
21 tions.

22 (e) TERMINATION.—The working group shall termi-
23 nate 1 year after the date the working group makes its
24 recommendations under subsection (c)(2).

1 **SEC. 5504. TECHNOLOGY IMPROVEMENTS.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Comptroller General
4 of the United States shall conduct a comprehensive anal-
5 ysis of the information technology and data collection and
6 management systems of the Federal Motor Carrier Safety
7 Administration.

8 (b) REQUIREMENTS.—The study conducted under
9 subsection (a) shall—

10 (1) evaluate the efficacy of the existing infor-
11 mation technology, data collection, processing sys-
12 tems, data correction procedures, and data manage-
13 ment systems and programs, including their inter-
14 action with each other and their efficacy in meeting
15 user needs;

16 (2) identify any redundancies among the sys-
17 tems, procedures, and programs described in para-
18 graph (1);

19 (3) explore the feasibility of consolidating data
20 collection and processing systems;

21 (4) evaluate the ability of the systems, proce-
22 dures, and programs described in paragraph (1) to
23 meet the needs of—

24 (A) the Federal Motor Carrier Safety Ad-
25 ministration, at both the headquarters and
26 State levels;

1 (B) the State agencies that implement the
2 motor carrier safety assistance program under
3 section 31102 of title 49, United States Code;
4 and

5 (C) other users;

6 (5) evaluate the adaptability of the systems,
7 procedures, and programs described in paragraph
8 (1), in order to make necessary future changes to
9 ensure user needs are met in an easier, timely, and
10 more cost-efficient manner;

11 (6) investigate and make recommendations re-
12 garding—

13 (A) deficiencies in existing data sets im-
14 pacting program effectiveness; and

15 (B) methods to improve user interfaces;
16 and

17 (7) identify the appropriate role the Federal
18 Motor Carrier Safety Administration should take
19 with respect to software and information systems de-
20 sign, development, and maintenance for the purpose
21 of improving the efficacy of the systems, procedures,
22 and programs described in paragraph (1).

1 **SEC. 5505. NOTIFICATION REGARDING MOTOR CARRIER**
2 **REGISTRATION.**

3 Not later than 30 days after the date of enactment
4 of this Act, the Secretary shall submit to the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate written notifi-
8 cation of the actions the Secretary is taking to ensure,
9 to the greatest extent practicable, that each application
10 for registration under section 13902 of title 49, United
11 States Code, is processed not later than 30 days after the
12 date on which the application is received by the Secretary.

13 **SEC. 5506. REPORT ON COMMERCIAL DRIVER'S LICENSE**
14 **SKILLS TEST DELAYS.**

15 Not later than 18 months after the date of enactment
16 of this Act, and each year thereafter, the Administrator
17 of the Federal Motor Carrier Safety Administration shall
18 submit to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives a report that—

22 (1) describes, for each State, the status of skills
23 testing for applicants for a commercial driver's li-
24 cense, including—

25 (A) the average wait time from the date an
26 applicant requests to take a skills test to the

1 date the applicant has the opportunity to com-
2 plete such test;

3 (B) the average wait time from the date an
4 applicant, upon failure of a skills test, requests
5 a retest to the date the applicant has the oppor-
6 tunity to complete such retest;

7 (C) the actual number of qualified com-
8 mercial driver's license examiners available to
9 test applicants; and

10 (D) the number of testing sites available
11 through the State department of motor vehicles
12 and whether this number has increased or de-
13 creased from the previous year; and

14 (2) describes specific steps that the Adminis-
15 trator is taking to address skills testing delays in
16 States that have average skills test or retest wait
17 times of more than 7 days from the date an appli-
18 cant requests to test or retest to the date the appli-
19 cant has the opportunity to complete such test or
20 retest.

21 **SEC. 5507. ELECTRONIC LOGGING DEVICE REQUIREMENTS.**

22 Section 31137(b) of title 49, United States Code, is
23 amended—

1 (1) in paragraph (1)(C) by striking “apply to”
2 and inserting “except as provided in paragraph (3),
3 apply to”; and

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

5 “(3) EXCEPTION.—A motor carrier, when
6 transporting a motor home or recreation vehicle
7 trailer within the definition of the term ‘driveaway-
8 towaway operation’ (as defined in section 390.5 of
9 title 49, Code of Federal Regulations), may comply
10 with the hours of service requirements by requiring
11 each driver to use—

12 “(A) a paper record of duty status form;

13 or

14 “(B) an electronic logging device.”.

15 **SEC. 5508. TECHNICAL CORRECTIONS.**

16 (a) TITLE 49.—Title 49, United States Code, is
17 amended as follows:

18 (1) Section 13902(i)(2) is amended by inserting
19 “except as” before “described”.

20 (2) Section 13903(d) is amended by striking
21 “(d) REGISTRATION AS MOTOR CARRIER RE-
22 QUIRED.—” and all that follows through “(1) IN
23 GENERAL.—A freight forwarder” and inserting “(d)
24 REGISTRATION AS MOTOR CARRIER REQUIRED.—A
25 freight forwarder”.

1 (3) Section 13905(d)(2)(D) is amended—

2 (A) by striking “the Secretary finds
3 that—” and all that follows through “(i) the
4 motor carrier,” and inserting “the Secretary
5 finds that the motor carrier,”; and

6 (B) by adding a period at the end.

7 (4) Section 14901(h) is amended by striking
8 “HOUSEHOLD GOODS” in the heading.

9 (5) Section 14916 is amended by striking the
10 section designation and heading and inserting the
11 following:

12 **“§ 14916. Unlawful brokerage activities”.**

13 (b) MAP–21.—Effective as of July 6, 2012, and as
14 if included therein as enacted, MAP–21 (Public Law 112–
15 141) is amended as follows:

16 (1) Section 32108(a)(4) (126 Stat. 782) is
17 amended by inserting “for” before “each additional
18 day” in the matter proposed to be struck.

19 (2) Section 32301(b)(3) (126 Stat. 786) is
20 amended by striking “by amending (a) to read as
21 follows:” and inserting “by striking subsection (a)
22 and inserting the following:”.

23 (3) Section 32302(c)(2)(B) (126 Stat. 789) is
24 amended by striking “section 32303(c)(1)” and in-
25 serting “section 32302(c)(1)”.

1 (4) Section 32921(b) (126 Stat. 828) is amend-
2 ed, in the matter to be inserted, by striking “(A) In
3 addition” and inserting the following:

4 “(A) IN GENERAL.—In addition”.

5 (5) Section 32931(c) (126 Stat. 829) is amend-
6 ed—

7 (A) by striking “Secretary” and inserting
8 “Secretary of Transportation” in the matter to
9 be struck; and

10 (B) by striking “Secretary” and inserting
11 “Secretary of Transportation” in the matter to
12 be inserted.

13 (c) MOTOR CARRIER SAFETY IMPROVEMENT ACT OF
14 1999.—Section 229(a)(1) of the Motor Carrier Safety Im-
15 provement Act of 1999 (49 U.S.C. 31136 note) is amend-
16 ed by inserting “of title 49, United States Code,” after
17 “sections 31136 and 31502”.

18 **SEC. 5509. MINIMUM FINANCIAL RESPONSIBILITY.**

19 (a) TRANSPORTING PROPERTY.—If the Secretary
20 proceeds with a rulemaking to determine whether to in-
21 crease the minimum levels of financial responsibility re-
22 quired under section 31139 of title 49, United States
23 Code, the Secretary shall consider, prior to issuing a final
24 rule—

25 (1) the rulemaking’s potential impact on—

1 (A) the safety of motor vehicle transpor-
2 tation; and

3 (B) the motor carrier industry;

4 (2) the ability of the insurance industry to pro-
5 vide the required amount of insurance;

6 (3) the extent to which current minimum levels
7 of financial responsibility adequately cover—

8 (A) medical care;

9 (B) compensation; and

10 (C) other identifiable costs;

11 (4) the frequency with which insurance claims
12 exceed current minimum levels of financial responsi-
13 bility in fatal accidents; and

14 (5) the impact of increased levels on motor car-
15 rier safety and accident reduction.

16 (b) TRANSPORTING PASSENGERS.—

17 (1) IN GENERAL.—Prior to initiating a rule-
18 making to change the minimum levels of financial
19 responsibility under section 31138 of title 49,
20 United States Code, the Secretary shall complete a
21 study specific to the minimum financial responsi-
22 bility requirements for motor carriers of passengers.

23 (2) STUDY CONTENTS.—A study under para-
24 graph (1) shall include, to the extent practicable—

1 (A) a review of accidents, injuries, and fa-
2 talities in the over-the-road bus and school bus
3 industries;

4 (B) a review of insurance held by over-the-
5 road bus and public and private school bus
6 companies, including companies of various sizes,
7 and an analysis of whether such insurance is
8 adequate to cover claims;

9 (C) an analysis of whether and how insur-
10 ance affects the behavior and safety record of
11 motor carriers of passengers, including with re-
12 spect to crash reduction; and

13 (D) an analysis of the anticipated impacts
14 of an increase in financial responsibility on in-
15 surance premiums for passenger carriers and
16 service availability.

17 (3) CONSULTATION.—In conducting a study
18 under paragraph (1), the Secretary shall consult
19 with—

20 (A) representatives of the over-the-road
21 bus and private school bus transportation in-
22 dustries, including representatives of bus driv-
23 ers; and

24 (B) insurers of motor carriers of pas-
25 sengers.

1 (4) REPORT.—If the Secretary undertakes a
2 study under paragraph (1), the Secretary shall sub-
3 mit to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate a report on the results of the
7 study.

8 **SEC. 5510. SAFETY STUDY REGARDING DOUBLE-DECKER**
9 **MOTORCOACHES.**

10 (a) STUDY.—The Secretary, in consultation with
11 State transportation safety and law enforcement officials,
12 shall conduct a study regarding the safety operations, fire
13 suppression capability, tire loads, and pavement impacts
14 of operating a double-decker motorcoach equipped with a
15 device designed by the motorcoach manufacturer to attach
16 to the rear of the motorcoach for use in transporting pas-
17 senger baggage.

18 (b) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, the Secretary shall submit a re-
20 port containing the results of the study to—

21 (1) the Committee on Transportation and In-
22 frastructure of the House of Representatives; and

23 (2) the Committee on Commerce, Science, and
24 Transportation of the Senate.

1 **SEC. 5511. GAO REVIEW OF SCHOOL BUS SAFETY.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall submit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives a review of the following:

8 (1) Existing Federal and State rules and guid-
9 ance, as of the date of the review, concerning school
10 bus transportation of elementary school and sec-
11 ondary school students engaging in home-to-school
12 transport or other transport determined by the
13 Comptroller General to be a routine part of kinder-
14 garten through grade 12 education, including regula-
15 tions and guidance regarding driver training pro-
16 grams, capacity requirements, programs for special
17 needs students, inspection standards, vehicle age re-
18 quirements, best practices, and public access to in-
19 spection results and crash records.

20 (2) Any correlation between public or private
21 school bus fleet operators whose vehicles are involved
22 in an accident as defined by section 390.5 of title
23 49, Code of Federal Regulations, and each of the
24 following:

25 (A) A failure by those same operators of
26 State or local safety inspections.

1 (B) The average age or odometer readings
2 of the school buses in the fleets of such opera-
3 tors.

4 (C) Violations of Federal laws adminis-
5 tered by the Department of Transportation, or
6 of State law equivalents of such laws.

7 (D) Violations of State or local law relat-
8 ing to illegal passing of a school bus.

9 (3) A regulatory framework comparison of pub-
10 lic and private school bus operations.

11 (4) Expert recommendations on best practices
12 for safe and reliable school bus transportation, in-
13 cluding driver training programs, inspection stand-
14 ards, school bus age and odometer reading maxi-
15 mums for retirement, the percentage of buses in a
16 local bus fleet needed as spare buses, and capacity
17 levels per school bus for different age groups.

18 **SEC. 5512. ACCESS TO NATIONAL DRIVER REGISTER.**

19 Section 30305(b) of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(13) The Administrator of the Federal Motor
22 Carrier Safety Administration may request the chief
23 driver licensing official of a State to provide infor-
24 mation under subsection (a) of this section about an

1 individual in connection with a safety investigation
2 under the Administrator's jurisdiction.”.

3 **SEC. 5513. REPORT ON DESIGN AND IMPLEMENTATION OF**
4 **WIRELESS ROADSIDE INSPECTION SYSTEMS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Secretary shall submit
7 to the Committee on Commerce, Science, and Transpor-
8 tation of the Senate and the Committee on Transportation
9 and Infrastructure of the House of Representatives a re-
10 port regarding the design, development, testing, and im-
11 plementation of wireless roadside inspection systems.

12 (b) ELEMENTS.—The report required under sub-
13 section (a) shall include a determination as to whether
14 Federal wireless roadside inspection systems—

15 (1) conflict with existing electronic screening
16 systems, or create capabilities already available;

17 (2) require additional statutory authority to in-
18 corporate generated inspection data into the safety
19 measurement system or the safety fitness determina-
20 tions program; and

21 (3) provide appropriate restrictions to specifi-
22 cally address privacy concerns of affected motor car-
23 riers and operators.

1 **SEC. 5514. REGULATION OF TOW TRUCK OPERATIONS.**

2 Section 14501(c)(2)(C) of title 49, United States
3 Code, is amended by striking “the price of” and all that
4 follows through “transportation is” and inserting “the
5 regulation of tow truck operations”.

6 **SEC. 5515. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**
7 **ER COMMUTING.**

8 (a) EFFECTS OF COMMUTING.—The Administrator
9 of the Federal Motor Carrier Safety Administration shall
10 conduct a study on the safety effects of motor carrier oper-
11 ator commutes exceeding 150 minutes.

12 (b) REPORT.—Not later than 18 months after the
13 date of enactment of this Act, the Administrator shall sub-
14 mit to Congress a report containing the findings under
15 the study.

16 **SEC. 5516. ADDITIONAL STATE AUTHORITY.**

17 Notwithstanding any other provision of law, South
18 Dakota shall be provided the opportunity to update and
19 revise the routes designated as qualifying Federal-aid Pri-
20 mary System highways under section 31111(e) of title 49,
21 United States Code, as long as the update shifts routes
22 to divided highways or does not increase centerline miles
23 by more than 5 percent and is expected to increase safety
24 performance.

1 **SEC. 5517. REPORT ON MOTOR CARRIER FINANCIAL RE-**
2 **SPONSIBILITY.**

3 (a) IN GENERAL.—Not later than January 1, 2017,
4 the Secretary shall publish on a publicly accessible Inter-
5 net Web site of the Department a report on the minimum
6 levels of financial responsibility required under section
7 31139 of title 49, United States Code.

8 (b) CONTENTS.—The report required under sub-
9 section (a) shall include, to the extent practicable, an anal-
10 ysis of—

11 (1) the differences between State insurance re-
12 quirements and Federal requirements;

13 (2) the extent to which current minimum levels
14 of financial responsibility adequately cover—

15 (A) medical care;

16 (B) compensation; and

17 (C) other identifiable costs; and

18 (3) the frequency with which insurance claims
19 exceed the current minimum levels of financial re-
20 sponsibility.

21 **SEC. 5518. COVERED FARM VEHICLES.**

22 Section 32934(b)(1) of MAP-21 (49 U.S.C. 31136
23 note) is amended by striking “from” and all that follows
24 through the period at end and inserting the following:
25 “from—

1 “(A) a requirement described in subsection
2 (a) or a compatible State requirement; or

3 “(B) any other minimum standard pro-
4 vided by a State relating to the operation of
5 that vehicle.”.

6 **SEC. 5519. OPERATORS OF HI-RAIL VEHICLES.**

7 (a) **IN GENERAL.**—In the case of a commercial motor
8 vehicle driver subject to the hours of service requirements
9 in part 395 of title 49, Code of Federal Regulations, who
10 is driving a hi-rail vehicle, the maximum on duty time
11 under section 395.3 of such title for such driver shall not
12 include time in transportation to or from a duty assign-
13 ment if such time in transportation—

14 (1) does not exceed 2 hours per calendar day or
15 a total of 30 hours per calendar month; and

16 (2) is fully and accurately accounted for in
17 records to be maintained by the motor carrier and
18 such records are made available upon request of the
19 Federal Motor Carrier Safety Administration or the
20 Federal Railroad Administration.

21 (b) **HI-RAIL VEHICLE DEFINED.**—In this section,
22 the term “hi-rail vehicle” means an internal rail flaw de-
23 tection vehicle equipped with flange hi-rails.

1 **SEC. 5520. AUTOMOBILE TRANSPORTER.**

2 (a) AUTOMOBILE TRANSPORTER DEFINED.—Section
3 31111(a)(1) of title 49, United States Code, is amended—

4 (1) by striking “specifically”; and

5 (2) by adding at the end the following: “An
6 automobile transporter shall not be prohibited from
7 the transport of cargo or general freight on a
8 backhaul, so long as it complies with weight limita-
9 tions for a truck tractor and semitrailer combina-
10 tion.”.

11 (b) TRUCK TRACTOR DEFINED.—Section
12 31111(a)(3)(B) of title 49, United States Code, is amend-
13 ed—

14 (1) by striking “only”; and

15 (2) by inserting before the period at the end the
16 following: “or any other commodity, including cargo
17 or general freight on a backhaul”.

18 (c) BACKHAUL DEFINED.—Section 31111(a) of title
19 49, United States Code, is amended by adding at the end
20 the following:

21 “(5) BACKHAUL.—The term ‘backhaul’ means
22 the return trip of a vehicle transporting cargo or
23 general freight, especially when carrying goods back
24 over all or part of the same route.”.

1 (d) STINGER-STEERED AUTOMOBILE TRANS-
2 PORTERS.—Section 31111(b)(1) of title 49, United States
3 Code, is amended—

4 (1) in subparagraph (E) by striking “or” at the
5 end;

6 (2) in subparagraph (F) by striking the period
7 at the end and inserting a semicolon; and

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

9 “(G) imposes a vehicle length limitation of less
10 than 80 feet on a stinger-steered automobile trans-
11 porter with a front overhang of less than 4 feet and
12 a rear overhang of less than 6 feet; or”.

13 **SEC. 5521. READY MIX CONCRETE DELIVERY VEHICLES.**

14 Section 31502 of title 49, United States Code, is
15 amended by adding at the end the following:

16 “(f) READY MIXED CONCRETE DELIVERY VEHI-
17 CLES.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, regulations issued under this sec-
20 tion or section 31136 (including section
21 395.1(e)(1)(ii) of title 49, Code of Federal Regula-
22 tions) regarding reporting, recordkeeping, or docu-
23 mentation of duty status shall not apply to any driv-
24 er of a ready mixed concrete delivery vehicle if—

1 “(A) the driver operates within a 100 air-
2 mile radius of the normal work reporting loca-
3 tion;

4 “(B) the driver returns to the work report-
5 ing location and is released from work within
6 14 consecutive hours;

7 “(C) the driver has at least 10 consecutive
8 hours off duty following each 14 hours on duty;

9 “(D) the driver does not exceed 11 hours
10 maximum driving time following 10 consecutive
11 hours off duty; and

12 “(E) the motor carrier that employs the
13 driver maintains and retains for a period of 6
14 months accurate and true time records that
15 show—

16 “(i) the time the driver reports for
17 duty each day;

18 “(ii) the total number of hours the
19 driver is on duty each day;

20 “(iii) the time the driver is released
21 from duty each day; and

22 “(iv) the total time for the preceding
23 driving week the driver is used for the first
24 time or intermittently.

1 “(2) DEFINITION.—In this section, the term
2 ‘driver of a ready mixed concrete delivery vehicle’
3 means a driver of a vehicle designed to deliver ready
4 mixed concrete on a daily basis and is equipped with
5 a mechanism under which the vehicle’s propulsion
6 engine provides the power to operate a mixer drum
7 to agitate and mix the product en route to the deliv-
8 ery site.”.

9 **SEC. 5522. TRANSPORTATION OF CONSTRUCTION MATE-**
10 **RIALS AND EQUIPMENT.**

11 Section 229(e)(4) of the Motor Carrier Safety Im-
12 provement Act of 1999 (49 U.S.C. 31136 note) is amend-
13 ed—

14 (1) by striking “50 air mile radius” and insert-
15 ing “75 air mile radius”; and

16 (2) by striking “the driver.” and inserting “the
17 driver, except that a State, upon notice to the Sec-
18 retary, may establish a different air mile radius limi-
19 tation for purposes of this paragraph if such limita-
20 tion is between 50 and 75 air miles and applies only
21 to movements that take place entirely within the
22 State.”.

1 **SEC. 5523. COMMERCIAL DELIVERY OF LIGHT- AND ME-**
2 **DIUM-DUTY TRAILERS.**

3 (a) DEFINITIONS.—Section 31111(a) of title 49,
4 United States Code, is amended by adding at the end the
5 following:

6 “(6) TRAILER TRANSPORTER TOWING UNIT.—
7 The term ‘trailer transporter towing unit’ means a
8 power unit that is not used to carry property when
9 operating in a towaway trailer transporter combina-
10 tion.

11 “(7) TOWAWAY TRAILER TRANSPORTER COM-
12 BINATION.—The term ‘towaway trailer transporter
13 combination’ means a combination of vehicles con-
14 sisting of a trailer transporter towing unit and 2
15 trailers or semitrailers—

16 “(A) with a total weight that does not ex-
17 ceed 26,000 pounds; and

18 “(B) in which the trailers or semitrailers
19 carry no property and constitute inventory
20 property of a manufacturer, distributor, or
21 dealer of such trailers or semitrailers.”.

22 (b) GENERAL LIMITATIONS.—Section 31111(b)(1) of
23 such title is amended by adding at the end the following:

24 “(H) has the effect of imposing an overall
25 length limitation of less than 82 feet on a towaway
26 trailer transporter combination.”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) PROPERTY-CARRYING UNIT LIMITATION.—

3 Section 31112(a)(1) of such title is amended by in-
4 sserting before the period at the end the following: “,
5 but not including a trailer or a semitrailer trans-
6 ported as part of a towaway trailer transporter com-
7 bination (as defined in section 31111(a))”.

8 (2) ACCESS TO INTERSTATE SYSTEM.—Section
9 31114(a)(2) of such title is amended by inserting
10 “any towaway trailer transporter combination (as
11 defined in section 31111(a)),” after “passengers,”.

12 **SEC. 5524. EXEMPTIONS FROM REQUIREMENTS FOR CER-**
13 **TAIN WELDING TRUCKS USED IN PIPELINE**
14 **INDUSTRY.**

15 (a) COVERED MOTOR VEHICLE DEFINED.—In this
16 section, the term “covered motor vehicle” means a motor
17 vehicle that—

18 (1) is traveling in the State in which the vehicle
19 is registered or another State;

20 (2) is owned by a welder;

21 (3) is a pick-up style truck;

22 (4) is equipped with a welding rig that is used
23 in the construction or maintenance of pipelines; and

24 (5) has a gross vehicle weight and combination
25 weight rating and weight of 15,000 pounds or less.

1 (b) FEDERAL REQUIREMENTS.—A covered motor ve-
2 hicle, including the individual operating such vehicle and
3 the employer of such individual, shall be exempt from the
4 following:

5 (1) Any requirement relating to registration as
6 a motor carrier, including the requirement to obtain
7 and display a Department of Transportation num-
8 ber, established under chapters 139 and 311 of title
9 49, United States Code.

10 (2) Any requirement relating to driver qualifica-
11 tions established under chapter 311 of title 49,
12 United States Code.

13 (3) Any requirement relating to driving of com-
14 mercial motor vehicles established under chapter 311
15 of title 49, United States Code.

16 (4) Any requirement relating to parts and ac-
17 cessories and inspection, repair, and maintenance of
18 commercial motor vehicles established under chapter
19 311 of title 49, United States Code.

20 (5) Any requirement relating to hours of service
21 of drivers, including maximum driving and on duty
22 time, established under chapter 315 of title 49,
23 United States Code.

1 **SEC. 5525. REPORT.**

2 (a) IN GENERAL.—Not later than 4 years after the
3 date of enactment of this Act, the Secretary shall submit
4 to the Committee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on Transportation
6 and Infrastructure of the House of Representatives a re-
7 port describing the safety and enforcement impacts of sec-
8 tions 5520, 5521, 5522, 5523, 5524, and 7208 of this Act.

9 (b) CONSULTATION.—In preparing the report re-
10 quired under subsection (a), the Secretary shall consult
11 with States, State law enforcement agencies, entities im-
12 pacted by the sections described in subsection (a), and
13 other entities the Secretary considers appropriate.

14 **TITLE VI—INNOVATION**

15 **SEC. 6001. SHORT TITLE.**

16 This title may be cited as the “Transportation for
17 Tomorrow Act of 2015”.

18 **SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—The following amounts are au-
20 thorized to be appropriated out of the Highway Trust
21 Fund (other than the Mass Transit Account):

22 (1) HIGHWAY RESEARCH AND DEVELOPMENT
23 PROGRAM.—To carry out section 503(b) of title 23,
24 United States Code, \$125,000,000 for each of fiscal
25 years 2016 through 2020.

1 (2) TECHNOLOGY AND INNOVATION DEPLOY-
2 MENT PROGRAM.—To carry out section 503(c) of
3 title 23, United States Code—

4 (A) \$67,000,000 for fiscal year 2016;

5 (B) \$67,500,000 for fiscal year 2017;

6 (C) \$67,500,000 for fiscal year 2018;

7 (D) \$67,500,000 for fiscal year 2019; and

8 (E) \$67,500,000 for fiscal year 2020.

9 (3) TRAINING AND EDUCATION.—To carry out
10 section 504 of title 23, United States Code,
11 \$24,000,000 for each of fiscal years 2016 through
12 2020.

13 (4) INTELLIGENT TRANSPORTATION SYSTEMS
14 PROGRAM.—To carry out sections 512 through 518
15 of title 23, United States Code, \$100,000,000 for
16 each of fiscal years 2016 through 2020.

17 (5) UNIVERSITY TRANSPORTATION CENTERS
18 PROGRAM.—To carry out section 5505 of title 49,
19 United States Code—

20 (A) \$72,500,000 for fiscal year 2016;

21 (B) \$75,000,000 for fiscal year 2017;

22 (C) \$75,000,000 for fiscal year 2018;

23 (D) \$77,500,000 for fiscal year 2019; and

24 (E) \$77,500,000 for fiscal year 2020.

1 (6) BUREAU OF TRANSPORTATION STATIS-
2 TICS.—To carry out chapter 63 of title 49, United
3 States Code, \$26,000,000 for each of fiscal years
4 2016 through 2020.

5 (b) ADMINISTRATION.—The Federal Highway Ad-
6 ministration shall—

7 (1) administer the programs described in para-
8 graphs (1), (2), and (3) of subsection (a); and

9 (2) in consultation with relevant modal adminis-
10 trations, administer the programs described in sub-
11 section (a)(4).

12 (c) APPLICABILITY OF TITLE 23, UNITED STATES
13 CODE.—Funds authorized to be appropriated by sub-
14 section (a) shall—

15 (1) be available for obligation in the same man-
16 ner as if those funds were apportioned under chap-
17 ter 1 of title 23, United States Code, except that the
18 Federal share of the cost of a project or activity car-
19 ried out using those funds shall be 80 percent, un-
20 less otherwise expressly provided by this Act (includ-
21 ing the amendments by this Act) or otherwise deter-
22 mined by the Secretary; and

23 (2) remain available until expended and not be
24 transferable, except as otherwise provided in this
25 Act.

1 **SEC. 6003. TECHNOLOGY AND INNOVATION DEPLOYMENT**
2 **PROGRAM.**

3 Section 503(c)(3) of title 23, United States Code, is
4 amended—

5 (1) in subparagraph (C) by striking “2013
6 through 2014” and inserting “2016 through 2020”;
7 and

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

9 “(D) PUBLICATION.—

10 “(i) IN GENERAL.—Not less fre-
11 quently than annually, the Secretary shall
12 issue and make available to the public on
13 an Internet website a report on the cost
14 and benefits from deployment of new tech-
15 nology and innovations that substantially
16 and directly resulted from the program es-
17 tablished under this paragraph.

18 “(ii) INCLUSIONS.—The report under
19 clause (i) may include an analysis of—

20 “(I) Federal, State, and local
21 cost savings;

22 “(II) project delivery time im-
23 provements;

24 “(III) reduced fatalities; and

25 “(IV) congestion impacts.”.

1 **SEC. 6004. ADVANCED TRANSPORTATION AND CONGESTION**
2 **MANAGEMENT TECHNOLOGIES DEPLOY-**
3 **MENT.**

4 Section 503(e) of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(4) ADVANCED TRANSPORTATION TECH-
7 NOLOGIES DEPLOYMENT.—

8 “(A) IN GENERAL.—Not later than 6
9 months after the date of enactment of this
10 paragraph, the Secretary shall establish an ad-
11 vanced transportation and congestion manage-
12 ment technologies deployment initiative to pro-
13 vide grants to eligible entities to develop model
14 deployment sites for large scale installation and
15 operation of advanced transportation tech-
16 nologies to improve safety, efficiency, system
17 performance, and infrastructure return on in-
18 vestment.

19 “(B) CRITERIA.—The Secretary shall de-
20 velop criteria for selection of an eligible entity
21 to receive a grant under this paragraph, includ-
22 ing how the deployment of technology will—

23 “(i) reduce costs and improve return
24 on investments, including through the en-
25 hanced use of existing transportation ca-
26 pacity;

1 “(ii) deliver environmental benefits
2 that alleviate congestion and streamline
3 traffic flow;

4 “(iii) measure and improve the oper-
5 ational performance of the applicable
6 transportation network;

7 “(iv) reduce the number and severity
8 of traffic crashes and increase driver, pas-
9 senger, and pedestrian safety;

10 “(v) collect, disseminate, and use real-
11 time traffic, transit, parking, and other
12 transportation-related information to im-
13 prove mobility, reduce congestion, and pro-
14 vide for more efficient and accessible
15 transportation;

16 “(vi) monitor transportation assets to
17 improve infrastructure management, re-
18 duce maintenance costs, prioritize invest-
19 ment decisions, and ensure a state of good
20 repair;

21 “(vii) deliver economic benefits by re-
22 ducing delays, improving system perform-
23 ance, and providing for the efficient and
24 reliable movement of goods and services; or

1 “(viii) accelerate the deployment of
2 vehicle-to-vehicle, vehicle-to-infrastructure,
3 autonomous vehicles, and other tech-
4 nologies.

5 “(C) APPLICATIONS.—

6 “(i) REQUEST.—Not later than 6
7 months after the date of enactment of this
8 paragraph, and for every fiscal year there-
9 after, the Secretary shall request applica-
10 tions in accordance with clause (ii).

11 “(ii) CONTENTS.—An application sub-
12 mitted under this subparagraph shall in-
13 clude the following:

14 “(I) PLAN.—A plan to deploy
15 and provide for the long-term oper-
16 ation and maintenance of advanced
17 transportation and congestion man-
18 agement technologies to improve safe-
19 ty, efficiency, system performance,
20 and return on investment.

21 “(II) OBJECTIVES.—Quantifiable
22 system performance improvements,
23 such as—

1 “(aa) reducing traffic-re-
2 lated crashes, congestion, and
3 costs;

4 “(bb) optimizing system effi-
5 ciency; and

6 “(cc) improving access to
7 transportation services.

8 “(III) RESULTS.—Quantifiable
9 safety, mobility, and environmental
10 benefit projections such as data-driven
11 estimates of how the project will im-
12 prove the region’s transportation sys-
13 tem efficiency and reduce traffic con-
14 gestion.

15 “(IV) PARTNERSHIPS.—A plan
16 for partnering with the private sector
17 or public agencies, including
18 multimodal and multijurisdictional en-
19 tities, research institutions, organiza-
20 tions representing transportation and
21 technology leaders, or other transpor-
22 tation stakeholders.

23 “(V) LEVERAGING.—A plan to
24 leverage and optimize existing local

1 and regional advanced transportation
2 technology investments.

3 “(D) GRANT SELECTION.—

4 “(i) GRANT AWARDS.—Not later than
5 1 year after the date of enactment of this
6 paragraph, and for every fiscal year there-
7 after, the Secretary shall award grants to
8 not less than 5 and not more than 10 eligi-
9 ble entities.

10 “(ii) GEOGRAPHIC DIVERSITY.—In
11 awarding a grant under this paragraph,
12 the Secretary shall ensure, to the extent
13 practicable, that grant recipients represent
14 diverse geographic areas of the United
15 States, including urban and rural areas.

16 “(iii) TECHNOLOGY DIVERSITY.—In
17 awarding a grant under this paragraph,
18 the Secretary shall ensure, to the extent
19 practicable, that grant recipients represent
20 diverse technology solutions.

21 “(E) USE OF GRANT FUNDS.—A grant re-
22 cipient may use funds awarded under this para-
23 graph to deploy advanced transportation and
24 congestion management technologies, includ-
25 ing—

1 “(i) advanced traveler information
2 systems;

3 “(ii) advanced transportation manage-
4 ment technologies;

5 “(iii) infrastructure maintenance,
6 monitoring, and condition assessment;

7 “(iv) advanced public transportation
8 systems;

9 “(v) transportation system perform-
10 ance data collection, analysis, and dissemi-
11 nation systems;

12 “(vi) advanced safety systems, includ-
13 ing vehicle-to-vehicle and vehicle-to-infra-
14 structure communications, technologies as-
15 sociated with autonomous vehicles, and
16 other collision avoidance technologies, in-
17 cluding systems using cellular technology;

18 “(vii) integration of intelligent trans-
19 portation systems with the Smart Grid and
20 other energy distribution and charging sys-
21 tems;

22 “(viii) electronic pricing and payment
23 systems; or

24 “(ix) advanced mobility and access
25 technologies, such as dynamic ridesharing

1 and information systems to support human
2 services for elderly and disabled individ-
3 uals.

4 “(F) REPORT TO SECRETARY.—For each
5 eligible entity that receives a grant under this
6 paragraph, not later than 1 year after the enti-
7 ty receives the grant, and each year thereafter,
8 the entity shall submit a report to the Secretary
9 that describes—

10 “(i) deployment and operational costs
11 of the project compared to the benefits and
12 savings the project provides; and

13 “(ii) how the project has met the
14 original expectations projected in the de-
15 ployment plan submitted with the applica-
16 tion, such as—

17 “(I) data on how the project has
18 helped reduce traffic crashes, conges-
19 tion, costs, and other benefits of the
20 deployed systems;

21 “(II) data on the effect of meas-
22 uring and improving transportation
23 system performance through the de-
24 ployment of advanced technologies;

1 “(III) the effectiveness of pro-
2 viding real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to the public to
5 make informed travel decisions; and

6 “(IV) lessons learned and rec-
7 ommendations for future deployment
8 strategies to optimize transportation
9 efficiency and multimodal system per-
10 formance.

11 “(G) REPORT.—Not later than 3 years
12 after the date that the first grant is awarded
13 under this paragraph, and each year thereafter,
14 the Secretary shall make available to the public
15 on an Internet website a report that describes
16 the effectiveness of grant recipients in meeting
17 their projected deployment plans, including data
18 provided under subparagraph (F) on how the
19 program has—

20 “(i) reduced traffic-related fatalities
21 and injuries;

22 “(ii) reduced traffic congestion and
23 improved travel time reliability;

24 “(iii) reduced transportation-related
25 emissions;

1 “(iv) optimized multimodal system
2 performance;

3 “(v) improved access to transportation
4 alternatives;

5 “(vi) provided the public with access
6 to real-time integrated traffic, transit, and
7 multimodal transportation information to
8 make informed travel decisions;

9 “(vii) provided cost savings to trans-
10 portation agencies, businesses, and the
11 traveling public; or

12 “(viii) provided other benefits to
13 transportation users and the general pub-
14 lic.

15 “(H) ADDITIONAL GRANTS.—The Sec-
16 retary may cease to provide additional grant
17 funds to a recipient of a grant under this para-
18 graph if—

19 “(i) the Secretary determines from
20 such recipient’s report that the recipient is
21 not carrying out the requirements of the
22 grant; and

23 “(ii) the Secretary provides written
24 notice 60 days prior to withholding funds
25 to the Committees on Transportation and

1 Infrastructure and Science, Space, and
2 Technology of the House of Representa-
3 tives and the Committees on Environment
4 and Public Works and Commerce, Science,
5 and Transportation of the Senate.

6 “(I) FUNDING.—

7 “(i) IN GENERAL.—From funds made
8 available to carry out subsection (b), this
9 subsection, and sections 512 through 518,
10 the Secretary shall set aside for grants
11 awarded under subparagraph (D)
12 \$60,000,000 for each of fiscal years 2016
13 through 2020.

14 “(ii) EXPENSES FOR THE SEC-
15 RETARY.—Of the amounts set aside under
16 clause (i), the Secretary may set aside
17 \$2,000,000 each fiscal year for program
18 reporting, evaluation, and administrative
19 costs related to this paragraph.

20 “(J) FEDERAL SHARE.—The Federal
21 share of the cost of a project for which a grant
22 is awarded under this subsection shall not ex-
23 ceed 50 percent of the cost of the project.

24 “(K) GRANT LIMITATION.—The Secretary
25 may not award more than 20 percent of the

1 amount described under subparagraph (I) in a
2 fiscal year to a single grant recipient.

3 “(L) EXPENSES FOR GRANT RECIPI-
4 ENTS.—A grant recipient under this paragraph
5 may use not more than 5 percent of the funds
6 awarded each fiscal year to carry out planning
7 and reporting requirements.

8 “(M) GRANT FLEXIBILITY.—

9 “(i) IN GENERAL.—If, by August 1 of
10 each fiscal year, the Secretary determines
11 that there are not enough grant applica-
12 tions that meet the requirements described
13 in subparagraph (C) to carry out this sec-
14 tion for a fiscal year, the Secretary shall
15 transfer to the programs specified in clause
16 (ii)—

17 “(I) any of the funds reserved for
18 the fiscal year under subparagraph (I)
19 that the Secretary has not yet award-
20 ed under this paragraph; and

21 “(II) an amount of obligation
22 limitation equal to the amount of
23 funds that the Secretary transfers
24 under subclause (I).

1 “(ii) PROGRAMS.—The programs re-
2 ferred to in clause (i) are—

3 “(I) the program under sub-
4 section (b);

5 “(II) the program under this
6 subsection; and

7 “(III) the programs under sec-
8 tions 512 through 518.

9 “(iii) DISTRIBUTION.—Any transfer
10 of funds and obligation limitation under
11 clause (i) shall be divided among the pro-
12 grams referred to in that clause in the
13 same proportions as the Secretary origi-
14 nally reserved funding from the programs
15 for the fiscal year under subparagraph (I).

16 “(N) DEFINITIONS.—In this paragraph,
17 the following definitions apply:

18 “(i) ELIGIBLE ENTITY.—The term ‘el-
19 igible entity’ means a State or local gov-
20 ernment, a transit agency, metropolitan
21 planning organization representing a popu-
22 lation of over 200,000, or other political
23 subdivision of a State or local government
24 or a multijurisdictional group or a con-

1 sortia of research institutions or academic
2 institutions.

3 “(ii) ADVANCED AND CONGESTION
4 MANAGEMENT TRANSPORTATION TECH-
5 NOLOGIES.—The term ‘advanced transpor-
6 tation and congestion management tech-
7 nologies’ means technologies that improve
8 the efficiency, safety, or state of good re-
9 pair of surface transportation systems, in-
10 cluding intelligent transportation systems.

11 “(iii) MULTIJURISDICTIONAL
12 GROUP.—The term ‘multijurisdictional
13 group’ means a any combination of State
14 governments, local governments, metropoli-
15 tan planning agencies, transit agencies, or
16 other political subdivisions of a State for
17 which each member of the group—

18 “(I) has signed a written agree-
19 ment to implement the advanced
20 transportation technologies deploy-
21 ment initiative across jurisdictional
22 boundaries; and

23 “(II) is an eligible entity under
24 this paragraph.”.

1 **SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM**
2 **GOALS.**

3 Section 514(a) of title 23, United States Code, is
4 amended—

5 (1) in paragraph (4) by striking “and” at the
6 end;

7 (2) in paragraph (5) by striking the period at
8 the end and inserting “; and”; and

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

10 “(6) enhancement of the national freight sys-
11 tem and support to national freight policy goals.”.

12 **SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PUR-**
13 **POSES.**

14 Section 514(b) of title 23, United States Code, is
15 amended—

16 (1) in paragraph (8) by striking “and” at the
17 end;

18 (2) in paragraph (9) by striking the period at
19 the end and inserting “; and”; and

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

21 “(10) to assist in the development of cybersecu-
22 rity research in cooperation with relevant modal ad-
23 ministrations of the Department of Transportation
24 and other Federal agencies to help prevent hacking,
25 spoofing, and disruption of connected and automated
26 transportation vehicles.”.

1 **SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM PRO-**
2 **GRAM REPORT.**

3 Section 515(h)(4) of title 23, United States Code, is
4 amended in the matter preceding subparagraph (A)—

5 (1) by striking “February 1 of each year after
6 the date of enactment of the Transportation Re-
7 search and Innovative Technology Act of 2012” and
8 inserting “May 1 of each year”; and

9 (2) by striking “submit to Congress” and in-
10 sserting “make available to the public on a Depart-
11 ment of Transportation website”.

12 **SEC. 6008. INTELLIGENT TRANSPORTATION SYSTEM NA-**
13 **TIONAL ARCHITECTURE AND STANDARDS.**

14 Section 517(a)(3) of title 23, United States Code, is
15 amended by striking “memberships are comprised of, and
16 represent,” and inserting “memberships include represent-
17 atives of”.

18 **SEC. 6009. COMMUNICATION SYSTEMS DEPLOYMENT RE-**
19 **PORT.**

20 Section 518(a) of title 23, United States Code, is
21 amended in the matter preceding paragraph (1) by strik-
22 ing “Not later than 3” and all that follows through
23 “House of Representatives” and inserting “Not later than
24 July 6, 2016, the Secretary shall make available to the
25 public on a Department of Transportation website a re-
26 port”.

1 **SEC. 6010. INFRASTRUCTURE DEVELOPMENT.**

2 (a) IN GENERAL.—Chapter 5 of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 519. Infrastructure development**

6 “Funds made available to carry out this chapter for
7 operational tests of intelligent transportation systems—

8 “(1) shall be used primarily for the development
9 of intelligent transportation system infrastructure,
10 equipment, and systems; and

11 “(2) to the maximum extent practicable, shall
12 not be used for the construction of physical surface
13 transportation infrastructure unless the construction
14 is incidental and critically necessary to the imple-
15 mentation of an intelligent transportation system
16 project.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) CLERICAL AMENDMENT.—The analysis for
19 chapter 5 of title 23, United States Code, is amend-
20 ed by adding at the end the following:

“519. Infrastructure development.”.

21 (2) TECHNICAL AMENDMENT.—The item relat-
22 ing to section 512 in the analysis for chapter 5 of
23 title 23, United States Code, is amended to read as
24 follows:

“512. National ITS program plan.”.

1 **SEC. 6011. DEPARTMENTAL RESEARCH PROGRAMS.**

2 (a) ASSISTANT SECRETARY FOR RESEARCH AND
3 TECHNOLOGY.—Section 102(e)(1) of title 49, United
4 States Code, is amended—

5 (1) in the matter preceding subparagraph (A)
6 by striking “5” and inserting “6”; and

7 (2) in subparagraph (A) by inserting “an As-
8 sistant Secretary for Research and Technology,”
9 after “Governmental Affairs,”.

10 (b) RESEARCH ACTIVITIES.—Section 330 of title 49,
11 United States Code, is amended—

12 (1) in the section heading by striking “**con-**
13 **tracts**” and inserting “**activities**”;

14 (2) in subsection (a) by striking “The Secretary
15 of” and inserting “IN GENERAL.—The Secretary
16 of”;

17 (3) in subsection (b) by striking “In carrying”
18 and inserting “RESPONSIBILITIES.—In carrying”;

19 (4) in subsection (c) by striking “The Sec-
20 retary” and inserting “PUBLICATIONS.—The Sec-
21 retary”; and

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

23 “(d) DUTIES.—The Secretary shall provide for the
24 following:

1 “(1) Coordination, facilitation, and review of
2 Department of Transportation research and develop-
3 ment programs and activities.

4 “(2) Advancement, and research and develop-
5 ment, of innovative technologies, including intelligent
6 transportation systems.

7 “(3) Comprehensive transportation statistics re-
8 search, analysis, and reporting.

9 “(4) Education and training in transportation
10 and transportation-related fields.

11 “(5) Activities of the Volpe National Transpor-
12 tation Systems Center.

13 “(6) Coordination in support of multimodal and
14 multidisciplinary research activities.

15 “(e) ADDITIONAL AUTHORITIES.—The Secretary
16 may—

17 “(1) enter into grants and cooperative agree-
18 ments with Federal agencies, State and local govern-
19 ment agencies, other public entities, private organi-
20 zations, and other persons to conduct research into
21 transportation service and infrastructure assurance
22 and to carry out other research activities of the De-
23 partment of Transportation;

24 “(2) carry out, on a cost-shared basis, collabo-
25 rative research and development to encourage inno-

1 vative solutions to multimodal transportation prob-
2 lems and stimulate the deployment of new tech-
3 nology with—

4 “(A) non-Federal entities, including State
5 and local governments, foreign governments, in-
6 stitutions of higher education, corporations, in-
7 stitutions, partnerships, sole proprietorships,
8 and trade associations that are incorporated or
9 established under the laws of any State;

10 “(B) Federal laboratories; and

11 “(C) other Federal agencies; and

12 “(3) directly initiate contracts, grants, coopera-
13 tive research and development agreements (as de-
14 fined in section 12(d) of the Stevenson-Wydler Tech-
15 nology Innovation Act of 1980 (15 U.S.C.
16 3710a(d))), and other agreements to fund, and ac-
17 cept funds from, the Transportation Research Board
18 of the National Academies, State departments of
19 transportation, cities, counties, institutions of higher
20 education, associations, and the agents of those enti-
21 ties to carry out joint transportation research and
22 technology efforts.

23 “(f) FEDERAL SHARE.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 the Federal share of the cost of an activity carried

1 out under subsection (e)(3) shall not exceed 50 per-
2 cent.

3 “(2) EXCEPTION.—If the Secretary determines
4 that the activity is of substantial public interest or
5 benefit, the Secretary may approve a greater Federal
6 share.

7 “(3) NON-FEDERAL SHARE.—All costs directly
8 incurred by the non-Federal partners, including per-
9 sonnel, travel, facility, and hardware development
10 costs, shall be credited toward the non-Federal share
11 of the cost of an activity described in subsection
12 (e)(3).

13 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
14 each of fiscal years 2016 through 2020, the Secretary is
15 authorized to expend not more than 1 ½ percent of the
16 amounts authorized to be appropriated for the coordina-
17 tion, evaluation, and oversight of the programs adminis-
18 tered by the Office of the Assistant Secretary for Research
19 and Technology.

20 “(h) USE OF TECHNOLOGY.—The research, develop-
21 ment, or use of a technology under a contract, grant, coop-
22 erative research and development agreement, or other
23 agreement entered into under this section, including the
24 terms under which the technology may be licensed and the
25 resulting royalties may be distributed, shall be subject to

1 the Stevenson-Wydler Technology Innovation Act of 1980
2 (15 U.S.C. 3701 et seq.).

3 “(i) WAIVER OF ADVERTISING REQUIREMENTS.—
4 Section 6101 of title 41 shall not apply to a contract,
5 grant, or other agreement entered into under this sec-
6 tion.”.

7 (c) CLERICAL AMENDMENT.—The item relating to
8 section 330 in the analysis of chapter 3 of title 49, United
9 States Code, is amended to read as follows:

“330. Research activities.”.

10 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) TITLE 5 AMENDMENTS.—

12 (A) POSITIONS AT LEVEL II.—Section
13 5313 of title 5, United States Code, is amended
14 by striking “The Under Secretary of Transpor-
15 tation for Security.”.

16 (B) POSITIONS AT LEVEL IV.—Section
17 5315 of title 5, United States Code, is amended
18 in the undesignated item relating to Assistant
19 Secretaries of Transportation by striking “(4)”
20 and inserting “(5)”.

21 (C) POSITIONS AT LEVEL V.—Section
22 5316 of title 5, United States Code, is amended
23 by striking “Associate Deputy Secretary, De-
24 partment of Transportation.”.

1 (2) BUREAU OF TRANSPORTATION STATIS-
2 TICS.—Section 6302 of title 49, United States Code,
3 is amended by striking subsection (a) and inserting
4 the following:

5 “(a) IN GENERAL.—There shall be within the De-
6 partment of Transportation the Bureau of Transportation
7 Statistics.”.

8 **SEC. 6012. RESEARCH AND INNOVATIVE TECHNOLOGY AD-**
9 **MINISTRATION.**

10 (a) REPEAL.—Section 112 of title 49, United States
11 Code, is repealed.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 1 of title 49, United States Code, is amended by strik-
14 ing the item relating to section 112.

15 **SEC. 6013. WEB-BASED TRAINING FOR EMERGENCY RE-**
16 **SPONDERS.**

17 Section 5115(a) of title 49, United States Code, is
18 amended in the first sentence by inserting “, including on-
19 line curriculum as appropriate,” after “a current cur-
20 riculum of courses”.

21 **SEC. 6014. HAZARDOUS MATERIALS RESEARCH AND DEVEL-**
22 **OPMENT.**

23 Section 5118 of title 49, United States Code, is
24 amended—

25 (1) in subsection (a)(2)—

1 (A) in subparagraph (A) by striking “and”
2 at the end;

3 (B) in subparagraph (B) by striking the
4 period at the end and inserting “; and”; and

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

6 “(C) coordinate, as appropriate, with other
7 Federal agencies.”; and

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

9 “(c) COOPERATIVE RESEARCH.—

10 “(1) IN GENERAL.—As part of the program es-
11 tablished under subsection (a), the Secretary may
12 carry out cooperative research on hazardous mate-
13 rials transport.

14 “(2) NATIONAL ACADEMIES.—The Secretary
15 may enter into an agreement with the National
16 Academies to support research described in para-
17 graph (1).

18 “(3) RESEARCH.—Research conducted under
19 this subsection may include activities relating to—

20 “(A) emergency planning and response, in-
21 cluding information and programs that can be
22 readily assessed and implemented in local juris-
23 dictions;

24 “(B) risk analysis and perception and data
25 assessment;

1 “(C) commodity flow data, including vol-
2 untary collaboration between shippers and first
3 responders for secure data exchange of critical
4 information;

5 “(D) integration of safety and security;

6 “(E) cargo packaging and handling;

7 “(F) hazmat release consequences; and

8 “(G) materials and equipment testing.”.

9 **SEC. 6015. OFFICE OF INTERMODALISM.**

10 (a) **REPEAL.**—Section 5503 of title 49, United States
11 Code, is repealed.

12 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
13 ter 55 of title 49, United States Code, is amended by
14 striking the item relating to section 5503.

15 **SEC. 6016. UNIVERSITY TRANSPORTATION CENTERS.**

16 Section 5505 of title 49, United States Code, is
17 amended to read as follows:

18 **“§ 5505. University transportation centers program**

19 “(a) **UNIVERSITY TRANSPORTATION CENTERS PRO-**
20 **GRAM.**—

21 “(1) **ESTABLISHMENT AND OPERATION.**—The
22 Secretary shall make grants under this section to eli-
23 gible nonprofit institutions of higher education to es-
24 tablish and operate university transportation cen-
25 ters.

1 “(2) ROLE OF CENTERS.—The role of each uni-
2 versity transportation center referred to in para-
3 graph (1) shall be—

4 “(A) to advance transportation expertise
5 and technology in the varied disciplines that
6 comprise the field of transportation through
7 education, research, and technology transfer ac-
8 tivities;

9 “(B) to provide for a critical transpor-
10 tation knowledge base outside of the Depart-
11 ment of Transportation; and

12 “(C) to address critical workforce needs
13 and educate the next generation of transpor-
14 tation leaders.

15 “(b) COMPETITIVE SELECTION PROCESS.—

16 “(1) APPLICATIONS.—To receive a grant under
17 this section, a consortium of nonprofit institutions of
18 higher education shall submit to the Secretary an
19 application that is in such form and contains such
20 information as the Secretary may require.

21 “(2) RESTRICTION.—

22 “(A) LIMITATION.—A lead institution of a
23 consortium of nonprofit institutions of higher
24 education, as applicable, may only receive 1
25 grant per fiscal year for each of the transpor-

1 tation centers described under paragraphs (2),
2 (3), and (4) of subsection (c).

3 “(B) EXCEPTION FOR CONSORTIUM MEM-
4 BERS THAT ARE NOT LEAD INSTITUTIONS.—
5 Subparagraph (A) shall not apply to a non-
6 profit institution of higher education that is a
7 member of a consortium of nonprofit institu-
8 tions of higher education but not the lead insti-
9 tution of such consortium.

10 “(3) COORDINATION.—The Secretary shall so-
11 licit grant applications for national transportation
12 centers, regional transportation centers, and Tier 1
13 university transportation centers with identical ad-
14 vertisement schedules and deadlines.

15 “(4) GENERAL SELECTION CRITERIA.—

16 “(A) IN GENERAL.—Except as otherwise
17 provided by this section, the Secretary shall
18 award grants under this section in nonexclusive
19 candidate topic areas established by the Sec-
20 retary that address the research priorities iden-
21 tified in chapter 65.

22 “(B) CRITERIA.—The Secretary, in con-
23 sultation with the Assistant Secretary for Re-
24 search and Technology and the Administrator
25 of the Federal Highway Administration and

1 other modal administrations as appropriate,
2 shall select each recipient of a grant under this
3 section through a competitive process based on
4 the assessment of the Secretary relating to—

5 “(i) the demonstrated ability of the
6 recipient to address each specific topic area
7 described in the research and strategic
8 plans of the recipient;

9 “(ii) the demonstrated research, tech-
10 nology transfer, and education resources
11 available to the recipient to carry out this
12 section;

13 “(iii) the ability of the recipient to
14 provide leadership in solving immediate
15 and long-range national and regional
16 transportation problems;

17 “(iv) the ability of the recipient to
18 carry out research, education, and tech-
19 nology transfer activities that are
20 multimodal and multidisciplinary in scope;

21 “(v) the demonstrated commitment of
22 the recipient to carry out transportation
23 workforce development programs
24 through—

1 “(I) degree-granting programs or
2 programs that provide other industry-
3 recognized credentials; and

4 “(II) outreach activities to at-
5 tract new entrants into the transpor-
6 tation field, including women and
7 underrepresented populations;

8 “(vi) the demonstrated ability of the
9 recipient to disseminate results and spur
10 the implementation of transportation re-
11 search and education programs through
12 national or statewide continuing education
13 programs;

14 “(vii) the demonstrated commitment
15 of the recipient to the use of peer review
16 principles and other research best practices
17 in the selection, management, and dissemi-
18 nation of research projects;

19 “(viii) the strategic plan submitted by
20 the recipient describing the proposed re-
21 search to be carried out by the recipient
22 and the performance metrics to be used in
23 assessing the performance of the recipient
24 in meeting the stated research, technology

1 transfer, education, and outreach goals;
2 and

3 “(ix) the ability of the recipient to im-
4 plement the proposed program in a cost-ef-
5 ficient manner, such as through cost shar-
6 ing and overall reduced overhead, facilities,
7 and administrative costs.

8 “(5) TRANSPARENCY.—

9 “(A) IN GENERAL.—The Secretary shall
10 provide to each applicant, upon request, any
11 materials, including copies of reviews (with any
12 information that would identify a reviewer re-
13 dacted), used in the evaluation process of the
14 proposal of the applicant.

15 “(B) REPORTS.—The Secretary shall sub-
16 mit to the Committees on Transportation and
17 Infrastructure and Science, Space, and Tech-
18 nology of the House of Representatives and the
19 Committee on Environment and Public Works
20 of the Senate a report describing the overall re-
21 view process under paragraph (4) that in-
22 cludes—

23 “(i) specific criteria of evaluation used
24 in the review;

1 “(ii) descriptions of the review proc-
2 ess; and

3 “(iii) explanations of the selected
4 awards.

5 “(6) OUTSIDE STAKEHOLDERS.—The Secretary
6 shall, to the maximum extent practicable, consult ex-
7 ternal stakeholders, including the Transportation
8 Research Board of the National Research Council of
9 the National Academies, to evaluate and competi-
10 tively review all proposals.

11 “(c) GRANTS.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this section, the Secretary
14 shall select grant recipients under subsection (b) and
15 make grant amounts available to the selected recipi-
16 ents.

17 “(2) NATIONAL TRANSPORTATION CENTERS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the Secretary shall provide grants to
20 5 consortia that the Secretary determines best
21 meet the criteria described in subsection (b)(4).

22 “(B) RESTRICTIONS.—

23 “(i) IN GENERAL.—For each fiscal
24 year, a grant made available under this
25 paragraph shall be not greater than

1 \$4,000,000 and not less than \$2,000,000
2 per recipient.

3 “(ii) FOCUSED RESEARCH.—A consor-
4 tium receiving a grant under this para-
5 graph shall focus research on 1 of the
6 transportation issue areas specified in sec-
7 tion 6503(c).

8 “(C) MATCHING REQUIREMENT.—

9 “(i) IN GENERAL.—As a condition of
10 receiving a grant under this paragraph, a
11 grant recipient shall match 100 percent of
12 the amounts made available under the
13 grant.

14 “(ii) SOURCES.—The matching
15 amounts referred to in clause (i) may in-
16 clude amounts made available to the recipi-
17 ent under—

18 “(I) section 504(b) of title 23; or

19 “(II) section 505 of title 23.

20 “(3) REGIONAL UNIVERSITY TRANSPORTATION
21 CENTERS.—

22 “(A) LOCATION OF REGIONAL CENTERS.—
23 One regional university transportation center
24 shall be located in each of the 10 Federal re-
25 gions that comprise the Standard Federal Re-

1 gions established by the Office of Management
2 and Budget in the document entitled ‘Standard
3 Federal Regions’ and dated April 1974 (cir-
4 cular A-105).

5 “(B) SELECTION CRITERIA.—In con-
6 ducting a competition under subsection (b), the
7 Secretary shall provide grants to 10 consortia
8 on the basis of—

9 “(i) the criteria described in sub-
10 section (b)(4);

11 “(ii) the location of the lead center
12 within the Federal region to be served; and

13 “(iii) whether the consortium of insti-
14 tutions demonstrates that the consortium
15 has a well-established, nationally recog-
16 nized program in transportation research
17 and education, as evidenced by—

18 “(I) recent expenditures by the
19 institution in highway or public trans-
20 portation research;

21 “(II) a historical track record of
22 awarding graduate degrees in profes-
23 sional fields closely related to high-
24 ways and public transportation; and

1 “(III) an experienced faculty who
2 specialize in professional fields closely
3 related to highways and public trans-
4 portation.

5 “(C) RESTRICTIONS.—For each fiscal
6 year, a grant made available under this para-
7 graph shall be not greater than \$3,000,000 and
8 not less than \$1,500,000 per recipient.

9 “(D) MATCHING REQUIREMENTS.—

10 “(i) IN GENERAL.—As a condition of
11 receiving a grant under this paragraph, a
12 grant recipient shall match 100 percent of
13 the amounts made available under the
14 grant.

15 “(ii) SOURCES.—The matching
16 amounts referred to in clause (i) may in-
17 clude amounts made available to the recipi-
18 ent under—

19 “(I) section 504(b) of title 23; or

20 “(II) section 505 of title 23.

21 “(E) FOCUSED RESEARCH.—The Secretary
22 shall make a grant to 1 of the 10 regional uni-
23 versity transportation centers established under
24 this paragraph for the purpose of furthering the
25 objectives described in subsection (a)(2) in the

1 field of comprehensive transportation safety,
2 congestion, connected vehicles, connected infra-
3 structure, and autonomous vehicles.

4 “(4) TIER 1 UNIVERSITY TRANSPORTATION
5 CENTERS.—

6 “(A) IN GENERAL.—The Secretary shall
7 provide grants of not greater than \$2,000,000
8 and not less than \$1,000,000 to not more than
9 20 recipients to carry out this paragraph.

10 “(B) MATCHING REQUIREMENT.—

11 “(i) IN GENERAL.—As a condition of
12 receiving a grant under this paragraph, a
13 grant recipient shall match 50 percent of
14 the amounts made available under the
15 grant.

16 “(ii) SOURCES.—The matching
17 amounts referred to in clause (i) may in-
18 clude amounts made available to the recipi-
19 ent under—

20 “(I) section 504(b) of title 23; or

21 “(II) section 505 of title 23.

22 “(C) FOCUSED RESEARCH.—In awarding
23 grants under this section, consideration shall be
24 given to minority institutions, as defined by sec-
25 tion 365 of the Higher Education Act of 1965

1 (20 U.S.C. 1067k), or consortia that include
2 such institutions that have demonstrated an
3 ability in transportation-related research.

4 “(d) PROGRAM COORDINATION.—

5 “(1) IN GENERAL.—The Secretary shall—

6 “(A) coordinate the research, education,
7 and technology transfer activities carried out by
8 grant recipients under this section; and

9 “(B) disseminate the results of that re-
10 search through the establishment and operation
11 of a publicly accessible online information clear-
12 ingshouse.

13 “(2) ANNUAL REVIEW AND EVALUATION.—Not
14 less frequently than annually, and consistent with
15 the plan developed under section 6503, the Secretary
16 shall—

17 “(A) review and evaluate the programs
18 carried out under this section by grant recipi-
19 ents; and

20 “(B) submit to the Committees on Trans-
21 portation and Infrastructure and Science,
22 Space, and Technology of the House of Rep-
23 resentatives and the Committees on Environ-
24 ment and Public Works and Commerce,

1 Science, and Transportation of the Senate a re-
2 port describing that review and evaluation.

3 “(3) PROGRAM EVALUATION AND OVER-
4 SIGHT.—For each of fiscal years 2016 through
5 2020, the Secretary shall expend not more than 1
6 and a half percent of the amounts made available to
7 the Secretary to carry out this section for any co-
8 ordination, evaluation, and oversight activities of the
9 Secretary under this section.

10 “(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—
11 Amounts made available to the Secretary to carry out this
12 section shall remain available for obligation by the Sec-
13 retary for a period of 3 years after the last day of the
14 fiscal year for which the amounts are authorized.

15 “(f) INFORMATION COLLECTION.—Any survey, ques-
16 tionnaire, or interview that the Secretary determines to
17 be necessary to carry out reporting requirements relating
18 to any program assessment or evaluation activity under
19 this section, including customer satisfaction assessments,
20 shall not be subject to chapter 35 of title 44.”

21 **SEC. 6017. BUREAU OF TRANSPORTATION STATISTICS.**

22 Section 6302 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(d) INDEPENDENCE OF BUREAU.—

1 “(1) IN GENERAL.—The Director shall not be
2 required—

3 “(A) to obtain the approval of any other
4 officer or employee of the Department with re-
5 spect to the collection or analysis of any infor-
6 mation; or

7 “(B) prior to publication, to obtain the ap-
8 proval of any other officer or employee of the
9 United States Government with respect to the
10 substance of any statistical technical reports or
11 press releases lawfully prepared by the Director.

12 “(2) BUDGET AUTHORITY.—The Director shall
13 have a significant role in the disposition and alloca-
14 tion of the authorized budget of the Bureau, includ-
15 ing—

16 “(A) all hiring, grants, cooperative agree-
17 ments, and contracts awarded by the Bureau to
18 carry out this section; and

19 “(B) the disposition and allocation of
20 amounts paid to the Bureau for cost-reimburs-
21 able projects.

22 “(3) EXCEPTIONS.—The Secretary shall direct
23 external support functions, such as the coordination
24 of activities involving multiple modal administra-
25 tions.

1 “(4) INFORMATION TECHNOLOGY.—The De-
2 partment Chief Information Officer shall consult
3 with the Director to ensure decisions related to in-
4 formation technology guarantee the protection of the
5 confidentiality of information provided solely for sta-
6 tistical purposes, in accordance with the Confidential
7 Information Protection and Statistical Efficiency Act
8 of 2002 (44 U.S.C. 3501 note; Public Law 107–
9 347).”.

10 **SEC. 6018. PORT PERFORMANCE FREIGHT STATISTICS PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 63 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 6314. Port performance freight statistics program**

16 “(a) IN GENERAL.—The Director shall establish, on
17 behalf of the Secretary, a port performance statistics pro-
18 gram to provide nationally consistent measures of per-
19 formance of, at a minimum—

20 “(1) the Nation’s top 25 ports by tonnage;

21 “(2) the Nation’s top 25 ports by 20-foot equiv-
22 alent unit; and

23 “(3) the Nation’s top 25 ports by dry bulk.

24 “(b) REPORTS.—

1 “(1) PORT CAPACITY AND THROUGHPUT.—Not
2 later than January 15 of each year, the Director
3 shall submit an annual report to Congress that in-
4 cludes statistics on capacity and throughput at the
5 ports described in subsection (a).

6 “(2) PORT PERFORMANCE MEASURES.—The
7 Director shall collect port performance measures for
8 each of the United States ports referred to in sub-
9 section (a) that—

10 “(A) receives Federal assistance; or

11 “(B) is subject to Federal regulation to
12 submit necessary information to the Bureau
13 that includes statistics on capacity and through-
14 put as applicable to the specific configuration of
15 the port.

16 “(c) RECOMMENDATIONS.—

17 “(1) IN GENERAL.—The Director shall obtain
18 recommendations for—

19 “(A) port performance measures, including
20 specifications and data measurements to be
21 used in the program established under sub-
22 section (a); and

23 “(B) a process for the Department to col-
24 lect timely and consistent data, including identi-

1 fying safeguards to protect proprietary informa-
2 tion described in subsection (b)(2).

3 “(2) WORKING GROUP.—Not later than 60 days
4 after the date of the enactment of the Transpor-
5 tation for Tomorrow Act of 2015, the Director shall
6 commission a working group composed of—

7 “(A) operating administrations of the De-
8 partment;

9 “(B) the Coast Guard;

10 “(C) the Federal Maritime Commission;

11 “(D) U.S. Customs and Border Protection;

12 “(E) the Marine Transportation System
13 National Advisory Council;

14 “(F) the Army Corps of Engineers;

15 “(G) the Saint Lawrence Seaway Develop-
16 ment Corporation;

17 “(H) the Bureau of Labor Statistics;

18 “(I) the Maritime Advisory Committee for
19 Occupational Safety and Health;

20 “(J) the Advisory Committee on Supply
21 Chain Competitiveness;

22 “(K) 1 representative from the rail indus-
23 try;

24 “(L) 1 representative from the trucking in-
25 dustry;

1 “(M) 1 representative from the maritime
2 shipping industry;

3 “(N) 1 representative from a labor organi-
4 zation for each industry described in subpara-
5 graphs (K) through (M);

6 “(O) 1 representative from the Inter-
7 national Longshoremen’s Association;

8 “(P) 1 representative from the Inter-
9 national Longshore and Warehouse Union;

10 “(Q) 1 representative from a port author-
11 ity;

12 “(R) 1 representative from a terminal op-
13 erator;

14 “(S) representatives of the National
15 Freight Advisory Committee of the Depart-
16 ment; and

17 “(T) representatives of the Transportation
18 Research Board of the National Academies of
19 Sciences, Engineering, and Medicine.

20 “(3) RECOMMENDATIONS.—Not later than 1
21 year after the date of the enactment of the Trans-
22 portation for Tomorrow Act of 2015, the working
23 group commissioned under paragraph (2) shall sub-
24 mit its recommendations to the Director.

1 “(d) ACCESS TO DATA.—The Director shall ensure
2 that—

3 “(1) the statistics compiled under this section—

4 “(A) are readily accessible to the public;

5 and

6 “(B) are consistent with applicable security

7 constraints and confidentiality interests; and

8 “(2) the data acquired, regardless of source,
9 shall be protected in accordance with the Confiden-
10 tial Information Protection and Statistical Efficiency
11 Act of 2002 (44 U.S.C. 3501 note; Public Law 107–
12 347).”.

13 (b) PROHIBITION ON CERTAIN DISCLOSURES; COP-
14 IES OF REPORTS.—Section 6307(b) of such title is amend-
15 ed, by inserting “or section 6314(b)” after “section
16 6302(b)(3)(B)” each place it appears.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 for chapter 63 of such title is amended by adding at the
19 end the following:

 “6314. Port performance freight statistics program.”.

20 **SEC. 6019. RESEARCH PLANNING.**

21 (a) FINDINGS.—Congress finds that—

22 (1) Federal transportation research planning—

23 (A) should be coordinated by the Office of
24 the Secretary; and

1 (B) should be, to the extent practicable,
2 multimodal and not occur solely within the sub-
3 agencies of the Department;

4 (2) managing a multimodal research portfolio
5 within the Office of the Secretary will—

6 (A) help identify opportunities in which re-
7 search could be applied across modes; and

8 (B) prevent duplication of efforts and
9 waste of limited Federal resources;

10 (3) the Assistant Secretary for Research and
11 Technology at the Department of Transportation
12 will—

13 (A) give stakeholders a formal opportunity
14 to address concerns;

15 (B) ensure unbiased research; and

16 (C) improve the overall research products
17 of the Department; and

18 (4) increasing transparency of transportation
19 research and development efforts will—

20 (A) build stakeholder confidence in the
21 final product; and

22 (B) lead to the improved implementation
23 of research findings.

24 (b) RESEARCH PLANNING.—

1 (1) IN GENERAL.—Subtitle III of title 49,
2 United States Code, is amended by inserting after
3 chapter 63 the following:

4 **“CHAPTER 65—RESEARCH PLANNING**

 “Sec.

 “6501. Annual modal research plans.

 “6502. Consolidated research database.

 “6503. Transportation research and development 5-year strategic plan.

5 **“SEC. 6501. ANNUAL MODAL RESEARCH PLANS.**

6 “(a) MODAL PLANS REQUIRED.—

7 “(1) IN GENERAL.—Not later than May 1 of
8 each year, the head of each modal administration
9 and joint program office of the Department of
10 Transportation shall submit to the Assistant Sec-
11 retary for Research and Technology of the Depart-
12 ment of Transportation (referred to in this chapter
13 as the ‘Assistant Secretary’) a comprehensive annual
14 modal research plan for the upcoming fiscal year
15 and a detailed outlook for the following fiscal year.

16 “(2) RELATIONSHIP TO STRATEGIC PLAN.—
17 Each plan submitted under paragraph (1), after the
18 plan required in 2016, shall be consistent with the
19 strategic plan developed under section 6503.

20 “(b) REVIEW.—

21 “(1) IN GENERAL.—Not later than September
22 1 of each year, the Assistant Secretary, for each

1 plan and outlook submitted pursuant to subsection
2 (a), shall—

3 “(A) review the scope of the research; and

4 “(B)(i) approve the plan and outlook; or

5 “(ii) request that the plan and outlook be
6 revised and resubmitted for approval.

7 “(2) PUBLICATIONS.—Not later than January
8 30 of each year, the Secretary shall publish on a
9 public website each plan and outlook that has been
10 approved under paragraph (1)(B)(i).

11 “(3) REJECTION OF DUPLICATIVE RESEARCH
12 EFFORTS.—The Assistant Secretary may not ap-
13 prove any plan submitted by the head of a modal ad-
14 ministration or joint program office pursuant to sub-
15 section (a) if any of the projects described in the
16 plan duplicate significant aspects of research efforts
17 of any other modal administration.

18 “(c) FUNDING LIMITATIONS.—No funds may be ex-
19 pended by the Department of Transportation on research
20 that has been determined by the Assistant Secretary under
21 subsection (b)(3) to be duplicative unless—

22 “(1) the research is required by an Act of Con-
23 gress;

1 “(2) the research was part of a contract that
2 was funded before the date of enactment of this
3 chapter;

4 “(3) the research updates previously commis-
5 sioned research; or

6 “(4) the Assistant Secretary certifies to Con-
7 gress that such research is necessary, and provides
8 justification for such certification.

9 “(d) CERTIFICATION.—

10 “(1) IN GENERAL.—The Secretary shall annu-
11 ally certify to Congress that—

12 “(A) each modal research plan has been
13 reviewed; and

14 “(B) there is no duplication of study for
15 research directed, commissioned, or conducted
16 by the Department of Transportation.

17 “(2) CORRECTIVE ACTION PLAN.—If the Sec-
18 retary, after submitting a certification under para-
19 graph (1), identifies duplication of research within
20 the Department of Transportation, the Secretary
21 shall—

22 “(A) notify Congress of the duplicative re-
23 search; and

24 “(B) submit to Congress a corrective ac-
25 tion plan to eliminate the duplicative research.

1 **“SEC. 6502. CONSOLIDATED RESEARCH DATABASE.**

2 “(a) RESEARCH ABSTRACT DATABASE.—

3 “(1) IN GENERAL.—The Secretary shall annu-
4 ally publish on a public website a comprehensive
5 database of all research projects conducted by the
6 Department of Transportation, including, to the ex-
7 tent practicable, research funded through University
8 Transportation Centers.

9 “(2) CONTENTS.—The database published
10 under paragraph (1) shall, to the extent prac-
11 ticable—

12 “(A) include the consolidated modal re-
13 search plans approved under section
14 6501(b)(1)(B)(i);

15 “(B) describe the research objectives,
16 progress, findings, and allocated funds for each
17 research project;

18 “(C) identify research projects with
19 multimodal applications;

20 “(D) specify how relevant modal adminis-
21 trations have assisted, will contribute to, or
22 plan to use the findings from the research
23 projects identified under paragraph (1);

24 “(E) identify areas in which more than 1
25 modal administration is conducting research on

1 a similar subject or a subject that has a bearing
2 on more than 1 mode;

3 “(F) indicate how the findings of research
4 are being disseminated to improve the effi-
5 ciency, effectiveness, and safety of transpor-
6 tation systems; and

7 “(G) describe the public and stakeholder
8 input to the research plans submitted under
9 section 6501(a)(1).

10 “(b) FUNDING REPORT.—In conjunction with each
11 of the annual budget requests submitted by the President
12 under section 1105 of title 31, the Secretary shall annually
13 publish on a public website and submit to the appropriate
14 committees of Congress a report that describes—

15 “(1) the amount spent in the last full fiscal
16 year on transportation research and development
17 with specific descriptions of projects funded at
18 \$5,000,000 or more; and

19 “(2) the amount proposed in the current budget
20 for transportation research and development with
21 specific descriptions of projects funded at
22 \$5,000,000 or more.

23 “(c) PERFORMANCE PLANS AND REPORTS.—In the
24 plans and reports submitted under sections 1115 and
25 1116 of title 31, the Secretary shall include—

1 “(1) a summary of the Federal transportation
2 research and development activities for the previous
3 fiscal year in each topic area;

4 “(2) the amount spent in each topic area;

5 “(3) a description of the extent to which the re-
6 search and development is meeting the expectations
7 described in section 6503(c)(1); and

8 “(4) any amendments to the strategic plan de-
9 veloped under section 6503.

10 **“SEC. 6503. TRANSPORTATION RESEARCH AND DEVELOP-**
11 **MENT 5-YEAR STRATEGIC PLAN.**

12 “(a) IN GENERAL.—The Secretary shall develop a 5-
13 year transportation research and development strategic
14 plan to guide future Federal transportation research and
15 development activities.

16 “(b) CONSISTENCY.—The strategic plan developed
17 under subsection (a) shall be consistent with—

18 “(1) section 306 of title 5;

19 “(2) sections 1115 and 1116 of title 31; and

20 “(3) any other research and development plan
21 within the Department of Transportation.

22 “(c) CONTENTS.—The strategic plan developed under
23 subsection (a) shall—

1 “(1) describe how the plan furthers the primary
2 purposes of the transportation research and develop-
3 ment program, which shall include—

4 “(A) improving mobility of people and
5 goods;

6 “(B) reducing congestion;

7 “(C) promoting safety;

8 “(D) improving the durability and extend-
9 ing the life of transportation infrastructure;

10 “(E) preserving the environment; and

11 “(F) preserving the existing transportation
12 system;

13 “(2) for each of the purposes referred to in
14 paragraph (1), list the primary proposed research
15 and development activities that the Department of
16 Transportation intends to pursue to accomplish that
17 purpose, which may include—

18 “(A) fundamental research pertaining to
19 the applied physical and natural sciences;

20 “(B) applied science and research;

21 “(C) technology development research; and

22 “(D) social science research; and

23 “(3) for each research and development activ-
24 ity—

1 “(A) identify the anticipated annual fund-
2 ing levels for the period covered by the strategic
3 plan; and

4 “(B) describe the research findings the De-
5 partment expects to discover at the end of the
6 period covered by the strategic plan.

7 “(d) CONSIDERATIONS.—The Secretary shall ensure
8 that the strategic plan developed under this section—

9 “(1) reflects input from a wide range of exter-
10 nal stakeholders;

11 “(2) includes and integrates the research and
12 development programs of all of the modal adminis-
13 trations of the Department of Transportation, in-
14 cluding aviation, transit, rail, and maritime and
15 joint programs;

16 “(3) takes into account research and develop-
17 ment by other Federal, State, local, private sector,
18 and nonprofit institutions;

19 “(4) not later than December 31, 2016, is pub-
20 lished on a public website; and

21 “(5) takes into account how research and devel-
22 opment by other Federal, State, private sector, and
23 nonprofit institutions—

24 “(A) contributes to the achievement of the
25 purposes identified under subsection (c)(1); and

1 “(B) avoids unnecessary duplication of
2 those efforts.

3 “(e) INTERIM REPORT.—Not later than 2 ½ years
4 after the date of enactment of this chapter, the Secretary
5 may publish on a public website an interim report that—

6 “(1) provides an assessment of the 5-year re-
7 search and development strategic plan of the De-
8 partment of Transportation described in this section;
9 and

10 “(2) includes a description of the extent to
11 which the research and development is or is not suc-
12 cessfully meeting the purposes described under sub-
13 section (c)(1).”.

14 (c) TECHNICAL AND CONFORMING AMENDMENT.—
15 The table of chapters for subtitle III of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

“63. Bureau of Transportation Statistics 6301
“65. Research planning 6501”.

18 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) CHAPTER 5 OF TITLE 23.—Chapter 5 of
20 title 23, United States Code, is amended—

21 (A) by striking section 508;

22 (B) in the table of contents, by striking the
23 item relating to section 508;

24 (C) in section 502—

1 (i) in subsection (a)(9), by striking
2 “transportation research and technology
3 development strategic plan developed under
4 section 508” and inserting “transportation
5 research and development strategic plan
6 under section 6503 of title 49”; and

7 (ii) in subsection (b)(4), by striking
8 “transportation research and development
9 strategic plan of the Secretary developed
10 under section 508” and inserting “trans-
11 portation research and development stra-
12 tegic plan under section 6503 of title 49”;
13 and

14 (D) in section 512(b), by striking “as part
15 of the transportation research and development
16 strategic plan developed under section 508”.

17 (2) INTELLIGENT TRANSPORTATION SYS-
18 TEMS.—The Intelligent Transportation Systems Act
19 of 1998 (23 U.S.C. 502 note; Public Law 105–178)
20 is amended—

21 (A) in section 5205(b), by striking “as
22 part of the Surface Transportation Research
23 and Development Strategic Plan developed
24 under section 508 of title 23” and inserting “as
25 part of the transportation research and develop-

1 ment strategic plan under section 6503 of title
2 49”; and

3 (B) in section 5206(e)(2)(A), by striking
4 “or the Surface Transportation Research and
5 Development Strategic Plan developed under
6 section 508 of title 23” and inserting “or the
7 transportation research and development stra-
8 tegic plan under section 6503 of title 49”.

9 (3) INTELLIGENT TRANSPORTATION SYSTEM
10 RESEARCH.—Section 5305(h)(3)(A) of SAFETEA-
11 LU (23 U.S.C. 512 note; Public Law 109–59) is
12 amended by striking “the strategic plan under sec-
13 tion 508 of title 23, United States Code” and insert-
14 ing “the 5-year strategic plan under 6503 of title
15 49, United States Code”.

16 **SEC. 6020. SURFACE TRANSPORTATION SYSTEM FUNDING**
17 **ALTERNATIVES.**

18 (a) IN GENERAL.—The Secretary shall establish a
19 program to provide grants to States to demonstrate user-
20 based alternative revenue mechanisms that utilize a user
21 fee structure to maintain the long-term solvency of the
22 Highway Trust Fund.

23 (b) APPLICATION.—To be eligible for a grant under
24 this section, a State or group of States shall submit to

1 the Secretary an application in such form and containing
2 such information as the Secretary may require.

3 (c) OBJECTIVES.—The Secretary shall ensure that
4 the activities carried out using funds provided under this
5 section meet the following objectives:

6 (1) To test the design, acceptance, and imple-
7 mentation of 2 or more future user-based alternative
8 revenue mechanisms.

9 (2) To improve the functionality of such user-
10 based alternative revenue mechanisms.

11 (3) To conduct outreach to increase public
12 awareness regarding the need for alternative funding
13 sources for surface transportation programs and to
14 provide information on possible approaches.

15 (4) To provide recommendations regarding
16 adoption and implementation of user-based alter-
17 native revenue mechanisms.

18 (5) To minimize the administrative cost of any
19 potential user-based alternative revenue mechanisms.

20 (d) USE OF FUNDS.—A State or group of States re-
21 ceiving funds under this section to test the design, accept-
22 ance, and implementation of a user-based alternative rev-
23 enue mechanism—

24 (1) shall address—

1 (A) the implementation, interoperability,
2 public acceptance, and other potential hurdles
3 to the adoption of the user-based alternative
4 revenue mechanism;

5 (B) the protection of personal privacy;

6 (C) the use of independent and private
7 third-party vendors to collect fees and operate
8 the user-based alternative revenue mechanism;

9 (D) market-based congestion mitigation, if
10 appropriate;

11 (E) equity concerns, including the impacts
12 of the user-based alternative revenue mecha-
13 nism on differing income groups, various geo-
14 graphic areas, and the relative burdens on rural
15 and urban drivers;

16 (F) ease of compliance for different users
17 of the transportation system; and

18 (G) the reliability and security of tech-
19 nology used to implement the user-based alter-
20 native revenue mechanism; and

21 (2) may address—

22 (A) the flexibility and choices of user-based
23 alternative revenue mechanisms, including the
24 ability of users to select from various tech-
25 nology and payment options;

1 (B) the cost of administering the user-
2 based alternative revenue mechanism; and

3 (C) the ability of the administering entity
4 to audit and enforce user compliance.

5 (e) CONSIDERATION.—The Secretary shall consider
6 geographic diversity in awarding grants under this section.

7 (f) LIMITATIONS ON REVENUE COLLECTED.—Any
8 revenue collected through a user-based alternative revenue
9 mechanism established using funds provided under this
10 section shall not be considered a toll under section 301
11 of title 23, United States Code.

12 (g) FEDERAL SHARE.—The Federal share of the cost
13 of an activity carried out under this section may not ex-
14 ceed 50 percent of the total cost of the activity.

15 (h) REPORT TO SECRETARY.—Not later than 1 year
16 after the date on which the first eligible entity receives
17 a grant under this section, and each year thereafter, each
18 recipient of a grant under this section shall submit to the
19 Secretary a report that describes—

20 (1) how the demonstration activities carried out
21 with grant funds meet the objectives described in
22 subsection (c); and

23 (2) lessons learned for future deployment of al-
24 ternative revenue mechanisms that utilize a user fee
25 structure.

1 (i) BIENNIAL REPORTS.—Not later than 2 years
2 after the date of enactment of this Act, and every 2 years
3 thereafter until the completion of the demonstration ac-
4 tivities under this section, the Secretary shall make avail-
5 able to the public on an Internet website a report describ-
6 ing the progress of the demonstration activities.

7 (j) FUNDING.—Of the funds authorized to carry out
8 section 503(b) of title 23, United States Code—

9 (1) \$15,000,000 shall be used to carry out this
10 section for fiscal year 2016; and

11 (2) \$20,000,000 shall be used to carry out this
12 section for each of fiscal years 2017 through 2020.

13 (k) GRANT FLEXIBILITY.—If, by August 1 of each
14 fiscal year, the Secretary determines that there are not
15 enough grant applications that meet the requirements of
16 this section for a fiscal year, Secretary shall transfer to
17 the program under section 503(b) of title 23, United
18 States Code—

19 (1) any of the funds reserved for the fiscal year
20 under subsection (j) that the Secretary has not yet
21 awarded under this section; and

22 (2) an amount of obligation limitation equal to
23 the amount of funds that the Secretary transfers
24 under paragraph (1).

1 **SEC. 6021. FUTURE INTERSTATE STUDY.**

2 (a) FUTURE INTERSTATE SYSTEM STUDY.—Not
3 later than 180 days after the date of enactment of this
4 Act, the Secretary shall enter into an agreement with the
5 Transportation Research Board of the National Acad-
6 emies to conduct a study on the actions needed to upgrade
7 and restore the Dwight D. Eisenhower National System
8 of Interstate and Defense Highways to its role as a pre-
9 mier system that meets the growing and shifting demands
10 of the 21st century.

11 (b) METHODOLOGIES.—In conducting the study, the
12 Transportation Research Board shall build on the meth-
13 odologies examined and recommended in the report pre-
14 pared for the American Association of State Highway and
15 Transportation Officials titled “National Cooperative
16 Highway Research Program Project 20–24(79): Specifica-
17 tions for a National Study of the Future 3R, 4R, and Ca-
18 pacity Needs of the Interstate System”, dated December
19 2013.

20 (c) CONTENTS OF STUDY.—The study—

21 (1) shall include specific recommendations re-
22 garding the features, standards, capacity needs, ap-
23 plication of technologies, and intergovernmental
24 roles to upgrade the Interstate System, including
25 any revisions to law (including regulations) that the

1 Transportation Research Board determines appro-
2 priate; and

3 (2) is encouraged to build on the institutional
4 knowledge in the highway industry in applying the
5 techniques involved in implementing the study.

6 (d) CONSIDERATIONS.—In carrying out the study,
7 the Transportation Research Board shall determine the
8 need for reconstruction and improvement of the Interstate
9 System by considering—

10 (1) future demands on transportation infra-
11 structure determined for national planning purposes,
12 including commercial and private traffic flows to
13 serve future economic activity and growth;

14 (2) the expected condition of the current Inter-
15 state System over the period of 50 years beginning
16 on the date of enactment of this Act, including long-
17 term deterioration and reconstruction needs;

18 (3) features that would take advantage of tech-
19 nological capabilities to address modern standards of
20 construction, maintenance, and operations, for pur-
21 poses of safety, and system management, taking into
22 further consideration system performance and cost;

23 (4) those National Highway System routes that
24 should be added to the existing Interstate System to
25 more efficiently serve national traffic flows; and

1 (5) the resources necessary to maintain and im-
2 prove the Interstate System, including the resources
3 required to upgrade the National Highway System
4 routes identified in paragraph (4) to Interstate
5 standards.

6 (e) CONSULTATION.—In carrying out the study, the
7 Transportation Research Board—

8 (1) shall convene and consult with a panel of
9 national experts, including operators and users of
10 the Interstate System and private sector stake-
11 holders; and

12 (2) is encouraged to consult with—

13 (A) the Federal Highway Administration;

14 (B) States;

15 (C) planning agencies at the metropolitan,
16 State, and regional levels;

17 (D) the motor carrier industry;

18 (E) freight shippers;

19 (F) highway safety groups; and

20 (G) other appropriate entities.

21 (f) REPORT.—Not later than 3 years after the date
22 of enactment of this Act, the Transportation Research
23 Board shall submit to the Secretary, the Committee on
24 Environment and Public Works of the Senate, and the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives a report on the results of the
2 study conducted under this section.

3 (g) FUNDING.—From amounts authorized to carry
4 out the Highway Research and Development Program, the
5 Secretary shall use to carry out this section not more than
6 \$5,000,000 for fiscal year 2016.

7 **SEC. 6022. HIGHWAY EFFICIENCY.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Secretary may examine
10 the impact of pavement durability and sustainability
11 on vehicle fuel consumption, vehicle wear and tear,
12 road conditions, and road repairs.

13 (2) METHODOLOGY.—In carrying out the study,
14 the Secretary shall—

15 (A) conduct a thorough review of relevant
16 peer-reviewed research published during at least
17 the past 5 years;

18 (B) analyze impacts of different types of
19 pavement on all motor vehicle types, including
20 commercial vehicles;

21 (C) specifically examine the impact of
22 pavement deformation and deflection; and

23 (D) analyze impacts of different types of
24 pavement on road conditions and road repairs.

1 (3) CONSULTATION.—In carrying out the study,
2 the Secretary shall consult with—

3 (A) modal administrations of the Depart-
4 ment and other Federal agencies, including the
5 National Institute of Standards and Tech-
6 nology;

7 (B) State departments of transportation;

8 (C) industry stakeholders; and

9 (D) appropriate academic experts.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary
13 shall publish on a public website a report describing
14 the results of the study.

15 (2) CONTENTS.—The report shall include—

16 (A) a summary of the different types of
17 pavements analyzed in the study and the im-
18 pacts of pavement durability and sustainability
19 on safety, vehicle fuel consumption, vehicle wear
20 and tear, road conditions, and road repairs; and

21 (B) recommendations for State and local
22 governments on best practice methods for im-
23 proving pavement durability and sustainability
24 to maximize vehicle fuel economy, improve safe-

1 ty, ride quality, and road conditions, and to
2 minimize the need for road and vehicle repairs.

3 **SEC. 6023. TRANSPORTATION TECHNOLOGY POLICY WORK-**
4 **ING GROUP.**

5 To improve the scientific pursuit and research proce-
6 dures concerning transportation, the Secretary may con-
7 vene an interagency working group—

8 (1) to identify opportunities for coordination be-
9 tween the Department and universities and the pri-
10 vate sector; and

11 (2) to identify and develop a plan to address re-
12 lated workforce development needs.

13 **SEC. 6024. COLLABORATION AND SUPPORT.**

14 The Secretary may solicit the support of, and identify
15 opportunities to collaborate with, other Federal research
16 agencies and national laboratories to assist in the effective
17 and efficient pursuit and resolution of research challenges
18 identified by the Secretary.

19 **SEC. 6025. GAO REPORT.**

20 Not later than 2 years after the date of enactment
21 of this Act, the Comptroller General of the United States
22 shall submit to Congress a report that—

23 (1) assesses the status of autonomous transpor-
24 tation technology policy developed by public entities
25 in the United States;

1 (2) assesses the organizational readiness of the
2 Department to address autonomous vehicle tech-
3 nology challenges, including consumer privacy pro-
4 tectations; and

5 (3) recommends implementation paths for au-
6 tonomous transportation technology, applications,
7 and policies that are based on the assessment de-
8 scribed in paragraph (2).

9 **SEC. 6026. TRAFFIC CONGESTION.**

10 (a) CONGESTION RESEARCH.—The Secretary may
11 conduct research on the reduction of traffic congestion.

12 (b) CONSIDERATION.—The Secretary may—

13 (1) recommend research to accelerate the adop-
14 tion of transportation management systems that
15 allow traffic to flow in the safest and most efficient
16 manner possible while alleviating current and future
17 traffic congestion challenges;

18 (2) assess and analyze traffic, transit, and
19 freight data from various sources relevant to efforts
20 to reduce traffic congestion so as to maximize mobil-
21 ity, efficiency, and capacity while decreasing conges-
22 tion and travel times;

23 (3) examine the use and integration of multiple
24 data types from multiple sources and technologies,
25 including road weather data, arterial and highway

1 traffic conditions, transit vehicle arrival and depart-
2 ture times, real time navigation routing, construc-
3 tion zone information, and reports of incidents, to
4 suggest improvements in effective communication of
5 such data and information in real time;

6 (4) develop and disseminate suggested strate-
7 gies and solutions to reduce congestion for high-den-
8 sity traffic regions and to provide mobility in the
9 event of an emergency or natural disaster; and

10 (5) collaborate with other relevant Federal
11 agencies, State and local agencies, industry and in-
12 dustry associations, and university research centers
13 to fulfill goals and objectives under this section.

14 (c) IDENTIFYING INFORMATION.—The Secretary
15 shall ensure that information used pursuant to this section
16 does not contain identifying information of any individual.

17 (d) REPORT.—Not later than 1 year after the com-
18 pletion of research under this section, the Secretary may
19 make available on a public website a report on any activi-
20 ties under this section.

21 **SEC. 6027. SMART CITIES TRANSPORTATION PLANNING**
22 **STUDY.**

23 (a) IN GENERAL.—The Secretary may conduct a
24 study of digital technologies and information technologies,

1 including shared mobility, data, transportation network
2 companies, and on-demand transportation services—

3 (1) to understand the degree to which cities are
4 adopting those technologies;

5 (2) to assess future planning, infrastructure,
6 and investment needs; and

7 (3) to provide best practices to plan for smart
8 cities in which information and technology are
9 used—

10 (A) to improve city operations;

11 (B) to grow the local economy;

12 (C) to improve response in times of emer-
13 gencies and natural disasters; and

14 (D) to improve the lives of city residents.

15 (b) COMPONENTS.—The study conducted under sub-
16 section (a) shall—

17 (1) identify broad issues that influence the abil-
18 ity of the United States to plan for and invest in
19 smart cities, including barriers to collaboration and
20 access to scientific information; and

21 (2) review how the expanded use of digital tech-
22 nologies, mobile devices, and information may—

23 (A) enhance the efficiency and effective-
24 ness of existing transportation networks;

1 (B) optimize demand management serv-
2 ices;

3 (C) impact low-income and other disadvan-
4 taged communities;

5 (D) assess opportunities to share, collect,
6 and use data;

7 (E) change current planning and invest-
8 ment strategies; and

9 (F) provide opportunities for enhanced co-
10 ordination and planning.

11 (c) REPORTING.—Not later than 18 months after the
12 date of enactment of this Act, the Secretary may publish
13 the report containing the results of the study conducted
14 under subsection (a) to a public website.

15 **SEC. 6028. PERFORMANCE MANAGEMENT DATA SUPPORT**
16 **PROGRAM.**

17 (a) PERFORMANCE MANAGEMENT DATA SUPPORT.—
18 The Administrator of the Federal Highway Administra-
19 tion shall develop, use, and maintain data sets and data
20 analysis tools to assist metropolitan planning organiza-
21 tions, States, and the Federal Highway Administration in
22 carrying out performance management analyses (including
23 the performance management requirements under section
24 150 of title 23, United States Code).

1 (b) INCLUSIONS.—The data analysis activities au-
2 thorized under subsection (a) may include—

3 (1) collecting and distributing vehicle probe
4 data describing traffic on Federal-aid highways;

5 (2) collecting household travel behavior data to
6 assess local and cross-jurisdictional travel, including
7 to accommodate external and through travel;

8 (3) enhancing existing data collection and anal-
9 ysis tools to accommodate performance measures,
10 targets, and related data, so as to better understand
11 trip origin and destination, trip time, and mode;

12 (4) enhancing existing data analysis tools to im-
13 prove performance predictions and travel models in
14 reports described in section 150(e) of title 23,
15 United States Code; and

16 (5) developing tools—

17 (A) to improve performance analysis; and

18 (B) to evaluate the effects of project in-
19 vestments on performance.

20 (c) FUNDING.—From amounts authorized to carry
21 out the Highway Research and Development Program, the
22 Administrator of the Federal Highway Administration
23 may use up to \$10,000,000 for each of fiscal years 2016
24 through 2020 to carry out this section.

1 **TITLE VII—HAZARDOUS**
2 **MATERIALS TRANSPORTATION**

3 **SEC. 7001. SHORT TITLE.**

4 This title may be cited as the “Hazardous Materials
5 Transportation Safety Improvement Act of 2015”.

6 **Subtitle A—Authorizations**

7 **SEC. 7101. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 5128 of title 49, United States Code, is
9 amended to read as follows:

10 **“§ 5128. Authorization of appropriations**

11 “(a) IN GENERAL.—There are authorized to be ap-
12 propriated to the Secretary to carry out this chapter (ex-
13 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
14 5119)—

15 “(1) \$53,000,000 for fiscal year 2016;

16 “(2) \$55,000,000 for fiscal year 2017;

17 “(3) \$57,000,000 for fiscal year 2018;

18 “(4) \$58,000,000 for fiscal year 2019; and

19 “(5) \$60,000,000 for fiscal year 2020.

20 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
21 PAREDNESS FUND.—From the Hazardous Materials
22 Emergency Preparedness Fund established under section
23 5116(h), the Secretary may expend, for each of fiscal
24 years 2016 through 2020—

25 “(1) \$21,988,000 to carry out section 5116(a);

1 “(2) \$150,000 to carry out section 5116(e);

2 “(3) \$625,000 to publish and distribute the
3 Emergency Response Guidebook under section
4 5116(h)(3); and

5 “(4) \$1,000,000 to carry out section 5116(i).

6 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—
7 From the Hazardous Materials Emergency Preparedness
8 Fund established pursuant to section 5116(h), the Sec-
9 retary may expend \$4,000,000 for each of fiscal years
10 2016 through 2020 to carry out section 5107(e).

11 “(d) COMMUNITY SAFETY GRANTS.—Of the amounts
12 made available under subsection (a) to carry out this chap-
13 ter, the Secretary shall withhold \$1,000,000 for each of
14 fiscal years 2016 through 2020 to carry out section
15 5107(i).

16 “(e) CREDITS TO APPROPRIATIONS.—

17 “(1) EXPENSES.—In addition to amounts oth-
18 erwise made available to carry out this chapter, the
19 Secretary may credit amounts received from a State,
20 Indian tribe, or other public authority or private en-
21 tity for expenses the Secretary incurs in providing
22 training to the State, Indian tribe, authority, or en-
23 tity.

1 “(2) AVAILABILITY OF AMOUNTS.—Amounts
2 made available under this section shall remain avail-
3 able until expended.”.

4 **Subtitle B—Hazardous Material**
5 **Safety and Improvement**

6 **SEC. 7201. NATIONAL EMERGENCY AND DISASTER RE-**
7 **SPONSE.**

8 Section 5103 of title 49, United States Code, is
9 amended—

10 (1) by redesignating subsections (c) and (d) as
11 subsections (d) and (e), respectively; and

12 (2) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) **FEDERALLY DECLARED DISASTERS AND EMER-**
15 **GENCIES.—**

16 “(1) **IN GENERAL.—**The Secretary may by
17 order waive compliance with any part of an applica-
18 ble standard prescribed under this chapter without
19 prior notice and comment and on terms the Sec-
20 retary considers appropriate if the Secretary deter-
21 mines that—

22 “(A) it is in the public interest to grant
23 the waiver;

1 “(B) the waiver is not inconsistent with
2 the safety of transporting hazardous materials;
3 and

4 “(C) the waiver is necessary to facilitate
5 the safe movement of hazardous materials into,
6 from, and within an area of a major disaster or
7 emergency that has been declared under the
8 Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5121 et seq.).

10 “(2) PERIOD OF WAIVER.—A waiver under this
11 subsection may be issued for a period of not more
12 than 60 days and may be renewed upon application
13 to the Secretary only after notice and an opportunity
14 for a hearing on the waiver. The Secretary shall im-
15 mediately revoke the waiver if continuation of the
16 waiver would not be consistent with the goals and
17 objectives of this chapter.

18 “(3) STATEMENT OF REASONS.—The Secretary
19 shall include in any order issued under this section
20 the reasons for granting the waiver.”.

21 **SEC. 7202. MOTOR CARRIER SAFETY PERMITS.**

22 Section 5109(h) of title 49, United States Code, is
23 amended to read as follows:

24 “(h) LIMITATION ON DENIAL.—The Secretary may
25 not deny a non-temporary permit held by a motor carrier

1 pursuant to this section based on a comprehensive review
2 of that carrier triggered by safety management system
3 scores or out-of-service disqualification standards, un-
4 less—

5 “(1) the carrier has the opportunity, prior to
6 the denial of such permit, to submit a written de-
7 scription of corrective actions taken and other docu-
8 mentation the carrier wishes the Secretary to con-
9 sider, including a corrective action plan; and

10 “(2) the Secretary determines the actions or
11 plan is insufficient to address the safety concerns
12 identified during the course of the comprehensive re-
13 view.”.

14 **SEC. 7203. IMPROVING THE EFFECTIVENESS OF PLANNING**
15 **AND TRAINING GRANTS.**

16 (a) **PLANNING AND TRAINING GRANTS.**—Section
17 5116 of title 49, United States Code, is amended—

18 (1) by redesignating subsections (c) through (k)
19 as subsections (b) through (j), respectively,

20 (2) by striking subsection (b); and

21 (3) by striking subsection (a) and inserting the
22 following:

23 “(a) **PLANNING AND TRAINING GRANTS.**—(1) The
24 Secretary shall make grants to States and Indian tribes—

1 “(A) to develop, improve, and carry out emer-
2 gency plans under the Emergency Planning and
3 Community Right-To-Know Act of 1986 (42 U.S.C.
4 11001 et seq.), including ascertaining flow patterns
5 of hazardous material on lands under the jurisdic-
6 tion of a State or Indian tribe, and between lands
7 under the jurisdiction of a State or Indian tribe and
8 lands of another State or Indian tribe;

9 “(B) to decide on the need for regional haz-
10 ardous material emergency response teams; and

11 “(C) to train public sector employees to respond
12 to accidents and incidents involving hazardous mate-
13 rial.

14 “(2) To the extent that a grant is used to train emer-
15 gency responders under paragraph (1)(C), the State or In-
16 dian tribe shall provide written certification to the Sec-
17 retary that the emergency responders who receive training
18 under the grant will have the ability to protect nearby per-
19 sons, property, and the environment from the effects of
20 accidents or incidents involving the transportation of haz-
21 ardous material in accordance with existing regulations or
22 National Fire Protection Association standards for com-
23 petence of responders to accidents and incidents involving
24 hazardous materials.

1 “(3) The Secretary may make a grant to a State or
2 Indian tribe under paragraph (1) of this subsection only
3 if—

4 “(A) the State or Indian tribe certifies that the
5 total amount the State or Indian tribe expends (ex-
6 cept amounts of the Federal Government) for the
7 purpose of the grant will at least equal the average
8 level of expenditure for the last 5 years; and

9 “(B) any emergency response training provided
10 under the grant shall consist of—

11 “(i) a course developed or identified under
12 section 5115 of this title; or

13 “(ii) any other course the Secretary deter-
14 mines is consistent with the objectives of this
15 section.

16 “(4) A State or Indian tribe receiving a grant under
17 this subsection shall ensure that planning and emergency
18 response training under the grant is coordinated with ad-
19 jacent States and Indian tribes.

20 “(5) A training grant under paragraph (1)(C) may
21 be used—

22 “(A) to pay—

23 “(i) the tuition costs of public sector em-
24 ployees being trained;

1 “(ii) travel expenses of those employees to
2 and from the training facility;

3 “(iii) room and board of those employees
4 when at the training facility; and

5 “(iv) travel expenses of individuals pro-
6 viding the training;

7 “(B) by the State, political subdivision, or In-
8 dian tribe to provide the training; and

9 “(C) to make an agreement with a person (in-
10 cluding an authority of a State, a political subdivi-
11 sion of a State or Indian tribe, or a local jurisdic-
12 tion), subject to approval by the Secretary, to pro-
13 vide the training if—

14 “(i) the agreement allows the Secretary
15 and the State or Indian tribe to conduct ran-
16 dom examinations, inspections, and audits of
17 the training without prior notice;

18 “(ii) the person agrees to have an
19 auditable accounting system; and

20 “(iii) the State or Indian tribe conducts at
21 least one on-site observation of the training
22 each year.

23 “(6) The Secretary shall allocate amounts made
24 available for grants under this subsection among eligible
25 States and Indian tribes based on the needs of the States

1 and Indian tribes for emergency response planning and
2 training. In making a decision about those needs, the Sec-
3 retary shall consider—

4 “(A) the number of hazardous material facili-
5 ties in the State or on land under the jurisdiction of
6 the Indian tribe;

7 “(B) the types and amounts of hazardous mate-
8 rial transported in the State or on such land;

9 “(C) whether the State or Indian tribe imposes
10 and collects a fee for transporting hazardous mate-
11 rial;

12 “(D) whether such fee is used only to carry out
13 a purpose related to transporting hazardous mate-
14 rial;

15 “(E) the past record of the State or Indian
16 tribe in effectively managing planning and training
17 grants; and

18 “(F) any other factors the Secretary determines
19 are appropriate to carry out this subsection.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 5108(g) of title 49, United States
22 Code, is amended by striking “5116(i)” each place
23 it appears and inserting “5116(h)”.

24 (2) Section 5116 of such title is amended—

1 (A) in subsection (d), as so redesignated,
2 by striking “subsections (a)(2)(A) and
3 (b)(2)(A)” and inserting “subsection
4 (a)(3)(A)”;

5 (B) in subsection (h), as so redesignated—

6 (i) in paragraph (1) by inserting “and
7 section 5107(e)” after “section”;

8 (ii) in paragraph (2) by striking “(f)”
9 and inserting “(e)”; and

10 (iii) in paragraph (4) by striking
11 “5108(g)(2) and 5115” and inserting
12 “5107(e) and 5108(g)(2)”;

13 (C) in subsection (i), as so redesignated,
14 by striking “subsection (b)” and inserting “sub-
15 section (a)”; and

16 (D) in subsection (j), as so redesignated—

17 (i) by striking “planning grants allo-
18 cated under subsection (a), training grants
19 under subsection (b), and grants under
20 subsection (j) of this section and under
21 section 5107” and inserting “planning and
22 training grants under subsection (a) and
23 grants under subsection (i) of this section
24 and under subsections (e) and (i) of sec-
25 tion 5107”; and

1 (ii) by redesignating subparagraphs
2 (A) through (D) as paragraphs (1)
3 through (4), respectively.

4 (c) SAVINGS CLAUSE.—Nothing in this section may
5 be construed to prohibit the Secretary from recovering and
6 deobligating funds from grants that are not managed or
7 expended in compliance with a grant agreement.

8 **SEC. 7204. IMPROVING PUBLICATION OF SPECIAL PERMITS**
9 **AND APPROVALS.**

10 Section 5117 of title 49, United States Code, is
11 amended—

12 (1) in subsection (b)—

13 (A) by striking “an application for a spe-
14 cial permit” and inserting “an application for a
15 new special permit or a modification to an ex-
16 isting special permit”; and

17 (B) by inserting after the second sentence
18 the following: “The Secretary shall make avail-
19 able to the public on the Department of Trans-
20 portation’s Internet Web site any special permit
21 other than a new special permit or a modifica-
22 tion to an existing special permit and shall give
23 the public an opportunity to inspect the safety
24 analysis and comment on the application for a
25 period of not more than 15 days.”; and

1 (2) in subsection (c)—

2 (A) by striking “publish” and inserting
3 “make available to the public”;

4 (B) by striking “in the Federal Register”;

5 (C) by striking “180” and inserting
6 “120”; and

7 (D) by striking “the special permit” each
8 place it appears and inserting “a special permit
9 or approval”; and

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

11 “(g) DISCLOSURE OF FINAL ACTION.—The Sec-
12 retary shall periodically, but at least every 120 days—

13 “(1) publish in the Federal Register notice of
14 the final disposition of each application for a new
15 special permit, modification to an existing special
16 permit, or approval during the preceding quarter;
17 and

18 “(2) make available to the public on the De-
19 partment of Transportation’s Internet Web site no-
20 tice of the final disposition of any other special per-
21 mit during the preceding quarter.”.

22 **SEC. 7205. ENHANCED REPORTING.**

23 Section 5121(h) of title 49, United States Code, is
24 amended by striking “transmit to the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 representatives and the Committee on Commerce, Science,
2 and Transportation of the Senate” and inserting “make
3 available to the public on the Department of Transpor-
4 tation’s Internet Web site”.

5 **SEC. 7206. WETLINES.**

6 (a) **WITHDRAWAL.**—Not later than 30 days after the
7 date of enactment of this Act, the Secretary shall with-
8 draw the proposed rule described in the notice of proposed
9 rulemaking issued on January 27, 2011, entitled “Safety
10 Requirements for External Product Piping on Cargo
11 Tanks Transporting Flammable Liquids” (76 Fed. Reg.
12 4847).

13 (b) **SAVINGS CLAUSE.**—Nothing in this section shall
14 prohibit the Secretary from issuing standards or regula-
15 tions regarding the safety of external product piping on
16 cargo tanks transporting flammable liquids after the with-
17 drawal is carried out pursuant to subsection (a).

18 **SEC. 7207. GAO STUDY ON ACCEPTANCE OF CLASSIFICA-**
19 **TION EXAMINATIONS.**

20 (a) **IN GENERAL.**—Not later than 180 days after the
21 date of enactment of this Act, the Comptroller General
22 of the United States shall evaluate and transmit to the
23 Secretary, the Committee on Transportation and Infra-
24 structure of the House of Representatives, and the Com-
25 mittee on Commerce, Science, and Transportation of the

1 Senate, a report on the standards, metrics, and protocols
2 that the Secretary uses to regulate the performance of per-
3 sons approved to recommend hazard classifications pursu-
4 ant to section 173.56(b) of title 49, Code of Federal Regu-
5 lations (commonly referred to as “third-party labs”).

6 (b) EVALUATION.—The evaluation required under
7 subsection (a) shall—

8 (1) identify what standards and protocols are
9 used to approve such persons, assess the adequacy
10 of such standards and protocols to ensure that per-
11 sons seeking approval are qualified and capable of
12 performing classifications, and make recommenda-
13 tions to address any deficiencies identified;

14 (2) assess the adequacy of the Secretary’s over-
15 sight of persons approved to perform the classifica-
16 tions, including the qualification of individuals en-
17 gaged in the oversight of approved persons, and
18 make recommendations to enhance oversight suffi-
19 ciently to ensure that classifications are issued as re-
20 quired;

21 (3) identify what standards and protocols exist
22 to rescind, suspend, or deny approval of persons who
23 perform such classifications, assess the adequacy of
24 such standards and protocols, and make rec-

1 ommendations to enhance such standards and proto-
2 cols if necessary; and

3 (4) include annual data for fiscal years 2005
4 through 2015 on the number of applications received
5 for new classifications pursuant to section 173.56(b)
6 of title 49, Code of Federal Regulations, of those ap-
7 plications how many classifications recommended by
8 persons approved by the Secretary were changed to
9 another classification and the reasons for the
10 change, and how many hazardous materials inci-
11 dents have been attributed to a classification rec-
12 ommended by such approved persons in the United
13 States.

14 (c) ACTION PLAN.—Not later than 180 days after re-
15 ceiving the report required under subsection (a), the Sec-
16 retary shall make available to the public a plan describing
17 any actions the Secretary will take to establish standards,
18 metrics, and protocols based on the findings and rec-
19 ommendations in the report to ensure that persons ap-
20 proved to perform classification examinations required
21 under section 173.56(b) of title 49, Code of Federal Regu-
22 lations, can sufficiently perform such examinations in a
23 manner that meets the hazardous materials regulations.

24 (d) REGULATIONS.—If the report required under
25 subsection (a) recommends new regulations in order for

1 the Secretary to have confidence in the accuracy of classi-
2 fication recommendations rendered by persons approved to
3 perform classification examinations required under section
4 173.56(b) of title 49, Code of Federal Regulations, the
5 Secretary shall consider such recommendations, and if de-
6 termined appropriate, issue regulations to address the rec-
7 ommendations not later than 18 months after the date of
8 the publication of the plan under subsection (c).

9 **SEC. 7208. HAZARDOUS MATERIALS ENDORSEMENT EXEMP-**
10 **TION.**

11 The Secretary shall allow a State, at the discretion
12 of the State, to waive the requirement for a holder of a
13 Class A commercial driver's license to obtain a hazardous
14 materials endorsement under part 383 of title 49, Code
15 of Federal Regulations, if the license holder—

16 (1) is acting within the scope of the license
17 holder's employment as an employee of a custom
18 harvester operation, agrichemical business, farm re-
19 tail outlet and supplier, or livestock feeder; and

20 (2) is operating a service vehicle that is—

21 (A) transporting diesel in a quantity of
22 3,785 liters (1,000 gallons) or less; and

23 (B) clearly marked with a “flammable” or
24 “combustible” placard, as appropriate.

1 **Subtitle C—Safe Transportation of**
2 **Flammable Liquids by Rail**

3 **SEC. 7301. COMMUNITY SAFETY GRANTS.**

4 Section 5107 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(i) COMMUNITY SAFETY GRANTS.—The Secretary
7 shall establish a competitive program for making grants
8 to nonprofit organizations for—

9 “(1) conducting national outreach and training
10 programs to assist communities in preparing for and
11 responding to accidents and incidents involving the
12 transportation of hazardous materials, including
13 Class 3 flammable liquids by rail; and

14 “(2) training State and local personnel respon-
15 sible for enforcing the safe transportation of haz-
16 ardous materials, including Class 3 flammable liq-
17 uids.”.

18 **SEC. 7302. REAL-TIME EMERGENCY RESPONSE INFORMA-**
19 **TION.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary, in consulta-
22 tion with appropriate Federal agencies, shall issue regula-
23 tions that—

24 (1) require a Class I railroad transporting haz-
25 ardous materials—

1 (A) to generate accurate, real-time, and
2 electronic train consist information, including—

3 (i) the identity, quantity, and location
4 of hazardous materials on a train;

5 (ii) the point of origin and destination
6 of the train;

7 (iii) any emergency response informa-
8 tion or resources required by the Sec-
9 retary; and

10 (iv) an emergency response point of
11 contact designated by the Class I railroad;
12 and

13 (B) to enter into a memorandum of under-
14 standing with each applicable fusion center to
15 provide the fusion center with secure and con-
16 fidential access to the electronic train consist
17 information described in subparagraph (A) for
18 each train transporting hazardous materials in
19 the jurisdiction of the fusion center;

20 (2) require each applicable fusion center to pro-
21 vide the electronic train consist information de-
22 scribed in paragraph (1)(A) to State and local first
23 responders, emergency response officials, and law
24 enforcement personnel that are involved in the re-
25 sponse to or investigation of an accident, incident, or

1 public health or safety emergency involving the rail
2 transportation of hazardous materials and that re-
3 quest such electronic train consist information;

4 (3) require each Class I railroad to provide ad-
5 vanced notification and information on high-hazard
6 flammable trains to each State emergency response
7 commission, consistent with the notification content
8 requirements in Emergency Order Docket No.
9 DOT-OST-2014-0067, including—

10 (A) a reasonable estimate of the number of
11 implicated trains that are expected to travel,
12 per week, through each county within the appli-
13 cable State;

14 (B) updates to such estimate prior to mak-
15 ing any material changes to any volumes or fre-
16 quencies of trains traveling through a county;

17 (C) identification and a description of the
18 Class 3 flammable liquid being transported on
19 such trains;

20 (D) applicable emergency response infor-
21 mation, as required by regulation;

22 (E) identification of the routes over which
23 such liquid will be transported; and

24 (F) a point of contact at the Class I rail-
25 road responsible for serving as the point of con-

1 tact for State emergency response centers and
2 local emergency responders related to the Class
3 I railroad's transportation of such liquid.

4 (4) require each applicable State emergency re-
5 sponse commission to provide to a political subdivi-
6 sion of a State, or public agency responsible for
7 emergency response or law enforcement, upon re-
8 quest of the political subdivision or public agency,
9 the information the commission receives from a
10 Class I railroad pursuant to paragraph (3), includ-
11 ing, for any such political subdivision or public agen-
12 cy responsible for emergency response or law en-
13 forcement that makes an initial request for such in-
14 formation, any updates received by the State emer-
15 gency response commission.

16 (5) prohibit any Class I railroad, employee, or
17 agent from withholding, or causing to be withheld,
18 the train consist information from first responders,
19 emergency response officials, and law enforcement
20 personnel described in paragraph (2) in the event of
21 an incident, accident, or public health or safety
22 emergency involving the rail transportation of haz-
23 ardous materials;

24 (6) establish security and confidentiality protec-
25 tions, including protections from the public release

1 of proprietary information or security-sensitive infor-
2 mation, to prevent the release to unauthorized per-
3 sons any electronic train consist information or ad-
4 vanced notification or information provided by Class
5 I railroads under this section; and

6 (7) allow each Class I railroad to enter into a
7 memorandum of understanding with any Class II
8 railroad or Class III railroad that operates trains
9 over the Class I railroad's line to incorporate the
10 Class II railroad or Class III railroad's train consist
11 information within the existing framework described
12 in paragraph (1).

13 (b) DEFINITIONS.—In this section:

14 (1) APPLICABLE FUSION CENTER.—The term
15 “applicable fusion center” means a fusion center
16 with responsibility for a geographic area in which a
17 Class I railroad operates.

18 (2) CLASS I RAILROAD; CLASS II RAILROAD;
19 CLASS III RAILROAD.—The terms “Class I railroad”,
20 “Class II railroad”, and “Class III railroad” have
21 the meaning given those terms in section 20102 of
22 title 49, United States Code.

23 (3) CLASS 3 FLAMMABLE LIQUID.—The term
24 “Class 3 flammable liquid” has the meaning given

1 the term flammable liquid in section 173.120(a) of
2 title 49, Code of Federal Regulations.

3 (4) FUSION CENTER.—The term “fusion cen-
4 ter” has the meaning given the term in section
5 210A(j) of the Homeland Security Act of 2002 (6
6 U.S.C. 124h(j)).

7 (5) HAZARDOUS MATERIAL.—The term “haz-
8 ardous material” means a substance or material the
9 Secretary designates as hazardous under section
10 5103 of title 49, United States Code.

11 (6) HIGH-HAZARD FLAMMABLE TRAIN.—The
12 term “high-hazard flammable train” means a single
13 train transporting 20 or more tank cars loaded with
14 a Class 3 flammable liquid in a continuous block or
15 a single train transporting 35 or more tank cars
16 loaded with a Class 3 flammable liquid throughout
17 the train consist.

18 (7) TRAIN CONSIST.—The term “train consist”
19 includes, with regard to a specific train, the number
20 of rail cars and the commodity transported by each
21 rail car.

22 (c) SAVINGS CLAUSE.—Nothing in this section may
23 be construed to prohibit a Class I railroad from voluntarily
24 entering into a memorandum of understanding, as de-
25 scribed in subsection (a)(1)(B), with a State emergency

1 response commission or an entity representing or includ-
2 ing first responders, emergency response officials, and law
3 enforcement personnel.

4 **SEC. 7303. EMERGENCY RESPONSE.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct a study to determine whether
7 limitations or weaknesses exist in the emergency response
8 information carried by train crews transporting hazardous
9 materials.

10 (b) CONTENTS.—In conducting the study under sub-
11 section (a), the Comptroller General shall evaluate the dif-
12 ferences between the emergency response information car-
13 ried by train crews transporting hazardous materials and
14 the emergency response guidance provided in the Emer-
15 gency Response Guidebook issued by the Department of
16 Transportation.

17 (c) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Comptroller General shall
19 transmit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives a report of the findings of the study under
23 subsection (a) and any recommendations for legislative ac-
24 tion.

1 **SEC. 7304. PHASE-OUT OF ALL TANK CARS USED TO TRANS-**
2 **PORT CLASS 3 FLAMMABLE LIQUIDS.**

3 (a) IN GENERAL.—Except as provided for in sub-
4 section (b), beginning on the date of enactment of this
5 Act, all DOT–111 specification railroad tank cars used to
6 transport Class 3 flammable liquids shall meet the DOT–
7 117, DOT–117P, or DOT–117R specifications in part
8 179 of title 49, Code of Federal Regulations, regardless
9 of train composition.

10 (b) PHASE-OUT SCHEDULE.—Certain tank cars not
11 meeting DOT–117, DOT–117P, or DOT–117R specifica-
12 tions on the date of enactment of this Act may be used,
13 regardless of train composition, until the following end-
14 dates:

15 (1) For transport of unrefined petroleum prod-
16 ucts in Class 3 flammable service, including crude
17 oil—

18 (A) January 1, 2018, for non-jacketed
19 DOT–111 tank cars;

20 (B) March 1, 2018, for jacketed DOT–111
21 tank cars;

22 (C) April 1, 2020, for non-jacketed CPC–
23 1232 tank cars; and

24 (D) May 1, 2025, for jacketed CPC–1232
25 tank cars.

26 (2) For transport of ethanol—

1 (A) May 1, 2023, for non-jacketed and
2 jacketed DOT-111 tank cars;

3 (B) July 1, 2023, for non-jacketed CPC-
4 1232 tank cars; and

5 (C) May 1, 2025, for jacketed CPC-1232
6 tank cars.

7 (3) For transport of Class 3 flammable liquids
8 in Packing Group I, other than Class 3 flammable
9 liquids specified in paragraphs (1) and (2), May 1,
10 2025.

11 (4) For transport of Class 3 flammable liquids
12 in Packing Groups II and III, other than Class 3
13 flammable liquids specified in paragraphs (1) and
14 (2), May 1, 2029.

15 (c) RETROFITTING SHOP CAPACITY.—The Secretary
16 may extend the deadlines established under paragraphs
17 (3) and (4) of subsection (b) for a period not to exceed
18 2 years if the Secretary determines that insufficient retro-
19 fitting shop capacity will prevent the phase-out of tank
20 cars not meeting the DOT-117, DOT-117P, or DOT-
21 117R specifications by the deadlines set forth in such
22 paragraphs.

23 (d) CONFORMING REGULATORY AMENDMENTS.—

24 (1) IN GENERAL.—Immediately after the date
25 of enactment of this section, the Secretary—

1 (A) shall remove or revise the date-specific
2 deadlines in any applicable regulations or or-
3 ders to the extent necessary to conform with
4 the requirements of this section; and

5 (B) may not enforce any such date-specific
6 deadlines or requirements that are inconsistent
7 with the requirements of this section.

8 (2) IMPLEMENTATION.—Nothing in this section
9 shall be construed to require the Secretary to issue
10 regulations, except as required under paragraph (1),
11 to implement this section.

12 (e) SAVINGS CLAUSE.—Nothing in this section shall
13 be construed to prohibit the Secretary from implementing
14 the final rule issued on May 08, 2015, entitled “Enhanced
15 Tank Car Standards and Operational Controls for High-
16 Hazard Flammable Trains” (80 Fed. Reg. 26643), other
17 than the provisions of the final rule that are inconsistent
18 with this section.

19 (f) CLASS 3 FLAMMABLE LIQUID DEFINED.—In this
20 section, the term “Class 3 flammable liquid” has the
21 meaning given the term flammable liquid in section
22 173.120(a) of title 49, Code of Federal Regulations.

23 **SEC. 7305. THERMAL BLANKETS.**

24 (a) REQUIREMENTS.—Not later than 180 days after
25 the date of enactment of this Act, the Secretary shall issue

1 such regulations as are necessary to require that each tank
2 car built to meet the DOT-117 specification and each
3 non-jacketed tank car modified to meet the DOT-117R
4 specification be equipped with an insulating blanket with
5 at least 1/2-inch-thick material that has been approved by
6 the Secretary pursuant to section 179.18(c) of title 49,
7 Code of Federal Regulations.

8 (b) SAVINGS CLAUSE.—Nothing in this section shall
9 prohibit the Secretary from approving new or alternative
10 technologies or materials as they become available that
11 provide a level of safety at least equivalent to the level
12 of safety provided for under subsection (a).

13 **SEC. 7306. MINIMUM REQUIREMENTS FOR TOP FITTINGS**
14 **PROTECTION FOR CLASS DOT-117R TANK**
15 **CARS.**

16 (a) PROTECTIVE HOUSING.—Except as provided in
17 subsections (b) and (c), top fittings on DOT specification
18 117R tank cars shall be located inside a protective housing
19 not less than 1/2-inch in thickness and constructed of a
20 material having a tensile strength not less than 65
21 kilopound per square inch and conform to the following
22 specifications:

23 (1) The protective housing shall be as tall as
24 the tallest valve or fitting involved and the height of
25 a valve or fitting within the protective housing must

1 be kept to the minimum compatible with their prop-
2 er operation.

3 (2) The protective housing or cover may not re-
4 duce the flow capacity of the pressure relief device
5 below the minimum required.

6 (3) The protective housing shall provide a
7 means of drainage with a minimum flow area equiv-
8 alent to six 1-inch diameter holes.

9 (4) When connected to the nozzle or fittings
10 cover plate and subject to a horizontal force applied
11 perpendicular to and uniformly over the projected
12 plane of the protective housing, the tensile connec-
13 tion strength of the protective housing shall be de-
14 signed to be—

15 (A) no greater than 70 percent of the noz-
16 zle to tank tensile connection strength;

17 (B) no greater than 70 percent of the
18 cover plate to nozzle connection strength; and

19 (C) no less than either 40 percent of the
20 nozzle to tank tensile connection strength or the
21 shear strength of twenty 1/2-inch bolts.

22 (b) PRESSURE RELIEF DEVICES.—

23 (1) The pressure relief device shall be located
24 inside the protective housing, unless space does not
25 permit. If multiple pressure relief devices are

1 equipped, no more than 1 may be located outside of
2 a protective housing.

3 (2) The highest point on any pressure relief de-
4 vice located outside of a protective housing may not
5 be more than 12 inches above the tank jacket.

6 (3) The highest point on the closure of any un-
7 used pressure relief device nozzle may not be more
8 than 6 inches above the tank jacket.

9 (c) ALTERNATIVE PROTECTION.—As an alternative
10 to the protective housing requirements in subsection (a)
11 of this section, the tank car may be equipped with a sys-
12 tem that prevents the release of product from any top fit-
13 ting in the case of an incident where any top fitting would
14 be sheared off.

15 (d) IMPLEMENTATION.—Nothing in this section shall
16 be construed to require the Secretary to issue regulations
17 to implement this section.

18 (e) SAVINGS CLAUSE.—Nothing in this section shall
19 prohibit the Secretary from approving new technologies,
20 methods or requirements that provide a level of safety
21 equivalent to or greater than the level of safety provided
22 for in this section.

23 **SEC. 7307. RULEMAKING ON OIL SPILL RESPONSE PLANS.**

24 The Secretary shall, not later than 30 days after the
25 date of enactment of this Act and every 90 days thereafter

1 until a final rule based on the advanced notice of proposed
2 rulemaking issued on August 1, 2014, entitled “Haz-
3 ardous Materials: Oil Spill Response Plans for High-Haz-
4 ard Flammable Trains” (79 Fed. Reg. 45079) is promul-
5 gated, notify the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate in writing of—

9 (1) the status of such rulemaking;

10 (2) any reasons why such final rule has not
11 been implemented;

12 (3) a plan for completing such final rule as
13 soon as practicable; and

14 (4) the estimated date of completion of such
15 final rule.

16 **SEC. 7308. MODIFICATION REPORTING.**

17 (a) **IN GENERAL.**—Not later than 1 year after the
18 date of enactment of this Act, the Secretary shall imple-
19 ment a reporting requirement to monitor industry-wide
20 progress toward modifying rail tank cars used to transport
21 Class 3 flammable liquids by the applicable deadlines es-
22 tablished in section 7304.

23 (b) **TANK CAR DATA.**—The Secretary shall collect
24 data from shippers and rail tank car owners on—

1 (1) the total number of tank cars modified to
2 meet the DOT-117R specification, or equivalent,
3 specifying—

4 (A) the type or specification of each tank
5 car before it was modified, including non-jack-
6 eted DOT-111, jacketed DOT-111, non-jack-
7 eted DOT-111 meeting the CPC-1232 stand-
8 ard, or jacketed DOT-111 meeting the CPC-
9 1232 standard; and

10 (B) the identification number of each Class
11 3 flammable liquid carried by each tank car in
12 the past year;

13 (2) the total number of tank cars built to meet
14 the DOT-117 specification, or equivalent; and

15 (3) the total number of tank cars used or likely
16 to be used to transport Class 3 flammable liquids
17 that have not been modified, specifying—

18 (A) the type or specification of each tank
19 car not modified, including the non-jacketed
20 DOT-111, jacketed DOT-111, non-jacketed
21 DOT-111 meeting the CPC-1232 standard, or
22 jacketed DOT-111 meeting the CPC-1232
23 standard; and

1 (B) the identification number of each Class
2 3 flammable liquid carried by each tank car in
3 the past year.

4 (c) TANK CAR SHOP DATA.—The Secretary shall
5 conduct a survey of tank car facilities modifying tank cars
6 to the DOT–117R specification, or equivalent, or building
7 new tank cars to the DOT–117 specification, or equiva-
8 lent, to generate statistically-valid estimates of the antici-
9 pated number of tank cars those facilities expect to modify
10 to DOT–117R specification, or equivalent, or build to the
11 DOT–117 specification, or equivalent.

12 (d) FREQUENCY.—The Secretary shall collect the
13 data under subsection (b) and conduct the survey under
14 subsection (c) annually until May 1, 2029.

15 (e) INFORMATION PROTECTIONS.—

16 (1) IN GENERAL.—The Secretary shall only re-
17 port data in industry-wide totals and shall treat
18 company-specific information as confidential busi-
19 ness information.

20 (2) LEVEL OF CONFIDENTIALITY.—The Sec-
21 retary shall ensure the data collected under sub-
22 section (b) and the survey data under subsection (c)
23 have the same level of confidentiality as required by
24 the Confidential Information Protection and Statis-
25 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),

1 as administered by the Bureau of Transportation
2 Statistics.

3 (3) DESIGNEE.—The Secretary may—

4 (A) designate the Director of the Bureau
5 of Transportation Statistics to collect data
6 under subsection (b) and the survey data under
7 subsection (c); and

8 (B) direct the Director to ensure the con-
9 fidentially of company-specific information to
10 the maximum extent permitted by law.

11 (f) REPORT.—Each year, not later than 60 days after
12 the date that both the collection of the data under sub-
13 section (b) and the survey under subsection (c) are com-
14 plete, the Secretary shall submit a written report on the
15 aggregate results, without company-specific information,
16 to—

17 (1) the Committee on Commerce, Science, and
18 Transportation of the Senate; and

19 (2) the Committee on Transportation and In-
20 frastructure of the House of Representatives.

21 (g) DEFINITION OF CLASS 3 FLAMMABLE LIQUID.—

22 In this section, the term “Class 3 flammable liquid” has
23 the meaning given the term flammable liquid in section
24 173.120 of title 49, Code of Federal Regulations.

1 **SEC. 7309. REPORT ON CRUDE OIL CHARACTERISTICS RE-**
2 **SEARCH STUDY.**

3 Not later than 180 days after the research completion
4 of the comprehensive Crude Oil Characteristics Research
5 Sampling, Analysis, and Experiment Plan study at Sandia
6 National Laboratories, the Secretary of Energy, in co-
7 operation with the Secretary of Transportation, shall sub-
8 mit a report to the Committee on Commerce, Science, and
9 Transportation of the Senate, the Committee on Energy
10 and Natural Resources of the Senate, the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives, and the Committee on Energy and Commerce
13 of the House of Representatives that contains—

14 (1) the results of the comprehensive Crude Oil
15 Characteristics Research Sampling, Analysis, and
16 Experiment Plan study; and

17 (2) recommendations, based on the findings of
18 the study, for—

19 (A) regulations by the Secretary of Trans-
20 portation or the Secretary of Energy to improve
21 the safe transport of crude oil; and

22 (B) legislation to improve the safe trans-
23 port of crude oil.

1 **SEC. 7310. HAZARDOUS MATERIALS BY RAIL LIABILITY**
2 **STUDY.**

3 (a) IN GENERAL.—Not later than 120 days after the
4 date of enactment of this Act, the Secretary shall initiate
5 a study on the levels and structure of insurance for rail-
6 road carriers transporting hazardous materials.

7 (b) CONTENTS.—In conducting the study under sub-
8 section (a), the Secretary shall evaluate—

9 (1) the level and structure of insurance, includ-
10 ing self-insurance, available in the private market
11 against the full liability potential for damages aris-
12 ing from an accident or incident involving a train
13 transporting hazardous materials;

14 (2) the level and structure of insurance that
15 would be necessary and appropriate—

16 (A) to efficiently allocate risk and financial
17 responsibility for claims; and

18 (B) to ensure that a railroad carrier trans-
19 porting hazardous materials can continue to op-
20 erate despite the risk of an accident or incident;
21 and

22 (3) the potential applicability, for a train trans-
23 porting hazardous materials, of an alternative insur-
24 ance model, including—

25 (A) a secondary liability coverage pool or
26 pools to supplement commercial insurance; and

1 (B) other models administered by the Fed-
2 eral Government.

3 (c) REPORT.—Not later than 1 year after the date
4 the study under subsection (a) is initiated, the Secretary
5 shall submit a report containing the results of the study
6 and recommendations for addressing liability issues with
7 rail transportation of hazardous materials to—

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

10 (2) the Committee on Transportation and In-
11 frastructure of the House of Representatives.

12 (d) DEFINITIONS.—In this section:

13 (1) HAZARDOUS MATERIAL.—The term “haz-
14 arduous material” means a substance or material the
15 Secretary designates as hazardous under section
16 5103 of title 49, United States Code.

17 (2) RAILROAD CARRIER.—The term “railroad
18 carrier” has the meaning given the term in section
19 20102 of title 49, United States Code.

20 **SEC. 7311. STUDY AND TESTING OF ELECTRONICALLY CON-**
21 **TROLLED PNEUMATIC BRAKES.**

22 (a) GOVERNMENT ACCOUNTABILITY OFFICE
23 STUDY.—

24 (1) IN GENERAL.—The Comptroller General of
25 the United States shall conduct an independent eval-

1 uation of ECP brake systems, pilot program data,
2 and the Department's research and analysis on the
3 costs, benefits, and effects of ECP brake systems.

4 (2) STUDY ELEMENTS.—In completing the
5 independent evaluation under paragraph (1), the
6 Comptroller General shall examine the following
7 issues related to ECP brake systems:

8 (A) Data and modeling results on safety
9 benefits relative to conventional brakes and to
10 other braking technologies or systems, such as
11 distributed power and 2-way end-of-train de-
12 vices.

13 (B) Data and modeling results on business
14 benefits, including the effects of dynamic brak-
15 ing.

16 (C) Data on costs, including up-front cap-
17 ital costs and on-going maintenance costs.

18 (D) Analysis of potential operational bene-
19 fits and challenges, including the effects of po-
20 tential locomotive and car segregation, technical
21 reliability issues, and network disruptions.

22 (E) Analysis of potential implementation
23 challenges, including installation time, positive
24 train control integration complexities, compo-

1 ment availability issues, and tank car shop capa-
2 bilities.

3 (F) Analysis of international experiences
4 with the use of advanced braking technologies.

5 (3) REPORT.—Not later than 18 months after
6 the date of enactment of this Act, the Comptroller
7 General shall transmit to the Committee on Trans-
8 portation and Infrastructure of the House of Rep-
9 resentatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report
11 on the results of the independent evaluation under
12 paragraph (1).

13 (b) EMERGENCY BRAKING APPLICATION TESTING.—

14 (1) IN GENERAL.—The Secretary shall enter
15 into an agreement with the National Academy of
16 Sciences to—

17 (A) complete testing of ECP brake systems
18 during emergency braking application, including
19 more than 1 scenario involving the uncoupling
20 of a train with 70 or more DOT–117 specifica-
21 tion or DOT–117R specification tank cars; and

22 (B) transmit, not later than 18 months
23 after the date of enactment of this Act, to the
24 Committee on Transportation and Infrastruc-
25 ture of the House of Representatives and the

1 Committee on Commerce, Science, and Trans-
2 portation of the Senate a report on the results
3 of the testing.

4 (2) INDEPENDENT EXPERTS.—In completing
5 the testing under paragraph (1)(A), the National
6 Academy of Sciences may contract with 1 or more
7 engineering or rail experts, as appropriate, that—

8 (A) are not railroad carriers, entities fund-
9 ed by such carriers, or entities directly im-
10 pacted by the final rule issued on May 8, 2015,
11 entitled “Enhanced Tank Car Standards and
12 Operational Controls for High-Hazard Flam-
13 mable Trains” (80 Fed. Reg. 26643); and

14 (B) have relevant experience in conducting
15 railroad safety technology tests or similar crash
16 tests.

17 (3) TESTING FRAMEWORK.—In completing the
18 testing under paragraph (1), the National Academy
19 of Sciences and each contractor described in para-
20 graph (2) shall ensure that the testing objectively,
21 accurately, and reliably measures the performance of
22 ECP brake systems relative to other braking tech-
23 nologies or systems, such as distributed power and
24 2-way end-of-train devices, including differences in—

25 (A) the number of cars derailed;

1 (B) the number of cars punctured;

2 (C) the measures of in-train forces; and

3 (D) the stopping distance.

4 (4) FUNDING.—The Secretary shall provide
5 funding, as part of the agreement under paragraph
6 (1), to the National Academy of Sciences for the
7 testing required under this section—

8 (A) using sums made available to carry out
9 sections 20108 and 5118 of title 49, United
10 States Code; and

11 (B) to the extent funding under subpara-
12 graph (A) is insufficient or unavailable to fund
13 the testing required under this section, using
14 such sums as are necessary from the amounts
15 appropriated to the Secretary, the Federal Rail-
16 road Administration, or the Pipeline and Haz-
17 ardous Materials Safety Administration, or a
18 combination thereof.

19 (5) EQUIPMENT.—

20 (A) RECEIPT.—The National Academy of
21 Sciences and each contractor described in para-
22 graph (2) may receive or use rolling stock,
23 track, and other equipment or infrastructure
24 from a railroad carrier or other private entity

1 for the purposes of conducting the testing re-
2 quired under this section.

3 (B) CONTRACTED USE.—Notwithstanding
4 paragraph (2)(A), to facilitate testing, the Na-
5 tional Academy of Sciences and each contractor
6 may contract with a railroad carrier or any
7 other private entity for the use of such carrier
8 or entity's rolling stock, track, or other equip-
9 ment and receive technical assistance on their
10 use.

11 (c) EVIDENCE-BASED APPROACH.—

12 (1) ANALYSIS.—The Secretary shall—

13 (A) not later than 90 days after the report
14 date, fully incorporate the results of the evalua-
15 tion under subsection (a) and the testing under
16 subsection (b) and update the regulatory impact
17 analysis of the final rule described in subsection
18 (b)(2)(A) of the costs, benefits, and effects of
19 the applicable ECP brake system requirements;

20 (B) as soon as practicable after completion
21 of the updated analysis under subparagraph
22 (A), solicit public comment in the Federal Reg-
23 ister on the analysis for a period of not more
24 than 30 days; and

1 (C) not later than 60 days after the end of
2 the public comment period under subparagraph
3 (B), post the final updated regulatory impact
4 analysis on the Department of Transportation's
5 Internet Web site.

6 (2) DETERMINATION.—Not later than 2 years
7 after the date of enactment of this Act, the Sec-
8 retary shall—

9 (A) determine, based on whether the final
10 regulatory impact analysis described in para-
11 graph (1)(C) demonstrates that the benefits, in-
12 cluding safety benefits, of the applicable ECP
13 brake system requirements exceed the costs of
14 such requirements, whether the applicable ECP
15 brake system requirements are justified;

16 (B) if the applicable ECP brake system re-
17 quirements are justified, publish in the Federal
18 Register the determination and reasons for such
19 determination; and

20 (C) if the Secretary does not publish the
21 determination under subparagraph (B), repeal
22 the applicable ECP brake system requirements.

23 (3) SAVINGS CLAUSE.—Nothing in this section
24 shall be construed to prohibit the Secretary from im-
25 plementing the final rule described under subsection

1 (b)(2)(A) prior to the determination required under
2 subsection (c)(2) of this section, or require the Sec-
3 retary to promulgate a new rule on the provisions of
4 such final rule, other than on the applicable ECP
5 brake system requirements, if the Secretary does not
6 determine that the applicable ECP brake system re-
7 quirements are justified pursuant to this subsection.

8 (d) DEFINITIONS.—In this section, the following defi-
9 nitions apply:

10 (1) APPLICABLE ECP BRAKE SYSTEM REQUIRE-
11 MENTS.—The term “applicable ECP brake system
12 requirements” means sections 174.310(a)(3)(ii),
13 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–10,
14 179.202–12(g), and 179.202–13(i) of title 49, Code
15 of Federal Regulations, and any other regulation in
16 effect on the date of enactment of this Act requiring
17 the installation of ECP brakes or operation in ECP
18 brake mode.

19 (2) CLASS 3 FLAMMABLE LIQUID.—The term
20 “Class 3 flammable liquid” has the meaning given
21 the term flammable liquid in section 173.120(a) of
22 title 49, Code of Federal Regulations.

23 (3) ECP.—The term “ECP” means electroni-
24 cally controlled pneumatic when applied to a brake
25 or brakes.

1 (4) ECP BRAKE MODE.—The term “ECP brake
2 mode” includes any operation of a rail car or an en-
3 tire train using an ECP brake system.

4 (5) ECP BRAKE SYSTEM.—

5 (A) IN GENERAL.—The term “ECP brake
6 system” means a train power braking system
7 actuated by compressed air and controlled by
8 electronic signals from the locomotive or an
9 ECP–EOT to the cars in the consist for service
10 and emergency applications in which the brake
11 pipe is used to provide a constant supply of
12 compressed air to the reservoirs on each car but
13 does not convey braking signals to the car.

14 (B) INCLUSIONS.—The term “ECP brake
15 system” includes dual mode and stand-alone
16 ECP brake systems.

17 (6) RAILROAD CARRIER.—The term “railroad
18 carrier” has the meaning given the term in section
19 20102 of title 49, United States Code.

20 (7) REPORT DATE.—The term “report date”
21 means the date that the reports under subsections
22 (a)(3) and (b)(1)(B) are required to be transmitted
23 pursuant to those subsections.

1 **TITLE VIII—MULTIMODAL**
2 **FREIGHT TRANSPORTATION**

3 **SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.**

4 (a) IN GENERAL.—Subtitle IX of title 49, United
5 States Code, is amended to read as follows:

6 **“Subtitle IX—Multimodal Freight**
7 **Transportation**

“Chapter	Sec.
“701. Multimodal freight policy	70101
“702. Multimodal freight transportation planning and information	70201

8 **“CHAPTER 701—MULTIMODAL FREIGHT**
9 **POLICY**

“Sec.
“70101. National multimodal freight policy.
“70102. National freight strategic plan.
“70103. National Multimodal Freight Network.

10 **“§ 70101. National multimodal freight policy**

11 “(a) IN GENERAL.—It is the policy of the United
12 States to maintain and improve the condition and per-
13 formance of the National Multimodal Freight Network es-
14 tablished under section 70103 to ensure that the Network
15 provides a foundation for the United States to compete
16 in the global economy and achieve the goals described in
17 subsection (b).

18 “(b) GOALS.—The goals of the national multimodal
19 freight policy are—

20 “(1) to identify infrastructure improvements,
21 policies, and operational innovations that—

1 “(A) strengthen the contribution of the
2 National Multimodal Freight Network to the
3 economic competitiveness of the United States;

4 “(B) reduce congestion and eliminate bot-
5 tlenecks on the National Multimodal Freight
6 Network; and

7 “(C) increase productivity, particularly for
8 domestic industries and businesses that create
9 high-value jobs;

10 “(2) to improve the safety, security, efficiency,
11 and resiliency of multimodal freight transportation;

12 “(3) to achieve and maintain a state of good re-
13 pair on the National Multimodal Freight Network;

14 “(4) to use innovation and advanced technology
15 to improve the safety, efficiency, and reliability of
16 the National Multimodal Freight Network;

17 “(5) to improve the economic efficiency and
18 productivity of the National Multimodal Freight
19 Network;

20 “(6) to improve the reliability of freight trans-
21 portation;

22 “(7) to improve the short- and long-distance
23 movement of goods that—

24 “(A) travel across rural areas between pop-
25 ulation centers;

1 “(B) travel between rural areas and popu-
2 lation centers; and

3 “(C) travel from the Nation’s ports, air-
4 ports, and gateways to the National Multimodal
5 Freight Network;

6 “(8) to improve the flexibility of States to sup-
7 port multi-State corridor planning and the creation
8 of multi-State organizations to increase the ability of
9 States to address multimodal freight connectivity;

10 “(9) to reduce the adverse environmental im-
11 pacts of freight movement on the National
12 Multimodal Freight Network; and

13 “(10) to pursue the goals described in this sub-
14 section in a manner that is not burdensome to State
15 and local governments.

16 “(c) IMPLEMENTATION.—The Under Secretary of
17 Transportation for Policy, who shall be responsible for the
18 oversight and implementation of the national multimodal
19 freight policy, shall—

20 “(1) carry out sections 70102 and 70103;

21 “(2) assist with the coordination of modal
22 freight planning; and

23 “(3) identify interagency data sharing opportu-
24 nities to promote freight planning and coordination.

1 **“§ 70102. National freight strategic plan**

2 “(a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of this section, the Under Secretary of
4 Transportation for Policy shall—

5 “(1) develop a national freight strategic plan in
6 accordance with this section; and

7 “(2) publish the plan on the public Internet
8 Web site of the Department of Transportation.

9 “(b) CONTENTS.—The national freight strategic plan
10 shall include—

11 “(1) an assessment of the condition and per-
12 formance of the National Multimodal Freight Net-
13 work established under section 70103;

14 “(2) forecasts of freight volumes for the suc-
15 ceeding 5-, 10-, and 20-year periods;

16 “(3) an identification of major trade gateways
17 and national freight corridors that connect major
18 population centers, trade gateways, and other major
19 freight generators;

20 “(4) an identification of bottlenecks on the Na-
21 tional Multimodal Freight Network that create sig-
22 nificant freight congestion, based on a quantitative
23 methodology developed by the Under Secretary,
24 which shall include, at a minimum—

1 “(A) information from the Freight Anal-
2 ysis Framework of the Federal Highway Ad-
3 ministration; and

4 “(B) to the maximum extent practicable,
5 an estimate of the cost of addressing each bot-
6 tleneck and any operational improvements that
7 could be implemented;

8 “(5) an assessment of statutory, regulatory,
9 technological, institutional, financial, and other bar-
10 riers to improved freight transportation perform-
11 ance, and a description of opportunities for over-
12 coming the barriers;

13 “(6) a process for addressing multistate
14 projects and encouraging jurisdictions to collaborate;

15 “(7) strategies to improve freight intermodal
16 connectivity;

17 “(8) an identification of corridors providing ac-
18 cess to energy exploration, development, installation,
19 or production areas;

20 “(9) an identification of corridors providing ac-
21 cess to major areas for manufacturing, agriculture,
22 or natural resources;

23 “(10) an identification of best practices for im-
24 proving the performance of the National Multimodal
25 Freight Network, including critical commerce cor-

1 ridors and rural and urban access to critical freight
2 corridors; and

3 “(11) an identification of best practices to miti-
4 gate the impacts of freight movement on commu-
5 nities.

6 “(c) UPDATES.—Not later than 5 years after the date
7 of completion of the national freight strategic plan under
8 subsection (a), and every 5 years thereafter, the Under
9 Secretary shall update the plan and publish the updated
10 plan on the public Internet Web site of the Department
11 of Transportation.

12 “(d) CONSULTATION.—The Under Secretary shall
13 develop and update the national freight strategic plan—

14 “(1) after providing notice and an opportunity
15 for public comment; and

16 “(2) in consultation with State departments of
17 transportation, metropolitan planning organizations,
18 and other appropriate public and private transpor-
19 tation stakeholders.

20 **“§ 70103. National Multimodal Freight Network**

21 “(a) IN GENERAL.—The Under Secretary of Trans-
22 portation for Policy shall establish a National Multimodal
23 Freight Network in accordance with this section—

1 “(1) to assist States in strategically directing
2 resources toward improved system performance for
3 the efficient movement of freight on the Network;

4 “(2) to inform freight transportation planning;

5 “(3) to assist in the prioritization of Federal in-
6 vestment; and

7 “(4) to assess and support Federal investments
8 to achieve the national multimodal freight policy
9 goals described in section 70101(b) of this title and
10 the national highway freight program goals de-
11 scribed in section 167 of title 23.

12 “(b) INTERIM NETWORK.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of this section, the
15 Under Secretary shall establish an interim National
16 Multimodal Freight Network in accordance with this
17 subsection.

18 “(2) NETWORK COMPONENTS.—The interim
19 National Multimodal Freight Network shall in-
20 clude—

21 “(A) the National Highway Freight Net-
22 work, as established under section 167 of title
23 23;

1 “(B) the freight rail systems of Class I
2 railroads, as designated by the Surface Trans-
3 portation Board;

4 “(C) the public ports of the United States
5 that have total annual foreign and domestic
6 trade of at least 2,000,000 short tons, as iden-
7 tified by the Waterborne Commerce Statistics
8 Center of the Army Corps of Engineers, using
9 the data from the latest year for which such
10 data is available;

11 “(D) the inland and intracoastal water-
12 ways of the United States, as described in sec-
13 tion 206 of the Inland Waterways Revenue Act
14 of 1978 (33 U.S.C. 1804);

15 “(E) the Great Lakes, the St. Lawrence
16 Seaway, and coastal and ocean routes along
17 which domestic freight is transported;

18 “(F) the 50 airports located in the United
19 States with the highest annual landed weight,
20 as identified by the Federal Aviation Adminis-
21 tration; and

22 “(G) other strategic freight assets, includ-
23 ing strategic intermodal facilities and freight
24 rail lines of Class II and Class III railroads,

1 designated by the Under Secretary as critical to
2 interstate commerce.

3 “(c) FINAL NETWORK.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this section, the Under Sec-
6 retary, after soliciting input from stakeholders, in-
7 cluding multimodal freight system users, transpor-
8 tation providers, metropolitan planning organiza-
9 tions, local governments, ports, airports, railroads,
10 and States, through a public process to identify crit-
11 ical freight facilities and corridors, including critical
12 commerce corridors, that are vital to achieve the na-
13 tional multimodal freight policy goals described in
14 section 70101(b) of this title and the national high-
15 way freight program goals described in section 167
16 of title 23, and after providing notice and an oppor-
17 tunity for comment on a draft system, shall des-
18 ignate a National Multimodal Freight Network with
19 the goal of—

20 “(A) improving network and intermodal
21 connectivity; and

22 “(B) using measurable data as part of the
23 assessment of the significance of freight move-
24 ment, including the consideration of points of

1 origin, destinations, and linking components of
2 domestic and international supply chains.

3 “(2) FACTORS.—In designating or redesignating the National Multimodal Freight Network,
4 the Under Secretary shall consider—
5

6 “(A) origins and destinations of freight
7 movement within, to, and from the United
8 States;

9 “(B) volume, value, tonnage, and the strategic importance of freight;
10

11 “(C) access to border crossings, airports, seaports, and pipelines;
12

13 “(D) economic factors, including balance of trade;
14

15 “(E) access to major areas for manufacturing, agriculture, or natural resources;
16

17 “(F) access to energy exploration, development, installation, and production areas;
18

19 “(G) intermodal links and intersections that promote connectivity;
20

21 “(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;
22
23
24

1 “(I) impacts on all freight transportation
2 modes and modes that share significant freight
3 infrastructure;

4 “(J) facilities and transportation corridors
5 identified by a multi-State coalition, a State, a
6 State freight advisory committee, or a metro-
7 politan planning organization, using national or
8 local data, as having critical freight importance
9 to the region;

10 “(K) major distribution centers, inland
11 intermodal facilities, and first- and last-mile fa-
12 cilities; and

13 “(L) the significance of goods movement,
14 including consideration of global and domestic
15 supply chains.

16 “(3) CONSIDERATIONS.—In designating or re-
17 designating the National Multimodal Freight Net-
18 work, the Under Secretary shall—

19 “(A) use, to the extent practicable, meas-
20 urable data to assess the significance of goods
21 movement, including the consideration of points
22 of origin, destinations, and linking components
23 of the United States global and domestic supply
24 chains;

25 “(B) consider—

1 “(i) the factors described in para-
2 graph (2); and

3 “(ii) any changes in the economy that
4 affect freight transportation network de-
5 mand; and

6 “(C) provide the States with an oppor-
7 tunity to submit proposed designations in ac-
8 cordance with paragraph (4).

9 “(4) STATE INPUT.—

10 “(A) IN GENERAL.—Each State that pro-
11 poses additional designations for the National
12 Multimodal Freight Network shall—

13 “(i) consider nominations for addi-
14 tional designations from metropolitan plan-
15 ning organizations and State freight advi-
16 sory committees, as applicable, within the
17 State;

18 “(ii) consider nominations for addi-
19 tional designations from owners and opera-
20 tors of port, rail, pipeline, and airport fa-
21 cilities; and

22 “(iii) ensure that additional designa-
23 tions are consistent with the State trans-
24 portation improvement program or freight
25 plan.

1 “(B) CRITICAL RURAL FREIGHT FACILI-
2 TIES AND CORRIDORS.—As part of the designa-
3 tions under subparagraph (A), a State may des-
4 ignate a freight facility or corridor within the
5 borders of the State as a critical rural freight
6 facility or corridor if the facility or corridor—
7 “(i) is a rural principal arterial;
8 “(ii) provides access or service to en-
9 ergy exploration, development, installation,
10 or production areas;
11 “(iii) provides access or service to—
12 “(I) a grain elevator;
13 “(II) an agricultural facility;
14 “(III) a mining facility;
15 “(IV) a forestry facility; or
16 “(V) an intermodal facility;
17 “(iv) connects to an international port
18 of entry;
19 “(v) provides access to a significant
20 air, rail, water, or other freight facility in
21 the State; or
22 “(vi) has been determined by the
23 State to be vital to improving the efficient
24 movement of freight of importance to the
25 economy of the State.

1 “(C) LIMITATION.—

2 “(i) IN GENERAL.—A State may pro-
3 pose additional designations to the Na-
4 tional Multimodal Freight Network in the
5 State in an amount that is not more than
6 20 percent of the total mileage designated
7 by the Under Secretary in the State.

8 “(ii) DETERMINATION BY UNDER SEC-
9 RETARY.—The Under Secretary shall de-
10 termine how to apply the limitation under
11 clause (i) to the components of the Na-
12 tional Multimodal Freight Network.

13 “(D) SUBMISSION AND CERTIFICATION.—
14 A State shall submit to the Under Secretary—

15 “(i) a list of any additional designa-
16 tions proposed to be added under this
17 paragraph; and

18 “(ii) a certification that—

19 “(I) the State has satisfied the
20 requirements of subparagraph (A);
21 and

22 “(II) the designations referred to
23 in clause (i) address the factors for
24 designation described in this sub-
25 section.

1 “(d) REDESIGNATION OF NATIONAL MULTIMODAL
2 FREIGHT NETWORK.—Not later than 5 years after the
3 initial designation under subsection (c), and every 5 years
4 thereafter, the Under Secretary, using the designation fac-
5 tors described in subsection (c), shall redesignate the Na-
6 tional Multimodal Freight Network.

7 **“CHAPTER 702—MULTIMODAL FREIGHT**
8 **TRANSPORTATION PLANNING AND IN-**
9 **FORMATION**

“Sec.

“70201. State freight advisory committees.

“70202. State freight plans.

“70203. Transportation investment data and planning tools.

“70204. Savings provision.

10 **“§ 70201. State freight advisory committees**

11 “(a) IN GENERAL.—The Secretary of Transportation
12 shall encourage each State to establish a freight advisory
13 committee consisting of a representative cross-section of
14 public and private sector freight stakeholders, including
15 representatives of ports, freight railroads, shippers, car-
16 riers, freight-related associations, third-party logistics pro-
17 viders, the freight industry workforce, the transportation
18 department of the State, and local governments.

19 “(b) ROLE OF COMMITTEE.—A freight advisory com-
20 mittee of a State described in subsection (a) shall—

21 “(1) advise the State on freight-related prior-
22 ities, issues, projects, and funding needs;

1 “(2) serve as a forum for discussion for State
2 transportation decisions affecting freight mobility;

3 “(3) communicate and coordinate regional pri-
4 orities with other organizations;

5 “(4) promote the sharing of information be-
6 tween the private and public sectors on freight
7 issues; and

8 “(5) participate in the development of the
9 freight plan of the State described in section 70202.

10 **“§ 70202. State freight plans**

11 “(a) IN GENERAL.—Each State that receives funding
12 under section 167 of title 23 shall develop a freight plan
13 that provides a comprehensive plan for the immediate and
14 long-range planning activities and investments of the
15 State with respect to freight.

16 “(b) PLAN CONTENTS.—A State freight plan de-
17 scribed in subsection (a) shall include, at a minimum—

18 “(1) an identification of significant freight sys-
19 tem trends, needs, and issues with respect to the
20 State;

21 “(2) a description of the freight policies, strate-
22 gies, and performance measures that will guide the
23 freight-related transportation investment decisions of
24 the State;

25 “(3) when applicable, a listing of—

1 “(A) multimodal critical rural freight fa-
2 cilities and corridors designated within the
3 State under section 70103 of this title; and

4 “(B) critical rural and urban freight cor-
5 ridors designated within the State under section
6 167 of title 23;

7 “(4) a description of how the plan will improve
8 the ability of the State to meet the national
9 multimodal freight policy goals described in section
10 70101(b) of this title and the national highway
11 freight program goals described in section 167 of
12 title 23;

13 “(5) a description of how innovative tech-
14 nologies and operational strategies, including freight
15 intelligent transportation systems, that improve the
16 safety and efficiency of freight movement, were con-
17 sidered;

18 “(6) in the case of roadways on which travel by
19 heavy vehicles (including mining, agricultural, en-
20 ergy cargo or equipment, and timber vehicles) is pro-
21 jected to substantially deteriorate the condition of
22 the roadways, a description of improvements that
23 may be required to reduce or impede the deteriora-
24 tion;

1 “(7) an inventory of facilities with freight mo-
2 bility issues, such as bottlenecks, within the State,
3 and for those facilities that are State owned or oper-
4 ated, a description of the strategies the State is em-
5 ploying to address the freight mobility issues;

6 “(8) consideration of any significant congestion
7 or delay caused by freight movements and any strat-
8 egies to mitigate that congestion or delay;

9 “(9) a freight investment plan that, subject to
10 subsection (c)(2), includes a list of priority projects
11 and describes how funds made available to carry out
12 section 167 of title 23 would be invested and
13 matched; and

14 “(10) consultation with the State freight advi-
15 sory committee, if applicable.

16 “(c) RELATIONSHIP TO LONG-RANGE PLAN.—

17 “(1) INCORPORATION.—A State freight plan de-
18 scribed in subsection (a) may be developed sepa-
19 rately from or incorporated into the statewide stra-
20 tegic long-range transportation plan required by sec-
21 tion 135 of title 23.

22 “(2) FISCAL CONSTRAINT.—The freight invest-
23 ment plan component of a freight plan shall include
24 a project, or an identified phase of a project, only
25 if funding for completion of the project can reason-

1 ably be anticipated to be available for the project
2 within the time period identified in the freight in-
3 vestment plan.

4 “(d) PLANNING PERIOD.—A State freight plan de-
5 scribed in subsection (a) shall address a 5-year forecast
6 period.

7 “(e) UPDATES.—

8 “(1) IN GENERAL.—A State shall update a
9 State freight plan described in subsection (a) not
10 less frequently than once every 5 years.

11 “(2) FREIGHT INVESTMENT PLAN.—A State
12 may update a freight investment plan described in
13 subsection (b)(9) more frequently than is required
14 under paragraph (1).

15 **“§ 70203. Transportation investment data and plan-**
16 **ning tools**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this section, the Secretary of Trans-
19 portation shall—

20 “(1) begin development of new tools and im-
21 provement of existing tools to support an outcome-
22 oriented, performance-based approach to evaluate
23 proposed freight-related and other transportation
24 projects, including—

1 “(A) methodologies for systematic analysis
2 of benefits and costs on a national or regional
3 basis;

4 “(B) tools for ensuring that the evaluation
5 of freight-related and other transportation
6 projects could consider safety, economic com-
7 petitiveness, urban and rural access, environ-
8 mental sustainability, and system condition in
9 the project selection process;

10 “(C) improved methods for data collection
11 and trend analysis;

12 “(D) encouragement of public-private col-
13 laboration to carry out data sharing activities
14 while maintaining the confidentiality of all pro-
15 prietary data; and

16 “(E) other tools to assist in effective trans-
17 portation planning;

18 “(2) identify transportation-related model data
19 elements to support a broad range of evaluation
20 methods and techniques to assist in making trans-
21 portation investment decisions; and

22 “(3) at a minimum, in consultation with other
23 relevant Federal agencies, consider any improve-
24 ments to existing freight flow data collection efforts
25 that could reduce identified freight data gaps and

1 deficiencies and help improve forecasts of freight
2 transportation demand.

3 “(b) CONSULTATION.—The Secretary shall consult
4 with Federal, State, and other stakeholders to develop, im-
5 prove, and implement the tools and collect the data de-
6 scribed in subsection (a).

7 **“§ 70204. Savings provision**

8 “Nothing in this subtitle provides additional author-
9 ity to regulate or direct private activity on freight net-
10 works designated under this subtitle.”.

11 (b) CLERICAL AMENDMENT.—The analysis of sub-
12 titles for title 49, United States Code, is amended by strik-
13 ing the item relating to subtitle IX and inserting the fol-
14 lowing:

“IX. Multimodal Freight Transportation70101”.

15 **TITLE IX—NATIONAL SURFACE**
16 **TRANSPORTATION AND INNO-**
17 **VATIVE FINANCE BUREAU**

18 **SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND IN-**
19 **NOVATIVE FINANCE BUREAU.**

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

1 **“§ 116. National Surface Transportation and Innova-**
2 **tive Finance Bureau**

3 “(a) ESTABLISHMENT.—The Secretary of Transpor-
4 tation shall establish a National Surface Transportation
5 and Innovative Finance Bureau in the Department.

6 “(b) PURPOSES.—The purposes of the Bureau shall
7 be—

8 “(1) to provide assistance and communicate
9 best practices and financing and funding opportuni-
10 ties to eligible entities for the programs referred to
11 in subsection (d)(1);

12 “(2) to administer the application processes for
13 programs within the Department in accordance with
14 subsection (d);

15 “(3) to promote innovative financing best prac-
16 tices in accordance with subsection (e);

17 “(4) to reduce uncertainty and delays with re-
18 spect to environmental reviews and permitting in ac-
19 cordance with subsection (f); and

20 “(5) to reduce costs and risks to taxpayers in
21 project delivery and procurement in accordance with
22 subsection (g).

23 “(c) EXECUTIVE DIRECTOR.—

24 “(1) APPOINTMENT.—The Bureau shall be
25 headed by an Executive Director, who shall be ap-

1 pointed in the competitive service by the Secretary,
2 with the approval of the President.

3 “(2) DUTIES.—The Executive Director shall—

4 “(A) report to the Under Secretary of
5 Transportation for Policy;

6 “(B) be responsible for the management
7 and oversight of the daily activities, decisions,
8 operations, and personnel of the Bureau;

9 “(C) support the Council on Credit and Fi-
10 nance established under section 117 in accord-
11 ance with this section; and

12 “(D) carry out such additional duties as
13 the Secretary may prescribe.

14 “(d) ADMINISTRATION OF CERTAIN APPLICATION
15 PROCESSES.—

16 “(1) IN GENERAL.—The Bureau shall admin-
17 ister the application processes for the following pro-
18 grams:

19 “(A) The infrastructure finance programs
20 authorized under chapter 6 of title 23.

21 “(B) The railroad rehabilitation and im-
22 provement financing program authorized under
23 sections 501 through 503 of the Railroad Revi-
24 talization and Regulatory Reform Act of 1976
25 (45 U.S.C. 821–823).

1 “(C) Amount allocations authorized under
2 section 142(m) of the Internal Revenue Code of
3 1986.

4 “(D) The nationally significant freight and
5 highway projects program under section 117 of
6 title 23.

7 “(2) CONGRESSIONAL NOTIFICATION.—The Ex-
8 ecutive Director shall ensure that the congressional
9 notification requirements for each program referred
10 to in paragraph (1) are followed in accordance with
11 the statutory provisions applicable to the program.

12 “(3) REPORTS.—The Executive Director shall
13 ensure that the reporting requirements for each pro-
14 gram referred to in paragraph (1) are followed in
15 accordance with the statutory provisions applicable
16 to the program.

17 “(4) COORDINATION.—In administering the ap-
18 plication processes for the programs referred to in
19 paragraph (1), the Executive Director shall coordi-
20 nate with appropriate officials in the Department
21 and its modal administrations responsible for admin-
22 istering such programs.

23 “(5) STREAMLINING APPROVAL PROCESSES.—
24 Not later than 1 year after the date of enactment
25 of this section, the Executive Director shall submit

1 to the Committee on Transportation and Infrastruc-
2 ture of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation,
4 the Committee on Banking, Housing, and Urban Af-
5 fairs, and the Committee on Environment and Pub-
6 lic Works of the Senate a report that—

7 “(A) evaluates the application processes
8 for the programs referred to in paragraph (1);

9 “(B) identifies administrative and legisla-
10 tive actions that would improve the efficiency of
11 the application processes without diminishing
12 Federal oversight; and

13 “(C) describes how the Executive Director
14 will implement administrative actions identified
15 under subparagraph (B) that do not require an
16 Act of Congress.

17 “(6) PROCEDURES AND TRANSPARENCY.—

18 “(A) PROCEDURES.—With respect to the
19 programs referred to in paragraph (1), the Ex-
20 ecutive Director shall—

21 “(i) establish procedures for analyzing
22 and evaluating applications and for uti-
23 lizing the recommendations of the Council
24 on Credit and Finance;

1 “(ii) establish procedures for address-
2 ing late-arriving applications, as applicable,
3 and communicating the Bureau’s decisions
4 for accepting or rejecting late applications
5 to the applicant and the public; and

6 “(iii) document major decisions in the
7 application evaluation process through a
8 decision memorandum or similar mecha-
9 nism that provides a clear rationale for
10 such decisions.

11 “(B) REVIEW.—

12 “(i) IN GENERAL.—The Comptroller
13 General of the United States shall review
14 the compliance of the Executive Director
15 with the requirements of this paragraph.

16 “(ii) RECOMMENDATIONS.—The
17 Comptroller General may make rec-
18 ommendations to the Executive Director in
19 order to improve compliance with the re-
20 quirements of this paragraph.

21 “(iii) REPORT.—Not later than 3
22 years after the date of enactment of this
23 section, the Comptroller General shall sub-
24 mit to the Committee on Transportation
25 and Infrastructure of the House of Rep-

1 representatives and the Committee on Envi-
2 ronment and Public Works, the Committee
3 on Banking, Housing, and Urban Affairs,
4 and the Committee on Commerce, Science,
5 and Transportation of the Senate a report
6 on the results of the review conducted
7 under clause (i), including findings and
8 recommendations for improvement.

9 “(e) INNOVATIVE FINANCING BEST PRACTICES.—

10 “(1) IN GENERAL.—The Bureau shall work
11 with the modal administrations within the Depart-
12 ment, eligible entities, and other public and private
13 interests to develop and promote best practices for
14 innovative financing and public-private partnerships.

15 “(2) ACTIVITIES.—The Bureau shall carry out
16 paragraph (1)—

17 “(A) by making Federal credit assistance
18 programs more accessible to eligible recipients;

19 “(B) by providing advice and expertise to
20 eligible entities that seek to leverage public and
21 private funding;

22 “(C) by sharing innovative financing best
23 practices and case studies from eligible entities
24 with other eligible entities that are interested in
25 utilizing innovative financing methods; and

1 “(D) by developing and monitoring—

2 “(i) best practices with respect to
3 standardized State public-private partner-
4 ship authorities and practices, including
5 best practices related to—

6 “(I) accurate and reliable as-
7 sumptions for analyzing public-private
8 partnership procurements;

9 “(II) procedures for the handling
10 of unsolicited bids;

11 “(III) policies with respect to
12 noncompete clauses; and

13 “(IV) other significant terms of
14 public-private partnership procure-
15 ments, as determined appropriate by
16 the Bureau;

17 “(ii) standard contracts for the most
18 common types of public-private partner-
19 ships for transportation facilities; and

20 “(iii) analytical tools and other tech-
21 niques to aid eligible entities in deter-
22 mining the appropriate project delivery
23 model, including a value for money anal-
24 ysis.

25 “(3) TRANSPARENCY.—The Bureau shall—

1 “(A) ensure the transparency of a project
2 receiving credit assistance under a program re-
3 ferred to in subsection (d)(1) and procured as
4 a public-private partnership by—

5 “(i) requiring the sponsor of the
6 project to undergo a value for money anal-
7 ysis or a comparable analysis prior to de-
8 ciding to advance the project as a public-
9 private partnership;

10 “(ii) requiring the analysis required
11 under subparagraph (A), and other key
12 terms of the relevant public-private part-
13 nership agreement, to be made publicly
14 available by the project sponsor at an ap-
15 propriate time;

16 “(iii) not later than 3 years after the
17 date of completion of the project, requiring
18 the sponsor of the project to conduct a re-
19 view regarding whether the private partner
20 is meeting the terms of the relevant public-
21 private partnership agreement; and

22 “(iv) providing a publicly available
23 summary of the total level of Federal as-
24 sistance in such project; and

1 “(B) develop guidance to implement this
2 paragraph that takes into consideration vari-
3 ations in State and local laws and requirements
4 related to public-private partnerships.

5 “(4) SUPPORT TO PROJECT SPONSORS.—At the
6 request of an eligible entity, the Bureau shall pro-
7 vide technical assistance to the eligible entity regard-
8 ing proposed public-private partnership agreements
9 for transportation facilities, including assistance in
10 performing a value for money analysis or comparable
11 analysis.

12 “(f) ENVIRONMENTAL REVIEW AND PERMITTING.—

13 “(1) IN GENERAL.—The Bureau shall take ac-
14 tions that are appropriate and consistent with the
15 Department’s goals and policies to improve the deliv-
16 ery timelines for projects carried out under the pro-
17 grams referred to in subsection (d)(1).

18 “(2) ACTIVITIES.—The Bureau shall carry out
19 paragraph (1)—

20 “(A) by serving as the Department’s liai-
21 son to the Council on Environmental Quality;

22 “(B) by coordinating efforts to improve the
23 efficiency and effectiveness of the environmental
24 review and permitting process;

1 “(C) by providing technical assistance and
2 training to field and headquarters staff of Fed-
3 eral agencies on policy changes and innovative
4 approaches to the delivery of projects; and

5 “(D) by identifying, developing, and track-
6 ing metrics for permit reviews and decisions by
7 Federal agencies for projects under the Na-
8 tional Environmental Policy Act of 1969.

9 “(3) SUPPORT TO PROJECT SPONSORS.—At the
10 request of an eligible entity that is carrying out a
11 project under a program referred to in subsection
12 (d)(1), the Bureau, in coordination with the appro-
13 priate modal administrations within the Department,
14 shall provide technical assistance with regard to the
15 compliance of the project with the requirements of
16 the National Environmental Policy Act 1969 and
17 relevant Federal environmental permits.

18 “(g) PROJECT PROCUREMENT.—

19 “(1) IN GENERAL.—The Bureau shall promote
20 best practices in procurement for a project receiving
21 assistance under a program referred to in subsection
22 (d)(1) by developing, in coordination with modal ad-
23 ministrations within the Department as appropriate,
24 procurement benchmarks in order to ensure account-

1 able expenditure of Federal assistance over the life
2 cycle of the project.

3 “(2) PROCUREMENT BENCHMARKS.—To the
4 maximum extent practicable, the procurement
5 benchmarks developed under paragraph (1) shall—

6 “(A) establish maximum thresholds for ac-
7 ceptable project cost increases and delays in
8 project delivery;

9 “(B) establish uniform methods for States
10 to measure cost and delivery changes over the
11 life cycle of a project; and

12 “(C) be tailored, as necessary, to various
13 types of project procurements, including design-
14 bid-build, design-build, and public-private part-
15 nerships.

16 “(3) DATA COLLECTION.—The Bureau shall—

17 “(A) collect information related to procure-
18 ment benchmarks developed under paragraph
19 (1), including project specific information de-
20 tailed under paragraph (2); and

21 “(B) provide on a publicly accessible Inter-
22 net Web site of the Department a report on the
23 information collected under subparagraph (A).

24 “(h) ELIMINATION AND CONSOLIDATION OF DUPLI-
25 CATIVE OFFICES.—

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

4 “(A) the purposes of the office are duplica-
5 tive of the purposes of the Bureau; and

6 “(B) the elimination of the office does not
7 adversely affect the obligations of the Secretary
8 under any Federal law.

9 “(2) CONSOLIDATION OF OFFICES AND OFFICE
10 FUNCTIONS.—The Secretary may consolidate any of-
11 fice or office function within the Department into
12 the Bureau that the Secretary determines has du-
13 ties, responsibilities, resources, or expertise that sup-
14 port the purposes of the Bureau.

15 “(3) STAFFING AND BUDGETARY RE-
16 SOURCES.—

17 “(A) IN GENERAL.—The Secretary shall
18 ensure that the Bureau is adequately staffed
19 and funded.

20 “(B) STAFFING.—The Secretary may
21 transfer to the Bureau a position within the
22 Department from any office that is eliminated
23 or consolidated under this subsection if the Sec-
24 retary determines that the position is necessary
25 to carry out the purposes of the Bureau.

1 “(C) SAVINGS PROVISION.—If the Sec-
2 retary transfers a position to the Bureau under
3 subparagraph (B), the Secretary, in coordina-
4 tion with the appropriate modal administration,
5 shall ensure that the transfer of the position
6 does not adversely affect the obligations of the
7 modal administration under any Federal law.

8 “(D) BUDGETARY RESOURCES.—

9 “(i) TRANSFER OF FUNDS FROM
10 ELIMINATED OR CONSOLIDATED OF-
11 FICES.—During the 2-year period begin-
12 ning on the date of enactment of this sec-
13 tion, the Secretary may transfer to the Bu-
14 reau funds allocated to any office or office
15 function that is eliminated or consolidated
16 under this subsection to carry out the pur-
17 poses of the Bureau.

18 “(ii) TRANSFER OF FUNDS ALLO-
19 CATED TO ADMINISTRATIVE COSTS.—Dur-
20 ing the 2-year period beginning on the date
21 of enactment of this section, the Secretary
22 may transfer to the Bureau funds allocated
23 to the administrative costs of processing
24 applications for the programs referred to
25 in subsection (d)(1).

1 “(4) NOTIFICATION.—Not later than 90 days
2 after the date of enactment of this section, and every
3 90 days thereafter, the Secretary shall notify the
4 Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on
6 Environment and Public Works, the Committee on
7 Banking, Housing, and Urban Affairs, and the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate of—

10 “(A) the offices eliminated under para-
11 graph (1) and the rationale for elimination of
12 the offices;

13 “(B) the offices and office functions con-
14 solidated under paragraph (2) and the rationale
15 for consolidation of the offices and office func-
16 tions;

17 “(C) the actions taken under paragraph
18 (3) and the rationale for taking such actions;
19 and

20 “(D) any additional legislative actions that
21 may be needed.

22 “(i) SAVINGS PROVISIONS.—

23 “(1) LAWS AND REGULATIONS.—Nothing in
24 this section may be construed to change a law or

1 regulation with respect to a program referred to in
2 subsection (d)(1).

3 “(2) RESPONSIBILITIES.—Nothing in this sec-
4 tion may be construed to abrogate the responsibil-
5 ities of an agency, operating administration, or of-
6 fice within the Department otherwise charged by a
7 law or regulation with other aspects of program ad-
8 ministration, oversight, or project approval or imple-
9 mentation for the programs and projects subject to
10 this section.

11 “(3) APPLICABILITY.—Nothing in this section
12 may be construed to affect any pending application
13 under 1 or more of the programs referred to in sub-
14 section (d)(1) that was received by the Secretary on
15 or before the date of enactment of this section.

16 “(j) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) BUREAU.—The term ‘Bureau’ means the
19 National Surface Transportation and Innovative Fi-
20 nance Bureau of the Department.

21 “(2) DEPARTMENT.—The term ‘Department’
22 means the Department of Transportation.

23 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means an eligible applicant receiving financial

1 or credit assistance under 1 or more of the programs
2 referred to in subsection (d)(1).

3 “(4) EXECUTIVE DIRECTOR.—The term ‘Execu-
4 tive Director’ means the Executive Director of the
5 Bureau.

6 “(5) MULTIMODAL PROJECT.—The term
7 ‘multimodal project’ means a project involving the
8 participation of more than 1 modal administration
9 or secretarial office within the Department.

10 “(6) PROJECT.—The term ‘project’ means a
11 highway project, public transportation capital
12 project, freight or passenger rail project, or
13 multimodal project.”

14 (b) CLERICAL AMENDMENT.—The analysis for such
15 chapter is amended by adding at the end the following:

“116. National Surface Transportation and Innovative Finance Bureau.”

16 **SEC. 9002. COUNCIL ON CREDIT AND FINANCE.**

17 (a) IN GENERAL.—Chapter 1 of title 49, United
18 States Code, as amended by this Act, is further amended
19 by adding at the end the following:

20 **“§ 117. Council on Credit and Finance**

21 “(a) ESTABLISHMENT.—The Secretary of Transpor-
22 tation shall establish a Council on Credit and Finance in
23 accordance with this section.

24 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Council shall be com-
2 posed of the following members:

3 “(A) The Deputy Secretary of Transpor-
4 tation.

5 “(B) The Under Secretary of Transpor-
6 tation for Policy.

7 “(C) The Chief Financial Officer and As-
8 sistant Secretary for Budget and Programs.

9 “(D) The General Counsel of the Depart-
10 ment of Transportation.

11 “(E) The Assistant Secretary for Trans-
12 portation Policy.

13 “(F) The Administrator of the Federal
14 Highway Administration.

15 “(G) The Administrator of the Federal
16 Transit Administration.

17 “(H) The Administrator of the Federal
18 Railroad Administration.

19 “(2) ADDITIONAL MEMBERS.—The Secretary
20 may designate up to 3 additional officials of the De-
21 partment to serve as at-large members of the Coun-
22 cil.

23 “(3) CHAIRPERSON AND VICE CHAIRPERSON.—

1 “(A) CHAIRPERSON.—The Deputy Sec-
2 retary of Transportation shall serve as the
3 chairperson of the Council.

4 “(B) VICE CHAIRPERSON.—The Chief Fi-
5 nancial Officer and Assistant Secretary for
6 Budget and Programs shall serve as the vice
7 chairperson of the Council.

8 “(4) EXECUTIVE DIRECTOR.—The Executive
9 Director of the National Surface Transportation and
10 Innovative Finance Bureau shall serve as a non-
11 voting member of the Council.

12 “(c) DUTIES.—The Council shall—

13 “(1) review applications for assistance sub-
14 mitted under the programs referred to in subpara-
15 graphs (A), (B), and (C) of section 116(d)(1);

16 “(2) review applications for assistance sub-
17 mitted under the program referred to in section
18 116(d)(1)(D), as determined appropriate by the Sec-
19 retary;

20 “(3) make recommendations to the Secretary
21 regarding the selection of projects to receive assist-
22 ance under such programs;

23 “(4) review, on a regular basis, projects that re-
24 ceived assistance under such programs; and

1 “(5) carry out such additional duties as the
2 Secretary may prescribe.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
4 chapter is further amended by adding at the end the fol-
5 lowing:

“117. Council on Credit and Finance.”.

6 **TITLE X—SPORT FISH RESTORA-**
7 **TION AND RECREATIONAL**
8 **BOATING SAFETY**

9 **SEC. 10001. ALLOCATIONS.**

10 (a) AUTHORIZATION.—Section 3 of the Dingell-John-
11 son Sport Fish Restoration Act (16 U.S.C. 777b) is
12 amended by striking “57 percent” and inserting “58.012
13 percent”.

14 (b) IN GENERAL.—Section 4 of the Dingell-Johnson
15 Sport Fish Restoration Act (16 U.S.C. 777c) is amend-
16 ed—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph

19 (1)—

20 (i) by striking “For each” and all that
21 follows through “the balance” and insert-
22 ing “For each fiscal year through fiscal
23 year 2021, the balance”; and

1 (ii) by striking “multistate conserva-
2 tion grants under section 14” and insert-
3 ing “activities under section 14(e)”;

4 (B) in paragraph (1), by striking “18.5
5 percent” and inserting “18.673 percent”;

6 (C) in paragraph (2) by striking “18.5
7 percent” and inserting “17.315 percent”;

8 (D) by striking paragraphs (3) and (4);

9 (E) by redesignating paragraph (5) as
10 paragraph (4); and

11 (F) by inserting after paragraph (2) the
12 following:

13 “(3) BOATING INFRASTRUCTURE IMPROVE-
14 MENT.—

15 “(A) IN GENERAL.—An amount equal to 4
16 percent to the Secretary of the Interior for
17 qualified projects under section 5604(c) of the
18 Clean Vessel Act of 1992 (33 U.S.C. 1322
19 note) and section 7404(d) of the Sportfishing
20 and Boating Safety Act of 1998 (16 U.S.C.
21 777g–1(d)).

22 “(B) LIMITATION.—Not more than 75 per-
23 cent of the amount under subparagraph (A)
24 shall be available for projects under either of
25 the sections referred to in subparagraph (A).”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)(A) by striking “for
3 each” and all that follows through “the Sec-
4 retary” and inserting “for each fiscal year
5 through fiscal year 2021, the Secretary”;

6 (B) by redesignating paragraph (2) as
7 paragraph (3);

8 (C) by inserting after paragraph (1) the
9 following:

10 “(2) SET-ASIDE FOR COAST GUARD ADMINIS-
11 TRATION.—

12 “(A) IN GENERAL.—From the annual ap-
13 propriation made in accordance with section 3,
14 for each of fiscal years 2016 through 2021, the
15 Secretary of the department in which the Coast
16 Guard is operating may use no more than the
17 amount specified in subparagraph (B) for the
18 fiscal year for the purposes set forth in section
19 13107(c) of title 46, United States Code. The
20 amount specified in subparagraph (B) for a fis-
21 cal year may not be included in the amount of
22 the annual appropriation distributed under sub-
23 section (a) for the fiscal year.

24 “(B) AVAILABLE AMOUNTS.—The available
25 amount referred to in subparagraph (A) is—

1 “(i) for fiscal year 2016, \$7,700,000;

2 and

3 “(ii) for fiscal year 2017 and each fis-
4 cal year thereafter, the sum of—

5 “(I) the available amount for the
6 preceding fiscal year; and

7 “(II) the amount determined by
8 multiplying—

9 “(aa) the available amount
10 for the preceding fiscal year; and

11 “(bb) the change, relative to
12 the preceding fiscal year, in the
13 Consumer Price Index for All
14 Urban Consumers published by
15 the Department of Labor.”; and

16 (D) in paragraph (3), as so redesignated—

17 (i) in subparagraph (A), by striking
18 “until the end of the fiscal year.” and in-
19 serting “until the end of the subsequent
20 fiscal year.”; and

21 (ii) in subparagraph (B) by striking
22 “under subsection (e)” and inserting
23 “under subsection (c)”;

24 (3) in subsection (c)—

1 (A) by striking “(c) The Secretary” and
2 inserting “(c)(1) The Secretary,”;

3 (B) by striking “grants under section 14 of
4 this title” and inserting “activities under sec-
5 tion 14(e)”;

6 (C) by striking “57 percent” and inserting
7 “58.012 percent”; and

8 (D) by adding at the end the following:

9 “(2) The Secretary shall deduct from the amount to
10 be apportioned under paragraph (1) the amounts used for
11 grants under section 14(a).”; and

12 (4) in subsection (e)(1), by striking “those sub-
13 sections,” and inserting “those paragraphs,”.

14 (c) SUBMISSION AND APPROVAL OF PLANS AND
15 PROJECTS.—Section 6(d) of the Dingell-Johnson Sport
16 Fish Restoration Act (16 U.S.C. 777e(d)) is amended by
17 striking “for appropriations” and inserting “from appro-
18 priations”.

19 (d) UNEXPENDED OR UNOBLIGATED FUNDS.—Sec-
20 tion 8(b)(2) of the Dingell-Johnson Sport Fish Restora-
21 tion Act (16 U.S.C. 777g(b)(2)) is amended by striking
22 “57 percent” and inserting “58.012 percent”.

23 (e) COOPERATION.—Section 12 of the Dingell-John-
24 son Sport Fish Restoration Act (16 U.S.C. 777k) is
25 amended—

1 (1) by striking “57 percent” and inserting
2 “58.012 percent”; and

3 (2) by striking “under section 4(b)” and insert-
4 ing “under section 4(c)”.

5 (f) OTHER ACTIVITIES.—Section 14 of the Dingell-
6 Johnson Sport Fish Restoration Act (16 U.S.C. 777m)
7 is amended—

8 (1) in subsection (a)(1), by striking “of each
9 annual appropriation made in accordance with the
10 provisions of section 3”; and

11 (2) in subsection (e)—

12 (A) in the matter preceding paragraph (1)
13 by striking “Of amounts made available under
14 section 4(b) for each fiscal year—” and insert-
15 ing “Not more than \$1,200,000 of each annual
16 appropriation made in accordance with the pro-
17 visions of section 3 shall be distributed to the
18 Secretary of the Interior for use as follows:”;
19 and

20 (B) in paragraph (1)(D) by striking “;
21 and” and inserting a period.

22 (g) REPEAL.—The Dingell-Johnson Sport Fish Res-
23 toration Act (16 U.S.C. 777 et seq.) is amended—

24 (1) by striking section 15; and

25 (2) by redesignating section 16 as section 15.

1 **SEC. 10002. RECREATIONAL BOATING SAFETY.**

2 Section 13107 of title 46, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) by striking “(1) Subject to paragraph
6 (2) and subsection (c),” and inserting “Subject
7 to subsection (c),”;

8 (B) by striking “the sum of (A) the
9 amount made available from the Boat Safety
10 Account for that fiscal year under section 15 of
11 the Dingell-Johnson Sport Fish Restoration Act
12 and (B)”;

13 (C) by striking paragraph (2); and

14 (2) in subsection (c)—

15 (A) by striking the subsection designation
16 and paragraph (1) and inserting the following:

17 “(c)(1)(A) The Secretary may use amounts made
18 available each fiscal year under section 4(b)(2) of the Din-
19 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
20 777e(b)(2)) for payment of expenses of the Coast Guard
21 for investigations, personnel, and activities directly related
22 to—

23 “(i) administering State recreational boating
24 safety programs under this chapter; or

25 “(ii) coordinating or carrying out the national
26 recreational boating safety program under this title.

1 “(B) Of the amounts used by the Secretary each fis-
2 cal year under subparagraph (A)—

3 “(i) not less than \$2,100,000 is available to en-
4 sure compliance with chapter 43 of this title; and

5 “(ii) not more than \$1,500,000 is available to
6 conduct by grant or contract a survey of levels of
7 recreational boating participation and related mat-
8 ters in the United States.”; and

9 (B) in paragraph (2)—

10 (i) by striking “No funds” and insert-
11 ing “On and after October 1, 2016, no
12 funds”; and

13 (ii) by striking “traditionally”.

14 **TITLE XI—RAIL**

15 **SEC. 11001. SHORT TITLE.**

16 This title may be cited as the “Passenger Rail Re-
17 form and Investment Act of 2015”.

18 **Subtitle A—Authorizations**

19 **SEC. 11101. AUTHORIZATION OF GRANTS TO AMTRAK.**

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

24 (1) For fiscal year 2016, \$450,000,000.

25 (2) For fiscal year 2017, \$474,000,000.

1 (3) For fiscal year 2018, \$515,000,000.

2 (4) For fiscal year 2019, \$557,000,000.

3 (5) For fiscal year 2020, \$600,000,000.

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

8 (1) For fiscal year 2016, \$1,000,000,000.

9 (2) For fiscal year 2017, \$1,026,000,000.

10 (3) For fiscal year 2018, \$1,085,000,000.

11 (4) For fiscal year 2019, \$1,143,000,000.

12 (5) For fiscal year 2020, \$1,200,000,000.

13 (c) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
14 retary may withhold up to one half of 1 percent of the
15 amount appropriated under subsections (a) and (b) for the
16 costs of management oversight of Amtrak.

17 (d) GULF COAST WORKING GROUP.—Of the total
18 amount made available to the Office of the Secretary of
19 Transportation and the Federal Railroad Administration,
20 for each of fiscal years 2016 and 2017, \$500,000 shall
21 be used to convene the Gulf Coast rail service working
22 group established under section 11304 of this Act and
23 carry out its responsibilities under such section.

24 (e) COMPETITION.—In administering grants to Am-
25 trak under section 24319 of title 49, United States Code,

1 the Secretary may withhold, from amounts that would oth-
2 erwise be made available to Amtrak, such sums as are nec-
3 essary from the amount appropriated under subsection (b)
4 of this section to cover the operating subsidy described in
5 section 24711(b)(1)(E)(ii) of title 49, United States Code.

6 (f) STATE-SUPPORTED ROUTE COMMITTEE.—The
7 Secretary may withhold up to \$2,000,000 from the
8 amount appropriated in each fiscal year under subsection
9 (b) of this section for the use of the State-Supported
10 Route Committee established under section 24712 of title
11 49, United States Code.

12 (g) NORTHEAST CORRIDOR COMMISSION.—The Sec-
13 retary may withhold up to \$5,000,000 from the amount
14 appropriated in each fiscal year under subsection (a) of
15 this section for the use of the Northeast Corridor Commis-
16 sion established under section 24905 of title 49, United
17 States Code.

18 (h) NORTHEAST CORRIDOR.—For purposes of this
19 section, the term “Northeast Corridor” means the North-
20 east Corridor main line between Boston, Massachusetts,
21 and the District of Columbia, and facilities and services
22 used to operate and maintain that line.

23 (i) SMALL BUSINESS PARTICIPATION STUDY.—Of
24 the total amount made available to the Office of the Sec-
25 retary of Transportation and the Federal Railroad Admin-

1 istration, for each of fiscal years 2016 and 2017,
2 \$1,500,000 shall be used to implement the small business
3 participation study authorized under section 11310 of this
4 Act.

5 **SEC. 11102. CONSOLIDATED RAIL INFRASTRUCTURE AND**
6 **SAFETY IMPROVEMENTS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to the Secretary for grants under section 24407
9 of title 49, United States Code, (as added by section
10 11301 of this Act), the following amounts:

- 11 (1) For fiscal year 2016, \$98,000,000.
- 12 (2) For fiscal year 2017, \$190,000,000.
- 13 (3) For fiscal year 2018, \$230,000,000.
- 14 (4) For fiscal year 2019, \$255,000,000.
- 15 (5) For fiscal year 2020, \$330,000,000.

16 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
17 retary may withhold up to 1 percent from the amount ap-
18 propriated under subsection (a) of this section for the
19 costs of project management oversight of grants carried
20 out under section 24407 of title 49, United States Code.

21 **SEC. 11103. FEDERAL-STATE PARTNERSHIP FOR STATE OF**
22 **GOOD REPAIR.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to the Secretary for grants under section 24911

1 of title 49, United States Code, (as added by section
2 11302 of this Act), the following amounts:

3 (1) For fiscal year 2016, \$82,000,000.

4 (2) For fiscal year 2017, \$140,000,000.

5 (3) For fiscal year 2018, \$175,000,000.

6 (4) For fiscal year 2019, \$300,000,000.

7 (5) For fiscal year 2020, \$300,000,000.

8 (b) **PROJECT MANAGEMENT OVERSIGHT.**—The Sec-
9 retary may withhold up to 1 percent from the amount ap-
10 propriated under subsection (a) of this section for the
11 costs of project management oversight of grants carried
12 out under section 24911 of title 49, United States Code.

13 **SEC. 11104. RESTORATION AND ENHANCEMENT GRANTS.**

14 (a) **IN GENERAL.**—There are authorized to be appro-
15 priated to the Secretary for grants under section 24408
16 of title 49, United States Code, (as added by section
17 11303 of this Act), \$20,000,000 for each of fiscal years
18 2016 through 2020.

19 (b) **PROJECT MANAGEMENT OVERSIGHT.**—The Sec-
20 retary may withhold up to 1 percent from the amount ap-
21 propriated under subsection (a) of this section for the
22 costs of project management oversight of grants carried
23 out under section 24408 of title 49, United States Code.

1 **SEC. 11105. AUTHORIZATION OF APPROPRIATIONS FOR AM-**
2 **TRAK OFFICE OF INSPECTOR GENERAL.**

3 There are authorized to be appropriated to the Office
4 of Inspector General of Amtrak the following amounts:

5 (1) For fiscal year 2016, \$20,000,000.

6 (2) For fiscal year 2017, \$20,500,000.

7 (3) For fiscal year 2018, \$21,000,000.

8 (4) For fiscal year 2019, \$21,500,000.

9 (5) For fiscal year 2020, \$22,000,000.

10 **SEC. 11106. DEFINITIONS.**

11 (a) TITLE 49 AMENDMENTS.—Section 24102 of title
12 49, United States Code, is amended—

13 (1) by redesignating paragraphs (5) through
14 (9) as paragraphs (7) through (11), respectively;

15 (2) by inserting after paragraph (4) the fol-
16 lowing new paragraphs:

17 “(5) ‘long-distance route’ means a route de-
18 scribed in subparagraph (C) of paragraph (7).

19 “(6) ‘National Network’ includes long-distance
20 routes and State-supported routes.”; and

21 (3) by adding at the end the following new
22 paragraphs:

23 “(12) ‘state-of-good-repair’ means a condition
24 in which physical assets, both individually and as a
25 system, are—

1 “(A) performing at a level at least equal to
2 that called for in their as-built or as-modified
3 design specification during any period when the
4 life cycle cost of maintaining the assets is lower
5 than the cost of replacing them; and

6 “(B) sustained through regular mainte-
7 nance and replacement programs.

8 “(13) ‘State-supported route’ means a route de-
9 scribed in subparagraph (B) or (D) of paragraph
10 (7), or in section 24702, that is operated by Amtrak,
11 excluding those trains operated by Amtrak on the
12 routes described in paragraph (7)(A).”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 217 of the Passenger Rail Invest-
15 ment and Improvement Act of 2008 (49 U.S.C.
16 24702 note) is amended by striking “24102(5)(D)”
17 and inserting “24102(7)(D)”.

18 (2) Section 209(a) of the Passenger Rail In-
19 vestment and Improvement Act of 2008 (49 U.S.C.
20 24101 note) is amended by striking “24102(5)(B)
21 and (D)” and inserting “24102(7)(B) and (D)”.

1 **Subtitle B—Amtrak Reforms**

2 **SEC. 11201. ACCOUNTS.**

3 (a) IN GENERAL.—Chapter 243 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 24317. Accounts**

7 “(a) PURPOSE.—The purpose of this section is to—

8 “(1) promote the effective use and stewardship
9 by Amtrak of Amtrak revenues, Federal, State, and
10 third party investments, appropriations, grants and
11 other forms of financial assistance, and other
12 sources of funds; and

13 “(2) enhance the transparency of the assign-
14 ment of revenues and costs among Amtrak business
15 lines while ensuring the health of the Northeast Cor-
16 ridor and National Network.

17 “(b) ACCOUNT STRUCTURE.—Not later than 180
18 days after the date of enactment of the Passenger Rail
19 Reform and Investment Act of 2015, the Secretary of
20 Transportation, in consultation with Amtrak, shall define
21 an account structure and improvements to accounting
22 methodologies, as necessary, to support, at a minimum,
23 the Northeast Corridor and the National Network.

24 “(c) FINANCIAL SOURCES.—In defining the account
25 structure and improvements to accounting methodologies

1 required under subsection (b), the Secretary shall ensure,
2 to the greatest extent practicable, that Amtrak assigns the
3 following:

4 “(1) For the Northeast Corridor account, all
5 revenues, appropriations, grants and other forms of
6 financial assistance, compensation, and other sources
7 of funds associated with the Northeast Corridor, in-
8 cluding—

9 “(A) grant funds appropriated for the
10 Northeast Corridor pursuant to section
11 11101(a) of the Passenger Rail Reform and In-
12 vestment Act of 2015 or any subsequent Act;

13 “(B) compensation received from com-
14 muter rail passenger transportation providers
15 for such providers’ share of capital and oper-
16 ating costs on the Northeast Corridor provided
17 to Amtrak pursuant to section 24905(e); and

18 “(C) any operating surplus of the North-
19 east Corridor, as allocated pursuant to section
20 24318.

21 “(2) For the National Network account, all rev-
22 enues, appropriations, grants and other forms of fi-
23 nancial assistance, compensation, and other sources
24 of funds associated with the National Network, in-
25 cluding—

1 “(A) grant funds appropriated for the Na-
2 tional Network pursuant to section 11101(b) of
3 the Passenger Rail Reform and Investment Act
4 of 2015 or any subsequent Act;

5 “(B) compensation received from States
6 provided to Amtrak pursuant to section 209 of
7 the Passenger Rail Investment and Improve-
8 ment Act of 2008 (42 U.S.C. 24101 note); and

9 “(C) any operating surplus of the National
10 Network, as allocated pursuant to section
11 24318.

12 “(d) FINANCIAL USES.—In defining the account
13 structure and improvements to accounting methodologies
14 required under subsection (b), the Secretary shall ensure,
15 to the greatest extent practicable, that amounts assigned
16 to the Northeast Corridor and National Network accounts
17 shall be used by Amtrak for the following:

18 “(1) For the Northeast Corridor, all associated
19 costs, including—

20 “(A) operating activities;

21 “(B) capital activities as described in sec-
22 tion 24904(a)(2)(E);

23 “(C) acquiring, rehabilitating, manufac-
24 turing, remanufacturing, overhauling, or im-
25 proving equipment and associated facilities used

1 for intercity rail passenger transportation by
2 Northeast Corridor train services;

3 “(D) payment of principal and interest on
4 loans for capital projects described in this para-
5 graph or for capital leases attributable to the
6 Northeast Corridor;

7 “(E) other capital projects on the North-
8 east Corridor, determined appropriate by the
9 Secretary, and consistent with section
10 24905(c)(1)(A)(i); and

11 “(F) if applicable, capital projects de-
12 scribed in section 24904(b).

13 “(2) For the National Network, all associated
14 costs, including—

15 “(A) operating activities;

16 “(B) capital activities; and

17 “(C) the payment of principal and interest
18 on loans or capital leases attributable to the
19 National Network.

20 “(e) IMPLEMENTATION AND REPORTING.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of the Passenger Rail Reform
23 and Investment Act of 2015, Amtrak, in consulta-
24 tion with the Secretary, shall implement any account
25 structures and improvements defined under sub-

1 section (b) so that Amtrak is able to produce profit
2 and loss statements for each of the business lines de-
3 scribed in section 24320(b)(1) and, as appropriate,
4 each of the asset categories described in section
5 24320(c)(1) that identify sources and uses of—

6 “(A) revenues;

7 “(B) appropriations; and

8 “(C) transfers between business lines.

9 “(2) UPDATED PROFIT AND LOSS STATE-
10 MENTS.—Not later than 1 month after the imple-
11 mentation under paragraph (1), and monthly there-
12 after, Amtrak shall submit updated profit and loss
13 statements for each of the business lines and asset
14 categories to the Secretary.

15 “(f) ACCOUNT MANAGEMENT.—For the purposes of
16 account management, Amtrak may transfer funds between
17 the Northeast Corridor account and National Network ac-
18 count without prior notification and approval under sub-
19 section (g) if such transfers—

20 “(1) do not materially impact Amtrak’s ability
21 to achieve its anticipated financial, capital, and oper-
22 ating performance goals for the fiscal year; and

23 “(2) would not materially change any grant
24 agreement entered into pursuant to section

1 24319(d), or other agreements made pursuant to ap-
2 plicable Federal law.

3 “(g) TRANSFER AUTHORITY.—

4 “(1) IN GENERAL.—If Amtrak determines that
5 a transfer between the accounts defined under sub-
6 section (b) does not meet the account management
7 standards established under subsection (f), Amtrak
8 may transfer funds between the Northeast Corridor
9 and National Network accounts if—

10 “(A) Amtrak notifies the Amtrak Board of
11 Directors, including the Secretary, at least 10
12 days prior to the expected date of transfer; and

13 “(B) solely for a transfer that will materi-
14 ally change a grant agreement, the Secretary
15 approves.

16 “(2) REPORT.—Not later than 5 days after the
17 Amtrak Board of Directors receives notification
18 from Amtrak under paragraph (1)(A), the Board
19 shall transmit to the Secretary, the Committee on
20 Transportation and Infrastructure and the Com-
21 mittee on Appropriations of the House of Represent-
22 atives, and the Committee on Commerce, Science,
23 and Transportation and the Committee on Appro-
24 priations of the Senate, a report that includes—

25 “(A) the amount of the transfer; and

1 “(B) a detailed explanation of the reason
2 for the transfer, including—

3 “(i) the effects on Amtrak services
4 funded by the account from which the
5 transfer is drawn, in comparison to a sce-
6 nario in which no transfer was made; and

7 “(ii) the effects on Amtrak services
8 funded by the account receiving the trans-
9 fer, in comparison to a scenario in which
10 no transfer was made.

11 “(3) NOTIFICATIONS.—Not later than 5 days
12 after the date that Amtrak notifies the Amtrak
13 Board of Directors of a transfer under paragraph
14 (1) to or from an account, Amtrak shall transmit to
15 the State-Supported Route Committee and North-
16 east Corridor Commission a letter that includes the
17 information described under subparagraphs (A) and
18 (B) of paragraph (2).

19 “(h) REPORT.—Not later than 2 years after the date
20 of enactment of the Passenger Rail Reform and Invest-
21 ment Act of 2015, Amtrak shall submit to the Secretary
22 a report assessing the account and reporting structure es-
23 tablished under this section and providing any rec-
24 ommendations for further action. Not later than 180 days
25 after the date of receipt of such report, the Secretary shall

1 provide an assessment that supplements Amtrak's report
2 and submit the Amtrak report with the supplemental as-
3 sessment to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives.

7 “(i) DEFINITION OF NORTHEAST CORRIDOR.—Not-
8 withstanding section 24102, for purposes of this section,
9 the term ‘Northeast Corridor’ means the Northeast Cor-
10 ridor main line between Boston, Massachusetts, and the
11 District of Columbia, and facilities and services used to
12 operate and maintain that line.”.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents for chapter 243 is amended by adding at the end
15 the following:

“24317. Accounts.”.

16 **SEC. 11202. AMTRAK GRANT PROCESS.**

17 (a) REQUIREMENTS AND PROCEDURES.—Chapter
18 243 of title 49, United States Code, is further amended
19 by adding at the end the following:

20 **“§ 24318. Costs and revenues**

21 “(a) ALLOCATION.—Not later than 180 days after
22 the date of enactment of the Passenger Rail Reform and
23 Investment Act of 2015, Amtrak shall establish and main-
24 tain internal controls to ensure Amtrak's costs, revenues,
25 and other compensation are appropriately allocated to the

1 Northeast Corridor, including train services or infrastruc-
2 ture, or the National Network, including proportional
3 shares of common and fixed costs.

4 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to limit the ability of Amtrak to
6 enter into an agreement with 1 or more States to allocate
7 operating and capital costs under section 209 of the Pas-
8 senger Rail Investment and Improvement Act of 2008 (49
9 U.S.C. 24101 note).

10 “(c) DEFINITION OF NORTHEAST CORRIDOR.—Not-
11 withstanding section 24102, for purposes of this section,
12 the term ‘Northeast Corridor’ means the Northeast Cor-
13 ridor main line between Boston, Massachusetts, and the
14 District of Columbia, and facilities and services used to
15 operate and maintain that line.

16 **“§ 24319. Grant process**

17 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
18 later than 90 days after the date of enactment of the Pas-
19 senger Rail Reform and Investment Act of 2015, the Sec-
20 retary of Transportation shall establish and transmit to
21 the Committee on Commerce, Science, and Transportation
22 and the Committee on Appropriations of the Senate and
23 the Committee on Transportation and Infrastructure and
24 the Committee on Appropriations of the House of Rep-

1 representatives substantive and procedural requirements, in-
2 cluding schedules, for grant requests under this section.

3 “(b) GRANT REQUESTS.—Amtrak shall transmit to
4 the Secretary grant requests for Federal funds appro-
5 priated to the Secretary of Transportation for the use of
6 Amtrak.

7 “(c) CONTENTS.—A grant request under subsection
8 (b) shall, as applicable—

9 “(1) describe projected operating and capital
10 costs for the upcoming fiscal year for Northeast Cor-
11 ridor activities, including train services and infra-
12 structure, and National Network activities, including
13 State-supported routes and long-distance routes, in
14 comparison to prior fiscal year actual financial per-
15 formance;

16 “(2) describe the capital projects to be funded,
17 with cost estimates and an estimated timetable for
18 completion of the projects covered by the request;
19 and

20 “(3) assess Amtrak’s financial condition.

21 “(d) REVIEW AND APPROVAL.—

22 “(1) THIRTY-DAY APPROVAL PROCESS.—

23 “(A) IN GENERAL.—Not later than 30
24 days after the date that Amtrak submits a
25 grant request under this section, the Secretary

1 of Transportation shall complete a review of the
2 request and provide notice to Amtrak that—

3 “(i) the request is approved; or

4 “(ii) the request is disapproved, in-
5 cluding the reason for the disapproval and
6 an explanation of any incomplete or defi-
7 cient items.

8 “(B) GRANT AGREEMENT.—If a grant re-
9 quest is approved, the Secretary shall enter into
10 a grant agreement with Amtrak.

11 “(2) FIFTEEN-DAY MODIFICATION PERIOD.—
12 Not later than 15 days after the date of a notice
13 under paragraph (1)(A)(ii), Amtrak shall submit a
14 modified request for the Secretary’s review.

15 “(3) MODIFIED REQUESTS.—Not later than 15
16 days after the date that Amtrak submits a modified
17 request under paragraph (2), the Secretary shall ei-
18 ther approve the modified request, or, if the Sec-
19 retary finds that the request is still incomplete or
20 deficient, the Secretary shall identify in writing to
21 the Committee on Commerce, Science, and Trans-
22 portation and the Committee on Appropriations of
23 the Senate and the Committee on Transportation
24 and Infrastructure and the Committee on Appro-
25 priations of the House of Representatives the re-

1 maintaining deficiencies and recommend a process for
2 resolving the outstanding portions of the request.

3 “(e) PAYMENTS TO AMTRAK.—

4 “(1) IN GENERAL.—A grant agreement entered
5 into under subsection (d) shall specify the oper-
6 ations, services, and other activities to be funded by
7 the grant. The grant agreement shall include provi-
8 sions, consistent with the requirements of this chap-
9 ter, to measure Amtrak’s performance and ensure
10 accountability in delivering the operations, services,
11 or activities to be funded by the grant.

12 “(2) SCHEDULE.—Except as provided in para-
13 graph (3), in each fiscal year for which amounts are
14 appropriated to the Secretary for the use of Amtrak,
15 and for which the Secretary and Amtrak have en-
16 tered into a grant agreement under subsection (d),
17 the Secretary shall disburse grant funds to Amtrak
18 on the following schedule:

19 “(A) 50 percent on October 1.

20 “(B) 25 percent on January 1.

21 “(C) 25 percent on April 1.

22 “(3) EXCEPTIONS.—The Secretary may make a
23 payment to Amtrak of appropriated funds—

24 “(A) more frequently than the schedule
25 under paragraph (2) if Amtrak, for good cause,

1 requests more frequent payment before the end
2 of a payment period; or

3 “(B) with a different frequency or in dif-
4 ferent percentage allocations in the event of a
5 continuing resolution or in the absence of an
6 appropriations Act for the duration of a fiscal
7 year.

8 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-
9 PRIATIONS.—Amounts appropriated to the Secretary for
10 the use of Amtrak shall remain available until expended.
11 Amounts for capital acquisitions and improvements may
12 be appropriated for a fiscal year before the fiscal year in
13 which the amounts will be obligated.

14 “(g) LIMITATIONS ON USE.—Amounts appropriated
15 to the Secretary for the use of Amtrak may not be used
16 to cross-subsidize operating losses or capital costs of com-
17 muter rail passenger or freight rail transportation.

18 “(h) DEFINITION OF NORTHEAST CORRIDOR.—Not-
19 withstanding section 24102, for purposes of this section,
20 the term ‘Northeast Corridor’ means the Northeast Cor-
21 ridor main line between Boston, Massachusetts, and the
22 District of Columbia, and facilities and services used to
23 operate and maintain that line.”.

1 (b) CONFORMING AMENDMENTS.—The table of con-
2 tents for chapter 243 is further amended by adding at
3 the end the following:

“24318. Costs and revenues.

“24319. Grant process.”.

4 (c) REPEALS.—

5 (1) ESTABLISHMENT OF GRANT PROCESS.—
6 Section 206 of the Passenger Rail Investment and
7 Improvement Act of 2008 (49 U.S.C. 24101 note)
8 and the item relating to that section in the table of
9 contents of that Act are repealed.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—
11 Section 24104 of title 49, United States Code, and
12 the item relating to that section in the table of con-
13 tents of chapter 241 are repealed.

14 **SEC. 11203. 5-YEAR BUSINESS LINE AND ASSET PLANS.**

15 (a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET
16 PLANS.—Chapter 243 of title 49, United States Code, is
17 further amended by inserting after section 24319 the fol-
18 lowing:

19 **“§ 24320. Amtrak 5-year business line and asset plans**

20 **“(a) IN GENERAL.—**

21 **“(1) FINAL PLANS.—**Not later than February
22 15 of each year, Amtrak shall submit to Congress
23 and the Secretary of Transportation final 5-year
24 business line plans and 5-year asset plans prepared

1 in accordance with this section. These final plans
2 shall form the basis for Amtrak's general and legis-
3 lative annual report to the President and Congress
4 required by section 24315(b). Each plan shall cover
5 a period of 5 fiscal years, beginning with the first
6 fiscal year after the date on which the plan is com-
7 pleted.

8 “(2) FISCAL CONSTRAINT.—Each plan prepared
9 under this section shall be based on funding levels
10 authorized or otherwise available to Amtrak in a fis-
11 cal year. In the absence of an authorization or ap-
12 propriation of funds for a fiscal year, the plans shall
13 be based on the amount of funding available in the
14 previous fiscal year, plus inflation. Amtrak may in-
15 clude an appendix to the asset plan required in sub-
16 section (c) that describes any funding needs in ex-
17 cess of amounts authorized or otherwise available to
18 Amtrak in a fiscal year.

19 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

20 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
21 prepare a 5-year business line plan for each of the
22 following business lines and services:

23 “(A) Northeast Corridor train services.

24 “(B) State-supported routes operated by
25 Amtrak.

1 “(C) Long-distance routes operated by
2 Amtrak.

3 “(D) Ancillary services operated by Am-
4 trak, including commuter operations and other
5 revenue generating activities as determined by
6 the Secretary in coordination with Amtrak.

7 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
8 PLANS.—The 5-year business line plan for each busi-
9 ness line shall include, at a minimum—

10 “(A) a statement of Amtrak’s objectives,
11 goals, and service plan for the business line, in
12 consultation with any entities that are contrib-
13 uting capital or operating funding to support
14 passenger rail services within those business
15 lines, and aligned with Amtrak’s Strategic Plan
16 and 5-year asset plans under subsection (c);

17 “(B) all projected revenues and expendi-
18 tures for the business line, including identifica-
19 tion of revenues and expenditures incurred by—

20 “(i) passenger operations;

21 “(ii) non-passenger operations that
22 are directly related to the business line;
23 and

1 “(iii) governmental funding sources,
2 including revenues and other funding re-
3 ceived from States;

4 “(C) projected ridership levels for all pas-
5 senger operations;

6 “(D) estimates of long-term and short-
7 term debt and associated principal and interest
8 payments (both current and forecasts);

9 “(E) annual profit and loss statements and
10 forecasts and balance sheets;

11 “(F) annual cash flow forecasts;

12 “(G) a statement describing the meth-
13 odologies and significant assumptions under-
14 lying estimates and forecasts;

15 “(H) specific performance measures that
16 demonstrate year over year changes in the re-
17 sults of Amtrak’s operations;

18 “(I) financial performance for each route
19 within each business line, including descriptions
20 of the cash operating loss or contribution and
21 productivity for each route;

22 “(J) specific costs and savings estimates
23 resulting from reform initiatives;

24 “(K) prior fiscal year and projected equip-
25 ment reliability statistics; and

1 “(L) an identification and explanation of
2 any major adjustments made from previously-
3 approved plans.

4 “(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—
5 In meeting the requirements of this section, Amtrak
6 shall—

7 “(A) consult with the Secretary in the de-
8 velopment of the business line plans;

9 “(B) for the Northeast Corridor business
10 line plan, consult with the Northeast Corridor
11 Commission and transmit to the Commission
12 the final plan under subsection (a)(1), and con-
13 sult with other entities, as appropriate;

14 “(C) for the State-supported route busi-
15 ness line plan, consult with the State-Supported
16 Route Committee established under section
17 24712;

18 “(D) for the long-distance route business
19 line plan, consult with any States or Interstate
20 Compacts that provide funding for such routes,
21 as appropriate;

22 “(E) ensure that Amtrak’s general and
23 legislative annual report, required under section
24 24315(b), to the President and Congress is con-

1 sistent with the information in the 5-year busi-
2 ness line plans; and

3 “(F) identify the appropriate Amtrak offi-
4 cials that are responsible for each business line.

5 “(4) DEFINITION OF NORTHEAST CORRIDOR.—
6 Notwithstanding section 24102, for purposes of this
7 section, the term ‘Northeast Corridor’ means the
8 Northeast Corridor main line between Boston, Mas-
9 sachusetts, and the District of Columbia, and facili-
10 ties and services used to operate and maintain that
11 line.

12 “(c) AMTRAK 5-YEAR ASSET PLANS.—

13 “(1) ASSET CATEGORIES.—Amtrak shall pre-
14 pare a 5-year asset plan for each of the following
15 asset categories:

16 “(A) Infrastructure, including all Amtrak-
17 controlled Northeast Corridor assets and other
18 Amtrak-owned infrastructure, and the associ-
19 ated facilities that support the operation, main-
20 tenance, and improvement of those assets.

21 “(B) Passenger rail equipment, including
22 all Amtrak-controlled rolling stock, locomotives,
23 and mechanical shop facilities that are used to
24 overhaul equipment.

1 “(C) Stations, including all Amtrak-con-
2 trolled passenger rail stations and elements of
3 other stations for which Amtrak has legal re-
4 sponsibility or intends to make capital invest-
5 ments.

6 “(D) National assets, including national
7 reservations, security, training and training
8 centers, and other assets associated with Am-
9 trak’s national rail passenger transportation
10 system.

11 “(2) CONTENTS OF 5-YEAR ASSET PLANS.—

12 Each asset plan shall include, at a minimum—

13 “(A) a summary of Amtrak’s 5-year stra-
14 tegic plan for each asset category, including
15 goals, objectives, any relevant performance
16 metrics, and statutory or regulatory actions af-
17 fecting the assets;

18 “(B) an inventory of existing Amtrak cap-
19 ital assets, to the extent practicable, including
20 information regarding shared use or ownership,
21 if applicable;

22 “(C) a prioritized list of proposed capital
23 investments that—

24 “(i) categorizes each capital project as
25 being primarily associated with—

1 “(I) normalized capital replace-
2 ment;

3 “(II) backlog capital replace-
4 ment;

5 “(III) improvements to support
6 service enhancements or growth;

7 “(IV) strategic initiatives that
8 will improve overall operational per-
9 formance, lower costs, or otherwise
10 improve Amtrak’s corporate efficiency;
11 or

12 “(V) statutory, regulatory, or
13 other legal mandates;

14 “(ii) identifies each project or pro-
15 gram that is associated with more than 1
16 category described in clause (i); and

17 “(iii) describes the anticipated busi-
18 ness outcome of each project or program
19 identified under this subparagraph, includ-
20 ing an assessment of—

21 “(I) the potential effect on pas-
22 senger operations, safety, reliability,
23 and resilience;

24 “(II) the potential effect on Am-
25 trak’s ability to meet regulatory re-

1 requirements if the project or program
2 is not funded; and

3 “(III) the benefits and costs; and

4 “(D) annual profit and loss statements
5 and forecasts and balance sheets for each asset
6 category.

7 “(3) 5-YEAR ASSET PLAN PROCESS.—In meet-
8 ing the requirements of this subsection, Amtrak
9 shall—

10 “(A) consult with each business line de-
11 scribed in subsection (b)(1) in the preparation
12 of each 5-year asset plan and ensure integration
13 of each 5-year asset plan with the 5-year busi-
14 ness line plans;

15 “(B) as applicable, consult with the North-
16 east Corridor Commission, the State-Supported
17 Route Committee, and owners of assets affected
18 by 5-year asset plans; and

19 “(C) identify the appropriate Amtrak offi-
20 cials that are responsible for each asset cat-
21 egory.

22 “(4) EVALUATION OF NATIONAL ASSETS
23 COSTS.—The Secretary shall—

24 “(A) evaluate the costs and scope of all na-
25 tional assets; and

1 “(B) determine the activities and costs
2 that are—

3 “(i) required in order to ensure the ef-
4 ficient operations of a national rail pas-
5 senger system;

6 “(ii) appropriate for allocation to 1 of
7 the other Amtrak business lines; and

8 “(iii) extraneous to providing an effi-
9 cient national rail passenger system or are
10 too costly relative to the benefits or per-
11 formance outcomes they provide.

12 “(5) DEFINITION OF NATIONAL ASSETS.—In
13 this section, the term ‘national assets’ means the
14 Nation’s core rail assets shared among Amtrak serv-
15 ices, including national reservations, security, train-
16 ing and training centers, and other assets associated
17 with Amtrak’s national rail passenger transportation
18 system.

19 “(6) RESTRUCTURING OF NATIONAL ASSETS.—
20 Not later than 1 year after the date of completion
21 of the evaluation under paragraph (4), the Adminis-
22 trator of the Federal Railroad Administration, in
23 consultation with the Amtrak Board of Directors,
24 the governors of each relevant State, and the Mayor
25 of the District of Columbia, or their designees, shall

1 restructure or reallocate, or both, the national assets
2 costs in accordance with the determination under
3 that section, including making appropriate updates
4 to Amtrak's cost accounting methodology and sys-
5 tem.

6 “(7) EXEMPTION.—

7 “(A) IN GENERAL.—Upon written request
8 from the Amtrak Board of Directors, the Sec-
9 retary may exempt Amtrak from including in a
10 plan required under this subsection any infor-
11 mation described in paragraphs (1) and (2).

12 “(B) PUBLIC AVAILABILITY.—The Sec-
13 retary shall make available to the public on the
14 Department's Internet Web site any exemption
15 granted under subparagraph (A) and a detailed
16 justification for granting such exemption.

17 “(C) INCLUSION IN PLAN.—Amtrak shall
18 include in the plan required under this sub-
19 section any request granted under subpara-
20 graph (A) and justification under subparagraph
21 (B).

22 “(d) STANDARDS TO PROMOTE FINANCIAL STA-
23 BILITY.—In preparing plans under this section, Amtrak
24 shall—

1 “(1) apply sound budgetary practices, including
2 reducing costs and other expenditures, improving
3 productivity, increasing revenues, or combinations of
4 such practices; and

5 “(2) use the categories specified in the financial
6 accounting and reporting system developed under
7 section 203 of the Passenger Rail Investment and
8 Improvement Act of 2008 (49 U.S.C. 24101 note).”.

9 (b) EFFECTIVE DATES.—The requirement for Am-
10 trak to submit 5-year business line plans under section
11 24320(a)(1) of title 49, United States Code, shall take ef-
12 fect on February 15, 2017, the due date of the first busi-
13 ness line plans. The requirement for Amtrak to submit
14 5-year asset plans under section 24320(a)(1) of such title
15 shall take effect on February 15, 2019, the due date of
16 the first asset plans.

17 (c) CONFORMING AMENDMENTS.—The table of con-
18 tents for chapter 243 of title 49, United States Code, is
19 amended by adding at the end the following:

 “24320. Amtrak 5-year business line and asset plans.”.

20 (d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section
21 204 of the Passenger Rail Investment and Improvement
22 Act of 2008 (49 U.S.C. 24101 note), and the item relating
23 to that section in the table of contents of that Act, are
24 repealed.

1 **SEC. 11204. STATE-SUPPORTED ROUTE COMMITTEE.**

2 (a) AMENDMENT.—Chapter 247 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 24712. State-supported routes operated by Amtrak**

6 “(a) STATE-SUPPORTED ROUTE COMMITTEE.—

7 “(1) ESTABLISHMENT.—Not later than 180
8 days after the date of enactment of the Passenger
9 Rail Reform and Investment Act of 2015, the Sec-
10 retary of Transportation shall establish the State-
11 Supported Route Committee (referred to in this sec-
12 tion as the ‘Committee’) to promote mutual coopera-
13 tion and planning pertaining to the rail operations
14 of Amtrak and related activities of trains operated
15 by Amtrak on State-supported routes and to further
16 implement section 209 of the Passenger Rail Invest-
17 ment and Improvement Act of 2008 (49 U.S.C.
18 24101 note).

19 “(2) MEMBERSHIP.—

20 “(A) IN GENERAL.—The Committee shall
21 consist of—

22 “(i) members representing Amtrak;

23 “(ii) members representing the De-
24 partment of Transportation, including the
25 Federal Railroad Administration; and

26 “(iii) members representing States.

1 “(B) NON-VOTING MEMBERS.—The Com-
2 mittee may invite and accept other non-voting
3 members to participate in Committee activities,
4 as appropriate.

5 “(3) DECISIONMAKING.—The Committee shall
6 establish a bloc voting system under which, at a
7 minimum—

8 “(A) there are 3 separate voting blocs to
9 represent the Committee’s voting members, in-
10 cluding—

11 “(i) 1 voting bloc to represent the
12 members described in paragraph (2)(A)(i);

13 “(ii) 1 voting bloc to represent the
14 members described in paragraph (2)(A)(ii);
15 and

16 “(iii) 1 voting bloc to represent the
17 members described in paragraph
18 (2)(A)(iii);

19 “(B) each voting bloc has 1 vote;

20 “(C) the vote of the voting bloc rep-
21 resenting the members described in paragraph
22 (2)(A)(iii) requires the support of at least two-
23 thirds of that voting bloc’s members; and

24 “(D) the Committee makes decisions by
25 unanimous consent of the 3 voting blocs.

1 “(4) MEETINGS; RULES AND PROCEDURES.—

2 The Committee shall convene a meeting and shall
3 define and implement the rules and procedures gov-
4 erning the Committee’s proceedings not later than
5 180 days after the date of establishment of the Com-
6 mittee by the Secretary. The rules and procedures
7 shall—

8 “(A) incorporate and further describe the
9 decisionmaking procedures to be used in accord-
10 ance with paragraph (3); and

11 “(B) be adopted in accordance with such
12 decisionmaking procedures.

13 “(5) COMMITTEE DECISIONS.—Decisions made
14 by the Committee in accordance with the Commit-
15 tee’s rules and procedures, once established, are
16 binding on all Committee members.

17 “(6) COST ALLOCATION METHODOLOGY.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the Committee may amend the cost
20 allocation methodology required and previously
21 approved under section 209 of the Passenger
22 Rail Investment and Improvement Act of 2008
23 (49 U.S.C. 24101 note).

24 “(B) PROCEDURES FOR CHANGING METH-
25 ODOLOGY.—The rules and procedures imple-

1 mented under paragraph (4) shall include pro-
2 cedures for changing the cost allocation meth-
3 odology.

4 “(C) REQUIREMENTS.—The cost allocation
5 methodology shall—

6 “(i) ensure equal treatment in the
7 provision of like services of all States and
8 groups of States; and

9 “(ii) allocate to each route the costs
10 incurred only for the benefit of that route
11 and a proportionate share, based upon fac-
12 tors that reasonably reflect relative use, of
13 costs incurred for the common benefit of
14 more than 1 route.

15 “(b) INVOICES AND REPORTS.—Not later than April
16 15, 2016, and monthly thereafter, Amtrak shall provide
17 to each State that sponsors a State-supported route a
18 monthly invoice of the cost of operating such route, includ-
19 ing fixed costs and third-party costs. The Committee shall
20 determine the frequency and contents of financial and per-
21 formance reports that Amtrak shall provide to the States,
22 as well as the planning and demand reports that the
23 States shall provide to Amtrak.

24 “(c) DISPUTE RESOLUTION.—

1 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
2 a dispute arises with respect to the rules and proce-
3 dures implemented under subsection (a)(4), an in-
4 voice or a report provided under subsection (b), im-
5 plementation or compliance with the cost allocation
6 methodology developed under section 209 of the Pas-
7 senger Rail Investment and Improvement Act of
8 2008 (49 U.S.C. 24101 note) or amended under
9 subsection (a)(6) of this section, either Amtrak or
10 the State may request that the Surface Transpor-
11 tation Board conduct dispute resolution under this
12 subsection.

13 “(2) PROCEDURES.—The Surface Transpor-
14 tation Board shall establish procedures for resolu-
15 tion of disputes brought before it under this sub-
16 section, which may include provision of professional
17 mediation services.

18 “(3) BINDING EFFECT.—A decision of the Sur-
19 face Transportation Board under this subsection
20 shall be binding on the parties to the dispute.

21 “(4) OBLIGATION.—Nothing in this subsection
22 shall affect the obligation of a State to pay an
23 amount not in dispute.

24 “(d) ASSISTANCE.—

1 “(1) IN GENERAL.—The Secretary may provide
2 assistance to the parties in the course of negotia-
3 tions for a contract for operation of a State-sup-
4 ported route.

5 “(2) FINANCIAL ASSISTANCE.—From among
6 available funds, the Secretary shall provide—

7 “(A) financial assistance to Amtrak or 1 or
8 more States to perform requested independent
9 technical analysis of issues before the Com-
10 mittee; and

11 “(B) administrative expenses that the Sec-
12 retary determines necessary.

13 “(e) PERFORMANCE METRICS.—In negotiating a con-
14 tract for operation of a State-supported route, Amtrak
15 and the State or States that sponsor the route shall con-
16 sider including provisions that provide penalties and incen-
17 tives for performance.

18 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

19 “(1) IN GENERAL.—The Committee shall de-
20 velop a statement of goals, objectives, and associated
21 recommendations concerning the future of State-
22 supported routes operated by Amtrak. The state-
23 ment shall identify the roles and responsibilities of
24 Committee members and any other relevant entities,
25 such as host railroads, in meeting the identified

1 goals and objectives, or carrying out the rec-
2 ommendations. The Committee may consult with
3 such relevant entities, as the Committee considers
4 appropriate, when developing the statement.

5 “(2) TRANSMISSION OF STATEMENT OF GOALS
6 AND OBJECTIVES.—Not later than 2 years after the
7 date of enactment of the Passenger Rail Reform and
8 Investment Act of 2015, the Committee shall trans-
9 mit the statement developed under paragraph (1) to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives.

14 “(g) RULE OF CONSTRUCTION.—The decisions of the
15 Committee—

16 “(1) shall pertain to the rail operations of Am-
17 trak and related activities of trains operated by Am-
18 trak on State-sponsored routes; and

19 “(2) shall not pertain to the rail operations or
20 related activities of services operated by other rail
21 carriers on State-supported routes.

22 “(h) DEFINITION OF STATE.—In this section, the
23 term ‘State’ means any of the 50 States, including the
24 District of Columbia, that sponsor the operation of trains

1 by Amtrak on a State-supported route, or a public entity
2 that sponsors such operation on such a route.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF CONTENTS.—The table of con-
5 tents for chapter 247 of title 49, United States
6 Code, is amended by adding at the end the fol-
7 lowing:

“24712. State-supported routes operated by Amtrak.”.

8 (2) PASSENGER RAIL INVESTMENT AND IM-
9 PROVEMENT ACT.—Section 209 of the Passenger
10 Rail Investment and Improvement Act of 2008 (49
11 U.S.C. 24101 note) is amended—

12 (A) by striking subsection (b); and

13 (B) by redesignating subsections (c) and
14 (d) as subsections (b) and (c), respectively.

15 **SEC. 11205. COMPOSITION OF AMTRAK’S BOARD OF DIREC-**
16 **TORS.**

17 Section 24302 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a)(1)—

20 (A) by striking “9 directors” and inserting
21 “10 directors”;

22 (B) in subparagraph (B) by inserting “,
23 who shall serve as a nonvoting member of the
24 Board” after “Amtrak”; and

1 (C) in subparagraph (C) by striking “7”
2 and inserting “8”; and
3 (2) in subsection (e), by inserting “who are eli-
4 gible to vote” after “serving”.

5 **SEC. 11206. ROUTE AND SERVICE PLANNING DECISIONS.**

6 Section 208 of the Passenger Rail Investment and
7 Improvement Act of 2008 (49 U.S.C. 24101 note) is
8 amended to read as follows:

9 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**
10 **SERVICE PLANNING DECISIONS.**

11 “(a) **METHODOLOGY DEVELOPMENT.**—Not later
12 than 180 days after the date of enactment of the Pas-
13 senger Rail Reform and Investment Act of 2015, Amtrak
14 shall obtain the services of an independent entity to de-
15 velop and recommend objective methodologies for Amtrak
16 to use in determining what intercity rail passenger trans-
17 portation routes and services it should provide, including
18 the establishment of new routes, the elimination of exist-
19 ing routes, and the contraction or expansion of services
20 or frequencies over such routes.

21 “(b) **CONSIDERATIONS.**—Amtrak shall require the
22 independent entity, in developing the methodologies de-
23 scribed in subsection (a), to consider—

24 “(1) the current and expected performance and
25 service quality of intercity rail passenger transpor-

1 tation operations, including cost recovery, on-time
2 performance, ridership, on-board services, stations,
3 facilities, equipment, and other services;

4 “(2) the connectivity of a route with other
5 routes;

6 “(3) the transportation needs of communities
7 and populations that are not well served by intercity
8 rail passenger transportation service or by other
9 forms of intercity transportation;

10 “(4) the methodologies of Amtrak and major
11 intercity rail passenger transportation service pro-
12 viders in other countries for determining intercity
13 passenger rail routes and services;

14 “(5) the financial and operational effects on the
15 overall network, including the effects on direct and
16 indirect costs;

17 “(6) the views of States, rail carriers that own
18 infrastructure over which Amtrak operates, Inter-
19 state Compacts established by Congress and States,
20 Amtrak employee representatives, stakeholder orga-
21 nizations, and other interested parties; and

22 “(7) the funding levels that will be available
23 under authorization levels that have been enacted
24 into law.

1 “(c) RECOMMENDATIONS.—Not later than 1 year
2 after the date of enactment of the Passenger Rail Reform
3 and Investment Act of 2015, Amtrak shall transmit 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 the rec-
7 ommendations developed by the independent entity under
8 subsection (a).

9 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
10 later than 90 days after the date on which the rec-
11 ommendations are transmitted under subsection (c), the
12 Amtrak Board of Directors shall consider the adoption of
13 each recommendation and transmit to the Committee on
14 Commerce, Science, and Transportation of the Senate and
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives a report explaining the rea-
17 sons for adopting or not adopting each recommendation.”.

18 **SEC. 11207. FOOD AND BEVERAGE REFORM.**

19 (a) AMENDMENT.—Chapter 243 of title 49, United
20 States Code, is further amended by adding at the end the
21 following new section:

22 **“§ 24321. Food and beverage reform**

23 “(a) PLAN.—Not later than 90 days after the date
24 of enactment of the Passenger Rail Reform and Invest-
25 ment Act of 2015, Amtrak shall develop and begin imple-

1 menting a plan to eliminate, within 5 years of such date
2 of enactment, the operating loss associated with providing
3 food and beverage service on board Amtrak trains.

4 “(b) CONSIDERATIONS.—In developing and imple-
5 menting the plan, Amtrak shall consider a combination of
6 cost management and revenue generation initiatives, in-
7 cluding—

8 “(1) scheduling optimization;

9 “(2) on-board logistics;

10 “(3) product development and supply chain effi-
11 ciency;

12 “(4) training, awards, and accountability;

13 “(5) technology enhancements and process im-
14 provements; and

15 “(6) ticket revenue allocation.

16 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
17 Amtrak employee holding a position as of the date of en-
18 actment of the Passenger Rail Reform and Investment Act
19 of 2015 is involuntarily separated because of—

20 “(1) the development and implementation of the
21 plan required under subsection (a); or

22 “(2) any other action taken by Amtrak to im-
23 plement this section.

24 “(d) NO FEDERAL FUNDING FOR OPERATING
25 LOSSES.—Beginning on the date that is 5 years after the

1 date of enactment of the Passenger Rail Reform and In-
2 vestment Act of 2015, no Federal funds may be used to
3 cover any operating loss associated with providing food
4 and beverage service on a route operated by Amtrak or
5 a rail carrier that operates a route in lieu of Amtrak pur-
6 suant to section 24711.

7 “(e) REPORT.—Not later than 120 days after the
8 date of enactment of the Passenger Rail Reform and In-
9 vestment Act of 2015, and annually thereafter for 5 years,
10 Amtrak shall transmit to the Committee on Transpor-
11 tation and Infrastructure of the House of Representatives
12 and the Committee on Commerce, Science, and Transpor-
13 tation of the Senate a report containing the plan developed
14 pursuant to subsection (a) and a description of progress
15 in the implementation of the plan.”.

16 (b) CONFORMING AMENDMENT.—The table of sec-
17 tions for chapter 243 of title 49, United States Code, is
18 further amended by adding at the end the following new
19 item:

“24321. Food and beverage reform.”.

20 **SEC. 11208. ROLLING STOCK PURCHASES.**

21 (a) AMENDMENT.—Chapter 243 of title 49, United
22 States Code, is further amended by adding at the end the
23 following new section:

1 **“§ 24322. Rolling stock purchases**

2 “(a) IN GENERAL.—Prior to entering into any con-
3 tract in excess of \$100,000,000 for rolling stock and loco-
4 motive procurements Amtrak shall submit a business case
5 analysis to the Secretary of Transportation, the Com-
6 mittee on Commerce, Science, and Transportation and the
7 Committee on Appropriations of the Senate and the Com-
8 mittee on Transportation and Infrastructure and the
9 Committee on Appropriations of the House of Representa-
10 tives, on the utility of such procurements.

11 “(b) CONTENTS.—The business case analysis shall—

12 “(1) include a cost and benefit comparison that
13 describes the total lifecycle costs and the anticipated
14 benefits related to revenue, operational efficiency, re-
15 liability, and other factors;

16 “(2) set forth the total payments by fiscal year;

17 “(3) identify the specific source and amounts of
18 funding for each payment, including Federal funds,
19 State funds, Amtrak profits, Federal, State, or pri-
20 vate loans or loan guarantees, and other funding;

21 “(4) include an explanation of whether any pay-
22 ment under the contract will increase Amtrak’s
23 funding request in its general and legislative annual
24 report required under section 24315(b) in a par-
25 ticular fiscal year; and

1 “(5) describe how Amtrak will adjust the pro-
2 curement if future funding is not available.

3 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed as requiring Amtrak to disclose
5 confidential information regarding a potential vendor’s
6 proposed pricing or other sensitive business information
7 prior to contract execution or prohibiting Amtrak from en-
8 tering into a contract after submission of a business case
9 analysis under subsection (a).”.

10 (b) **CONFORMING AMENDMENT.**—The table of sec-
11 tions for chapter 243 of title 49, United States Code, is
12 further amended by adding at the end the following new
13 item:

 “24322. Rolling stock purchases.”.

14 **SEC. 11209. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

15 (a) **IN GENERAL.**—Not later than 6 months after the
16 date of enactment of this Act, Amtrak shall establish a
17 pilot program for a State or States that sponsor a State-
18 supported route operated by Amtrak to facilitate—

19 (1) onboard purchase and sale of local food and
20 beverage products; and

21 (2) partnerships with local entities to hold pro-
22 motional events on trains or in stations.

23 (b) **PROGRAM DESIGN.**—The pilot program under
24 paragraph (1) shall—

1 (1) allow a State or States to nominate and se-
2 lect a local food and beverage products supplier or
3 suppliers or local promotional event partner;

4 (2) allow a State or States to charge a reason-
5 able price or fee for local food and beverage products
6 or promotional events and related activities to help
7 defray the costs of program administration and
8 State-supported routes; and

9 (3) provide a mechanism to ensure that State
10 products can effectively be handled and integrated
11 into existing food and beverage services, including
12 compliance with all applicable regulations and stand-
13 ards governing such services.

14 (c) PROGRAM ADMINISTRATION.—The pilot program
15 shall—

16 (1) for local food and beverage products, ensure
17 the products are integrated into existing food and
18 beverage services, including compliance with all ap-
19 plicable regulations and standards;

20 (2) for promotional events, ensure the events
21 are held in compliance with all applicable regulations
22 and standards, including terms to address insurance
23 requirements; and

24 (3) require an annual report that documents
25 revenues and costs and indicates whether the prod-

1 ucts or events resulted in a reduction in the financial
2 contribution of a State or States to the applicable
3 State-supported route.

4 (d) REPORT.—Not later than 4 years after the date
5 of enactment of this Act, Amtrak shall report to the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate and the Committee on Transportation and Infra-
8 structure of the House of Representatives on which States
9 have participated in the pilot programs under this section.
10 The report shall summarize the financial and operational
11 outcomes of the pilot programs and include any plan for
12 future action.

13 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed as limiting Amtrak’s ability to op-
15 erate special trains in accordance with section 216 of the
16 Passenger Rail Investment and Improvement Act of 2008
17 (49 U.S.C. 24308 note).

18 **SEC. 11210. AMTRAK PILOT PROGRAM FOR PASSENGERS**
19 **TRANSPORTING DOMESTICATED CATS AND**
20 **DOGS.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, Amtrak shall develop a pilot
23 program that allows passengers to transport domesticated
24 cats or dogs on certain trains operated by Amtrak.

1 (b) PET POLICY.—In developing the pilot program
2 required under subsection (a), Amtrak shall—

3 (1) in the case of a passenger train that is com-
4 prised of more than 1 car, designate, where feasible,
5 at least 1 car in which a ticketed passenger may
6 transport a domesticated cat or dog in the same
7 manner as carry-on baggage if—

8 (A) the cat or dog is contained in a pet
9 kennel;

10 (B) the pet kennel complies with Amtrak
11 size requirements for carriage of carry-on bag-
12 gage;

13 (C) the passenger is traveling on a train
14 operating on a route described in subparagraph
15 (A), (B), or (D) of section 24102(7) of title 49,
16 United States Code; and

17 (D) the passenger pays a fee described in
18 paragraph (3);

19 (2) allow a ticketed passenger to transport a
20 domesticated cat or dog on a train in the same man-
21 ner as cargo if—

22 (A) the cat or dog is contained in a pet
23 kennel;

1 (B) the pet kennel complies with Amtrak
2 size requirements for carriage of carry-on bag-
3 gage;

4 (C) the passenger is traveling on a train
5 operating on a route described in subparagraph
6 (A), (B), or (D) of section 24102(7) of title 49,
7 United States Code;

8 (D) the cargo area is temperature con-
9 trolled in a manner protective of cat and dog
10 safety and health; and

11 (E) the passenger pays a fee described in
12 paragraph (3); and

13 (3) collect fees for each cat or dog transported
14 by a ticketed passenger in an amount that, in the
15 aggregate and at a minimum, covers the full costs
16 of the pilot program.

17 (c) REPORT.—Not later than 1 year after the pilot
18 program required under subsection (a) is first imple-
19 mented, Amtrak shall transmit to the Committee on Com-
20 merce, Science, and Transportation of the Senate and the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives a report containing an evalua-
23 tion of the pilot program.

24 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

1 (1) SERVICE ANIMALS.—The pilot program
2 under subsection (a) shall be separate from and in
3 addition to the policy governing Amtrak passengers
4 traveling with service animals. Nothing in this sec-
5 tion may be interpreted to limit or waive the rights
6 of passengers to transport service animals.

7 (2) ADDITIONAL TRAIN CARS.—Nothing in this
8 section may be interpreted to require Amtrak to add
9 additional train cars or modify existing train cars.

10 (3) FEDERAL FUNDS.—No Federal funds may
11 be used to implement the pilot program required
12 under this section.

13 **SEC. 11211. RIGHT-OF-WAY LEVERAGING.**

14 (a) REQUEST FOR PROPOSALS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, Amtrak shall
17 issue a Request for Proposals seeking qualified per-
18 sons or entities to utilize right-of-way and real estate
19 owned, controlled, or managed by Amtrak for tele-
20 communications systems, energy distribution sys-
21 tems, and other activities considered appropriate by
22 Amtrak.

23 (2) CONTENTS.—The Request for Proposals
24 shall provide sufficient information on the right-of-
25 way and real estate assets to enable respondents to

1 propose an arrangement that will monetize or gen-
2 erate additional revenue from such assets through
3 revenue sharing or leasing agreements with Amtrak,
4 to the extent possible.

5 (3) DEADLINE.—Amtrak shall set a deadline
6 for the submission of proposals that is not later than
7 1 year after the issuance of the Request for Pro-
8 posals under paragraph (1).

9 (b) CONSIDERATION OF PROPOSALS.—Not later than
10 180 days after the deadline for the receipt of proposals
11 under subsection (a), the Amtrak Board of Directors shall
12 review and consider each qualified proposal. Amtrak may
13 enter into such agreements as are necessary to implement
14 any qualified proposal.

15 (c) REPORT.—Not later than 1 year after the dead-
16 line for the receipt of proposals under subsection (a), Am-
17 trak shall transmit to the Committee on Commerce,
18 Science, and Transportation of the Senate and the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives a report on the Request for Proposals
21 required by this section, including summary information
22 of any proposals submitted to Amtrak and any proposals
23 accepted by the Amtrak Board of Directors.

24 (d) SAVINGS CLAUSE.—Nothing in this section shall
25 be construed to limit Amtrak's ability to utilize right-of-

1 way or real estate assets that it currently owns, controls,
2 or manages or constrain Amtrak's ability to enter into
3 agreements with other parties to utilize such assets.

4 **SEC. 11212. STATION DEVELOPMENT.**

5 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
6 than 1 year after the date of enactment of this Act, Am-
7 trak shall submit a report to the Committee on Commerce,
8 Science, and Transportation of the Senate and the Com-
9 mittee on Transportation and Infrastructure of the House
10 of Representatives that describes—

11 (1) options to enhance economic development
12 and accessibility of and around Amtrak stations and
13 terminals, for the purposes of—

14 (A) improving station condition,
15 functionality, capacity, and customer amenities;

16 (B) generating additional investment cap-
17 ital and development-related revenue streams;

18 (C) increasing ridership and revenue; and

19 (D) strengthening multimodal connections,
20 including transit, intercity buses, roll-on and
21 roll-off bicycles, and airports, as appropriate;
22 and

23 (2) options for additional Amtrak stops that
24 would have a positive incremental financial impact to
25 Amtrak, based on Amtrak feasibility studies that

1 demonstrate a financial benefit to Amtrak by gener-
2 ating additional revenue that exceeds any incre-
3 mental costs.

4 (b) REQUEST FOR INFORMATION.—Not later than 90
5 days after the date the report is submitted under sub-
6 section (a), Amtrak shall issue a Request for Information
7 for 1 or more owners of stations served by Amtrak to for-
8 mally express an interest in completing the requirements
9 of this section.

10 (c) PROPOSALS.—

11 (1) REQUEST FOR PROPOSALS.—Not later than
12 180 days after the date the Request for Information
13 is issued under subsection (b), Amtrak shall issue a
14 Request for Proposals from qualified persons, in-
15 cluding small business concerns owned and con-
16 trolled by socially and economically disadvantaged
17 individuals and veteran-owned small businesses, to
18 lead, participate, or partner with Amtrak, a station
19 owner that responded under subsection (b), and
20 other entities in enhancing development in and
21 around such stations and terminals using applicable
22 options identified under subsection (a) at facilities
23 selected by Amtrak.

24 (2) CONSIDERATION OF PROPOSALS.—Not later
25 than 1 year after the date the Request for Proposals

1 is issued under paragraph (1), the Amtrak Board of
2 Directors shall review and consider qualified pro-
3 posals submitted under paragraph (1). Amtrak or a
4 station owner that responded under subsection (b)
5 may enter into such agreements as are necessary to
6 implement any qualified proposal.

7 (d) REPORT.—Not later than 4 years after the date
8 of enactment of this Act, Amtrak shall transmit to the
9 Committee on Commerce, Science, and Transportation of
10 the Senate and the Committee on Transportation and In-
11 frastructure of the House of Representatives a report on
12 the Request for Proposals process required under this sec-
13 tion, including summary information of any qualified pro-
14 posals submitted to Amtrak and any proposals acted upon
15 by Amtrak or a station owner that responded under sub-
16 section (b).

17 (e) DEFINITIONS.—In this section, the terms “small
18 business concern”, “socially and economically disadvan-
19 tagged individual”, and “veteran-owned small business”
20 have the meanings given the terms in section 11310(c)
21 of this Act.

22 (f) SAVINGS CLAUSE.—Nothing in this section shall
23 be construed to limit Amtrak’s ability to develop its sta-
24 tions, terminals, or other assets, to constrain Amtrak’s
25 ability to enter into and carry out agreements with other

1 parties to enhance development at or around Amtrak sta-
2 tions or terminals, or to affect any station development
3 initiatives ongoing as of the date of enactment of this Act.

4 **SEC. 11213. AMTRAK BOARDING PROCEDURES.**

5 (a) REPORT.—Not later than 9 months after the date
6 of enactment of this Act, the Amtrak Office of Inspector
7 General shall submit a report to the Committee on Com-
8 merce, Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives that—

11 (1) evaluates Amtrak’s boarding procedures for
12 passengers, including passengers using or trans-
13 porting nonmotorized transportation, such as bicy-
14 cles, at its 15 stations through which the most peo-
15 ple pass;

16 (2) compares Amtrak’s boarding procedures
17 to—

18 (A) boarding procedures of providers of
19 commuter railroad passenger transportation at
20 stations shared with Amtrak;

21 (B) international intercity passenger rail
22 boarding procedures; and

23 (C) fixed guideway transit boarding proce-
24 dures; and

1 (3) makes recommendations, as appropriate, to
2 improve Amtrak’s boarding procedures, including
3 recommendations regarding the queuing of pas-
4 sengers and free-flow of all station users and facility
5 improvements needed to achieve the recommenda-
6 tions.

7 (b) CONSIDERATION OF RECOMMENDATIONS.—Not
8 later than 6 months after the report is submitted under
9 subsection (a), the Amtrak Board of Directors shall con-
10 sider each recommendation provided under subsection
11 (a)(3) for implementation at appropriate locations across
12 the Amtrak system.

13 **SEC. 11214. AMTRAK DEBT.**

14 Section 205 of the Passenger Rail Investment and
15 Improvement Act of 2008 (49 U.S.C. 24101 note) is
16 amended—

17 (1) by striking “as of the date of enactment of
18 this Act” each place it appears;

19 (2) in subsection (a)—

20 (A) by inserting “, to the extent provided
21 in advance in appropriations Acts” after “Am-
22 trak’s indebtedness”; and

23 (B) by striking the second sentence;

24 (3) in subsection (b) by striking “The Secretary
25 of the Treasury, in consultation” and inserting “To

1 the extent amounts are provided in advance in ap-
2 propriations Acts, the Secretary of the Treasury, in
3 consultation”;

4 (4) in subsection (d), by inserting “, to the ex-
5 tent provided in advance in appropriations Acts”
6 after “as appropriate”;

7 (5) in subsection (e)—

8 (A) in paragraph (1) by striking “by sec-
9 tion 102 of this division”; and

10 (B) in paragraph (2) by striking “by sec-
11 tion 102” and inserting “for Amtrak”;

12 (6) in subsection (g) by inserting “, unless that
13 debt receives credit assistance, including direct loans
14 and loan guarantees, under chapter 6 of title 23,
15 United States Code or title V of the Railroad Revi-
16 talization and Regulatory Reform Act of 1976 (45
17 U.S.C. 821 et seq.)” after “Secretary”; and

18 (7) by striking subsection (h).

19 **SEC. 11215. ELIMINATION OF DUPLICATIVE REPORTING.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary shall—

22 (1) review existing Amtrak reporting require-
23 ments and identify where the existing requirements
24 are duplicative with the business line and asset plans
25 required by section 24320 of title 49, United States

1 Code, or any other planning or reporting require-
2 ments under Federal law or regulation;

3 (2) if the duplicative requirements identified
4 under paragraph (1) are administrative, eliminate
5 such requirements; and

6 (3) submit to Congress a report with any rec-
7 ommendations for repealing any other duplicative re-
8 quirements.

9 **Subtitle C—Intercity Passenger** 10 **Rail Policy**

11 **SEC. 11301. CONSOLIDATED RAIL INFRASTRUCTURE AND** 12 **SAFETY IMPROVEMENTS.**

13 (a) IN GENERAL.—Chapter 244 of title 49, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 24407. Consolidated rail infrastructure and safety** 17 **improvements**

18 “(a) GENERAL AUTHORITY.—The Secretary may
19 make grants under this section to an eligible recipient to
20 assist in financing the cost of improving passenger and
21 freight rail transportation systems in terms of safety, effi-
22 ciency, or reliability.

23 “(b) ELIGIBLE RECIPIENTS.—The following entities
24 are eligible to receive a grant under this section:

25 “(1) A State.

1 “(2) A group of States.

2 “(3) An Interstate Compact.

3 “(4) A public agency or publicly chartered au-
4 thority established by 1 or more States.

5 “(5) A political subdivision of a State.

6 “(6) Amtrak or another rail carrier that pro-
7 vides intercity rail passenger transportation (as de-
8 fined in section 24102).

9 “(7) A Class II railroad or Class III railroad
10 (as those terms are defined in section 20102).

11 “(8) Any rail carrier or rail equipment manu-
12 facturer in partnership with at least 1 of the entities
13 described in paragraphs (1) through (5).

14 “(9) The Transportation Research Board and
15 any entity with which it contracts in the develop-
16 ment of rail-related research, including cooperative
17 research programs.

18 “(10) A University transportation center en-
19 gaged in rail-related research.

20 “(11) A non-profit labor organization rep-
21 resenting a class or craft of employees of rail car-
22 riers or rail carrier contractors.

23 “(c) ELIGIBLE PROJECTS.—The following projects
24 are eligible to receive grants under this section:

1 “(1) Deployment of railroad safety technology,
2 including positive train control and rail integrity in-
3 spection systems.

4 “(2) A capital project as defined in section
5 24401(2), except that a project shall not be required
6 to be in a State rail plan developed under chapter
7 227.

8 “(3) A capital project identified by the Sec-
9 retary as being necessary to address congestion chal-
10 lenges affecting rail service.

11 “(4) A capital project identified by the Sec-
12 retary as being necessary to reduce congestion and
13 facilitate ridership growth in intercity passenger rail
14 transportation along heavily traveled rail corridors.

15 “(5) A highway-rail grade crossing improve-
16 ment project, including installation, repair, or im-
17 provement of grade separations, railroad crossing
18 signals, gates, and related technologies, highway
19 traffic signalization, highway lighting and crossing
20 approach signage, roadway improvements such as
21 medians or other barriers, railroad crossing panels
22 and surfaces, and safety engineering improvements
23 to reduce risk in quiet zones or potential quiet zones.

24 “(6) A rail line relocation and improvement
25 project.

1 “(7) A capital project to improve short-line or
2 regional railroad infrastructure.

3 “(8) The preparation of regional rail and cor-
4 ridor service development plans and corresponding
5 environmental analyses.

6 “(9) Any project that the Secretary considers
7 necessary to enhance multimodal connections or fa-
8 cilitate service integration between rail service and
9 other modes, including between intercity rail pas-
10 senger transportation and intercity bus service or
11 commercial air service.

12 “(10) The development and implementation of
13 a safety program or institute designed to improve
14 rail safety.

15 “(11) Any research that the Secretary considers
16 necessary to advance any particular aspect of rail-re-
17 lated capital, operations, or safety improvements.

18 “(12) Workforce development and training ac-
19 tivities, coordinated to the extent practicable with
20 the existing local training programs supported by
21 the Department of Transportation, the Department
22 of Labor, and the Department of Education.

23 “(d) APPLICATION PROCESS.—The Secretary shall
24 prescribe the form and manner of filing an application
25 under this section.

1 “(e) PROJECT SELECTION CRITERIA.—

2 “(1) IN GENERAL.—In selecting a recipient of
3 a grant for an eligible project, the Secretary shall—

4 “(A) give preference to a proposed project
5 for which the proposed Federal share of total
6 project costs does not exceed 50 percent; and

7 “(B) after factoring in preference to
8 projects under subparagraph (A), select projects
9 that will maximize the net benefits of the funds
10 appropriated for use under this section, consid-
11 ering the cost-benefit analysis of the proposed
12 project, including anticipated private and public
13 benefits relative to the costs of the proposed
14 project and factoring in the other consider-
15 ations described in paragraph (2).

16 “(2) OTHER CONSIDERATIONS.—The Secretary
17 shall also consider the following:

18 “(A) The degree to which the proposed
19 project’s business plan considers potential pri-
20 vate sector participation in the financing, con-
21 struction, or operation of the project.

22 “(B) The recipient’s past performance in
23 developing and delivering similar projects, and
24 previous financial contributions.

1 “(C) Whether the recipient has or will have
2 the legal, financial, and technical capacity to
3 carry out the proposed project, satisfactory con-
4 tinuing control over the use of the equipment or
5 facilities, and the capability and willingness to
6 maintain the equipment or facilities.

7 “(D) If applicable, the consistency of the
8 proposed project with planning guidance and
9 documents set forth by the Secretary or re-
10 quired by law or State rail plans developed
11 under chapter 227.

12 “(E) If applicable, any technical evaluation
13 ratings the proposed project received under pre-
14 vious competitive grant programs administered
15 by the Secretary.

16 “(F) Such other factors as the Secretary
17 considers relevant to the successful delivery of
18 the project.

19 “(3) BENEFITS.—The benefits described in
20 paragraph (1)(B) may include the effects on system
21 and service performance, including measures such as
22 improved safety, competitiveness, reliability, trip or
23 transit time, resilience, efficiencies from improved
24 integration with other modes, the ability to meet ex-
25 isting or anticipated demand, and any other benefits.

1 “(f) PERFORMANCE MEASURES.—The Secretary
2 shall establish performance measures for each grant re-
3 cipient to assess progress in achieving strategic goals and
4 objectives. The Secretary may require a grant recipient to
5 periodically report information related to such perform-
6 ance measures.

7 “(g) RURAL AREAS.—

8 “(1) IN GENERAL.—Of the amounts appro-
9 priated under this section, at least 25 percent shall
10 be available for projects in rural areas. The Sec-
11 retary shall consider a project to be in a rural area
12 if all or the majority of the project (determined by
13 the geographic location or locations where the major-
14 ity of the project funds will be spent) is located in
15 a rural area.

16 “(2) DEFINITION OF RURAL AREA.—In this
17 subsection, the term ‘rural area’ means any area not
18 in an urbanized area, as defined by the Bureau of
19 the Census.

20 “(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

21 “(1) TOTAL PROJECT COSTS.—The Secretary
22 shall estimate the total costs of a project under this
23 section based on the best available information, in-
24 cluding any available engineering studies, studies of
25 economic feasibility, environmental analyses, and in-

1 formation on the expected use of equipment or facili-
2 ties.

3 “(2) FEDERAL SHARE.—The Federal share of
4 total project costs under this section shall not exceed
5 80 percent.

6 “(3) TREATMENT OF PASSENGER RAIL REV-
7 ENUE.—If Amtrak or another rail carrier is an ap-
8 plicant under this section, Amtrak or the other rail
9 carrier, as applicable, may use ticket and other reve-
10 nues generated from its operations and other sources
11 to satisfy the non-Federal share requirements.

12 “(i) APPLICABILITY.—Except as specifically provided
13 in this section, the use of any amounts appropriated for
14 grants under this section shall be subject to the require-
15 ments of this chapter.

16 “(j) AVAILABILITY.—Amounts appropriated for car-
17 rying out this section shall remain available until ex-
18 pended.

19 “(k) LIMITATION.—The requirements of sections
20 24402, 24403, and 24404 and the definition contained in
21 24401(1) shall not apply to this section.

22 “(l) SPECIAL TRANSPORTATION CIRCUMSTANCES.—
23 “(1) IN GENERAL.—In carrying out this chap-
24 ter, the Secretary shall allocate an appropriate por-

1 tion of the amounts available to programs in this
2 chapter to provide grants to States—

3 “(A) in which there is no intercity pas-
4 senger rail service, for the purpose of funding
5 freight rail capital projects that are on a State
6 rail plan developed under chapter 227 that pro-
7 vide public benefits (as defined in chapter 227),
8 as determined by the Secretary; or

9 “(B) in which the rail transportation sys-
10 tem is not physically connected to rail systems
11 in the continental United States or may not
12 otherwise qualify for a grant under this section
13 due to the unique characteristics of the geog-
14 raphy of that State or other relevant consider-
15 ations, for the purpose of funding transpor-
16 tation-related capital projects.

17 “(2) DEFINITION.—For the purposes of this
18 subsection, the term ‘appropriate portion’ means a
19 share, for each State subject to paragraph (1), not
20 less than the share of the total railroad route miles
21 in such State of the total railroad route miles in the
22 United States, excluding from all totals the route
23 miles exclusively used for tourist, scenic, and excur-
24 sion railroad operations.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of chapter 244 of title 49, United States Code, is
3 amended by adding after the item relating to section
4 24406 the following:

“24407. Consolidated rail infrastructure and safety improvements.”.

5 (c) REPEALS.—

6 (1) Sections 20154 and 20167 of chapter 201
7 of title 49, United States Code, and the items relat-
8 ing to such sections in the table of contents of such
9 chapter, are repealed.

10 (2) Section 24105 of chapter 241 of title 49,
11 United States Code, and the item relating to such
12 section in the table of contents of such chapter, is
13 repealed.

14 (3) Chapter 225 of title 49, United States
15 Code, and the item relating to such chapter in the
16 table of contents of subtitle V of such title, is re-
17 pealed.

18 (4) Section 22108 of chapter 221 of title 49,
19 United States Code, and the item relating to such
20 section in the table of contents of such chapter, are
21 repealed.

1 **SEC. 11302. FEDERAL-STATE PARTNERSHIP FOR STATE OF**
2 **GOOD REPAIR.**

3 (a) AMENDMENT.—Chapter 249 of title 49, United
4 States Code, is amended by inserting after section 24910
5 the following:

6 **“§ 24911. Federal-State partnership for state of good**
7 **repair**

8 “(a) DEFINITIONS.—In this section:

9 “(1) APPLICANT.—The term ‘applicant’
10 means—

11 “(A) a State (including the District of Co-
12 lumbia);

13 “(B) a group of States;

14 “(C) an Interstate Compact;

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

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

18 “(F) Amtrak, acting on its own behalf or
19 under a cooperative agreement with 1 or more
20 States; or

21 “(G) any combination of the entities de-
22 scribed in subparagraphs (A) through (F).

23 “(2) CAPITAL PROJECT.—The term ‘capital
24 project’ means—

25 “(A) a project primarily intended to re-
26 place, rehabilitate, or repair major infrastruc-

1 ture assets utilized for providing intercity rail
2 passenger service, including tunnels, bridges,
3 stations, and other assets, as determined by the
4 Secretary; or

5 “(B) a project primarily intended to im-
6 prove intercity passenger rail performance, in-
7 cluding reduced trip times, increased train fre-
8 quencies, higher operating speeds, and other
9 improvements, as determined by the Secretary.

10 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
11 TATION.—The term ‘intercity rail passenger trans-
12 portation’ has the meaning given the term in section
13 24102.

14 “(4) NORTHEAST CORRIDOR.—The term
15 ‘Northeast Corridor’ means—

16 “(A) the main rail line between Boston,
17 Massachusetts and the District of Columbia;

18 “(B) the branch rail lines connecting to
19 Harrisburg, Pennsylvania, Springfield, Massa-
20 chusetts, and Spuyten Duyvil, New York; and

21 “(C) facilities and services used to operate
22 and maintain lines described in subparagraphs
23 (A) and (B).

1 “(5) QUALIFIED RAILROAD ASSET.—The term
2 ‘qualified railroad asset’ means infrastructure,
3 equipment, or a facility that—

4 “(A) is owned or controlled by an eligible
5 applicant;

6 “(B) is contained in the planning docu-
7 ment developed under section 24904 and for
8 which a cost-allocation policy has been devel-
9 oped under section 24905(c), or is contained in
10 an equivalent planning document and for which
11 a similar cost-allocation policy has been devel-
12 oped; and

13 “(C) was not in a state of good repair on
14 the date of enactment of the Passenger Rail
15 Reform and Investment Act of 2015.

16 “(b) GRANT PROGRAM AUTHORIZED.—The Secretary
17 of Transportation shall develop and implement a program
18 for issuing grants to applicants, on a competitive basis,
19 to fund capital projects that reduce the state of good re-
20 pair backlog with respect to qualified railroad assets.

21 “(c) ELIGIBLE PROJECTS.—Projects eligible for
22 grants under this section include capital projects to re-
23 place or rehabilitate qualified railroad assets, including—

24 “(1) capital projects to replace existing assets
25 in-kind;

1 “(2) capital projects to replace existing assets
2 with assets that increase capacity or provide a high-
3 er level of service;

4 “(3) capital projects to ensure that service can
5 be maintained while existing assets are brought to a
6 state of good repair; and

7 “(4) capital projects to bring existing assets
8 into a state of good repair.

9 “(d) PROJECT SELECTION CRITERIA.—In selecting
10 an applicant for a grant under this section, the Secretary
11 shall—

12 “(1) give preference to eligible projects for
13 which—

14 “(A) Amtrak is not the sole applicant;

15 “(B) applications were submitted jointly by
16 multiple applicants; and

17 “(C) the proposed Federal share of total
18 project costs does not exceed 50 percent; and

19 “(2) take into account—

20 “(A) the cost-benefit analysis of the pro-
21 posed project, including anticipated private and
22 public benefits relative to the costs of the pro-
23 posed project, including—

24 “(i) effects on system and service per-
25 formance;

1 “(ii) effects on safety, competitive-
2 ness, reliability, trip or transit time, and
3 resilience;

4 “(iii) efficiencies from improved inte-
5 gration with other modes; and

6 “(iv) ability to meet existing or antici-
7 pated demand;

8 “(B) the degree to which the proposed
9 project’s business plan considers potential pri-
10 vate sector participation in the financing, con-
11 struction, or operation of the proposed project;

12 “(C) the applicant’s past performance in
13 developing and delivering similar projects, and
14 previous financial contributions;

15 “(D) whether the applicant has, or will
16 have—

17 “(i) the legal, financial, and technical
18 capacity to carry out the project;

19 “(ii) satisfactory continuing control
20 over the use of the equipment or facilities;
21 and

22 “(iii) the capability and willingness to
23 maintain the equipment or facilities;

24 “(E) if applicable, the consistency of the
25 project with planning guidance and documents

1 set forth by the Secretary or required by law;
2 and

3 “(F) any other relevant factors, as deter-
4 mined by the Secretary.

5 “(e) NORTHEAST CORRIDOR PROJECTS.—

6 “(1) COMPLIANCE WITH USAGE AGREE-
7 MENTS.—Grant funds may not be provided under
8 this section to an eligible recipient for an eligible
9 project located on the Northeast Corridor unless
10 Amtrak and the public authorities providing com-
11 muter rail passenger transportation on the North-
12 east Corridor are in compliance with section
13 24905(c)(2).

14 “(2) CAPITAL INVESTMENT PLAN.—When se-
15 lecting projects located on the Northeast Corridor,
16 the Secretary shall consider the appropriate se-
17 quence and phasing of projects as contained in the
18 Northeast Corridor capital investment plan devel-
19 oped pursuant to section 24904(a).

20 “(f) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

21 “(1) TOTAL PROJECT COST.—The Secretary
22 shall estimate the total cost of a project under this
23 section based on the best available information, in-
24 cluding engineering studies, studies of economic fea-

1 sibility, environmental analyses, and information on
2 the expected use of equipment or facilities.

3 “(2) FEDERAL SHARE.—The Federal share of
4 total costs for a project under this section shall not
5 exceed 80 percent.

6 “(3) TREATMENT OF AMTRAK REVENUE.—If
7 Amtrak is an applicant under this section, Amtrak
8 may use ticket and other revenues generated from
9 its operations and other sources to satisfy the non-
10 Federal share requirements.

11 “(g) LETTERS OF INTENT.—

12 “(1) IN GENERAL.—The Secretary shall, to the
13 maximum extent practicable, issue a letter of intent
14 to a grantee under this section that—

15 “(A) announces an intention to obligate,
16 for a major capital project under this section,
17 an amount from future available budget author-
18 ity specified in law that is not more than the
19 amount stipulated as the financial participation
20 of the Secretary in the project; and

21 “(B) states that the contingent commit-
22 ment—

23 “(i) is not an obligation of the Fed-
24 eral Government; and

1 “(ii) is subject to the availability of
2 appropriations for grants under this sec-
3 tion and subject to Federal laws in force or
4 enacted after the date of the contingent
5 commitment.

6 “(2) CONGRESSIONAL NOTIFICATION.—

7 “(A) IN GENERAL.—Not later than 30
8 days before issuing a letter under paragraph
9 (1), the Secretary shall submit written notifica-
10 tion to—

11 “(i) the Committee on Commerce,
12 Science, and Transportation of the Senate;

13 “(ii) the Committee on Appropriations
14 of the Senate;

15 “(iii) the Committee on Transpor-
16 tation and Infrastructure of the House of
17 Representatives; and

18 “(iv) the Committee on Appropria-
19 tions of the House of Representatives.

20 “(B) CONTENTS.—The notification sub-
21 mitted pursuant to subparagraph (A) shall in-
22 clude—

23 “(i) a copy of the proposed letter;

1 “(ii) the criteria used under sub-
2 section (d) for selecting the project for a
3 grant award; and

4 “(iii) a description of how the project
5 meets such criteria.

6 “(3) APPROPRIATIONS REQUIRED.—An obliga-
7 tion or administrative commitment may be made
8 under this section only when amounts are appro-
9 priated for such purpose.

10 “(h) AVAILABILITY.—Amounts appropriated for car-
11 rying out this section shall remain available until ex-
12 pended.

13 “(i) GRANT CONDITIONS.—Except as specifically pro-
14 vided in this section, the use of any amounts appropriated
15 for grants under this section shall be subject to the grant
16 conditions under section 24405.”.

17 (b) CONFORMING AMENDMENT.—The table of con-
18 tents for chapter 249 is amended by inserting after the
19 item relating to section 24910 the following:

 “24911. Federal-State partnership for state of good repair.”.

20 **SEC. 11303. RESTORATION AND ENHANCEMENT GRANTS.**

21 (a) IN GENERAL.—Chapter 244 of title 49, United
22 States Code, is further amended by adding at the end the
23 following:

1 **“§ 24408. Restoration and enhancement grants**

2 “(a) APPLICANT DEFINED.—Notwithstanding sec-
3 tion 24401(1), in this section, the term ‘applicant’
4 means—

5 “(1) a State, including the District of Colum-
6 bia;

7 “(2) a group of States;

8 “(3) an Interstate Compact;

9 “(4) a public agency or publicly chartered au-
10 thority established by 1 or more States;

11 “(5) a political subdivision of a State;

12 “(6) Amtrak or another rail carrier that pro-
13 vides intercity rail passenger transportation;

14 “(7) Any rail carrier in partnership with at
15 least 1 of the entities described in paragraphs (1)
16 through (5); and

17 “(8) any combination of the entities described
18 in paragraphs (1) through (7).

19 “(b) GRANTS AUTHORIZED.—The Secretary of
20 Transportation shall develop and implement a program for
21 issuing operating assistance grants to applicants, on a
22 competitive basis, for the purpose of initiating, restoring,
23 or enhancing intercity rail passenger transportation.

24 “(c) APPLICATION.—An applicant for a grant under
25 this section shall submit to the Secretary—

26 “(1) a capital and mobilization plan that—

1 “(A) describes any capital investments,
2 service planning actions (such as environmental
3 reviews), and mobilization actions (such as
4 qualification of train crews) required for initi-
5 ation of intercity rail passenger transportation;
6 and

7 “(B) includes the timeline for undertaking
8 and completing each of the investments and ac-
9 tions referred to in subparagraph (A);

10 “(2) an operating plan that describes the
11 planned operation of the service, including—

12 “(A) the identity and qualifications of the
13 train operator;

14 “(B) the identity and qualifications of any
15 other service providers;

16 “(C) service frequency;

17 “(D) the planned routes and schedules;

18 “(E) the station facilities that will be uti-
19 lized;

20 “(F) projected ridership, revenues, and
21 costs;

22 “(G) descriptions of how the projections
23 under subparagraph (F) were developed;

24 “(H) the equipment that will be utilized,
25 how such equipment will be acquired or refur-

1 bished, and where such equipment will be main-
2 tained; and

3 “(I) a plan for ensuring safe operations
4 and compliance with applicable safety regula-
5 tions;

6 “(3) a funding plan that—

7 “(A) describes the funding of initial capital
8 costs and operating costs for the first 3 years
9 of operation;

10 “(B) includes a commitment by the appli-
11 cant to provide the funds described in subpara-
12 graph (A) to the extent not covered by Federal
13 grants and revenues; and

14 “(C) describes the funding of operating
15 costs and capital costs, to the extent necessary,
16 after the first 3 years of operation; and

17 “(4) a description of the status of negotiations
18 and agreements with—

19 “(A) each of the railroads or regional
20 transportation authorities whose tracks or fa-
21 cilities would be utilized by the service;

22 “(B) the anticipated railroad carrier, if
23 such entity is not part of the applicant group;
24 and

1 “(C) any other service providers or entities
2 expected to provide services or facilities that
3 will be used by the service, including any re-
4 quired access to Amtrak systems, stations, and
5 facilities if Amtrak is not part of the applicant
6 group.

7 “(d) PRIORITIES.—In awarding grants under this
8 section, the Secretary shall give priority to applications—

9 “(1) for which planning, design, any environ-
10 mental reviews, negotiation of agreements, acquisi-
11 tion of equipment, construction, and other actions
12 necessary for initiation of service have been com-
13 pleted or nearly completed;

14 “(2) that would restore service over routes for-
15 merly operated by Amtrak, including routes de-
16 scribed in section 11304 of the Passenger Rail Re-
17 form and Investment Act of 2015;

18 “(3) that would provide daily or daytime service
19 over routes where such service did not previously
20 exist;

21 “(4) that include funding (including funding
22 from railroads), or other significant participation by
23 State, local, and regional governmental and private
24 entities;

1 “(5) that include a funding plan that dem-
2 onstrates the intercity rail passenger service will be
3 financially sustainable beyond the 3-year grant pe-
4 riod;

5 “(6) that would provide service to regions and
6 communities that are underserved or not served by
7 other intercity public transportation;

8 “(7) that would foster economic development,
9 particularly in rural communities and for disadvan-
10 taged populations;

11 “(8) that would provide other non-transportation
12 benefits; and

13 “(9) that would enhance connectivity and geo-
14 graphic coverage of the existing national network of
15 intercity rail passenger service.

16 “(e) LIMITATIONS.—

17 “(1) DURATION.—Federal operating assistance
18 grants authorized under this section for any indi-
19 vidual intercity rail passenger transportation route
20 may not provide funding for more than 3 years and
21 may not be renewed.

22 “(2) LIMITATION.—Not more than 6 of the op-
23 erating assistance grants awarded pursuant to sub-
24 section (b) may be simultaneously active.

1 “(3) MAXIMUM FUNDING.—Grants described in
2 paragraph (1) may not exceed—

3 “(A) 80 percent of the projected net oper-
4 ating costs for the first year of service;

5 “(B) 60 percent of the projected net oper-
6 ating costs for the second year of service; and

7 “(C) 40 percent of the projected net oper-
8 ating costs for the third year of service.

9 “(f) USE WITH CAPITAL GRANTS AND OTHER FED-
10 ERAL FUNDING.—A recipient of an operating assistance
11 grant under subsection (b) may use that grant in combina-
12 tion with other Federal grants awarded that would benefit
13 the applicable service.

14 “(g) AVAILABILITY.—Amounts appropriated for car-
15 rying out this section shall remain available until ex-
16 pended.

17 “(h) COORDINATION WITH AMTRAK.—If the Sec-
18 retary awards a grant under this section to a rail carrier
19 other than Amtrak, Amtrak may be required consistent
20 with section 24711(e)(1) of this title to provide access to
21 its reservation system, stations, and facilities that are di-
22 rectly related to operations to such carrier, to the extent
23 necessary to carry out the purposes of this section. The
24 Secretary may award an appropriate portion of the grant
25 to Amtrak as compensation for this access.

1 “(i) CONDITIONS.—

2 “(1) GRANT AGREEMENT.—The Secretary shall
3 require a grant recipient under this section to enter
4 into a grant agreement that requires such recipient
5 to provide similar information regarding the route
6 performance, financial, and ridership projections,
7 and capital and business plans that Amtrak is re-
8 quired to provide, and such other data and informa-
9 tion as the Secretary considers necessary.

10 “(2) INSTALLMENTS; TERMINATION.—The Sec-
11 retary may—

12 “(A) award grants under this section in in-
13 stallments, as the Secretary considers appro-
14 priate; and

15 “(B) terminate any grant agreement
16 upon—

17 “(i) the cessation of service; or

18 “(ii) the violation of any other term of
19 the grant agreement.

20 “(3) GRANT CONDITIONS.—The Secretary shall
21 require each recipient of a grant under this section
22 to comply with the grant requirements of section
23 24405.

24 “(j) REPORT.—Not later than 4 years after the date
25 of enactment of the Passenger Rail Reform and Invest-

1 ment Act of 2015, the Secretary, after consultation with
2 grant recipients under this section, shall submit to Con-
3 gress a report that describes—

4 “(1) the implementation of this section;

5 “(2) the status of the investments and oper-
6 ations funded by such grants;

7 “(3) the performance of the routes funded by
8 such grants;

9 “(4) the plans of grant recipients for continued
10 operation and funding of such routes; and

11 “(5) any legislative recommendations.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) CHAPTER 244.—Chapter 244 of title 49,
14 United States Code, is further amended—

15 (A) in the table of contents by adding at
16 the end the following:

“24408. Restoration and enhancement grants.”;

17 (B) in the chapter heading by striking

18 “**INTERCITY PASSENGER RAIL**
19 **SERVICE CORRIDOR CAPITAL AS-**
20 **SISTANCE**” and inserting “**RAIL IM-**
21 **PROVEMENT GRANTS**”;

22 (C) in section 24402 by striking subsection

23 (j); and

24 (D) in section 24405—

1 (i) in subsection (b)(2) by striking
2 “(43” and inserting “(45”;

3 (ii) in subsection (c)(2)(B) by striking
4 “protective arrangements established” and
5 inserting “protective arrangements that
6 are equivalent to the protective arrange-
7 ments established”;

8 (iii) in subsection (d)(1), in the mat-
9 ter preceding subparagraph (A), by insert-
10 ing “or unless Amtrak ceased providing
11 intercity passenger railroad transportation
12 over the affected route more than 3 years
13 before the commencement of new service”
14 after “unless such service was provided
15 solely by Amtrak to another entity”; and

16 (iv) in subsection (f) by striking
17 “under this chapter for commuter rail pas-
18 senger transportation, as defined in section
19 24102(4) of this title.” and inserting
20 “under this chapter for commuter rail pas-
21 senger transportation (as defined in section
22 24102(3)).”; and

23 (2) TABLE OF CHAPTERS AMENDMENT.—The
24 item relating to chapter 244 in the table of chapters
25 of subtitle V of title 49, United States Code, is

1 amended by striking “Intercity passenger rail service
2 corridor capital assistance” and inserting “Rail im-
3 provement grants”.

4 **SEC. 11304. GULF COAST RAIL SERVICE WORKING GROUP.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary shall convene
7 a working group to evaluate the restoration of intercity
8 rail passenger service in the Gulf Coast region between
9 New Orleans, Louisiana, and Orlando, Florida.

10 (b) MEMBERSHIP.—The working group convened
11 pursuant to subsection (a) shall consist of representatives
12 of—

13 (1) the Federal Railroad Administration, which
14 shall serve as chair of the working group;

15 (2) Amtrak;

16 (3) the States along the proposed route or
17 routes;

18 (4) regional transportation planning organiza-
19 tions and metropolitan planning organizations, mu-
20 nicipalities, and communities along the proposed
21 route or routes, which shall be selected by the Ad-
22 ministrator;

23 (5) the Southern Rail Commission;

24 (6) railroad carriers whose tracks may be used
25 for such service; and

1 (7) other entities determined appropriate by the
2 Secretary, which may include other railroad carriers
3 that express an interest in Gulf Coast service.

4 (c) RESPONSIBILITIES.—The working group shall—

5 (1) evaluate all options for restoring intercity
6 rail passenger service in the Gulf Coast region, in-
7 cluding options outlined in the report transmitted to
8 Congress pursuant to section 226 of the Passenger
9 Rail Investment and Improvement Act of 2008 (divi-
10 sion B of Public Law 110–432);

11 (2) select a preferred option for restoring such
12 service;

13 (3) develop a prioritized inventory of capital
14 projects and other actions required to restore such
15 service and cost estimates for such projects or ac-
16 tions; and

17 (4) identify Federal and non-Federal funding
18 sources required to restore such service, including
19 options for entering into public-private partnerships
20 to restore such service.

21 (d) REPORT.—Not later than 9 months after the date
22 of enactment of this Act, the working group shall submit
23 a 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 includes—

3 (1) the preferred option selected under sub-
4 section (c)(2) and the reasons for selecting such op-
5 tion;

6 (2) the information described in subsection
7 (c)(3);

8 (3) the funding sources identified under sub-
9 section (c)(4);

10 (4) the costs and benefits of restoring intercity
11 rail passenger transportation in the region; and

12 (5) any other information the working group
13 determines appropriate.

14 (e) FUNDING.—From funds made available under
15 section 11101(d), the Secretary shall provide—

16 (1) financial assistance to the working group to
17 perform requested independent technical analysis of
18 issues before the working group; and

19 (2) administrative expenses that the Secretary
20 determines necessary.

21 **SEC. 11305. NORTHEAST CORRIDOR COMMISSION.**

22 (a) COMPOSITION.—Section 24905(a) of title 49,
23 United States Code, is amended—

24 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph
2 (A) by inserting “, infrastructure investments,”
3 after “rail operations”;

4 (B) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) members representing the Depart-
7 ment of Transportation, including the Office of
8 the Secretary, the Federal Railroad Administra-
9 tion, and the Federal Transit Administration;”;
10 and

11 (C) in subparagraph (D) by inserting “and
12 commuter” after “freight”; and

13 (2) by amending paragraph (6) to read as fol-
14 lows:

15 “(6) The members of the Commission shall
16 elect co-chairs consisting of 1 member described in
17 paragraph (1)(B) and 1 member described in para-
18 graph (1)(C).”.

19 (b) STATEMENT OF GOALS AND RECOMMENDA-
20 TIONS.—Section 24905(b) of title 49, United States Code,
21 is amended—

22 (1) in paragraph (1) by inserting “and periodi-
23 cally update” after “develop”;

24 (2) in paragraph (2)(A) by striking “beyond
25 those specified in the state-of-good-repair plan under

1 section 211 of the Passenger Rail Investment and
2 Improvement Act of 2008”; and

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

4 “(3) SUBMISSION OF STATEMENT OF GOALS,
5 RECOMMENDATIONS, AND PERFORMANCE RE-
6 PORTS.—The Commission shall submit to the Com-
7 mittee on Commerce, Science, and Transportation of
8 the Senate and the Committee on Transportation
9 and Infrastructure of the House of Representa-
10 tives—

11 “(A) any updates made to the statement of
12 goals developed under paragraph (1) not later
13 than 60 days after such updates are made; and

14 “(B) annual performance reports and rec-
15 ommendations for improvements, as appro-
16 priate, issued not later than March 31 of each
17 year, for the prior fiscal year, which summa-
18 rize—

19 “(i) the operations and performance
20 of commuter, intercity, and freight rail
21 transportation along the Northeast Cor-
22 ridor; and

23 “(ii) the delivery of the capital invest-
24 ment plan described in section 24904.”.

1 (c) COST ALLOCATION POLICY.—Section 24905(c) of
2 title 49, United States Code, is amended—

3 (1) in the subsection heading by striking “AC-
4 CESS COSTS” and inserting “ALLOCATION OF
5 COSTS”;

6 (2) in paragraph (1)—

7 (A) in the paragraph heading by striking
8 “FORMULA” and inserting “POLICY”;

9 (B) in the matter preceding subparagraph
10 (A) by striking “Within 2 years after the date
11 of enactment of the Passenger Rail Investment
12 and Improvement Act of 2008, the Commis-
13 sion” and inserting “The Commission”;

14 (C) in subparagraph (A) by striking “for-
15 mula” and inserting “policy”; and

16 (D) by striking subparagraphs (B) through
17 (D) and inserting the following:

18 “(B) develop a proposed timetable for im-
19 plementing the policy;

20 “(C) submit the policy and the timetable
21 developed under subparagraph (B) to the Sur-
22 face Transportation Board, the Committee on
23 Commerce, Science, and Transportation of the
24 Senate, and the Committee on Transportation

1 and Infrastructure of the House of Representa-
2 tives;

3 “(D) not later than October 1, 2015, adopt
4 and implement the policy in accordance with
5 the timetable; and

6 “(E) with the consent of a majority of its
7 members, petition the Surface Transportation
8 Board to appoint a mediator to assist the Com-
9 mission members through nonbinding mediation
10 to reach an agreement under this section.”;

11 (3) in paragraph (2)—

12 (A) by striking “formula proposed in” and
13 inserting “policy developed under”; and

14 (B) in the second sentence—

15 (i) by striking “the timetable, the
16 Commission shall petition the Surface
17 Transportation Board to” and inserting
18 “paragraph (1)(D) or fail to comply with
19 the policy thereafter, the Surface Trans-
20 portation Board shall”; and

21 (ii) by striking “amounts for such
22 services in accordance with section
23 24904(c) of this title” and inserting “for
24 such usage in accordance with the proce-
25 dures and procedural schedule applicable

1 to a proceeding under section 24903(c),
2 after taking into consideration the policy
3 developed under paragraph (1)(A), as ap-
4 plicable”;

5 (4) in paragraph (3), by striking “formula” and
6 inserting “policy”; and

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

8 “(4) REQUEST FOR DISPUTE RESOLUTION.—If
9 a dispute arises with the implementation of, or com-
10 pliance with, the policy developed under paragraph
11 (1), the Commission, Amtrak, or public authorities
12 providing commuter rail passenger transportation on
13 the Northeast Corridor may request that the Surface
14 Transportation Board conduct dispute resolution.
15 The Surface Transportation Board shall establish
16 procedures for resolution of disputes brought before
17 it under this paragraph, which may include the pro-
18 vision of professional mediation services.”.

19 (d) CONFORMING AMENDMENTS.—

20 (1) TITLE 49.—Section 24905 of title 49,
21 United States Code, is amended—

22 (A) in the section heading by striking “**IN-**
23 **FRASTRUCTURE AND OPERATIONS ADVI-**
24 **SORY**”;

25 (B) in subsection (a)—

- 1 (i) in the heading by striking “INFRA-
2 STRUCTURE AND OPERATIONS ADVISORY”;
3 and
4 (ii) by striking “Infrastructure and
5 Operations Advisory”;
6 (C) by striking subsection (d);
7 (D) by redesignating subsections (e) and
8 (f) as subsections (d) and (e), respectively;
9 (E) in subsection (d), as so redesignated—
10 (i) by striking “to the Commission”
11 and inserting “to the Secretary for the use
12 of the Commission and the Northeast Cor-
13 ridor Safety Committee”; and
14 (ii) by striking “for the period encom-
15 passing fiscal years 2009 through 2013 to
16 carry out this section” and inserting “to
17 carry out this section during fiscal years
18 2016 through 2020, in addition to any
19 amounts withheld under section 11101(g)
20 of the Passenger Rail Reform and Invest-
21 ment Act of 2015”; and
22 (F) in subsection (e)(2), as so redesign-
23 ated, by striking “on the main line.” and in-
24 serting “on the main line and meet annually

1 with the Commission on the topic of Northeast
2 Corridor safety and security.”.

3 (2) TABLE OF CONTENTS.—The table of con-
4 tents for chapter 249 of title 49, United States
5 Code, is amended by striking the item relating to
6 section 24905 and inserting the following:

“24905. Northeast Corridor Commission.”.

7 **SEC. 11306. NORTHEAST CORRIDOR PLANNING.**

8 (a) AMENDMENT.—Chapter 249 of title 49, United
9 States Code, is amended—

10 (1) by redesignating section 24904 as section
11 24903; and

12 (2) by inserting after section 24903, as so re-
13 designated, the following:

14 **“§ 24904. Northeast Corridor planning**

15 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
16 PLAN.—

17 “(1) REQUIREMENT.—Not later than May 1 of
18 each year, the Northeast Corridor Commission es-
19 tablished under section 24905 (referred to in this
20 section as the ‘Commission’) shall—

21 “(A) develop a capital investment plan for
22 the Northeast Corridor; and

23 “(B) submit the capital investment plan to
24 the Secretary of Transportation and the Com-
25 mittee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on
2 Transportation and Infrastructure of the House
3 of Representatives.

4 “(2) CONTENTS.—The capital investment plan
5 shall—

6 “(A) reflect coordination and network opti-
7 mization across the entire Northeast Corridor;

8 “(B) integrate the individual capital and
9 service plans developed by each operator using
10 the methods described in the cost allocation pol-
11 icy developed under section 24905(c);

12 “(C) cover a period of 5 fiscal years, begin-
13 ning with the first fiscal year after the date on
14 which the plan is completed;

15 “(D) notwithstanding section 24902(b),
16 identify, prioritize, and phase the implementa-
17 tion of projects and programs to achieve the
18 service outcomes identified in the Northeast
19 Corridor service development plan and the asset
20 condition needs identified in the Northeast Cor-
21 ridor asset management plans, once available,
22 and consider—

23 “(i) the benefits and costs of capital
24 investments in the plan;

25 “(ii) project and program readiness;

1 “(iii) the operational impacts; and

2 “(iv) Federal and non-Federal fund-
3 ing availability;

4 “(E) categorize capital projects and pro-
5 grams as primarily associated with—

6 “(i) normalized capital replacement
7 and basic infrastructure renewals;

8 “(ii) replacement or rehabilitation of
9 major Northeast Corridor infrastructure
10 assets, including tunnels, bridges, stations,
11 and other assets;

12 “(iii) statutory, regulatory, or other
13 legal mandates;

14 “(iv) improvements to support service
15 enhancements or growth; or

16 “(v) strategic initiatives that will im-
17 prove overall operational performance or
18 lower costs;

19 “(F) identify capital projects and pro-
20 grams that are associated with more than 1
21 category described in subparagraph (E);

22 “(G) describe the anticipated outcomes of
23 each project or program, including an assess-
24 ment of—

1 “(i) the potential effect on passenger
2 accessibility, operations, safety, reliability,
3 and resiliency;

4 “(ii) the ability of infrastructure own-
5 ers and operators to meet regulatory re-
6 quirements if the project or program is not
7 funded; and

8 “(iii) the benefits and costs; and

9 “(H) include a financial plan.

10 “(3) FINANCIAL PLAN.—The financial plan
11 under paragraph (2)(H) shall—

12 “(A) identify funding sources and financ-
13 ing methods;

14 “(B) identify the expected allocated shares
15 of costs pursuant to the cost allocation policy
16 developed under section 24905(c);

17 “(C) identify the projects and programs
18 that the Commission expects will receive Fed-
19 eral financial assistance; and

20 “(D) identify the eligible entity or entities
21 that the Commission expects will receive the
22 Federal financial assistance described under
23 subparagraph (C) and implement each capital
24 project.

1 “(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT
2 PLAN.—If a capital investment plan has not been devel-
3 oped by the Commission for a given fiscal year, then the
4 funds assigned to the Northeast Corridor account estab-
5 lished under section 24317(b) for that fiscal year may be
6 spent only on—

7 “(1) capital projects described in clause (i) or
8 (iii) of subsection (a)(2)(E) of this section; or

9 “(2) capital projects described in subsection
10 (a)(2)(E)(iv) or (v) of this section that are for the
11 sole benefit of Amtrak.

12 “(c) NORTHEAST CORRIDOR ASSET MANAGE-
13 MENT.—

14 “(1) CONTENTS.—With regard to its infrastruc-
15 ture, Amtrak and each State and public transpor-
16 tation entity that owns infrastructure that supports
17 or provides for intercity rail passenger transpor-
18 tation on the Northeast Corridor shall develop an
19 asset management system and develop and update,
20 as necessary, a Northeast Corridor asset manage-
21 ment plan for each service territory described in sub-
22 section (a) that—

23 “(A) is consistent with the Federal Transit
24 Administration process, as authorized under
25 section 5326, when implemented; and

1 “(B) includes, at a minimum—

2 “(i) an inventory of all capital assets
3 owned by the developer of the asset man-
4 agement plan;

5 “(ii) an assessment of asset condition;

6 “(iii) a description of the resources
7 and processes necessary to bring or main-
8 tain those assets in a state of good repair,
9 including decision-support tools and invest-
10 ment prioritization methods; and

11 “(iv) a description of changes in asset
12 condition since the previous version of the
13 plan.

14 “(2) TRANSMITTAL.—Each entity described in
15 paragraph (1) shall transmit to the Commission—

16 “(A) not later than 2 years after the date
17 of enactment of the Passenger Rail Reform and
18 Investment Act of 2015, a Northeast Corridor
19 asset management plan developed under para-
20 graph (1); and

21 “(B) at least biennially thereafter, an up-
22 date to such plan.

23 “(d) NORTHEAST CORRIDOR SERVICE DEVELOP-
24 MENT PLAN UPDATES.—Not less frequently than once

1 every 10 years, the Commission shall update the North-
2 east Corridor service development plan.

3 “(e) DEFINITION OF NORTHEAST CORRIDOR.—In
4 this section, the term ‘Northeast Corridor’ means the
5 main line between Boston, Massachusetts, and the District
6 of Columbia, and the Northeast Corridor branch lines con-
7 necting to Harrisburg, Pennsylvania, Springfield, Massa-
8 chusetts, and Spuyten Duyvil, New York, including the fa-
9 cilities and services used to operate and maintain those
10 lines.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) NOTE AND MORTGAGE.—Section 24907(a)
13 of title 49, United States Code, is amended by strik-
14 ing “section 24904 of this title” and inserting “sec-
15 tion 24903”.

16 (2) TABLE OF CONTENTS.—The table of con-
17 tents for chapter 249 of title 49, United States
18 Code, is amended—

19 (A) by redesignating the item relating to
20 section 24904 as relating to section 24903; and

21 (B) by inserting after the item relating to
22 section 24903, as so redesignated, the following:

“24904. Northeast Corridor planning.”.

23 (3) REPEAL.—Section 211 of the Passenger
24 Rail Investment and Improvement Act of 2008 (49
25 U.S.C. 24902 note) is repealed.

1 **SEC. 11307. COMPETITION.**

2 (a) COMPETITIVE PASSENGER RAIL SERVICE PILOT
3 PROGRAM.—Section 24711 of title 49, United States
4 Code, is amended to read as follows:

5 **“§ 24711. Competitive passenger rail service pilot pro-**
6 **gram**

7 “(a) IN GENERAL.—Not later than 18 months after
8 the date of enactment of the Passenger Rail Reform and
9 Investment Act of 2015, the Secretary of Transportation
10 shall promulgate a rule to implement a pilot program for
11 competitive selection of eligible petitioners described in
12 subsection (b)(3) in lieu of Amtrak to operate not more
13 than 3 long-distance routes (as defined in section 24102)
14 operated by Amtrak on the date of enactment of such Act.

15 “(b) PILOT PROGRAM REQUIREMENTS.—

16 “(1) IN GENERAL.—The pilot program shall—

17 “(A) allow a petitioner described in para-
18 graph (3) to petition the Secretary to provide
19 intercity rail passenger transportation over a
20 long-distance route described in subsection (a)
21 for an operation period of 4 years from the date
22 of commencement of service by the winning bid-
23 der and, at the option of the Secretary, con-
24 sistent with the rule promulgated under sub-
25 section (a), allow the contract to be renewed for
26 1 additional operation period of 4 years;

1 “(B) require the Secretary to—

2 “(i) notify the petitioner and Amtrak
3 of receipt of the petition under subpara-
4 graph (A) and to publish in the Federal
5 Register a notice of receipt not later than
6 30 days after the date of receipt;

7 “(ii) establish a deadline, of not more
8 than 120 days after the notice of receipt is
9 published in the Federal Register under
10 clause (i), by which both the petitioner and
11 Amtrak, if Amtrak chooses to do so, would
12 be required to submit a complete bid to
13 provide intercity rail passenger transpor-
14 tation over the applicable route; and

15 “(iii) upon selecting a winning bid,
16 publish in the Federal Register the identity
17 of the winning bidder, the long distance
18 route that the bidder will operate, a de-
19 tailed justification of the reasons why the
20 Secretary selected the bid, and any other
21 information the Secretary determines ap-
22 propriate for public comment for a reason-
23 able period of time not to exceed 30 days
24 after the date on which the Secretary se-
25 lects the bid;

1 “(C) require that each bid—

2 “(i) describe the capital needs, finan-
3 cial projections, and operational plans, in-
4 cluding staffing plans, for the service, and
5 such other factors as the Secretary con-
6 siders appropriate; and

7 “(ii) be made available by the winning
8 bidder to the public after the bid award
9 with any appropriate redactions for con-
10 fidential or proprietary information;

11 “(D) for a route that receives funding
12 from a State or States, require that for each
13 bid received from a petitioner described in para-
14 graph (3), other than such State or States, the
15 Secretary have the concurrence of the State or
16 States that provide funding for that route; and

17 “(E) for a winning bidder that is not or
18 does not include Amtrak, require the Secretary
19 to execute a contract not later than 270 days
20 after the deadline established under subpara-
21 graph (B)(ii) and award to the winning bid-
22 der—

23 “(i) subject to paragraphs (4) and
24 (5), the right and obligation to provide
25 intercity rail passenger transportation over

1 that route subject to such performance
2 standards as the Secretary may require;
3 and

4 “(ii) an operating subsidy, as deter-
5 mined by the Secretary, for—

6 “(I) the first year at a level that
7 does not exceed 90 percent of the level
8 in effect for that specific route during
9 the fiscal year preceding the fiscal
10 year in which the petition was re-
11 ceived, adjusted for inflation; and

12 “(II) any subsequent years at the
13 level calculated under subclause (I),
14 adjusted for inflation.

15 “(2) LIMITATION.—The requirements under
16 paragraph (1)(E), including the amounts of oper-
17 ating subsidies in the first and any subsequent years
18 under paragraph (1)(E)(ii), shall not apply to a win-
19 ning bidder that is or includes Amtrak.

20 “(3) ELIGIBLE PETITIONERS.—The following
21 parties are eligible to submit petitions under para-
22 graph (1):

23 “(A) A rail carrier or rail carriers that own
24 the infrastructure over which Amtrak operates
25 a long-distance route, or another rail carrier

1 that has a written agreement with a rail carrier
2 or rail carriers that own such infrastructure.

3 “(B) A State, group of States, or State-
4 supported joint powers authority or other sub-
5 State governance entity responsible for provi-
6 sion of intercity rail passenger transportation
7 with a written agreement with the rail carrier
8 or rail carriers that own the infrastructure over
9 which Amtrak operates a long-distance route
10 and that host or would host the intercity rail
11 passenger transportation.

12 “(C) A State, group of States, or State-
13 supported joint powers authority or other sub-
14 State governance entity responsible for provi-
15 sion of intercity rail passenger transportation
16 and a rail carrier with a written agreement with
17 another rail carrier or rail carriers that own the
18 infrastructure over which Amtrak operates a
19 long-distance route and that host or would host
20 the intercity rail passenger transportation.

21 “(4) PERFORMANCE STANDARDS.—The per-
22 formance standards required under paragraph
23 (1)(E)(i) shall meet or exceed the performance re-
24 quired of or achieved by Amtrak on the applicable
25 route during the last fiscal year.

1 “(5) AGREEMENT GOVERNING ACCESS
2 ISSUES.—Unless the winning bidder already has ap-
3 plicable access rights or agreements in place or in-
4 cludes a rail carrier that owns the infrastructure
5 used in the operation of the route, a winning bidder
6 that is not or does not include Amtrak shall enter
7 into a written agreement governing access issues be-
8 tween the winning bidder and the rail carrier or rail
9 carriers that own the infrastructure over which the
10 winning bidder would operate and that host or would
11 host the intercity rail passenger transportation.

12 “(c) ACCESS TO FACILITIES; EMPLOYEES.—If the
13 Secretary awards the right and obligation to provide inter-
14 city rail passenger transportation over a route described
15 in this section to an eligible petitioner—

16 “(1) the Secretary shall, if necessary to carry
17 out the purposes of this section, require Amtrak to
18 provide access to the Amtrak-owned reservation sys-
19 tem, stations, and facilities directly related to oper-
20 ations of the awarded routes to the eligible petitioner
21 awarded a contract under this section, in accordance
22 with subsection (g);

23 “(2) an employee of any person, except as pro-
24 vided in a collective bargaining agreement, used by
25 such eligible petitioner in the operation of a route

1 under this section shall be considered an employee of
2 that eligible petitioner and subject to the applicable
3 Federal laws and regulations governing similar
4 crafts or classes of employees of Amtrak; and

5 “(3) the winning bidder shall provide hiring
6 preference to qualified Amtrak employees displaced
7 by the award of the bid, consistent with the staffing
8 plan submitted by the bidder, and shall be subject
9 to the grant conditions under section 24405.

10 “(d) CESSATION OF SERVICE.—If an eligible peti-
11 tioner awarded a route under this section ceases to operate
12 the service or fails to fulfill an obligation under a contract
13 required under subsection (b)(1)(E), the Secretary, in col-
14 laboration with the Surface Transportation Board, shall
15 take any necessary action consistent with this title to en-
16 force the contract and ensure the continued provision of
17 service, including—

18 “(1) the installment of an interim rail carrier;

19 “(2) providing to the interim rail carrier under
20 paragraph (1) an operating subsidy necessary to
21 provide service; and

22 “(3) rebidding the contract to operate the inter-
23 city rail passenger transportation.

24 “(e) BUDGET AUTHORITY.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 to a winning bidder that is not or does not include
3 Amtrak and that is selected under this section any
4 appropriations withheld under section 11101(e) of
5 the Passenger Rail Reform and Investment Act of
6 2015, or any subsequent appropriation for the same
7 purpose, necessary to cover the operating subsidy
8 described in subsection (b)(1)(E)(ii).

9 “(2) ATTRIBUTABLE COSTS.—If the Secretary
10 selects a winning bidder that is not or does not in-
11 clude Amtrak, the Secretary shall provide to Amtrak
12 an appropriate portion of the appropriations under
13 section 11101(b) of the Passenger Rail Reform and
14 Investment Act of 2015, or any subsequent appro-
15 priation for the same purpose, to cover any cost di-
16 rectly attributable to the termination of Amtrak
17 service on the route and any indirect costs to Am-
18 trak imposed on other Amtrak routes as a result of
19 losing service on the route operated by the winning
20 bidder. Any amount provided by the Secretary to
21 Amtrak under this paragraph shall not be deducted
22 from or have any effect on the operating subsidy de-
23 scribed in subsection (b)(1)(E)(ii).

24 “(f) REPORTING.—If the Secretary does not promul-
25 gate the final rule before the deadline under subsection

1 (a), the Secretary shall, not later than 19 months after
2 the date of enactment of the Passenger Rail Reform and
3 Investment Act of 2015 and every 90 days thereafter until
4 the rule is complete, notify the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives in writing—

8 “(1) the reasons why the rule has not been
9 issued;

10 “(2) a plan for completing the rule as soon as
11 reasonably practicable; and

12 “(3) the estimated date of completion of the
13 rule.

14 “(g) DISPUTES.—

15 “(1) PETITIONING SURFACE TRANSPORTATION
16 BOARD.—If Amtrak and the eligible petitioner
17 awarded a route under this section cannot agree
18 upon terms to carry out subsection (c)(1), either
19 party may petition the Surface Transportation
20 Board for a determination as to—

21 “(A) whether access to Amtrak’s facility or
22 equipment, or the provisions of services by Am-
23 trak, is necessary under subsection (c)(1); and

1 “(B) whether the operation of Amtrak’s
2 other services will not be unreasonably impaired
3 by such access.

4 “(2) SURFACE TRANSPORTATION BOARD DE-
5 TERMINATION.—If the Surface Transportation
6 Board determines access to Amtrak’s facilities or
7 equipment, or the provision of services by Amtrak,
8 is necessary under paragraph (1)(A) and the oper-
9 ation of Amtrak’s other services will not be unrea-
10 sonably impaired under paragraph (1)(B), the Board
11 shall issue an order that—

12 “(A) requires Amtrak to provide the appli-
13 cable facilities, equipment, and services; and

14 “(B) determines reasonable compensation,
15 liability, and other terms for the use of the fa-
16 cilities and equipment and the provision of the
17 services.

18 “(h) LIMITATION.—Not more than 3 long-distance
19 routes may be selected under this section for operation by
20 a winning bidder that is not or does not include Amtrak.

21 “(i) PRESERVATION OF RIGHT TO COMPETITION ON
22 STATE-SUPPORTED ROUTES.—Nothing in this section
23 shall be construed as prohibiting a State from introducing
24 competition for intercity rail passenger transportation or
25 services on its State-supported route or routes.

1 “(j) SAVINGS CLAUSE.—Nothing in this section shall
2 affect Amtrak’s access rights to railroad rights-of-way and
3 facilities.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents for section 24711 of title 49, United States Code,
6 is amended to read as follows:

“24711. Competitive passenger rail service pilot program.”.

7 (c) REPORT.—Not later than 4 years after the date
8 of implementation of the pilot program under section
9 24711 of title 49, United States Code, and quadrennially
10 thereafter until the pilot program is discontinued, the Sec-
11 retary shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives a report on the results of the pilot pro-
15 gram to date and any recommendations for further action.

16 **SEC. 11308. PERFORMANCE-BASED PROPOSALS.**

17 (a) SOLICITATION OF PROPOSALS.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the date of enactment of this Act, the Secretary
20 shall issue a request for proposals for projects for
21 the financing, design, construction, operation, and
22 maintenance of a high-speed passenger rail system
23 operating within a high-speed rail corridor, includ-
24 ing—

25 (A) the Northeast Corridor;

- 1 (B) the California Corridor;
2 (C) the Empire Corridor;
3 (D) the Pacific Northwest Corridor;
4 (E) the South Central Corridor;
5 (F) the Gulf Coast Corridor;
6 (G) the Chicago Hub Network;
7 (H) the Florida Corridor;
8 (I) the Keystone Corridor;
9 (J) the Northern New England Corridor;
10 and
11 (K) the Southeast Corridor.

12 (2) SUBMISSION.—Proposals shall be submitted
13 to the Secretary not later than 180 days after the
14 publication of the request for proposals under para-
15 graph (1).

16 (3) PERFORMANCE STANDARD.—Proposals sub-
17 mitted under paragraph (2) shall meet any stand-
18 ards established by the Secretary. For corridors with
19 existing intercity passenger rail service, proposals
20 shall also be designed to achieve a reduction of exist-
21 ing minimum intercity rail service trip times between
22 the main corridor city pairs by a minimum of 25
23 percent. In the case of a proposal submitted with re-
24 spect to paragraph (1)(A), the proposal shall be de-
25 signed to achieve a 2-hour or less express service be-

1 tween Washington, District of Columbia, and New
2 York City, New York.

3 (4) CONTENTS.—A proposal submitted under
4 this subsection shall include—

5 (A) the names and qualifications of the
6 persons submitting the proposal and the entities
7 proposed to finance, design, construct, operate,
8 and maintain the railroad, railroad equipment,
9 and related facilities, stations, and infrastruc-
10 ture;

11 (B) a detailed description of the proposed
12 rail service, including possible routes, required
13 infrastructure investments and improvements,
14 equipment needs and type, train frequencies,
15 peak and average operating speeds, and trip
16 times;

17 (C) a description of how the project would
18 comply with all applicable Federal rail safety
19 and security laws, orders, and regulations;

20 (D) the locations of proposed stations,
21 which maximize the usage of existing infra-
22 structure to the extent possible, and the popu-
23 lations such stations are intended to serve;

1 (E) the type of equipment to be used, in-
2 cluding any technologies, to achieve trip time
3 goals;

4 (F) a description of any proposed legisla-
5 tion needed to facilitate all aspects of the
6 project;

7 (G) a financing plan identifying—

8 (i) projected revenue, and sources
9 thereof;

10 (ii) the amount of any requested pub-
11 lic contribution toward the project, and
12 proposed sources;

13 (iii) projected annual ridership projec-
14 tions for the first 10 years of operations;

15 (iv) annual operations and capital
16 costs;

17 (v) the projected levels of capital in-
18 vestments required both initially and in
19 subsequent years to maintain a state-of-
20 good-repair necessary to provide the ini-
21 tially proposed level of service or higher
22 levels of service;

23 (vi) projected levels of private invest-
24 ment and sources thereof, including the
25 identity of any person or entity that has

1 made or is expected to make a commit-
2 ment to provide or secure funding and the
3 amount of such commitment; and

4 (vii) projected funding for the full fair
5 market compensation for any asset, prop-
6 erty right or interest, or service acquired
7 from, owned, or held by a private person or
8 Federal entity that would be acquired, im-
9 paired, or diminished in value as a result
10 of a project, except as otherwise agreed to
11 by the private person or entity;

12 (H) a description of how the project would
13 contribute to the development of a national
14 high-speed passenger rail system and an inter-
15 modal plan describing how the system will fa-
16 cilitate convenient travel connections with other
17 transportation services;

18 (I) a description of how the project will en-
19 sure compliance with Federal laws governing
20 the rights and status of employees associated
21 with the route and service, including those spec-
22 ified in section 24405 of title 49, United States
23 Code;

24 (J) a description of how the design, con-
25 struction, implementation, and operation of the

1 project will accommodate and allow for future
2 growth of existing and projected intercity, com-
3 muter, and freight rail service;

4 (K) a description of how the project would
5 comply with Federal and State environmental
6 laws and regulations, of what environmental im-
7 pacts would result from the project, and of how
8 any adverse impacts would be mitigated; and

9 (L) a description of the project's impacts
10 on highway and aviation congestion, energy
11 consumption, land use, and economic develop-
12 ment in the service area.

13 (b) DETERMINATION AND ESTABLISHMENT OF COM-
14 MISSIONS.—Not later than 90 days after receipt of the
15 proposals under subsection (a), the Secretary shall—

16 (1) make a determination as to whether any
17 such proposals—

18 (A) contain the information required under
19 paragraphs (3) and (4) of subsection (a);

20 (B) are sufficiently credible to warrant fur-
21 ther consideration;

22 (C) are likely to result in a positive impact
23 on the Nation's transportation system; and

24 (D) are cost-effective and in the public in-
25 terest;

1 (2) establish a commission for each corridor
2 with 1 or more proposals that the Secretary deter-
3 mines satisfy the requirements of paragraph (1);
4 and

5 (3) forward to each commission established
6 under paragraph (2) the applicable proposals for re-
7 view and consideration.

8 (c) COMMISSIONS.—

9 (1) MEMBERS.—Each commission established
10 under subsection (b)(2) shall include—

11 (A) the Governors of the affected States,
12 or their respective designees;

13 (B) mayors of appropriate municipalities
14 with stops along the proposed corridor, or their
15 respective designees;

16 (C) a representative from each freight rail-
17 road carrier using the relevant corridor, if ap-
18 plicable;

19 (D) a representative from each transit au-
20 thority using the relevant corridor, if applicable;

21 (E) representatives of nonprofit employee
22 labor organizations representing affected rail-
23 road employees; and

24 (F) the President of Amtrak or his or her
25 designee.

1 (2) APPOINTMENT AND SELECTION.—The Sec-
2 retary shall appoint the members under paragraph
3 (1). In selecting each commission's members to ful-
4 fill the requirements under subparagraphs (B) and
5 (E) of paragraph (1), the Secretary shall consult
6 with the Chairperson and Ranking Member of the
7 Committee on Commerce, Science, and Transpor-
8 tation of the Senate and of the Committee on Trans-
9 portation and Infrastructure of the House of Rep-
10 representatives.

11 (3) CHAIRPERSON AND VICE-CHAIRPERSON SE-
12 LECTION.—The Chairperson and Vice-Chairperson
13 shall be elected from among members of each com-
14 mission.

15 (4) QUORUM AND VACANCY.—

16 (A) QUORUM.—A majority of the members
17 of each commission shall constitute a quorum.

18 (B) VACANCY.—Any vacancy in each com-
19 mission shall not affect its powers and shall be
20 filled in the same manner in which the original
21 appointment was made.

22 (d) COMMISSION CONSIDERATION.—

23 (1) IN GENERAL.—Each commission established
24 under subsection (b)(2) shall be responsible for re-
25 viewing the proposal or proposals forwarded to it

1 under that subsection and, not later than 90 days
2 after the establishment of the commission, shall
3 transmit to the Secretary a report, including—

4 (A) a summary of each proposal received;

5 (B) services to be provided under each pro-
6 posal, including projected ridership, revenues,
7 and costs;

8 (C) proposed public and private contribu-
9 tions for each proposal;

10 (D) the advantages offered by the proposal
11 over existing intercity passenger rail services;

12 (E) public operating subsidies or assets
13 needed for the proposed project;

14 (F) possible risks to the public associated
15 with the proposal, including risks associated
16 with project financing, implementation, comple-
17 tion, safety, and security;

18 (G) a ranked list of the proposals rec-
19 ommended for further consideration under sub-
20 section (e) in accordance with each proposal's
21 projected positive impact on the Nation's trans-
22 portation system;

23 (H) an identification of any proposed Fed-
24 eral legislation that would facilitate implemen-
25 tation of the projects and Federal legislation

1 that would be required to implement the
2 projects; and

3 (I) any other recommendations by the com-
4 mission concerning the proposed projects.

5 (2) VERBAL PRESENTATION.—Proposers shall
6 be given an opportunity to make a verbal presen-
7 tation to the commission to explain their proposals.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to the Sec-
10 retary for the use of each commission established
11 under subsection (b)(2) such sums as are necessary
12 to carry out this section.

13 (e) SELECTION BY SECRETARY.—

14 (1) IN GENERAL.—Not later than 60 days after
15 receiving the recommended proposals of the commis-
16 sions established under subsection (b)(2), the Sec-
17 retary shall—

18 (A) review such proposals and select any
19 proposal that provides substantial benefits to
20 the public and the national transportation sys-
21 tem, is cost-effective, offers significant advan-
22 tages over existing services, and meets other
23 relevant factors determined appropriate by the
24 Secretary; and

1 (B) submit to the Committee on Com-
2 merce, Science, and Transportation of the Sen-
3 ate and the Committee on Transportation and
4 Infrastructure of the House of Representatives
5 a report containing any proposal with respect to
6 subsection (a)(1)(A) that is selected by the Sec-
7 retary under subparagraph (A) of this para-
8 graph, all the information regarding the pro-
9 posal provided to the Secretary under sub-
10 section (d), and any other information the Sec-
11 retary considers relevant.

12 (2) SUBSEQUENT REPORT.—Following the sub-
13 mission of the report under paragraph (1)(B), the
14 Secretary shall submit to the Committee on Com-
15 merce, Science, and Transportation of the Senate
16 and the Committee on Transportation and Infra-
17 structure of the House of Representatives a report
18 containing any proposal with respect to subpara-
19 graphs (B) through (K) of subsection (a)(1) that are
20 selected by the Secretary under paragraph (1) of
21 this subsection, all the information regarding the
22 proposal provided to the Secretary under subsection
23 (d), and any other information the Secretary con-
24 siders relevant.

1 (3) LIMITATION ON REPORT SUBMISSION.—The
2 report required under paragraph (2) shall not be
3 submitted by the Secretary until the report sub-
4 mitted under paragraph (1)(B) has been considered
5 through a hearing by the Committee on Commerce,
6 Science, and Transportation of the Senate and the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives on the report sub-
9 mitted under paragraph (1)(B).

10 (f) NO ACTIONS WITHOUT ADDITIONAL AUTHOR-
11 ITY.—No Federal agency may take any action to imple-
12 ment, establish, facilitate, or otherwise act upon any pro-
13 posal submitted under this section, other than those ac-
14 tions specifically authorized by this section, without ex-
15 plicit statutory authority enacted after the date of enact-
16 ment of this Act.

17 (g) ADEQUATE RESOURCES.—Before taking any ac-
18 tion authorized under this section the Secretary shall cer-
19 tify to the Committee on Commerce, Science, and Trans-
20 portation of the Senate and the Committee on Transpor-
21 tation and Infrastructure of the House of Representatives
22 that the Secretary has sufficient resources that are ade-
23 quate to undertake the program established under this
24 section.

25 (h) DEFINITIONS.—In this section:

1 (1) INTERCITY PASSENGER RAIL.—The term
2 “intercity passenger rail” has the meaning given the
3 term in section 24102 of title 49, United States
4 Code.

5 (2) STATE.—The term “State” means any of
6 the 50 States or the District of Columbia.

7 **SEC. 11309. LARGE CAPITAL PROJECT REQUIREMENTS.**

8 Section 24402 of title 49, United States Code, is
9 amended by inserting after subsection (i) the following:

10 “(j) LARGE CAPITAL PROJECT REQUIREMENTS.—

11 “(1) IN GENERAL.—For a grant awarded under
12 this chapter for an amount in excess of
13 \$1,000,000,000, the following conditions shall apply:

14 “(A) The Secretary may not obligate any
15 funding unless the applicant demonstrates, to
16 the satisfaction of the Secretary, that the appli-
17 cant has committed, and will be able to fulfill,
18 the non-Federal share required for the grant
19 within the applicant’s proposed project comple-
20 tion timetable.

21 “(B) The Secretary may not obligate any
22 funding for work activities that occur after the
23 completion of final design unless—

24 “(i) the applicant submits a financial
25 plan to the Secretary that generally identi-

1 fies the sources of the non-Federal funding
2 required for any subsequent segments or
3 phases of the corridor service development
4 program covering the project for which the
5 grant is awarded;

6 “ (ii) the grant will result in a useable
7 segment, a transportation facility, or
8 equipment, that has operational independ-
9 ence; and

10 “ (iii) the intercity passenger rail bene-
11 fits anticipated to result from the grant,
12 such as increased speed, improved on-time
13 performance, reduced trip time, increased
14 frequencies, new service, safety improve-
15 ments, improved accessibility, or other sig-
16 nificant enhancements, are detailed by the
17 grantee and approved by the Secretary.

18 “ (C)(i) The Secretary shall ensure that the
19 project is maintained to the level of utility that
20 is necessary to support the benefits approved
21 under subparagraph (B)(iii) for a period of 20
22 years from the date on which the useable seg-
23 ment, transportation facility, or equipment de-
24 scribed in subparagraph (B)(ii) is placed in
25 service.

1 “(ii) If the project property is not main-
2 tained as required under clause (i) for a 12-
3 month period, the grant recipient shall refund
4 a pro-rata share of the Federal contribution,
5 based upon the percentage remaining of the 20-
6 year period that commenced when the project
7 property was placed in service.

8 “(2) EARLY WORK.—The Secretary may allow a
9 grantee subject to this subsection to engage in at-
10 risk work activities subsequent to the conclusion of
11 final design if the Secretary determines that such
12 work activities are reasonable and necessary.”.

13 **SEC. 11310. SMALL BUSINESS PARTICIPATION STUDY.**

14 (a) STUDY.—The Secretary shall conduct a nation-
15 wide disparity and availability study on the availability
16 and use of small business concerns owned and controlled
17 by socially and economically disadvantaged individuals and
18 veteran-owned small businesses in publicly funded inter-
19 city rail passenger transportation projects.

20 (b) REPORT.—Not later than 2 years after the date
21 of enactment of this Act, the Secretary shall submit a re-
22 port containing the results of the study conducted under
23 subsection (a) to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives.

3 (c) DEFINITIONS.—In this section:

4 (1) SMALL BUSINESS CONCERN.—The term
5 “small business concern” has the meaning given
6 such term in section 3 of the Small Business Act
7 (15 U.S.C. 632), except that the term does not in-
8 clude any concern or group of concerns controlled by
9 the same socially and economically disadvantaged in-
10 dividual or individuals that have average annual
11 gross receipts during the preceding 3 fiscal years in
12 excess of \$22,410,000, as adjusted annually by the
13 Secretary for inflation.

14 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
15 TAGED INDIVIDUAL.—The term “socially and eco-
16 nomically disadvantaged individual” has the mean-
17 ing given such term in section 8(d) of the Small
18 Business Act (15 U.S.C. 637(d)) and relevant sub-
19 contracting regulations issued pursuant to such Act,
20 except that women shall be presumed to be socially
21 and economically disadvantaged individuals for pur-
22 poses of this section.

23 (3) VETERAN-OWNED SMALL BUSINESS.—The
24 term “veteran-owned small business” has the mean-
25 ing given the term “small business concern owned

1 and controlled by veterans” in section 3(q)(3) of the
2 Small Business Act (15 U.S.C. 632(q)(3)), except
3 that the term does not include any concern or group
4 of concerns controlled by the same veterans that
5 have average annual gross receipts during the pre-
6 ceding 3 fiscal years in excess of \$22,410,000, as
7 adjusted annually by the Secretary for inflation.

8 **SEC. 11311. SHARED-USE STUDY.**

9 (a) IN GENERAL.—Not later than 3 years after the
10 date of enactment of this Act, the Secretary, in consulta-
11 tion with Amtrak, commuter rail passenger transportation
12 authorities, other railroad carriers, railroad carriers that
13 own rail infrastructure over which both passenger and
14 freight trains operate, States, the Surface Transportation
15 Board, the Northeast Corridor Commission established
16 under section 24905 of title 49, United States Code, the
17 State-Supported Route Committee established under sec-
18 tion 24712 of such title, and groups representing rail pas-
19 sengers and customers, as appropriate, shall complete a
20 study that evaluates—

21 (1) the shared use of right-of-way by passenger
22 and freight rail systems; and

23 (2) the operational, institutional, and legal
24 structures that would best support improvements to
25 the systems referred to in paragraph (1).

1 (b) AREAS OF STUDY.—In conducting the study
2 under subsection (a), the Secretary shall evaluate—

3 (1) the access and use of railroad right-of-way
4 by a rail carrier that does not own the right-of-way,
5 such as passenger rail services that operate over pri-
6 vately-owned right-of-way, including an analysis of—

7 (A) access agreements;

8 (B) costs of access; and

9 (C) the resolution of disputes relating to
10 such access or costs;

11 (2) the effectiveness of existing contractual,
12 statutory, and regulatory mechanisms for estab-
13 lishing, measuring, and enforcing train performance
14 standards, including—

15 (A) the manner in which passenger train
16 delays are recorded;

17 (B) the assignment of responsibility for
18 such delays; and

19 (C) the use of incentives and penalties for
20 performance;

21 (3) the strengths and weaknesses of the existing
22 mechanisms described in paragraph (2) and possible
23 approaches to address the weaknesses;

24 (4) mechanisms for measuring and maintaining
25 public benefits resulting from publicly funded freight

1 or passenger rail improvements, including improve-
2 ments directed towards shared-use right-of-way by
3 passenger and freight rail;

4 (5) approaches to operations, capacity, and cost
5 estimation modeling that—

6 (A) allow for transparent decisionmaking;

7 and

8 (B) protect the proprietary interests of all
9 parties;

10 (6) liability requirements and arrangements, in-
11 cluding—

12 (A) whether to expand statutory liability
13 limits to additional parties;

14 (B) whether to revise the current statutory
15 liability limits;

16 (C) whether current insurance levels of
17 passenger rail operators are adequate and
18 whether to establish minimum insurance re-
19 quirements for such passenger rail operators;
20 and

21 (D) whether to establish alternative insur-
22 ance models, including other models adminis-
23 tered by the Federal Government;

1 (7) the effect on rail passenger services, oper-
2 ations, liability limits, and insurance levels of the as-
3 sertion of sovereign immunity by a State; and

4 (8) other issues identified by the Secretary.

5 (c) REPORT.—Not later than 60 days after the study
6 under subsection (a) is complete, the Secretary shall sub-
7 mit to the Committee on Commerce, Science, and Trans-
8 portation of the Senate and the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 a report that includes—

11 (1) the results of the study; and

12 (2) any recommendations for further action, in-
13 cluding any legislative proposals consistent with such
14 recommendations.

15 (d) IMPLEMENTATION.—The Secretary shall inte-
16 grate, as appropriate, the recommendations submitted
17 under subsection (c) into the financial assistance pro-
18 grams under subtitle V of title 49, United States Code,
19 and section 502 of the Railroad Revitalization and Regu-
20 latory Reform Act of 1976 (45 U.S.C. 822).

21 **SEC. 11312. NORTHEAST CORRIDOR THROUGH-TICKETING**
22 **AND PROCUREMENT EFFICIENCIES.**

23 (a) THROUGH-TICKETING STUDY.—

24 (1) IN GENERAL.—Not later than 3 years after
25 the date of enactment of this Act, the Northeast

1 Corridor Commission established under section
2 24905(a) of title 49, United States Code (referred to
3 in this section as the “Commission”), in consultation
4 with Amtrak and the commuter rail passenger trans-
5 portation providers along the Northeast Corridor,
6 shall complete a study on the feasibility of and op-
7 tions for permitting through-ticketing between Am-
8 trak service and commuter rail services on the
9 Northeast Corridor.

10 (2) CONTENTS.—In completing the study under
11 paragraph (1), the Northeast Corridor Commission
12 shall—

13 (A) examine the current state of intercity
14 and commuter rail ticketing technologies, poli-
15 cies, and other relevant aspects on the North-
16 east Corridor;

17 (B) consider and recommend technology,
18 process, policy, or other options that would per-
19 mit through-ticketing to allow intercity and
20 commuter rail passengers to purchase, in a sin-
21 gle transaction, travel that utilizes Amtrak and
22 connecting commuter rail services;

23 (C) consider options to expand through-
24 ticketing to include local transit services;

1 (D) summarize costs, benefits, opportuni-
2 ties, and impediments to developing such
3 through-ticketing options; and

4 (E) develop a proposed methodology, in-
5 cluding cost and schedule estimates, for car-
6 rying out a pilot program on through-ticketing
7 on the Northeast Corridor.

8 (3) REPORT.—Not later than 60 days after the
9 date the study under paragraph (1) is complete, the
10 Commission shall submit to the Secretary, the Com-
11 mittee on Commerce, Science, and Transportation of
12 the Senate, and the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 a report that includes—

15 (A) the results of the study; and

16 (B) any recommendations for further ac-
17 tion.

18 (4) REVIEW.—Not later than 180 days after re-
19 ceipt of the report under paragraph (3), the Sec-
20 retary shall review the report and recommend best
21 practices in developing through ticketing for other
22 areas outside of the Northeast Corridor. The Sec-
23 retary shall transmit the best practices to the State-
24 Supported Route Committee established under sec-
25 tion 24712 of title 49, United States Code.

1 (b) JOINT PROCUREMENT STUDY.—

2 (1) IN GENERAL.—Not later than 3 years after
3 the date of enactment of this Act, the Secretary, in
4 cooperation with the Commission, Amtrak, and com-
5 muter rail transportation authorities on the North-
6 east Corridor, shall complete a study of the potential
7 benefits resulting from Amtrak and such authorities
8 undertaking select joint procurements for common
9 materials, assets, and equipment when expending
10 Federal funds for such joint procurements.

11 (2) CONTENTS.—In completing the study under
12 paragraph (1), the Secretary shall consider—

13 (A) the types of materials, assets, and
14 equipment that are regularly purchased by Am-
15 trak and such authorities that are similar and
16 could be jointly procured;

17 (B) the potential benefits of such joint pro-
18 curements, including lower procurement costs,
19 better pricing, greater market relevancy, and
20 other efficiencies;

21 (C) the potential costs of such joint pro-
22 curements;

23 (D) any significant impediments to under-
24 taking joint procurements, including any nec-
25 essary harmonization and reconciliation of Fed-

1 eral and State procurement or safety regula-
2 tions or standards and other requirements; and

3 (E) whether to create Federal incentives or
4 requirements relating to considering or carrying
5 out joint procurements when expending Federal
6 funds.

7 (3) TRANSMISSION.—Not later than 60 days
8 after completing the study required under this sub-
9 section, the Secretary shall submit to the Committee
10 on Commerce, Science, and Transportation of the
11 Senate and the Committee on Transportation and
12 Infrastructure of the House of Representatives a re-
13 port that includes—

14 (A) the results of the study; and

15 (B) any recommendations for further ac-
16 tion.

17 (c) NORTHEAST CORRIDOR.—In this section, the
18 term “Northeast Corridor” means the Northeast Corridor
19 main line between Boston, Massachusetts, and the District
20 of Columbia, and the Northeast Corridor branch lines con-
21 necting to Harrisburg, Pennsylvania, Springfield, Massa-
22 chusetts, and Spuyten Duyvil, New York, including the fa-
23 cilities and services used to operate and maintain those
24 lines.

1 **SEC. 11313. DATA AND ANALYSIS.**

2 (a) DATA.—Not later than 3 years after the date of
3 enactment of this Act, the Secretary, in consultation with
4 the Surface Transportation Board, Amtrak, freight rail-
5 roads, State and local governments, and regional business,
6 tourism, and economic development agencies shall conduct
7 a data needs assessment to—

8 (1) support the development of an efficient and
9 effective intercity passenger rail network;

10 (2) identify the data needed to conduct cost-ef-
11 fective modeling and analysis for intercity passenger
12 rail development programs;

13 (3) determine limitations to the data used for
14 inputs;

15 (4) develop a strategy to address such limita-
16 tions;

17 (5) identify barriers to accessing existing data;

18 (6) develop recommendations regarding whether
19 the authorization of additional data collection for
20 intercity passenger rail travel is warranted; and

21 (7) determine which entities should be respon-
22 sible for generating or collecting needed data.

23 (b) BENEFIT-COST ANALYSIS.—Not later than 180
24 days after the date of enactment of this Act, the Secretary
25 shall enhance the usefulness of assessments of benefits

1 and costs for intercity passenger rail and freight rail
2 projects by—

3 (1) providing ongoing guidance and training on
4 developing benefit and cost information for rail
5 projects;

6 (2) providing more direct and consistent re-
7 quirements for assessing benefits and costs across
8 transportation funding programs, including the ap-
9 propriate use of discount rates;

10 (3) requiring applicants to clearly communicate
11 the methodology used to calculate the project bene-
12 fits and costs, including non-proprietary information
13 on—

14 (A) assumptions underlying calculations;

15 (B) strengths and limitations of data used;

16 and

17 (C) the level of uncertainty in estimates of
18 project benefits and costs; and

19 (4) ensuring that applicants receive clear and
20 consistent guidance on values to apply for key as-
21 sumptions used to estimate potential project benefits
22 and costs.

23 (e) CONFIDENTIAL DATA.—The Secretary shall pro-
24 tect all sensitive and confidential information to the great-
25 est extent permitted by law. Nothing in this section shall

1 require any entity to provide information to the Secretary
2 in the absence of a voluntary agreement.

3 **SEC. 11314. AMTRAK INSPECTOR GENERAL.**

4 (a) **AUTHORITY.**—

5 (1) **IN GENERAL.**—The Inspector General of
6 Amtrak shall have the authority available to other
7 Inspectors General, as necessary in carrying out the
8 duties specified in the Inspector General Act of 1978
9 (5 U.S.C. App.), to investigate any alleged violation
10 of sections 286, 287, 371, 641, 1001, 1002 and
11 1516 of title 18, United States Code.

12 (2) **AGENCY.**—For purposes of sections 286,
13 287, 371, 641, 1001, 1002, and 1516 of title 18,
14 United States Code, Amtrak and the Amtrak Office
15 of Inspector General, shall be considered a corpora-
16 tion in which the United States has a proprietary in-
17 terest as set forth in section 6 of such title.

18 (b) **ASSESSMENT.**—The Inspector General of Amtrak
19 shall—

20 (1) not later than 60 days after the date of en-
21 actment of this Act, initiate an assessment to deter-
22 mine whether current expenditures or procurements
23 involving Amtrak's fulfillment of the Americans with
24 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
25 utilize competitive, market-driven provisions that are

1 applicable throughout the entire term of such related
2 expenditures or procurements; and

3 (2) not later than 6 months after the date of
4 enactment of this Act, transmit to the Committee on
5 Commerce, Science, and Transportation of the Sen-
6 ate and the Committee on Transportation and Infra-
7 structure of the House of Representatives the as-
8 sessment under paragraph (1).

9 (c) LIMITATION.—The authority provided by sub-
10 section (a) shall be effective only with respect to a fiscal
11 year for which Amtrak receives a Federal subsidy.

12 **SEC. 11315. MISCELLANEOUS PROVISIONS.**

13 (a) TITLE 49 AMENDMENTS.—

14 (1) AUTHORITY.—Section 22702(b)(4) of title
15 49, United States Code, is amended by striking “5
16 years for reapproval by the Secretary” and inserting
17 “4 years for acceptance by the Secretary”.

18 (2) CONTENTS OF STATE RAIL PLANS.—Section
19 22705(a) of title 49, United States Code, is amend-
20 ed by striking paragraph (12).

21 (b) PASSENGER RAIL INVESTMENT AND IMPROVE-
22 MENT ACT AMENDMENTS.—Section 305 of the Passenger
23 Rail Investment and Improvement Act of 2008 (49 U.S.C.
24 24101 note) is amended—

1 (1) in subsection (a) by inserting after “equip-
2 ment manufacturers,” the following: “nonprofit or-
3 ganizations representing employees who perform
4 overhaul and maintenance of passenger railroad
5 equipment,”;

6 (2) in subsection (c) by striking “, and may es-
7 tablish a corporation, which may be owned or joint-
8 ly-owned by Amtrak, participating States, or other
9 entities, to perform these functions”; and

10 (3) in subsection (e) by striking “and estab-
11 lishing a jointly-owned corporation to manage that
12 equipment”.

13 (c) CERTAIN PROJECTS.—A project described in
14 1307(a)(3) of SAFETEA-LU (Public Law 109–59) may
15 be eligible for the Railroad Rehabilitation and Improve-
16 ment Financing program if the Secretary determines such
17 project meets the requirements of sections 502 and 503
18 of the Railroad Revitalization and Regulatory Reform Act
19 of 1976.

20 (d) CLARIFICATION.—

21 (1) AMENDMENT.—Section 20157(g) of title
22 49, United States Code, is amended by adding at
23 the end the following new paragraph:

24 “(4) CLARIFICATION.—

1 “(A) PROHIBITIONS.—The Secretary is
2 prohibited from—

3 “(i) approving or disapproving a re-
4 vised plan submitted under subsection
5 (a)(1);

6 “(ii) considering a revised plan under
7 subsection (a)(1) as a request for amend-
8 ment under section 236.1021 of title 49,
9 Code of Federal Regulations; or

10 “(iii) requiring the submission, as
11 part of the revised plan under subsection
12 (a)(1), of—

13 “(I) only a schedule and se-
14 quence under subsection
15 (a)(2)(A)(iii)(VII); or

16 “(II) both a schedule and se-
17 quence under subsection
18 (a)(2)(A)(iii)(VII) and an alternative
19 schedule and sequence under sub-
20 section (a)(2)(B).

21 “(B) CIVIL PENALTY AUTHORITY.—Except
22 as provided in paragraph (2) and this para-
23 graph, nothing in this subsection shall be con-
24 strued to limit the Secretary’s authority to as-

1 sess civil penalties pursuant to subsection (e),
2 consistent with the requirements of this section.

3 “(C) **RETAINED REVIEW AUTHORITY.**—
4 The Secretary retains the authority to review
5 revised plans submitted under subsection (a)(1)
6 and is authorized to require modifications of
7 those plans to the extent necessary to ensure
8 that such plans include the descriptions under
9 subsection (a)(2)(A)(i), the contents under sub-
10 subsection (a)(2)(A)(ii), and the year or years, to-
11 tals, and summary under subsection
12 (a)(2)(A)(iii)(I) through (VI).”.

13 (2) **CONFORMING AMENDMENT.**—Section
14 20157(g)(3) of title 49, United States Code, is
15 amended by striking “by paragraph (2) and sub-
16 section (k)” and inserting “to conform with this sec-
17 tion”.

18 **SEC. 11316. TECHNICAL AND CONFORMING AMENDMENTS.**

19 (a) **ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
20 **VOLVED IN RAIL PASSENGER ACCIDENTS.**—Section 1139
21 of title 49, United States Code, is amended—

22 (1) in subsection (a)(1), by striking “phone
23 number” and inserting “telephone number”;

1 (2) in subsection (a)(2), by striking “post trauma
2 communication with families” and inserting
3 “post-trauma communication with families”; and

4 (3) in subsection (j), by striking “railroad pas-
5 senger accident” each place it appears and inserting
6 “rail passenger accident”.

7 (b) SOLID WASTE RAIL TRANSFER FACILITY LAND-
8 USE EXEMPTION.—Section 10909 of title 49, United
9 States Code, is amended—

10 (1) in subsection (b), in the matter preceding
11 paragraph (1), by striking “Clean Railroad Act of
12 2008” and inserting “Clean Railroads Act of 2008”;
13 and

14 (2) in subsection (e), by striking “Upon the
15 granting of petition from the State” and inserting
16 “Upon the granting of a petition from the State”.

17 (c) RULEMAKING PROCESS.—Section 20116 of title
18 49, United States Code, is amended—

19 (1) by inserting “(2)” before “the code, rule,
20 standard, requirement, or practice has been subject
21 to notice and comment under a rule or order issued
22 under this part.” and indenting accordingly;

23 (2) by inserting “(1)” after “unless” and in-
24 denting accordingly;

1 (3) in paragraph (1), as redesignated, by strik-
2 ing “order, or” and inserting “order; or”; and

3 (4) in the matter preceding paragraph (1), as
4 redesignated, by striking “unless” and inserting
5 “unless—”.

6 (d) ENFORCEMENT REPORT.—Section 20120(a) of
7 title 49, United States Code, is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “website” and inserting “Web site”;

10 (2) in paragraph (1), by striking “accident and
11 incidence reporting” and inserting “accident and in-
12 cident reporting”;

13 (3) in paragraph (2)(G), by inserting “and” at
14 the end; and

15 (4) in paragraph (5)(B), by striking “Adminis-
16 trative Hearing Officer or Administrative Law
17 Judge” and inserting “administrative hearing officer
18 or administrative law judge”.

19 (e) RAILROAD SAFETY RISK REDUCTION PRO-
20 GRAM.—Section 20156 of title 49, United States Code, is
21 amended—

22 (1) in subsection (c), by inserting a comma
23 after “In developing its railroad safety risk reduc-
24 tion program”; and

25 (2) in subsection (g)(1)—

1 (A) by inserting a comma after “good
2 faith”; and

3 (B) by striking “non-profit” and inserting
4 “nonprofit”.

5 (f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-
6 RAIL GRADE CROSSINGS.—Section 20159 of title 49,
7 United States Code, is amended by striking “the Sec-
8 retary” and inserting “the Secretary of Transportation”.

9 (g) NATIONAL CROSSING INVENTORY.—Section
10 20160 of title 49, United States Code, is amended—

11 (1) in subsection (a)(1), by striking “concerning
12 each previously unreported crossing through which it
13 operates or with respect to the trackage over which
14 it operates” and inserting “concerning each pre-
15 viously unreported crossing through which it oper-
16 ates with respect to the trackage over which it oper-
17 ates”; and

18 (2) in subsection (b)(1)(A), by striking “con-
19 cerning each crossing through which it operates or
20 with respect to the trackage over which it operates”
21 and inserting “concerning each crossing through
22 which it operates with respect to the trackage over
23 which it operates”.

24 (h) MINIMUM TRAINING STANDARDS AND PLANS.—
25 Section 20162(a)(3) of title 49, United States Code, is

1 amended by striking “railroad compliance with Federal
2 standards” and inserting “railroad carrier compliance
3 with Federal standards”.

4 (i) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
5 NOLOGY.—Section 20164(a) of title 49, United States
6 Code, is amended by striking “after enactment of the Rail-
7 road Safety Enhancement Act of 2008” and inserting
8 “after the date of enactment of the Rail Safety Improve-
9 ment Act of 2008”.

10 (j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

11 (1) TABLE OF CONTENTS.—Section 1(b) of di-
12 vision A of the Rail Safety Improvement Act of 2008
13 (Public Law 110–432; 122 Stat. 4848) is amend-
14 ed—

15 (A) in the item relating to section 307 by
16 striking “website” and inserting “Web site”;

17 (B) in the item relating to title VI by
18 striking “solid waste facilities” and inserting
19 “solid waste rail transfer facilities”; and

20 (C) in the item relating to section 602 by
21 striking “solid waste transfer facilities” and in-
22 serting “solid waste rail transfer facilities”.

23 (2) DEFINITIONS.—Section 2(a)(1) of division
24 A of the Rail Safety Improvement Act of 2008 (Pub-
25 lic Law 110–432; 122 Stat. 4849) is amended in the

1 matter preceding subparagraph (A), by inserting a
2 comma after “at grade”.

3 (3) RAILROAD SAFETY STRATEGY.—Section
4 102(a)(6) of title I of division A of the Rail Safety
5 Improvement Act of 2008 (49 U.S.C. 20101 note) is
6 amended by striking “Improving the safety of rail-
7 road bridges, tunnels, and related infrastructure to
8 prevent accidents, incidents, injuries, and fatalities
9 caused by catastrophic failures and other bridge and
10 tunnel failures.” and inserting “Improving the safety
11 of railroad bridges, tunnels, and related infrastruc-
12 ture to prevent accidents, incidents, injuries, and fa-
13 talities caused by catastrophic and other failures of
14 such infrastructure.”.

15 (4) OPERATION LIFESAVER.—Section 206(a) of
16 title II of division A of the Rail Safety Improvement
17 Act of 2008 (49 U.S.C. 22501 note) is amended by
18 striking “Public Service Announcements” and in-
19 serting “public service announcements”.

20 (5) UPDATE OF FEDERAL RAILROAD ADMINIS-
21 TRATION’S WEB SITE.—Section 307 of title III of di-
22 vision A of the Rail Safety Improvement Act of 2008
23 (49 U.S.C. 103 note) is amended—

24 (A) in the heading by striking “**FEDERAL**
25 **RAILROAD ADMINISTRATION’S WEBSITE**”

1 and inserting “**FEDERAL RAILROAD ADMIN-**
2 **ISTRATION WEB SITE**”;

3 (B) by striking “website” each place it ap-
4 pears and inserting “Web site”; and

5 (C) by striking “website’s” and inserting
6 “Web site’s”.

7 (6) ALCOHOL AND CONTROLLED SUBSTANCE
8 TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—
9 Section 412 of title IV of division A of the Rail
10 Safety Improvement Act of 2008 (49 U.S.C. 20140
11 note) is amended by striking “Secretary of Trans-
12 portation” and inserting “Secretary”.

13 (7) TUNNEL INFORMATION.—Section 414 of
14 title IV of division A of the Rail Safety Improvement
15 Act of 2008 (49 U.S.C. 20103 note) is amended—

16 (A) by striking “parts 171.8, 173.115”
17 and inserting “sections 171.8, 173.115”; and

18 (B) by striking “part 1520.5” and insert-
19 ing “section 1520.5”.

20 (8) SAFETY INSPECTIONS IN MEXICO.—Section
21 416 of title IV of division A of the Rail Safety Im-
22 provement Act of 2008 (49 U.S.C. 20107 note) is
23 amended—

1 (A) in the matter preceding paragraph (1),
2 by striking “Secretary of Transportation” and
3 inserting “Secretary”; and

4 (B) in paragraph (4), by striking “sub-
5 section” and inserting “section”.

6 (9) HEADING OF TITLE VI.—The heading of
7 title VI of division A of the Rail Safety Improvement
8 Act of 2008 (122 Stat. 4900) is amended by strik-
9 ing “**SOLID WASTE FACILITIES**” and insert-
10 ing “**SOLID WASTE RAIL TRANSFER FA-
11 CILITIES**”.

12 (10) HEADING OF SECTION 602.—The heading
13 of section 602 of title VI of division A of the Rail
14 Safety Improvement Act of 2008 (122 Stat. 4900)
15 is amended by striking “**SOLID WASTE TRANSFER
16 FACILITIES**” and inserting “**SOLID WASTE RAIL
17 TRANSFER FACILITIES**”.

18 (k) CONTINGENT INTEREST RECOVERIES.—Section
19 22106(b) of title 49, United States Code, is amended by
20 striking “interest thereof” and inserting “interest there-
21 on”.

22 (l) MISSION.—Section 24101(b) of title 49, United
23 States Code, is amended by striking “of subsection (d)”
24 and inserting “set forth in subsection (c)”.

1 (m) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents for chapter 243 of title 49, United States
3 Code, is amended by striking the item relating to section
4 24316 and inserting the following:

“24316. Plans to address the needs of families of passengers involved in rail
passenger accidents.”.

5 (n) AMTRAK.—Chapter 247 of title 49, United States
6 Code, is amended—

7 (1) in section 24706—

8 (A) in subsection (a)—

9 (i) in paragraph (1) by striking “a
10 discontinuance under section 24704 or or”;
11 and

12 (ii) in paragraph (2) by striking “sec-
13 tion 24704 or”; and

14 (B) in subsection (b) by striking “section
15 24704 or”; and

16 (2) in section 24709 by striking “The Secretary
17 of the Treasury and the Attorney General,” and in-
18 serting “The Secretary of Homeland Security,”.

19 (o) RAIL COOPERATIVE RESEARCH PROGRAM.—Sec-
20 tion 24910(b) of title 49, United States Code, is amend-
21 ed—

22 (1) in paragraph (12) by striking “and” at the
23 end;

1 (2) in paragraph (13) by striking the period at
2 the end and inserting “; and”; and

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

4 “(14) to improve overall safety of intercity pas-
5 senger and freight rail operations.”.

6 (p) SECRETARIAL OVERSIGHT.—Section 24403 of
7 title 49, United States Code, is amended by striking sub-
8 section (b).

9 **Subtitle D—Safety**

10 **SEC. 11401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

11 (a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING
12 ACTION PLAN.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Administrator
15 of the Federal Railroad Administration shall develop
16 a model of a State-specific highway-rail grade cross-
17 ing action plan and distribute the plan to each
18 State.

19 (2) CONTENTS.—The plan developed under
20 paragraph (1) shall include—

21 (A) methodologies, tools, and data sources
22 for identifying and evaluating highway-rail
23 grade crossing safety risks, including the public
24 safety risks posed by blocked highway-rail grade
25 crossings due to idling trains;

1 (B) best practices to reduce the risk of
2 highway-rail grade crossing accidents or inci-
3 dents and to alleviate the blockage of highway-
4 rail grade crossings due to idling trains, includ-
5 ing strategies for—

6 (i) education, including model stake-
7 holder engagement plans or tools;

8 (ii) engineering, including the benefits
9 and costs of different designs and tech-
10 nologies used to mitigate highway-rail
11 grade crossing safety risks; and

12 (iii) enforcement, including the
13 strengths and weaknesses associated with
14 different enforcement methods;

15 (C) for each State, a customized list and
16 data set of the highway-rail grade crossing acci-
17 dents or incidents in that State over the past 3
18 years, including the location, number of deaths,
19 and number of injuries for each accident or in-
20 cident, and a list of highway-rail grade cross-
21 ings in that State that have experienced mul-
22 tiple accidents or incidents over the past 3
23 years; and

24 (D) contact information of a Department
25 of Transportation safety official available to as-

1 sist the State in adapting the model plan to sat-
2 isfy the requirements under subsection (b).

3 (b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION
4 PLANS.—

5 (1) REQUIREMENTS.—Not later than 18
6 months after the Administrator develops and distrib-
7 utes the model plan under subsection (a), the Ad-
8 ministrator shall promulgate a rule that requires—

9 (A) each State, except the 10 States iden-
10 tified under section 202 of the Rail Safety Im-
11 provement Act of 2008 (49 U.S.C. 22501 note),
12 to develop and implement a State highway-rail
13 grade crossing action plan; and

14 (B) each State identified under section 202
15 of the Rail Safety Improvement Act of 2008
16 (49 U.S.C. 22501 note) to—

17 (i) update the State action plan under
18 such section; and

19 (ii) submit to the Administrator—

20 (I) the updated State action plan;
21 and

22 (II) a report describing what the
23 State did to implement its previous
24 State action plan under such section
25 and how the State will continue to re-

1 duce highway-rail grade crossing safe-
2 ty risks.

3 (2) CONTENTS.—Each State plan required
4 under this subsection shall—

5 (A) identify highway-rail grade crossings
6 that have experienced recent highway-rail grade
7 crossing accidents or incidents or multiple high-
8 way-rail grade crossing accidents or incidents,
9 or are at high-risk for accidents or incidents;

10 (B) identify specific strategies for improv-
11 ing safety at highway-rail grade crossings, in-
12 cluding highway-rail grade crossing closures or
13 grade separations; and

14 (C) designate a State official responsible
15 for managing implementation of the State ac-
16 tion plan under subparagraph (A) or (B) of
17 paragraph (1), as applicable.

18 (3) ASSISTANCE.—The Administrator shall pro-
19 vide assistance to each State in developing and car-
20 rying out, as appropriate, the State action plan
21 under this subsection.

22 (4) PUBLIC AVAILABILITY.—Each State shall
23 submit a final State plan under this subsection to
24 the Administrator for publication. The Adminis-

1 trator shall make each approved State plan publicly
2 available on an official Internet Web site.

3 (5) CONDITIONS.—The Secretary may condition
4 the awarding of a grant to a State under chapter
5 244 of title 49, United States Code, on that State
6 submitting an acceptable State action plan under
7 this subsection.

8 (6) REVIEW OF ACTION PLANS.—Not later than
9 60 days after the date of receipt of a State action
10 plan under this subsection, the Administrator
11 shall—

12 (A) if the State action plan is approved,
13 notify the State and publish the State action
14 plan under paragraph (4); and

15 (B) if the State action plan is incomplete
16 or deficient, notify the State of the specific
17 areas in which the plan is deficient and allow
18 the State to complete the plan or correct the
19 deficiencies and resubmit the plan under para-
20 graph (1).

21 (7) DEADLINE.—Not later than 60 days after
22 the date of a notice under paragraph (6)(B), a State
23 shall complete the plan or correct the deficiencies
24 and resubmit the plan.

1 (8) FAILURE TO COMPLETE OR CORRECT
2 PLAN.—If a State fails to meet the deadline under
3 paragraph (7), the Administrator shall post on the
4 Web site under paragraph (4) a notice that the
5 State has an incomplete or deficient highway-rail
6 grade crossing action plan.

7 (c) REPORT.—Not later than the date that is 3 years
8 after the Administrator publishes the final rule under sub-
9 section (b)(1), the Administrator shall submit to the Com-
10 mittee on Commerce, Science, and Transportation of the
11 Senate and the Committee on Transportation and Infra-
12 structure of the House of Representatives a report on—

13 (1) the specific strategies identified by States to
14 improve safety at highway-rail grade crossings, in-
15 cluding crossings with multiple accidents or inci-
16 dents; and

17 (2) the progress each State described under
18 subsection (b)(1)(B) has made in implementing its
19 action plan.

20 (d) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The
21 Secretary may use funds made available to carry out sec-
22 tion 130 of title 23, United States Code, to provide States
23 with funds to develop a State highway-rail grade crossing
24 action plan under subsection (b)(1)(A) or to update a
25 State action plan under subsection (b)(1)(B).

1 (e) DEFINITIONS.—In this section:

2 (1) HIGHWAY-RAIL GRADE CROSSING.—The
3 term “highway-rail grade crossing” means a location
4 within a State, other than a location where 1 or
5 more railroad tracks cross 1 or more railroad tracks
6 at grade, where—

7 (A) a public highway, road, or street, or a
8 private roadway, including associated sidewalks
9 and pathways, crosses 1 or more railroad tracks
10 either at grade or grade-separated; or

11 (B) a pathway explicitly authorized by a
12 public authority or a railroad carrier that is
13 dedicated for the use of non-vehicular traffic,
14 including pedestrians, bicyclists, and others,
15 that is not associated with a public highway,
16 road, or street, or a private roadway, crosses 1
17 or more railroad tracks either at grade or
18 grade-separated.

19 (2) STATE.—The term “State” means a State
20 of the United States or the District of Columbia.

21 **SEC. 11402. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

22 (a) IN GENERAL.—The Secretary, in consultation
23 with railroad carriers, shall conduct a study to—

24 (1) determine whether limitations or weak-
25 nesses exist regarding the availability and usefulness

1 for safety purposes of data on private highway-rail
2 grade crossings; and

3 (2) evaluate existing engineering practices on
4 private highway-rail grade crossings.

5 (b) CONTENTS.—In conducting the study under sub-
6 section (a), the Secretary shall make recommendations as
7 necessary to improve—

8 (1) the utility of the data on private highway-
9 rail grade crossings; and

10 (2) the implementation of private highway-rail
11 crossing safety measures, including signage and
12 warning systems.

13 (c) REPORT.—Not later than 3 years after the date
14 of enactment of this Act, the Secretary shall transmit to
15 the Committee on Commerce, Science, and Transportation
16 of the Senate and the Committee on Transportation and
17 Infrastructure of the House of Representatives a report
18 of the findings of the study and any recommendations for
19 further action.

20 **SEC. 11403. STUDY ON USE OF LOCOMOTIVE HORNS AT**
21 **HIGHWAY-RAIL GRADE CROSSINGS.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall submit a report to Congress containing the
24 results of a study evaluating the final rule issued on Au-
25 gust 17, 2006, entitled “Use of Locomotive Horns at

1 Highway-Rail Grade Crossings” (71 Fed. Reg. 47614), in-
2 cluding—

3 (1) the effectiveness of such final rule;

4 (2) the benefits and costs of establishing quiet
5 zones; and

6 (3) any barriers to establishing quiet zones.

7 (b) SAVINGS CLAUSE.—Nothing in this section shall
8 be construed to limit or preclude any planned retrospective
9 review by the Secretary of the final rule described in sub-
10 section (a).

11 **SEC. 11404. POSITIVE TRAIN CONTROL AT GRADE CROSS-**
12 **INGS EFFECTIVENESS STUDY.**

13 After the Secretary certifies that each Class I rail-
14 road carrier and each entity providing regularly scheduled
15 intercity or commuter rail passenger transportation is in
16 compliance with the positive train control requirements
17 under section 20157(a) of title 49, United States Code,
18 the Secretary shall—

19 (1) conduct a study of the possible effectiveness
20 of positive train control and related technologies on
21 reducing collisions at highway-rail grade crossings;
22 and

23 (2) submit a report containing the results of
24 the study conducted under paragraph (1) to the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on Trans-
2 portation and Infrastructure of the House of Rep-
3 resentatives.

4 **SEC. 11405. BRIDGE INSPECTION REPORTS.**

5 Section 417(d) of the Rail Safety Improvement Act
6 of 2008 (49 U.S.C. 20103 note) is amended—

7 (1) by striking “The Secretary” and inserting
8 the following:

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

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

11 “(2) AVAILABILITY OF BRIDGE CONDITION.—

12 “(A) IN GENERAL.—A State or political
13 subdivision of a State may file a request with
14 the Secretary for a public version of a bridge
15 inspection report generated under subsection
16 (b)(5) for a bridge located in such State or po-
17 litical subdivision’s jurisdiction.

18 “(B) PUBLIC VERSION OF REPORT.—If the
19 Secretary determines that the request is reason-
20 able, the Secretary shall require a railroad to
21 submit a public version of the most recent
22 bridge inspection report, such as a summary
23 form, for a bridge subject to a request under
24 subparagraph (A). The public version of a
25 bridge inspection report shall include the date

1 of last inspection, length of bridge, location of
2 bridge, type of bridge, type of structure, feature
3 crossed by bridge, and railroad contact informa-
4 tion, along with a general statement on the con-
5 dition of the bridge.

6 “(C) PROVISION OF REPORT.—The Sec-
7 retary shall provide to a State or political sub-
8 division of a State a public version of a bridge
9 inspection report submitted under subpara-
10 graph (B).

11 “(D) TECHNICAL ASSISTANCE.—The Sec-
12 retary, upon the reasonable request of State or
13 political subdivision of a State, shall provide
14 technical assistance to such State or political
15 subdivision of a State to facilitate the under-
16 standing of a bridge inspection report.”.

17 **SEC. 11406. SPEED LIMIT ACTION PLANS.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this Act, each railroad carrier pro-
20 viding intercity rail passenger transportation or commuter
21 rail passenger transportation, in consultation with any ap-
22 plicable host railroad carrier, shall survey its entire system
23 and identify each main track location where there is a re-
24 duction of more than 20 miles per hour from the approach
25 speed to a curve, bridge, or tunnel and the maximum au-

1 thORIZED operating speed for passenger trains at that
2 curve, bridge, or tunnel.

3 (b) ACTION PLANS.—Not later than 120 days after
4 the date that the survey under subsection (a) is complete,
5 a railroad carrier described in subsection (a) shall submit
6 to the Secretary an action plan that—

7 (1) identifies each main track location where
8 there is a reduction of more than 20 miles per hour
9 from the approach speed to a curve, bridge, or tun-
10 nel and the maximum authorized operating speed for
11 passenger trains at that curve, bridge, or tunnel;

12 (2) describes appropriate actions to enable
13 warning and enforcement of the maximum author-
14 ized speed for passenger trains at each location iden-
15 tified under paragraph (1), including—

16 (A) modification to automatic train control
17 systems, if applicable, or other signal systems;

18 (B) increased crew size;

19 (C) installation of signage alerting train
20 crews of the maximum authorized speed for
21 passenger trains in each location identified
22 under paragraph (1);

23 (D) installation of alerters;

24 (E) increased crew communication; and

25 (F) other practices;

1 (3) contains milestones and target dates for im-
2 plementing each appropriate action described under
3 paragraph (2); and

4 (4) ensures compliance with the maximum au-
5 thorized speed at each location identified under
6 paragraph (1).

7 (c) APPROVAL.—Not later than 90 days after the
8 date on which an action plan is submitted under sub-
9 section (b), the Secretary shall approve, approve with con-
10 ditions, or disapprove the action plan.

11 (d) ALTERNATIVE SAFETY MEASURES.—The Sec-
12 retary may exempt from the requirements of this section
13 each segment of track for which operations are governed
14 by a positive train control system certified under section
15 20157 of title 49, United States Code, or any other safety
16 technology or practice that would achieve an equivalent
17 or greater level of safety in reducing derailment risk.

18 (e) REPORT.—Not later than 6 months after the date
19 of enactment of this Act, the Secretary shall submit to
20 the Committee on Commerce, Science, and Transportation
21 of the Senate and the Committee on Transportation and
22 Infrastructure of the House of Representatives a report
23 that describes—

24 (1) the actions railroad carriers have taken in
25 response to Safety Advisory 2013–08, entitled

1 “Operational Tests and Inspections for Compliance
2 With Maximum Authorized Train Speeds and Other
3 Speed Restrictions”;

4 (2) the actions railroad carriers have taken in
5 response to Safety Advisory 2015–03, entitled
6 “Operational and Signal Modifications for Compli-
7 ance with Maximum Authorized Passenger Train
8 Speeds and Other Speed Restrictions”; and

9 (3) the actions the Federal Railroad Adminis-
10 tration has taken to evaluate or incorporate the in-
11 formation and findings arising from the safety
12 advisories referred to in paragraphs (1) and (2) into
13 the development of regulatory action and oversight
14 activities.

15 (f) SAVINGS CLAUSE.—Nothing in this section shall
16 prohibit the Secretary from applying the requirements of
17 this section to other segments of track at high risk of over-
18 speed derailment.

19 **SEC. 11407. ALERTERS.**

20 (a) IN GENERAL.—The Secretary shall promulgate a
21 rule to require a working alerter in the controlling loco-
22 motive of each passenger train in intercity rail passenger
23 transportation (as defined in section 24102 of title 49,
24 United States Code) or commuter rail passenger transpor-

1 tation (as defined in section 24102 of title 49, United
2 States Code).

3 (b) RULEMAKING.—

4 (1) IN GENERAL.—The Secretary may promul-
5 gate a rule to specify the essential functionalities of
6 a working alerter, including the manner in which the
7 alerter can be reset.

8 (2) ALTERNATE PRACTICE OR TECHNOLOGY.—

9 The Secretary may require or allow a technology or
10 practice in lieu of a working alerter if the Secretary
11 determines that the technology or practice would
12 achieve an equivalent or greater level of safety in en-
13 hancing or ensuring appropriate locomotive control.

14 **SEC. 11408. SIGNAL PROTECTION.**

15 (a) IN GENERAL.—Not later than 18 months after
16 the date of enactment of this Act, the Secretary shall ini-
17 tiate a rulemaking to require that on-track safety regula-
18 tions, whenever practicable and consistent with other safe-
19 ty requirements and operational considerations, include
20 requiring implementation of redundant signal protection
21 for maintenance-of-way work crews who depend on a train
22 dispatcher to provide signal protection.

23 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
24 retary shall consider exempting from any final require-
25 ments of this section each segment of track for which op-

1 erations are governed by a positive train control system
2 certified under section 20157 of title 49, United States
3 Code, or any other safety technology or practice that
4 would achieve an equivalent or greater level of safety in
5 providing additional signal protection.

6 **SEC. 11409. COMMUTER RAIL TRACK INSPECTIONS.**

7 (a) IN GENERAL.—The Secretary shall evaluate track
8 inspection regulations to determine if a railroad carrier
9 providing commuter rail passenger transportation on high
10 density commuter railroad lines should be required to in-
11 spect the lines in the same manner as is required for other
12 commuter railroad lines.

13 (b) RULEMAKING.—Considering safety, including
14 railroad carrier employee and contractor safety, system ca-
15 pacity, and other relevant factors, the Secretary may pro-
16 mulgate a rule for high density commuter railroad lines.
17 If, after the evaluation under subsection (a), the Secretary
18 determines that it is necessary to promulgate a rule, the
19 Secretary shall specifically consider the following regu-
20 latory requirements for high density commuter railroad
21 lines:

22 (1) At least once every 2 weeks—

23 (A) traverse each main line by vehicle; or

24 (B) inspect each main line on foot.

1 (2) At least once each month, traverse and in-
2 spect each siding by vehicle or by foot.

3 (c) REPORT.—If, after the evaluation under sub-
4 section (a), the Secretary determines it is not necessary
5 to revise the regulations under this section, the Secretary,
6 not later than 18 months after the date of enactment of
7 this Act, shall transmit to the Committee on Commerce,
8 Science, and Transportation of the Senate and the Com-
9 mittee on Transportation and Infrastructure of the House
10 of Representatives a report explaining the reasons for not
11 revising the regulations.

12 (d) CONSTRUCTION.—Nothing in this section may be
13 construed to limit the authority of the Secretary to pro-
14 mulgate regulations or issue orders under any other law.

15 **SEC. 11410. POST-ACCIDENT ASSESSMENT.**

16 (a) IN GENERAL.—The Secretary, in cooperation
17 with the National Transportation Safety Board and Am-
18 trak, shall conduct a post-accident assessment of the Am-
19 trak Northeast Regional Train #188 crash on May 12,
20 2015.

21 (b) ELEMENTS.—The assessment conducted pursu-
22 ant to subsection (a) shall include—

23 (1) a review of Amtrak's compliance with the
24 plan for addressing the needs of the families of pas-
25 sengers involved in any rail passenger accident,

1 which was submitted pursuant to section 24316 of
2 title 49, United States Code;

3 (2) a review of Amtrak's compliance with the
4 emergency preparedness plan required under section
5 239.101(a) of title 49, Code of Federal Regulations;

6 (3) a determination of any additional action
7 items that should be included in the plans referred
8 to in paragraphs (1) and (2) to meet the needs of
9 the passengers involved in the crash and their fami-
10 lies, including—

11 (A) notification of emergency contacts;

12 (B) dedicated and trained staff to manage
13 family assistance;

14 (C) the establishment of a family assist-
15 ance center at the accident locale or other ap-
16 propriate location;

17 (D) a system for identifying and recovering
18 items belonging to passengers that were lost in
19 the crash; and

20 (E) the establishment of a single customer
21 service entity within Amtrak to coordinate the
22 response to the needs of the passengers involved
23 in the crash and their families; and

24 (4) recommendations for any additional train-
25 ing needed by Amtrak staff to better implement the

1 plans referred to in paragraphs (1) and (2), includ-
2 ing the establishment of a regular schedule for train-
3 ing drills and exercises.

4 (c) REPORT TO CONGRESS.—Not later than 1 year
5 after the date of enactment of this Act, Amtrak shall sub-
6 mit to the Committee on Commerce, Science, and Trans-
7 portation of the Senate and the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 a report that describes—

10 (1) Amtrak’s plan to achieve the recommenda-
11 tions referred to in subsection (b)(4); and

12 (2) any steps that have been taken to address
13 any deficiencies identified through the assessment.

14 **SEC. 11411. RECORDING DEVICES.**

15 (a) IN GENERAL.—Subchapter II of chapter 201 of
16 title 49, United States Code, is amended by adding at the
17 end the following:

18 **“§ 20168. Installation of audio and image recording**
19 **devices**

20 “(a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of the Passenger Rail Reform and In-
22 vestment Act of 2015, the Secretary of Transportation
23 shall promulgate regulations to require each railroad car-
24 rier that provides regularly scheduled intercity rail pas-
25 senger or commuter rail passenger transportation to the

1 public to install inward- and outward-facing image record-
2 ing devices in all controlling locomotive cabs and cab car
3 operating compartments in such passenger trains.

4 “(b) DEVICE STANDARDS.—Each inward- and out-
5 ward-facing image recording device shall—

6 “(1) have a minimum 12-hour continuous re-
7 cording capability;

8 “(2) have crash and fire protections for any in-
9 cab image recordings that are stored only within a
10 controlling locomotive cab or cab car operating com-
11 partment; and

12 “(3) have recordings accessible for review dur-
13 ing an accident or incident investigation.

14 “(c) REVIEW.—The Secretary shall establish a proc-
15 ess to review and approve or disapprove an inward- or out-
16 ward-facing image recording device for compliance with
17 the standards described in subsection (b).

18 “(d) USES.—A railroad carrier subject to the require-
19 ments of subsection (a) that has installed an inward- or
20 outward-facing image recording device approved under
21 subsection (c) may use recordings from that inward- or
22 outward-facing image recording device for the following
23 purposes:

24 “(1) Verifying that train crew actions are in ac-
25 cordance with applicable safety laws and the railroad

1 carrier's operating rules and procedures, including a
2 system-wide program for such verification.

3 “(2) Assisting in an investigation into the cau-
4 sation of a reportable accident or incident.

5 “(3) Documenting a criminal act or monitoring
6 unauthorized occupancy of the controlling locomotive
7 cab or car operating compartment.

8 “(4) Other purposes that the Secretary con-
9 siders appropriate.

10 “(e) DISCRETION.—

11 “(1) IN GENERAL.—The Secretary may—

12 “(A) require in-cab audio recording devices
13 for the purposes described in subsection (d);
14 and

15 “(B) define in appropriate technical detail
16 the essential features of the devices required
17 under subparagraph (A).

18 “(2) EXEMPTIONS.—The Secretary may exempt
19 any railroad carrier subject to the requirements of
20 subsection (a) or any part of the carrier's operations
21 from the requirements under subsection (a) if the
22 Secretary determines that the carrier has imple-
23 mented an alternative technology or practice that
24 provides an equivalent or greater safety benefit or
25 that is better suited to the risks of the operation.

1 “(f) TAMPERING.—A railroad carrier subject to the
2 requirements of subsection (a) may take appropriate en-
3 forcement or administrative action against any employee
4 that tampers with or disables an audio or inward- or out-
5 ward-facing image recording device installed by the rail-
6 road carrier.

7 “(g) PRESERVATION OF DATA.—Each railroad car-
8 rier subject to the requirements of subsection (a) shall pre-
9 serve recording device data for 1 year after the date of
10 a reportable accident or incident.

11 “(h) INFORMATION PROTECTIONS.—The Secretary
12 may not disclose publicly any part of an in-cab audio or
13 image recording or transcript of oral communications by
14 or among train employees or other operating employees
15 responsible for the movement and direction of the train,
16 or between such operating employees and company com-
17 munication centers, related to an accident or incident in-
18 vestigated by the Secretary. The Secretary may make pub-
19 lic any part of a transcript or any written depiction of
20 visual information that the Secretary determines is rel-
21 evant to the accident at the time a majority of the other
22 factual reports on the accident or incident are released to
23 the public.

1 “(i) PROHIBITED USE.—An in-cab audio or image re-
2 cording obtained by a railroad carrier under this section
3 may not be used to retaliate against an employee.

4 “(j) SAVINGS CLAUSE.—Nothing in this section may
5 be construed as requiring a railroad carrier to cease or
6 restrict operations upon a technical failure of an inward-
7 or outward-facing image recording device or in-cab audio
8 device. Such railroad carrier shall repair or replace the
9 failed inward- or outward-facing image recording device
10 as soon as practicable.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents for subchapter II of chapter 201 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

 “20168. Installation of audio and image recording devices.”.

15 **SEC. 11412. RAILROAD POLICE OFFICERS.**

16 (a) IN GENERAL.—Section 28101 of title 49, United
17 States Code, is amended—

18 (1) by striking “employed by” each place it ap-
19 pears and inserting “directly employed by or con-
20 tracted by”;

21 (2) in subsection (b), by inserting “or agent, as
22 applicable,” after “an employee”; and

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

24 “(c) TRANSFERS.—

1 “(1) IN GENERAL.—If a railroad police officer
2 directly employed by or contracted by a rail carrier
3 and certified or commissioned as a police officer
4 under the laws of a State transfers primary employ-
5 ment or residence from the certifying or commis-
6 sioning State to another State or jurisdiction, the
7 railroad police officer, not later than 1 year after the
8 date of transfer, shall apply to be certified or com-
9 missioned as a police office under the laws of the
10 State of new primary employment or residence.

11 “(2) INTERIM PERIOD.—During the period be-
12 ginning on the date of transfer and ending 1 year
13 after the date of transfer, a railroad police officer di-
14 rectly employed by or contracted by a rail carrier
15 and certified or commissioned as a police officer
16 under the laws of a State may enforce the laws of
17 the new jurisdiction in which the railroad police offi-
18 cer resides, to the same extent as provided in sub-
19 section (a).

20 “(d) TRAINING.—

21 “(1) IN GENERAL.—A State may recognize as
22 meeting that State’s basic police officer certification
23 or commissioning requirements for qualification as a
24 rail police officer under this section any individual
25 who successfully completes a program at a State-rec-

1 ognized police training academy in another State or
2 at a Federal law enforcement training center and
3 who is certified or commissioned as a police officer
4 by that other State.

5 “(2) RULE OF CONSTRUCTION.—Nothing in
6 this subsection shall be construed as superseding or
7 affecting any State training requirements related to
8 criminal law, criminal procedure, motor vehicle code,
9 any other State law, or State-mandated comparative
10 or annual in-service training academy or Federal law
11 enforcement training center.”.

12 (b) REGULATIONS.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall revise
14 the regulations in part 207 of title 49, Code of Federal
15 Regulations (relating to railroad police officers), to permit
16 a railroad to designate an individual, who is commissioned
17 in the individual’s State of legal residence or State of pri-
18 mary employment and directly employed by or contracted
19 by a railroad to enforce State laws for the protection of
20 railroad property, personnel, passengers, and cargo, to
21 serve in the States in which the railroad owns property.

22 (c) CONFORMING AMENDMENTS.—

23 (1) AMTRAK RAIL POLICE.—Section 24305(e)
24 of title 49, United States Code, is amended—

1 (A) by striking “may employ” and insert-
2 ing “may directly employ or contract with”;

3 (B) by striking “employed by” and insert-
4 ing “directly employed by or contracted by”;
5 and

6 (C) by striking “employed without” and in-
7 serting “directly employed or contracted with-
8 out”.

9 (2) EXCEPTIONS.—Section 922(z)(2)(B) of title
10 18, United States Code, is amended by striking
11 “employed by” and inserting “directly employed by
12 or contracted by”.

13 **SEC. 11413. REPAIR AND REPLACEMENT OF DAMAGED**
14 **TRACK INSPECTION EQUIPMENT.**

15 (a) IN GENERAL.—Subchapter I of chapter 201 of
16 title 49, United States Code, is amended by adding at the
17 end the following:

18 **“§ 20121. Repair and replacement of damaged track**
19 **inspection equipment**

20 “The Secretary of Transportation may receive and
21 expend cash, or receive and utilize spare parts and similar
22 items, from non-United States Government sources to re-
23 pair damages to or replace United States Government-
24 owned automated track inspection cars and equipment as
25 a result of third-party liability for such damages, and any

1 amounts collected under this section shall be credited di-
2 rectly to the Railroad Safety and Operations account of
3 the Federal Railroad Administration and shall remain
4 available until expended for the repair, operation, and
5 maintenance of automated track inspection cars and
6 equipment in connection with the automated track inspec-
7 tion program.”.

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents for subchapter I of chapter 201 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

“20121. Repair and replacement of damaged track inspection equipment.”.

12 **SEC. 11414. REPORT ON VERTICAL TRACK DEFLECTION.**

13 (a) REPORT.—Not later than 9 months after the date
14 of enactment of this Act, the Secretary shall transmit to
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on Com-
17 merce, Science, and Transportation of the Senate a report
18 detailing research conducted or procured by the Federal
19 Railroad Administration on developing a system that
20 measures vertical track deflection (in this section referred
21 to as “VTD”) from a moving rail car, including the ability
22 of such system to identify poor track support from fouled
23 ballast, deteriorated cross ties, or other conditions.

24 (b) CONTENTS.—The report required under sub-
25 section (a) shall include—

1 (1) the findings and results of testing of VTD
2 instrumentation during field trials on revenue service
3 track;

4 (2) the findings and results of subsequent test-
5 ing of VTD instrumentation on a Federal Railroad
6 Administration automated track inspection program
7 geometry car;

8 (3) if considered appropriate by the Secretary
9 based on the report and related research, a plan for
10 developing quantitative inspection criteria for poor
11 track support using existing VTD instrumentation
12 on Federal Railroad Administration automated track
13 inspection program geometry cars; and

14 (4) if considered appropriate by the Secretary
15 based on the report and related research, a plan for
16 installing VTD instrumentation on all remaining
17 Federal Railroad Administration automated track
18 inspection program geometry cars not later than 3
19 years after the date of enactment of this Act.

20 **SEC. 11415. RAIL PASSENGER LIABILITY.**

21 (a) AMTRAK INCIDENT.—Notwithstanding any other
22 provision of law, the aggregate allowable awards to all rail
23 passengers, against all defendants, for all claims, includ-
24 ing claims for punitive damages, arising from a single ac-

1 cident or incident involving Amtrak occurring on May 12,
2 2015, shall not exceed \$295,000,000.

3 (b) ADJUSTMENT BASED ON CONSUMER PRICE
4 INDEX.—The liability cap under section 28103(a)(2) of
5 title 49, United States Code, shall be adjusted on the date
6 of enactment of this Act to reflect the change in the Con-
7 sumer Price Index-All Urban Consumers between such
8 date and December 2, 1997, and the Secretary shall pro-
9 vide appropriate public notice of such adjustment. The ad-
10 justment of the liability cap shall be effective 30 days after
11 such notice. Every fifth year after the date of enactment
12 of this Act, the Secretary shall adjust such liability cap
13 to reflect the change in the Consumer Price Index-All
14 Urban Consumers since the last adjustment. The Sec-
15 retary shall provide appropriate public notice of each such
16 adjustment, and the adjustment shall become effective 30
17 days after such notice.

18 **Subtitle E—Project Delivery**

19 **SEC. 11501. SHORT TITLE.**

20 This subtitle may be cited as the “Track, Railroad,
21 and Infrastructure Network Act” or the “TRAIN Act”.

1 **SEC. 11502. TREATMENT OF IMPROVEMENTS TO RAIL AND**
2 **TRANSIT UNDER PRESERVATION REQUIRE-**
3 **MENTS.**

4 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
5 United States Code, is further amended by adding at the
6 end the following:

7 “(f) RAIL AND TRANSIT.—

8 “(1) IN GENERAL.—Improvements to, or the
9 maintenance, rehabilitation, or operation of, railroad
10 or rail transit lines or elements thereof that are in
11 use or were historically used for the transportation
12 of goods or passengers shall not be considered a use
13 of a historic site under subsection (a), regardless of
14 whether the railroad or rail transit line or element
15 thereof is listed on, or eligible for listing on, the Na-
16 tional Register of Historic Places.

17 “(2) EXCEPTIONS.—

18 “(A) IN GENERAL.—Paragraph (1) shall
19 not apply to—

20 “(i) stations; or

21 “(ii) bridges or tunnels located on—

22 “(I) railroad lines that have been
23 abandoned; or

24 “(II) transit lines that are not in
25 use.

1 “(B) CLARIFICATION WITH RESPECT TO
2 CERTAIN BRIDGES AND TUNNELS.—The bridges
3 and tunnels referred to in subparagraph (A)(ii)
4 do not include bridges or tunnels located on
5 railroad or transit lines—

6 “(i) over which service has been dis-
7 continued; or

8 “(ii) that have been railbanked or oth-
9 erwise reserved for the transportation of
10 goods or passengers.”.

11 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
12 United States Code, is further amended—

13 (1) in subsection (e), in the matter preceding
14 paragraph (1), by striking “subsection (d)” and in-
15 serting “subsections (d) and (h)”; and

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

17 “(h) RAIL AND TRANSIT.—

18 “(1) IN GENERAL.—Improvements to, or the
19 maintenance, rehabilitation, or operation of, railroad
20 or rail transit lines or elements thereof that are in
21 use or were historically used for the transportation
22 of goods or passengers shall not be considered a use
23 of a historic site under subsection (e), regardless of
24 whether the railroad or rail transit line or element

1 thereof is listed on, or eligible for listing on, the Na-
2 tional Register of Historic Places.

3 “(2) EXCEPTIONS.—

4 “(A) IN GENERAL.—Paragraph (1) shall
5 not apply to—

6 “(i) stations; or

7 “(ii) bridges or tunnels located on—

8 “(I) railroad lines that have been
9 abandoned; or

10 “(II) transit lines that are not in
11 use.

12 “(B) CLARIFICATION WITH RESPECT TO
13 CERTAIN BRIDGES AND TUNNELS.—The bridges
14 and tunnels referred to in subparagraph (A)(ii)
15 do not include bridges or tunnels located on
16 railroad or transit lines—

17 “(i) over which service has been dis-
18 continued; or

19 “(ii) that have been railbanked or oth-
20 erwise reserved for the transportation of
21 goods or passengers.”.

22 **SEC. 11503. EFFICIENT ENVIRONMENTAL REVIEWS.**

23 (a) AMENDMENT.—Title 49, United States Code, is
24 amended by inserting after chapter 241 the following new
25 chapter:

1 **“CHAPTER 242—PROJECT DELIVERY**

“Sec.

“24201. Efficient environmental reviews.

2 **“§ 24201. Efficient environmental reviews**

3 “(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall apply the project development proce-
6 dures, to the greatest extent feasible, described in
7 section 139 of title 23 to any railroad project that
8 requires the approval of the Secretary under the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.).

11 “(2) REGULATIONS AND PROCEDURES.—In car-
12 rying out paragraph (1), the Secretary shall incor-
13 porate into agency regulations and procedures per-
14 taining to railroad projects described in paragraph
15 (1) aspects of such project development procedures,
16 or portions thereof, determined appropriate by the
17 Secretary in a manner consistent with this section,
18 that increase the efficiency of the review of railroad
19 projects.

20 “(3) DISCRETION.—The Secretary may choose
21 not to incorporate into agency regulations and proce-
22 dures pertaining to railroad projects described in
23 paragraph (1) such project development procedures
24 that could only feasibly apply to highway projects,

1 public transportation capital projects, and
2 multimodal projects.

3 “(4) APPLICABILITY.—Subsection (l) of section
4 139 of title 23 shall apply to railroad projects de-
5 scribed in paragraph (1), except that the limitation
6 on claims of 150 days shall be 2 years.

7 “(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—Not
8 later than 6 months after the date of enactment of the
9 Passenger Rail Reform and Investment Act of 2015, the
10 Secretary shall—

11 “(1) survey the use by the Federal Railroad
12 Administration of categorical exclusions in transpor-
13 tation projects since 2005; and

14 “(2) publish in the Federal Register for notice
15 and public comment a review of the survey that in-
16 cludes a description of—

17 “(A) the types of actions categorically ex-
18 cluded; and

19 “(B) any actions the Secretary is consid-
20 ering for new categorical exclusions, including
21 those that would conform to those of other
22 modal administrations.

23 “(c) NEW CATEGORICAL EXCLUSIONS.—Not later
24 than 1 year after the date of enactment of the Passenger
25 Rail Reform and Investment Act of 2015, the Secretary

1 shall publish a notice of proposed rulemaking to propose
2 new and existing categorical exclusions for railroad
3 projects that require the approval of the Secretary under
4 the National Environmental Policy Act of 1969 (42 U.S.C.
5 4321 et seq.), including those identified under subsection
6 (b), and develop a process for considering new categorical
7 exclusions to the extent that the categorical exclusions
8 meet the criteria for a categorical exclusion under section
9 1508.4 of title 40, Code of Federal Regulations.

10 “(d) TRANSPARENCY.—The Secretary shall maintain
11 and make publicly available, including on the Internet, a
12 database that identifies project-specific information on the
13 use of a categorical exclusion on any railroad project car-
14 ried out under this title.

15 “(e) PROTECTIONS FOR EXISTING AGREEMENTS AND
16 NEPA.—Nothing in subtitle E of the Passenger Rail Re-
17 form and Investment Act of 2015, or any amendment
18 made by such subtitle, shall affect any existing environ-
19 mental review process, program, agreement, or funding ar-
20 rangement approved by the Secretary under title 49, as
21 that title was in effect on the day preceding the date of
22 enactment of such subtitle.”.

23 (b) SAVINGS CLAUSE.—Except as expressly provided
24 in section 41003(f) and subsection (o) of section 139 of

1 title 23, United States Code, the requirements and other
2 provisions of title 41 of this Act shall not apply to—

3 (1) programs administered now and in the fu-
4 ture by the Department of Transportation or its op-
5 erating administrations under title 23, 46, or 49,
6 United States Code, including direct loan and loan
7 guarantee programs, or other Federal statutes or
8 programs or projects administered by an agency
9 pursuant to their authority under title 49, United
10 States Code; or

11 (2) any project subject to section 2045 of the
12 Water Resources Development Act of 2007 (33
13 U.S.C. 2348).

14 (c) TABLE OF CHAPTERS AMENDMENT.—The table
15 of chapters of subtitle V of title 49, United States Code,
16 is amended by inserting after the item relating to chapter
17 241 the following:

“242. Project delivery 24201”.

18 **SEC. 11504. RAILROAD RIGHTS-OF-WAY.**

19 (a) AMENDMENT.—Chapter 242 of title 49, United
20 States Code, (as added by this Act) is amended by adding
21 at the end the following:

22 **“§ 24202. Railroad rights-of-way**

23 “(a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of the Passenger Rail Reform and In-
25 vestment Act of 2015, the Secretary shall submit a pro-

1 posed exemption of railroad rights-of-way from the review
2 under section 306108 of title 54 to the Advisory Council
3 on Historic Preservation for consideration, consistent with
4 the exemption for interstate highways approved on March
5 10, 2005 (70 Fed. Reg. 11,928).

6 “(b) FINAL EXEMPTION.—Not later than 180 days
7 after the date on which the Secretary submits the pro-
8 posed exemption under subsection (a) to the Council, the
9 Council shall issue a final exemption of railroad rights-
10 of-way from review under chapter 3061 of title 54 con-
11 sistent with the exemption for interstate highways ap-
12 proved on March 10, 2005 (70 Fed. Reg. 11,928).”.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents for chapter 242 of title 49, United States Code, (as
15 added by this Act) is amended by adding at the end the
16 following:

“24202. Railroad rights-of-way.”.

17 **Subtitle F—Financing**

18 **SEC. 11601. SHORT TITLE; REFERENCES.**

19 (a) SHORT TITLE.—This subtitle may be cited as the
20 “Railroad Infrastructure Financing Improvement Act”.

21 (b) REFERENCES TO THE RAILROAD REVITALIZA-
22 TION AND REGULATORY REFORM ACT OF 1976.—Except
23 as otherwise expressly provided, wherever in this subtitle
24 an amendment or repeal is expressed in terms of an
25 amendment to, or repeal of, a section or other provision,

1 the reference shall be considered to be made to a section
2 or other provision of the Railroad Revitalization and Regu-
3 latory Reform Act of 1976 (45 U.S.C. 801 et seq.).

4 **SEC. 11602. DEFINITIONS.**

5 Section 501 (45 U.S.C. 821) is amended—

6 (1) by redesignating paragraph (8) as para-
7 graph (10);

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

10 (3) by inserting after paragraph (5) the fol-
11 lowing:

12 “(6) The term ‘investment-grade rating’ means
13 a rating of BBB minus, Baa 3, bbb minus,
14 BBB(low), or higher assigned by a rating agency.”;

15 (4) by inserting after paragraph (8), as redesi-
16 gnated, the following:

17 “(9) The term ‘master credit agreement’ means
18 an agreement to make 1 or more direct loans or loan
19 guarantees at future dates for a program of related
20 projects on terms acceptable to the Secretary.”; and

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

22 “(11) The term ‘project obligation’ means a
23 note, bond, debenture, or other debt obligation
24 issued by a borrower in connection with the financ-

1 ing of a project, other than a direct loan or loan
2 guarantee under this title.

3 “(12) The term ‘railroad’ has the meaning
4 given the term ‘railroad carrier’ in section 20102 of
5 title 49, United States Code.

6 “(13) The term ‘rating agency’ means a credit
7 rating agency registered with the Securities and Ex-
8 change Commission as a nationally recognized statis-
9 tical rating organization (as defined in section 3(a)
10 of the Securities Exchange Act of 1934 (15 U.S.C.
11 78c(a))).

12 “(14) The term ‘substantial completion’
13 means—

14 “(A) the opening of a project to passenger
15 or freight traffic; or

16 “(B) a comparable event, as determined by
17 the Secretary and specified in the terms of the
18 direct loan or loan guarantee provided by the
19 Secretary.”.

20 **SEC. 11603. ELIGIBLE APPLICANTS.**

21 Section 502(a) (45 U.S.C. 822(a)) is amended—

22 (1) in paragraph (5), by striking “one railroad”
23 and inserting “1 of the entities described in para-
24 graph (1), (2), (3), (4), or (6)”; and

1 (2) by amending paragraph (6) to read as fol-
2 lows:

3 “(6) solely for the purpose of constructing a
4 rail connection between a plant or facility and a rail-
5 road, limited option freight shippers that own or op-
6 erate a plant or other facility.”.

7 **SEC. 11604. ELIGIBLE PURPOSES.**

8 (a) IN GENERAL.—Section 502(b)(1) (45 U.S.C.
9 822(b)(1)) is amended—

10 (1) in subparagraph (A), by inserting “, and
11 costs related to these activities, including pre-con-
12 struction costs” after “shops”;

13 (2) in subparagraph (B), by striking “subpara-
14 graph (A); or” and inserting “subparagraph (A) or
15 (C);”;

16 (3) in subparagraph (C), by striking the period
17 at the end and inserting a semicolon; and

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

19 “(D) reimburse planning and design ex-
20 penses relating to activities described in sub-
21 paragraph (A) or (C); or

22 “(E) finance economic development, in-
23 cluding commercial and residential development,
24 and related infrastructure and activities, that—

25 “(i) incorporates private investment;

1 “(ii) is physically or functionally re-
2 lated to a passenger rail station or
3 multimodal station that includes rail serv-
4 ice;

5 “(iii) has a high probability of the ap-
6 plicant commencing the contracting proc-
7 ess for construction not later than 90 days
8 after the date on which the direct loan or
9 loan guarantee is obligated for the project
10 under this title; and

11 “(iv) has a high probability of reduc-
12 ing the need for financial assistance under
13 any other Federal program for the relevant
14 passenger rail station or service by increas-
15 ing ridership, tenant lease payments, or
16 other activities that generate revenue ex-
17 ceeding costs.”.

18 (b) REQUIRED NON-FEDERAL MATCH FOR TRANSIT-
19 ORIENTED DEVELOPMENT PROJECTS.—Section 502(h)
20 (45 U.S.C. 822(h)) is amended by adding at the end the
21 following:

22 “(4) The Secretary shall require each recipient of a
23 direct loan or loan guarantee under this section for a
24 project described in subsection (b)(1)(E) to provide a non-

1 Federal match of not less than 25 percent of the total
2 amount expended by the recipient for such project.”.

3 (c) SUNSET.—Section 502(b) (45 U.S.C. 822(b)) is
4 amended by adding at the end the following:

5 “(3) SUNSET.—The Secretary may provide a
6 direct loan or loan guarantee under this section for
7 a project described in paragraph (1)(E) only during
8 the 4-year period beginning on the date of enact-
9 ment of the Passenger Rail Reform and Investment
10 Act of 2015.”.

11 **SEC. 11605. PROGRAM ADMINISTRATION.**

12 (a) APPLICATION PROCESSING PROCEDURES.—Sec-
13 tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-
14 lows:

15 “(i) APPLICATION PROCESSING PROCEDURES.—

16 “(1) APPLICATION STATUS NOTICES.—Not later
17 than 30 days after the date that the Secretary re-
18 ceives an application under this section, or addi-
19 tional information and material under paragraph
20 (2)(B), the Secretary shall provide the applicant
21 written notice as to whether the application is com-
22 plete or incomplete.

23 “(2) INCOMPLETE APPLICATIONS.—If the Sec-
24 retary determines that an application is incomplete,
25 the Secretary shall—

1 “(A) provide the applicant with a descrip-
2 tion of all of the specific information or mate-
3 rial that is needed to complete the application,
4 including any information required by an inde-
5 pendent financial analyst; and

6 “(B) allow the applicant to resubmit the
7 application with the information and material
8 described under subparagraph (A) to complete
9 the application.

10 “(3) APPLICATION APPROVALS AND DIS-
11 APPROVALS.—

12 “(A) IN GENERAL.—Not later than 60
13 days after the date the Secretary notifies an ap-
14 plicant that an application is complete under
15 paragraph (1), the Secretary shall provide the
16 applicant written notice as to whether the Sec-
17 retary has approved or disapproved the applica-
18 tion.

19 “(B) ACTIONS BY THE OFFICE OF MAN-
20 AGEMENT AND BUDGET.—In order to enable
21 compliance with the time limit under subpara-
22 graph (A), the Office of Management and
23 Budget shall take any action required with re-
24 spect to the application within that 60-day pe-
25 riod.

1 “(4) EXPEDITED PROCESSING.—The Secretary
2 shall implement procedures and measures to econo-
3 mize the time and cost involved in obtaining an ap-
4 proval or a disapproval of an application for a direct
5 loan or loan guarantee under this title.

6 “(5) DASHBOARD.—The Secretary shall post on
7 the Department of Transportation’s Internet Web
8 site a monthly report that includes, for each applica-
9 tion—

10 “(A) the applicant type;

11 “(B) the location of the project;

12 “(C) a brief description of the project, in-
13 cluding its purpose;

14 “(D) the requested direct loan or loan
15 guarantee amount;

16 “(E) the date on which the Secretary pro-
17 vided application status notice under paragraph
18 (1); and

19 “(F) the date that the Secretary provided
20 notice of approval or disapproval under para-
21 graph (3).”.

22 (b) ADMINISTRATION OF DIRECT LOANS AND LOAN
23 GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-
24 ed—

1 (1) in subsection (a) by striking the period at
2 the end and inserting “, including a program guide,
3 a standard term sheet, and specific timetables.”;

4 (2) by redesignating subsections (c) through (l)
5 as subsections (d) through (m), respectively;

6 (3) by striking “(b) ASSIGNMENT OF LOAN
7 GUARANTEES.—” and inserting “(c) ASSIGNMENT
8 OF LOAN GUARANTEES.—”;

9 (4) in subsection (d), as so redesignated—

10 (A) in paragraph (1) by striking “; and”
11 and inserting a semicolon;

12 (B) in paragraph (2) by striking the period
13 at the end and inserting “; and”; and

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

15 “(3) the modification cost has been covered
16 under section 502(f).”; and

17 (5) by striking subsection (l), as so redesign-
18 dated, and inserting the following:

19 “(l) CHARGES AND LOAN SERVICING.—

20 “(1) PURPOSES.—The Secretary may collect
21 from each applicant, obligor, or loan party a reason-
22 able charge for—

23 “(A) the cost of evaluating the application,
24 amendments, modifications, and waivers, in-
25 cluding for evaluating project viability, appli-

1 cant creditworthiness, and the appraisal of the
2 value of the equipment or facilities for which
3 the direct loan or loan guarantee is sought, and
4 for making necessary determinations and find-
5 ings;

6 “(B) the cost of award management and
7 project management oversight;

8 “(C) the cost of services from expert firms,
9 including counsel, and independent financial ad-
10 visors to assist in the underwriting, auditing,
11 servicing, and exercise of rights with respect to
12 direct loans and loan guarantees; and

13 “(D) the cost of all other expenses in-
14 curred as a result of a breach of any term or
15 condition or any event of default on a direct
16 loan or loan guarantee.

17 “(2) STANDARDS.—The Secretary may charge
18 different amounts under this subsection based on the
19 different costs incurred under paragraph (1).

20 “(3) SERVICER.—

21 “(A) IN GENERAL.—The Secretary may
22 appoint a financial entity to assist the Secretary
23 in servicing a direct loan or loan guarantee
24 under this title.

1 “(B) DUTIES.—A servicer appointed under
2 subparagraph (A) shall act as the agent of the
3 Secretary in serving a direct loan or loan guar-
4 antee under this title.

5 “(C) FEES.—A servicer appointed under
6 subparagraph (A) shall receive a servicing fee
7 from the obligor or other loan party, subject to
8 approval by the Secretary.

9 “(4) SAFETY AND OPERATIONS ACCOUNT.—
10 Amounts collected under this subsection shall—

11 “(A) be credited directly to the Safety and
12 Operations account of the Federal Railroad Ad-
13 ministration; and

14 “(B) remain available until expended to
15 pay for the costs described in this subsection.”.

16 **SEC. 11606. LOAN TERMS AND REPAYMENT.**

17 (a) PREREQUISITES FOR ASSISTANCE.—Section
18 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking
19 “35 years from the date of its execution” and inserting
20 the following: “the lesser of—

21 “(A) 35 years after the date of substantial
22 completion of the project; or

23 “(B) the estimated useful life of the rail
24 equipment or facilities to be acquired, rehabili-
25 tated, improved, developed, or established”.

1 (b) REPAYMENT SCHEDULES.—Section 502(j) (45
2 U.S.C. 822(j)) is amended—

3 (1) in paragraph (1) by striking “the sixth an-
4 niversary date of the original loan disbursement”
5 and inserting “5 years after the date of substantial
6 completion”; and

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

8 “(3) DEFERRED PAYMENTS.—

9 “(A) IN GENERAL.—If at any time after
10 the date of substantial completion the obligor is
11 unable to pay the scheduled loan repayments of
12 principal and interest on a direct loan provided
13 under this section, the Secretary, subject to
14 subparagraph (B), may allow, for a maximum
15 aggregate time of 1 year over the duration of
16 the direct loan, the obligor to add unpaid prin-
17 cipal and interest to the outstanding balance of
18 the direct loan.

19 “(B) INTEREST.—A payment deferred
20 under subparagraph (A) shall—

21 “(i) continue to accrue interest under
22 paragraph (2) until the loan is fully repaid;
23 and

24 “(ii) be scheduled to be amortized
25 over the remaining term of the loan.

1 “(4) PREPAYMENTS.—

2 “(A) USE OF EXCESS REVENUES.—With
3 respect to a direct loan provided by the Sec-
4 retary under this section, any excess revenues
5 that remain after satisfying scheduled debt
6 service requirements on the project obligations
7 and direct loan and all deposit requirements
8 under the terms of any trust agreement, bond
9 resolution, or similar agreement securing
10 project obligations may be applied annually to
11 prepay the direct loan without penalty.

12 “(B) USE OF PROCEEDS OF REFI-
13 NANCING.—The direct loan may be prepaid at
14 any time without penalty from the proceeds of
15 refinancing from non-Federal funding
16 sources.”.

17 (c) SALE OF DIRECT LOANS.—Section 502 (45
18 U.S.C. 822) is amended by adding at the end the fol-
19 lowing:

20 “(k) SALE OF DIRECT LOANS.—

21 “(1) IN GENERAL.—Subject to paragraph (2)
22 and as soon as practicable after substantial comple-
23 tion of a project, the Secretary, after notifying the
24 obligor, may sell to another entity or reoffer into the
25 capital markets a direct loan for the project if the

1 Secretary determines that the sale or reoffering has
2 a high probability of being made on favorable terms.

3 “(2) CONSENT OF OBLIGOR.—In making a sale
4 or reoffering under paragraph (1), the Secretary
5 may not change the original terms and conditions of
6 the secured loan without the prior written consent of
7 the obligor.”.

8 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.
9 822) is further amended by adding at the end the fol-
10 lowing:

11 “(1) NONSUBORDINATION.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), a direct loan provided by the Secretary
14 under this section shall not be subordinated to the
15 claims of any holder of project obligations in the
16 event of bankruptcy, insolvency, or liquidation of the
17 obligor.

18 “(2) PREEXISTING INDENTURES.—

19 “(A) IN GENERAL.—The Secretary may
20 waive the requirement under paragraph (1) for
21 a public agency borrower that is financing on-
22 going capital programs and has outstanding
23 senior bonds under a preexisting indenture if—

24 “(i) the direct loan is rated in the A
25 category or higher;

1 “(ii) the direct loan is secured and
2 payable from pledged revenues not affected
3 by project performance, such as a tax-
4 based revenue pledge or a system-backed
5 pledge of project revenues; and

6 “(iii) the program share, under this
7 title, of eligible project costs is 50 percent
8 or less.

9 “(B) LIMITATION.—The Secretary may
10 impose limitations for the waiver of the non-
11 subordination requirement under this para-
12 graph if the Secretary determines that such
13 limitations would be in the financial interest of
14 the Federal Government.”.

15 **SEC. 11607. CREDIT RISK PREMIUMS.**

16 (a) INFRASTRUCTURE PARTNERS.—Section 502(f)
17 (45 U.S.C. 822(f)) is amended—

18 (1) in paragraph (1) by striking the first sen-
19 tence and inserting the following: “In lieu of or in
20 combination with appropriations of budget authority
21 to cover the costs of direct loans and loan guaran-
22 tees as required under section 504(b)(1) of the Fed-
23 eral Credit Reform Act of 1990 (2 U.S.C.
24 661c(b)(1)), including the cost of a modification
25 thereof, the Secretary may accept on behalf of an

1 applicant for assistance under this section a commit-
2 ment from a non-Federal source, including a State
3 or local government or agency or public benefit cor-
4 poration or public authority thereof, to fund in
5 whole or in part credit risk premiums and modifica-
6 tion costs with respect to the loan that is the subject
7 of the application or modification.”;

8 (2) in paragraph (2)—

9 (A) in subparagraph (D), by adding “and”
10 after the semicolon;

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

12 (C) by redesignating subparagraph (F) as
13 subparagraph (E);

14 (3) by striking paragraph (4);

15 (4) by redesignating paragraph (3) as para-
16 graph (4);

17 (5) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) CREDITWORTHINESS.—An applicant may
20 propose and the Secretary shall accept as a basis for
21 determining the amount of the credit risk premium
22 under paragraph (2) any of the following in addition
23 to the value of any tangible asset:

24 “(A) The net present value of a future
25 stream of State or local subsidy income or other

1 dedicated revenues to secure the direct loan or
2 loan guarantee.

3 “(B) Adequate coverage requirements to
4 ensure repayment, on a non-recourse basis,
5 from cash flows generated by the project or any
6 other dedicated revenue source, including—

7 “(i) tolls;

8 “(ii) user fees; or

9 “(iii) payments owing to the obligor
10 under a public-private partnership.

11 “(C) An investment-grade rating on the di-
12 rect loan or loan guarantee, as applicable, ex-
13 cept that if the total amount of the direct loan
14 or loan guarantee is greater than \$75,000,000,
15 the applicant shall have an investment-grade
16 rating from at least 2 rating agencies on the di-
17 rect loan or loan guarantee.”; and

18 (6) in paragraph (4), as redesignated, by strik-
19 ing “amounts” and inserting “amounts (and in the
20 case of a modification, before the modification is ex-
21 ecuted), to the extent appropriations are not avail-
22 able to the Secretary to meet the costs of direct
23 loans and loan guarantees, including costs of modi-
24 fications thereof”.

1 (b) SAVINGS CLAUSE.—All provisions under sections
2 502 through 504 of the Railroad Revitalization and Regu-
3 latory Reform Act of 1976 (45 U.S.C. 801 et seq.) as they
4 existed on the day before enactment of this Act shall apply
5 to direct loans provided by the Secretary prior to the date
6 of enactment of this Act, and nothing in this title may
7 be construed to limit the payback of a credit risk premium,
8 with interest accrued thereon, if a direct loan provided by
9 the Secretary under such sections has been paid back in
10 full, prior to the date of enactment of this Act.

11 **SEC. 11608. MASTER CREDIT AGREEMENTS.**

12 Section 502 (45 U.S.C. 822) is further amended by
13 adding at the end the following:

14 “(m) MASTER CREDIT AGREEMENTS.—

15 “(1) IN GENERAL.—Subject to subsection (d)
16 and paragraph (2) of this subsection, the Secretary
17 may enter into a master credit agreement that is
18 contingent on all of the conditions for the provision
19 of a direct loan or loan guarantee, as applicable,
20 under this title and other applicable requirements
21 being satisfied prior to the issuance of the direct
22 loan or loan guarantee.

23 “(2) CONDITIONS.—Each master credit agree-
24 ment shall—

1 “(A) establish the maximum amount and
2 general terms and conditions of each applicable
3 direct loan or loan guarantee;

4 “(B) identify 1 or more dedicated non-
5 Federal revenue sources that will secure the re-
6 payment of each applicable direct loan or loan
7 guarantee;

8 “(C) provide for the obligation of funds for
9 the direct loans or loan guarantees contingent
10 on and after all requirements have been met for
11 the projects subject to the master credit agree-
12 ment; and

13 “(D) provide 1 or more dates, as deter-
14 mined by the Secretary, before which the mas-
15 ter credit agreement results in each of the di-
16 rect loans or loan guarantees or in the release
17 of the master credit agreement.”.

18 **SEC. 11609. PRIORITIES AND CONDITIONS.**

19 (a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C.
20 822(c)) is amended—

21 (1) in paragraph (1), by inserting “, including
22 projects for the installation of a positive train con-
23 trol system (as defined in section 20157(i) of title
24 49, United States Code)” after “public safety”;

1 (2) by moving paragraph (3) to appear before
2 paragraph (2), and redesignating those paragraphs
3 accordingly;

4 (3) in paragraph (5), by inserting “or chapter
5 227 of title 49” after “section 135 of title 23”;

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

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

10 “(6) improve railroad stations and passenger
11 facilities and increase transit-oriented develop-
12 ment;”.

13 (b) **CONDITIONS OF ASSISTANCE.**—Section 502(h)(2)
14 (45 U.S.C. 822(h)(2)) is amended by inserting “, if appli-
15 cable” after “project”.

16 **SEC. 11610. SAVINGS PROVISIONS.**

17 (a) **IN GENERAL.**—Except as provided in subsection
18 (b) and section 11607(b), this subtitle, and the amend-
19 ments made by this subtitle, shall not affect any direct
20 loan (or direct loan obligation) or an outstanding loan
21 guarantee (or loan guarantee commitment) that was in ef-
22 fect prior to the date of enactment of this Act. Any such
23 transaction entered into before the date of enactment of
24 this Act shall be administered until completion under its
25 terms as if this Act were not enacted.

1 (b) MODIFICATION COSTS.—At the discretion of the
2 Secretary, the authority to accept modification costs on
3 behalf of an applicant under section 502(f) of the Railroad
4 Revitalization and Regulatory Reform Act of 1976 (45
5 U.S.C. 822(f)), as amended by section 11607 of this Act,
6 may apply with respect to any direct loan (or direct loan
7 obligation) or an outstanding loan guarantee (or loan
8 guarantee commitment) that was in effect prior to the
9 date of enactment of this Act.

10 **SEC. 11611. REPORT ON LEVERAGING RRIF.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall transmit to the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives and the Committee on Commerce, Science,
16 and Transportation of the Senate a report that analyzes
17 how the Railroad Rehabilitation and Improvement Finance-
18 ing Program can be used to improve passenger rail infra-
19 structure.

20 (b) REPORT CONTENTS.—The report required under
21 subsection (a) shall include—

22 (1) illustrative examples of projects that could
23 be financed under such Program;

1 (2) potential repayment sources for such
2 projects, including tax-increment financing, user
3 fees, tolls, and other dedicated revenue sources; and

4 (3) estimated costs and benefits of using the
5 Program relative to other options, including a com-
6 parison of the length of time such projects would
7 likely be completed without Federal credit assist-
8 ance.

9 **DIVISION B—COMPREHENSIVE**
10 **TRANSPORTATION AND CON-**
11 **SUMER PROTECTION ACT OF**
12 **2015**

13 **TITLE XXIV—MOTOR VEHICLE**
14 **SAFETY**

15 **Subtitle A—Vehicle Safety**

16 **SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Subject to subsection (b), there
18 is authorized to be appropriated to the Secretary to carry
19 out chapter 301 of title 49, and part C of subtitle VI of
20 title 49, United States Code, amounts as follows:

21 (1) \$132,730,000 for fiscal year 2016.

22 (2) \$135,517,330 for fiscal year 2017.

23 (3) \$138,363,194 for fiscal year 2018.

24 (4) \$141,268,821 for fiscal year 2019.

25 (5) \$144,235,466 for fiscal year 2020.

1 (b) ADDITIONAL AUTHORIZATION OF APPROPRIA-
2 TIONS IF A CERTIFICATION IS MADE.—

3 (1) IN GENERAL.—In addition to the amounts
4 authorized to be appropriated under subsection (a)
5 to carry out chapter 301 of title 49, and part C of
6 subtitle VI of title 49, United States Code, if the
7 certification described in paragraph (2) is made dur-
8 ing a fiscal year there is authorized to be appro-
9 priated to the Secretary for that purpose for that
10 fiscal year and subsequent fiscal years an additional
11 amount as follows:

12 (A) \$46,270,000 for fiscal year 2016.

13 (B) \$51,537,670 for fiscal year 2017.

14 (C) \$57,296,336 for fiscal year 2018.

15 (D) \$62,999,728 for fiscal year 2019.

16 (E) \$69,837,974 for fiscal year 2020.

17 (2) CERTIFICATION DESCRIBED.—The certifi-
18 cation described in this paragraph is a certification
19 made by the Secretary and submitted to Congress
20 that the National Highway Traffic Safety Adminis-
21 tration has implemented all of the recommendations
22 in the Office of Inspector General Audit Report
23 issued June 18, 2015 (ST-2015-063). As part of
24 the certification, the Secretary shall review the ac-
25 tions the National Highway Traffic Safety Adminis-

1 tration has taken to implement the recommendations
2 and issue a report to Congress detailing how the rec-
3 ommendations were implemented. The Secretary
4 shall not delegate or assign the responsibility under
5 this paragraph.

6 **SEC. 24102. INSPECTOR GENERAL RECOMMENDATIONS.**

7 (a) **IN GENERAL.**—Not later than 90 days after the
8 date of enactment of this Act, and periodically thereafter
9 until the completion date, the Department of Transpor-
10 tation Inspector General shall report to the appropriate
11 committees of Congress on whether and what progress has
12 been made to implement the recommendations in the Of-
13 fice of Inspector General Audit Report issued June 18,
14 2015 (ST–2015–063).

15 (b) **IMPLEMENTATION PROGRESS.**—The Adminis-
16 trator of the National Highway Traffic Safety Administra-
17 tion shall—

18 (1) not later than 90 days after the date of en-
19 actment of this Act, and periodically thereafter until
20 the completion date, provide a briefing to the appro-
21 priate committees of Congress on the actions the
22 Administrator has taken to implement the rec-
23 ommendations in the audit report described in sub-
24 section (a), including a plan for implementing any
25 remaining recommendations; and

1 (2) not later than 1 year after the date of en-
2 actment of this Act, issue a final report to the ap-
3 propriate committees of Congress on the implemen-
4 tation of all of the recommendations in the audit re-
5 port described in subsection (a).

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE COMMITTEES OF CON-
8 GRESS.—The term “appropriate committees of Con-
9 gress” means the Committee on Commerce, Science,
10 and Transportation of the Senate and the Com-
11 mittee on Energy and Commerce of the House of
12 Representatives.

13 (2) COMPLETION DATE.—The term “completion
14 date” means the date that the National Highway
15 Traffic Safety Administration has implemented all of
16 the recommendations in the Office of Inspector Gen-
17 eral Audit Report issued June 18, 2015 (ST-2015-
18 063).

19 **SEC. 24103. IMPROVEMENTS IN AVAILABILITY OF RECALL**
20 **INFORMATION.**

21 (a) VEHICLE RECALL INFORMATION.—Not later
22 than 2 years after the date of enactment of this Act, the
23 Secretary shall implement current information technology,
24 web design trends, and best practices that will help ensure
25 that motor vehicle safety recall information available to

1 the public on the Federal website is readily accessible and
2 easy to use, including—

3 (1) by improving the organization, availability,
4 readability, and functionality of the website;

5 (2) by accommodating high-traffic volume; and

6 (3) by establishing best practices for scheduling
7 routine website maintenance.

8 (b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC
9 AWARENESS REPORT.—

10 (1) IN GENERAL.—The Comptroller General
11 shall study the current use by consumers, dealers,
12 and manufacturers of the safety recall information
13 made available to the public, including the usability
14 and content of the Federal and manufacturers'
15 websites and the National Highway Traffic Safety
16 Administration's efforts to publicize and educate
17 consumers about safety recall information.

18 (2) REPORT.—Not later than 2 years after the
19 date of enactment of this Act, the Comptroller Gen-
20 eral shall issue a report with the findings of the
21 study under paragraph (1), including recommending
22 any actions the Secretary can take to improve public
23 awareness and use of the websites for safety recall
24 information.

1 (c) PROMOTION OF PUBLIC AWARENESS.—Section
2 31301(c) of the Moving Ahead for Progress in the 21st
3 Century Act (49 U.S.C. 30166 note) is amended to read
4 as follows:

5 “(c) PROMOTION OF PUBLIC AWARENESS.—The Sec-
6 retary shall improve public awareness of safety recall in-
7 formation made publicly available by periodically updating
8 the method of conveying that information to consumers,
9 dealers, and manufacturers, such as through public service
10 announcements.”.

11 (d) CONSUMER GUIDANCE.—Not later than 1 year
12 after the date of enactment of this Act, the Secretary shall
13 make available to the public on the Internet detailed guid-
14 ance for consumers submitting safety complaints, includ-
15 ing—

16 (1) a detailed explanation of what information
17 a consumer should include in a complaint; and

18 (2) a detailed explanation of the possible ac-
19 tions the National Highway Traffic Safety Adminis-
20 tration can take to address a complaint and respond
21 to the consumer, including information on—

22 (A) the consumer records, such as photo-
23 graphs and police reports, that could assist with
24 an investigation; and

1 (B) the length of time a consumer should
2 retain the records described in subparagraph
3 (A).

4 (e) VIN SEARCH.—

5 (1) IN GENERAL.—The Secretary, in coordina-
6 tion with industry, including manufacturers and
7 dealers, shall study—

8 (A) the feasibility of searching multiple ve-
9 hicle identification numbers at a time to re-
10 trieve motor vehicle safety recall information;
11 and

12 (B) the feasibility of making the search
13 mechanism described under subparagraph (A)
14 publicly available.

15 (2) CONSIDERATIONS.—In conducting the study
16 under paragraph (1), the Secretary shall consider
17 the potential costs, and potential risks to privacy
18 and security in implementing such a search mecha-
19 nism.

20 **SEC. 24104. RECALL PROCESS.**

21 (a) NOTIFICATION IMPROVEMENT.—

22 (1) IN GENERAL.—Not later than 270 days
23 after the date of enactment of this Act, the Sec-
24 retary shall prescribe a final rule revising the regula-
25 tions under section 577.7 of title 49, Code of Fed-

1 eral Regulations, to include notification by electronic
2 means in addition to notification by first class mail.

3 (2) DEFINITION OF ELECTRONIC MEANS.—In
4 this subsection, the term “electronic means” in-
5 cludes electronic mail and may include such other
6 means of electronic notification, such as social media
7 or targeted online campaigns, as determined by the
8 Secretary.

9 (b) NOTIFICATION BY MANUFACTURER.—Section
10 30118(c) of title 49, United States Code, is amended by
11 inserting “or electronic mail” after “certified mail”.

12 (c) RECALL COMPLETION RATES REPORT.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, and biennially
15 thereafter for 4 years, the Secretary shall—

16 (A) conduct an analysis of vehicle safety
17 recall completion rates to assess potential ac-
18 tions by the National Highway Traffic Safety
19 Administration to improve vehicle safety recall
20 completion rates; and

21 (B) 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
25 on the results of the analysis.

1 (2) CONTENTS.—Each report shall include—

2 (A) the annual recall completion rate by
3 manufacturer, model year, component (such as
4 brakes, fuel systems, and air bags), and vehicle
5 type (passenger car, sport utility vehicle, pas-
6 senger van, and pick-up truck) for each of the
7 5 years before the year the report is submitted;

8 (B) the methods by which the Secretary
9 has conducted analyses of these recall comple-
10 tion rates to determine trends and identify risk
11 factors associated with lower recall rates; and

12 (C) the actions the Secretary has planned
13 to improve recall completion rates based on the
14 results of this data analysis.

15 (d) INSPECTOR GENERAL AUDIT OF VEHICLE RE-
16 CALLS.—

17 (1) IN GENERAL.—The Department of Trans-
18 portation Inspector General shall conduct an audit
19 of the National Highway Traffic Safety Administra-
20 tion's management of vehicle safety recalls.

21 (2) CONTENTS.—The audit shall include a de-
22 termination of whether the National Highway Traf-
23 fic Safety Administration—

1 (A) appropriately monitors recalls to en-
2 sure the appropriateness of scope and adequacy
3 of recall completion rates and remedies;

4 (B) ensures manufacturers provide safe
5 remedies, at no cost to consumers;

6 (C) is capable of coordinating recall rem-
7 edies and processes; and

8 (D) can improve its policy on consumer no-
9 tice to combat effects of recall fatigue.

10 **SEC. 24105. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
11 **TION TO CONSUMERS OF MOTOR VEHICLE**
12 **RECALL STATUS.**

13 (a) **IN GENERAL.**—Not later than October 1, 2016,
14 the Secretary shall implement a 2-year pilot program to
15 evaluate the feasibility and effectiveness of a State process
16 for informing consumers of open motor vehicle recalls at
17 the time of motor vehicle registration in the State.

18 (b) **GRANTS.**—To carry out this program, the Sec-
19 retary may make a grant to each eligible State, but not
20 more than 6 eligible States in total, that agrees to comply
21 with the requirements under subsection (c). Funds made
22 available to a State under this section shall be used by
23 the State for the pilot program described in subsection (a).

24 (c) **ELIGIBILITY.**—To be eligible for a grant, a State
25 shall—

1 (1) submit an application in such form and
2 manner as the Secretary prescribes;

3 (2) agree to notify, at the time of registration,
4 each owner or lessee of a motor vehicle presented for
5 registration in the State of any open recall on that
6 vehicle;

7 (3) provide the open motor vehicle recall infor-
8 mation at no cost to each owner or lessee of a motor
9 vehicle presented for registration in the State; and

10 (4) provide such other information as the Sec-
11 retary may require.

12 (d) AWARDS.—In selecting an applicant for an award
13 under this section, the Secretary shall consider the State's
14 methodology for determining open recalls on a motor vehi-
15 cle, for informing consumers of the open recalls, and for
16 determining performance.

17 (e) PERFORMANCE PERIOD.—Each grant awarded
18 under this section shall require a 2-year performance pe-
19 riod.

20 (f) REPORT.—Not later than 90 days after the com-
21 pletion of the performance period under subsection (e), a
22 grantee shall provide to the Secretary a report of perform-
23 ance containing such information as the Secretary con-
24 siders necessary to evaluate the extent to which open re-
25 calls have been remedied.

1 (g) EVALUATION.—Not later than 180 days after the
2 completion of the pilot program, the Secretary shall evalu-
3 ate the extent to which open recalls identified have been
4 remedied.

5 (h) DEFINITIONS.—In this section:

6 (1) CONSUMER.—The term “consumer” in-
7 cludes owner and lessee.

8 (2) MOTOR VEHICLE.—The term “motor vehi-
9 cle” has the meaning given the term under section
10 30102(a) of title 49, United States Code.

11 (3) OPEN RECALL.—The term “open recall”
12 means a recall for which a notification by a manu-
13 facturer has been provided under section 30119 of
14 title 49, United States Code, and that has not been
15 remedied under section 30120 of that title.

16 (4) REGISTRATION.—The term “registration”
17 means the process for registering motor vehicles in
18 the State.

19 (5) STATE.—The term “State” has the mean-
20 ing given the term under section 101(a) of title 23,
21 United States Code.

22 **SEC. 24106. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

23 Section 30120A of title 49, United States Code, is
24 amended by striking “chapter 11 of title 11,” and insert-
25 ing “chapter 7 or chapter 11 of title 11”.

1 **SEC. 24107. DEALER REQUIREMENT TO CHECK FOR OPEN**

2 **RECALL.**

3 Section 30120(f) of title 49, United States Code, is
4 amended—

5 (1) by inserting “(1) IN GENERAL. A manufac-
6 turer” and indenting appropriately;

7 (2) in paragraph (1), as redesignated, by strik-
8 ing the period at the end and inserting the following:
9 “if—

10 “(A) at the time of providing service for
11 each of the manufacturer’s motor vehicles it
12 services, the dealer notifies the owner or the in-
13 dividual requesting the service of any open re-
14 call; and

15 “(B) the notification requirement under
16 subparagraph (A) is specified in a franchise,
17 operating, or other agreement between the deal-
18 er and the manufacturer.”; and

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

20 “(2) DEFINITION OF OPEN RECALL.—In this
21 subsection, the term ‘open recall’ means a recall for
22 which a notification by a manufacturer has been
23 provided under section 30119 and that has not been
24 remedied under this section.”.

1 **SEC. 24108. EXTENSION OF TIME PERIOD FOR REMEDY OF**
2 **TIRE DEFECTS.**

3 Section 30120(b) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (1), by striking “60 days” and
6 inserting “180 days”; and

7 (2) in paragraph (2), by striking “60-day” each
8 place it appears and inserting “180-day”.

9 **SEC. 24109. RENTAL CAR SAFETY.**

10 (a) **SHORT TITLE.**—This section may be cited as the
11 “Raechel and Jacqueline Houck Safe Rental Car Act of
12 2015”.

13 (b) **DEFINITIONS.**—Section 30102(a) of title 49,
14 United States Code, is amended—

15 (1) by redesignating paragraphs (10) and (11)
16 as paragraphs (12) and (13), respectively;

17 (2) by redesignating paragraphs (1) through
18 (9) as paragraphs (2) through (10), respectively;

19 (3) by inserting before paragraph (2), as red-
20 igned, the following:

21 “(1) ‘covered rental vehicle’ means a motor ve-
22 hicle that—

23 “(A) has a gross vehicle weight rating of
24 10,000 pounds or less;

25 “(B) is rented without a driver for an ini-
26 tial term of less than 4 months; and

1 “(C) is part of a motor vehicle fleet of 35
2 or more motor vehicles that are used for rental
3 purposes by a rental company.”; and

4 (4) by inserting after paragraph (10), as reded-
5 ignated, the following:

6 “(11) ‘rental company’ means a person who—

7 “(A) is engaged in the business of renting
8 covered rental vehicles; and

9 “(B) uses for rental purposes a motor ve-
10 hicle fleet of 35 or more covered rental vehicles,
11 on average, during the calendar year.”.

12 (c) REMEDIES FOR DEFECTS AND NONCOMPLI-
13 ANCE.—Section 30120(i) of title 49, United States Code,
14 is amended—

15 (1) in the subsection heading, by adding “, OR
16 RENTAL” at the end;

17 (2) in paragraph (1)—

18 (A) by striking “(1) If notification” and
19 inserting the following:

20 “(1) IN GENERAL.—If notification”;

21 (B) by indenting subparagraphs (A) and
22 (B) four ems from the left margin;

23 (C) by inserting “or the manufacturer has
24 provided to a rental company notification about
25 a covered rental vehicle in the company’s pos-

1 session at the time of notification” after “time
2 of notification”;

3 (D) by striking “the dealer may sell or
4 lease,” and inserting “the dealer or rental com-
5 pany may sell, lease, or rent”; and

6 (E) in subparagraph (A), by striking “sale
7 or lease” and inserting “sale, lease, or rental
8 agreement”;

9 (3) by amending paragraph (2) to read as fol-
10 lows:

11 “(2) RULE OF CONSTRUCTION.—Nothing in
12 this subsection may be construed to prohibit a dealer
13 or rental company from offering the vehicle or equip-
14 ment for sale, lease, or rent.”; and

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

16 “(3) SPECIFIC RULES FOR RENTAL COMPA-
17 NIES.—

18 “(A) IN GENERAL.—Except as otherwise
19 provided under this paragraph, a rental com-
20 pany shall comply with the limitations on sale,
21 lease, or rental set forth in subparagraph (C)
22 and paragraph (1) as soon as practicable, but
23 not later than 24 hours after the earliest re-
24 ceipt of the notice to owner under subsection
25 (b) or (c) of section 30118 (including the vehi-

1 ele identification number for the covered vehi-
2 cle) by the rental company, whether by elec-
3 tronic means or first class mail.

4 “(B) SPECIAL RULE FOR LARGE VEHICLE
5 FLEETS.—Notwithstanding subparagraph (A),
6 if a rental company receives a notice to owner
7 covering more than 5,000 motor vehicles in its
8 fleet, the rental company shall comply with the
9 limitations on sale, lease, or rental set forth in
10 subparagraph (C) and paragraph (1) as soon as
11 practicable, but not later than 48 hours after
12 the earliest receipt of the notice to owner under
13 subsection (b) or (c) of section 30118 (includ-
14 ing the vehicle identification number for the
15 covered vehicle) by the rental company, whether
16 by electronic means or first class mail.

17 “(C) SPECIAL RULE FOR WHEN REMEDIES
18 NOT IMMEDIATELY AVAILABLE.—If a notifica-
19 tion required under subsection (b) or (c) of sec-
20 tion 30118 indicates that the remedy for the
21 defect or noncompliance is not immediately
22 available and specifies actions to temporarily
23 alter the vehicle that eliminate the safety risk
24 posed by the defect or noncompliance, the rent-
25 al company, after causing the specified actions

1 to be performed, may rent (but may not sell or
2 lease) the motor vehicle. Once the remedy for
3 the rental vehicle becomes available to the rent-
4 al company, the rental company may not rent
5 the vehicle until the vehicle has been remedied,
6 as provided in subsection (a).

7 “(D) INAPPLICABILITY TO JUNK AUTO-
8 MOBILES.—Notwithstanding paragraph (1), this
9 subsection does not prohibit a rental company
10 from selling a covered rental vehicle if such ve-
11 hicle—

12 “(i) meets the definition of a junk
13 automobile under section 201 of the Anti-
14 Car Theft Act of 1992 (49 U.S.C. 30501);

15 “(ii) is retitled as a junk automobile
16 pursuant to applicable State law; and

17 “(iii) is reported to the National
18 Motor Vehicle Information System, if re-
19 quired under section 204 of such Act (49
20 U.S.C. 30504).”.

21 (d) MAKING SAFETY DEVICES AND ELEMENTS INOP-
22 ERATIVE.—Section 30122(b) of title 49, United States
23 Code, is amended by inserting “rental company,” after
24 “dealer,” each place such term appears.

1 (e) INSPECTIONS, INVESTIGATIONS, AND
2 RECORDS.—Section 30166 of title 49, United States
3 Code, is amended—

4 (1) in subsection (e)(2), by striking “or dealer”
5 each place such term appears and inserting “dealer,
6 or rental company”;

7 (2) in subsection (e), by striking “or dealer”
8 each place such term appears and inserting “dealer,
9 or rental company”; and

10 (3) in subsection (f), by striking “or to owners”
11 and inserting “, rental companies, or other owners”.

12 (f) RESEARCH AUTHORITY.—The Secretary of
13 Transportation may conduct a study of—

14 (1) the effectiveness of the amendments made
15 by this section; and

16 (2) other activities of rental companies (as de-
17 fined in section 30102(a)(11) of title 49, United
18 States Code) related to their use and disposition of
19 motor vehicles that are the subject of a notification
20 required under section 30118 of title 49, United
21 States Code.

22 (g) STUDY.—

23 (1) ADDITIONAL REQUIREMENT.—Section
24 32206(b)(2) of the Moving Ahead for Progress in

1 the 21st Century Act (Public Law 112–141; 126
2 Stat. 785) is amended—

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

5 (B) by redesignating subparagraph (F) as
6 subparagraph (G); and

7 (C) by inserting after subparagraph (E)
8 the following:

9 “(F) evaluate the completion of safety re-
10 call remedies on rental trucks; and”.

11 (2) REPORT.—Section 32206(c) of such Act is
12 amended—

13 (A) in paragraph (1), by striking “sub-
14 section (b)” and inserting “subparagraphs (A)
15 through (E) and (G) of subsection (b)(2)”;

16 (B) by redesignating paragraphs (1) and
17 (2) as subparagraphs (A) and (B), respectively;

18 (C) by striking “REPORT. Not later” and
19 inserting the following:

20 “(c) REPORTS.—

21 “(1) INITIAL REPORT.—Not later”; and

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

23 “(2) SAFETY RECALL REMEDY REPORT.—Not
24 later than 1 year after the date of the enactment of
25 the ‘Raechel and Jacqueline Houck Safe Rental Car

1 Act of 2015’, the Secretary shall submit a report to
2 the congressional committees set forth in paragraph
3 (1) that contains—

4 “(A) the findings of the study conducted
5 pursuant to subsection (b)(2)(F); and

6 “(B) any recommendations for legislation
7 that the Secretary determines to be appro-
8 priate.”.

9 (h) PUBLIC COMMENTS.—The Secretary shall solicit
10 comments regarding the implementation of this section
11 from members of the public, including rental companies,
12 consumer organizations, automobile manufacturers, and
13 automobile dealers.

14 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion or the amendments made by this section—

16 (1) may be construed to create or increase any
17 liability, including for loss of use, for a manufac-
18 turer as a result of having manufactured or im-
19 ported a motor vehicle subject to a notification of
20 defect or noncompliance under subsection (b) or (c)
21 of section 30118 of title 49, United States Code; or

22 (2) shall supersede or otherwise affect the con-
23 tractual obligations, if any, between such a manufac-
24 turer and a rental company (as defined in section
25 30102(a) of title 49, United States Code).

1 (j) RULEMAKING.—The Secretary may promulgate
2 rules, as appropriate, to implement this section and the
3 amendments made by this section.

4 (k) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date that is 180 days
6 after the date of enactment of this Act.

7 **SEC. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLA-**
8 **TIONS OF MOTOR VEHICLE SAFETY.**

9 (a) INCREASE IN CIVIL PENALTIES.—Section
10 30165(a) of title 49, United States Code, is amended—

11 (1) in paragraph (1)—

12 (A) by striking “\$5,000” and inserting
13 “\$21,000”; and

14 (B) by striking “\$35,000,000” and insert-
15 ing “\$105,000,000”; and

16 (2) in paragraph (3)—

17 (A) by striking “\$5,000” and inserting
18 “\$21,000”; and

19 (B) by striking “\$35,000,000” and insert-
20 ing “\$105,000,000”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) of this section take effect on the date that
23 the Secretary certifies to Congress that the National
24 Highway Traffic Safety Administration has issued the
25 final rule required by section 31203(b) of the Moving

1 Ahead for Progress In the 21st Century Act (Public Law
2 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

3 (c) PUBLICATION OF EFFECTIVE DATE.—The Sec-
4 retary shall publish notice of the effective date under sub-
5 section (b) of this section in the Federal Register.

6 **SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.**

7 Section 32705(g) of title 49, United States Code, is
8 amended—

9 (1) by inserting “(1)” before “Not later than”
10 and indenting appropriately; and

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

12 “(2) Notwithstanding paragraph (1) and sub-
13 ject to paragraph (3), a State, without approval
14 from the Secretary under subsection (d), may allow
15 for written disclosures or notices and related matters
16 to be provided electronically if—

17 “(A) in compliance with—

18 “(i) the requirements of subchapter 1
19 of chapter 96 of title 15; or

20 “(ii) the requirements of a State law
21 under section 7002(a) of title 15; and

22 “(B) the disclosures or notices otherwise
23 meet the requirements under this section, in-
24 cluding appropriate authentication and security
25 measures.

1 “(3) Paragraph (2) ceases to be effective on the
2 date the regulations under paragraph (1) become ef-
3 fective.”.

4 **SEC. 24112. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
5 **PORTS.**

6 Section 30166(o) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (1), by striking “may” and in-
9 serting “shall”; and

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

11 “(3) DEADLINE.—Not later than 1 year after
12 the date of enactment of the Comprehensive Trans-
13 portation and Consumer Protection Act of 2015, the
14 Secretary shall issue a final rule under paragraph
15 (1).”.

16 **SEC. 24113. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

17 (a) RECALL NOTIFICATION REPORT.—Not later than
18 1 year after the date of enactment of this Act, the Sec-
19 retary shall issue a report on the feasibility of a technical
20 system that would operate in each new motor vehicle to
21 indicate when the vehicle is subject to an open recall.

22 (b) DEFINITION OF OPEN RECALL.—In this section
23 the term “open recall” means a recall for which a notifica-
24 tion by a manufacturer has been provided under section

1 30119 of title 49, United States Code, and that has not
2 been remedied under section 30120 of that title.

3 **SEC. 24114. UNATTENDED CHILDREN WARNING.**

4 Section 31504(a) of the Moving Ahead for Progress
5 in the 21st Century Act (49 U.S.C. 30111 note) is amend-
6 ed by striking “may” and inserting “shall”.

7 **SEC. 24115. TIRE PRESSURE MONITORING SYSTEM.**

8 (a) PROPOSED RULE.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall pub-
10 lish a proposed rule that—

11 (1) updates the standards pertaining to tire
12 pressure monitoring systems to ensure that a tire
13 pressure monitoring system that is installed in a new
14 motor vehicle after the effective date of such up-
15 dated standards cannot be overridden, reset, or re-
16 calibrated in such a way that the system will no
17 longer detect when the inflation pressure in one or
18 more of the vehicle’s tires has fallen to or below a
19 significantly underinflated pressure level; and

20 (2) does not contain any provision that has the
21 effect of prohibiting the availability of direct or indi-
22 rect tire pressure monitoring systems that meet the
23 requirements of the standards updated pursuant to
24 paragraph (1).

1 (b) FINAL RULE.—Not later than 2 years after the
2 date of enactment of this Act, after providing the public
3 with sufficient opportunity for notice and comment on the
4 proposed rule published pursuant to subsection (a), the
5 Secretary shall issue a final rule based on the proposed
6 rule described in subsection (a) that—

7 (1) allows a manufacturer to install a tire pres-
8 sure monitoring system that can be reset or recal-
9 brated to accommodate—

10 (A) the repositioning of tire sensor loca-
11 tions on vehicles with split inflation pressure
12 recommendations;

13 (B) tire rotation; or

14 (C) replacement tires or wheels of a dif-
15 ferent size than the original equipment tires or
16 wheels; and

17 (2) to address the accommodations described in
18 subparagraphs (A), (B), and (C) of paragraph (1),
19 ensures that a tire pressure monitoring system that
20 is reset or recalibrated according to the manufactur-
21 er's instructions would illuminate the low tire pres-
22 sure warning telltale when a tire is significantly
23 underinflated until the tire is no longer significantly
24 underinflated.

1 (c) SIGNIFICANTLY UNDERINFLATED PRESSURE
2 LEVEL DEFINED.—In this section, the term “significantly
3 underinflated pressure level” means a pressure level that
4 is—

5 (1) below the level at which the low tire pres-
6 sure warning telltale must illuminate, consistent
7 with the TPMS detection requirements contained in
8 S4.2(a) of section 571.138 of title 49, Code of Fed-
9 eral Regulations, or any corresponding similar or
10 successor regulation or ruling (as determined by the
11 Secretary); and

12 (2) in the case of a replacement wheel or tire,
13 below the recommended cold inflation pressure of
14 the wheel or tire manufacturer.

15 **SEC. 24116. INFORMATION REGARDING COMPONENTS IN-**
16 **VOLVED IN RECALL.**

17 Section 30119 of title 49, United States Code, is
18 amended by adding at the end the following:

19 “(g) INFORMATION REGARDING COMPONENTS IN-
20 VOLVED IN RECALL.—A manufacturer that is required to
21 furnish a report under section 573.6 of title 49, Code of
22 Federal Regulations (or any successor regulation) for a
23 defect or noncompliance in a motor vehicle or in an item
24 of original or replacement equipment shall, if such defect
25 or noncompliance involves a specific component or compo-

1 nents, include in such report, with respect to such compo-
2 nent or components, the following information:

3 “(1) The name of the component or compo-
4 nents.

5 “(2) A description of the component or compo-
6 nents.

7 “(3) The part number of the component or
8 components, if any.”

9 **Subtitle B—Research And Develop-** 10 **ment And Vehicle Electronics**

11 **SEC. 24201. REPORT ON OPERATIONS OF THE COUNCIL FOR** 12 **VEHICLE ELECTRONICS, VEHICLE SOFT-** 13 **WARE, AND EMERGING TECHNOLOGIES.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Secretary shall submit to the Committee
16 on Commerce, Science, and Transportation of the Senate
17 and the Committee on Energy and Commerce of the
18 House of Representatives a report regarding the oper-
19 ations of the Council for Vehicle Electronics, Vehicle Soft-
20 ware, and Emerging Technologies established under sec-
21 tion 31401 of the Moving Ahead for Progress in the 21st
22 Century Act (49 U.S.C. 105 note). The report shall in-
23 clude information about the accomplishments of the Coun-
24 cil, the role of the Council in integrating and aggregating
25 electronic and emerging technologies expertise across the

1 National Highway Traffic Safety Administration, the role
2 of the Council in coordinating with other Federal agencies,
3 and the priorities of the Council over the next 5 years.

4 **SEC. 24202. COOPERATION WITH FOREIGN GOVERNMENTS.**

5 (a) TITLE 49 AMENDMENT.—Section 30182(b) of
6 title 49, United States Code, is amended—

7 (1) in paragraph (4), by striking “; and” and
8 inserting a semicolon;

9 (2) in paragraph (5), by striking the period at
10 the end and inserting “; and”; and

11 (3) by inserting after paragraph (5) the fol-
12 lowing:

13 “(6) in coordination with Department of State,
14 enter into cooperative agreements and collaborative
15 research and development agreements with foreign
16 governments.”.

17 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
18 United States Code, is amended—

19 (1) in subsection (b)(2)(C), by inserting “for-
20 eign government (in coordination with the Depart-
21 ment of State)” after “institution,”; and

22 (2) in subsection (c)(1)(A), by inserting “for-
23 eign governments,” after “local governments,”.

24 (c) AUDIT.—The Department of Transportation In-
25 spector General shall conduct an audit of the Secretary

1 of Transportation’s management and oversight of coopera-
2 tive agreements and collaborative research and develop-
3 ment agreements, including any cooperative agreements
4 between the Secretary of Transportation and foreign gov-
5 ernments under section 30182(b)(6) of title 49, United
6 States Code, and subsections (b)(2)(C) and (c)(1)(A) of
7 title 23, United States Code.

8 **Subtitle C—Miscellaneous**
9 **Provisions**

10 **PART I—DRIVER PRIVACY ACT OF 2015**

11 **SEC. 24301. SHORT TITLE.**

12 This part may be cited as the “Driver Privacy Act
13 of 2015”.

14 **SEC. 24302. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-**
15 **CLE EVENT DATA RECORDERS.**

16 (a) OWNERSHIP OF DATA.—Any data retained by an
17 event data recorder (as defined in section 563.5 of title
18 49, Code of Federal Regulations), regardless of when the
19 motor vehicle in which it is installed was manufactured,
20 is the property of the owner, or, in the case of a leased
21 vehicle, the lessee of the motor vehicle in which the event
22 data recorder is installed.

23 (b) PRIVACY.—Data recorded or transmitted by an
24 event data recorder described in subsection (a) may not
25 be accessed by a person other than an owner or a lessee

1 of the motor vehicle in which the event data recorder is
2 installed unless—

3 (1) a court or other judicial or administrative
4 authority having jurisdiction—

5 (A) authorizes the retrieval of the data;
6 and

7 (B) to the extent that there is retrieved
8 data, the data is subject to the standards for
9 admission into evidence required by that court
10 or other administrative authority;

11 (2) an owner or a lessee of the motor vehicle
12 provides written, electronic, or recorded audio con-
13 sent to the retrieval of the data for any purpose, in-
14 cluding the purpose of diagnosing, servicing, or re-
15 pairing the motor vehicle, or by agreeing to a sub-
16 scription that describes how data will be retrieved
17 and used;

18 (3) the data is retrieved pursuant to an inves-
19 tigation or inspection authorized under section
20 1131(a) or 30166 of title 49, United States Code,
21 and the personally identifiable information of an
22 owner or a lessee of the vehicle and the vehicle iden-
23 tification number is not disclosed in connection with
24 the retrieved data, except that the vehicle identifica-

1 tion number may be disclosed to the certifying man-
2 ufacturer;

3 (4) the data is retrieved for the purpose of de-
4 termining the need for, or facilitating, emergency
5 medical response in response to a motor vehicle
6 crash; or

7 (5) the data is retrieved for traffic safety re-
8 search, and the personally identifiable information of
9 an owner or a lessee of the vehicle and the vehicle
10 identification number is not disclosed in connection
11 with the retrieved data.

12 **SEC. 24303. VEHICLE EVENT DATA RECORDER STUDY.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Administrator of the
15 National Highway Traffic Safety Administration shall
16 submit to Congress a report that contains the results of
17 a study conducted by the Administrator to determine the
18 amount of time event data recorders installed in passenger
19 motor vehicles should capture and record for retrieval ve-
20 hicle-related data in conjunction with an event in order
21 to provide sufficient information to investigate the cause
22 of motor vehicle crashes.

23 (b) RULEMAKING.—Not later than 2 years after sub-
24 mitting the report required under subsection (a), the Ad-
25 ministrator of the National Highway Traffic Safety Ad-

1 ministration shall promulgate regulations to establish the
2 appropriate period during which event data recorders in-
3 stalled in passenger motor vehicles may capture and
4 record for retrieval vehicle-related data to the time nec-
5 essary to provide accident investigators with vehicle-re-
6 lated information pertinent to crashes involving such
7 motor vehicles.

8 **PART II—SAFETY THROUGH INFORMED**
9 **CONSUMERS ACT OF 2015**

10 **SEC. 24321. SHORT TITLE.**

11 This part may be cited as the “Safety Through In-
12 formed Consumers Act of 2015”.

13 **SEC. 24322. PASSENGER MOTOR VEHICLE INFORMATION.**

14 Section 32302 of title 49, United States Code, is
15 amended by inserting after subsection (b) the following:

16 “(c) **CRASH AVOIDANCE.**—Not later than 1 year after
17 the date of enactment of the Safety Through Informed
18 Consumers Act of 2015, the Secretary shall promulgate
19 a rule to ensure that crash avoidance information is indi-
20 cated next to crashworthiness information on stickers
21 placed on motor vehicles by their manufacturers.”.

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

3 **SEC. 24331. SHORT TITLE.**

4 This part may be cited as the “Tire Efficiency, Safe-
5 ty, and Registration Act of 2015” or the “TESR Act”.

6 **SEC. 24332. TIRE FUEL EFFICIENCY MINIMUM PERFORM-**
7 **ANCE STANDARDS.**

8 Section 32304A of title 49, United States Code, is
9 amended—

10 (1) in the section heading, by inserting “AND
11 STANDARDS” after “CONSUMER TIRE INFOR-
12 MATION”;

13 (2) in subsection (a)—

14 (A) in the heading, by striking “Rule-
15 making” and inserting “Consumer Tire Infor-
16 mation”; and

17 (B) in paragraph (1), by inserting “(re-
18 ferred to in this section as the ‘Secretary’)”
19 after “Secretary of Transportation”;

20 (3) by redesignating subsections (b) through (e)
21 as subsections (e) through (h), respectively; and

22 (4) by inserting after subsection (a) the fol-
23 lowing:

24 “(b) PROMULGATION OF REGULATIONS FOR TIRE
25 FUEL EFFICIENCY MINIMUM PERFORMANCE STAND-
26 ARDS.—

1 “(1) IN GENERAL.—The Secretary, after con-
2 sultation with the Secretary of Energy and the Ad-
3 ministrators of the Environmental Protection Agency,
4 shall promulgate regulations for tire fuel efficiency
5 minimum performance standards for—

6 “(A) passenger car tires with a maximum
7 speed capability equal to or less than 149 miles
8 per hour or 240 kilometers per hour; and

9 “(B) passenger car tires with a maximum
10 speed capability greater than 149 miles per
11 hour or 240 kilometers per hour.

12 “(2) TIRE FUEL EFFICIENCY MINIMUM PER-
13 FORMANCE STANDARDS.—

14 “(A) STANDARD BASIS AND TEST PROCE-
15 DURES.—The minimum performance standards
16 promulgated under paragraph (1) shall be ex-
17 pressed in terms of the rolling resistance coeffi-
18 cient measured using the test procedure speci-
19 fied in section 575.106 of title 49, Code of Fed-
20 eral Regulations (as in effect on the date of en-
21 actment of this Act).

22 “(B) NO DISPARATE EFFECT ON HIGH
23 PERFORMANCE TIRES.—The Secretary shall en-
24 sure that the minimum performance standards
25 promulgated under paragraph (1) will not have

1 a disproportionate effect on passenger car high
2 performance tires with a maximum speed capa-
3 bility greater than 149 miles per hour or 240
4 kilometers per hour.

5 “(C) APPLICABILITY.—

6 “(i) IN GENERAL.—This subsection
7 applies to new pneumatic tires for use on
8 passenger cars.

9 “(ii) EXCEPTIONS.—This subsection
10 does not apply to light truck tires, deep
11 tread tires, winter-type snow tires, space-
12 saver or temporary use spare tires, or tires
13 with nominal rim diameters of 12 inches or
14 less.

15 “(c) PROMULGATION OF REGULATIONS FOR TIRE
16 WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

17 “(1) IN GENERAL.—The Secretary shall pro-
18 mulgate regulations for tire wet traction minimum
19 performance standards to ensure that passenger tire
20 wet traction capability is not reduced to achieve im-
21 proved tire fuel efficiency.

22 “(2) TIRE WET TRACTION MINIMUM PERFORM-
23 ANCE STANDARDS.—

24 “(A) BASIS OF STANDARD.—The minimum
25 performance standards promulgated under

1 paragraph (1) shall be expressed in terms of
2 peak coefficient of friction.

3 “(B) TEST PROCEDURES.—Any test proce-
4 dure promulgated under this subsection shall be
5 consistent with any test procedure promulgated
6 under subsection (a).

7 “(C) BENCHMARKING.—The Secretary
8 shall conduct testing to benchmark the wet
9 traction performance of tire models available
10 for sale in the United States as of the date of
11 enactment of this Act to ensure that the min-
12 imum performance standards promulgated
13 under paragraph (1) are tailored to—

14 “(i) tires sold in the United States;
15 and

16 “(ii) the needs of consumers in the
17 United States.

18 “(D) APPLICABILITY.—

19 “(i) IN GENERAL.—This subsection
20 applies to new pneumatic tires for use on
21 passenger cars.

22 “(ii) EXCEPTIONS.—This subsection
23 does not apply to light truck tires, deep
24 tread tires, winter-type snow tires, space-
25 saver or temporary use spare tires, or tires

1 with nominal rim diameters of 12 inches or
2 less.

3 “(d) COORDINATION AMONG REGULATIONS.—

4 “(1) COMPATIBILITY.—The Secretary shall en-
5 sure that the test procedures and requirements pro-
6 mulgated under subsections (a), (b), and (c) are
7 compatible and consistent.

8 “(2) COMBINED EFFECT OF RULES.—The Sec-
9 retary shall evaluate the regulations promulgated
10 under subsections (b) and (c) to ensure that compli-
11 ance with the minimum performance standards pro-
12 mulgated under subsection (b) will not diminish wet
13 traction performance of affected tires.

14 “(3) RULEMAKING DEADLINES.—The Secretary
15 shall promulgate—

16 “(A) the regulations under subsections (b)
17 and (c) not later than 24 months after the date
18 of enactment of this Act; and

19 “(B) the regulations under subsection (c)
20 not later than the date of promulgation of the
21 regulations under subsection (b).”.

22 **SEC. 24333. TIRE REGISTRATION BY INDEPENDENT SELL-**
23 **ERS.**

24 Paragraph (3) of section 30117(b) of title 49, United
25 States Code, is amended to read as follows:

1 “(3) RULEMAKING.—

2 “(A) IN GENERAL.—The Secretary shall
3 initiate a rulemaking to require a distributor or
4 dealer of tires that is not owned or controlled
5 by a manufacturer of tires to maintain records
6 of—

7 “(i) the name and address of tire pur-
8 chasers and lessors;

9 “(ii) information identifying the tire
10 that was purchased or leased; and

11 “(iii) any additional records the Sec-
12 retary considers appropriate.

13 “(B) ELECTRONIC TRANSMISSION.—The
14 rulemaking carried out under subparagraph (A)
15 shall require a distributor or dealer of tires that
16 is not owned or controlled by a manufacturer of
17 tires to electronically transmit the records de-
18 scribed in clauses (i), (ii), and (iii) of subpara-
19 graph (A) to the manufacturer of the tires or
20 the designee of the manufacturer by secure
21 means at no cost to tire purchasers or lessors.

22 “(C) SATISFACTION OF REQUIREMENTS.—
23 A regulation promulgated under subparagraph
24 (A) may be considered to satisfy the require-
25 ments of paragraph (2)(B).”.

1 **SEC. 24334. TIRE IDENTIFICATION STUDY AND REPORT.**

2 (a) STUDY.—The Secretary shall conduct a study to
3 examine the feasibility of requiring all manufacturers of
4 tires subject to section 30117(b) of title 49, United States
5 Code, to—

6 (1) include electronic identification on every tire
7 that reflects all of the information currently required
8 in the tire identification number; and

9 (2) ensure that the same type and format of
10 electronic information technology is used on all tires.

11 (b) REPORT.—The Secretary shall submit to the
12 Committee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Energy and Commerce
14 of the House of Representatives a report on the results
15 of the study required by paragraph (1).

16 **SEC. 24335. TIRE RECALL DATABASE.**

17 (a) IN GENERAL.—The Secretary shall establish a
18 publicly available and searchable electronic database of
19 tire recall information that is reported to the Adminis-
20 trator of the National Highway Traffic Safety Administra-
21 tion.

22 (b) TIRE IDENTIFICATION NUMBER.—The database
23 established under subsection (a) shall be searchable by
24 Tire Identification Number (TIN) and any other criteria
25 that assists consumers in determining whether a tire is
26 subject to a recall.

1 **PART IV—ALTERNATIVE FUEL VEHICLES**

2 **SEC. 24341. REGULATORY PARITY FOR NATURAL GAS VEHI-**
3 **CLES.**

4 The Administrator of the Environmental Protection
5 Agency shall revise the regulations issued in sections
6 600.510-12(c)(2)(vi) and 600.510-12(c)(2) (vii)(A) of title
7 40, Code of Federal Regulations, to replace references to
8 the year “2019” with the year “2016”.

9 **PART V—MOTOR VEHICLE SAFETY**

10 **WHISTLEBLOWER ACT**

11 **SEC. 24351. SHORT TITLE.**

12 This part may be cited as the “Motor Vehicle Safety
13 Whistleblower Act”.

14 **SEC. 24352. MOTOR VEHICLE SAFETY WHISTLEBLOWER IN-**
15 **CENTIVES AND PROTECTIONS.**

16 (a) IN GENERAL.—Subchapter IV of chapter 301 of
17 title 49, United States Code, is amended by adding at the
18 end the following:

19 **“§ 30172. Whistleblower incentives and protections**

20 “(a) DEFINITIONS.—In this section:

21 “(1) COVERED ACTION.—The term ‘covered ac-
22 tion’ means any administrative or judicial action, in-
23 cluding any related administrative or judicial action,
24 brought by the Secretary or the Attorney General
25 under this chapter that in the aggregate results in
26 monetary sanctions exceeding \$1,000,000.

1 “(2) MONETARY SANCTIONS.—The term ‘mone-
2 tary sanctions’ means monies, including penalties
3 and interest, ordered or agreed to be paid.

4 “(3) ORIGINAL INFORMATION.—The term
5 ‘original information’ means information that—

6 “(A) is derived from the independent
7 knowledge or analysis of an individual;

8 “(B) is not known to the Secretary from
9 any other source, unless the individual is the
10 original source of the information; and

11 “(C) is not exclusively derived from an al-
12 legation made in a judicial or an administrative
13 action, in a governmental report, a hearing, an
14 audit, or an investigation, or from the news
15 media, unless the individual is a source of the
16 information.

17 “(4) PART SUPPLIER.—The term ‘part supplier’
18 means a manufacturer of motor vehicle equipment.

19 “(5) SUCCESSFUL RESOLUTION.—The term
20 ‘successful resolution’, with respect to a covered ac-
21 tion, includes any settlement or adjudication of the
22 covered action.

23 “(6) WHISTLEBLOWER.—The term ‘whistle-
24 blower’ means any employee or contractor of a
25 motor vehicle manufacturer, part supplier, or dealer-

1 ship who voluntarily provides to the Secretary origi-
2 nal information relating to any motor vehicle defect,
3 noncompliance, or any violation or alleged violation
4 of any notification or reporting requirement of this
5 chapter, which is likely to cause unreasonable risk of
6 death or serious physical injury.

7 “(b) AWARDS.—

8 “(1) IN GENERAL.—If the original information
9 that a whistleblower provided to the Secretary leads
10 to the successful resolution of a covered action, the
11 Secretary, subject to subsection (c), may pay an
12 award or awards to one or more whistleblowers in an
13 aggregate amount of—

14 “(A) not less than 10 percent, in total, of
15 collected monetary sanctions; and

16 “(B) not more than 30 percent, in total, of
17 collected monetary sanctions.

18 “(2) PAYMENT OF AWARDS.—Any amount pay-
19 able under paragraph (1) shall be paid from the
20 monetary sanctions collected, and any monetary
21 sanctions so collected shall be available for such pay-
22 ment.

23 “(c) DETERMINATION OF AWARDS; DENIAL OF
24 AWARDS.—

25 “(1) DETERMINATION OF AWARDS.—

1 “(A) DISCRETION.—The determination of
2 whether, to whom, or in what amount to make
3 an award shall be in the discretion of the Sec-
4 retary subject to the provisions in subsection
5 (b)(1).

6 “(B) CRITERIA.—In determining an award
7 made under subsection (b), the Secretary shall
8 take into consideration—

9 “(i) if appropriate, whether a whistle-
10 blower reported or attempted to report the
11 information internally to an applicable
12 motor vehicle manufacturer, part supplier,
13 or dealership;

14 “(ii) the significance of the original
15 information provided by the whistleblower
16 to the successful resolution of the covered
17 action;

18 “(iii) the degree of assistance provided
19 by the whistleblower and any legal rep-
20 resentative of the whistleblower in the cov-
21 ered action; and

22 “(iv) such additional factors as the
23 Secretary considers relevant.

24 “(2) DENIAL OF AWARDS.—No award under
25 subsection (b) shall be made—

1 “(A) to any whistleblower who is convicted
2 of a criminal violation related to the covered ac-
3 tion for which the whistleblower otherwise could
4 receive an award under this section;

5 “(B) to any whistleblower who, acting
6 without direction from an applicable motor ve-
7 hicle manufacturer, part supplier, or dealership,
8 or agent thereof, deliberately causes or substan-
9 tially contributes to the alleged violation of a
10 requirement of this chapter;

11 “(C) to any whistleblower who submits in-
12 formation to the Secretary that is based on the
13 facts underlying the covered action submitted
14 previously by another whistleblower;

15 “(D) to any whistleblower who fails to pro-
16 vide the original information to the Secretary in
17 such form as the Secretary may require by reg-
18 ulation; or

19 “(E) if the applicable motor vehicle manu-
20 facturer, parts supplier, or dealership has an in-
21 ternal reporting mechanism in place to protect
22 employees from retaliation, to any whistleblower
23 who fails to report or attempt to report the in-
24 formation internally through such mechanism,
25 unless—

1 “(i) the whistleblower reasonably be-
2 lieved that such an internal report would
3 have resulted in retaliation, notwith-
4 standing section 30171(a);

5 “(ii) the whistleblower reasonably be-
6 lieved that the information—

7 “(I) was already internally re-
8 ported;

9 “(II) was already subject to or
10 part of an internal inquiry or inves-
11 tigation; or

12 “(III) was otherwise already
13 known to the motor vehicle manufac-
14 turer, part supplier, or dealership; or

15 “(iii) the Secretary has good cause to
16 waive this requirement.

17 “(d) REPRESENTATION.—A whistleblower may be
18 represented by counsel.

19 “(e) NO CONTRACT NECESSARY.—No contract with
20 the Secretary is necessary for any whistleblower to receive
21 an award under subsection (b).

22 “(f) PROTECTION OF WHISTLEBLOWERS; CONFIDEN-
23 TIALITY.—

24 “(1) IN GENERAL.—Notwithstanding section
25 30167, and except as provided in paragraphs (4)

1 and (5) of this subsection, the Secretary, and any
2 officer or employee of the Department of Transpor-
3 tation, shall not disclose any information, including
4 information provided by a whistleblower to the Sec-
5 retary, which could reasonably be expected to reveal
6 the identity of a whistleblower, except in accordance
7 with the provisions of section 552a of title 5, un-
8 less—

9 “(A) required to be disclosed to a defend-
10 ant or respondent in connection with a public
11 proceeding instituted by the Secretary or any
12 entity described in paragraph (5);

13 “(B) the whistleblower provides prior writ-
14 ten consent for the information to be disclosed;
15 or

16 “(C) the Secretary, or other officer or em-
17 ployee of the Department of Transportation, re-
18 ceives the information through another source,
19 such as during an inspection or investigation
20 under section 30166, and has authority under
21 other law to release the information.

22 “(2) REDACTION.—The Secretary, and any offi-
23 cer or employee of the Department of Transpor-
24 tation, shall take reasonable measures to not reveal

1 the identity of the whistleblower when disclosing any
2 information under paragraph (1).

3 “(3) SECTION 552(B)(3)(B).—For purposes of
4 section 552 of title 5, paragraph (1) of this sub-
5 section shall be considered a statute described in
6 subsection (b)(3)(B) of that section.

7 “(4) EFFECT.—Nothing in this subsection is
8 intended to limit the ability of the Attorney General
9 to present such evidence to a grand jury or to share
10 such evidence with potential witnesses or defendants
11 in the course of an ongoing criminal investigation.

12 “(5) AVAILABILITY TO GOVERNMENT AGEN-
13 CIES.—

14 “(A) IN GENERAL.—Without the loss of its
15 status as confidential in the hands of the Sec-
16 retary, all information referred to in paragraph
17 (1) may, in the discretion of the Secretary,
18 when determined by the Secretary to be nec-
19 essary or appropriate to accomplish the pur-
20 poses of this chapter and in accordance with
21 subparagraph (B), be made available to the fol-
22 lowing:

23 “(i) The Department of Justice.

1 “(ii) An appropriate department or
2 agency of the Federal Government, acting
3 within the scope of its jurisdiction.

4 “(B) MAINTENANCE OF INFORMATION.—
5 Each entity described in subparagraph (A) shall
6 maintain information described in that subpara-
7 graph as confidential, in accordance with the
8 requirements in paragraph (1).

9 “(g) PROVISION OF FALSE INFORMATION.—A whis-
10 tleblower who knowingly and intentionally makes any
11 false, fictitious, or fraudulent statement or representation,
12 or who makes or uses any false writing or document know-
13 ing the same to contain any false, fictitious, or fraudulent
14 statement or entry, shall not be entitled to an award under
15 this section and shall be subject to prosecution under sec-
16 tion 1001 of title 18.

17 “(h) APPEALS.—

18 “(1) IN GENERAL.—Any determination made
19 under this section, including whether, to whom, or in
20 what amount to make an award, shall be in the dis-
21 cretion of the Secretary.

22 “(2) APPEALS.—Any determination made by
23 the Secretary under this section may be appealed by
24 a whistleblower to the appropriate court of appeals

1 of the United States not later than 30 days after the
2 determination is issued by the Secretary.

3 “(3) REVIEW.—The court shall review the de-
4 termination made by the Secretary in accordance
5 with section 706 of title 5.

6 “(i) REGULATION.—Not later than 18 months after
7 the date of enactment of this section, the Secretary shall
8 promulgate regulations on the requirements of this sec-
9 tion, consistent with this section.”.

10 (b) RULE OF CONSTRUCTION.—

11 (1) ORIGINAL INFORMATION.—Information sub-
12 mitted to the Secretary of Transportation by a whis-
13 tleblower in accordance with the requirements of sec-
14 tion 30172 of title 49, United States Code, shall not
15 lose its status as original information solely because
16 the whistleblower submitted the information prior to
17 the effective date of the regulations issued under
18 subsection (i) of that section if that information was
19 submitted after the date of enactment of this Act.

20 (2) AWARDS.—A whistleblower may receive an
21 award under section 30172 of title 49, United States
22 Code, regardless of whether the violation underlying
23 the covered action occurred prior to the date of en-
24 actment of this Act, and may receive an award prior

1 to the Secretary of Transportation promulgating the
2 regulations under subsection (i) of that section.

3 (c) CONFORMING AMENDMENTS.—The table of con-
4 tents of subchapter IV of chapter 301 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

“30172. Whistleblower incentives and protections.”.

7 **Subtitle D—Additional Motor**
8 **Vehicle Provisions**

9 **SEC. 24401. REQUIRED REPORTING OF NHTSA AGENDA.**

10 Not later than December 1 of the year beginning
11 after the date of enactment of this Act, and each year
12 thereafter, the Administrator of the National Highway
13 Traffic Safety Administration shall publish on the public
14 website of the Administration, and file with the Commit-
15 tees on Energy and Commerce and Transportation and
16 Infrastructure of the House of Representatives and the
17 Committee on Commerce, Science, and Transportation of
18 the Senate an annual plan for the following calendar year
19 detailing the Administration’s projected activities, includ-
20 ing—

- 21 (1) the Administrator’s policy priorities;
- 22 (2) any rulemakings projected to be com-
23 menced;
- 24 (3) any plans to develop guidelines;

1 (4) any plans to restructure the Administration
2 or to establish or alter working groups;

3 (5) any planned projects or initiatives of the
4 Administration, including the working groups and
5 advisory committees of the Administration; and

6 (6) any projected dates or timetables associated
7 with any of the items described in paragraphs (1)
8 through (5).

9 **SEC. 24402. APPLICATION OF REMEDIES FOR DEFECTS AND**
10 **NONCOMPLIANCE.**

11 Section 30120(g)(1) of title 49, United States Code,
12 is amended by striking “10 calendar years” and inserting
13 “15 calendar years”.

14 **SEC. 24403. RETENTION OF SAFETY RECORDS BY MANUFAC-**
15 **TURERS.**

16 (a) **RULE.**—Not later than 18 months after the date
17 of enactment of this Act, the Secretary of Transportation
18 shall issue a final rule pursuant to section 30117 of title
19 49, United States Code, requiring each manufacturer of
20 motor vehicles or motor vehicle equipment to retain all
21 motor vehicle safety records required to be maintained by
22 manufacturers under section 576.6 of title 49, Code of
23 Federal Regulations, for a period of not less than 10 cal-
24 endar years from the date on which they were generated
25 or acquired by the manufacturer.

1 (b) APPLICATION.—The rule required by subsection
2 (a) shall apply with respect to any record described in such
3 subsection that is in the possession of a manufacturer on
4 the effective date of such rule.

5 **SEC. 24404. NONAPPLICATION OF PROHIBITIONS RELATING**
6 **TO NONCOMPLYING MOTOR VEHICLES TO VE-**
7 **HICLES USED FOR TESTING OR EVALUATION.**

8 Section 30112(b) of title 49, United States Code, is
9 amended—

10 (1) in paragraph (8), by striking “; or” and in-
11 serting a semicolon;

12 (2) in paragraph (9), by striking the period at
13 the end and inserting “; or”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(10) the introduction of a motor vehicle in
17 interstate commerce solely for purposes of testing or
18 evaluation by a manufacturer that agrees not to sell
19 or offer for sale the motor vehicle at the conclusion
20 of the testing or evaluation and that prior to the
21 date of enactment of this paragraph—

22 “(A) has manufactured and distributed
23 motor vehicles into the United States that are
24 certified to comply with all applicable Federal
25 motor vehicle safety standards;

1 “(B) has submitted to the Secretary ap-
2 propriate manufacturer identification informa-
3 tion under part 566 of title 49, Code of Federal
4 Regulations; and

5 “(C) if applicable, has identified an agent
6 for service of process in accordance with part
7 551 of such title.”.

8 **SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTUR-**
9 **ERS.**

10 (a) **EXEMPTION FROM VEHICLE SAFETY STANDARDS**
11 **FOR LOW-VOLUME MANUFACTURERS.**—Section 30114 of
12 title 49, United States Code, is amended—

13 (1) by striking “The” and inserting “(A) VEHI-

14 CLES USED FOR PARTICULAR PURPOSES. The”; and

15 (2) by adding at the end the following new sub-

16 section:

17 “(b) **EXEMPTION FOR LOW-VOLUME MANUFACTUR-**
18 **ERS.**—

19 “(1) **IN GENERAL.**—The Secretary shall—

20 “(A) exempt from section 30112(a) of this
21 title not more than 325 replica motor vehicles
22 per year that are manufactured or imported by
23 a low-volume manufacturer; and

24 “(B) except as provided in paragraph (4)
25 of this subsection, limit any such exemption to

1 the Federal Motor Vehicle Safety Standards ap-
2 plicable to motor vehicles and not motor vehicle
3 equipment.

4 “(2) REGISTRATION REQUIREMENT.—To qual-
5 ify for an exemption under paragraph (1), a low-vol-
6 ume manufacturer shall register with the Secretary
7 at such time, in such manner, and under such terms
8 that the Secretary determines appropriate. The Sec-
9 retary shall establish terms that ensure that no per-
10 son may register as a low-volume manufacturer if
11 the person is registered as an importer under section
12 30141 of this title.

13 “(3) PERMANENT LABEL REQUIREMENT.—

14 “(A) IN GENERAL.—The Secretary shall
15 require a low-volume manufacturer to affix a
16 permanent label to a motor vehicle exempted
17 under paragraph (1) that identifies the speci-
18 fied standards and regulations for which such
19 vehicle is exempt from section 30112(a), states
20 that the vehicle is a replica, and designates the
21 model year such vehicle replicates.

22 “(B) WRITTEN NOTICE.—The Secretary
23 may require a low-volume manufacturer of a
24 motor vehicle exempted under paragraph (1) to
25 deliver written notice of the exemption to—

1 “(i) the dealer; and

2 “(ii) the first purchaser of the motor
3 vehicle, if the first purchaser is not an in-
4 dividual that purchases the motor vehicle
5 for resale.

6 “(C) REPORTING REQUIREMENT.—A low-
7 volume manufacturer shall annually submit a
8 report to the Secretary including the number
9 and description of the motor vehicles exempted
10 under paragraph (1) and a list of the exemp-
11 tions described on the label affixed under sub-
12 paragraph (A).

13 “(4) EFFECT ON OTHER PROVISIONS.—Any
14 motor vehicle exempted under this subsection shall
15 also be exempted from sections 32304, 32502, and
16 32902 of this title and from section 3 of the Auto-
17 mobile Information Disclosure Act (15 U.S.C.
18 1232).

19 “(5) LIMITATION AND PUBLIC NOTICE.—The
20 Secretary shall have 90 days to review and approve
21 or deny a registration submitted under paragraph
22 (2). If the Secretary determines that any such reg-
23 istration submitted is incomplete, the Secretary shall
24 have an additional 30 days for review. Any registra-
25 tion not approved or denied within 90 days after ini-

1 tial submission, or 120 days if the registration sub-
2 mitted is incomplete, shall be deemed approved. The
3 Secretary shall have the authority to revoke an exist-
4 ing registration based on a failure to comply with re-
5 quirements set forth in this subsection or a finding
6 by the Secretary of a safety-related defect or unlaw-
7 ful conduct under this chapter that poses a signifi-
8 cant safety risk. The registrant shall be provided a
9 reasonable opportunity to correct all deficiencies, if
10 such are correctable based on the sole discretion of
11 the Secretary. An exemption granted by the Sec-
12 retary to a low-volume manufacturer under this sub-
13 section may not be transferred to any other person,
14 and shall expire at the end of the calendar year for
15 which it was granted with respect to any volume au-
16 thorized by the exemption that was not applied by
17 the low-volume manufacturer to vehicles built during
18 that calendar year. The Secretary shall maintain an
19 up-to-date list of registrants and a list of the make
20 and model of motor vehicles exempted under para-
21 graph (1) on at least an annual basis and publish
22 such list in the Federal Register or on a website op-
23 erated by the Secretary.

24 “(6) LIMITATION OF LIABILITY FOR ORIGINAL
25 MANUFACTURERS, LICENSORS OR OWNERS OF PROD-

1 UCT CONFIGURATION, TRADE DRESS, OR DESIGN
2 PATENTS.—The original manufacturer, its successor
3 or assignee, or current owner, who grants a license
4 or otherwise transfers rights to a low-volume manu-
5 facturer shall incur no liability to any person or enti-
6 ty under Federal or State statute, regulation, local
7 ordinance, or under any Federal or State common
8 law for such license or assignment to a low-volume
9 manufacturer.

10 “(7) DEFINITIONS.—In this subsection:

11 “(A) LOW-VOLUME MANUFACTURER.—The
12 term ‘low-volume manufacturer’ means a motor
13 vehicle manufacturer, other than a person who
14 is registered as an importer under section
15 30141 of this title, whose annual worldwide
16 production, including by a parent or subsidiary
17 of the manufacturer, if applicable, is not more
18 than 5,000 motor vehicles.

19 “(B) REPLICA MOTOR VEHICLE.—The
20 term ‘replica motor vehicle’ means a motor ve-
21 hicle produced by a low-volume manufacturer
22 and that—

23 “(i) is intended to resemble the body
24 of another motor vehicle that was manu-
25 factured not less than 25 years before the

1 manufacture of the replica motor vehicle;
2 and

3 “(ii) is manufactured under a license
4 for the product configuration, trade dress,
5 trademark, or patent, for the motor vehicle
6 that is intended to be replicated from the
7 original manufacturer, its successors or as-
8 signees, or current owner of such product
9 configuration, trade dress, trademark, or
10 patent rights.

11 “(8) CONSTRUCTION.—Except as provided in
12 paragraphs (1) and (4), a registrant shall be consid-
13 ered a motor vehicle manufacturer for purposes of
14 parts A and C of subtitle VI of this title. Nothing
15 shall be construed to exempt a registrant from com-
16 plying with the requirements under sections 30116
17 through 30120A of this title if the motor vehicle ex-
18 cepted under paragraph (1) contains a defect related
19 to motor vehicle safety.

20 “(9) STATE REGISTRATION.—Nothing in this
21 subsection shall be construed to preempt, affect, or
22 supersede any State titling or registration law or
23 regulation for a replica motor vehicle, or exempt a
24 person from complying with such law or regula-
25 tion.”.

1 (b) VEHICLE EMISSION COMPLIANCE STANDARDS
2 FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—
3 Section 206(a) of the Clean Air Act (42 U.S.C. 7525(a))
4 is amended by adding at the end the following new para-
5 graph:

6 “(5)(A) A motor vehicle engine (including all
7 engine emission controls) may be installed in an ex-
8 empted specially produced motor vehicle if the motor
9 vehicle engine is from a motor vehicle that is covered
10 by a certificate of conformity issued by the Adminis-
11 trator for the model year in which the exempted spe-
12 cially produced motor vehicle is produced, or the
13 motor vehicle engine is covered by an Executive
14 order subject to regulations promulgated by the
15 California Air Resources Board for the model year
16 in which the exempted specially produced motor ve-
17 hicle is produced, and—

18 “(i) the manufacturer of the engine
19 supplies written instructions to the Admin-
20 istrator and the manufacturer of the ex-
21 empted specially produced motor vehicle
22 explaining how to install the engine and
23 maintain functionality of the engine’s emis-
24 sion control system and the on-board diag-
25 nostic system (commonly known as

1 ‘OBD’), except with respect to evaporative
2 emissions;

3 “(ii) the manufacturer of the exempt-
4 ed specially produced motor vehicle installs
5 the engine in accordance with such instruc-
6 tions and certifies such installation in ac-
7 cordance with subparagraph (E);

8 “(iii) the installation instructions in-
9 clude emission control warranty informa-
10 tion from the engine manufacturer in com-
11 pliance with section 207, including where
12 warranty repairs can be made, emission
13 control labels to be affixed to the vehicle,
14 and the certificate of conformity number
15 for the applicable vehicle in which the en-
16 gine was originally intended or the applica-
17 ble Executive order number for the engine;
18 and

19 “(iv) the manufacturer of the exempt-
20 ed specially produced motor vehicle does
21 not produce more than 325 such vehicles
22 in the calendar year in which the vehicle is
23 produced.

24 “(B) A motor vehicle containing an engine
25 compliant with the requirements of subpara-

1 graph (A) shall be treated as meeting the re-
2 quirements of section 202 applicable to new ve-
3 hicles produced or imported in the model year
4 in which the exempted specially produced motor
5 vehicle is produced or imported.

6 “(C) Engine installations that are not per-
7 formed in accordance with installation instruc-
8 tions provided by the manufacturer and alter-
9 ations to the engine not in accordance with the
10 installation instructions shall—

11 “(i) be treated as prohibited acts by
12 the installer under section 203 and any ap-
13 plicable regulations; and

14 “(ii) subject to civil penalties under
15 section 205(a), civil actions under section
16 205(b), and administrative assessment of
17 penalties under section 205(c).

18 “(D) The manufacturer of an exempted
19 specially produced motor vehicle that has an en-
20 gine compliant with the requirements of sub-
21 paragraph (A) shall provide to the purchaser of
22 such vehicle all information received by the
23 manufacturer from the engine manufacturer,
24 including information regarding emissions war-
25 ranties from the engine manufacturer and all

1 emissions-related recalls by the engine manufac-
2 turer.

3 “(E) To qualify to install an engine under
4 this paragraph, and sell, offer for sale, intro-
5 duce into commerce, deliver for introduction
6 into commerce or import an exempted specially
7 produced motor vehicle, a manufacturer of ex-
8 empted specially produced motor vehicles shall
9 register with the Administrator at such time
10 and in such manner as the Administrator deter-
11 mines appropriate. The manufacturer shall sub-
12 mit an annual report to the Administrator that
13 includes—

14 “(i) a description of the exempted spe-
15 cially produced motor vehicles and engines
16 installed in such vehicles;

17 “(ii) the certificate of conformity
18 number issued to the motor vehicle in
19 which the engine was originally intended or
20 the applicable Executive order number for
21 the engine; and

22 “(iii) a certification that it produced
23 all exempted specially produced motor ve-
24 hicles according to the written instructions
25 from the engine manufacturer, and other-

1 wise that the engine conforms in all mate-
2 rial respects to the description in the appli-
3 cation for the applicable certificate of con-
4 formity or Executive order.

5 “(F) Exempted specially produced motor
6 vehicles compliant with this paragraph shall be
7 exempted from—

8 “(i) motor vehicle certification testing
9 under this section; and

10 “(ii) vehicle emission control inspec-
11 tion and maintenance programs required
12 under section 110.

13 “(G)(i) Except as provided in subpara-
14 graphs (A) through (F), a person engaged in
15 the manufacturing or assembling of exempted
16 specially produced motor vehicles shall be con-
17 sidered a manufacturer for purposes of this
18 Act.

19 “(ii) Nothing in this paragraph shall be
20 construed to exempt any person from the prohi-
21 bitions in section 203(a)(3) or the requirements
22 in sections 208, 206(c), or 202(m)(5).

23 “(H) In this paragraph:

24 “(i) The term ‘exempted specially pro-
25 duced motor vehicle’ means a light-duty ve-

1 hicle or light-duty truck produced by a
2 low-volume manufacturer and that—

3 “(I) is intended to resemble the
4 body of another motor vehicle that
5 was manufactured not less than 25
6 years before the manufacture of the
7 exempted specially produced motor ve-
8 hicle; and

9 “(II) is manufactured under a li-
10 cense for the product configuration,
11 trade dress, trademark, or patent, for
12 the motor vehicle that is intended to
13 be replicated from the original manu-
14 facturer, its successors or assignees,
15 or current owner of such product con-
16 figuration, trade dress, trademark, or
17 patent rights.

18 “(ii) The term ‘low-volume manufac-
19 turer’ means a motor vehicle manufac-
20 turer, other than a person who is reg-
21 istered as an importer under section 30141
22 of title 49, United States Code, whose an-
23 nual worldwide production, including by a
24 parent or subsidiary of the manufacturer,

1 if applicable, is not more than 5,000 motor
2 vehicles.”.

3 (c) IMPLEMENTATION.—Not later than 12 months
4 after the date of enactment of this Act, the Secretary of
5 Transportation and the Administrator of the Environ-
6 mental Protection Agency shall issue such regulations as
7 may be necessary to implement the amendments made by
8 subsections (a) and (b), respectively.

9 **SEC. 24406. MOTOR VEHICLE SAFETY GUIDELINES.**

10 Section 30111 of title 49, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(f) MOTOR VEHICLE SAFETY GUIDELINES.—

14 “(1) IN GENERAL.—No guidelines issued by the
15 Secretary with respect to motor vehicle safety shall
16 confer any rights on any person, State, or locality,
17 nor shall operate to bind the Secretary or any per-
18 son to the approach recommended in such guide-
19 lines. In any enforcement action with respect to
20 motor vehicle safety, the Secretary shall allege a vio-
21 lation of a provision of this subtitle, a motor vehicle
22 safety standard issued under this subtitle, or an-
23 other relevant statute or regulation. The Secretary
24 may not base an enforcement action on, or execute
25 a consent order based on, practices that are alleged

1 to be inconsistent with any such guidelines, unless
2 the practices allegedly violate a provision of this sub-
3 title, a motor vehicle safety standard issued under
4 this subtitle, or another relevant statute or regula-
5 tion.

6 “(2) RULE OF CONSTRUCTION.—Nothing in
7 this subsection shall be construed to confer any au-
8 thority upon or negate any authority of the Sec-
9 retary to issue guidelines under this chapter.”.

10 **SEC. 24407. IMPROVEMENT OF DATA COLLECTION ON**
11 **CHILD OCCUPANTS IN VEHICLE CRASHES.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall revise
14 the crash investigation data collection system of the Na-
15 tional Highway Traffic Safety Administration to include
16 the collection of the following data in connection with vehi-
17 cle crashes whenever a child restraint system was in use
18 in a vehicle involved in a crash:

19 (1) The type or types of child restraint systems
20 in use during the crash in any vehicle involved in the
21 crash, including whether a five-point harness or belt-
22 positioning booster.

23 (2) If a five-point harness child restraint system
24 was in use during the crash, whether the child re-

1 strait system was forward-facing or rear-facing in
2 the vehicle concerned.

3 (b) CONSULTATION.—In implementing subsection
4 (a), the Secretary shall work with law enforcement offi-
5 cials, safety advocates, the medical community, and re-
6 search organizations to improve the recordation of data
7 described in subsection (a) in police and other applicable
8 incident reports.

9 (c) REPORT.—Not later than 3 years after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Commerce, Science, and Transportation
12 of the Senate and the Committee on Energy and Com-
13 merce of the House of Representatives a report on child
14 occupant crash data collection in the crash investigation
15 data collection system of the National Highway Traffic
16 Safety Administration pursuant to the revision required
17 by subsection (a).

1 **DIVISION C—FINANCE**
2 **TITLE XXXI—HIGHWAY TRUST**
3 **FUND AND RELATED TAXES**
4 **Subtitle A—Extension of Trust**
5 **Fund Expenditure Authority**
6 **and Related Taxes**

7 **SEC. 31101. EXTENSION OF HIGHWAY TRUST FUND EXPEND-**
8 **ITURE AUTHORITY.**

9 (a) HIGHWAY TRUST FUND.—Section 9503 of the
10 Internal Revenue Code of 1986 is amended—

11 (1) by striking “December 5, 2015” in sub-
12 sections (b)(6)(B), (c)(1), and (e)(3) and inserting
13 “October 1, 2020”, and

14 (2) by striking “Surface Transportation Exten-
15 sion Act of 2015, Part II” in subsections (c)(1) and
16 (e)(3) and inserting “FAST Act”.

17 (b) SPORT FISH RESTORATION AND BOATING TRUST
18 FUND.—Section 9504 of such Code is amended—

19 (1) by striking “Surface Transportation Exten-
20 sion Act of 2015, Part II” each place it appears in
21 subsection (b)(2) and inserting “FAST Act”, and

22 (2) by striking “December 5, 2015” in sub-
23 section (d)(2) and inserting “October 1, 2020”.

24 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
25 FUND.—Section 9508(e)(2) of such Code is amended by

1 striking “December 5, 2015” and inserting “October 1,
2 2020”.

3 **SEC. 31102. EXTENSION OF HIGHWAY-RELATED TAXES.**

4 (a) IN GENERAL.—

5 (1) Each of the following provisions of the In-
6 ternal Revenue Code of 1986 is amended by striking
7 “September 30, 2016” and inserting “September
8 30, 2022”:

9 (A) Section 4041(a)(1)(C)(iii)(I).

10 (B) Section 4041(m)(1)(B).

11 (C) Section 4081(d)(1).

12 (2) Each of the following provisions of such
13 Code is amended by striking “October 1, 2016” and
14 inserting “October 1, 2022”:

15 (A) Section 4041(m)(1)(A).

16 (B) Section 4051(c).

17 (C) Section 4071(d).

18 (D) Section 4081(d)(3).

19 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN
20 HEAVY VEHICLES.—Each of the following provisions of
21 the Internal Revenue Code of 1986 is amended by striking
22 “2017” each place it appears and inserting “2023”:

23 (1) Section 4481(f).

24 (2) Subsections (c)(4) and (d) of section 4482.

1 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)
2 of the Internal Revenue Code of 1986 is amended—

3 (1) by striking “October 1, 2016” each place it
4 appears and inserting “October 1, 2022”;

5 (2) by striking “March 31, 2017” each place it
6 appears and inserting “March 31, 2023”; and

7 (3) by striking “January 1, 2017” and insert-
8 ing “January 1, 2023”.

9 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

10 (1) Section 4221(a) of the Internal Revenue
11 Code of 1986 is amended by striking “October 1,
12 2016” and inserting “October 1, 2022”.

13 (2) Section 4483(i) of such Code is amended by
14 striking “October 1, 2017” and inserting “October
15 1, 2023”.

16 (e) EXTENSION OF TRANSFERS OF CERTAIN
17 TAXES.—

18 (1) IN GENERAL.—Section 9503 of the Internal
19 Revenue Code of 1986 is amended—

20 (A) in subsection (b)—

21 (i) by striking “October 1, 2016”
22 each place it appears in paragraphs (1)
23 and (2) and inserting “October 1, 2022”;

1 (ii) by striking “OCTOBER 1, 2016” in
2 the heading of paragraph (2) and inserting
3 “OCTOBER 1, 2022”;

4 (iii) by striking “September 30,
5 2016” in paragraph (2) and inserting
6 “September 30, 2022”; and

7 (iv) by striking “July 1, 2017” in
8 paragraph (2) and inserting “July 1,
9 2023”; and

10 (B) in subsection (c)(2), by striking “July
11 1, 2017” and inserting “July 1, 2023”.

12 (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX
13 TRANSFERS.—

14 (A) IN GENERAL.—Paragraphs (3)(A)(i)
15 and (4)(A) of section 9503(c) of such Code are
16 each amended by striking “October 1, 2016”
17 and inserting “October 1, 2022”.

18 (B) CONFORMING AMENDMENTS TO LAND
19 AND WATER CONSERVATION FUND.—Section
20 200310 of title 54, United States Code, is
21 amended—

22 (i) by striking “October 1, 2017”
23 each place it appears and inserting “Octo-
24 ber 1, 2023”; and

1 (ii) by striking “October 1, 2016” and
2 inserting “October 1, 2022”.

3 (f) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on October 1, 2016.

5 **Subtitle B—Additional Transfers to**
6 **Highway Trust Fund**

7 **SEC. 31201. FURTHER ADDITIONAL TRANSFERS TO TRUST**
8 **FUND.**

9 Subsection (f) of section 9503 of the Internal Rev-
10 enue Code of 1986 is amended by redesignating paragraph
11 (8) as paragraph (10) and inserting after paragraph (7)
12 the following new paragraphs:

13 “(8) FURTHER TRANSFERS TO TRUST FUND.—
14 Out of money in the Treasury not otherwise appro-
15 priated, there is hereby appropriated—

16 “(A) \$51,900,000,000 to the Highway Ac-
17 count (as defined in subsection (e)(5)(B)) in
18 the Highway Trust Fund; and

19 “(B) \$18,100,000,000 to the Mass Transit
20 Account in the Highway Trust Fund.

21 “(9) ADDITIONAL INCREASE IN FUND BAL-
22 ANCE.—There is hereby transferred to the Highway
23 Account (as defined in subsection (e)(5)(B)) in the
24 Highway Trust Fund amounts appropriated from

1 the Leaking Underground Storage Tank Trust Fund
2 under section 9508(c)(4).”.

3 **SEC. 31202. TRANSFER TO HIGHWAY TRUST FUND OF CER-**
4 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

5 (a) IN GENERAL.—Paragraph (5) of section 9503(b)
6 of the Internal Revenue Code of 1986 is amended—

7 (1) by striking “There are hereby” and insert-
8 ing the following:

9 “(A) IN GENERAL.—There are hereby”,
10 and

11 (2) by adding at the end the following new
12 paragraph:

13 “(B) PENALTIES RELATED TO MOTOR VE-
14 HICLE SAFETY.—

15 “(i) IN GENERAL.—There are hereby
16 appropriated to the Highway Trust Fund
17 amounts equivalent to covered motor vehi-
18 cle safety penalty collections.

19 “(ii) COVERED MOTOR VEHICLE SAFE-
20 TY PENALTY COLLECTIONS.—For purposes
21 of this subparagraph, the term ‘covered
22 motor vehicle safety penalty collections’
23 means any amount collected in connection
24 with a civil penalty under section 30165 of
25 title 49, United States Code, reduced by

1 any award authorized by the Secretary of
2 Transportation to be paid to any person in
3 connection with information provided by
4 such person related to a violation of chap-
5 ter 301 of such title which is a predicate
6 to such civil penalty.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to amounts collected after the date
9 of the enactment of this Act.

10 **SEC. 31203. APPROPRIATION FROM LEAKING UNDER-**
11 **GROUND STORAGE TANK TRUST FUND.**

12 (a) IN GENERAL.—Subsection (c) of section 9508 of
13 the Internal Revenue Code of 1986 is amended by adding
14 at the end the following new paragraph:

15 “(4) ADDITIONAL TRANSFER TO HIGHWAY
16 TRUST FUND.—Out of amounts in the Leaking Un-
17 derground Storage Tank Trust Fund there is hereby
18 appropriated—

19 “(A) on the date of the enactment of the
20 FAST Act, \$100,000,000,

21 “(B) on October 1, 2016, \$100,000,000,

22 and

23 “(C) on October 1, 2017, \$100,000,000,

1 to be transferred under section 9503(f)(9) to the
2 Highway Account (as defined in section
3 9503(e)(5)(B)) in the Highway Trust Fund.”.

4 (b) CONFORMING AMENDMENT.—Section 9508(e)(1)
5 of the Internal Revenue Code of 1986 is amended by strik-
6 ing “paragraphs (2) and (3)” and inserting “paragraphs
7 (2), (3), and (4)”.

8 **TITLE XXXII—OFFSETS**

9 **Subtitle A—Tax Provisions**

10 **SEC. 32101. REVOCATION OR DENIAL OF PASSPORT IN CASE** 11 **OF CERTAIN UNPAID TAXES.**

12 (a) IN GENERAL.—Subchapter D of chapter 75 of the
13 Internal Revenue Code of 1986 is amended by adding at
14 the end the following new section:

15 **“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE** 16 **OF CERTAIN TAX DELINQUENCIES.**

17 “(a) IN GENERAL.—If the Secretary receives certifi-
18 cation by the Commissioner of Internal Revenue that an
19 individual has a seriously delinquent tax debt, the Sec-
20 retary shall transmit such certification to the Secretary
21 of State for action with respect to denial, revocation, or
22 limitation of a passport pursuant to section 32101 of the
23 FAST Act.

24 “(b) SERIOUSLY DELINQUENT TAX DEBT.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the term ‘seriously delinquent tax debt’ means
3 an unpaid, legally enforceable Federal tax liability of
4 an individual—

5 “(A) which has been assessed,

6 “(B) which is greater than \$50,000, and

7 “(C) with respect to which—

8 “(i) a notice of lien has been filed
9 pursuant to section 6323 and the adminis-
10 trative rights under section 6320 with re-
11 spect to such filing have been exhausted or
12 have lapsed, or

13 “(ii) a levy is made pursuant to sec-
14 tion 6331.

15 “(2) EXCEPTIONS.—Such term shall not in-
16 clude—

17 “(A) a debt that is being paid in a timely
18 manner pursuant to an agreement to which the
19 individual is party under section 6159 or 7122,
20 and

21 “(B) a debt with respect to which collec-
22 tion is suspended with respect to the indi-
23 vidual—

1 “(i) because a due process hearing
2 under section 6330 is requested or pend-
3 ing, or

4 “(ii) because an election under sub-
5 section (b) or (c) of section 6015 is made
6 or relief under subsection (f) of such sec-
7 tion is requested.

8 “(c) REVERSAL OF CERTIFICATION.—

9 “(1) IN GENERAL.—In the case of an individual
10 with respect to whom the Commissioner makes a
11 certification under subsection (a), the Commissioner
12 shall notify the Secretary (and the Secretary shall
13 subsequently notify the Secretary of State) if such
14 certification is found to be erroneous or if the debt
15 with respect to such certification is fully satisfied or
16 ceases to be a seriously delinquent tax debt by rea-
17 son of subsection (b)(2).

18 “(2) TIMING OF NOTICE.—

19 “(A) FULL SATISFACTION OF DEBT.—In
20 the case of a debt that has been fully satisfied
21 or has become legally unenforceable, such noti-
22 fication shall be made not later than the date
23 required for issuing the certificate of release of
24 lien with respect to such debt under section
25 6325(a).

1 “(B) INNOCENT SPOUSE RELIEF.—In the
2 case of an individual who makes an election
3 under subsection (b) or (c) of section 6015, or
4 requests relief under subsection (f) of such sec-
5 tion, such notification shall be made not later
6 than 30 days after any such election or request.

7 “(C) INSTALLMENT AGREEMENT OR
8 OFFER-IN-COMPROMISE.—In the case of an in-
9 stallment agreement under section 6159 or an
10 offer-in-compromise under section 7122, such
11 notification shall be made not later than 30
12 days after such agreement is entered into or
13 such offer is accepted by the Secretary.

14 “(D) ERRONEOUS CERTIFICATION.—In the
15 case of a certification found to be erroneous,
16 such notification shall be made as soon as prac-
17 ticable after such finding.

18 “(d) CONTEMPORANEOUS NOTICE TO INDIVIDUAL.—
19 The Commissioner shall contemporaneously notify an indi-
20 vidual of any certification under subsection (a), or any re-
21 versal of certification under subsection (c), with respect
22 to such individual. Such notice shall include a description
23 in simple and nontechnical terms of the right to bring a
24 civil action under subsection (e).

25 “(e) JUDICIAL REVIEW OF CERTIFICATION.—

1 “(1) IN GENERAL.—After the Commissioner no-
2 tifies an individual under subsection (d), the tax-
3 payer may bring a civil action against the United
4 States in a district court of the United States or the
5 Tax Court to determine whether the certification
6 was erroneous or whether the Commissioner has
7 failed to reverse the certification.

8 “(2) DETERMINATION.—If the court determines
9 that such certification was erroneous, then the court
10 may order the Secretary to notify the Secretary of
11 State that such certification was erroneous.

12 “(f) ADJUSTMENT FOR INFLATION.—In the case of
13 a calendar year beginning after 2016, the dollar amount
14 in subsection (a) shall be increased by an amount equal
15 to—

16 “(1) such dollar amount, multiplied by

17 “(2) the cost-of-living adjustment determined
18 under section 1(f)(3) for the calendar year, deter-
19 mined by substituting ‘calendar year 2015’ for ‘cal-
20 endar year 1992’ in subparagraph (B) thereof.

21 If any amount as adjusted under the preceding sentence
22 is not a multiple of \$1,000, such amount shall be rounded
23 to the nearest multiple of \$1,000.

24 “(g) DELEGATION OF CERTIFICATION.—A certifi-
25 cation under subsection (a) or reversal of certification

1 under subsection (c) may only be delegated by the Com-
2 missioner of Internal Revenue to the Deputy Commis-
3 sioner for Services and Enforcement, or the Commissioner
4 of an operating division, of the Internal Revenue Service.”.

5 (b) INFORMATION INCLUDED IN NOTICE OF LIEN
6 AND LEVY.—

7 (1) NOTICE OF LIEN.—Section 6320(a)(3) of
8 such Code is amended by striking “and” at the end
9 of subparagraph (C), by striking the period at the
10 end of subparagraph (D) and inserting “; and”, and
11 by adding at the end the following new subpara-
12 graph:

13 “(E) the provisions of section 7345 relat-
14 ing to the certification of seriously delinquent
15 tax debts and the denial, revocation, or limita-
16 tion of passports of individuals with such debts
17 pursuant to section 32101 of the FAST Act.”.

18 (2) NOTICE OF LEVY.—Section 6331(d)(4) of
19 such Code is amended by striking “and” at the end
20 of subparagraph (E), by striking the period at the
21 end of subparagraph (F) and inserting “, and”, and
22 by adding at the end the following new subpara-
23 graph:

24 “(G) the provisions of section 7345 relat-
25 ing to the certification of seriously delinquent

1 tax debts and the denial, revocation, or limita-
2 tion of passports of individuals with such debts
3 pursuant to section 32101 of the FAST Act.”.

4 (c) AUTHORITY FOR INFORMATION SHARING.—

5 (1) IN GENERAL.—Section 6103(k) of such
6 Code is amended by adding at the end the following
7 new paragraph:

8 “(11) DISCLOSURE OF RETURN INFORMATION
9 TO DEPARTMENT OF STATE FOR PURPOSES OF PASS-
10 PORT REVOCATION UNDER SECTION 7345.—

11 “(A) IN GENERAL.—The Secretary shall,
12 upon receiving a certification described in sec-
13 tion 7345, disclose to the Secretary of State re-
14 turn information with respect to a taxpayer who
15 has a seriously delinquent tax debt described in
16 such section. Such return information shall be
17 limited to—

18 “(i) the taxpayer identity information
19 with respect to such taxpayer, and

20 “(ii) the amount of such seriously de-
21 linquent tax debt.

22 “(B) RESTRICTION ON DISCLOSURE.—Re-
23 turn information disclosed under subparagraph
24 (A) may be used by officers and employees of
25 the Department of State for the purposes of,

1 and to the extent necessary in, carrying out the
2 requirements of section 32101 of the FAST
3 Act.”.

4 (2) CONFORMING AMENDMENT.—Paragraph (4)
5 of section 6103(p) of such Code is amended by strik-
6 ing “or (10)” each place it appears in subparagraph
7 (F)(ii) and in the matter preceding subparagraph
8 (A) and inserting “, (10), or (11)”.

9 (d) TIME FOR CERTIFICATION OF SERIOUSLY DELIN-
10 QUENT TAX DEBT POSTPONED BY REASON OF SERVICE
11 IN COMBAT ZONE.—Section 7508(a) of such Code is
12 amended by striking the period at the end of paragraph
13 (2) and inserting “; and” and by adding at the end the
14 following new paragraph:

15 “(3) Any certification of a seriously delinquent
16 tax debt under section 7345.”.

17 (e) AUTHORITY TO DENY OR REVOKE PASSPORT.—

18 (1) DENIAL.—

19 (A) IN GENERAL.—Except as provided
20 under subparagraph (B), upon receiving a cer-
21 tification described in section 7345 of the Inter-
22 nal Revenue Code of 1986 from the Secretary
23 of the Treasury, the Secretary of State shall
24 not issue a passport to any individual who has

1 a seriously delinquent tax debt described in
2 such section.

3 (B) EMERGENCY AND HUMANITARIAN SIT-
4 UATIONS.—Notwithstanding subparagraph (A),
5 the Secretary of State may issue a passport, in
6 emergency circumstances or for humanitarian
7 reasons, to an individual described in such sub-
8 paragraph.

9 (2) REVOCATION.—

10 (A) IN GENERAL.—The Secretary of State
11 may revoke a passport previously issued to any
12 individual described in paragraph (1)(A).

13 (B) LIMITATION FOR RETURN TO UNITED
14 STATES.—If the Secretary of State decides to
15 revoke a passport under subparagraph (A), the
16 Secretary of State, before revocation, may—

17 (i) limit a previously issued passport
18 only for return travel to the United States;

19 or

20 (ii) issue a limited passport that only
21 permits return travel to the United States.

22 (3) HOLD HARMLESS.—The Secretary of the
23 Treasury, the Secretary of State, and any of their
24 designees shall not be liable to an individual for any
25 action with respect to a certification by the Commis-

1 sioner of Internal Revenue under section 7345 of the
2 Internal Revenue Code of 1986.

3 (f) REVOCATION OR DENIAL OF PASSPORT IN CASE
4 OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT
5 NUMBER.—

6 (1) DENIAL.—

7 (A) IN GENERAL.—Except as provided
8 under subparagraph (B), upon receiving an ap-
9 plication for a passport from an individual that
10 either—

11 (i) does not include the social security
12 account number issued to that individual,
13 or

14 (ii) includes an incorrect or invalid so-
15 cial security number willfully, intentionally,
16 negligently, or recklessly provided by such
17 individual,

18 the Secretary of State is authorized to deny
19 such application and is authorized to not issue
20 a passport to the individual.

21 (B) EMERGENCY AND HUMANITARIAN SIT-
22 UATIONS.—Notwithstanding subparagraph (A),
23 the Secretary of State may issue a passport, in
24 emergency circumstances or for humanitarian

1 reasons, to an individual described in subpara-
2 graph (A).

3 (2) REVOCATION.—

4 (A) IN GENERAL.—The Secretary of State
5 may revoke a passport previously issued to any
6 individual described in paragraph (1)(A).

7 (B) LIMITATION FOR RETURN TO UNITED
8 STATES.—If the Secretary of State decides to
9 revoke a passport under subparagraph (A), the
10 Secretary of State, before revocation, may—

11 (i) limit a previously issued passport
12 only for return travel to the United States;
13 or

14 (ii) issue a limited passport that only
15 permits return travel to the United States.

16 (g) REMOVAL OF CERTIFICATION FROM RECORD
17 WHEN DEBT CEASES TO BE SERIOUSLY DELINQUENT.—

18 If pursuant to subsection (c) or (e) of section 7345 of the
19 Internal Revenue Code of 1986 the Secretary of State re-
20 ceives from the Secretary of the Treasury a notice that
21 an individual ceases to have a seriously delinquent tax
22 debt, the Secretary of State shall remove from the individ-
23 ual's record the certification with respect to such debt.

24 (h) CLERICAL AMENDMENT.—The table of sections
25 for subchapter D of chapter 75 of the Internal Revenue

1 Code of 1986 is amended by adding at the end the fol-
2 lowing new item:

“Sec. 7345. Revocation or denial of passport in case of certain tax delin-
quencies.”.

3 (i) **EFFECTIVE DATE.**—The provisions of, and
4 amendments made by, this section shall take effect on the
5 date of the enactment of this Act.

6 **SEC. 32102. REFORM OF RULES RELATING TO QUALIFIED**
7 **TAX COLLECTION CONTRACTS.**

8 (a) **REQUIREMENT TO COLLECT CERTAIN INACTIVE**
9 **TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION**
10 **CONTRACTS.**—Section 6306 of the Internal Revenue Code
11 of 1986 is amended by redesignating subsections (c)
12 through (f) as subsections (d) through (g), respectively,
13 and by inserting after subsection (b) the following new
14 subsection:

15 “(c) **COLLECTION OF INACTIVE TAX RECEIV-**
16 **ABLES.**—

17 “(1) **IN GENERAL.**—Notwithstanding any other
18 provision of law, the Secretary shall enter into one
19 or more qualified tax collection contracts for the col-
20 lection of all outstanding inactive tax receivables.

21 “(2) **INACTIVE TAX RECEIVABLES.**—For pur-
22 poses of this section—

23 “(A) **IN GENERAL.**—The term ‘inactive tax
24 receivable’ means any tax receivable if—

1 “(i) at any time after assessment, the
2 Internal Revenue Service removes such re-
3 ceivable from the active inventory for lack
4 of resources or inability to locate the tax-
5 payer,

6 “(ii) more than $\frac{1}{3}$ of the period of the
7 applicable statute of limitation has lapsed
8 and such receivable has not been assigned
9 for collection to any employee of the Inter-
10 nal Revenue Service, or

11 “(iii) in the case of a receivable which
12 has been assigned for collection, more than
13 365 days have passed without interaction
14 with the taxpayer or a third party for pur-
15 poses of furthering the collection of such
16 receivable.

17 “(B) TAX RECEIVABLE.—The term ‘tax re-
18 ceivable’ means any outstanding assessment
19 which the Internal Revenue Service includes in
20 potentially collectible inventory.”.

21 (b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR
22 COLLECTION UNDER QUALIFIED TAX COLLECTION CON-
23 TRACTS.—Section 6306 of the Internal Revenue Code of
24 1986, as amended by subsection (a), is amended by redес-
25 ignating subsections (d) through (g) as subsections (e)

1 through (h), respectively, and by inserting after subsection
2 (c) the following new subsection:

3 “(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE
4 FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS
5 CONTRACTS.—A tax receivable shall not be eligible for col-
6 lection pursuant to a qualified tax collection contract if
7 such receivable—

8 “(1) is subject to a pending or active offer-in-
9 compromise or installment agreement,

10 “(2) is classified as an innocent spouse case,

11 “(3) involves a taxpayer identified by the Sec-
12 retary as being—

13 “(A) deceased,

14 “(B) under the age of 18,

15 “(C) in a designated combat zone, or

16 “(D) a victim of tax-related identity theft,

17 “(4) is currently under examination, litigation,
18 criminal investigation, or levy, or

19 “(5) is currently subject to a proper exercise of
20 a right of appeal under this title.”.

21 (e) CONTRACTING PRIORITY.—Section 6306 of the
22 Internal Revenue Code of 1986, as amended by the pre-
23 ceding provisions of this section, is amended by redesignig-
24 nating subsection (h) as subsection (i) and by inserting
25 after subsection (g) the following new subsection:

1 “(h) CONTRACTING PRIORITY.—In contracting for
2 the services of any person under this section, the Secretary
3 shall utilize private collection contractors and debt collec-
4 tion centers on the schedule required under section
5 3711(g) of title 31, United States Code, including the
6 technology and communications infrastructure established
7 therein, to the extent such private collection contractors
8 and debt collection centers are appropriate to carry out
9 the purposes of this section.”.

10 (d) DISCLOSURE OF RETURN INFORMATION.—Sec-
11 tion 6103(k) of the Internal Revenue Code of 1986, as
12 amended by section 32101, is amended by adding at the
13 end the following new paragraph:

14 “(12) QUALIFIED TAX COLLECTION CONTRAC-
15 TORS.—Persons providing services pursuant to a
16 qualified tax collection contract under section 6306
17 may, if speaking to a person who has identified him-
18 self or herself as having the name of the taxpayer
19 to which a tax receivable (within the meaning of
20 such section) relates, identify themselves as contrac-
21 tors of the Internal Revenue Service and disclose the
22 business name of the contractor, and the nature,
23 subject, and reason for the contact. Disclosures
24 under this paragraph shall be made only in such sit-

1 uations and under such conditions as have been ap-
2 proved by the Secretary.”.

3 (e) TAXPAYERS AFFECTED BY FEDERALLY DE-
4 CLARED DISASTERS.—Section 6306 of the Internal Rev-
5 enue Code of 1986, as amended by the preceding provi-
6 sions of this section, is amended by redesignating sub-
7 section (i) as subsection (j) and by inserting after sub-
8 section (h) the following new subsection:

9 “(i) TAXPAYERS IN PRESIDENTIALLY DECLARED
10 DISASTER AREAS.—The Secretary may prescribe proce-
11 dures under which a taxpayer determined to be affected
12 by a Federally declared disaster (as defined by section
13 165(i)(5)) may request—

14 “(1) relief from immediate collection measures
15 by contractors under this section, and

16 “(2) a return of the inactive tax receivable to
17 the inventory of the Internal Revenue Service to be
18 collected by an employee thereof.”.

19 (f) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Section 6306 of the Internal
21 Revenue Code of 1986, as amended by the preceding
22 provisions of this section, is amended by redesign-
23 ating subsection (j) as subsection (k) and by insert-
24 ing after subsection (i) the following new subsection:

1 “(j) REPORT TO CONGRESS.—Not later than 90 days
2 after the last day of each fiscal year (beginning with the
3 first such fiscal year ending after the date of the enact-
4 ment of this subsection), the Secretary shall submit to the
5 Committee on Ways and Means of the House of Rep-
6 resentatives and the Committee on Finance of the Senate
7 a report with respect to qualified tax collection contracts
8 under this section which shall include—

9 “(1) annually, with respect to such fiscal year—

10 “(A) the total number and amount of tax
11 receivables provided to each contractor for col-
12 lection under this section,

13 “(B) the total amounts collected (and
14 amounts of installment agreements entered into
15 under subsection (b)(1)(B)) with respect to
16 each contractor and the collection costs in-
17 curred (directly and indirectly) by the Internal
18 Revenue Service with respect to such amounts,

19 “(C) the impact of such contracts on the
20 total number and amount of unpaid assess-
21 ments, and on the number and amount of as-
22 sessments collected by Internal Revenue Service
23 personnel after initial contact by a contractor,

1 “(D) the amount of fees retained by the
2 Secretary under subsection (e) and a descrip-
3 tion of the use of such funds, and

4 “(E) a disclosure safeguard report in a
5 form similar to that required under section
6 6103(p)(5), and

7 “(2) biannually (beginning with the second re-
8 port submitted under this subsection)—

9 “(A) an independent evaluation of con-
10 tractor performance, and

11 “(B) a measurement plan that includes a
12 comparison of the best practices used by the
13 private collectors to the collection techniques
14 used by the Internal Revenue Service and
15 mechanisms to identify and capture information
16 on successful collection techniques used by the
17 contractors that could be adopted by the Inter-
18 nal Revenue Service.”.

19 (2) REPEAL OF EXISTING REPORTING REQUIRE-
20 MENTS WITH RESPECT TO QUALIFIED TAX COLLEC-
21 TION CONTRACTS.—Section 881 of the American
22 Jobs Creation Act of 2004 is amended by striking
23 subsection (e).

24 (g) EFFECTIVE DATES.—

1 (1) IN GENERAL.—The amendments made by
2 subsections (a) and (b) shall apply to tax receivables
3 identified by the Secretary after the date of the en-
4 actment of this Act.

5 (2) CONTRACTING PRIORITY.—The Secretary
6 shall begin entering into contracts and agreements
7 as described in the amendment made by subsection
8 (c) within 3 months after the date of the enactment
9 of this Act.

10 (3) DISCLOSURES.—The amendment made by
11 subsection (d) shall apply to disclosures made after
12 the date of the enactment of this Act.

13 (4) PROCEDURES; REPORT TO CONGRESS.—The
14 amendments made by subsections (e) and (f) shall
15 take effect on the date of the enactment of this Act.

16 **SEC. 32103. SPECIAL COMPLIANCE PERSONNEL PROGRAM.**

17 (a) IN GENERAL.—Subsection (e) of section 6306 of
18 the Internal Revenue Code of 1986, as redesignated by
19 section 52106, is amended by striking “for collection en-
20 forcement activities of the Internal Revenue Service” in
21 paragraph (2) and inserting “to fund the special compli-
22 ance personnel program account under section 6307”.

23 (b) SPECIAL COMPLIANCE PERSONNEL PROGRAM
24 ACCOUNT.—Subchapter A of chapter 64 of the Internal

1 Revenue Code of 1986 is amended by adding at the end
2 the following new section:

3 **“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM**
4 **ACCOUNT.**

5 “(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE
6 PERSONNEL PROGRAM ACCOUNT.—The Secretary shall
7 establish an account within the Department for carrying
8 out a program consisting of the hiring, training, and em-
9 ployment of special compliance personnel, and shall trans-
10 fer to such account from time to time amounts retained
11 by the Secretary under section 6306(e)(2).

12 “(b) RESTRICTIONS.—The program described in sub-
13 section (a) shall be subject to the following restrictions:

14 “(1) No funds shall be transferred to such ac-
15 count except as described in subsection (a).

16 “(2) No other funds from any other source
17 shall be expended for special compliance personnel
18 employed under such program, and no funds from
19 such account shall be expended for the hiring of any
20 personnel other than special compliance personnel.

21 “(3) Notwithstanding any other authority, the
22 Secretary is prohibited from spending funds out of
23 such account for any purpose other than for costs
24 under such program associated with the employment
25 of special compliance personnel and the retraining

1 and reassignment of current noncollections personnel
2 as special compliance personnel, and to reimburse
3 the Internal Revenue Service or other government
4 agencies for the cost of administering qualified tax
5 collection contracts under section 6306.

6 “(c) REPORTING.—Not later than March of each
7 year, the Commissioner of Internal Revenue shall submit
8 a report to the Committees on Finance and Appropria-
9 tions of the Senate and the Committees on Ways and
10 Means and Appropriations of the House of Representa-
11 tives consisting of the following:

12 “(1) For the preceding fiscal year, all funds re-
13 ceived in the account established under subsection
14 (a), administrative and program costs for the pro-
15 gram described in such subsection, the number of
16 special compliance personnel hired and employed
17 under the program, and the amount of revenue actu-
18 ally collected by such personnel.

19 “(2) For the current fiscal year, all actual and
20 estimated funds received or to be received in the ac-
21 count, all actual and estimated administrative and
22 program costs, the number of all actual and esti-
23 mated special compliance personnel hired and em-
24 ployed under the program, and the actual and esti-

1 mated revenue actually collected or to be collected by
2 such personnel.

3 “(3) For the following fiscal year, an estimate
4 of all funds to be received in the account, all esti-
5 mated administrative and program costs, the esti-
6 mated number of special compliance personnel hired
7 and employed under the program, and the estimated
8 revenue to be collected by such personnel.

9 “(d) DEFINITIONS.—For purposes of this section—

10 “(1) SPECIAL COMPLIANCE PERSONNEL.—The
11 term ‘special compliance personnel’ means individ-
12 uals employed by the Internal Revenue Service as
13 field function collection officers or in a similar posi-
14 tion, or employed to collect taxes using the auto-
15 mated collection system or an equivalent replace-
16 ment system.

17 “(2) PROGRAM COSTS.—The term ‘program
18 costs’ means—

19 “(A) total salaries (including locality pay
20 and bonuses), benefits, and employment taxes
21 for special compliance personnel employed or
22 trained under the program described in sub-
23 section (a), and

24 “(B) direct overhead costs, salaries, bene-
25 fits, and employment taxes relating to support

1 staff, rental payments, office equipment and
2 furniture, travel, data processing services, vehi-
3 cle costs, utilities, telecommunications, postage,
4 printing and reproduction, supplies and mate-
5 rials, lands and structures, insurance claims,
6 and indemnities for special compliance per-
7 sonnel hired and employed under this section.

8 For purposes of subparagraph (B), the cost of man-
9 agement and supervision of special compliance per-
10 sonnel shall be taken into account as direct overhead
11 costs to the extent such costs, when included in total
12 program costs under this paragraph, do not rep-
13 resent more than 10 percent of such total costs.”.

14 (c) CLERICAL AMENDMENT.—The table of sections
15 for subchapter A of chapter 64 of the Internal Revenue
16 Code of 1986 is amended by inserting after the item relat-
17 ing to section 6306 the following new item:

“Sec. 6307. Special compliance personnel program account.”.

18 (d) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply to amounts collected and re-
20 tained by the Secretary after the date of the enactment
21 of this Act.

1 **SEC. 32104. REPEAL OF MODIFICATION OF AUTOMATIC EX-**
2 **TENSION OF RETURN DUE DATE FOR CER-**
3 **TAIN EMPLOYEE BENEFIT PLANS.**

4 (a) IN GENERAL.—Section 2006(b) of the Surface
5 Transportation and Veterans Health Care Choice Im-
6 provement Act of 2015 is amended by striking paragraph
7 (3).

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to returns for taxable years begin-
10 ning after December 31, 2015.

11 **Subtitle B—Fees and Receipts**

12 **SEC. 32201. ADJUSTMENT FOR INFLATION OF FEES FOR**
13 **CERTAIN CUSTOMS SERVICES.**

14 (a) IN GENERAL.—Section 13031 of the Consolidated
15 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
16 58c) is amended by adding at the end the following:

17 “(1) ADJUSTMENT OF FEES FOR INFLATION.—

18 “(1) IN GENERAL.—The Secretary of the
19 Treasury shall adjust the fees established under sub-
20 section (a), and the limitations on such fees under
21 paragraphs (2), (3), (5), (6), (8), and (9) of sub-
22 section (b), on April 1, 2016, and at the beginning
23 of each fiscal year thereafter, to reflect the percent-
24 age (if any) of the increase in the average of the
25 Consumer Price Index for the preceding 12-month

1 period compared to the Consumer Price Index for
2 fiscal year 2014.

3 “(2) SPECIAL RULES FOR CALCULATION OF AD-
4 JUSTMENT.—In adjusting under paragraph (1) the
5 amount of the fees established under subsection (a),
6 and the limitations on such fees under paragraphs
7 (2), (3), (5), (6), (8), and (9) of subsection (b), the
8 Secretary—

9 “(A) shall round the amount of any in-
10 crease in the Consumer Price Index to the near-
11 est dollar; and

12 “(B) may ignore any such increase of less
13 than 1 percent.

14 “(3) CONSUMER PRICE INDEX DEFINED.—For
15 purposes of this subsection, the term ‘Consumer
16 Price Index’ means the Consumer Price Index for
17 All Urban Consumers published by the Bureau of
18 Labor Statistics of the Department of Labor.”.

19 (b) USE OF FEES.—The fees collected as a result of
20 the amendments made by this section shall be deposited
21 in the Customs User Fee Account, shall be available for
22 reimbursement of customs services and inspections costs,
23 and shall be available only to the extent provided in appro-
24 priations Acts.

1 (c) CONFORMING AMENDMENTS.—Section 13031 of
2 the Consolidated Omnibus Budget Reconciliation Act of
3 1985 (19 U.S.C. 58c), as amended by subsections (a) and
4 (b), is further amended—

5 (1) in subsection (a), in the matter preceding
6 paragraph (1), by inserting “(subject to adjustment
7 under subsection (l))” after “following fees”; and

8 (2) in subsection (b)—

9 (A) in paragraph (2), by inserting “(sub-
10 ject to adjustment under subsection (l))” after
11 “in fees”;

12 (B) in paragraph (3), by inserting “(sub-
13 ject to adjustment under subsection (l))” after
14 “in fees”;

15 (C) in paragraph (5)(A), by inserting
16 “(subject to adjustment under subsection (l))”
17 after “in fees”;

18 (D) in paragraph (6), by inserting “(sub-
19 ject to adjustment under subsection (l))” after
20 “in fees”;

21 (E) in paragraph (8)(A)—

22 (i) in clause (i), by inserting “or (l)”
23 after “subsection (a)(9)(B)”; and

1 (ii) in clause (ii), by inserting “(sub-
2 ject to adjustment under subsection (l))”
3 after “§3”; and
4 (F) in paragraph (9)—
5 (i) in subparagraph (A)—
6 (I) in the matter preceding clause
7 (i), by inserting “and subject to ad-
8 justment under subsection (l)” after
9 “Tariff Act of 1930”; and
10 (II) in clause (ii)(I), by inserting
11 “(subject to adjustment under sub-
12 section (l))” after “bill of lading”; and
13 (ii) in subparagraph (B)(i), by insert-
14 ing “(subject to adjustment under sub-
15 section (l))” after “bill of lading”.

16 **SEC. 32202. LIMITATION ON SURPLUS FUNDS OF FEDERAL**
17 **RESERVE BANKS.**

18 Section 7(a) of the Federal Reserve Act (12 U.S.C.
19 289(a)) is amended by adding at the end the following:

20 “(3) LIMITATION ON SURPLUS FUNDS.—

21 “(A) IN GENERAL.—The aggregate
22 amount of the surplus funds of the Federal re-
23 serve banks may not exceed \$10,000,000,000.

24 “(B) TRANSFER TO THE GENERAL
25 FUND.—Any amounts of the surplus funds of

1 the Federal reserve banks that exceed, or would
2 exceed, the limitation under subparagraph (A)
3 shall be transferred to the Board of Governors
4 of the Federal Reserve System for transfer to
5 the Secretary of the Treasury for deposit in the
6 general fund of the Treasury.”.

7 **SEC. 32203. DIVIDENDS OF FEDERAL RESERVE BANKS.**

8 (a) IN GENERAL.—Section 7(a)(1) of the Federal Re-
9 serve Act (12 15 U.S.C. 289(a)(1)) is amended—

10 (1) by amending subparagraph (A) to read as
11 follows:

12 “(A) DIVIDEND AMOUNT.—After all nec-
13 essary expenses of a Federal reserve bank have
14 been paid or provided for, the stockholders of
15 the bank shall be entitled to receive an annual
16 dividend on paid-in capital stock of—

17 “(i) in the case of a stockholder with
18 total consolidated assets of more than
19 \$10,000,000,000, the smaller of—

20 “(I) the rate equal to the high
21 yield of the 10-year Treasury note
22 auctioned at the last auction held
23 prior to the payment of such dividend;
24 and

25 “(II) 6 percent; and

1 “(ii) in the case of a stockholder with
2 total consolidated assets of
3 \$10,000,000,000 or less, 6 percent.”; and

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

5 “(C) INFLATION ADJUSTMENT.—The
6 Board of Governors of the Federal Reserve Sys-
7 tem shall annually adjust the dollar amounts of
8 total consolidated assets specified under sub-
9 paragraph (A) to reflect the change in the
10 Gross Domestic Product Price Index, published
11 by the Bureau of Economic Analysis.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on January 1, 2016.

14 **SEC. 32204. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
15 **AND SALE.**

16 (a) DRAWDOWN AND SALE.—

17 (1) IN GENERAL.—Notwithstanding section 161
18 of the Energy Policy and Conservation Act (42
19 U.S.C. 6241), except as provided in subsections (b)
20 and (c), the Secretary of Energy shall drawdown
21 and sell from the Strategic Petroleum Reserve—

22 (A) the quantity of barrels of crude oil
23 that the Secretary of Energy determines to be
24 appropriate to maximize the financial return to

1 United States taxpayers for each of fiscal years
2 2016 and 2017;

3 (B) 16,000,000 barrels of crude oil during
4 fiscal year 2023;

5 (C) 25,000,000 barrels of crude oil during
6 fiscal year 2024; and

7 (D) 25,000,000 barrels of crude oil during
8 fiscal year 2025.

9 (2) DEPOSIT OF AMOUNTS RECEIVED FROM
10 SALE.—Amounts received from a sale under para-
11 graph (1) shall be deposited in the general fund of
12 the Treasury during the fiscal year in which the sale
13 occurs.

14 (b) EMERGENCY PROTECTION.—The Secretary shall
15 not draw down and sell crude oil under this section in
16 quantities that would limit the authority to sell petroleum
17 products under section 161(h) of the Energy Policy and
18 Conservation Act (42 U.S.C. 6241(h)) in the full quantity
19 authorized by that subsection.

20 (c) INCREASE; LIMITATION.—

21 (1) INCREASE.—The Secretary of Energy may
22 increase the drawdown and sales under subpara-
23 graphs (A) through (I) of subsection (a)(1) as the
24 Secretary of Energy determines to be appropriate to

1 maximize the financial return to United States tax-
2 payers.

3 (2) **LIMITATION.**—The Secretary of Energy
4 shall not drawdown or conduct sales of crude oil
5 under this section after the date on which a total of
6 \$6,200,000,000 has been deposited in the general
7 fund of the Treasury from sales authorized under
8 this section.

9 **SEC. 32205. REPEAL.**

10 Effective as of November 2, 2015, the date of the
11 enactment of the Bipartisan Budget Act of 2015 (Public
12 Law 114–74), section 201 of such Act and the amend-
13 ments made by such section are repealed, and the provi-
14 sions of law amended by such section are hereby restored
15 to appear as if such section had not been enacted into
16 law.

17 **Subtitle C—Outlays**

18 **SEC. 32301. INTEREST ON OVERPAYMENT.**

19 Section 111 of the Federal Oil and Gas Royalty Man-
20 agement Act of 1982 (30 U.S.C. 1721) is amended—

21 (1) by striking subsections (h) and (i);

22 (2) by redesignating subsections (j) through (l)
23 as subsections (h) through (j), respectively; and

24 (3) in subsection (h) (as so redesignated), by
25 striking the fourth sentence.

1 **Subtitle D—Budgetary Effects**

2 **SEC. 32401. BUDGETARY EFFECTS.**

3 The budgetary effects of this Act shall not be entered
4 on either PAYGO scorecard maintained pursuant to sec-
5 tion 4(d) of the Statutory Pay-As-You-Go Act of 2010.

6 **DIVISION D—MISCELLANEOUS**

7 **TITLE XLI—FEDERAL**

8 **PERMITTING IMPROVEMENT**

9 **SEC. 41001. DEFINITIONS.**

10 In this title:

11 (1) AGENCY.—The term “agency” has the
12 meaning given the term in section 551 of title 5,
13 United States Code.

14 (2) AGENCY CERPO.—The term “agency
15 CERPO” means the chief environmental review and
16 permitting officer of an agency, as designated by the
17 head of the agency under section
18 41002(b)(2)(A)(iii)(I).

19 (3) AUTHORIZATION.—The term “authoriza-
20 tion” means any license, permit, approval, finding,
21 determination, or other administrative decision
22 issued by an agency that is required or authorized
23 under Federal law in order to site, construct, recon-
24 struct, or commence operations of a covered project
25 administered by a Federal agency or, in the case of

1 a State that chooses to participate in the environ-
2 mental review and authorization process in accord-
3 ance with section 41003(c)(3)(A), a State agency.

4 (4) COOPERATING AGENCY.—The term “cooper-
5 ating agency” means any agency with—

6 (A) jurisdiction under Federal law; or

7 (B) special expertise as described in sec-
8 tion 1501.6 of title 40, Code of Federal Regula-
9 tions (as in effect on the date of enactment of
10 this Act).

11 (5) COUNCIL.—The term “Council” means the
12 Federal Infrastructure Permitting Improvement
13 Steering Council established under section 41002(a).

14 (6) COVERED PROJECT.—

15 (A) IN GENERAL.—The term “covered
16 project” means any activity in the United
17 States that requires authorization or environ-
18 mental review by a Federal agency involving
19 construction of infrastructure for renewable or
20 conventional energy production, electricity
21 transmission, surface transportation, aviation,
22 ports and waterways, water resource projects,
23 broadband, pipelines, manufacturing, or any
24 other sector as determined by a majority vote of
25 the Council that—

1 (i)(I) is subject to NEPA;

2 (II) is likely to require a total invest-
3 ment of more than \$200,000,000; and

4 (III) does not qualify for abbreviated
5 authorization or environmental review
6 processes under any applicable law; or

7 (ii) is subject to NEPA and the size
8 and complexity of which, in the opinion of
9 the Council, make the project likely to ben-
10 efit from enhanced oversight and coordina-
11 tion, including a project likely to require—

12 (I) authorization from or environ-
13 mental review involving more than 2
14 Federal agencies; or

15 (II) the preparation of an envi-
16 ronmental impact statement under
17 NEPA.

18 (B) EXCLUSION.—The term “covered
19 project” does not include—

20 (i) any project subject to section 139
21 of title 23, United States Code; or

22 (ii) any project subject to section
23 2045 of the Water Resources Development
24 Act of 2007 (33 U.S.C. 2348).

1 (7) DASHBOARD.—The term “Dashboard”
2 means the Permitting Dashboard required under
3 section 41003(b).

4 (8) ENVIRONMENTAL ASSESSMENT.—The term
5 “environmental assessment” means a concise public
6 document for which a Federal agency is responsible
7 under section 1508.9 of title 40, Code of Federal
8 Regulations (or successor regulations).

9 (9) ENVIRONMENTAL DOCUMENT.—

10 (A) IN GENERAL.—The term “environ-
11 mental document” means an environmental as-
12 sessment, finding of no significant impact, no-
13 tice of intent, environmental impact statement,
14 or record of decision.

15 (B) INCLUSIONS.—The term “environ-
16 mental document” includes—

17 (i) any document that is a supplement
18 to a document described in subparagraph
19 (A); and

20 (ii) a document prepared pursuant to
21 a court order.

22 (10) ENVIRONMENTAL IMPACT STATEMENT.—
23 The term “environmental impact statement” means
24 the detailed written statement required under sec-
25 tion 102(2)(C) of NEPA.

1 (11) ENVIRONMENTAL REVIEW.—The term
2 “environmental review” means the agency proce-
3 dures and processes for applying a categorical exclu-
4 sion or for preparing an environmental assessment,
5 an environmental impact statement, or other docu-
6 ment required under NEPA.

7 (12) EXECUTIVE DIRECTOR.—The term “Exec-
8 utive Director” means the Executive Director ap-
9 pointed by the President under section
10 41002(b)(1)(A).

11 (13) FACILITATING AGENCY.—The term “facili-
12 tating agency” means the agency that receives the
13 initial notification from the project sponsor required
14 under section 41003(a).

15 (14) INVENTORY.—The term “inventory”
16 means the inventory of covered projects established
17 by the Executive Director under section
18 41002(c)(1)(A).

19 (15) LEAD AGENCY.—The term “lead agency”
20 means the agency with principal responsibility for an
21 environmental review of a covered project under
22 NEPA and parts 1500 through 1508 of title 40,
23 Code of Federal Regulations (or successor regula-
24 tions).

1 (16) NEPA.—The term “NEPA” means the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (17) PARTICIPATING AGENCY.—The term “par-
5 ticipating agency” means an agency participating in
6 an environmental review or authorization for a cov-
7 ered project in accordance with section 41003.

8 (18) PROJECT SPONSOR.—The term “project
9 sponsor” means an entity, including any private,
10 public, or public-private entity, seeking an authoriza-
11 tion for a covered project.

12 **SEC. 41002. FEDERAL PERMITTING IMPROVEMENT COUN-**
13 **CIL.**

14 (a) ESTABLISHMENT.—There is established the Fed-
15 eral Permitting Improvement Steering Council.

16 (b) COMPOSITION.—

17 (1) CHAIR.—The Executive Director shall—

18 (A) be appointed by the President; and

19 (B) serve as Chair of the Council.

20 (2) COUNCIL MEMBERS.—

21 (A) IN GENERAL.—

22 (i) DESIGNATION BY HEAD OF AGEN-
23 CY.—Each individual listed in subpara-
24 graph (B) shall designate a member of the

1 agency in which the individual serves to
2 serve on the Council.

3 (ii) QUALIFICATIONS.—A councilmem-
4 ber described in clause (i) shall hold a po-
5 sition in the agency of deputy secretary (or
6 the equivalent) or higher.

7 (iii) SUPPORT.—

8 (I) IN GENERAL.—Consistent
9 with guidance provided by the Direc-
10 tor of the Office of Management and
11 Budget, each individual listed in sub-
12 paragraph (B) shall designate 1 or
13 more appropriate members of the
14 agency in which the individual serves
15 to serve as an agency CERPO.

16 (II) REPORTING.—In carrying
17 out the duties of the agency CERPO
18 under this title, an agency CERPO
19 shall report directly to a deputy sec-
20 retary (or the equivalent) or higher.

21 (B) HEADS OF AGENCIES.—The individ-
22 uals that shall each designate a councilmember
23 under this subparagraph are as follows:

24 (i) The Secretary of Agriculture.

25 (ii) The Secretary of the Army.

- 1 (iii) The Secretary of Commerce.
- 2 (iv) The Secretary of the Interior.
- 3 (v) The Secretary of Energy.
- 4 (vi) The Secretary of Transportation.
- 5 (vii) The Secretary of Defense.
- 6 (viii) The Administrator of the Envi-
7 ronmental Protection Agency.
- 8 (ix) The Chairman of the Federal En-
9 ergy Regulatory Commission.
- 10 (x) The Chairman of the Nuclear
11 Regulatory Commission.
- 12 (xi) The Secretary of Homeland Secu-
13 rity.
- 14 (xii) The Secretary of Housing and
15 Urban Development.
- 16 (xiii) The Chairman of the Advisory
17 Council on Historic Preservation.
- 18 (xiv) Any other head of a Federal
19 agency that the Executive Director may in-
20 vite to participate as a member of the
21 Council.

22 (3) ADDITIONAL MEMBERS.—In addition to the
23 members listed in paragraphs (1) and (2), the
24 Chairman of the Council on Environmental Quality

1 and the Director of the Office of Management and
2 Budget shall also be members of the Council.

3 (c) DUTIES.—

4 (1) EXECUTIVE DIRECTOR.—

5 (A) INVENTORY DEVELOPMENT.—The Ex-
6 ecutive Director, in consultation with the Coun-
7 cil, shall—

8 (i) not later than 180 days after the
9 date of enactment of this Act, establish an
10 inventory of covered projects that are
11 pending the environmental review or au-
12 thorization of the head of any Federal
13 agency;

14 (ii)(I) categorize the projects in the
15 inventory as appropriate, based on sector
16 and project type; and

17 (II) for each category, identify the
18 types of environmental reviews and author-
19 izations most commonly involved; and

20 (iii) add a covered project to the in-
21 ventory after receiving a notice described
22 in section 41003(a)(1).

23 (B) FACILITATING AGENCY DESIGNA-
24 TION.—The Executive Director, in consultation
25 with the Council, shall—

1 (i) designate a facilitating agency for
2 each category of covered projects described
3 in subparagraph (A)(ii); and

4 (ii) publish the list of designated fa-
5 cilitating agencies for each category of
6 projects in the inventory on the Dashboard
7 in an easily accessible format.

8 (C) PERFORMANCE SCHEDULES.—

9 (i) IN GENERAL.—Not later than 1
10 year after the date of enactment of this
11 Act, the Executive Director, in consulta-
12 tion with the Council, shall develop rec-
13 ommended performance schedules, includ-
14 ing intermediate and final completion
15 dates, for environmental reviews and au-
16 thorizations most commonly required for
17 each category of covered projects described
18 in subparagraph (A)(ii).

19 (ii) REQUIREMENTS.—

20 (I) IN GENERAL.—The perform-
21 ance schedules shall reflect employ-
22 ment of the use of the most efficient
23 applicable processes, including the
24 alignment of Federal reviews of

1 projects and reduction of permitting
2 and project delivery time.

3 (II) LIMIT.—

4 (aa) IN GENERAL.—The
5 final completion dates in any per-
6 formance schedule for the com-
7 pletion of an environmental re-
8 view or authorization under
9 clause (i) shall not exceed the av-
10 erage time to complete an envi-
11 ronmental review or authoriza-
12 tion for a project within that cat-
13 egory.

14 (bb) CALCULATION OF AV-
15 ERAGE TIME.—The average time
16 referred to in item (aa) shall be
17 calculated on the basis of data
18 from the preceding 2 calendar
19 years and shall run from the pe-
20 riod beginning on the date on
21 which the Executive Director
22 must make a specific entry for
23 the project on the Dashboard
24 under section 41003(b)(2) (ex-
25 cept that, for projects initiated

1 before that duty takes effect, the
2 period beginning on the date of
3 filing of a completed application),
4 and ending on the date of the
5 issuance of a record of decision
6 or other final agency action on
7 the review or authorization.

8 (cc) COMPLETION DATE.—
9 Each performance schedule shall
10 specify that any decision by an
11 agency on an environmental re-
12 view or authorization must be
13 issued not later than 180 days
14 after the date on which all infor-
15 mation needed to complete the
16 review or authorization (including
17 any hearing that an agency holds
18 on the matter) is in the posses-
19 sion of the agency.

20 (iii) REVIEW AND REVISION.—Not
21 later than 2 years after the date on which
22 the performance schedules are established
23 under this subparagraph, and not less fre-
24 quently than once every 2 years thereafter,
25 the Executive Director, in consultation

1 with the Council, shall review and revise
2 the performance schedules.

3 (D) GUIDANCE.—The Executive Director,
4 in consultation with the Council, may rec-
5 ommend to the Director of the Office of Man-
6 agement and Budget or to the Council on Envi-
7 ronmental Quality, as appropriate, that guid-
8 ance be issued as necessary for agencies—

9 (i) to carry out responsibilities under
10 this title; and

11 (ii) to effectuate the adoption by
12 agencies of the best practices and rec-
13 ommendations of the Council described in
14 paragraph (2).

15 (2) COUNCIL.—

16 (A) RECOMMENDATIONS.—

17 (i) IN GENERAL.—The Council shall
18 make recommendations to the Executive
19 Director with respect to the designations
20 under paragraph (1)(B) and the perform-
21 ance schedules under paragraph (1)(C).

22 (ii) UPDATE.—The Council may up-
23 date the recommendations described in
24 clause (i).

1 (B) BEST PRACTICES.—Not later than 1
2 year after the date of enactment of this Act,
3 and not less frequently than annually there-
4 after, the Council shall issue recommendations
5 on the best practices for—

6 (i) enhancing early stakeholder en-
7 gagement, including fully considering and,
8 as appropriate, incorporating recommenda-
9 tions provided in public comments on any
10 proposed covered project;

11 (ii) ensuring timely decisions regard-
12 ing environmental reviews and authoriza-
13 tions, including through the development
14 of performance metrics;

15 (iii) improving coordination between
16 Federal and non-Federal governmental en-
17 tities, including through the development
18 of common data standards and terminology
19 across agencies;

20 (iv) increasing transparency;

21 (v) reducing information collection re-
22 quirements and other administrative bur-
23 dens on agencies, project sponsors, and
24 other interested parties;

1 (vi) developing and making available
2 to applicants appropriate geographic infor-
3 mation systems and other tools;

4 (vii) creating and distributing training
5 materials useful to Federal, State, tribal,
6 and local permitting officials; and

7 (viii) addressing other aspects of in-
8 frastructure permitting, as determined by
9 the Council.

10 (C) MEETINGS.—The Council shall meet
11 not less frequently than annually with groups or
12 individuals representing State, tribal, and local
13 governments that are engaged in the infrastruc-
14 ture permitting process.

15 (3) AGENCY CERPOS.—An agency CERPO
16 shall—

17 (A) advise the respective agency
18 councilmember on matters related to environ-
19 mental reviews and authorizations;

20 (B) provide technical support, when re-
21 quested to facilitate efficient and timely proc-
22 esses for environmental reviews and authoriza-
23 tions for covered projects under the jurisdic-
24 tional responsibility of the agency, including
25 supporting timely identification and resolution

1 of potential disputes within the agency or be-
2 tween the agency and other Federal agencies;

3 (C) analyze agency environmental review
4 and authorization processes, policies, and au-
5 thorities and make recommendations to the re-
6 spective agency councilmember for ways to
7 standardize, simplify, and improve the efficiency
8 of the processes, policies, and authorities, in-
9 cluding by implementing guidance issued under
10 paragraph (1)(D) and other best practices, in-
11 cluding the use of information technology and
12 geographic information system tools within the
13 agency and across agencies, to the extent con-
14 sistent with existing law; and

15 (D) review and develop training programs
16 for agency staff that support and conduct envi-
17 ronmental reviews or authorizations.

18 (d) ADMINISTRATIVE SUPPORT.—The Director of the
19 Office of Management and Budget shall designate a Fed-
20 eral agency, other than an agency that carries out or pro-
21 vides support only for projects that are not covered
22 projects, to provide administrative support for the Execu-
23 tive Director, and the designated agency shall, as reason-
24 ably necessary, provide support and staff to enable the Ex-

1 Executive Director to fulfill the duties of the Executive Di-
2 rector under this title.

3 **SEC. 41003. PERMITTING PROCESS IMPROVEMENT.**

4 (a) PROJECT INITIATION AND DESIGNATION OF PAR-
5 TICIPATING AGENCIES.—

6 (1) NOTICE.—

7 (A) IN GENERAL.—A project sponsor of a
8 covered project shall submit to the Executive
9 Director and the facilitating agency notice of
10 the initiation of a proposed covered project.

11 (B) DEFAULT DESIGNATION.—If, at the
12 time of submission of the notice under subpara-
13 graph (A), the Executive Director has not des-
14 ignated a facilitating agency under section
15 41002(c)(1)(B) for the categories of projects
16 noticed, the agency that receives the notice
17 under subparagraph (A) shall be designated as
18 the facilitating agency.

19 (C) CONTENTS.—Each notice described in
20 subparagraph (A) shall include—

21 (i) a statement of the purposes and
22 objectives of the proposed project;

23 (ii) a concise description, including
24 the general location of the proposed project
25 and a summary of geospatial information,

1 if available, illustrating the project area
2 and the locations, if any, of environmental,
3 cultural, and historic resources;

4 (iii) a statement regarding the tech-
5 nical and financial ability of the project
6 sponsor to construct the proposed project;

7 (iv) a statement of any Federal fi-
8 nancing, environmental reviews, and au-
9 thorizations anticipated to be required to
10 complete the proposed project; and

11 (v) an assessment that the proposed
12 project meets the definition of a covered
13 project under section 41001 and a state-
14 ment of reasons supporting the assess-
15 ment.

16 (2) INVITATION.—

17 (A) IN GENERAL.—Not later than 45 days
18 after the date on which the Executive Director
19 must make a specific entry for the project on
20 the Dashboard under subsection (b)(2)(A), the
21 facilitating agency or lead agency, as applicable,
22 shall—

23 (i) identify all Federal and non-Fed-
24 eral agencies and governmental entities
25 likely to have financing, environmental re-

1 view, authorization, or other responsibil-
2 ities with respect to the proposed project;
3 and

4 (ii) invite all Federal agencies identi-
5 fied under clause (i) to become a partici-
6 pating agency or a cooperating agency, as
7 appropriate, in the environmental review
8 and authorization management process de-
9 scribed in section 41005.

10 (B) DEADLINES.—Each invitation made
11 under subparagraph (A) shall include a dead-
12 line for a response to be submitted to the facili-
13 tating or lead agency, as applicable.

14 (3) PARTICIPATING AND COOPERATING AGEN-
15 CIES.—

16 (A) IN GENERAL.—An agency invited
17 under paragraph (2) shall be designated as a
18 participating or cooperating agency for a cov-
19 ered project, unless the agency informs the fa-
20 cilitating or lead agency, as applicable, in writ-
21 ing before the deadline under paragraph (2)(B)
22 that the agency—

23 (i) has no jurisdiction or authority
24 with respect to the proposed project; or

1 (ii) does not intend to exercise author-
2 ity related to, or submit comments on, the
3 proposed project.

4 (B) CHANGED CIRCUMSTANCES.—On re-
5 quest and a showing of changed circumstances,
6 the Executive Director may designate an agency
7 that has opted out under subparagraph (A)(ii)
8 to be a participating or cooperating agency, as
9 appropriate.

10 (4) EFFECT OF DESIGNATION.—The designa-
11 tion described in paragraph (3) shall not—

12 (A) give the participating agency authority
13 or jurisdiction over the covered project; or

14 (B) expand any jurisdiction or authority a
15 cooperating agency may have over the proposed
16 project.

17 (5) LEAD AGENCY DESIGNATION.—

18 (A) IN GENERAL.—On establishment of
19 the lead agency, the lead agency shall assume
20 the responsibilities of the facilitating agency
21 under this title.

22 (B) REDESIGNATION OF FACILITATING
23 AGENCY.—If the lead agency assumes the re-
24 sponsibilities of the facilitating agency under
25 subparagraph (A), the facilitating agency may

1 be designated as a cooperative or participating
2 agency.

3 (6) CHANGE OF FACILITATING OR LEAD AGEN-
4 CY.—

5 (A) IN GENERAL.—On the request of a
6 participating agency or project sponsor, the Ex-
7 ecutive Director may designate a different agen-
8 cy as the facilitating or lead agency, as applica-
9 ble, for a covered project, if the facilitating or
10 lead agency or the Executive Director receives
11 new information regarding the scope or nature
12 of a covered project that indicates that the
13 project should be placed in a different category
14 under section 41002(c)(1)(B).

15 (B) RESOLUTION OF DISPUTE.—The
16 Chairman of the Council on Environmental
17 Quality shall resolve any dispute over designa-
18 tion of a facilitating or lead agency for a par-
19 ticular covered project.

20 (b) PERMITTING DASHBOARD.—

21 (1) REQUIREMENT TO MAINTAIN.—

22 (A) IN GENERAL.—The Executive Direc-
23 tor, in coordination with the Administrator of
24 General Services, shall maintain an online data-
25 base to be known as the “Permitting Dash-

1 board” to track the status of Federal environ-
2 mental reviews and authorizations for any cov-
3 ered project in the inventory described in sec-
4 tion 41002(c)(1)(A).

5 (B) SPECIFIC AND SEARCHABLE ENTRY.—
6 The Dashboard shall include a specific and
7 searchable entry for each covered project.

8 (2) ADDITIONS.—

9 (A) IN GENERAL.—

10 (i) EXISTING PROJECTS.—Not later
11 than 14 days after the date on which the
12 Executive Director adds a project to the
13 inventory under section 41002(c)(1)(A),
14 the Executive Director shall create a spe-
15 cific entry on the Dashboard for the cov-
16 ered project.

17 (ii) NEW PROJECTS.—Not later than
18 14 days after the date on which the Execu-
19 tive Director receives a notice under sub-
20 section (a)(1), the Executive Director shall
21 create a specific entry on the Dashboard
22 for the covered project, unless the Execu-
23 tive Director, facilitating agency, or lead
24 agency, as applicable, determines that the
25 project is not a covered project.

1 (B) EXPLANATION.—If the facilitating
2 agency or lead agency, as applicable, determines
3 that the project is not a covered project, the
4 project sponsor may submit a further expla-
5 nation as to why the project is a covered project
6 not later than 14 days after the date of the de-
7 termination under subparagraph (A).

8 (C) FINAL DETERMINATION.—Not later
9 than 14 days after receiving an explanation de-
10 scribed in subparagraph (B), the Executive Di-
11 rector shall—

12 (i) make a final and conclusive deter-
13 mination as to whether the project is a
14 covered project; and

15 (ii) if the Executive Director deter-
16 mines that the project is a covered project,
17 create a specific entry on the Dashboard
18 for the covered project.

19 (3) POSTINGS BY AGENCIES.—

20 (A) IN GENERAL.—For each covered
21 project added to the Dashboard under para-
22 graph (2), the facilitating or lead agency, as ap-
23 plicable, and each cooperating and participating
24 agency shall post to the Dashboard—

1 (i) a hyperlink that directs to a
2 website that contains, to the extent con-
3 sistent with applicable law—

4 (I) the notification submitted
5 under subsection (a)(1);

6 (II)(aa) where practicable, the
7 application and supporting documents,
8 if applicable, that have been sub-
9 mitted by a project sponsor for any
10 required environmental review or au-
11 thorization; or

12 (bb) a notice explaining how the
13 public may obtain access to such doc-
14 uments;

15 (III) a description of any Federal
16 agency action taken or decision made
17 that materially affects the status of a
18 covered project;

19 (IV) any significant document
20 that supports the action or decision
21 described in subclause (III); and

22 (V) a description of the status of
23 any litigation to which the agency is a
24 party that is directly related to the
25 project, including, if practicable, any

1 judicial document made available on
2 an electronic docket maintained by a
3 Federal, State, or local court; and

4 (ii) any document described in clause
5 (i) that is not available by hyperlink on an-
6 other website.

7 (B) DEADLINE.—The information de-
8 scribed in subparagraph (A) shall be posted to
9 the website made available by hyperlink on the
10 Dashboard not later than 5 business days after
11 the date on which the Federal agency receives
12 the information.

13 (4) POSTINGS BY THE EXECUTIVE DIRECTOR.—
14 The Executive Director shall publish to the Dash-
15 board—

16 (A) the permitting timetable established
17 under subparagraph (A) or (C) of subsection
18 (c)(2);

19 (B) the status of the compliance of each
20 agency with the permitting timetable;

21 (C) any modifications of the permitting
22 timetable;

23 (D) an explanation of each modification
24 described in subparagraph (C); and

1 (E) any memorandum of understanding es-
2 tablished under subsection (c)(3)(B).

3 (c) COORDINATION AND TIMETABLES.—

4 (1) COORDINATED PROJECT PLAN.—

5 (A) IN GENERAL.—Not later than 60 days
6 after the date on which the Executive Director
7 must make a specific entry for the project on
8 the Dashboard under subsection (b)(2)(A), the
9 facilitating or lead agency, as applicable, in con-
10 sultation with each coordinating and partici-
11 pating agency, shall establish a concise plan for
12 coordinating public and agency participation in,
13 and completion of, any required Federal envi-
14 ronmental review and authorization for the
15 project.

16 (B) REQUIRED INFORMATION.—The Co-
17 ordinated Project Plan shall include the fol-
18 lowing information and be updated by the facili-
19 tating or lead agency, as applicable, at least
20 once per quarter:

21 (i) A list of, and roles and responsibil-
22 ities for, all entities with environmental re-
23 view or authorization responsibility for the
24 project.

1 (ii) A permitting timetable, as de-
2 scribed in paragraph (2), setting forth a
3 comprehensive schedule of dates by which
4 all environmental reviews and authoriza-
5 tions, and to the maximum extent prac-
6 ticable, State permits, reviews and approv-
7 als must be made.

8 (iii) A discussion of potential avoid-
9 ance, minimization, and mitigation strate-
10 gies, if required by applicable law and
11 known.

12 (iv) Plans and a schedule for public
13 and tribal outreach and coordination, to
14 the extent required by applicable law.

15 (C) MEMORANDUM OF UNDERSTANDING.—
16 The coordinated project plan described in sub-
17 paragraph (A) may be incorporated into a
18 memorandum of understanding.

19 (2) PERMITTING TIMETABLE.—

20 (A) ESTABLISHMENT.—As part of the co-
21 ordination project plan under paragraph (1),
22 the facilitating or lead agency, as applicable, in
23 consultation with each cooperating and partici-
24 pating agency, the project sponsor, and any
25 State in which the project is located, and, sub-

1 ject to subparagraph (C), with the concurrence
2 of each cooperating agency, shall establish a
3 permitting timetable that includes intermediate
4 and final completion dates for action by each
5 participating agency on any Federal environ-
6 mental review or authorization required for the
7 project.

8 (B) FACTORS FOR CONSIDERATION.—In
9 establishing the permitting timetable under sub-
10 paragraph (A), the facilitating or lead agency
11 shall follow the performance schedules estab-
12 lished under section 41002(c)(1)(C), but may
13 vary the timetable based on relevant factors, in-
14 cluding—

15 (i) the size and complexity of the cov-
16 ered project;

17 (ii) the resources available to each
18 participating agency;

19 (iii) the regional or national economic
20 significance of the project;

21 (iv) the sensitivity of the natural or
22 historic resources that may be affected by
23 the project;

24 (v) the financing plan for the project;

25 and

1 (vi) the extent to which similar
2 projects in geographic proximity to the
3 project were recently subject to environ-
4 mental review or similar procedures under
5 State law.

6 (C) DISPUTE RESOLUTION.—

7 (i) IN GENERAL.—The Executive Di-
8 rector, in consultation with appropriate
9 agency CERPOs and the project sponsor,
10 shall, as necessary, mediate any disputes
11 regarding the permitting timetable referred
12 to under subparagraph (A).

13 (ii) DISPUTES.—If a dispute remains
14 unresolved 30 days after the date on which
15 the dispute was submitted to the Executive
16 Director, the Director of the Office of
17 Management and Budget, in consultation
18 with the Chairman of the Council on Envi-
19 ronmental Quality, shall facilitate a resolu-
20 tion of the dispute and direct the agencies
21 party to the dispute to resolve the dispute
22 by the end of the 60-day period beginning
23 on the date of submission of the dispute to
24 the Executive Director.

1 (iii) FINAL RESOLUTION.—Any action
2 taken by the Director of the Office of Man-
3 agement and Budget in the resolution of a
4 dispute under clause (ii) shall—

5 (I) be final and conclusive; and

6 (II) not be subject to judicial re-
7 view.

8 (D) MODIFICATION AFTER APPROVAL.—

9 (i) IN GENERAL.—The facilitating or
10 lead agency, as applicable, may modify a
11 permitting timetable established under sub-
12 paragraph (A) only if—

13 (I) the facilitating or lead agen-
14 cy, as applicable, and the affected co-
15 operating agencies, after consultation
16 with the participating agencies and
17 the project sponsor, agree to a dif-
18 ferent completion date;

19 (II) the facilitating agency or
20 lead agency, as applicable, or the af-
21 fected cooperating agency provides a
22 written justification for the modifica-
23 tion; and

24 (III) in the case of a modification
25 that would necessitate an extension of

1 a final completion date under a per-
2 mitting timetable established under
3 subparagraph (A) to a date more than
4 30 days after the final completion
5 date originally established under sub-
6 paragraph (A), the facilitating or lead
7 agency submits a request to modify
8 the permitting timetable to the Execu-
9 tive Director, who shall consult with
10 the project sponsor and make a deter-
11 mination on the record, based on con-
12 sideration of the relevant factors de-
13 scribed under subparagraph (B),
14 whether to grant the facilitating or
15 lead agency, as applicable, authority
16 to make such modification.

17 (ii) COMPLETION DATE.—A comple-
18 tion date in the permitting timetable may
19 not be modified within 30 days of the com-
20 pletion date.

21 (iii) LIMITATION ON LENGTH OF
22 MODIFICATIONS.—

23 (I) IN GENERAL.—Except as pro-
24 vided in subclause (II), the total
25 length of all modifications to a per-

1 mitting timetable authorized or made
2 under this subparagraph, other than
3 for reasons outside the control of Fed-
4 eral, State, local, or tribal govern-
5 ments, may not extend the permitting
6 timetable for a period of time greater
7 than half of the amount of time from
8 the establishment of the permitting
9 timetable under subparagraph (A) to
10 the last final completion date origi-
11 nally established under subparagraph
12 (A).

13 (II) ADDITIONAL EXTENSIONS.—
14 The Director of the Office of Manage-
15 ment and Budget, after consultation
16 with the project sponsor, may permit
17 the Executive Director to authorize
18 additional extensions of a permitting
19 timetable beyond the limit prescribed
20 by subclause (I). In such a case, the
21 Director of the Office of Management
22 and Budget shall transmit, not later
23 than 5 days after making a deter-
24 mination to permit an authorization
25 of extension under this subclause, a

1 report to Congress explaining why
2 such modification is required. Such
3 report shall explain to Congress with
4 specificity why the original permitting
5 timetable and the modifications au-
6 thorized by the Executive Director
7 failed to be adequate. The lead or fa-
8 cilitating agency, as applicable, shall
9 transmit to Congress, the Director of
10 the Office of Management and Budg-
11 et, and the Executive Director a sup-
12 plemental report on progress toward
13 the final completion date each year
14 thereafter, until the permit review is
15 completed or the project sponsor with-
16 draws its notice or application or
17 other request to which this title ap-
18 plies under section 41010.

19 (iv) LIMITATION ON JUDICIAL RE-
20 VIEW.—The following shall not be subject
21 to judicial review:

22 (I) A determination by the Exec-
23 utive Director under clause (i)(III).

24 (II) A determination under
25 clause (iii)(II) by the Director of the

1 Office of Management and Budget to
2 permit the Executive Director to au-
3 thorize extensions of a permitting
4 timetable.

5 (E) CONSISTENCY WITH OTHER TIME PE-
6 RIODS.—A permitting timetable established
7 under subparagraph (A) shall be consistent
8 with any other relevant time periods established
9 under Federal law and shall not prevent any co-
10 operating or participating agency from dis-
11 charging any obligation under Federal law in
12 connection with the project.

13 (F) CONFORMING TO PERMITTING TIME-
14 TABLES.—

15 (i) IN GENERAL.—Each Federal agen-
16 cy shall conform to the completion dates
17 set forth in the permitting timetable estab-
18 lished under subparagraph (A), or with
19 any completion date modified under sub-
20 paragraph (D).

21 (ii) FAILURE TO CONFORM.—If a
22 Federal agency fails to conform with a
23 completion date for agency action on a cov-
24 ered project or is at significant risk of fail-

1 ing to conform with such a completion
2 date, the agency shall—

3 (I) promptly submit to the Exec-
4 utive Director for publication on the
5 Dashboard an explanation of the spe-
6 cific reasons for failing or significantly
7 risking failing to conform to the com-
8 pletion date and a proposal for an al-
9 ternative completion date;

10 (II) in consultation with the fa-
11 cilitating or lead agency, as applica-
12 ble, establish an alternative comple-
13 tion date; and

14 (III) each month thereafter until
15 the agency has taken final action on
16 the delayed authorization or review,
17 submit to the Executive Director for
18 posting on the Dashboard a status re-
19 port describing any agency activity re-
20 lated to the project.

21 (G) ABANDONMENT OF COVERED
22 PROJECT.—

23 (i) IN GENERAL.—If the facilitating
24 or lead agency, as applicable, has a reason-
25 able basis to doubt the continuing technical

1 or financial ability of the project sponsor
2 to construct the covered project, the facili-
3 tating or lead agency may request the
4 project sponsor provide an updated state-
5 ment regarding the ability of the project
6 sponsor to complete the project.

7 (ii) FAILURE TO RESPOND.—If the
8 project sponsor fails to respond to a re-
9 quest described in clause (i) by the date
10 that is 30 days after receiving the request,
11 the lead or facilitating agency, as applica-
12 ble, shall notify the Executive Director,
13 who shall publish an appropriate notice on
14 the Dashboard.

15 (iii) PUBLICATION TO DASHBOARD.—
16 On publication of a notice under clause
17 (ii), the completion dates in the permitting
18 timetable shall be tolled and agencies shall
19 be relieved of the obligation to comply with
20 subparagraph (F) until such time as the
21 project sponsor submits to the facilitating
22 or lead agency, as applicable, an updated
23 statement regarding the technical and fi-
24 nancial ability of the project sponsor to
25 construct the project.

1 (3) COOPERATING STATE, LOCAL, OR TRIBAL
2 GOVERNMENTS.—

3 (A) STATE AUTHORITY.—If the Federal
4 environmental review is being implemented
5 within the boundaries of a State, the State,
6 consistent with State law, may choose to par-
7 ticipate in the environmental review and author-
8 ization process under this subsection and to
9 make subject to the process all State agencies
10 that—

11 (i) have jurisdiction over the covered
12 project;

13 (ii) are required to conduct or issue a
14 review, analysis, opinion, or statement for
15 the covered project; or

16 (iii) are required to make a deter-
17 mination on issuing a permit, license, or
18 other approval or decision for the covered
19 project.

20 (B) COORDINATION.—To the maximum ex-
21 tent practicable under applicable law, the facili-
22 tating or lead agency, as applicable, shall co-
23 ordinate the Federal environmental review and
24 authorization processes under this subsection
25 with any State, local, or tribal agency respon-

1 sible for conducting any separate review or au-
2 thorization of the covered project to ensure
3 timely and efficient completion of environmental
4 reviews and authorizations.

5 (C) MEMORANDUM OF UNDERSTANDING.—

6 (i) IN GENERAL.—Any coordination
7 plan between the facilitating or lead agen-
8 cy, as applicable, and any State, local, or
9 tribal agency shall, to the maximum extent
10 practicable, be included in a memorandum
11 of understanding.

12 (ii) SUBMISSION TO EXECUTIVE DI-
13 RECTOR.—The facilitating or lead agency,
14 as applicable, shall submit to the Executive
15 Director each memorandum of under-
16 standing described in clause (i).

17 (D) APPLICABILITY.—The requirements
18 under this title shall only apply to a State or
19 an authorization issued by a State if the State
20 has chosen to participate in the environmental
21 review and authorization process pursuant to
22 this paragraph.

23 (d) EARLY CONSULTATION.—The facilitating or lead
24 agency, as applicable, shall provide an expeditious process
25 for project sponsors to confer with each cooperating and

1 participating agency involved and, not later than 60 days
2 after the date on which the project sponsor submits a re-
3 quest under this subsection, to have each such agency pro-
4 vide to the project sponsor information concerning—

5 (1) the availability of information and tools, in-
6 cluding pre-application toolkits, to facilitate early
7 planning efforts;

8 (2) key issues of concern to each agency and to
9 the public; and

10 (3) issues that must be addressed before an en-
11 vironmental review or authorization can be com-
12 pleted.

13 (e) COOPERATING AGENCY.—

14 (1) IN GENERAL.—A lead agency may designate
15 a participating agency as a cooperating agency in
16 accordance with part 1501 of title 40, Code of Fed-
17 eral Regulations (or successor regulations).

18 (2) EFFECT ON OTHER DESIGNATION.—The
19 designation described in paragraph (1) shall not af-
20 fect any designation under subsection (a)(3).

21 (3) LIMITATION ON DESIGNATION.—Any agency
22 not designated as a participating agency under sub-
23 section (a)(3) shall not be designated as a cooper-
24 ating agency under paragraph (1).

1 (f) REPORTING STATUS OF OTHER PROJECTS ON
2 DASHBOARD.—

3 (1) IN GENERAL.—On request of the Executive
4 Director, the Secretary and the Secretary of the
5 Army shall use best efforts to provide information
6 for inclusion on the Dashboard on projects subject
7 to section 139 of title 23, United States Code, and
8 section 2045 of the Water Resources Development
9 Act of 2007 (33 U.S.C. 2348) likely to require—

10 (A) a total investment of more than
11 \$200,000,000; and

12 (B) an environmental impact statement
13 under NEPA.

14 (2) EFFECT OF INCLUSION ON DASHBOARD.—
15 Inclusion on the Dashboard of information regarding
16 projects subject to section 139 of title 23, United
17 States Code, or section 2045 of the Water Resources
18 Development Act of 2007 (33 U.S.C. 2348) shall not
19 subject those projects to any requirements of this
20 title.

21 **SEC. 41004. INTERSTATE COMPACTS.**

22 (a) IN GENERAL.—The consent of Congress is given
23 for 3 or more contiguous States to enter into an interstate
24 compact establishing regional infrastructure development
25 agencies to facilitate authorization and review of covered

1 projects, under State law or in the exercise of delegated
2 permitting authority described under section 41006, that
3 will advance infrastructure development, production, and
4 generation within the States that are parties to the com-
5 pact.

6 (b) REGIONAL INFRASTRUCTURE.—For the purpose
7 of this title, a regional infrastructure development agency
8 referred to in subsection (a) shall have the same authori-
9 ties and responsibilities of a State agency.

10 **SEC. 41005. COORDINATION OF REQUIRED REVIEWS.**

11 (a) CONCURRENT REVIEWS.—To integrate environ-
12 mental reviews and authorizations, each agency shall, to
13 the maximum extent practicable—

14 (1) carry out the obligations of the agency with
15 respect to a covered project under any other applica-
16 ble law concurrently, and in conjunction with, other
17 environmental reviews and authorizations being con-
18 ducted by other cooperating or participating agen-
19 cies, including environmental reviews and authoriza-
20 tions required under NEPA, unless the agency de-
21 termines that doing so would impair the ability of
22 the agency to carry out the statutory obligations of
23 the agency; and

24 (2) formulate and implement administrative,
25 policy, and procedural mechanisms to enable the

1 agency to ensure completion of the environmental re-
2 view process in a timely, coordinated, and environ-
3 mentally responsible manner.

4 (b) ADOPTION, INCORPORATION BY REFERENCE,
5 AND USE OF DOCUMENTS.—

6 (1) STATE ENVIRONMENTAL DOCUMENTS; SUP-
7 PLEMENTAL DOCUMENTS.—

8 (A) USE OF EXISTING DOCUMENTS.—

9 (i) IN GENERAL.—On the request of a
10 project sponsor, a lead agency shall con-
11 sider and, as appropriate, adopt or incor-
12 porate by reference, the analysis and docu-
13 mentation that has been prepared for a
14 covered project under State laws and pro-
15 cedures as the documentation, or part of
16 the documentation, required to complete
17 an environmental review for the covered
18 project, if the analysis and documentation
19 were, as determined by the lead agency in
20 consultation with the Council on Environ-
21 mental Quality, prepared under cir-
22 cumstances that allowed for opportunities
23 for public participation and consideration
24 of alternatives, environmental con-
25 sequences, and other required analyses

1 that are substantially equivalent to what
2 would have been available had the docu-
3 ments and analysis been prepared by a
4 Federal agency pursuant to NEPA.

5 (ii) GUIDANCE BY CEQ.—The Council
6 on Environmental Quality may issue guid-
7 ance to carry out this subsection.

8 (B) NEPA OBLIGATIONS.—An environ-
9 mental document adopted under subparagraph
10 (A) or a document that includes documentation
11 incorporated under subparagraph (A) may serve
12 as the documentation required for an environ-
13 mental review or a supplemental environmental
14 review required to be prepared by a lead agency
15 under NEPA.

16 (C) SUPPLEMENTATION OF STATE DOCU-
17 MENTS.—If the lead agency adopts or incor-
18 porates analysis and documentation described
19 in subparagraph (A), the lead agency shall pre-
20 pare and publish a supplemental document if
21 the lead agency determines that during the pe-
22 riod after preparation of the analysis and docu-
23 mentation and before the adoption or incorpora-
24 tion—

1 (i) a significant change has been made
2 to the covered project that is relevant for
3 purposes of environmental review of the
4 project; or

5 (ii) there has been a significant cir-
6 cumstance or new information has emerged
7 that is relevant to the environmental re-
8 view for the covered project.

9 (D) COMMENTS.—If a lead agency pre-
10 pares and publishes a supplemental document
11 under subparagraph (C), the lead agency shall
12 solicit comments from other agencies and the
13 public on the supplemental document for a pe-
14 riod of not more than 45 days, beginning on the
15 date on which the supplemental document is
16 published, unless—

17 (i) the lead agency, the project spon-
18 sor, and any cooperating agency agree to a
19 longer deadline; or

20 (ii) the lead agency extends the dead-
21 line for good cause.

22 (E) NOTICE OF OUTCOME OF ENVIRON-
23 MENTAL REVIEW.—A lead agency shall issue a
24 record of decision or finding of no significant
25 impact, as appropriate, based on the document

1 adopted under subparagraph (A) and any sup-
2 plemental document prepared under subpara-
3 graph (C).

4 (c) ALTERNATIVES ANALYSIS.—

5 (1) PARTICIPATION.—

6 (A) IN GENERAL.—As early as practicable
7 during the environmental review, but not later
8 than the commencement of scoping for a project
9 requiring the preparation of an environmental
10 impact statement, the lead agency shall engage
11 the cooperating agencies and the public to de-
12 termine the range of reasonable alternatives to
13 be considered for a covered project.

14 (B) DETERMINATION.—The determination
15 under subparagraph (A) shall be completed not
16 later than the completion of scoping.

17 (2) RANGE OF ALTERNATIVES.—

18 (A) IN GENERAL.—Following participation
19 under paragraph (1) and subject to subpara-
20 graph (B), the lead agency shall determine the
21 range of reasonable alternatives for consider-
22 ation in any document that the lead agency is
23 responsible for preparing for the covered
24 project.

1 (B) ALTERNATIVES REQUIRED BY LAW.—

2 In determining the range of alternatives under
3 subparagraph (A), the lead agency shall include
4 all alternatives required to be considered by
5 law.

6 (3) METHODOLOGIES.—

7 (A) IN GENERAL.—The lead agency shall
8 determine, in collaboration with each cooper-
9 ating agency at appropriate times during the
10 environmental review, the methodologies to be
11 used and the level of detail required in the anal-
12 ysis of each alternative for a covered project.

13 (B) ENVIRONMENTAL REVIEW.—A cooper-
14 ating agency shall use the methodologies re-
15 ferred to in subparagraph (A) when conducting
16 any required environmental review, to the ex-
17 tent consistent with existing law.

18 (4) PREFERRED ALTERNATIVE.—With the con-
19 currence of the cooperating agencies with jurisdic-
20 tion under Federal law and at the discretion of the
21 lead agency, the preferred alternative for a project,
22 after being identified, may be developed to a higher
23 level of detail than other alternatives to facilitate the
24 development of mitigation measures or concurrent
25 compliance with other applicable laws if the lead

1 agency determines that the development of the high-
2 er level of detail will not prevent—

3 (A) the lead agency from making an im-
4 partial decision as to whether to accept another
5 alternative that is being considered in the envi-
6 ronmental review; and

7 (B) the public from commenting on the
8 preferred and other alternatives.

9 (d) ENVIRONMENTAL REVIEW COMMENTS.—

10 (1) COMMENTS ON DRAFT ENVIRONMENTAL IM-
11 PACT STATEMENT.—For comments by an agency or
12 the public on a draft environmental impact state-
13 ment, the lead agency shall establish a comment pe-
14 riod of not less than 45 days and not more than 60
15 days after the date on which a notice announcing
16 availability of the environmental impact statement is
17 published in the Federal Register, unless—

18 (A) the lead agency, the project sponsor,
19 and any cooperating agency agree to a longer
20 deadline; or

21 (B) the lead agency, in consultation with
22 each cooperating agency, extends the deadline
23 for good cause.

24 (2) OTHER REVIEW AND COMMENT PERIODS.—

25 For all other review or comment periods in the envi-

1 ronmental review process described in parts 1500
2 through 1508 of title 40, Code of Federal Regula-
3 tions (or successor regulations), the lead agency
4 shall establish a comment period of not more than
5 45 days after the date on which the materials on
6 which comment is requested are made available, un-
7 less—

8 (A) the lead agency, the project sponsor,
9 and any cooperating agency agree to a longer
10 deadline; or

11 (B) the lead agency extends the deadline
12 for good cause.

13 (e) ISSUE IDENTIFICATION AND RESOLUTION.—

14 (1) COOPERATION.—The lead agency and each
15 cooperating and participating agency shall work co-
16 operatively in accordance with this section to iden-
17 tify and resolve issues that could delay completion of
18 an environmental review or an authorization re-
19 quired for the project under applicable law or result
20 in the denial of any approval under applicable law.

21 (2) LEAD AGENCY RESPONSIBILITIES.—

22 (A) IN GENERAL.—The lead agency shall
23 make information available to each cooperating
24 and participating agency and project sponsor as
25 early as practicable in the environmental review

1 regarding the environmental, historic, and so-
2 cioeconomic resources located within the project
3 area and the general locations of the alter-
4 natives under consideration.

5 (B) SOURCES OF INFORMATION.—The in-
6 formation described in subparagraph (A) may
7 be based on existing data sources, including ge-
8 ographic information systems mapping.

9 (3) COOPERATING AND PARTICIPATING AGENCY
10 RESPONSIBILITIES.—Each cooperating and partici-
11 pating agency shall—

12 (A) identify, as early as practicable, any
13 issues of concern regarding any potential envi-
14 ronmental impacts of the covered project, in-
15 cluding any issues that could substantially delay
16 or prevent an agency from completing any envi-
17 ronmental review or authorization required for
18 the project; and

19 (B) communicate any issues described in
20 subparagraph (A) to the project sponsor.

21 (f) CATEGORIES OF PROJECTS.—The authorities
22 granted under this section may be exercised for an indi-
23 vidual covered project or a category of covered projects.

1 **SEC. 41006. DELEGATED STATE PERMITTING PROGRAMS.**

2 (a) IN GENERAL.—If a Federal statute permits a
3 Federal agency to delegate to or otherwise authorize a
4 State to issue or otherwise administer a permit program
5 in lieu of the Federal agency, the Federal agency with au-
6 thority to carry out the statute shall—

7 (1) on publication by the Council of best prac-
8 tices under section 41002(c)(2)(B), initiate a na-
9 tional process, with public participation, to deter-
10 mine whether and the extent to which any of the
11 best practices are generally applicable on a
12 delegation- or authorization-wide basis to permitting
13 under the statute; and

14 (2) not later than 2 years after the date of en-
15 actment of this Act, make model recommendations
16 for State modifications of the applicable permit pro-
17 gram to reflect the best practices described in sec-
18 tion 41002(c)(2)(B), as appropriate.

19 (b) BEST PRACTICES.—Lead and cooperating agen-
20 cies may share with State, tribal, and local authorities best
21 practices involved in review of covered projects and invite
22 input from State, tribal, and local authorities regarding
23 best practices.

24 **SEC. 41007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS**
25 **PROVISION.**

26 (a) LIMITATIONS ON CLAIMS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, a claim arising under Federal law
3 seeking judicial review of any authorization issued
4 by a Federal agency for a covered project shall be
5 barred unless—

6 (A) the action is filed not later than 2
7 years after the date of publication in the Fed-
8 eral Register of the final record of decision or
9 approval or denial of a permit, unless a shorter
10 time is specified in the Federal law under which
11 judicial review is allowed; and

12 (B) in the case of an action pertaining to
13 an environmental review conducted under
14 NEPA—

15 (i) the action is filed by a party that
16 submitted a comment during the environ-
17 mental review; and

18 (ii) any commenter filed a sufficiently
19 detailed comment so as to put the lead
20 agency on notice of the issue on which the
21 party seeks judicial review, or the lead
22 agency did not provide a reasonable oppor-
23 tunity for such a comment on that issue.

24 (2) NEW INFORMATION.—

1 (A) IN GENERAL.—The head of a lead
2 agency or participating agency shall consider
3 new information received after the close of a
4 comment period if the information satisfies the
5 requirements under regulations implementing
6 NEPA.

7 (B) SEPARATE ACTION.—If Federal law
8 requires the preparation of a supplemental envi-
9 ronmental impact statement or other supple-
10 mental environmental document, the prepara-
11 tion of such document shall be considered a
12 separate final agency action and the deadline
13 for filing a claim for judicial review of the agen-
14 cy action shall be 2 years after the date on
15 which a notice announcing the final agency ac-
16 tion is published in the Federal Register, unless
17 a shorter time is specified in the Federal law
18 under which judicial review is allowed.

19 (3) RULE OF CONSTRUCTION.—Nothing in this
20 subsection creates a right to judicial review or places
21 any limit on filing a claim that a person has violated
22 the terms of an authorization.

23 (b) PRELIMINARY INJUNCTIVE RELIEF.—In addition
24 to considering any other applicable equitable factors, in
25 any action seeking a temporary restraining order or pre-

1 liminary injunction against an agency or a project sponsor
2 in connection with review or authorization of a covered
3 project, the court shall—

4 (1) consider the potential effects on public
5 health, safety, and the environment, and the poten-
6 tial for significant negative effects on jobs resulting
7 from an order or injunction; and

8 (2) not presume that the harms described in
9 paragraph (1) are reparable.

10 (c) JUDICIAL REVIEW.—Except as provided in sub-
11 section (a), nothing in this title affects the reviewability
12 of any final Federal agency action in a court of competent
13 jurisdiction.

14 (d) SAVINGS CLAUSE.—Nothing in this title—

15 (1) supersedes, amends, or modifies any Fed-
16 eral statute or affects the responsibility of any Fed-
17 eral officer to comply with or enforce any statute; or

18 (2) creates a presumption that a covered
19 project will be approved or favorably reviewed by any
20 agency.

21 (e) LIMITATIONS.—Nothing in this section preempts,
22 limits, or interferes with—

23 (1) any practice of seeking, considering, or re-
24 sponding to public comment; or

1 (2) any power, jurisdiction, responsibility, or
2 authority that a Federal, State, or local govern-
3 mental agency, metropolitan planning organization,
4 Indian tribe, or project sponsor has with respect to
5 carrying out a project or any other provisions of law
6 applicable to any project, plan, or program.

7 **SEC. 41008. REPORTS.**

8 (a) REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Not later than April 15 of
10 each year for 10 years beginning on the date of en-
11 actment of this Act, the Executive Director shall
12 submit to Congress a report detailing the progress
13 accomplished under this title during the previous fis-
14 cal year.

15 (2) CONTENTS.—The report described in para-
16 graph (1) shall assess the performance of each par-
17 ticipating agency and lead agency based on the best
18 practices described in section 41002(c)(2)(B), in-
19 cluding—

20 (A) agency progress in making improve-
21 ments consistent with those best practices; and

22 (B) agency compliance with the perform-
23 ance schedules established under section
24 41002(c)(1)(C).

1 (3) OPPORTUNITY TO INCLUDE COMMENTS.—

2 Each councilmember, with input from the respective
3 agency CERPO, shall have the opportunity to in-
4 clude comments concerning the performance of the
5 agency in the report described in paragraph (1).

6 (b) COMPTROLLER GENERAL REPORT.—Not later
7 than 3 years after the date of enactment of this Act, the
8 Comptroller General of the United States shall submit to
9 Congress a report that describes—

10 (1) agency progress in making improvements
11 consistent with the best practices issued under sec-
12 tion 41002(c)(2)(B); and

13 (2) agency compliance with the performance
14 schedules established under section 41002(c)(1)(C).

15 **SEC. 41009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND**
16 **PROCESSING OF ENVIRONMENTAL REVIEWS**
17 **AND PERMITS.**

18 (a) IN GENERAL.—The heads of agencies listed in
19 section 41002(b)(2)(B), with the guidance of the Director
20 of the Office of Management and Budget and in consulta-
21 tion with the Executive Director, may, after public notice
22 and opportunity for comment, issue regulations estab-
23 lishing a fee structure for project proponents to reimburse
24 the United States for reasonable costs incurred in con-

1 ducting environmental reviews and authorizations for cov-
2 ered projects.

3 (b) REASONABLE COSTS.—As used in this section,
4 the term “reasonable costs” shall include costs to imple-
5 ment the requirements and authorities required under sec-
6 tions 41002 and 41003, including the costs to agencies
7 and the costs of operating the Council.

8 (c) FEE STRUCTURE.—The fee structure established
9 under subsection (a) shall—

10 (1) be developed in consultation with affected
11 project proponents, industries, and other stake-
12 holders;

13 (2) exclude parties for which the fee would im-
14 pose an undue financial burden or is otherwise de-
15 termined to be inappropriate; and

16 (3) be established in a manner that ensures
17 that the aggregate amount of fees collected for a fis-
18 cal year is estimated not to exceed 20 percent of the
19 total estimated costs for the fiscal year for the re-
20 sources allocated for the conduct of the environ-
21 mental reviews and authorizations covered by this
22 title, as determined by the Director of the Office of
23 Management and Budget.

24 (d) ENVIRONMENTAL REVIEW AND PERMITTING IM-
25 PROVEMENT FUND.—

1 (1) IN GENERAL.—All amounts collected pursu-
2 ant to this section shall be deposited into a separate
3 fund in the Treasury of the United States to be
4 known as the “Environmental Review Improvement
5 Fund” (referred to in this section as the “Fund”).

6 (2) AVAILABILITY.—Amounts in the Fund shall
7 be available to the Executive Director, without ap-
8 propriation or fiscal year limitation, solely for the
9 purposes of administering, implementing, and en-
10 forcing this title, including the expenses of the Coun-
11 cil.

12 (3) TRANSFER.—The Executive Director, with
13 the approval of the Director of the Office of Man-
14 agement and Budget, may transfer amounts in the
15 Fund to other agencies to facilitate timely and effi-
16 cient environmental reviews and authorizations for
17 proposed covered projects.

18 (e) EFFECT ON PERMITTING.—The regulations
19 adopted pursuant to subsection (a) shall ensure that the
20 use of funds accepted under subsection (d) will not impact
21 impartial decision-making with respect to environmental
22 reviews or authorizations, either substantively or proce-
23 durally.

24 (f) TRANSFER OF APPROPRIATED FUNDS.—

1 (1) IN GENERAL.—The heads of agencies listed
2 in section 41002(b)(2)(B) shall have the authority to
3 transfer, in accordance with section 1535 of title 31,
4 United States Code, funds appropriated to those
5 agencies and not otherwise obligated to other af-
6 fected Federal agencies for the purpose of imple-
7 menting the provisions of this title.

8 (2) LIMITATION.—Appropriations under title
9 23, United States Code and appropriations for the
10 civil works program of the Army Corps of Engineers
11 shall not be available for transfer under paragraph
12 (1).

13 **SEC. 41010. APPLICATION.**

14 This title applies to any covered project for which—

15 (1) a notice is filed under section 41003(a)(1);

16 or

17 (2) an application or other request for a Fed-
18 eral authorization is pending before a Federal agen-
19 cy 90 days after the date of enactment of this Act.

20 **SEC. 41011. GAO REPORT.**

21 Not later than 3 years after the date of enactment
22 of this Act, the Comptroller General of the United States
23 shall submit to Congress a report that includes an analysis
24 of whether the provisions of this title could be adapted

1 to streamline the Federal permitting process for smaller
2 projects that are not covered projects.

3 **SEC. 41012. SAVINGS PROVISION.**

4 Nothing in this title amends the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

6 **SEC. 41013. SUNSET.**

7 This title shall terminate 7 years after the date of
8 enactment of this Act.

9 **SEC. 41014. PLACEMENT.**

10 The Office of the Law Revision Counsel is directed
11 to place sections 41001 through 41013 of this title in
12 chapter 55 of title 42, United States Code, as subchapter
13 IV.

14 **TITLE XLII—ADDITIONAL**
15 **PROVISIONS**

16 **SEC. 42001. GAO REPORT ON REFUNDS TO REGISTERED**
17 **VENDORS OF KEROSENE USED IN NON-**
18 **COMMERCIAL AVIATION.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Comptroller General of the United
21 States shall—

22 (1) conduct a study regarding payments made
23 to vendors of kerosene used in noncommercial avia-
24 tion under section 6427(l)(4)(C)(ii) of the Internal
25 Revenue Code of 1986; and

1 (2) submit to the appropriate committees of
2 Congress a report describing the results of such
3 study, which shall include estimates of—

4 (A) the number of vendors of kerosene
5 used in noncommercial aviation who are reg-
6 istered under section 4101 of such Code;

7 (B) the number of vendors of kerosene
8 used in noncommercial aviation who are not so
9 registered;

10 (C) the number of vendors described in
11 subparagraph (A) who receive payments under
12 section 6427(l)(4)(C)(ii) of such Code;

13 (D) the excess of—

14 (i) the amount of payments which
15 would be made under section
16 6427(l)(4)(C)(ii) of such Code if all ven-
17 dors of kerosene used in noncommercial
18 aviation were registered and filed claims
19 for such payments, over

20 (ii) the amount of payments actually
21 made under such section; and

22 (E) the number of cases of diesel truck op-
23 erators fraudulently using kerosene taxed for
24 use in aviation.

1 **TITLE XLIII—PAYMENTS TO CER-**
2 **TIFIED STATES AND INDIAN**
3 **TRIBES**

4 **SEC. 43001. PAYMENTS FROM ABANDONED MINE RECLAMA-**
5 **TION FUND.**

6 Section 411(h) of the Surface Mining Control and
7 Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amend-
8 ed—

9 (1) in paragraph (1)(C)—

10 (A) by striking “Payments” and inserting
11 the following:

12 “(i) IN GENERAL.—Payments”; and

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

14 “(ii) CERTAIN PAYMENTS RE-
15 QUIRED.—Not withstanding any other pro-
16 vision of this Act, as soon as practicable,
17 but not later than December 10, 2015, of
18 the 7 equal installments referred to in
19 clause (i), the Secretary shall pay to any
20 certified State or Indian tribe to which the
21 total annual payment under this subsection
22 was limited to \$15,000,000 in 2013 and
23 \$28,000,000 in fiscal year 2014—

1 “(I) the final 2 installments in 2
2 separate payments of \$82,700,000
3 each; and

4 “(II) 2 separate payments of
5 \$38,250,000 each.”; and

6 (2) by striking paragraphs (5) and (6).

7 **DIVISION E—EXPORT-IMPORT**
8 **BANK OF THE UNITED STATES**

9 **SEC. 50001. SHORT TITLE.**

10 This division may be cited as the “Export-Import
11 Bank Reform and Reauthorization Act of 2015”.

12 **TITLE LI—TAXPAYER PROTEC-**
13 **TION PROVISIONS AND IN-**
14 **CREASED ACCOUNTABILITY**

15 **SEC. 51001. REDUCTION IN AUTHORIZED AMOUNT OF OUT-**
16 **STANDING LOANS, GUARANTEES, AND INSUR-**
17 **ANCE.**

18 Section 6(a) of the Export-Import Bank Act of 1945
19 (12 U.S.C. 635e(a)) is amended—

20 (1) by redesignating paragraph (3) as para-
21 graph (4); and

22 (2) by striking paragraph (2) and inserting the
23 following:

24 “(2) **APPLICABLE AMOUNT DEFINED.**—In this
25 subsection, the term ‘applicable amount’, for each of

1 fiscal years 2015 through 2019, means
2 \$135,000,000,000.

3 “(3) FREEZING OF LENDING CAP IF DEFAULT
4 RATE IS 2 PERCENT OR MORE.—If the rate cal-
5 culated under section 8(g)(1) is 2 percent or more
6 for a quarter, the Bank may not exceed the amount
7 of loans, guarantees, and insurance outstanding on
8 the last day of that quarter until the rate calculated
9 under section 8(g)(1) is less than 2 percent.”.

10 **SEC. 51002. INCREASE IN LOSS RESERVES.**

11 (a) IN GENERAL.—Section 6 of the Export-Import
12 Bank Act of 1945 (12 U.S.C. 635e) is amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) RESERVE REQUIREMENT.—The Bank shall
18 build to and hold in reserve, to protect against future
19 losses, an amount that is not less than 5 percent of the
20 aggregate amount of disbursed and outstanding loans,
21 guarantees, and insurance of the Bank.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect on the date that is one
24 year after the date of the enactment of this Act.

1 **SEC. 51003. REVIEW OF FRAUD CONTROLS.**

2 Section 17(b) of the Export-Import Bank Reauthor-
3 ization Act of 2012 (12 U.S.C. 635a–6(b)) is amended
4 to read as follows:

5 “(b) REVIEW OF FRAUD CONTROLS.—Not later than
6 4 years after the date of the enactment of the Export-
7 Import Bank Reform and Reauthorization Act of 2015,
8 and every 4 years thereafter, the Comptroller General of
9 the United States shall—

10 “(1) review the adequacy of the design and ef-
11 fectiveness of the controls used by the Export-Im-
12 port Bank of the United States to prevent, detect,
13 and investigate fraudulent applications for loans and
14 guarantees and the compliance by the Bank with the
15 controls, including by auditing a sample of Bank
16 transactions; and

17 “(2) submit a written report regarding the find-
18 ings of the review and providing such recommenda-
19 tions with respect to the controls described in para-
20 graph (1) as the Comptroller General deems appro-
21 priate to—

22 “(A) the Committee on Banking, Housing,
23 and Urban Affairs and the Committee on Ap-
24 propriations of the Senate; and

1 “(B) the Committee on Financial Services
2 and the Committee on Appropriations of the
3 House of Representatives.”.

4 **SEC. 51004. OFFICE OF ETHICS.**

5 Section 3 of the Export-Import Bank Act of 1945
6 (12 U.S.C. 635a) is amended by adding at the end the
7 following:

8 “(k) OFFICE OF ETHICS.—

9 “(1) ESTABLISHMENT.—There is established an
10 Office of Ethics within the Bank, which shall oversee
11 all ethics issues within the Bank.

12 “(2) HEAD OF OFFICE.—

13 “(A) IN GENERAL.—The head of the Of-
14 fice of Ethics shall be the Chief Ethics Officer,
15 who shall report to the Board of Directors.

16 “(B) APPOINTMENT.—Not later than 180
17 days after the date of the enactment of the Ex-
18 port-Import Bank Reform and Reauthorization
19 Act of 2015, the Chief Ethics Officer shall be—

20 “(i) appointed by the President of the
21 Bank from among persons—

22 “(I) with a background in law
23 who have experience in the fields of
24 law and ethics; and

1 “(II) who are not serving in a po-
2 sition requiring appointment by the
3 President of the United States before
4 being appointed to be Chief Ethics
5 Officer; and

6 “(ii) approved by the Board.

7 “(C) DESIGNATED AGENCY ETHICS OFFI-
8 CIAL.—The Chief Ethics Officer shall serve as
9 the designated agency ethics official for the
10 Bank pursuant to the Ethics in Government
11 Act of 1978 (5 U.S.C. App. 101 et seq.).

12 “(3) DUTIES.—The Office of Ethics has juris-
13 diction over all employees of, and ethics matters re-
14 lating to, the Bank. With respect to employees of the
15 Bank, the Office of Ethics shall—

16 “(A) recommend administrative actions to
17 establish or enforce standards of official con-
18 duct;

19 “(B) refer to the Office of the Inspector
20 General of the Bank alleged violations of—

21 “(i) the standards of ethical conduct
22 applicable to employees of the Bank under
23 parts 2635 and 6201 of title 5, Code of
24 Federal Regulations;

1 “(ii) the standards of ethical conduct
2 established by the Chief Ethics Officer;
3 and

4 “(iii) any other laws, rules, or regula-
5 tions governing the performance of official
6 duties or the discharge of official respon-
7 sibilities that are applicable to employees
8 of the Bank;

9 “(C) report to appropriate Federal or
10 State authorities substantial evidence of a viola-
11 tion of any law applicable to the performance of
12 official duties that may have been disclosed to
13 the Office of Ethics; and

14 “(D) render advisory opinions regarding
15 the propriety of any current or proposed con-
16 duct of an employee or contractor of the Bank,
17 and issue general guidance on such matters as
18 necessary.”.

19 **SEC. 51005. CHIEF RISK OFFICER.**

20 Section 3 of the Export-Import Bank Act of 1945
21 (12 U.S.C. 635a), as amended by section 91004, is further
22 amended by adding at the end the following:

23 “(1) CHIEF RISK OFFICER.—

24 “(1) IN GENERAL.—There shall be a Chief Risk
25 Officer of the Bank, who shall—

1 “(A) oversee all issues relating to risk
2 within the Bank; and

3 “(B) report to the President of the Bank.

4 “(2) APPOINTMENT.—Not later than 180 days
5 after the date of the enactment of the Export-Im-
6 port Bank Reform and Reauthorization Act of 2015,
7 the Chief Risk Officer shall be—

8 “(A) appointed by the President of the
9 Bank from among persons—

10 “(i) with a demonstrated ability in the
11 general management of, and knowledge of
12 and extensive practical experience in, fi-
13 nancial risk evaluation practices in large
14 governmental or business entities; and

15 “(ii) who are not serving in a position
16 requiring appointment by the President of
17 the United States before being appointed
18 to be Chief Risk Officer; and

19 “(B) approved by the Board.

20 “(3) DUTIES.—The duties of the Chief Risk Of-
21 ficer are—

22 “(A) to be responsible for all matters re-
23 lated to managing and mitigating all risk to
24 which the Bank is exposed, including the pro-
25 grams and operations of the Bank;

1 “(B) to establish policies and processes for
2 risk oversight, the monitoring of management
3 compliance with risk limits, and the manage-
4 ment of risk exposures and risk controls across
5 the Bank;

6 “(C) to be responsible for the planning and
7 execution of all Bank risk management activi-
8 ties, including policies, reporting, and systems
9 to achieve strategic risk objectives;

10 “(D) to develop an integrated risk manage-
11 ment program that includes identifying,
12 prioritizing, measuring, monitoring, and man-
13 aging internal control and operating risks and
14 other identified risks;

15 “(E) to ensure that the process for risk as-
16 sessment and underwriting for individual trans-
17 actions considers how each such transaction
18 considers the effect of the transaction on the
19 concentration of exposure in the overall port-
20 folio of the Bank, taking into account fees,
21 collateralization, and historic default rates; and

22 “(F) to review the adequacy of the use by
23 the Bank of qualitative metrics to assess the
24 risk of default under various scenarios.”.

1 **SEC. 51006. RISK MANAGEMENT COMMITTEE.**

2 (a) IN GENERAL.—Section 3 of the Export-Import
3 Bank Act of 1945 (12 U.S.C. 635a), as amended by sec-
4 tions 91004 and 91005, is further amended by adding at
5 the end the following:

6 “(m) RISK MANAGEMENT COMMITTEE.—

7 “(1) ESTABLISHMENT.—There is established a
8 management committee to be known as the ‘Risk
9 Management Committee’.

10 “(2) MEMBERSHIP.—The membership of the
11 Risk Management Committee shall be the members
12 of the Board of Directors, with the President and
13 First Vice President of the Bank serving as ex offi-
14 cio members.

15 “(3) DUTIES.—The duties of the Risk Manage-
16 ment Committee shall be—

17 “(A) to oversee, in conjunction with the
18 Office of the Chief Financial Officer of the
19 Bank—

20 “(i) periodic stress testing on the en-
21 tire Bank portfolio, reflecting different
22 market, industry, and macroeconomic sce-
23 narios, and consistent with common prac-
24 tices of commercial and multilateral devel-
25 opment banks; and

1 “(ii) the monitoring of industry, geo-
2 graphic, and obligor exposure levels; and

3 “(B) to review all required reports on the
4 default rate of the Bank before submission to
5 Congress under section 8(g).”.

6 (b) **TERMINATION OF AUDIT COMMITTEE.**—Not later
7 than 180 days after the date of the enactment of this Act,
8 the Board of Directors of the Export-Import Bank of the
9 United States shall revise the bylaws of the Bank to termi-
10 nate the Audit Committee established by section 7 of the
11 bylaws.

12 **SEC. 51007. INDEPENDENT AUDIT OF BANK PORTFOLIO.**

13 (a) **AUDIT.**—The Inspector General of the Export-
14 Import Bank of the United States shall conduct an audit
15 or evaluation of the portfolio risk management procedures
16 of the Bank, including a review of the implementation by
17 the Bank of the duties assigned to the Chief Risk Officer
18 under section 3(l) of the Export-Import Bank Act of 1945,
19 as amended by section 51005.

20 (b) **REPORT.**—Not later than 1 year after the date
21 of the enactment of this Act, and not less frequently than
22 every 3 years thereafter, the Inspector General shall sub-
23 mit to the Committee on Banking, Housing, and Urban
24 Affairs of the Senate and the Committee on Financial
25 Services of the House of Representatives a written report

1 containing all findings and determinations made in car-
2 rying out subsection (a).

3 **SEC. 51008. PILOT PROGRAM FOR REINSURANCE.**

4 (a) IN GENERAL.—Notwithstanding any provision of
5 the Export-Import Bank Act of 1945 (12 U.S.C. 635 et
6 seq.), the Export-Import Bank of the United States (in
7 this section referred to as the “Bank”) may establish a
8 pilot program under which the Bank may enter into con-
9 tracts and other arrangements to share risks associated
10 with the provision of guarantees, insurance, or credit, or
11 the participation in the extension of credit, by the Bank
12 under that Act.

13 (b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

14 (1) PER CONTRACT OR OTHER ARRANGE-
15 MENT.—The aggregate amount of liability the Bank
16 may transfer through risk-sharing pursuant to a
17 contract or other arrangement entered into under
18 subsection (a) may not exceed \$1,000,000,000.

19 (2) PER YEAR.—The aggregate amount of li-
20 ability the Bank may transfer through risk-sharing
21 during a fiscal year pursuant to contracts or other
22 arrangements entered into under subsection (a) dur-
23 ing that fiscal year may not exceed
24 \$10,000,000,000.

1 (c) ANNUAL REPORTS.—Not later than 1 year after
2 the date of the enactment of this Act, and annually there-
3 after through 2019, the Bank shall submit to Congress
4 a written report that contains a detailed analysis of the
5 use of the pilot program carried out under subsection (a)
6 during the year preceding the submission of the report.

7 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect, impede, or revoke any
9 authority of the Bank.

10 (e) TERMINATION.—The pilot program carried out
11 under subsection (a) shall terminate on September 30,
12 2019.

13 **TITLE LII—PROMOTION OF** 14 **SMALL BUSINESS EXPORTS**

15 **SEC. 52001. INCREASE IN SMALL BUSINESS LENDING RE-** 16 **QUIREMENTS.**

17 (a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Ex-
18 port-Import Bank Act of 1945 (12 U.S.C.
19 635(b)(1)(E)(v)) is amended by striking “20 percent” and
20 inserting “25 percent”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply with respect to fiscal year 2016
23 and each fiscal year thereafter.

1 **SEC. 52002. REPORT ON PROGRAMS FOR SMALL- AND ME-**
2 **DIUM-SIZED BUSINESSES.**

3 (a) IN GENERAL.—Section 8 of the Export-Import
4 Bank Act of 1945 (12 U.S.C. 635g) is amended by adding
5 at the end the following:

6 “(k) REPORT ON PROGRAMS FOR SMALL- AND ME-
7 DIUM-SIZED BUSINESSES.—The Bank shall include in its
8 annual report to Congress under subsection (a) a report
9 on the programs of the Bank for United States businesses
10 with less than \$250,000,000 in annual sales.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to the report of the
13 Export-Import Bank of the United States submitted to
14 Congress under section 8 of the Export-Import Bank Act
15 of 1945 (12 U.S.C. 635g) for the first year that begins
16 after the date of the enactment of this Act.

17 **TITLE LIII—MODERNIZATION OF**
18 **OPERATIONS**

19 **SEC. 53001. ELECTRONIC PAYMENTS AND DOCUMENTS.**

20 Section 2(b)(1) of the Export-Import Bank Act of
21 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the
22 end the following:

23 “(M) Not later than 2 years after the date of the
24 enactment of the Export-Import Bank Reform and Reau-
25 thorization Act of 2015, the Bank shall implement poli-
26 cies—

1 “(i) to accept electronic documents with respect
2 to transactions whenever possible, including copies of
3 bills of lading, certifications, and compliance docu-
4 ments, in such manner so as not to undermine any
5 potential civil or criminal enforcement related to the
6 transactions; and

7 “(ii) to accept electronic payments in all of its
8 programs.”.

9 **SEC. 53002. REAUTHORIZATION OF INFORMATION TECH-**
10 **NOLOGY UPDATING.**

11 Section 3(j) of the Export-Import Act of 1945 (12
12 U.S.C. 635a(j)) is amended—

13 (1) in paragraph (1), in the matter preceding
14 subparagraph (A), by striking “2012, 2013, and
15 2014” and inserting “2015 through 2019”;

16 (2) in paragraph (2)(B), by striking “(I) the
17 funds” and inserting “(i) the funds”; and

18 (3) in paragraph (3), by striking “2012, 2013,
19 and 2014” and inserting “2015 through 2019”.

20 **TITLE LIV—GENERAL**
21 **PROVISIONS**

22 **SEC. 54001. EXTENSION OF AUTHORITY.**

23 (a) **IN GENERAL.**—Section 7 of the Export-Import
24 Bank Act of 1945 (12 U.S.C. 635f) is amended by strik-
25 ing “2014” and inserting “2019”.

1 (b) DUAL-USE EXPORTS.—Section 1(e) of Public
2 Law 103–428 (12 U.S.C. 635 note) is amended by strik-
3 ing “September 30, 2014” and inserting “the date on
4 which the authority of the Export-Import Bank of the
5 United States expires under section 7 of the Export-Im-
6 port Bank Act of 1945 (12 U.S.C. 635f)”.

7 (c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—
8 Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of
9 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking
10 “September 30, 2014” and inserting “the date on which
11 the authority of the Bank expires under section 7”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the earlier of the date of
14 the enactment of this Act or June 30, 2015.

15 **SEC. 54002. CERTAIN UPDATED LOAN TERMS AND**
16 **AMOUNTS.**

17 (a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—
18 Section 2(a)(2)(A) of the Export-Import Bank Act of
19 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

20 (1) in clause (i), by striking “; and” and insert-
21 ing a semicolon; and

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

23 “(iii) with principal amounts of not more
24 than \$25,000,000; and”.

1 (b) COMPETITIVE OPPORTUNITIES RELATING TO IN-
2 SURANCE.—Section 2(d)(2) of the Export-Import Bank
3 Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking
4 “\$10,000,000” and inserting “\$25,000,000”.

5 (c) EXPORT AMOUNTS FOR SMALL BUSINESS
6 LOANS.—Section 3(g)(3) of the Export-Import Bank Act
7 of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking
8 “\$10,000,000” and inserting “\$25,000,000”.

9 (d) CONSIDERATION OF ENVIRONMENTAL EF-
10 FECTS.—Section 11(a)(1)(A) of the Export-Import Bank
11 Act of 1945 (12 U.S.C. 635i-5(a)(1)(A)) is amended by
12 striking “\$10,000,000 or more” and inserting the fol-
13 lowing: “\$25,000,000 (or, if less than \$25,000,000, the
14 threshold established pursuant to international agree-
15 ments, including the Common Approaches for Officially
16 Supported Export Credits and Environmental and Social
17 Due Diligence, as adopted by the Organisation for Eco-
18 nomic Co-operation and Development Council on June 28,
19 2012, and the risk-management framework adopted by fi-
20 nancial institutions for determining, assessing, and man-
21 aging environmental and social risk in projects (commonly
22 referred to as the ‘Equator Principles’)) or more”.

23 (e) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to fiscal year 2016
25 and each fiscal year thereafter.

1 **TITLE LV—OTHER MATTERS**

2 **SEC. 55001. PROHIBITION ON DISCRIMINATION BASED ON**
3 **INDUSTRY.**

4 Section 2 of the Export-Import Bank Act of 1945
5 (6 U.S.C. 635 et seq.) is amended by adding at the end
6 the following:

7 “(k) PROHIBITION ON DISCRIMINATION BASED ON
8 INDUSTRY.—

9 “(1) IN GENERAL.—Except as provided in this
10 Act, the Bank may not—

11 “(A) deny an application for financing
12 based solely on the industry, sector, or business
13 that the application concerns; or

14 “(B) promulgate or implement policies that
15 discriminate against an application based solely
16 on the industry, sector, or business that the ap-
17 plication concerns.

18 “(2) APPLICABILITY.—The prohibitions under
19 paragraph (1) apply only to applications for financ-
20 ing by the Bank for projects concerning the explo-
21 ration, development, production, or export of energy
22 sources and the generation or transmission of elec-
23 trical power, or combined heat and power, regardless
24 of the energy source involved.”.

1 **SEC. 55002. NEGOTIATIONS TO END EXPORT CREDIT FI-**
2 **NANCING.**

3 (a) IN GENERAL.—Section 11 of the Export-Import
4 Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5)
5 is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “Secretary of the Treasury (in this
9 section referred to as the ‘Secretary’)” and in-
10 serting “President”; and

11 (B) in paragraph (1)—

12 (i) by striking “(OECD)” and insert-
13 ing “(in this section referred to as the
14 ‘OECD’)”; and

15 (ii) by striking “ultimate goal of elimi-
16 nating” and inserting “possible goal of
17 eliminating, before the date that is 10
18 years after the date of the enactment of
19 the Export-Import Bank Reform and Re-
20 authorization Act of 2015,”;

21 (2) in subsection (b), by striking “Secretary”
22 each place it appears and inserting “President”; and

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

24 “(c) REPORT ON STRATEGY.—Not later than 180
25 days after the date of the enactment of the Export-Import
26 Bank Reform and Reauthorization Act of 2015, the Presi-

1 dent shall submit to Congress a proposal, and a strategy
2 for achieving the proposal, that the United States Govern-
3 ment will pursue with other major exporting countries, in-
4 cluding OECD members and non-OECD members, to
5 eliminate over a period of not more than 10 years sub-
6 sidized export-financing programs, tied aid, export credits,
7 and all other forms of government-supported export sub-
8 sidies.

9 “(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—
10 The President shall initiate and pursue negotiations with
11 countries that are not OECD members to bring those
12 countries into a multilateral agreement establishing rules
13 and limitations on officially supported export credits.

14 “(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIA-
15 TIONS.—Not later than 180 days after the date of the en-
16 actment of the Export-Import Bank Reform and Reau-
17 thorization Act of 2015, and annually thereafter through
18 calendar year 2019, the President shall submit to the
19 Committee on Banking, Housing, and Urban Affairs of
20 the Senate and the Committee on Financial Services of
21 the House of Representatives a report on the progress of
22 any negotiations described in subsection (d).”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 paragraphs (1) and (2) of subsection (a) shall apply with
25 respect to reports required to be submitted under section

1 11(b) of the Export-Import Bank Reauthorization Act of
2 2012 (12 U.S.C. 635a–5(b)) after the date of the enact-
3 ment of this Act.

4 **SEC. 55003. STUDY OF FINANCING FOR INFORMATION AND**
5 **COMMUNICATIONS TECHNOLOGY SYSTEMS.**

6 (a) ANALYSIS OF INFORMATION AND COMMUNICA-
7 TIONS TECHNOLOGY INDUSTRY USE OF BANK PROD-
8 UCTS.—The Export-Import Bank of the United States (in
9 this section referred to as the “Bank”) shall conduct a
10 study of the extent to which the products offered by the
11 Bank are available and used by companies that export in-
12 formation and communications technology services and re-
13 lated goods.

14 (b) ELEMENTS.—In conducting the study required by
15 subsection (a), the Bank shall examine the following:

16 (1) The number of jobs in the United States
17 that are supported by the export of information and
18 communications technology services and related
19 goods, and the degree to which access to financing
20 will increase exports of such services and related
21 goods.

22 (2) The reduction in the financing by the Bank
23 of exports of information and communications tech-
24 nology services from 2003 through 2014.

1 (3) The activities of foreign export credit agen-
2 cies to facilitate the export of information and com-
3 munications technology services and related goods.

4 (4) Specific proposals for how the Bank could
5 provide additional financing for the exportation of
6 information and communications technology services
7 and related goods through risk-sharing with other
8 export credit agencies and other third parties.

9 (5) Proposals for new products the Bank could
10 offer to provide financing for exports of information
11 and communications technology services and related
12 goods, including—

13 (A) the extent to which the Bank is au-
14 thorized to offer new products;

15 (B) the extent to which the Bank would
16 need additional authority to offer new products
17 to meet the needs of the information and com-
18 munications technology industry;

19 (C) specific proposals for changes in law
20 that would enable the Bank to provide in-
21 creased financing for exports of information
22 and communications technology services and re-
23 lated goods in compliance with the credit and
24 risk standards of the Bank;

1 (D) specific proposals that would enable
2 the Bank to provide increased outreach to the
3 information and communications technology in-
4 dustry about the products the Bank offers; and

5 (E) specific proposals for changes in law
6 that would enable the Bank to provide the fi-
7 nancing to build information and communica-
8 tions technology infrastructure, in compliance
9 with the credit and risk standards of the Bank,
10 to allow for market access opportunities for
11 United States information and communications
12 technology companies to provide services on the
13 infrastructure being financed by the Bank.

14 (c) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Bank shall submit to
16 Congress a report that contains the results of the study
17 required by subsection (a).

18 **DIVISION F—ENERGY SECURITY**

19 **SEC. 61001. EMERGENCY PREPAREDNESS FOR ENERGY** 20 **SUPPLY DISRUPTIONS.**

21 (a) FINDING.—Congress finds that recent natural
22 disasters have underscored the importance of having resil-
23 ient oil and natural gas infrastructure and effective ways
24 for industry and government to communicate to address
25 energy supply disruptions.

1 (b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE
2 EMERGENCY PREPAREDNESS FOR NATURAL DISAS-
3 TERS.—The Secretary of Energy shall develop and adopt
4 procedures to—

5 (1) improve communication and coordination
6 between the Department of Energy’s energy re-
7 sponse team, Federal partners, and industry;

8 (2) leverage the Energy Information Adminis-
9 tration’s subject matter expertise within the Depart-
10 ment’s energy response team to improve supply
11 chain situation assessments;

12 (3) establish company liaisons and direct com-
13 munication with the Department’s energy response
14 team to improve situation assessments;

15 (4) streamline and enhance processes for ob-
16 taining temporary regulatory relief to speed up
17 emergency response and recovery;

18 (5) facilitate and increase engagement among
19 States, the oil and natural gas industry, and the De-
20 partment in developing State and local energy assur-
21 ance plans;

22 (6) establish routine education and training
23 programs for key government emergency response
24 positions with the Department and States; and

1 (7) involve States and the oil and natural gas
2 industry in comprehensive drill and exercise pro-
3 grams.

4 (c) COOPERATION.—The activities carried out under
5 subsection (b) shall include collaborative efforts with State
6 and local government officials and the private sector.

7 (d) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Secretary of Energy shall
9 submit to Congress a report describing the effectiveness
10 of the activities authorized under this section.

11 **SEC. 61002. RESOLVING ENVIRONMENTAL AND GRID RELI-**
12 **ABILITY CONFLICTS.**

13 (a) COMPLIANCE WITH OR VIOLATION OF ENVIRON-
14 MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—
15 Section 202(c) of the Federal Power Act (16 U.S.C.
16 824a(c)) is amended—

17 (1) by inserting “(1)” after “(c)”; and

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

19 “(2) With respect to an order issued under this sub-
20 section that may result in a conflict with a requirement
21 of any Federal, State, or local environmental law or regu-
22 lation, the Commission shall ensure that such order re-
23 quires generation, delivery, interchange, or transmission
24 of electric energy only during hours necessary to meet the
25 emergency and serve the public interest, and, to the max-

1 imum extent practicable, is consistent with any applicable
2 Federal, State, or local environmental law or regulation
3 and minimizes any adverse environmental impacts.

4 “(3) To the extent any omission or action taken by
5 a party, that is necessary to comply with an order issued
6 under this subsection, including any omission or action
7 taken to voluntarily comply with such order, results in
8 noncompliance with, or causes such party to not comply
9 with, any Federal, State, or local environmental law or
10 regulation, such omission or action shall not be considered
11 a violation of such environmental law or regulation, or
12 subject such party to any requirement, civil or criminal
13 liability, or a citizen suit under such environmental law
14 or regulation.

15 “(4)(A) An order issued under this subsection that
16 may result in a conflict with a requirement of any Federal,
17 State, or local environmental law or regulation shall expire
18 not later than 90 days after it is issued. The Commission
19 may renew or reissue such order pursuant to paragraphs
20 (1) and (2) for subsequent periods, not to exceed 90 days
21 for each period, as the Commission determines necessary
22 to meet the emergency and serve the public interest.

23 “(B) In renewing or reissuing an order under sub-
24 paragraph (A), the Commission shall consult with the pri-
25 mary Federal agency with expertise in the environmental

1 interest protected by such law or regulation, and shall in-
2 clude in any such renewed or reissued order such condi-
3 tions as such Federal agency determines necessary to min-
4 imize any adverse environmental impacts to the extent
5 practicable. The conditions, if any, submitted by such Fed-
6 eral agency shall be made available to the public. The
7 Commission may exclude such a condition from the re-
8 newed or reissued order if it determines that such condi-
9 tion would prevent the order from adequately addressing
10 the emergency necessitating such order and provides in
11 the order, or otherwise makes publicly available, an expla-
12 nation of such determination.

13 “(5) If an order issued under this subsection is subse-
14 quently stayed, modified, or set aside by a court pursuant
15 to section 313 or any other provision of law, any omission
16 or action previously taken by a party that was necessary
17 to comply with the order while the order was in effect,
18 including any omission or action taken to voluntarily com-
19 ply with the order, shall remain subject to paragraph
20 (3).”.

21 (b) TEMPORARY CONNECTION OR CONSTRUCTION BY
22 MUNICIPALITIES.—Section 202(d) of the Federal Power
23 Act (16 U.S.C. 824a(d)) is amended by inserting “or mu-
24 nicipality” before “engaged in the transmission or sale of
25 electric energy”.

1 **SEC. 61003. CRITICAL ELECTRIC INFRASTRUCTURE SECUR-**
2 **RITY.**

3 (a) CRITICAL ELECTRIC INFRASTRUCTURE SECUR-
4 RITY.—Part II of the Federal Power Act (16 U.S.C. 824
5 et seq.) is amended by adding after section 215 the fol-
6 lowing new section:

7 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECUR-**
8 **RITY.**

9 “(a) DEFINITIONS.—For purposes of this section:

10 “(1) BULK-POWER SYSTEM; ELECTRIC RELI-
11 ABILITY ORGANIZATION; REGIONAL ENTITY.—The
12 terms ‘bulk-power system’, ‘Electric Reliability Or-
13 ganization’, and ‘regional entity’ have the meanings
14 given such terms in paragraphs (1), (2), and (7) of
15 section 215(a), respectively.

16 “(2) CRITICAL ELECTRIC INFRASTRUCTURE.—
17 The term ‘critical electric infrastructure’ means a
18 system or asset of the bulk-power system, whether
19 physical or virtual, the incapacity or destruction of
20 which would negatively affect national security, eco-
21 nomic security, public health or safety, or any com-
22 bination of such matters.

23 “(3) CRITICAL ELECTRIC INFRASTRUCTURE IN-
24 FORMATION.—The term ‘critical electric infrastruc-
25 ture information’ means information related to crit-
26 ical electric infrastructure, or proposed critical elec-

1 trical infrastructure, generated by or provided to the
2 Commission or other Federal agency, other than
3 classified national security information, that is des-
4 ignated as critical electric infrastructure information
5 by the Commission or the Secretary pursuant to
6 subsection (d). Such term includes information that
7 qualifies as critical energy infrastructure information
8 under the Commission's regulations.

9 “(4) DEFENSE CRITICAL ELECTRIC INFRA-
10 STRUCTURE.—The term ‘defense critical electric in-
11 frastructure’ means any electric infrastructure lo-
12 cated in any of the 48 contiguous States or the Dis-
13 trict of Columbia that serves a facility designated by
14 the Secretary pursuant to subsection (c), but is not
15 owned or operated by the owner or operator of such
16 facility.

17 “(5) ELECTROMAGNETIC PULSE.—The term
18 ‘electromagnetic pulse’ means 1 or more pulses of
19 electromagnetic energy emitted by a device capable
20 of disabling or disrupting operation of, or destroy-
21 ing, electronic devices or communications networks,
22 including hardware, software, and data, by means of
23 such a pulse.

24 “(6) GEOMAGNETIC STORM.—The term ‘geo-
25 magnetic storm’ means a temporary disturbance of

1 the Earth's magnetic field resulting from solar activ-
2 ity.

3 “(7) GRID SECURITY EMERGENCY.—The term
4 ‘grid security emergency’ means the occurrence or
5 imminent danger of—

6 “(A)(i) a malicious act using electronic
7 communication or an electromagnetic pulse, or
8 a geomagnetic storm event, that could disrupt
9 the operation of those electronic devices or com-
10 munications networks, including hardware, soft-
11 ware, and data, that are essential to the reli-
12 ability of critical electric infrastructure or of de-
13 fense critical electric infrastructure; and

14 “(ii) disruption of the operation of such
15 devices or networks, with significant adverse ef-
16 fects on the reliability of critical electric infra-
17 structure or of defense critical electric infra-
18 structure, as a result of such act or event; or

19 “(B)(i) a direct physical attack on critical
20 electric infrastructure or on defense critical
21 electric infrastructure; and

22 “(ii) significant adverse effects on the reli-
23 ability of critical electric infrastructure or of de-
24 fense critical electric infrastructure as a result
25 of such physical attack.

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

3 “(b) AUTHORITY TO ADDRESS GRID SECURITY
4 EMERGENCY.—

5 “(1) AUTHORITY.—Whenever the President
6 issues and provides to the Secretary a written direc-
7 tive or determination identifying a grid security
8 emergency, the Secretary may, with or without no-
9 tice, hearing, or report, issue such orders for emer-
10 gency measures as are necessary in the judgment of
11 the Secretary to protect or restore the reliability of
12 critical electric infrastructure or of defense critical
13 electric infrastructure during such emergency. As
14 soon as practicable but not later than 180 days after
15 the date of enactment of this section, the Secretary
16 shall, after notice and opportunity for comment, es-
17 tablish rules of procedure that ensure that such au-
18 thority can be exercised expeditiously.

19 “(2) NOTIFICATION OF CONGRESS.—Whenever
20 the President issues and provides to the Secretary a
21 written directive or determination under paragraph
22 (1), the President shall promptly notify congress-
23 sional committees of relevant jurisdiction, including
24 the Committee on Energy and Commerce of the
25 House of Representatives and the Committee on En-

1 ergy and Natural Resources of the Senate, of the
2 contents of, and justification for, such directive or
3 determination.

4 “(3) CONSULTATION.—Before issuing an order
5 for emergency measures under paragraph (1), the
6 Secretary shall, to the extent practicable in light of
7 the nature of the grid security emergency and the
8 urgency of the need for action, consult with appro-
9 priate governmental authorities in Canada and Mex-
10 ico, entities described in paragraph (4), the Elec-
11 tricity Sub-sector Coordinating Council, the Commis-
12 sion, and other appropriate Federal agencies regard-
13 ing implementation of such emergency measures.

14 “(4) APPLICATION.—An order for emergency
15 measures under this subsection may apply to—

16 “(A) the Electric Reliability Organization;

17 “(B) a regional entity; or

18 “(C) any owner, user, or operator of crit-
19 ical electric infrastructure or of defense critical
20 electric infrastructure within the United States.

21 “(5) EXPIRATION AND REISSUANCE.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), an order for emergency
24 measures issued under paragraph (1) shall ex-
25 pire no later than 15 days after its issuance.

1 “(B) EXTENSIONS.—The Secretary may
2 reissue an order for emergency measures issued
3 under paragraph (1) for subsequent periods,
4 not to exceed 15 days for each such period, pro-
5 vided that the President, for each such period,
6 issues and provides to the Secretary a written
7 directive or determination that the grid security
8 emergency identified under paragraph (1) con-
9 tinues to exist or that the emergency measure
10 continues to be required.

11 “(6) COST RECOVERY.—

12 “(A) CRITICAL ELECTRIC INFRASTRUC-
13 TURE.—If the Commission determines that
14 owners, operators, or users of critical electric
15 infrastructure have incurred substantial costs to
16 comply with an order for emergency measures
17 issued under this subsection and that such costs
18 were prudently incurred and cannot reasonably
19 be recovered through regulated rates or market
20 prices for the electric energy or services sold by
21 such owners, operators, or users, the Commis-
22 sion shall, consistent with the requirements of
23 section 205, after notice and an opportunity for
24 comment, establish a mechanism that permits

1 such owners, operators, or users to recover such
2 costs.

3 “(B) DEFENSE CRITICAL ELECTRIC INFRA-
4 STRUCTURE.—To the extent the owner or oper-
5 ator of defense critical electric infrastructure is
6 required to take emergency measures pursuant
7 to an order issued under this subsection, the
8 owners or operators of a critical defense facility
9 or facilities designated by the Secretary pursu-
10 ant to subsection (c) that rely upon such infra-
11 structure shall bear the full incremental costs of
12 the measures.

13 “(7) TEMPORARY ACCESS TO CLASSIFIED IN-
14 FORMATION.—The Secretary, and other appropriate
15 Federal agencies, shall, to the extent practicable and
16 consistent with their obligations to protect classified
17 information, provide temporary access to classified
18 information related to a grid security emergency for
19 which emergency measures are issued under para-
20 graph (1) to key personnel of any entity subject to
21 such emergency measures to enable optimum com-
22 munication between the entity and the Secretary and
23 other appropriate Federal agencies regarding the
24 grid security emergency.

1 “(c) DESIGNATION OF CRITICAL DEFENSE FACILI-
2 TIES.—Not later than 180 days after the date of enact-
3 ment of this section, the Secretary, in consultation with
4 other appropriate Federal agencies and appropriate own-
5 ers, users, or operators of infrastructure that may be de-
6 fense critical electric infrastructure, shall identify and des-
7 ignate facilities located in the 48 contiguous States and
8 the District of Columbia that are—

9 “(1) critical to the defense of the United States;
10 and

11 “(2) vulnerable to a disruption of the supply of
12 electric energy provided to such facility by an exter-
13 nal provider.

14 The Secretary may, in consultation with appropriate Fed-
15 eral agencies and appropriate owners, users, or operators
16 of defense critical electric infrastructure, periodically re-
17 vise the list of designated facilities as necessary.

18 “(d) PROTECTION AND SHARING OF CRITICAL ELEC-
19 TRIC INFRASTRUCTURE INFORMATION.—

20 “(1) PROTECTION OF CRITICAL ELECTRIC IN-
21 FRASTRUCTURE INFORMATION.—Critical electric in-
22 frastructure information—

23 “(A) shall be exempt from disclosure under
24 section 552(b)(3) of title 5, United States Code;
25 and

1 “(B) shall not be made available by any
2 Federal, State, political subdivision or tribal au-
3 thority pursuant to any Federal, State, political
4 subdivision or tribal law requiring public disclo-
5 sure of information or records.

6 “(2) DESIGNATION AND SHARING OF CRITICAL
7 ELECTRIC INFRASTRUCTURE INFORMATION.—Not
8 later than one year after the date of enactment of
9 this section, the Commission, after consultation with
10 the Secretary, shall promulgate such regulations as
11 necessary to—

12 “(A) establish criteria and procedures to
13 designate information as critical electric infra-
14 structure information;

15 “(B) prohibit the unauthorized disclosure
16 of critical electric infrastructure information;

17 “(C) ensure there are appropriate sanc-
18 tions in place for Commissioners, officers, em-
19 ployees, or agents of the Commission or the De-
20 partment of Energy who knowingly and willfully
21 disclose critical electric infrastructure informa-
22 tion in a manner that is not authorized under
23 this section; and

24 “(D) taking into account standards of the
25 Electric Reliability Organization, facilitate vol-

1 untary sharing of critical electric infrastructure
2 information with, between, and by—

3 “(i) Federal, State, political subdivi-
4 sion, and tribal authorities;

5 “(ii) the Electric Reliability Organiza-
6 tion;

7 “(iii) regional entities;

8 “(iv) information sharing and analysis
9 centers established pursuant to Presi-
10 dential Decision Directive 63;

11 “(v) owners, operators, and users of
12 critical electric infrastructure in the United
13 States; and

14 “(vi) other entities determined appro-
15 priate by the Commission.

16 “(3) AUTHORITY TO DESIGNATE.—Information
17 may be designated by the Commission or the Sec-
18 retary as critical electric infrastructure information
19 pursuant to the criteria and procedures established
20 by the Commission under paragraph (2)(A).

21 “(4) CONSIDERATIONS.—In exercising their re-
22 spective authorities under this subsection, the Com-
23 mission and the Secretary shall take into consider-
24 ation the role of State commissions in reviewing the
25 prudence and cost of investments, determining the

1 rates and terms of conditions for electric services,
2 and ensuring the safety and reliability of the bulk-
3 power system and distribution facilities within their
4 respective jurisdictions.

5 “(5) PROTOCOLS.—The Commission and the
6 Secretary shall, in consultation with Canadian and
7 Mexican authorities, develop protocols for the vol-
8 untary sharing of critical electric infrastructure in-
9 formation with Canadian and Mexican authorities
10 and owners, operators, and users of the bulk-power
11 system outside the United States.

12 “(6) NO REQUIRED SHARING OF INFORMA-
13 TION.—Nothing in this section shall require a person
14 or entity in possession of critical electric infrastruc-
15 ture information to share such information with
16 Federal, State, political subdivision, or tribal au-
17 thorities, or any other person or entity.

18 “(7) SUBMISSION OF INFORMATION TO CON-
19 GRESS.—Nothing in this section shall permit or au-
20 thorize the withholding of information from Con-
21 gress, any committee or subcommittee thereof, or
22 the Comptroller General.

23 “(8) DISCLOSURE OF NONPROTECTED INFOR-
24 MATION.—In implementing this section, the Com-
25 mission and the Secretary shall segregate critical

1 electric infrastructure information or information
2 that reasonably could be expected to lead to the dis-
3 closure of the critical electric infrastructure informa-
4 tion within documents and electronic communica-
5 tions, wherever feasible, to facilitate disclosure of in-
6 formation that is not designated as critical electric
7 infrastructure information.

8 “(9) DURATION OF DESIGNATION.—Informa-
9 tion may not be designated as critical electric infra-
10 structure information for longer than 5 years, unless
11 specifically re-designated by the Commission or the
12 Secretary, as appropriate.

13 “(10) REMOVAL OF DESIGNATION.—The Com-
14 mission or the Secretary, as appropriate, shall re-
15 move the designation of critical electric infrastruc-
16 ture information, in whole or in part, from a docu-
17 ment or electronic communication if the Commission
18 or the Secretary, as appropriate, determines that the
19 unauthorized disclosure of such information could no
20 longer be used to impair the security or reliability of
21 the bulk-power system or distribution facilities.

22 “(11) JUDICIAL REVIEW OF DESIGNATIONS.—
23 Notwithstanding section 313(b), with respect to a
24 petition filed by a person to which an order under
25 this section applies, any determination by the Com-

1 mission or the Secretary concerning the designation
2 of critical electric infrastructure information under
3 this subsection shall be subject to review under
4 chapter 7 of title 5, United States Code, except that
5 such review shall be brought in the district court of
6 the United States in the district in which the com-
7 plainant resides, or has his principal place of busi-
8 ness, or in the District of Columbia. In such a case
9 the court shall examine in camera the contents of
10 documents or electronic communications that are the
11 subject of the determination under review to deter-
12 mine whether such documents or any part thereof
13 were improperly designated or not designated as
14 critical electric infrastructure information.

15 “(e) SECURITY CLEARANCES.—The Secretary shall
16 facilitate and, to the extent practicable, expedite the acqui-
17 sition of adequate security clearances by key personnel of
18 any entity subject to the requirements of this section, to
19 enable optimum communication with Federal agencies re-
20 garding threats to the security of the critical electric infra-
21 structure. The Secretary, the Commission, and other ap-
22 propriate Federal agencies shall, to the extent practicable
23 and consistent with their obligations to protect classified
24 and critical electric infrastructure information, share time-
25 ly actionable information regarding grid security with ap-

1 appropriate key personnel of owners, operators, and users
2 of the critical electric infrastructure.

3 “(f) CLARIFICATIONS OF LIABILITY.—

4 “(1) COMPLIANCE WITH OR VIOLATION OF THIS
5 ACT.—Except as provided in paragraph (4), to the
6 extent any action or omission taken by an entity
7 that is necessary to comply with an order for emer-
8 gency measures issued under subsection (b)(1), in-
9 cluding any action or omission taken to voluntarily
10 comply with such order, results in noncompliance
11 with, or causes such entity not to comply with any
12 rule, order, regulation, or provision of this Act, in-
13 cluding any reliability standard approved by the
14 Commission pursuant to section 215, such action or
15 omission shall not be considered a violation of such
16 rule, order, regulation, or provision.

17 “(2) RELATION TO SECTION 202(c).—Except as
18 provided in paragraph (4), an action or omission
19 taken by an owner, operator, or user of critical elec-
20 tric infrastructure or of defense critical electric in-
21 frastructure to comply with an order for emergency
22 measures issued under subsection (b)(1) shall be
23 treated as an action or omission taken to comply
24 with an order issued under section 202(c) for pur-
25 poses of such section.

1 “(3) SHARING OR RECEIPT OF INFORMATION.—

2 No cause of action shall lie or be maintained in any
3 Federal or State court for the sharing or receipt of
4 information under, and that is conducted in accord-
5 ance with, subsection (d).

6 “(4) RULE OF CONSTRUCTION.—Nothing in
7 this subsection shall be construed to require dis-
8 missal of a cause of action against an entity that,
9 in the course of complying with an order for emer-
10 gency measures issued under subsection (b)(1) by
11 taking an action or omission for which they would
12 be liable but for paragraph (1) or (2), takes such
13 action or omission in a grossly negligent manner.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) JURISDICTION.—Section 201(b)(2) of the
16 Federal Power Act (16 U.S.C. 824(b)(2)) is amend-
17 ed by inserting “215A,” after “215,” each place it
18 appears.

19 (2) PUBLIC UTILITY.—Section 201(e) of the
20 Federal Power Act (16 U.S.C. 824(e)) is amended
21 by inserting “215A,” after “215,”.

22 (c) ENHANCED GRID SECURITY.—

23 (1) DEFINITIONS.—In this subsection:

24 (A) CRITICAL ELECTRIC INFRASTRUCTURE;

25 CRITICAL ELECTRIC INFRASTRUCTURE INFOR-

1 MATION.—The terms “critical electric infra-
2 structure” and “critical electric infrastructure
3 information” have the meanings given those
4 terms in section 215A of the Federal Power
5 Act.

6 (B) SECTOR-SPECIFIC AGENCY.—The term
7 “Sector-Specific Agency” has the meaning
8 given that term in the Presidential Policy Di-
9 rective entitled “Critical Infrastructure Security
10 and Resilience”, numbered 21, and dated Feb-
11 ruary 12, 2013.

12 (2) SECTOR-SPECIFIC AGENCY FOR CYBERSECU-
13 RITY FOR THE ENERGY SECTOR.—

14 (A) IN GENERAL.—The Department of
15 Energy shall be the lead Sector-Specific Agency
16 for cybersecurity for the energy sector.

17 (B) DUTIES.—As head of the designated
18 Sector-Specific Agency for cybersecurity, the
19 duties of the Secretary of Energy shall in-
20 clude—

21 (i) coordinating with the Department
22 of Homeland Security and other relevant
23 Federal departments and agencies;

24 (ii) collaborating with—

- 1 (I) critical electric infrastructure
2 owners and operators; and
- 3 (II) as appropriate—
- 4 (aa) independent regulatory
5 agencies; and
- 6 (bb) State, local, tribal, and
7 territorial entities;
- 8 (cc) serving as a day-to-day
9 Federal interface for the dynamic
10 prioritization and coordination of
11 sector-specific activities;
- 12 (dd) carrying out incident
13 management responsibilities con-
14 sistent with applicable law (in-
15 cluding regulations) and other
16 appropriate policies or directives;
- 17 (ee) providing, supporting,
18 or facilitating technical assist-
19 ance and consultations for the
20 energy sector to identify
21 vulnerabilities and help mitigate
22 incidents, as appropriate; and
- 23 (ff) supporting the reporting
24 requirements of the Department
25 of Homeland Security under ap-

1 plicable law by providing, on an
2 annual basis, sector-specific crit-
3 ical electric infrastructure infor-
4 mation.

5 **SEC. 61004. STRATEGIC TRANSFORMER RESERVE.**

6 (a) FINDING.—Congress finds that the storage of
7 strategically located spare large power transformers and
8 emergency mobile substations will reduce the vulnerability
9 of the United States to multiple risks facing electric grid
10 reliability, including physical attack, cyber attack, electro-
11 magnetic pulse, geomagnetic disturbances, severe weather,
12 and seismic events.

13 (b) DEFINITIONS.—In this section:

14 (1) BULK-POWER SYSTEM.—The term “bulk-
15 power system” has the meaning given such term in
16 section 215(a) of the Federal Power Act (16 U.S.C.
17 824o(a)).

18 (2) CRITICALLY DAMAGED LARGE POWER
19 TRANSFORMER.—The term “critically damaged large
20 power transformer” means a large power trans-
21 former that—

22 (A) has sustained extensive damage such
23 that—

24 (i) repair or refurbishment is not eco-
25 nomically viable; or

1 (ii) the extensive time to repair or re-
2 furbish the large power transformer would
3 create an extended period of instability in
4 the bulk-power system; and

5 (B) prior to sustaining such damage, was
6 part of the bulk-power system.

7 (3) CRITICAL ELECTRIC INFRASTRUCTURE.—
8 The term “critical electric infrastructure” has the
9 meaning given that term in section 215A of the Fed-
10 eral Power Act.

11 (4) ELECTRIC RELIABILITY ORGANIZATION.—
12 The term “Electric Reliability Organization” has the
13 meaning given such term in section 215(a) of the
14 Federal Power Act (16 U.S.C. 824o(a)).

15 (5) EMERGENCY MOBILE SUBSTATION.—The
16 term “emergency mobile substation” means a mobile
17 substation or mobile transformer that is—

18 (A) assembled and permanently mounted
19 on a trailer that is capable of highway travel
20 and meets relevant Department of Transpor-
21 tation regulations; and

22 (B) intended for express deployment and
23 capable of being rapidly placed into service.

24 (6) LARGE POWER TRANSFORMER.—The term
25 “large power transformer” means a power trans-

1 former with a maximum nameplate rating of 100
2 megavolt-amperes or higher, including related crit-
3 ical equipment, that is, or is intended to be, a part
4 of the bulk-power system.

5 (7) SECRETARY.—The term “Secretary” means
6 the Secretary of Energy.

7 (8) SPARE LARGE POWER TRANSFORMER.—The
8 term “spare large power transformer” means a large
9 power transformer that is stored within the Stra-
10 tegic Transformer Reserve to be available to tempo-
11 rarily replace a critically damaged large power trans-
12 former.

13 (c) STRATEGIC TRANSFORMER RESERVE PLAN.—

14 (1) PLAN.—Not later than 1 year after the date
15 of enactment of this Act, the Secretary, acting
16 through the Office of Electricity Delivery and En-
17 ergy Reliability, shall, in consultation with the Fed-
18 eral Energy Regulatory Commission, the Electricity
19 Sub-sector Coordinating Council, the Electric Reli-
20 ability Organization, and owners and operators of
21 critical electric infrastructure and defense and mili-
22 tary installations, prepare and submit to Congress a
23 plan to establish a Strategic Transformer Reserve
24 for the storage, in strategically located facilities, of
25 spare large power transformers and emergency mo-

1 bile substations in sufficient numbers to temporarily
2 replace critically damaged large power transformers
3 and substations that are critical electric infrastruc-
4 ture or serve defense and military installations.

5 (2) INCLUSIONS.—The Strategic Transformer
6 Reserve plan shall include a description of—

7 (A) the appropriate number and type of
8 spare large power transformers necessary to
9 provide or restore sufficient resiliency to the
10 bulk-power system, critical electric infrastruc-
11 ture, and defense and military installations to
12 mitigate significant impacts to the electric grid
13 resulting from—

- 14 (i) physical attack;
15 (ii) cyber attack;
16 (iii) electromagnetic pulse attack;
17 (iv) geomagnetic disturbances;
18 (v) severe weather; or
19 (vi) seismic events;

20 (B) other critical electric grid equipment
21 for which an inventory of spare equipment, in-
22 cluding emergency mobile substations, is nec-
23 essary to provide or restore sufficient resiliency
24 to the bulk-power system, critical electric infra-

1 structure, and defense and military installa-
2 tions;

3 (C) the degree to which utility sector ac-
4 tions or initiatives, including individual utility
5 ownership of spare equipment, joint ownership
6 of spare equipment inventory, sharing agree-
7 ments, or other spare equipment reserves or ar-
8 rangements, satisfy the needs identified under
9 subparagraphs (A) and (B);

10 (D) the potential locations for, and feasi-
11 bility and appropriate number of, strategic stor-
12 age locations for reserve equipment, including
13 consideration of—

14 (i) the physical security of such loca-
15 tions;

16 (ii) the protection of the confiden-
17 tiality of such locations; and

18 (iii) the proximity of such locations to
19 sites of potentially critically damaged large
20 power transformers and substations that
21 are critical electric infrastructure or serve
22 defense and military installations, so as to
23 enable efficient delivery of equipment to
24 such sites;

1 (E) the necessary degree of flexibility of
2 spare large power transformers to be included
3 in the Strategic Transformer Reserve to con-
4 form to different substation configurations, in-
5 cluding consideration of transformer—

6 (i) power and voltage rating for each
7 winding;

8 (ii) overload requirements;

9 (iii) impedance between windings;

10 (iv) configuration of windings; and

11 (v) tap requirements;

12 (F) an estimate of the direct cost of the
13 Strategic Transformer Reserve, as proposed, in-
14 cluding—

15 (i) the cost of storage facilities;

16 (ii) the cost of the equipment; and

17 (iii) management, maintenance, and
18 operation costs;

19 (G) the funding options available to estab-
20 lish, stock, manage, and maintain the Strategic
21 Transformer Reserve, including consideration of
22 fees on owners and operators of bulk-power sys-
23 tem facilities, critical electric infrastructure,
24 and defense and military installations relying on
25 the Strategic Transformer Reserve, use of Fed-

1 eral appropriations, and public-private cost-
2 sharing options;

3 (H) the ease and speed of transportation,
4 installation, and energization of spare large
5 power transformers to be included in the Stra-
6 tegic Transformer Reserve, including consider-
7 ation of factors such as—

8 (i) transformer transportation weight;

9 (ii) transformer size;

10 (iii) topology of critical substations;

11 (iv) availability of appropriate trans-
12 former mounting pads;

13 (v) flexibility of the spare large power
14 transformers as described in subparagraph
15 (E); and

16 (vi) ability to rapidly transition a
17 spare large power transformer from stor-
18 age to energization;

19 (I) eligibility criteria for withdrawal of
20 equipment from the Strategic Transformer Re-
21 serve;

22 (J) the process by which owners or opera-
23 tors of critically damaged large power trans-
24 formers or substations that are critical electric
25 infrastructure or serve defense and military in-

1 stallations may apply for a withdrawal from the
2 Strategic Transformer Reserve;

3 (K) the process by which equipment with-
4 drawn from the Strategic Transformer Reserve
5 is returned to the Strategic Transformer Re-
6 serve or is replaced;

7 (L) possible fees to be paid by users of
8 equipment withdrawn from the Strategic Trans-
9 former Reserve;

10 (M) possible fees to be paid by owners and
11 operators of large power transformers and sub-
12 stations that are critical electric infrastructure
13 or serve defense and military installations to
14 cover operating costs of the Strategic Trans-
15 former Reserve;

16 (N) the domestic and international large
17 power transformer supply chain;

18 (O) the potential reliability, cost, and oper-
19 ational benefits of including emergency mobile
20 substations in any Strategic Transformer Re-
21 serve established under this section; and

22 (P) other considerations for designing, con-
23 structing, stocking, funding, and managing the
24 Strategic Transformer Reserve.

1 (d) DISCLOSURE OF INFORMATION.—Any informa-
2 tion included in the Strategic Transformer Reserve plan,
3 or shared in the preparation and development of such
4 plan, the disclosure of which could cause harm to critical
5 electric infrastructure, shall be exempt from disclosure
6 under section 552(b)(3) of title 5, United States Code, and
7 any State, tribal, or local law requiring disclosure of infor-
8 mation or records.

9 **SEC. 61005. ENERGY SECURITY VALUATION.**

10 (a) ESTABLISHMENT OF ENERGY SECURITY VALU-
11 ATION METHODS.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary of Energy, in col-
13 laboration with the Secretary of State, shall develop and
14 transmit, after public notice and comment, to the Com-
15 mittee on Energy and Commerce and the Committee on
16 Foreign Affairs of the House of Representatives and the
17 Committee on Energy and Natural Resources and the
18 Committee on Foreign Relations of the Senate a report
19 that includes recommended United States energy security
20 valuation methods. In developing the report, the Secre-
21 taries may consider the recommendations of the Adminis-
22 tration’s Quadrennial Energy Review released on April 21,
23 2015. The report shall—

24 (1) evaluate and define United States energy
25 security to reflect modern domestic and global en-

1 energy markets and the collective needs of the United
2 States and its allies and partners;

3 (2) identify transparent and uniform or coordi-
4 nated procedures and criteria to ensure that energy-
5 related actions that significantly affect the supply,
6 distribution, or use of energy are evaluated with re-
7 spect to their potential impact on energy security,
8 including their impact on—

9 (A) consumers and the economy;

10 (B) energy supply diversity and resiliency;

11 (C) well-functioning and competitive en-
12 ergy markets;

13 (D) United States trade balance; and

14 (E) national security objectives; and

15 (3) include a recommended implementation
16 strategy that identifies and aims to ensure that the
17 procedures and criteria referred to in paragraph (2)
18 are—

19 (A) evaluated consistently across the Fed-
20 eral Government; and

21 (B) weighed appropriately and balanced
22 with environmental considerations required by
23 Federal law.

24 (b) PARTICIPATION.—In developing the report re-
25 ferred to in subsection (a), the Secretaries may consult

1 with relevant Federal, State, private sector, and inter-
2 national participants, as appropriate and consistent with
3 applicable law.

4 **DIVISION G—FINANCIAL**
5 **SERVICES**
6 **TITLE LXXI—IMPROVING AC-**
7 **CESS TO CAPITAL FOR**
8 **EMERGING GROWTH COMPA-**
9 **NIES**

10 **SEC. 71001. FILING REQUIREMENT FOR PUBLIC FILING**
11 **PRIOR TO PUBLIC OFFERING.**

12 Section 6(e)(1) of the Securities Act of 1933 (15
13 U.S.C. 77f(e)(1)) is amended by striking “21 days” and
14 inserting “15 days”.

15 **SEC. 71002. GRACE PERIOD FOR CHANGE OF STATUS OF**
16 **EMERGING GROWTH COMPANIES.**

17 Section 6(e)(1) of the Securities Act of 1933 (15
18 U.S.C. 77f(e)(1)) is further amended by adding at the end
19 the following: “An issuer that was an emerging growth
20 company at the time it submitted a confidential registra-
21 tion statement or, in lieu thereof, a publicly filed registra-
22 tion statement for review under this subsection but ceases
23 to be an emerging growth company thereafter shall con-
24 tinue to be treated as an emerging market growth com-
25 pany for the purposes of this subsection through the ear-

1 lier of the date on which the issuer consummates its initial
2 public offering pursuant to such registrations statement
3 or the end of the 1-year period beginning on the date the
4 company ceases to be an emerging growth company.”.

5 **SEC. 71003. SIMPLIFIED DISCLOSURE REQUIREMENTS FOR**
6 **EMERGING GROWTH COMPANIES.**

7 Section 102 of the Jumpstart Our Business Startups
8 Act (Public Law 112–106) is amended by adding at the
9 end the following:

10 “(d) SIMPLIFIED DISCLOSURE REQUIREMENTS.—
11 With respect to an emerging growth company (as such
12 term is defined under section 2 of the Securities Act of
13 1933):

14 “(1) REQUIREMENT TO INCLUDE NOTICE ON
15 FORMS S–1 AND F–1.—Not later than 30 days after
16 the date of enactment of this subsection, the Securi-
17 ties and Exchange Commission shall revise its gen-
18 eral instructions on Forms S–1 and F–1 to indicate
19 that a registration statement filed (or submitted for
20 confidential review) by an issuer prior to an initial
21 public offering may omit financial information for
22 historical periods otherwise required by regulation
23 S–X (17 CFR 210.1–01 et seq.) as of the time of
24 filing (or confidential submission) of such registra-
25 tion statement, provided that—

1 “(A) the omitted financial information re-
2 lates to a historical period that the issuer rea-
3 sonably believes will not be required to be in-
4 cluded in the Form S-1 or F-1 at the time of
5 the contemplated offering; and

6 “(B) prior to the issuer distributing a pre-
7 liminary prospectus to investors, such registra-
8 tion statement is amended to include all finan-
9 cial information required by such regulation S-
10 X at the date of such amendment.

11 “(2) RELIANCE BY ISSUERS.—Effective 30 days
12 after the date of enactment of this subsection, an
13 issuer filing a registration statement (or submitting
14 the statement for confidential review) on Form S-
15 1 or Form F-1 may omit financial information for
16 historical periods otherwise required by regulation
17 S-X (17 CFR 210.1-01 et seq.) as of the time of
18 filing (or confidential submission) of such registra-
19 tion statement, provided that—

20 “(A) the omitted financial information re-
21 lates to a historical period that the issuer rea-
22 sonably believes will not be required to be in-
23 cluded in the Form S-1 or Form F-1 at the
24 time of the contemplated offering; and

1 “(B) prior to the issuer distributing a pre-
2 liminary prospectus to investors, such registra-
3 tion statement is amended to include all finan-
4 cial information required by such regulation S-
5 X at the date of such amendment.”.

6 **TITLE LXXII—DISCLOSURE MOD-**
7 **ERNIZATION AND SIM-**
8 **PLIFICATION**

9 **SEC. 72001. SUMMARY PAGE FOR FORM 10-K.**

10 Not later than the end of the 180-day period begin-
11 ning on the date of the enactment of this Act, the Securi-
12 ties and Exchange Commission shall issue regulations to
13 permit issuers to submit a summary page on form 10-
14 K (17 CFR 249.310), but only if each item on such sum-
15 mary page includes a cross-reference (by electronic link
16 or otherwise) to the material contained in form 10-K to
17 which such item relates.

18 **SEC. 72002. IMPROVEMENT OF REGULATION S-K.**

19 Not later than the end of the 180-day period begin-
20 ning on the date of the enactment of this Act, the Securi-
21 ties and Exchange Commission shall take all such actions
22 to revise regulation S-K (17 CFR 229.10 et seq.)—

23 (1) to further scale or eliminate requirements of
24 regulation S-K, in order to reduce the burden on
25 emerging growth companies, accelerated filers,

1 smaller reporting companies, and other smaller
2 issuers, while still providing all material information
3 to investors;

4 (2) to eliminate provisions of regulation S–K,
5 required for all issuers, that are duplicative, overlap-
6 ping, outdated, or unnecessary; and

7 (3) for which the Commission determines that
8 no further study under section 72203 is necessary to
9 determine the efficacy of such revisions to regulation
10 S–K.

11 **SEC. 72003. STUDY ON MODERNIZATION AND SIMPLIFICA-**
12 **TION OF REGULATION S–K.**

13 (a) **STUDY.**—The Securities and Exchange Commis-
14 sion shall carry out a study of the requirements contained
15 in regulation S–K (17 CFR 229.10 et seq.). Such study
16 shall—

17 (1) determine how best to modernize and sim-
18 plify such requirements in a manner that reduces
19 the costs and burdens on issuers while still providing
20 all material information;

21 (2) emphasize a company by company approach
22 that allows relevant and material information to be
23 disseminated to investors without boilerplate lan-
24 guage or static requirements while preserving com-

1 pleteness and comparability of information across
2 registrants; and

3 (3) evaluate methods of information delivery
4 and presentation and explore methods for discour-
5 aging repetition and the disclosure of immaterial in-
6 formation.

7 (b) CONSULTATION.—In conducting the study re-
8 quired under subsection (a), the Commission shall consult
9 with the Investor Advisory Committee and the Advisory
10 Committee on Small and Emerging Companies.

11 (c) REPORT.—Not later than the end of the 360-day
12 period beginning on the date of enactment of this Act, the
13 Commission shall issue a report to the Congress con-
14 taining—

15 (1) all findings and determinations made in car-
16 rying out the study required under subsection (a);

17 (2) specific and detailed recommendations on
18 modernizing and simplifying the requirements in
19 regulation S–K in a manner that reduces the costs
20 and burdens on companies while still providing all
21 material information; and

22 (3) specific and detailed recommendations on
23 ways to improve the readability and navigability of
24 disclosure documents and to discourage repetition
25 and the disclosure of immaterial information.

1 (d) RULEMAKING.—Not later than the end of the
2 360-day period beginning on the date that the report is
3 issued to the Congress under subsection (c), the Commis-
4 sion shall issue a proposed rule to implement the rec-
5 ommendations of the report issued under subsection (c).

6 (e) RULE OF CONSTRUCTION.—Revisions made to
7 regulation S–K by the Commission under section 202 shall
8 not be construed as satisfying the rulemaking require-
9 ments under this section.

10 **TITLE LXXIII—BULLION AND**
11 **COLLECTIBLE COIN PRODUC-**
12 **TION EFFICIENCY AND COST**
13 **SAVINGS**

14 **SEC. 73001. TECHNICAL CORRECTIONS.**

15 Title 31, United States Code, is amended—

16 (1) in section 5112—

17 (A) in subsection (q)—

18 (i) by striking paragraphs (3) and (8);

19 and

20 (ii) by redesignating paragraphs (4),

21 (5), (6), and (7) as paragraphs (3), (4),

22 (5), and (6), respectively;

23 (B) in subsection (t)(6)(B), by striking

24 “90 percent silver and 10 percent copper” and

25 inserting “not less than 90 percent silver”; and

1 (C) in subsection (v)—

2 (i) in paragraph (1), by striking
3 “Subject to” and all that follows through
4 “the Secretary shall” and inserting “The
5 Secretary shall”;

6 (ii) in paragraph (2)(A), by striking
7 “The Secretary” and inserting “To the
8 greatest extent possible, the Secretary”;

9 (iii) in paragraph (5), by inserting
10 after “may issue” the following: “collect-
11 ible versions of”; and

12 (iv) by striking paragraph (8); and

13 (2) in section 5132(a)(2)(B)(i), by striking “90
14 percent silver and 10 percent copper” and inserting
15 “not less than 90 percent silver”.

16 **SEC. 73002. AMERICAN EAGLE SILVER BULLION 30TH ANNI-**
17 **VERSARY.**

18 Proof and uncirculated versions of coins issued by the
19 Secretary of the Treasury pursuant to subsection (e) of
20 section 5112 of title 31, United States Code, during cal-
21 endar year 2016 shall have a smooth edge incused with
22 a designation that notes the 30th anniversary of the first
23 issue of coins under such subsection.

1 **TITLE LXXIV—SBIC ADVISERS**
2 **RELIEF**

3 **SEC. 74001. ADVISERS OF SBICS AND VENTURE CAPITAL**
4 **FUNDS.**

5 Section 203(l) of the Investment Advisers Act of
6 1940 (15 U.S.C. 80b–3(l)) is amended—

7 (1) by striking “No investment adviser” and in-
8 serting the following:

9 “(1) IN GENERAL.—No investment adviser”;
10 and

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

12 “(2) ADVISERS OF SBICS.—For purposes of this
13 subsection, a venture capital fund includes an entity
14 described in subparagraph (A), (B), or (C) of sub-
15 section (b)(7) (other than an entity that has elected
16 to be regulated or is regulated as a business develop-
17 ment company pursuant to section 54 of the Invest-
18 ment Company Act of 1940).”.

19 **SEC. 74002. ADVISERS OF SBICS AND PRIVATE FUNDS.**

20 Section 203(m) of the Investment Advisers Act of
21 1940 (15 U.S.C. 80b–3(m)) is amended by adding at the
22 end the following:

23 “(3) ADVISERS OF SBICS.—For purposes of this
24 subsection, the assets under management of a pri-
25 vate fund that is an entity described in subpara-

1 graph (A), (B), or (C) of subsection (b)(7) (other
2 than an entity that has elected to be regulated or is
3 regulated as a business development company pursu-
4 ant to section 54 of the Investment Company Act of
5 1940) shall be excluded from the limit set forth in
6 paragraph (1).”.

7 **SEC. 74003. RELATIONSHIP TO STATE LAW.**

8 Section 203A(b)(1) of the Investment Advisers Act
9 of 1940 (15 U.S.C. 80b-3a(b)(1)) is amended—

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

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

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

15 “(C) that is not registered under section
16 203 because that person is exempt from reg-
17 istration as provided in subsection (b)(7) of
18 such section, or is a supervised person of such
19 person.”.

1 **TITLE LXXV—ELIMINATE**
2 **PRIVACY NOTICE CONFUSION**

3 **SEC. 75001. EXCEPTION TO ANNUAL PRIVACY NOTICE RE-**
4 **QUIREMENT UNDER THE GRAMM-LEACH-BLI-**
5 **LEY ACT.**

6 Section 503 of the Gramm-Leach-Bliley Act (15
7 U.S.C. 6803) is amended by adding at the end the fol-
8 lowing:

9 “(f) EXCEPTION TO ANNUAL NOTICE REQUIRE-
10 MENT.—A financial institution that—

11 “(1) provides nonpublic personal information
12 only in accordance with the provisions of subsection
13 (b)(2) or (e) of section 502 or regulations prescribed
14 under section 504(b), and

15 “(2) has not changed its policies and practices
16 with regard to disclosing nonpublic personal infor-
17 mation from the policies and practices that were dis-
18 closed in the most recent disclosure sent to con-
19 sumers in accordance with this section,

20 shall not be required to provide an annual disclosure under
21 this section until such time as the financial institution
22 fails to comply with any criteria described in paragraph
23 (1) or (2).”.

1 **TITLE LXXVI—REFORMING AC-**
2 **CESS FOR INVESTMENTS IN**
3 **STARTUP ENTERPRISES**

4 **SEC. 76001. EXEMPTED TRANSACTIONS.**

5 (a) EXEMPTED TRANSACTIONS.—Section 4 of the Se-
6 curities Act of 1933 (15 U.S.C. 77d) is amended—

7 (1) in subsection (a), by adding at the end the
8 following new paragraph:

9 “(7) transactions meeting the requirements of
10 subsection (d).”;

11 (2) by redesignating the second subsection (b)
12 (relating to securities offered and sold in compliance
13 with Rule 506 of Regulation D) as subsection (c);
14 and

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

16 “(d) CERTAIN ACCREDITED INVESTOR TRANS-
17 ACTIONS.—The transactions referred to in subsection
18 (a)(7) are transactions meeting the following require-
19 ments:

20 “(1) ACCREDITED INVESTOR REQUIREMENT.—
21 Each purchaser is an accredited investor, as that
22 term is defined in section 230.501(a) of title 17,
23 Code of Federal Regulations (or any successor regu-
24 lation).

1 “(2) PROHIBITION ON GENERAL SOLICITATION
2 OR ADVERTISING.—Neither the seller, nor any per-
3 son acting on the seller’s behalf, offers or sells secu-
4 rities by any form of general solicitation or general
5 advertising.

6 “(3) INFORMATION REQUIREMENT.—In the
7 case of a transaction involving the securities of an
8 issuer that is neither subject to section 13 or 15(d)
9 of the Securities Exchange Act of 1934 (15 U.S.C.
10 78m; 78o(d)), nor exempt from reporting pursuant
11 to section 240.12g3–2(b) of title 17, Code of Federal
12 Regulations, nor a foreign government (as defined in
13 section 230.405 of title 17, Code of Federal Regula-
14 tions) eligible to register securities under Schedule
15 B, the seller and a prospective purchaser designated
16 by the seller obtain from the issuer, upon request of
17 the seller, and the seller in all cases makes available
18 to a prospective purchaser, the following information
19 (which shall be reasonably current in relation to the
20 date of resale under this section):

21 “(A) The exact name of the issuer and the
22 issuer’s predecessor (if any).

23 “(B) The address of the issuer’s principal
24 executive offices.

1 “(C) The exact title and class of the secu-
2 rity.

3 “(D) The par or stated value of the secu-
4 rity.

5 “(E) The number of shares or total
6 amount of the securities outstanding as of the
7 end of the issuer’s most recent fiscal year.

8 “(F) The name and address of the transfer
9 agent, corporate secretary, or other person re-
10 sponsible for transferring shares and stock cer-
11 tificates.

12 “(G) A statement of the nature of the
13 business of the issuer and the products and
14 services it offers, which shall be presumed rea-
15 sonably current if the statement is as of 12
16 months before the transaction date.

17 “(H) The names of the officers and direc-
18 tors of the issuer.

19 “(I) The names of any persons registered
20 as a broker, dealer, or agent that shall be paid
21 or given, directly or indirectly, any commission
22 or remuneration for such person’s participation
23 in the offer or sale of the securities.

1 “(J) The issuer’s most recent balance
2 sheet and profit and loss statement and similar
3 financial statements, which shall—

4 “(i) be for such part of the 2 pre-
5 ceding fiscal years as the issuer has been
6 in operation;

7 “(ii) be prepared in accordance with
8 generally accepted accounting principles or,
9 in the case of a foreign private issuer, be
10 prepared in accordance with generally ac-
11 cepted accounting principles or the Inter-
12 national Financial Reporting Standards
13 issued by the International Accounting
14 Standards Board;

15 “(iii) be presumed reasonably current
16 if—

17 “(I) with respect to the balance
18 sheet, the balance sheet is as of a date
19 less than 16 months before the trans-
20 action date; and

21 “(II) with respect to the profit
22 and loss statement, such statement is
23 for the 12 months preceding the date
24 of the issuer’s balance sheet; and

1 “(iv) if the balance sheet is not as of
2 a date less than 6 months before the trans-
3 action date, be accompanied by additional
4 statements of profit and loss for the period
5 from the date of such balance sheet to a
6 date less than 6 months before the trans-
7 action date.

8 “(K) To the extent that the seller is a con-
9 trol person with respect to the issuer, a brief
10 statement regarding the nature of the affili-
11 ation, and a statement certified by such seller
12 that they have no reasonable grounds to believe
13 that the issuer is in violation of the securities
14 laws or regulations.

15 “(4) ISSUERS DISQUALIFIED.—The transaction
16 is not for the sale of a security where the seller is
17 an issuer or a subsidiary, either directly or indi-
18 rectly, of the issuer.

19 “(5) BAD ACTOR PROHIBITION.—Neither the
20 seller, nor any person that has been or will be paid
21 (directly or indirectly) remuneration or a commission
22 for their participation in the offer or sale of the se-
23 curities, including solicitation of purchasers for the
24 seller is subject to an event that would disqualify an
25 issuer or other covered person under Rule 506(d)(1)

1 of Regulation D (17 CFR 230.506(d)(1)) or is sub-
2 ject to a statutory disqualification described under
3 section 3(a)(39) of the Securities Exchange Act of
4 1934.

5 “(6) BUSINESS REQUIREMENT.—The issuer is
6 engaged in business, is not in the organizational
7 stage or in bankruptcy or receivership, and is not a
8 blank check, blind pool, or shell company that has
9 no specific business plan or purpose or has indicated
10 that the issuer’s primary business plan is to engage
11 in a merger or combination of the business with, or
12 an acquisition of, an unidentified person.

13 “(7) UNDERWRITER PROHIBITION.—The trans-
14 action is not with respect to a security that con-
15 stitutes the whole or part of an unsold allotment to,
16 or a subscription or participation by, a broker or
17 dealer as an underwriter of the security or a redis-
18 tribution.

19 “(8) OUTSTANDING CLASS REQUIREMENT.—
20 The transaction is with respect to a security of a
21 class that has been authorized and outstanding for
22 at least 90 days prior to the date of the transaction.

23 “(e) ADDITIONAL REQUIREMENTS.—

24 “(1) IN GENERAL.—With respect to an exempt-
25 ed transaction described under subsection (a)(7):

1 “(A) Securities acquired in such trans-
2 action shall be deemed to have been acquired in
3 a transaction not involving any public offering.

4 “(B) Such transaction shall be deemed not
5 to be a distribution for purposes of section
6 2(a)(11).

7 “(C) Securities involved in such trans-
8 action shall be deemed to be restricted securi-
9 ties within the meaning of Rule 144 (17 CFR
10 230.144).

11 “(2) RULE OF CONSTRUCTION.—The exemption
12 provided by subsection (a)(7) shall not be the exclu-
13 sive means for establishing an exemption from the
14 registration requirements of section 5.”.

15 (b) EXEMPTION IN CONNECTION WITH CERTAIN EX-
16 EMPT OFFERINGS.—Section 18(b)(4) of the Securities Act
17 of 1933 (15 U.S.C. 77r(b)(4)) is amended—

18 (1) by redesignating the second subparagraph
19 (D) and subparagraph (E) as subparagraphs (E)
20 and (F), respectively;

21 (2) in subparagraph (E), as so redesignated, by
22 striking “; or” and inserting a semicolon;

23 (3) in subparagraph (F), as so redesignated, by
24 striking the period and inserting “; or”; and

1 (4) by adding at the end the following new sub-
2 paragraph:

3 “(G) section 4(a)(7).”.

4 **TITLE LXXVII—PRESERVATION**
5 **ENHANCEMENT AND SAVINGS**
6 **OPPORTUNITY**

7 **SEC. 77001. DISTRIBUTIONS AND RESIDUAL RECEIPTS.**

8 Section 222 of the Low-Income Housing Preservation
9 and Resident Homeownership Act of 1990 (12 U.S.C.
10 4112) is amended by adding at the end the following new
11 subsection:

12 “(e) DISTRIBUTION AND RESIDUAL RECEIPTS.—

13 “(1) AUTHORITY.—After the date of the enact-
14 ment of this subsection, the owner of a property sub-
15 ject to a plan of action or use agreement pursuant
16 to this section shall be entitled to distribute—

17 “(A) annually, all surplus cash generated
18 by the property, but only if the owner is in ma-
19 terial compliance with such use agreement in-
20 cluding compliance with prevailing physical con-
21 dition standards established by the Secretary;
22 and

23 “(B) notwithstanding any conflicting provi-
24 sion in such use agreement, any funds accumu-
25 lated in a residual receipts account, but only if

1 the owner is in material compliance with such
2 use agreement and has completed, or set aside
3 sufficient funds for completion of, any capital
4 repairs identified by the most recent third party
5 capital needs assessment.

6 “(2) OPERATION OF PROPERTY.—An owner
7 that distributes any amounts pursuant to paragraph
8 (1) shall—

9 “(A) continue to operate the property in
10 accordance with the affordability provisions of
11 the use agreement for the property for the re-
12 maining useful life of the property;

13 “(B) as required by the plan of action for
14 the property, continue to renew or extend any
15 project-based rental assistance contract for a
16 term of not less than 20 years; and

17 “(C) if the owner has an existing multi-
18 year project-based rental assistance contract for
19 less than 20 years, have the option to extend
20 the contract to a 20-year term.”.

21 **SEC. 77002. FUTURE REFINANCINGS.**

22 Section 214 of the Low-Income Housing Preservation
23 and Resident Homeownership Act of 1990 (12 U.S.C.
24 4104) is amended by adding at the end the following new
25 subsection:

1 “(c) FUTURE FINANCING.—Neither this section, nor
2 any plan of action or use agreement implementing this
3 section, shall restrict an owner from obtaining a new loan
4 or refinancing an existing loan secured by the project, or
5 from distributing the proceeds of such a loan; except that,
6 in conjunction with such refinancing—

7 “(1) the owner shall provide for adequate reha-
8 bilitation pursuant to a capital needs assessment to
9 ensure long-term sustainability of the property satis-
10 factory to the lender or bond issuance agency;

11 “(2) any resulting budget-based rent increase
12 shall include debt service on the new financing, com-
13 mercially reasonable debt service coverage, and re-
14 placement reserves as required by the lender; and

15 “(3) for tenants of dwelling units not covered
16 by a project- or tenant-based rental subsidy, any
17 rent increases resulting from the refinancing trans-
18 action may not exceed 10 percent per year, except
19 that—

20 “(A) any tenant occupying a dwelling unit
21 as of time of the refinancing may not be re-
22 quired to pay for rent and utilities, for the du-
23 ration of such tenancy, an amount that exceeds
24 the greater of—

1 “(i) 30 percent of the tenant’s income;

2 or

3 “(ii) the amount paid by the tenant

4 for rent and utilities immediately before

5 such refinancing; and

6 “(B) this paragraph shall not apply to any

7 tenant who does not provide the owner with

8 proof of income.

9 Paragraph (3) may not be construed to limit any rent in-
10 creases resulting from increased operating costs for a
11 project.”.

12 **SEC. 77003. IMPLEMENTATION.**

13 The Secretary of Housing and Urban Development
14 shall issue any guidance that the Secretary considers nec-
15 essary to carry out the provisions added by the amend-
16 ments made by this title not later than the expiration of
17 the 120-day period beginning on the date of the enactment
18 of this Act.

19 **TITLE LXXVIII—TENANT INCOME**
20 **VERIFICATION RELIEF**

21 **SEC. 78001. REVIEWS OF FAMILY INCOMES.**

22 (a) IN GENERAL.—The second sentence of paragraph
23 (1) of section 3(a) of the United States Housing Act of
24 1937 (42 U.S.C. 1437a(a)(1)) is amended by inserting be-
25 fore the period at the end the following: “; except that,

1 in the case of any family with a fixed income, as defined
2 by the Secretary, after the initial review of the family's
3 income, the public housing agency or owner shall not be
4 required to conduct a review of the family's income for
5 any year for which such family certifies, in accordance
6 with such requirements as the Secretary shall establish,
7 which shall include policies to adjust for inflation-based
8 income changes, that 90 percent or more of the income
9 of the family consists of fixed income, and that the sources
10 of such income have not changed since the previous year,
11 except that the public housing agency or owner shall con-
12 duct a review of each such family's income not less than
13 once every 3 years”.

14 (b) HOUSING CHOICE VOUCHER PROGRAM.—Sub-
15 paragraph (A) of section 8(o)(5) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437f(o)(5)(A)) is
17 amended by striking “not less than annually” and insert-
18 ing “as required by section 3(a)(1) of this Act”.

19 **TITLE LXXIX—HOUSING**
20 **ASSISTANCE EFFICIENCY**

21 **SEC. 79001. AUTHORITY TO ADMINISTER RENTAL ASSIST-**
22 **ANCE.**

23 Subsection (g) of section 423 of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11383(g)) is amend-

1 ed by inserting “private nonprofit organization,” after
2 “unit of general local government,”.

3 **SEC. 79002. REALLOCATION OF FUNDS.**

4 Paragraph (1) of section 414(d) of the McKinney-
5 Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1))
6 is amended by striking “twice” and inserting “once”.

7 **TITLE LXXX—CHILD SUPPORT**
8 **ASSISTANCE**

9 **SEC. 80001. REQUESTS FOR CONSUMER REPORTS BY STATE**
10 **OR LOCAL CHILD SUPPORT ENFORCEMENT**
11 **AGENCIES.**

12 Paragraph (4) of section 604(a) of the Fair Credit
13 Reporting Act (15 U.S.C. 1681b(a)(4)) is amended—

14 (1) in subparagraph (A), by striking “or deter-
15 mining the appropriate level of such payments” and
16 inserting “, determining the appropriate level of
17 such payments, or enforcing a child support order,
18 award, agreement, or judgment”;

19 (2) in subparagraph (B)—

20 (A) by striking “paternity” and inserting
21 “parentage”; and

22 (B) by adding “and” at the end;

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

24 (4) by redesignating subparagraph (D) as sub-
25 paragraph (C).

1 **TITLE LXXXI—PRIVATE**
2 **INVESTMENT IN HOUSING**

3 **SEC. 81001. BUDGET-NEUTRAL DEMONSTRATION PROGRAM**
4 **FOR ENERGY AND WATER CONSERVATION IM-**
5 **PROVEMENTS AT MULTIFAMILY RESIDEN-**
6 **TIAL UNITS.**

7 (a) **ESTABLISHMENT.**—The Secretary of Housing
8 and Urban Development (in this section referred to as the
9 “Secretary”) shall establish a demonstration program
10 under which the Secretary may execute budget-neutral,
11 performance-based agreements in fiscal years 2016
12 through 2019 that result in a reduction in energy or water
13 costs with such entities as the Secretary determines to be
14 appropriate under which the entities shall carry out
15 projects for energy or water conservation improvements at
16 not more than 20,000 residential units in multifamily
17 buildings participating in—

18 (1) the project-based rental assistance program
19 under section 8 of the United States Housing Act of
20 1937 (42 U.S.C. 1437f), other than assistance pro-
21 vided under section 8(o) of that Act;

22 (2) the supportive housing for the elderly pro-
23 gram under section 202 of the Housing Act of 1959
24 (12 U.S.C. 1701q); or

1 (3) the supportive housing for persons with dis-
2 abilities program under section 811(d)(2) of the
3 Cranston-Gonzalez National Affordable Housing Act
4 (42 U.S.C. 8013(d)(2)).

5 (b) REQUIREMENTS.—

6 (1) PAYMENTS CONTINGENT ON SAVINGS.—

7 (A) IN GENERAL.—The Secretary shall
8 provide to an entity a payment under an agree-
9 ment under this section only during applicable
10 years for which an energy or water cost savings
11 is achieved with respect to the applicable multi-
12 family portfolio of properties, as determined by
13 the Secretary, in accordance with subparagraph
14 (B).

15 (B) PAYMENT METHODOLOGY.—

16 (i) IN GENERAL.—Each agreement
17 under this section shall include a pay-for-
18 success provision that—

19 (I) shall serve as a payment
20 threshold for the term of the agree-
21 ment; and

22 (II) requires that payments shall
23 be contingent on realized cost savings
24 associated with reduced utility con-

1 sumption in the participating prop-
2 erties.

3 (ii) LIMITATIONS.—A payment made
4 by the Secretary under an agreement
5 under this section—

6 (I) shall be contingent on docu-
7 mented utility savings; and

8 (II) shall not exceed the utility
9 savings achieved by the date of the
10 payment, and not previously paid, as
11 a result of the improvements made
12 under the agreement.

13 (C) THIRD-PARTY VERIFICATION.—Savings
14 payments made by the Secretary under this sec-
15 tion shall be based on a measurement and
16 verification protocol that includes at least—

17 (i) establishment of a weather-normal-
18 ized and occupancy-normalized utility con-
19 sumption baseline established pre-retrofit;

20 (ii) annual third-party confirmation of
21 actual utility consumption and cost for
22 utilities;

23 (iii) annual third-party validation of
24 the tenant utility allowances in effect dur-

1 ing the applicable year and vacancy rates
2 for each unit type; and

3 (iv) annual third-party determination
4 of savings to the Secretary.

5 An agreement under this section with an entity
6 shall provide that the entity shall cover costs
7 associated with third-party verification under
8 this subparagraph.

9 (2) TERMS OF PERFORMANCE-BASED AGREE-
10 MENTS.—A performance-based agreement under this
11 section shall include—

12 (A) the period that the agreement will be
13 in effect and during which payments may be
14 made, which may not be longer than 12 years;

15 (B) the performance measures that will
16 serve as payment thresholds during the term of
17 the agreement;

18 (C) an audit protocol for the properties
19 covered by the agreement;

20 (D) a requirement that payments shall be
21 contingent on realized cost savings associated
22 with reduced utility consumption in the partici-
23 pating properties; and

24 (E) such other requirements and terms as
25 determined to be appropriate by the Secretary.

1 (3) ENTITY ELIGIBILITY.—The Secretary
2 shall—

3 (A) establish a competitive process for en-
4 tering into agreements under this section; and

5 (B) enter into such agreements only with
6 entities that, either jointly or individually, dem-
7 onstrate significant experience relating to—

8 (i) financing or operating properties
9 receiving assistance under a program iden-
10 tified in subsection (a);

11 (ii) oversight of energy or water con-
12 servation programs, including oversight of
13 contractors; and

14 (iii) raising capital for energy or
15 water conservation improvements from
16 charitable organizations or private inves-
17 tors.

18 (4) GEOGRAPHICAL DIVERSITY.—Each agree-
19 ment entered into under this section shall provide
20 for the inclusion of properties with the greatest fea-
21 sible regional and State variance.

22 (5) PROPERTIES.—A property may only be in-
23 cluded in the demonstration under this section only
24 if the property is subject to affordability restrictions
25 for at least 15 years after the date of the completion

1 of any conservation improvements made to the prop-
2 erty under the demonstration program. Such restric-
3 tions may be made through an extended affordability
4 agreement for the property under a new housing as-
5 sistance payments contract with the Secretary of
6 Housing and Urban Development or through an en-
7 forceable covenant with the owner of the property.

8 (c) PLAN AND REPORTS.—

9 (1) PLAN.—Not later than 90 days after the
10 date of enactment of this Act, the Secretary shall
11 submit to the Committees on Appropriations and Fi-
12 nancial Services of the House of Representatives and
13 the Committees on Appropriations and Banking,
14 Housing, and Urban Affairs of the Senate a detailed
15 plan for the implementation of this section.

16 (2) REPORTS.—Not later than 1 year after the
17 date of enactment of this Act, and annually there-
18 after, the Secretary shall—

19 (A) conduct an evaluation of the program
20 under this section; and

21 (B) submit to Congress a report describing
22 each evaluation conducted under subparagraph
23 (A).

24 (d) FUNDING.—For each fiscal year during which an
25 agreement under this section is in effect, the Secretary

1 may use to carry out this section any funds appropriated
2 to the Secretary for the renewal of contracts under a pro-
3 gram described in subsection (a).

4 **TITLE LXXXII—CAPITAL ACCESS**
5 **FOR SMALL COMMUNITY FI-**
6 **NANCIAL INSTITUTIONS**

7 **SEC. 82001. PRIVATELY INSURED CREDIT UNIONS AUTHOR-**
8 **IZED TO BECOME MEMBERS OF A FEDERAL**
9 **HOME LOAN BANK.**

10 (a) IN GENERAL.—Section 4(a) of the Federal Home
11 Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding
12 at the end the following new paragraph:

13 “(5) CERTAIN PRIVATELY INSURED CREDIT
14 UNIONS.—

15 “(A) IN GENERAL.—Subject to the re-
16 quirements of subparagraph (B), a credit union
17 shall be treated as an insured depository insti-
18 tution for purposes of determining the eligibility
19 of such credit union for membership in a Fed-
20 eral home loan bank under paragraphs (1), (2),
21 and (3).

22 “(B) CERTIFICATION BY APPROPRIATE SU-
23 PERVISOR.—

24 “(i) IN GENERAL.—For purposes of
25 this paragraph and subject to clause (ii), a

1 credit union which lacks Federal deposit
2 insurance and which has applied for mem-
3 bership in a Federal home loan bank may
4 be treated as meeting all the eligibility re-
5 quirements for Federal deposit insurance
6 only if the appropriate supervisor of the
7 State in which the credit union is char-
8 tered has determined that the credit union
9 meets all the eligibility requirements for
10 Federal deposit insurance as of the date of
11 the application for membership.

12 “(ii) CERTIFICATION DEEMED
13 VALID.—If, in the case of any credit union
14 to which clause (i) applies, the appropriate
15 supervisor of the State in which such cred-
16 it union is chartered fails to make a deter-
17 mination pursuant to such clause by the
18 end of the 6-month period beginning on
19 the date of the application, the credit
20 union shall be deemed to have met the re-
21 quirements of clause (i).

22 “(C) SECURITY INTERESTS OF FEDERAL
23 HOME LOAN BANK NOT AVOIDABLE.—Notwith-
24 standing any provision of State law authorizing
25 a conservator or liquidating agent of a credit

1 union to repudiate contracts, no such provision
2 shall apply with respect to—

3 “(i) any extension of credit from any
4 Federal home loan bank to any credit
5 union which is a member of any such bank
6 pursuant to this paragraph; or

7 “(ii) any security interest in the as-
8 sets of such credit union securing any such
9 extension of credit.

10 “(D) PROTECTION FOR CERTAIN FEDERAL
11 HOME LOAN BANK ADVANCES.—Notwith-
12 standing any State law to the contrary, if a
13 Bank makes an advance under section 10 to a
14 State-chartered credit union that is not feder-
15 ally insured—

16 “(i) the Bank’s interest in any collat-
17 eral securing such advance has the same
18 priority and is afforded the same standing
19 and rights that the security interest would
20 have had if the advance had been made to
21 a federally insured credit union; and

22 “(ii) the Bank has the same right to
23 access such collateral that the Bank would
24 have had if the advance had been made to
25 a federally insured credit union.”.

1 (b) COPIES OF AUDITS OF PRIVATE INSURERS OF
2 CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE
3 PROVIDED TO SUPERVISORY AGENCIES.—Section
4 43(a)(2)(A) of the Federal Deposit Insurance Act (12
5 U.S.C. 1831t(a)(2)(A)) is amended—

6 (1) in clause (i), by striking “and” at the end;

7 (2) in clause (ii), by striking the period at the
8 end and inserting “; and”; and

9 (3) by inserting at the end the following new
10 clause:

11 “(iii) in the case of depository institu-
12 tions described in subsection (e)(2)(A) the
13 deposits of which are insured by the pri-
14 vate insurer which are members of a Fed-
15 eral home loan bank, to the Federal Hous-
16 ing Finance Agency, not later than 7 days
17 after the audit is completed.”.

18 **SEC. 82002. GAO REPORT.**

19 Not later than 18 months after the date of enactment
20 of this Act, the Comptroller General of the United States
21 shall conduct a study and submit a report to Congress—

22 (1) on the adequacy of insurance reserves held
23 by a private deposit insurer that insures deposits in
24 an entity described in section 43(e)(2)(A) of the

1 Federal Deposit Insurance Act (12 U.S.C.
2 1831t(e)(2)(A)); and

3 (2) for an entity described in paragraph (1) the
4 deposits of which are insured by a private deposit in-
5 surer, information on the level of compliance with
6 Federal regulations relating to the disclosure of a
7 lack of Federal deposit insurance.

8 **TITLE LXXXIII—SMALL BANK**
9 **EXAM CYCLE REFORM**

10 **SEC. 83001. SMALLER INSTITUTIONS QUALIFYING FOR 18-**
11 **MONTH EXAMINATION CYCLE.**

12 Section 10(d) of the Federal Deposit Insurance Act
13 (12 U.S.C. 1820(d)) is amended—

14 (1) in paragraph (4)—

15 (A) in subparagraph (A), by striking
16 “\$500,000,000” and inserting
17 “\$1,000,000,000”; and

18 (B) in subparagraph (C)(ii), by striking
19 “\$100,000,000” and inserting “\$200,000,000”;
20 and

21 (2) in paragraph (10)—

22 (A) by striking “\$100,000,000” and in-
23 serting “\$200,000,000”; and

24 (B) by striking “\$500,000,000” and in-
25 serting “\$1,000,000,000”.

1 **TITLE LXXXIV—SMALL COMPANY**
2 **SIMPLE REGISTRATION**

3 **SEC. 84001. FORWARD INCORPORATION BY REFERENCE**
4 **FOR FORM S-1.**

5 Not later than 45 days after the date of the enact-
6 ment of this Act, the Securities and Exchange Commission
7 shall revise Form S-1 so as to permit a smaller reporting
8 company (as defined in section 230.405 of title 17, Code
9 of Federal Regulations) to incorporate by reference in a
10 registration statement filed on such form any documents
11 that such company files with the Commission after the ef-
12 fective date of such registration statement.

13 **TITLE LXXXV—HOLDING COM-**
14 **PANY REGISTRATION**
15 **THRESHOLD EQUALIZATION**

16 **SEC. 85001. REGISTRATION THRESHOLD FOR SAVINGS AND**
17 **LOAN HOLDING COMPANIES.**

18 The Securities Exchange Act of 1934 (15 U.S.C. 78a
19 et seq.) is amended—

20 (1) in section 12(g)—

21 (A) in paragraph (1)(B), by inserting after
22 “is a bank” the following: “, a savings and loan
23 holding company (as defined in section 10 of
24 the Home Owners’ Loan Act),”; and

1 (B) in paragraph (4), by inserting after
2 “case of a bank” the following: “, a savings and
3 loan holding company (as defined in section 10
4 of the Home Owners’ Loan Act),”; and
5 (2) in section 15(d), by striking “case of bank”
6 and inserting the following: “case of a bank, a sav-
7 ings and loan holding company (as defined in section
8 10 of the Home Owners’ Loan Act),”.

9 **TITLE LXXXVI—REPEAL OF IN-**
10 **DEMNIFICATION REQUIRE-**
11 **MENTS**

12 **SEC. 86001. REPEAL.**

13 (a) DERIVATIVES CLEARING ORGANIZATIONS.—Sec-
14 tion 5b(k)(5) of the Commodity Exchange Act (7 U.S.C.
15 7a–1(k)(5)) is amended to read as follows:

16 “(5) CONFIDENTIALITY AGREEMENT.—Before
17 the Commission may share information with any en-
18 tity described in paragraph (4), the Commission
19 shall receive a written agreement from each entity
20 stating that the entity shall abide by the confiden-
21 tiality requirements described in section 8 relating to
22 the information on swap transactions that is pro-
23 vided.”.

24 (b) SWAP DATA REPOSITORIES.—Section 21 of the
25 Commodity Exchange Act (7 U.S.C. 24a(d)) is amended—

1 (1) in subsection (c)(7)—

2 (A) in the matter preceding subparagraph

3 (A), by striking “all” and inserting “swap”;

4 and

5 (B) in subparagraph (E)—

6 (i) in clause (ii), by striking “and” at

7 the end; and

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

10 “(iv) other foreign authorities; and”;

11 and

12 (2) by striking subsection (d) and inserting the
13 following:

14 “(d) CONFIDENTIALITY AGREEMENT.—Before the
15 swap data repository may share information with any enti-
16 ty described in subsection (c)(7), the swap data repository
17 shall receive a written agreement from each entity stating
18 that the entity shall abide by the confidentiality require-
19 ments described in section 8 relating to the information
20 on swap transactions that is provided.”.

21 (c) SECURITY-BASED SWAP DATA REPOSITORIES.—

22 Section 13(n)(5) of the Securities Exchange Act of 1934
23 (15 U.S.C. 78m(n)(5)) is amended—

24 (1) in subparagraph (G)—

1 (A) in the matter preceding clause (i), by
2 striking “all” and inserting “security-based
3 swap”; and

4 (B) in clause (v)—

5 (i) in subclause (II), by striking “;
6 and” and inserting a semicolon;

7 (ii) in subclause (III), by striking the
8 period at the end and inserting “; and”;
9 and

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

12 “(IV) other foreign authorities.”;

13 and

14 (2) by striking subparagraph (H) and inserting
15 the following:

16 “(H) CONFIDENTIALITY AGREEMENT.—

17 Before the security-based swap data repository
18 may share information with any entity de-
19 scribed in subparagraph (G), the security-based
20 swap data repository shall receive a written
21 agreement from each entity stating that the en-
22 tity shall abide by the confidentiality require-
23 ments described in section 24 relating to the in-
24 formation on security-based swap transactions
25 that is provided.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if enacted as part of the
3 Dodd-Frank Wall Street Reform and Consumer Protec-
4 tion Act (Public Law 111–203).

5 **TITLE LXXXVII—TREATMENT OF**
6 **DEBT OR EQUITY INSTRU-**
7 **MENTS OF SMALLER INSTITU-**
8 **TIONS**

9 **SEC. 87001. DATE FOR DETERMINING CONSOLIDATED AS-**
10 **SETS.**

11 Section 171(b)(4)(C) of the Financial Stability Act
12 of 2010 (12 U.S.C. 5371(b)(4)(C)) is amended by insert-
13 ing “or March 31, 2010,” after “December 31, 2009,”.

14 **TITLE LXXXVIII—STATE**
15 **LICENSING EFFICIENCY**

16 **SECTION 88001. SHORT TITLE.**

17 This title may be cited as the “State Licensing Effi-
18 ciency Act of 2015”.

19 **SEC. 88002. BACKGROUND CHECKS.**

20 Section 1511(a) of the S.A.F.E. Mortgage Licensing
21 Act of 2008 (12 U.S.C. 5110(a)) is amended—

22 (1) by inserting “and other financial service
23 providers” after “State-licensed loan originators”;
24 and

1 (2) by inserting “or other financial service pro-
2 viders” before the period at the end.

3 **TITLE LXXXIX—HELPING EX-**
4 **PAND LENDING PRACTICES**
5 **IN RURAL COMMUNITIES**

6 **SEC. 89001. SHORT TITLE.**

7 This title may be cited as the “Helping Expand
8 Lending Practices in Rural Communities Act of 2015” or
9 the “HELP Rural Communities Act of 2015”.

10 **SEC. 89002. DESIGNATION OF RURAL AREA.**

11 (a) APPLICATION.—Not later than 90 days after the
12 date of the enactment of this Act, the Bureau of Consumer
13 Financial Protection shall establish an application process
14 under which a person who lives or does business in a State
15 may, with respect to an area identified by the person in
16 such State that has not been designated by the Bureau
17 as a rural area for purposes of a Federal consumer finan-
18 cial law (as defined under section 1002 of the Consumer
19 Financial Protection Act of 2010), apply for such area to
20 be so designated.

21 (b) EVALUATION CRITERIA.—When evaluating an
22 application submitted under subsection (a), the Bureau
23 shall take into consideration the following factors:

1 (1) Criteria used by the Director of the Bureau
2 of the Census for classifying geographical areas as
3 rural or urban.

4 (2) Criteria used by the Director of the Office
5 of Management and Budget to designate counties as
6 metropolitan or micropolitan or neither.

7 (3) Criteria used by the Secretary of Agri-
8 culture to determine property eligibility for rural de-
9 velopment programs.

10 (4) The Department of Agriculture rural-urban
11 commuting area codes.

12 (5) A written opinion provided by the State's
13 bank supervisor, as defined under section 3(r) of the
14 Federal Deposit Insurance Act (12 U.S.C. 1813(r)).

15 (6) Population density.

16 (c) **RULE OF CONSTRUCTION.**—If, at any time prior
17 to the submission of an application under subsection (a),
18 the area subject to review has been designated as nonrural
19 by any Federal agency described under subsection (b)
20 using any of the criteria described under subsection (b),
21 the Bureau shall not be required to consider such designa-
22 tion in its evaluation.

23 (d) **PUBLIC COMMENT PERIOD.**—

1 (1) IN GENERAL.—Not later than 60 days after
2 receiving an application submitted under subsection
3 (a), the Bureau shall—

4 (A) publish such application in the Federal
5 Register; and

6 (B) make such application available for
7 public comment for not fewer than 90 days.

8 (2) LIMITATION ON ADDITIONAL APPLICA-
9 TIONS.—Nothing in this section shall be construed
10 to require the Bureau, during the public comment
11 period with respect to an application submitted
12 under subsection (a), to accept an additional appli-
13 cation with respect to the area that is the subject of
14 the initial application.

15 (e) DECISION ON DESIGNATION.—Not later than 90
16 days after the end of the public comment period under
17 subsection (d)(1) for an application, the Bureau shall—

18 (1) grant or deny such application, in whole or
19 in part; and

20 (2) publish such grant or denial in the Federal
21 Register, along with an explanation of what factors
22 the Bureau relied on in making such determination.

23 (f) SUBSEQUENT APPLICATIONS.—A decision by the
24 Bureau under subsection (e) to deny an application for
25 an area to be designated as a rural area shall not preclude

1 the Bureau from accepting a subsequent application sub-
2 mitted under subsection (a) for such area to be so des-
3 ignated, so long as such subsequent application is made
4 after the end of the 90-day period beginning on the date
5 that the Bureau denies the application under subsection
6 (e).

7 (g) SUNSET.—This section shall cease to have any
8 force or effect after the end of the 2-year period beginning
9 on the date of the enactment of this Act.

10 **SEC. 89003. OPERATIONS IN RURAL AREAS.**

11 The Truth in Lending Act (15 U.S.C. 1601 et seq.)
12 is amended—

13 (1) in section 129C(b)(2)(E)(iv)(I), by striking
14 “predominantly”; and

15 (2) in section 129D(e)(1), by striking “pre-
16 dominantly”.